

Advocates of the  
Food Industry  
Since 1900



**FOOD INDUSTRY ALLIANCE OF NEW YORK STATE, INC.**

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September 19, 2005

William H. Foster, Chief  
Regulations and Procedures Division  
Alcohol and Tobacco Tax and Trade Bureau  
ATTN: Notice No. 41  
P.O. Box 14412  
Washington, DC 20044-4412

Dear Sir:

The Food Industry Alliance of New York State, Inc. is a not-for-profit trade association representing the interests of New York's 21,000 food retailers and wholesalers. Our membership includes multi-state chain stores, independent operators, convenience stores and small neighborhood grocers as well as food wholesalers, brokers, cooperatives and franchisors.

With regard to Notice No. 41 where the Alcohol and Tobacco Tax and Trade Bureau (ATTTB) is seeking public comment on whether additional requirements should be added to current alcohol product labels, we write to oppose any efforts that would include "standard serving" information. In our view, this would lead to an over-simplified listing of the amount of pure alcohol on labels or advertising. Our primary area of concern relates to how the amount of alcohol in a product should be communicated.

On the question of alcohol content, we support continuing the longstanding federal policy of using the percent alcohol by volume, or proof, as the only appropriate ways to describe alcohol content. We strongly oppose proposals to display alcohol content in terms of fluid ounces of pure alcohol per "standard serving." This initiative inadvertently would cover up the significant differences in strength, concentration and effect between liquor, wine and beer. Communicating alcohol content in this way would be misleading and potentially dangerous. It would hinder, rather than promote, responsible drinking. Instead, continuing the longstanding and meaningful measure of the percentage of alcohol by volume is in the best interests of consumers and the public.

In addition, ATTTB should recognize there is no such thing as a "standard serving" and therefore should not be permitted on any alcohol labels or advertising. While "serving size" is fairly common for beer (12 fluid ounces), it varies widely for hard liquor. Different measuring jiggers for hard liquor contain anywhere from 1 to 3 fluid ounces and most mixed drinks are "free poured." Moreover, very few people could define a 'standard serving' for ports, sherries, liqueurs, fortified wines, and other less-common alcohol beverages.

Further, looking at the "top 10" hard liquor drinks on popular mixed drink websites like Happy-Hour.net, Barfliers.com, and DrinkNation.com, confirms that the average drink contains 75%

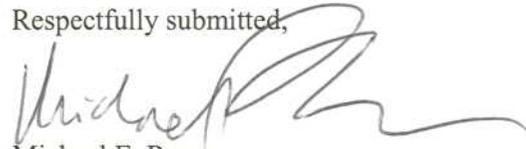
more alcohol than the hard liquor industry's so-called "standard drink." In fact, drinks like a Mohito, Mai-Tai, Martini, or Long Island Iced Tea contain significantly more alcohol than a "standard 1.5 ounce serving."

Further still, state law and regulation will be negatively impacted by an effort to allow absolute alcohol per standard serving information on a label. New York requires all brands and labels to be approved and registered with the state. To achieve uniformity, all labels must disclose the percent of alcohol by volume. This allows the public to compare different alcoholic beverages using the same standard of measurement. Therefore, changing the standard for selective products will not only confuse the public, but also put food stores at risk of violating state law for selling products without the proper labeling.

We would ask that you do not support an effort that would serve to mislead the public and possibly mask excessive alcohol consumption.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Rosen", with a long, sweeping horizontal line extending to the right.

Michael E. Rosen  
Senior Vice President