



THE ASSEMBLY
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ALBANY

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September 15, 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 Mr. Foster:

I am writing in reference to Notice No. 41 related to additional requirements on alcohol product labels for which the Alcohol and Tobacco Tax and Trade Bureau (TTB) is seeking public comment on. I would like to express my opposition to any efforts that would include "standard serving" information or an over-simplified listing of the amount of pure alcohol on labels or advertising.

The primary concern that I have relates to how the amount of alcohol in a product should be conveyed. I am supportive of continuing the longstanding federal policy of using the percent alcohol by volume, or proof, as the appropriate ways to describe alcohol content. I oppose the proposals that would require the display of alcohol content in terms of fluid ounces of pure alcohol per "standard serving." I believe that this is a misguided attempt to cover up the significant differences in strength, concentration and effect between liquor, wine and beer. Clearly, describing alcohol content in this way would be misleading and potentially dangerous. I believe that it would hinder, rather than promote, responsible drinking.

In addition, I think that the TTB needs to recognize that there is no criteria to measure a "standard serving" and this should not be permitted on any alcohol labels or advertising. "Serving size" is fairly common for beer, however there are wide variations 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, sheries, liqueurs, fortified wines, and other less-common alcohol beverages.

Finally, state law and regulation would be negatively impacted by an effort to allow absolute alcohol per standard serving information on a label. Regulatory changes in this area could put companies at risk of violating state laws. I believe that labeling the percentage of alcohol is the most appropriate and least confusing policy and ask that you not support the effort to change the policy.

Thank you for your attention to this matter.

Sincerely,


PAUL A. TOKASZ
Majority Leader