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September 19, 2005

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

Dear Mr. Foster:

I am writing in regard to Notice No. 41, whereby the TTB is seeking public comment on whether additional requirements should be added to current alcohol product labels. I am opposed to any effort that would include "standard serving" information on an over-simplified listing of the amount of pure alcohol on label or advertising. My primary concern is how the amount for alcohol in a product should be communicated. I support continuing the longstanding federal policy of using the percent alcohol by volume, or proof, as the only appropriate way to describe alcohol content. I strongly oppose proposals to display alcohol content in terms of fluid ounces of pure alcohol per "standard serving." This misguided attempt would cover up the significant differences in strength, concentration, and effect between liquor, wine, and beer. Communicating alcohol content in any way would be misleading and 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 interest of consumers and the public.

TTB should recognize that there is no such thing as a "standard serving," and this too should not be permitted on any alcohol labels or advertising. While "serving size" is fairly common for beer, it varies widely for hard liquor. Different jiggers for hard liquor containing anywhere from one to three fluid ounces, and most mixed drinks are "free poured." Furthermore, very few people could define a "standard serving" for ports, sherries, liqueurs, fortified wines, and other less common alcohol beverages.

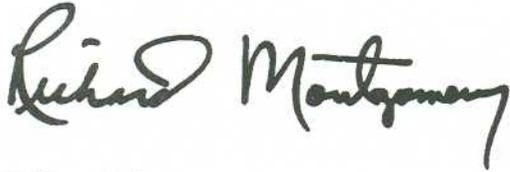
Further, looking at the "top 10" hard liquor drinks on popular mixed drinks websites like Happy-Hour.net, Barfliers.com, and DrinkNation.com, confirm that the average drink contains 75% more alcohol than the hard liquor industry's so-called "standard drink." In fact, drinks like Mohito, Mai-Tai, Martini, and Long Island Iced Tea contain significantly more alcohol than a "standard one-ounce serving."

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Further still, state law and regulation will be negatively impacted by an effort to allow absolute alcohol per standard serving information on a label. Labeling the percentage of alcohol is the proper policy, thus, changes in this area could put companies at risk of violating state laws.

I ask that you do not support this misleading effort that will cause more public confusion—not less. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Richard Montgomery". The signature is written in a cursive, flowing style.

Richard Montgomery

RM:fsv