



RoAnn M. Destito  
Member of Assembly  
116<sup>th</sup> District

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September 20, 2005

Mr. William H. Foster, Chief  
Regulations and Procedures Division  
Alcohol and Tobacco Tax and Trade Bureau  
P.O. Box 14412  
Washington, D.C. 20044-4412

ATTN: Notice No. 41

Dear Mr. Foster:

As the New York State Assembly representative for the 116<sup>th</sup> District which includes the F.X. Matt Brewing Company located in Utica, I am writing to you in regards to a very important issue affecting this company and my community.

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

On the question of alcohol content, 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 this way would be misleading and potentially dangerous 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 interests of consumers and the public.

In addition, the TTB should recognize 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 measuring jiggers for hard liquor contain anywhere from one to three 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

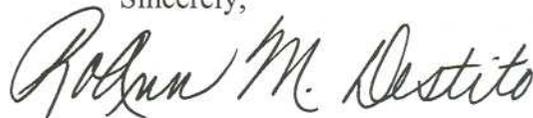
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Further, looking at the "top 10" hard liquor drinks on popular mixed drink websites like HappyHour.net, Barfliers.com and DrinkNation.com, confirms that the average drink contains seventy-five percent (75%) more alcohol than the hard liquor industry's 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. Labeling the percentage of alcohol is the proper policy. Thus, changes in this area could put companies, such as the F.X. Matt Brewing Company which I represent, at risk of violating state laws.

For all of these reasons, I am requesting that you do not provide your support for this misleading effort that will ill serve the public good and will cause more public confusion, not less. Thank you very much for your attention to this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Roann M. Destito".

ROANN M. DESTITO  
Member of Assembly,  
State of New York

RMD/sl