



STATE OF ARKANSAS

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August 22, 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:

With regard to Notice No. 41 where the TTB is seeking public comment on whether additional requirements should be added to current alcohol products 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. 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 misguided attempt would cover the significant differences in strength, concentration and effect between hard 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, TTB should recognize there is no such thing as "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 1 to 3 fluid ounces and most mixed drinks are "free poured". Moreover, very few people could define a "standard serving" of ports, sherries, liqueurs, fortified wines, and other less-common alcohol beverages.

REPRESENTATIVE

Benny Petrus
607 South Park Avenue
Stuttgart, AR 72160-4533

Phone:
870-673-4602 Legislative Office
870-673-3112 Residence
870-673-6473 FAX

DISTRICT 14

Counties:
Prairie County
Part Arkansas County

COMMITTEES

Revenue and Taxation
Chairperson,
Sales, Use, Miscellaneous Taxes and
Exemptions Subcommittee

Agriculture, Forestry and Economic
Development
Parks and Tourism Subcommittee

Joint Performance Review

Legislative Council



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House of Representatives

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Futher, looking at the "top 10" hard liquor drinks on popular mixed drink websites like Happy-Hour.net, Barfliers.com, and DrunkNation.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".

Futher 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.

We would ask that you do not support this misleading effort that will serve the public good and cause more public confusion, not less.

Thank you for your attention to this matter.

RESPECTIFULLY,

Benny C. Pertus
State Representative
District 14