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September 8, 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:

With regard to Notice No. 41 where the TTB is seeking public comment on whether additional requirements should be added to current alcohol product labels, I write to oppose any effort that would include "standard serving" information on an oversimplified listing of the amount of pure alcohol being placed on label or advertised. Our primary area of concern relates to how the amount for 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 way 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 up the significant differences in alcohol content and would be misleading and potentially dangerous, as well as, 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.

In addition, TTB should recognize that there is no such a 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 1 to 3 fluid ounces and most mixed drinks are "free pour." Moreover, very few people could define a "standard serving" for ports, Sherries, liqueurs, fortified wines and other less common alcohol beverages.

Page 2

Further, looking at the "top 10" hard liquor drinks on popular mixed drinks website 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,. Ma-Tai, Martini and Long Island Iced Tea contain significantly more alcohol than a "standard 1 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 at risk of violating state laws.

We would 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 cursive script, appearing to read "Charles Sargent".

Charles Sargent
State Representative

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