

**CAPITOL OFFICE**

STATE CAPITOL, ROOM 320  
JEFFERSON CITY, MO 65101  
TELEPHONE (573) 751-9476  
FAX (573) 526-4765  
TDD: (573) 751-3969

CHARLIE SHIELDS@>SENATE.MO.GOV

TOLL-FREE (866) 266-01 18



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CHARLES W. SHIELDS

34TH DISTRICT

August 31, 2005

Mr. William H. Foster, Chief  
Regulations and Procedures Division  
Alcohol and Tobacco Tax and Trade Bureau  
ATTN: Notice No. 41  
PO Box 14412  
Washington, D.C. 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, we 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 up 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 additional, 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 1 to 3 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.

Further, looking at the "top ten" hard liquor drinks on popular mixed drink websites, like HappyHour.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, 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 at risk of violating state laws.

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

Thank you for your attention to this matter.

Respectfully,



State Senator Charles Shields  
Office of the Majority Floor Leader



State Senator Michael Gibbons  
Office of the President Pro-Tern