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COMMITTEES:
Government and Regulatory Reform, RMM
Statutory Committee on Interstate and International
Cooperation

September 13, 2005

Will 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 product label, I write to oppose any efforts that would include serving size information on label panels.

Those interests who support labeling that includes standard serving information are using the TTB to support their long sought equalization effort. The 'serving size' approach supported by hard liquor manufacturers is an arbitrary abstraction that equates to a false and misleading "spirits=wine=beer" oversimplification.

While "serving size" is fairly standard 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 10" hard liquor drinks on popular mixed drink websites like Happy-Hour.net, Barflyers.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 laws and regulations will be negatively impacted by an effort to allow standard serving size information on a label. Many states have provisions specifying the manner in which alcohol content information can be shown on labels. Most deal with the percentage of alcohol, either by weight or by volume. Thus, changes supported by Diageo could put companies at risk for 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,

Chester F. Dobis
State Representative