

THE SENATE
STATE OF NEW YORK



GEORGE D. MAZIARZ
Senator, 62nd District

ALBANY OFFICE:
ROOM 915
LEGISLATIVE OFFICE BUILDING
ALBANY, NY 12247
(518) 455-2024
FAX (518) 426-6987

DISTRICT OFFICE:
2578 NIAGARA FALLS BOULEVARD
WHEATFIELD, NY 14304
(716) 731-8740
FAX: (716) 731-8746

INTERNET ADDRESS:
maziarz@senate.state.ny.us

CHAIRMAN
LABOR
COMMITTEE MEMBER
AGING
COMMERCE, ECONOMIC DEVELOPMENT
& SMALL BUSINESS
CORPORATIONS, AUTHORITIES
& COMMISSIONS
CRIME VICTIMS, CRIME & CORRECTION
ENERGY & TELECOMMUNICATIONS
HEALTH

August 23, 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:

Please allow me to take this opportunity to express my opposition to any efforts that would include "standard serving" information or any oversimplified listing of the amount of pure alcohol on alcohol product labels or advertising.

My primary area of concern, as an elected official representing the people of Western New York in the State Senate, relates to how the amount of alcohol in a product should be communicated. On the question of alcohol content, I support the long-standing federal policy of using the percent alcohol by volume, or proof, as the only acceptable 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 hard liquor, wine, and beer. Communicating alcohol content in this way would be misleading and potentially dangerous. It would hinder, rather than promote, responsible drinking. The long-standing measure of the percentage of alcohol by volume is in the best interests of consumers and my constituents.

In addition, TTB should recognize that 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, 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.

For the reasons, I respectfully request that you do not support this misleading effort that will poorly serve the public good. Thank you very much for your attention to this matter.

Sincerely,

ire 

George D. Maziarz
Senator, 62nd District

GDM:at