
NEWYORK
STATE
SENATE

ALBANY, NEW YORK 12247

ONE EXECUTIVE BOULEVARD
YONKERS, NEW YORK 10701
(914) 969-5194
FAX: (914) 969-4031

INTERNET ADDRESS:
SPANO@SENATE.STATE.NY.US



NICHOLAS A. SPANO
SENATOR, 35TH DISTRICT

August 25, 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:

As Chairman of the New York State Senate Committee that has jurisdiction over the New York State Liquor Authority and the State's Alcoholic Beverage Control Law, I am responding in regard to Notice No. 41 where the Tax and Trade Bureau (TTB) is seeking public comment on whether additional requirements should be added to current alcohol product labels. Please know that I oppose any efforts that would include "standard serving" information or an over-simplified listing of the amount of pure alcohol on labels or advertising. My primary area of concern relates to how the amount of alcohol in a product should be communicated.

On the question of alcohol content, I support continuing the long-standing federal policy of using the percent alcohol by volume, or proof, as the only appropriate ways to describe alcohol content. I strongly oppose proposals to display alcohol content in terms of fluid ounces of pure alcohol per "standard serving." I believe that this would be a misguided attempt to cover up the significant differences in strength, concentration and effect between liquor, wine and beer. Communicating alcohol content this way would be misleading and potentially dangerous and would hinder, rather than promote, responsible drinking. Instead, continuing the long-standing 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 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.

Furthermore, looking at the "top 10" hard liquor drinks on popular mixed drink websites like Happy-Hour.net, Barliers.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." 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.

Therefore, I respectfully request TTB not to support this misleading effort that will not serve the public good and cause more public confusion. Thank you for your attention to this matter.

Sincerely,

NICK SPANO
Senator

NAS:jt