



NEW JERSEY GENERAL ASSEMBLY



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STATE HOUSE COMMISSION

September 20, 2005

Mr. William H. Foster, Chief
Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
ATTN: Notice Number 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 efforts that would include "standard serving" information or an oversimplified 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 longstanding federal policy of using the percent alcohol by volume, or proof, as the only appropriate 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 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 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 less-common alcohol beverages.

Further, looking at the "top 10" hard liquor drinks on popular mixed drink websites 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 Mojito, 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.

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

Thank you in advance for your attention to this matter. If you have any questions or need any other information, please feel free to contact me.

Sincerely,



Peter J. Biondi
Assemblyman

PJB/sr