



Representative Peter S. "Pete" Illoway
Wyoming House of Representatives

September 16, 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:

I am writing this letter in regards to Notice No. 41 where the TTB is seeking public comment on whether additional requirements should be added to current alcohol product labels. I am writing in opposition to 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 way 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, beer and wine. 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 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, sherrys, liquors, fortified wines, and other less common alcohol beverages.

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

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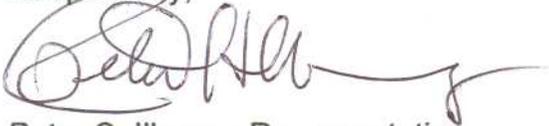
drink". In fact, drinks like a Mohito, Mai-Tai, Martini, or Long Island Iced Tea contain significantly more alcohol than a "standard 1.5 ounce serving".

Further still, state law and regulations could 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 request that you not support this misleading effort that will not serve the public and could cause more public confusion, not less.

Thank you for your attention and consideration in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Peter S. Illoway", with a long horizontal flourish extending to the right.

Peter S. Illoway, Representative
Chairman, House Corporations, Elections and Political Subdivisions