

United States Senate  
WASHINGTON, DC 20510

January 25, 2008

The Honorable John Manfredo  
Administrator  
Alcohol and Tobacco Tax and Trade Bureau  
PO Box 14412  
Washington, DC 20044-4412

Dear Mr. Manfredo:

We are writing in response to the Alcohol and Tobacco Tax and Trade Bureau's (TTB) Notice of Proposed Rulemaking of August 31, 2007 ("Notice") addressing labeling and advertising of beer, wine, and liquor. We congratulate you on the significant improvements over the earlier Advanced Notice of Proposed Rulemaking, and support TTB's effort to adequately inform consumers of the alcohol content and basic nutritional information about alcohol beverages in appropriate ways. This is an important exercise of authority granted to TTB under the Federal Alcohol Administration Act and the Alcoholic Beverage Labeling Act to adequately inform consumers about specific products, to prohibit deceptive or misleading statements on labels and in advertising, and to require a uniform warning on all alcohol beverage containers.

As TTB states in the preamble to its Notice, "The statutory requirements with respect to alcohol content differ among the three alcohol beverage categories." TTB's proposal to require a statement of alcohol content as a percentage of alcohol by volume for beer is consistent with longstanding federal statutes governing wine and liquor and with other federal regulations governing consumer products. The mandatory requirement for beer is, therefore, a step toward consistency in labeling that will enable consumers to easily see the significant differences in the alcohol content of beer, wine, and liquor.

We are pleased to see that TTB properly rejected the concept and graphic depictions of a "standard drink" because they were overly complex and because "rarely would the packaged or consumed quantity of an alcohol beverage equal a 'standard drink' of exactly 0.6 fluid ounces of pure alcohol." TTB also rightly concluded that such a graphic depiction comparing the three different forms of alcohol "is subject to interpretation and could mislead consumers." Since comparing the three forms of alcohol in a graphic depiction is improper, then allowing this same information involving fluid ounces of alcohol on any label would have the same inherent problems.

TTB also agrees in its Notice "that consumers are used to seeing alcohol content expressed as a percentage of alcohol by volume and might be confused by a statement of alcohol in fluid ounces." This confusion cannot be cured by simply requiring that a description of alcohol in fluid ounces be placed adjacent to a mandatory statement of alcohol by volume. Consequently, the proposed optional statement of fluid ounces of alcohol should not be permitted on any labels or advertising.

TTB has approached the issues of alcohol beverage labeling and advertising in a methodical and careful manner, and we urge you and your leadership team to continue that tradition in implementing and updating agency policy in this important area.

Sincerely,

Herb Kohl

Sally Chaublin

Nancy A. Firth

Patrick Leahy

Paul Cahan

Wayne Allard

Tim Wynn

Jeff Bond

Hyung

Care McCasill

Pete Domenici

Ken Sulzger

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