

ACTION NEEDED NOW!!

Oppose Alcohol, Tobacco and Firearms Alcohol Beverage Health Warning Statement Changes in Notice 917 by August 20, 2001 Comment Deadline

N.G.A. continually works on regulatory issues which affect members. This week N.G.A. member Mark McKinney, President of Larry's Markets of Kirkland, Washington, brought a little noticed ATF petition, Notice No. 917, to the attention of N.G.A. Public Affairs. N.G.A., in coordination with the Wine Institute, **is urging members to file comments opposing ATF Notice No. 917, calling for mandatory changes in font size, appearance and placement of the health warning statement on alcoholic beverages.**

In May 2001, ATF issued a notice of proposed rulemaking in response to a petition submitted to the agency by several organizations and groups, led by the Center for Science in the Public Interest, which would mandate that the health warning statement:

- appear on the front of the container in a horizontal position;
- be in red or black print on a white background and surrounded by a lined border; and
- appear alongside a red graphic or icon of a triangle containing an exclamation mark.

N.G.A. members need to let ATF know that this rule poses a regulatory disaster for manufacturers, retailers, and the agency without significant benefits in consumer awareness or comprehension of the health warning statement. Since 1988, ATF has mandated a legible and prominently and distinctly placed health warning statement which consumers register at very high rates. See attached, or the N.G.A. website (www.nationalgrocers.org) for a sample letter and talking points to file with ATF. Comments must be signed and be filed by September 19, 2001, the date which reflects the 30 day comment deadline extension just issued by ATF. Members can forward or fax copies of comments to N.G.A. Public Affairs at 1005 N. Glebe Road, Suite 250, Arlington, VA 22201 or 703-516-0115.

Submit your comments

In writing to: Chief, Regulations Division, Bureau of Alcohol, Tobacco or Firearms, P.O. Box 50221, Washington, D.C. 20091-0221, ATTN: Notice No. 917 (*Written comments may be of any length*)

By fax to: (202) 927-8602 *Faxed comments must be legible and contain a legible written signature, must reference this petition number, must print 8.5 x 11 in size and be **not** more than 3 pages long.*

And by E-mail to: nprm@atfhq.atf.treas.gov

SAMPLE LETTER BELOW

August 15, 2001
Chief, Regulations Division Bureau of Alcohol, Tobacco and Firearms P.O Box
50221 Washington, D.C. 20091-0221
ATTN: Notice No. 917

Dear Chief, Regulations Division:

On behalf of the National Grocers Association and the independent retail industry, I urge you to reject the proposed changes to the warning label regulation and health statement on alcohol containers, as discussed in ATF Notice No. 917. Our company, _____ (Name), which consists of ____ (#) stores or facilities, has complied with the ATF health warning statement regulations for over a decade. This practice has served our consumers well. **[Describe your company's experience with consumers in purchasing alcoholic beverages and the high level of awareness of the health warning statement and implications you see in your consumers].**

Changes to the current regulations are not warranted for a number of reasons. The current

warning is effective and accepted by consumers. Congress goal with the original warning label law is to "inform and remind the American public of the health hazards that may result from the consumption or abuse of alcoholic beverages." Since 1988 a "health warning statement" has been required to "appear on the brand label or separate front label, or on a back or side label, separate and apart from all other information," and "must be readily legible under ordinary conditions, and must appear on a contrasting background." A study from the Medical Research Institute of San Francisco says the "U.S. drinking public has largely been successfully reached by the alcoholic beverage warning label mandate." Arizona State University research concurs, "the alcohol warning label is having the intended effect, as people are increasingly seeing and remembering the warning."

Enacting a new regulation with arbitrary and minor changes to the placement and appearance of the warning label, as per the current petition and Notice No. 917, will only increase costs and consumer confusion. The current message clearly registers at very high rates and any changes are without significant benefits in increasing awareness, notability or legibility of the warning.

As a retailer or manufacturer whose operations fall under ATF jurisdiction, I know that ATF already has ample authority, through existing regulations, to take action against individual warning statements and products that may appear to obscure or make unnoticeable or illegible the health warning statement.

Proposal Notice No. 917 should be rejected because the existing warnings register well for retailers and consumers, and regulatory costs would exceed benefits, if any result.

Respectfully,

Your name here

Your title and company name here

August 31, 2001

Would you prefer to receive Action and Recall Alerts via e-mail? E-mail us at publicaffairs@nationalgrocers.org.

1005 North Glebe Road, Suite 250, Virginia 22201-5758

Phone: 703-516-0700

Fax: 703-516-0115

Email: info@nationalgrocers.org

Website: www.nationalgrocers.org
