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September 7, 2005

William H. Foster, Chief
Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
ATTN: Notice No. 41
Post Office Box 14412
Washington, DC 20044-4412

Dear Sir:

The Marquis Alexis de Tocqueville in his classic work "Democracy in America" references the Connecticut Code of Laws enacted in the year 1650. Included among them was a provision making it a crime for a tavern owner to provide a patron with more than three servings of wine. The Marquis used this statute to illustrate the puritanical orientation of the colonists and their fixation toward temperance.

Failure became immediately apparent. Towns and villages with more than one tavern and personal consumption attitudes rendered the law useless. It was never enforced.

The rule being considered in Notice 41, containing the "standard serving" criterion, while removed temporarily by 355 years, will meet the same fate as the Connecticut effort. It fails to provide the public with meaningful information and simultaneously leads to the misunderstanding of the alcohol content of a mixed drink.

The rule should not be adopted.

Sincerely,


PETER D. KINDER
Lieutenant Governor