Mr. George A. Hacker  
Director, Alcohol Policies Project  
Center for Science in the Public Interest  
1875 Connecticut Avenue, NW  
Suite 300  
Washington, DC 20009  

Dear Mr. Hacker:

Thank you for your letter of April 16, 2007, that relates your concerns regarding the Government Health Warning Statement on containers of Anheuser-Busch’s (AB) Spykes Spicy Lime flavored malt beverage product. You identified labels which you believe do not meet the requirements of our regulations.

The Alcohol and Tobacco Tax and Trade Bureau (TTB) is committed to ensuring that labels of alcohol beverages bear a Government Health Warning Statement which meets the regulatory requirements found in Title 27 Code of Federal Regulations (CFR) part 16.

Upon receipt of your letter, we reviewed the Certificates of Label Approval (COLAs) for the entire Spykes product line, which now comprises 8 flavors in a variety of sizes. We agree with your finding. These labels do not comply, due to these problems: the contrasting background makes the warning difficult to read on 3 of the 8 products in the 2 fluid ounce containers, and the number of characters per inch exceeds the maximum specified in the regulations for all 8 of this size container. We note that the COLAs bear this qualification statement: “All mandatory information must be readily legible on a contrasting background.”

In response to your letter, we have been in contact with AB to resolve this issue. TTB and AB are taking all appropriate actions to correct the labels. Here are the steps we are taking:

- AB has stopped production and shipment of these products and is planning to replace product labels currently at wholesalers and AB warehouses.
- We have initiated reviews of the labels for all sizes of this product. The only problems we have found are for the 2 fluid ounce packages.
- AB has voluntarily surrendered the previously approved COLAs, and has submitted applications for redesigned labels that meet the 40 characters per inch requirements and have adequately contrasting backgrounds. We have

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approved these new COLAs, which you may now find on the Public COLA Registry.

Both TTB and AB are reviewing internal procedures to better address the challenges inherent in the smaller package sizes in order to ensure compliance and to prevent recurrence of this type of error.

AB is also adding a new tamper proof label which reads "Sweet Contains Alcohol" or "Sour Contains Alcohol" or "Spicy Contains Alcohol" to be used with the appropriate "flavored" product label.

TTB will continue to carefully review applications for label approval as well as products in the marketplace to ensure that they meet regulatory requirements. We will take prompt action to correct any problems with compliance.

Thank you for your commitment and interest. Please do not hesitate to contact us with any further concerns or comments. We welcome your continued participation with these issues.

Sincerely yours,

John J. Manfreda
Administrator