



July 23, 2021

Desirae Griego
New Mexico Regulation and Licensing Department
Alcoholic Beverage Control Division
2550 Cerrillos Road
Santa Fe, NM 87504
Via email: Desirae.Griego@state.nm.us

RE: Liquor Control Act Proposed Rules: 15.10.51.15 Sales of Certain Spiritous Liquors

On behalf of the American Distilled Spirits Alliance (ADSA), thank you for the opportunity to submit comments on the Liquor Control Act Proposed Rules: 15.10.51.15 Sales of Certain Spiritous Liquors.

15.10.51.15 SALES OF CERTAIN SPIRITOUS LIQUORS:

A. A licensee shall not sell spiritous liquor in a closed container of three fluid ounces or less, for consumption off the licensed premises, this does not include sales in which 10 containers of three fluid ounces or less are packaged together by the manufacture and meant for sale as a single unit.

B. Nothing within this section shall prohibit the sales of spiritous liquors in open containers of three fluid ounces or less, for consumption on the licensed premises.

ADSA is a group of leading companies with common needs and interests in the manufacturing, importation, and marketing of distilled spirits products in the United States and around the world. Member companies represent over 60 percent of all distilled spirit sales nationwide.

Consumer demand for packaging that promotes moderate, responsible consumption along with convenience, affordability and portion control continues to rise across a wide variety of food and beverage products. For the spirits industry, small sized packages promote moderation and portion control. For example, one 50 milliliter spirits bottle equals one standard drink and eliminates the guesswork when portioning.

These package sizes also allow those who are price sensitive to enjoy a little taste of luxury brands they might not otherwise afford. With the COVID-19 pandemic, small sizes indeed offer a greater level of personal safety and hygiene.

Some consumers rely on small spirits bottles for safety. By using a single-serve container, the person consuming the beverage is in control of the amount of alcohol used in their drink and they also maintain control over any nefarious chemicals that could be added without their knowledge.



While we believe eliminating spirits sales in containers of three fluid ounces or less will have the opposite effect on moderation since consumers will buy the next larger size, we appreciate the agency's proposed rule language allowing for sales in which 10 containers of three fluid ounces or less that are packaged together by the manufacturer for sales as a single unit. We believe this will meet the legislative intent to ban single spirits serving sales of three fluid ounces or less.

We ask the agency to clarify in the final rules that the allowance includes packaging containing 10 or more containers of three fluid ounces or less if they are packaged together by the manufacturer and meant for sale as a single unit.

Respectfully,

Matt Dogali
President, American Distilled Spirits Alliance