



February 6, 2006

Director, Regulations and Rulings Division  
 Alcohol and Tobacco Tax and Trade Bureau  
 Attn: Notice No. 53  
 P. O. Box 14412  
 Washington, DC 20044-4412

Dear Regulations and Rulings Division Director:

We are writing in connection with the Bureau's request for comments on the possibility of amending the regulations concerning the use of the word "pure" or its variants (pureness, purest, purity) in the labeling and advertising of alcohol beverage products. We wish to thank the TTB for requesting comments on this topic. **In sum, we conclude TTB should not permit the use of the word "pure" or its variants on distilled spirits labeling or advertisements as there are insufficient standards to define what is "pure" and there are not adequate methods to substantiate the truthfulness of such claims.**

For ten generations, the Nolet Family has been distilling the finest hand-made spirits using techniques and recipes perfected by Joannes Nolet and his successors since 1691.

At its historic distillery in Schiedam, the Netherlands, the Nolet Family distills Ketel One Vodka and Ketel One Citroen Vodka, and exports both products to the U.S.A. Nolet Spirits U.S.A. ("the Company"), a member of the Nolet Family of companies, imports both products from the Distillery.

#### Impurities in Alcohol

As previous commentators have noted, adult spirits beverages are not "pure" and use of the word "pure" as applied to these beverages is inherently misleading. Alcoholic beverages may contain certain levels of impurities, such as methanol, acetaldehyde, ethyl acetate, and fusel oils. Thus, we believe that any description of adult spirit beverages as "pure" (or its variants, pureness, purest, purity) is inappropriate. At worst, such a description could be literally false. At best, such a description will have a tendency to mislead the public by not providing accurate, salient and relevant facts to the consumer's purchasing decision.

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Additionally, with vodka, these impurities are generally small when measured on a parts per million (mg/liter) basis and are found in almost imperceptible levels. Moreover, given that certain alcohol beverages, such as dark rums, whiskeys and single malt scotches, contain impurity levels significantly higher than vodka, how could any label adequately warn consumers of the proportionally higher level of impurities in alcohol beverages other than vodkas?

### Certain Misleading Current Advertising Practices by Competitors

For many years, Ketel One Vodka and Ketel One Citroen Vodka have been the target of print advertising and point of sale campaigns initiated by competing vodka brands that portray the competing vodkas as having fewer "impurities." Such campaigns are problematic for two reasons.

First, on its face, and without considerable expense, it is difficult to determine whether the methodology used in such tests is scientifically reliable. Indeed, we believe that there is currently no government regulation governing such tests. Moreover, we have been advised by leading testing laboratories that it is difficult to accurately measure the levels of impurities in vodka once these impurities exceed a baseline detectability level of one part per million (ppm).

Second, even assuming that the methodology is sound, by definition, no vodka is "pure." There will always be impurities. But without a definition of the acceptable minimum levels, and/or a requirement that the advertiser inform the consumer of those levels, how then can the consumer adequately gauge the claim? Thus, we believe that this type of advertising is ripe for abuse and should be prohibited.

### Closing

We wish to thank the TTB for allowing us to provide these comments and will be glad to answer further written questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl Nolet, Jr.', with a long horizontal line extending to the right.

Carl Nolet, Jr.  
Executive Vice President  
Eleventh Generation

