



November 1, 2011

Federal Trade Commission  
Office of the Secretary  
Room H-113 (Annex D) 600  
Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Commissioners:

As a beer and wine distributor whose family business has been in existence for over 50 years, I am writing to express my strong opposition to the FTC consent order being proposed with Phusion Projects and their Four Loko product. The issues you are attempting to deal with are substantially greater than any resolution you can make with one manufacturer.

Though I suspect your concern and investigation into these products, to include possible deceptive marketing practices are valid, your proposed solution to this issue is less than effective. Moreover, it borders on the naive.

For example, in my opinion, the issues surrounding large containers and high alcohol content are not effectively addressed simply by putting a "message" on the container. These issues, also of concern to the vast majority of distributors I know, require an "industry-wide" solution, bringing together brewers, distributors, and retailers. This is not easy task, but I am aware that this dialogue had been underway, though we can agree that there is no easy fix. For example, are higher alcohol craft beers to be "captured" under the same net you have thrown? What constitutes "high alcohol?" These are only two examples of the many issues that are better dealt with by the industry as a whole.

I might also ask what the rationale is in assuming that by using a resealable container that it will end the abuse of such high alcohol products? Until the industry deals with this issue (high alcohol and very large containers) on a holistic basis the results you are seeking with these short-sighted fixes will have little impact.

I would also suggest that your piecemeal action only undercuts the individual states' rights to deal with these issues appropriately and in a timely manner. These issues must be resolved with industry and state involvement, and in a manner that results in an industry wide solution. Your action on a piecemeal basis only confuses the issue and slows down constructive action at the

state level – where these issues manifest themselves in our communities.

Finally, I might suggest that the public health community may take exception to your apparent endorsement of what constitutes a standard drink, among other erroneous assumptions. I again would suggest that solutions to these difficult issues should include those industry members that are directly impacted by your potential decisions. More significantly, the proposed solutions should be broad-based and more inclusive than your authority as allowed by law.

Thank you for your consideration.

Sincerely,

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Robert A. Archer  
President