

THE REGULATORS

Cindy Skrzycki

A Notorious Spirit Finds Its Way Back to Bars

Absinthe, an intense alcoholic spirit favored by such artists as Degas, Van Gogh and Hemingway, is making a comeback in the United States after being banned by the government for almost 100 years.

Its rebirth in trendy restaurants and bars is a triumph of marketing — and of maneuvering through a maze of federal rules on formulas and labels. It took a Swiss distiller, an importer and a Washington lawyer four years to navigate the bureaucracy, even after the drink was legalized again in much of Europe.

"This is a complex issue, and we are addressing it as best we can," said **Art Resnick**, a spokesman for the **Treasury Department's Alcohol and Tobacco Tax and Trade Bureau**, referring to the process that led this year to the agency approving four absinthe brands for sale in the United States.

For much of the 19th and early 20th centuries, the liquor, also known as the "green fairy," was wildly popular among artists in Europe. It was featured in the Edgar Degas painting "L'Absinthe." Emile Zola mentioned it in a novel, and Ernest Hemingway wrote: "Got tight last night on absinthe and did knife tricks."

Absinthe was believed to contain large concentrations of wormwood, a plant containing the chemical thujone, which could induce hallucinations and a druglike state. It was thought by many to be the source of Vincent Van Gogh's impulse to cut off his ear.

Imports of absinthe were banned by the **Department of Agriculture** in 1912 because other countries had outlawed it. Later, a **Food and Drug Administration** rule demanding "thujone-free" products kept it off the market.

The whiff of illegality made absinthe all the more desirable. Groups like the **Wormwood Society** kept the mystique alive. It was bootlegged, sold widely over the Internet and smuggled into the country by travelers.

Once bans on the liquor were lifted in Europe in the 1990s, the campaign began in the United States to restore absinthe to the cocktail menu. To do so, however, the liquor would have to remain thujone-free — meaning it could not contain more than 10 parts per million.

The stakes were high for brand owners and importers. The winner would have a head start on marketing the drink, which costs \$50 to \$60 a bottle and is often imbibed after a ritualistic ceremony.

In one method, the liquid is poured into a special glass, over which is placed an ornate slotted spoon holding a sugar cube. Cold water is then dripped over the sugar to dilute the drink, which is high in alcohol. This transforms the color to milky white. In another, sugar on the spoon is set aflame and dripped into the absinthe.

Robert Lehrman, a Washington lawyer who specializes in seeking formula and label approvals at the Tax and Trade Bureau, said the government "worked hard to keep the genie in the bottle."

Lehrman, representing an importer and **Distillerie Kubler & Wyss** of Motiers, Switzerland, cited endless quibbles by regulators. The biggest blow, he said, was last year, when the bureau flatly rejected the label on the grounds that absinthe was still illegal.

It took a meeting in February between regulators and the trade counselor from the **Swiss Embassy** — to explain that his country had dropped objections to absinthe in 2004 — to restart the process.

Hurdles remained. When Kubler proposed listing 33.8 fluid ounces on its proposed bottle label, regulators rejected it, saying the proper designation was 33.82 ounces. In May, Kubler



BY SANDRO CAMPARDO — ASSOCIATED PRESS

Banned for 95 years, absinthe is starting to make a return — though the new versions can't have the powerful chemical thujone.

was told to "remove the 'boldness' of the text on back label puffery and use the same size print for all text shown," according to one directive.

Approval for Swiss Absinthe Superieure Kubler, 106 proof, was granted on May 17. Kubler's success was diluted when a competitor, Lucid Absinthe Superieure, 124 proof, was in the stores the same month, after being approved in March.

Jared Gurfein attracted publicity for his Lucid brand when he abandoned a law career to start **Viridian Spirits** in Manhasset, N.Y., to make and distill absinthe. Gurfein also knew that "Kubler had hit a brick wall" with regulators, he said.

"We pushed the door down, and they walked through it," Lehrman said, expressing frustration with the red tape he faced.

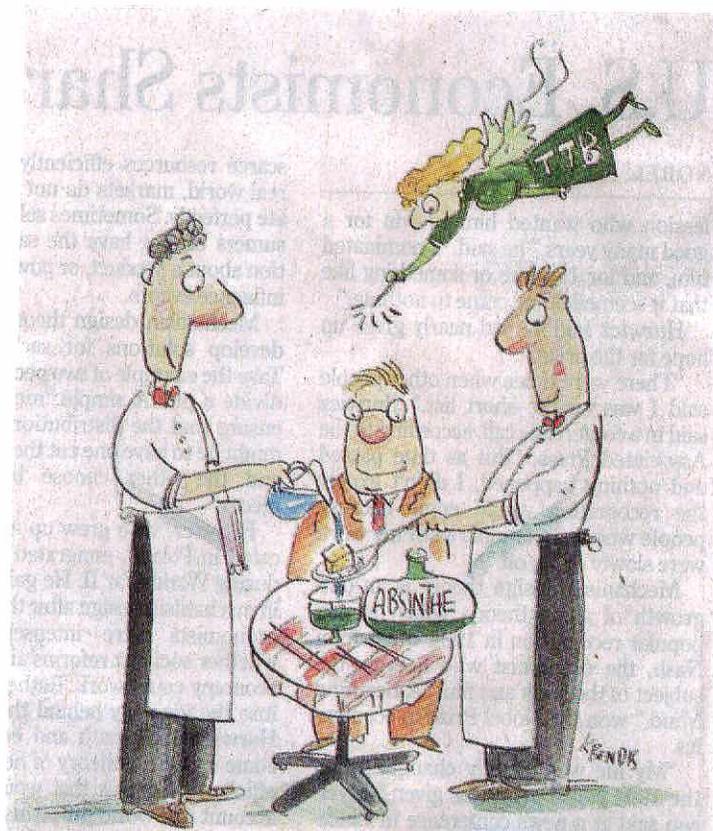
"In this instance, there was more than one reason to take a look at these labels," said Resnick of the Tax and Trade Bureau. The office approved 125,000 labels for beer, wine and spirits last year. He wouldn't elaborate on what those reasons were.

A Web site for the **Drug Enforcement Administration's Office of Diversion Control** still lists absinthe under "drugs and chemicals of concern." And the U.S. Customs Web site continues to list it as banned. A Customs spokeswoman said that while individual shipments are being approved for import, the agency is waiting for direction from the Tax and Trade Bureau.

In the meantime, the marketers have taken over.

"This is so easy," said **Lyons Brown**, chief executive of **Altamar Brands** in Corona del Mar, Calif., distributor for Kubler, as the product was unveiled last week at Corio, a club in New York. "The key is to just get it into the market with all the theatrics that go with it."

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BY KEITH BENDIS — BLOOMBERG NEWS

At a Bar Near You: Return of the 'Green Fairy'

Banned in the United States for nearly 100 years, the notorious liquor absinthe is making a comeback. It's a triumph of marketing and of endurance in navigating red tape. **THE REGULATORS, D2**