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Attn: TTB Notice No. 4
Chief, Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
POBox 50221
Washington, D.C. 20091-0221

To Whom It May Concern:

As an employee of the National Beer Wholesalers Association (NBWA) and former employee of the National Alcohol Beverage Control Association (NABCA), I support the proposed rule issued in March 2003 by the Tax and Trade Bureau (TTB) that outlines the alcohol content requirements in order for flavored malt beverages (FMB) to be classified as beer. Specifically, the TTB proposes that for an FMB to be classified as beer, its alcohol content from distilled alcohol cannot exceed 0.5%.

If traditional distinctions disappear, it will only be a matter of time before other producers of alcohol beverages attempt to categorize themselves as beer products.

Beer is not distilled spirits.
Beer is not fortified wine.
Beer is not a product that has been made through the distillation process.
Beer is made through the brewing process.

The 0.5% standard will ensure that the integrity of beer remains.

Beer is a unique product that has been regulated and taxed differently than other alcohol beverages throughout our nation's history. The TTB proposed rule is consistent with the historical interpretation of what constitutes beer and other malt beverages. The distinct regulatory treatment of beer is based on its age-old production process, and its definition in the Internal Revenue Code dates back to the 1800s when Congress first imposed the beer excise tax. Adoption of the TTB "0.5 by volume standard" would ensure the integrity of beer and the brewing process.

Equating beer and beverages that derive a majority of their alcohol content from distilled spirits could weaken the important distinctions between beer and products with higher alcohol content. These distinctions impact state and federal policies regarding the regulation and taxation of beer and other alcohol beverages.

As a consumer of malt beverages, I expect beer to be just that! Otherwise, I would consume a different product! The TTB final approval to the proposed 0.5% standard on FMBs would ensure consumers are well served and their interests protected.

Sincerely,

