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August 7, 2003

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

Dear Sir or Madam:

Bartyzel Inc. supports the Tax and Trade Bureau's (TTB) proposed rule that the flavored malt beverages (FMB) have a 0.5% by-volume standard. This rule would outline the alcohol content requirement in order for an FMB to be classified as beer.

The TTB proposed rule is consistent with the historical interpretation of what constitutes beer and other malt beverages. The regulatory treatment of beer is based on its age-old productions process and the adoption of the TTB ".05 by volume standard" would continue to insure this process.

This proposed rule would help maintain the state licensing, taxation and distribution policies, that are in existence now.

Moreover, 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 regulations and taxations of beer and other alcohol beverages.

If traditional distinctions disappear, it will only be a matter of time before other products 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.

Once again, Bartyzel Inc. encourages the TTB to give final approval to the proposed 0.5% standard on FMBs.

Sincerereely,
Margaret Bartyzel Townsend
Vice President

Quality Products... Quality Service