

00411133

RUTLEDGE. ECENIA. PURNELL & HOFFMAN
PROFESSIONAL ASSOCIATION ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A ECENIA R. DAVID PRESCOTT RICHARD M ELLIS POST OFFICE BOX 551, 32302-0551
MONROE STREET, SUITE 420 MARSHA E. RULE THOMAS W. KONRAD TALLAHASSEE, FLORIDA 32301-1841

HAROLD F. X. PURNELL KENNETH A HOFFMAN
GARY R. RUTLEDGE

215 SOUTH

MICHAEL G. MAIDA GOVERNMENTAL

CONSULTANTS MARTIN P. McDONNELL
TELECOPIER (850) 681-6515
October 21, 2003

TELEPHONE (850) 681-6788
M LANE STEPHENS

MARGARET A. MENDUNI J STEPHEN MENTON

Mr. William Foster Chief, Regulations and Procedures Division Alcohol and Tobacco Tax Trade Bureau Post Office Box 50221 Washington, DC 20091-0221

Re: TTB Proposed Rulemaking for Flavored Malt Beverages

Dear Mr. Foster:

As a former Secretary of the Florida Department of Business & Professional Regulation which includes the Division of Alcoholic Beverage & Tobacco, I am writing to express my support for the TTB'S proposed rulemaking for flavored malt beverages which preserves the integrity of beer.

I believe the TTB's action is an important clarification that ensures that if an FMB product is to be sold as a malt beverage, it should be made as a malt beverage according to traditional brewing methods and processes. If your rule is adopted, consumers will still be able to enjoy FMB products and wholesalers and retailers will continue to be able to distribute, sell and market flavored malt beverages as they do today. However, absent your new standard, brewers, retailers, and wholesalers will face a potential for a patchwork of individual state laws and regulations where the same product may ultimately be sold as a "beer" in one state and as "hard liquor" in another...in fact, I understand that we are already seeing this kind of situation in the state of Nebraska and will almost certainly see this situation in several other states.

Thank you for this opportunity to offer my support for your proposed FMB rule preserving the unique differences and integrity of beer.

Sincerely,

Gary R. Rutledge
GRR/rd