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08/20/03 WED 12:18 FAX 718 847 9346 ANTHONY S SEMINERIO

THE ASSEMBLY

STATE OF NEW YORK

ALBANY

ANTHONY S. SEMINERIO August 20, 2003 COMMITTEES
38th District Banks

Cities

PLEASE REPLY TO: Governmental Employees
Room 818 Higher Eduoatron

Legislative Office Building Chief, Regulations and Procedures Division Racing &
Wagering

Albany, New York 12248

(518) 455-4621 Alcohol and Tobacco Tax and Trade Bureau

FAX (518) 455-5361 P. O. Box 50221

DISTRICT OFFICES: Washington, DC 2001-022 1

107-05 Jamaica Avenue

Richmond Hill, New York 11418

(718) 847-0770 Dear Sir or Madam:

FAX (718) 847-9346

88-28 Myrtle Avenue As an elected official, I am writing to express my support for the
U.S. Treasury's

Glendale. New York 11385 Alcohol and Tobacco Tax and Trade Bureau proposed rulemaking
for flavored

(718) 366-6725 malt

FAX (718) 366-6751 beverages (2001R-136P)

I believe the TTB's action is an important clarification of federal alcohol
beverage categories established to maintain an orderly US marketplace. The
debate surrounding the proposed standard poses important issues for the stability
of the retail licensing system and the overall marketplace. It appears that these
standards limiting the addition of flavoring and other materials containing
alcohol less 0.5% by volume of the finished product is fair. This standard is the
most efficient means to address recent concerns by both federal a-nd state
officials. If adopted, the standard will maintain an orderly marketplace, meet
consumer expectations for consistent products, and help sustain the long-term
development of the product category. In addition, these reformulated products
will be consistent with state tax, license, and distribution laws allowing
wholesalers and retailers to continue to distribute, sell and market flavored malt
beverages and they do today.

Absent a national standard rooted in existing law and regulation, manufacturers,
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 a "distilled spirits" in another.

There are some who have concerns regarding the ability of manufacturers to
produce FMB products in accordance with the new proposal. As you may
know, brewers have already demonstrated the expertise and technical ability to
brew these products under the new federal standard. The FMB products that
look and taste the same will be available to wholesalers and retailers in all states
with no interruption and no discernable taste differences for consumers.

Thank you for this opportunity to me to offer my support for the current TTB
proposed rulemaking for flavored malt beverages.

Sincerely,

Anthony S. Seminerio
Member of Assembly