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Washington State Senate
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Chief, Regulations & Procedures Division
Attention: Notice No. 4
Alcohol & Tobacco Tax and Trade Bureau
P.O. Box 50221
Washington, D.C. 20091

Dear Sir:

I am concerned about the proposed rule relating to alcohol content in flavored malt beverages (FMBs). These beverages have been on the market for many years. They have wide acceptance by consumers as they are currently formulated. A drastic change in formulation of these beverages would cause unnecessary market disruptions and consumer dissatisfaction.

It is these considerations, as well as the following reasons, that have made me write to you in support of a majority standard (51/49) for FMB 's. This represents a reasonable compromise because:

- It will promote fairness. The federal government has for two decades allowed the use of flavors containing alcohol in beers and FMIBs under 6% alcohol by volume without limitation. An entire category of malt beverages with varying taste and flavor types has been developed in reliance on that and should not be harmed now by new federal regulations.
- It will ensure the continued availability of today's most popular FMB products. FMBs like Smirnoff Ice, Mike's Hard Lemonade, and Seagram's Coolers belong on retail shelves in the beer section. Establishing the dire 90-10 (0.5%) standard would force FMB brewers to make costly changes to their production process that some companies may not be able to accomplish.
- It will allow brewers to continue to satisfy consumers. According to national reporting services, the FMB category has achieved remarkable acceptance among consumers who want a bottled ready to drink beverage with the same alcohol content as beer, but who do not prefer the taste of conventional beers. The category's share of grocery sales last summer was nearly 6% of the total beer category which resulted in taxes that contributed to our state's revenue stream.

Again, I urge you to adopt the more reasonable majority standard for these beverages. Thank you for your consideration.

Regards

Senator Mike Hewitt

Committees: Ways & Means, Vice chair • commerce & Trade, Vice chair • Natural Resources Energy & Water, Vice chair
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