

<< 0042002 >>

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA LIQUOR CONTROL BOARD
502 NORTHWEST OFFICE BUILDING
HARRISBURG, PENNSYLVANIA 17124-0001
JONATHAN H. NEWMAN September 17, 2003 (717) 787-5986
CHAIRMAN FAX (717) 772-3714

Chief, Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
P.O. Box 50221
Washington, DC 20091-0221

Re: TTB Notice No. 4

Dear Sir or Madam:

The Pennsylvania Liquor Control Board ("PLOB") supports the proposed rule issued in March of 2003 by the Tax and Trade Bureau that outlines the necessary alcohol content requirements in order for a Flavored Malt Beverage ("FMB") to be classified as beer. The proposed standard would require that in order for an FMB to be classified as beer, its alcohol content derived from distilled alcohol can not exceed one-half of one percent (0.5%).

The Board is aware that most FMBs currently on the market derive the overwhelming majority of their alcohol content from distilled spirits, rather than malt beverage bases. The Board believes that products produced in this manner are more properly classified as liquor products than as malt or brewed beverages. The proposed rule provides a clear, unambiguous guideline that accurately and equitably distinguishes between products produced through these different processes.

The Board urges the TTB to give final approval to the proposed "0.5% standard" regarding FMBs.

Please feel free to contact me if I may be of further service.

Sincerely,

Jonathan H. Newman

cc: Murphy J. Painter, President, NCSLA
Jeff Becker, President, Beer Institute
David K. Rehr, President, NBWA
Daniel Bradford, President,
Brewers' Association of America