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September 24, 2003-09-24

Mr. William Foster  
Chief  
Regulations and Procedures Division  
ATTN: Notice No. 4  
Alcohol and Tobacco Tax and Trade Bureau  
Post Office Box 50221  
Washington, D.C. 20091-0221

RE: TTB Notice No. 4  
Dear Mr. Foster:

I currently work for Mark Anthony Brands, which produces the Mike's Hard Lemonade portfolio. My livelihood as well as my family's depends on the success and longevity of the FMB category.

Prior to working for Mark Anthony Brands, I worked for a major beer wholesaler in California and prior to that, the Miller Brewing Company. This vast experience has clarified the initial impetus for this desired ruling change. The three major brewers, Anheuser Busch, Miller Brewing Co., and Coors Brewing Co. have attempted to compete in this category. Each one of their entries has failed. They have always employed a strategy of "Scorched Earth" in any category they cannot win (i.e. Micro beer wars in mid-90s). This time they have attempted to use the Federal Government as a tool to eliminate this category. Ask yourself, if they felt so strongly, why did they wait three years after the category emerged and their entries failed before crying foul?

Finally, I spend roughly four days a week in grocery stores throughout the five Southwestern states. During those store visits, I have the opportunity to talk with a large number of retailers and consumers. At no time has the question of where the alcohol comes from or confusion as to the nature of the products has arisen. In fact, most major retailers interviewed do not understand the purpose of the rule change and believe it is another attempt by Anheuser Busch to overtly control the entire market.

For all three of these reasons, I strongly urge the TTB to adopt a rule all companies can meet without further creating a beer monopoly among the top three brewers. The rule or standard that should be approved is one that caps the alcohol contribution derived from flavouring materials contained in an FMB to less than 50% of the product's alcohol content. This compromise addresses both sides of the issue without eliminating a viable competitive category.

Thank you for your time and consideration.

Sincerely,

Mark Lindner  
9974 Scripps Ranch Blvd. #313  
San Diego, Ca. 92131