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TOMA
TENNESSE OIL MARKETERS ASSOCIATION
0003259

October 13, 2003

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

Dear Chief:

I'm writing in behalf of our members who own and operate convenience stores in Tennessee and surrounding states, supporting the 51/49 "majority" standard for flavored malt beverages. I understand that TTB says this standard is supported by the law. We feel this is a reasonable compromise to the 90-10 (0.5%) standard.

For over twenty years, the federal government has allowed the use of flavors containing alcohol in beers and flavored malt beverages under 6% alcohol by volume, without limitation. In our view, it isn't fair now to change the regulations after an entire category of malt beverages has been developed in reliance on that allowance.

Our members' customers are accustomed to finding these popular FMB products on retail store shelves. They have become accustomed to the tastes of these various FMB products and enjoy them as they are. In fact, this category's share of sales was nearly 6% of the total beer category in our members' convenience and grocery stores.

Our members want to satisfy their customers by being able to offer what those customers want in flavored malt beverages.

Thank you for your consideration.

Sincerely,

Marylee A. Booth
Executive Director

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