

October 15, 2003

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. 20091-022 1

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

I work at Mark Anthony Brands, one of the leading producers of flavored malt beverages ("FMB"). I strongly oppose the Bureau's proposal to limit the alcohol contribution from flavoring materials in these beverage products to 0.5% alcohol by volume. In order to establish a more rational standard, I urge TTB to adopt a majority standard that would allow less than 50% of the alcohol content in FMBs to come from flavoring materials and as a result, keep thousands of American people who depend upon their jobs in the FMJ3 working.

TTB has allowed brewers to produce and sell FMBs that derive a majority of their alcohol from flavoring materials for years. Notice No. 4 now claims that a 0.5% standard is necessary to prevent consumer confusion. I have worked in the beverage industry for over ten (10) years and have yet to hear a consumer voice a particular concern about the source of alcohol in FMBs. Rather, consumers select FMBs on the basis of their taste and cost.

In addition, now that FMBs are enjoying a strong growth in sales, it appears that a new standard if approved would eliminate the healthy market competition that now exists. I strongly urge TTB to adopt a rule that all companies, not just the big beer suppliers, can meet -- a majority standard that caps the alcohol contribution derived from flavoring materials contained in an FMB to less than 50% of the product's alcohol content. My proposed resolution to the problem that you have expressed would prevent consumer confusion if any exists, establish a nationally uniform standard that would assist the federal government and the states in regulating FMBs, and preserve both market stability and competition.

For the sake of consumers and hard-working Americans like myself, I encourage TTB to reject the proposed 0.5% standard for FMBs and to work with the FMB industry to

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achieve a more reasonable and workable set of rules that can preserve and promote this valuable product category.

Sincerely,

Bob Griffin