

<< 0041847 >>

Sep 25 03 07:14p Brian Sears 317-837-5140

p.2

September 25,2003

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. 20091-0221

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

I work for Mark Anthony Brands Inc., one of the leading producers of flavored malt beverages, also referred to as FMBs. My job, as well as my family's livelihood, depends on the future viability of FMBs. Therefore, I strongly oppose the TTB's proposal to change the way these products are produced. Limiting the alcohol contribution from flavoring materials in these beverages to 0.5% alcohol by volume is unnecessary and unfair. In order to establish a more rational standard, I urge TTB to adopt a majority standard that would allow 49% of the alcohol content in FMBs to come from flavoring materials.

For many years, TTB has allowed brewers to produce and sell FMBs that derive a majority of their alcohol from flavoring materials. Notice No.4 now claims that a 0.5% standard is necessary to prevent consumer confusion. In my capacity with Mark Anthony Brands Inc., I have the opportunity to work with 27 beer wholesalers, thousands of retailers, and millions of consumers. Based on my interaction with all of the aforementioned parties, I have never become aware of confusion related to the alcohol source in flavored malt beverages. On the other hand, I so often hear of consumers who are delighted that there are reasonably priced products that offer them refreshing taste in their search for an alternative to beer.

While I understand that uniform standards for the production of FMB's could benefit all parties, I strongly believe that there are alternatives to Notice No. 4 that could help maintain healthy competition in our industry. The FMB category has realized tremendous growth over the last several years. It appears that if Notice No. 4 were to pass into law that the strong market share and healthy competition that currently exists would cease to exist.

Sir, I strongly encourage you, the TTB, to adopt an industry standard that all companies can meet. I ask that a majority standard be implemented, which would limit the alcohol content in flavored malt beverages derived from flavoring materials to less than 50% of the product's alcohol content. This would help to prevent consumer confusion, while establishing uniform standards and maintaining healthy competition in this category.

My family and several hundred other hard-working Americans, thank you for considering our opinions while making your decision regarding this matter.

Sincerely,

Brian Sears
Area Sales Manager
mike's hard lemonadeTM