

9.21.03

Mr. William Foster  
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, sometimes referred to as the FMB category. This category is the future of my career and hundreds of others at Mark Anthony Brands Inc. I strongly oppose the TTB'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 reasonable standard, I urge the TTB to adopt a majority standard that would allow less than 50% of the alcohol content to come from flavoring materials.

The TTB has allowed brewers to produce and sell flavored malt beverages 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. I believe that consumer confusion happens when the labeling of the beer has a national spirits brand name on the label and in some instances the label may have said that it contains less than one percent of a certain spirit. That is what has confused the consumer, not the flavors that contribute to the making of the product. Based on what I have learned from my wholesalers, retailers and listening to consumers, there is little to no consumer confusion because consumers are not concerned with the source of alcohol in the FMB's. Rather, they select FMB's on the basis of their refreshing taste and reasonable cost.

The FMB category is enjoying strong growth in sales; it appears that a new standard would eliminate the healthy market competition that now exists. I STRONGLY URGE THE TTB TO ADOPT A RULE THAT ALL COMPANIES 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.

I urge you, the TTB, to reject the proposed (0.5% standard for FMB's and to work with the FMB industry to achieve a more reasonable and workable set of rules that can preserve and promote this valuable product and this entire category.

On behalf of the hundreds of thousands of employees and their families of this category, thank you for your time and hopefully your help!!

Sincerely,

Gregory A. Rose and family  
Account Manager  
mike's hard lemonade