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The Kansas Association of Beverage Retailers
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John Davis President Amy A. Campbell, Executive Director

October 17, 2003

ATTN: TTB Notice No. 4
Chief, Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
PO Box 50221
Washington, DC 20091-0221

Dear Sir or Madame:

The Kansas Association of Beverage Retailers supports the proposed rule recently issued by the Tax and Trade Bureau in TTB Notice No. 4 of March 2003 regarding the alcohol content of Flavored Malt Beverages ("FMB's"). This rule would require that no more than 0.5% of the alcohol content of FMB's be derived from distilled alcohol in order to be classified as "beer."

The proposed "0.5% standard" for FMB's is consistent with the historical interpretation by Federal regulatory authorities of what constitutes beer and other malt beverages. These historical standards take into consideration the ancient brewing process for beer that has resulted in the unique regulation and taxation of beer in contrast to other alcohol beverages.

The proposed rule is also important because it gives states guidance on how to classify these products. For example, without the proposed federal standard, the same product may ultimately be sold as "beer" in one state and "distilled spirits" in another.

Once again, we reaffirm our support for the "0.5% standard" for FMB's and urge its final adoption in the near future.

Sincerely

Amy Campbell
Executive Director

cc: John Davis, President