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From: Bev Bikel [bevb@winningstrat.com]
Sent: Tuesday, October 21, 2003 2:34 PM
To: nprm@ttb.gov
Subject: TTB-FMB proposal

October 21, 2003

Chief, Regulations and Procedures Division

Alcohol and Tobacco Tax and Trade Bureau

P.O. Box 50221

Washington, DC 20091-0221

Attn: Notice 4

Dear Sir or Madam:

Please note that I am joining The Beer Institute and the National Beer Wholesalers Association in support of the U.S. Treasury's Alcohol and Tobacco Tax and Trade Bureau proposed rule changes for flavored malt beverages. (2001R-136P)

I believe the TTBS action is an important clarification of federal alcohol beverage categories established to maintain an orderly US marketplace. Further, I believe the debate surrounding the proposed standard poses important issues for the stability of the retail licensing system and the overall marketplace.

I am in support of the proposed 0.5% standard because I believe that this standard is the most efficient means to address recent concerns by both federal and state officials. This new standard will maintain an orderly marketplace, meet consumer expectations for consistent products, and help sustain the long-term development of the product category. In addition, these reformulated products will be consistent with state tax, license, and distribution laws allowing wholesalers and retailers to continue to distribute, sell and market flavored malt beverages as they do today.

Without a national standard rooted in existing law and regulation, manufacturers, retailers, and wholesalers will face a patchwork of individual state laws and regulations where the same product may ultimately be sold as a beer in one state and as a distilled spirit in another. Finally, while there are some who have concerns regarding the ability of manufacturers to produce FMB products in accordance with the new proposal, as you may know, brewers have already demonstrated the expertise and technical ability to brew these products under the new federal standard. The FMB products that look and taste the same will be available to wholesalers and retailers in all states with no interruption and no discernable taste differences for consumers.

Thank you for this opportunity for me to offer my support for the current TTB proposed rulemaking for flavored malt beverages.

Sincerely,

Gary J. Davis

Gary Davis

Winning Strategies

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