

<< 0042187 >>

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 am currently employed at Mark Anthony Brands and my career depends on the future viability of FMBs. Mike's is one of the leading producers of flavored malt beverages and it is necessary that I strongly oppose TTB's proposal to limit the alcohol contribution from flavoring materials in these beverage products to 0.5% alcohol by volume. I would like to urge TTB to adopt a majority standard allowing less than 50% of the alcohol content in FMBs to come from flavoring materials.

TTB has allowed brewers to produce and sell FMBs that get a majority of their alcohol from flavoring materials for years. Notice No. 4 claims that a 0.5% standard is necessary to prevent consumer confusion. I work with everyone from distributors to retailers to consumers and have experienced little to no consumer confusion. They select FMBs on the basis of their taste. The trends in this category have proven that the products which are appealing based on a taste preference have succeeded.

Notice No. 4 also notes that state alcohol beverage authorities have urged TTB to establish regulatory limits on the addition of alcohol to malt beverages from flavors. A nationally uniform standard could benefit both state regulators and the FMB industry, but Notice No. 4 gives no reason why the proposed 0.5% standard is the only way to accomplish this goal.

FMBs are providing growth for the beer industry in times when the major breweries are not. The new standard would eliminate the current market competition that now exists. I strongly urge TTB to adopt a rule that all companies can meet and benefit from; a majority standard that caps the alcohol contribution taken from flavoring materials contained in an FMB to less than 50% of the product's alcohol content. It would prevent any consumer confusion that might still exist, set a nationally uniform standard that would assist the federal government and the states in regulating FMBs, and preserve current stability and competition in the market.

<< 0042187A >>

I encourage TTB to reject the proposed 0.5% standard for FMBs. On behalf of the livelihood of thousands of Americans that work in and with the FMB industry, please consider a more reasonable and acceptable change to the standards. This adaptation would allow us to preserve the current market trends, promote profitable products, and continue to serve consumers the goods they want to buy.

Sincerely,

Amber Reeder Caverly