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Montana
Beer & Wine
Wholesalers
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September 22, 2003

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

Dear Sir or Madam:

The Montana Beer & Wine Wholesalers Association supports the proposed rule recently issued in March 2003 by the Tax and Trade Bureau that outlines the necessary alcohol content requirements in order for Flavored Malt Beverages (FMB) to be classified as beer. The proposed standard would require that in order for an FMB to be classified as beer, its alcohol content derived from distilled alcohol can not exceed 0.5%.

In a prior letter, we wrote to Montana's Department of Revenue, our state's alcoholic beverage regulatory entity, and requested that entity to send a letter also indicating support of the proposed rule, including the 0.5% limit on distilled alcohol content. This letter is further evidence of the support in Montana for the proposed rule.

Beer is a unique type of alcohol that has been regulated and taxed differently than other alcohol beverages throughout our nation's history. The distinction that beer enjoys from other alcohol products is based on its age-old production process. Its definition in the Internal Revenue Code dates back to the 1800's when the beer excise tax was first imposed by Congress. The proposed rule is consistent with the historical interpretation of what constitutes beer and other malt beverages.

Such policy consistency is important because while states enjoy regulatory power over alcohol, most follow federal regulatory guidelines. This proposed rule would help maintain an orderly marketplace, thus avoiding costly and confusing disruptions in state licensing, taxation and distribution policies. Any of which would deal a severe blow to beer wholesalers.

Moreover, equating beer and beverages deriving a majority of their alcohol content from distilled spirits could weaken the important distinctions between beer and products with a higher alcohol content. These distinctions impact state and federal policies

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regarding the regulation and taxation of beer and other alcohol beverages. If these distinctions disappear, it will only be a matter of time before other producers of alcohol beverages attempt to categorize themselves as beer products.

We appreciate your attention to this issue and invite you to telephone if you have any questions.

Sincerely,

KRISTI BLAZER

for MONTANA BEER AND WINE
WHOLESALE ASSOCIATION

KB/cds
cc: MBWWA Board of Directors
Brian Clark, NBWA Director for Montana