

Sep 29 03 10:03a Larry Goff 352-243-8617 p.2

Mike's Hard Lemonade Company
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September 29,2003

Mr. William Foster
Chief
Regulations and Procedures Division
ATT: 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 by Mark Anthony Brands, Inc. Because my job depends on the future viability of flavored malt beverages, also known as FMBs, I strongly oppose TTBs 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 rational standard, I urge TTB to adopt a majority standard that would allow less than 50% of the alcohol content in FMBs to come from flavoring materials.

Notice No.4 suggests that these guidelines must be changed in order to prevent consumer confusion on the source of alcohol in FMBs. However, as I interact directly with various wholesalers, retailers and consumers on a daily basis, I have seen no confusion whatsoever. I believe this is true because people are not concerned with the source of alcohol; rather, they choose FMBs simply upon the criteria of taste and price.

We are now experiencing favorable market conditions in the FMB category sales have grown strongly. I urge TTB to adopt a standard 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. This would satisfy all preliminary objectives and more. First, a majority standard would prevent consumer confusion if any exists. Second, it would establish a nationally uniform standard that would assist the federal government and the states in regulating FMBs. And finally, it would preserve both market stability and competition, maintaining a level playing field for which agencies like yours strive every day to ensure the very core fundamentals of the American marketplace.

For the sake of consumers and a truly competitive marketplace, I encourage TTB to reject the proposed 0.5% standard for FMBs 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 category.

Sincerely,

Larry Goff
Mark Anthony Group Inc.