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Hayden Beverage Co.  
P.O. Box 15619 Boise, ID 83715  
(208) 345-4600 (208) 345-4694 fax

September 14, 2003

Chief, Regulations & Procedures Division  
Attn: Notice No. 4  
Alcohol & Tobacco Tax and Trade Bureau  
P.O. Box 50221  
Washington, DC 20091

Dear Sir/Madam:

I am writing to comment on the proposed standards for FMBs.

My company sells FMBs as well as malt based coolers and low proof alcohol products such as Jose Cuervo pre-mixed margaritas and Bacardi Party Cocktails. We have sold wine coolers and spirit coolers in the past and have moved into other similar products such as FMBs as they have become available.

The products are all similar, regardless of what they are called. They are successful in the market and seem to satisfy consumer demand.

It does not seem right for one industry group, in this case the beer industry, to attack one of these product categories, in this case FMBs, by working to have regulations imposed that will be an advantage to one industry segment and a disadvantage to another. All producers, distributors and retailers are quick to hop on the wagon when a new product opportunity appears. This has certainly been the case with FMBs. But it certainly seems disingenuous to me that the large beer companies have been so quick to sell FMBs with the names of familiar Liquor brands on the labels but now express disapproval that there is some liquor actually in the product.

The regulation of alcoholic beverages by determining the products total percentage of alcohol, regardless of the alcohol's source, seems to be a more reasonable practice and seems less self-serving to any one industry group over another.

I am in support of Option #2 - the 51-49 standard.

Thank you for the opportunity to send my comments.

Very truly yours,

John D. Hayden

