

<< 0040813 >>

H. BOYD NELSON
HBN
INCORPORATED
-Alexandria, Mn -

8-19-03

Attn: TTB Notice No. 4
Chief, Regulations & Procedures Division
Alcohol & Tobacco Tax & Trade Bureau
P0 Box 50221
Washington, D.C. 20091-022 1

Dear Sir or Madam:

H. Boyd Nelson, Inc., Supports the proposed rule recently issued in March 2003 by the Tax & 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%.

Beer is a unique type of alcohol that has been regulated & taxed differently than other alcohol beverages throughout our nation's history. This 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 & 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 & confusing disruptions in state licensing, taxation & distribution policies. Any of which would deal a severe blow to beer wholesalers.

Moreover, equating beer & beverages deriving a majority of their alcohol content from distilled spirits could weak en the important distinctions between beer & products with a higher alcohol content. These distinctions impact state & federal policies regarding the regulation & taxation of beer & 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.

Once again, H. Boyd Nelson, Inc., encourages the TTB to give final approval to the proposed "0.5% standard" on FMB's.

Sincerely,

Greg Nelson
H.Boyd Nelson, Inc.