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131 Airline Drive • Suite 201 Chairman, Committee on the
Metairie, Louisiana 70001 Administration of Criminal Justice
Telephone: (504) 834-7676 • (504) 838-5095 STATE OF LOUISIANA Member, Louisiana State Law Institute
Fax: (504) 834-5409
HOUSE OF REPRESENTATIVES Member, Judicial Compensation Commission
Legislative Assistants:
Norma Garretson DANIEL R. "DANNY" MARTINY
Denise Mancuso District 79

August 20, 2003

Chief, Regulations and Procedures Division
Tax and Trade Bureau
P. O. Box 50221
Washington, D.C. 2003 1-0221

Dear Sir or Madam:

As Chairman of the House Administration of Criminal Justice Committee, I felt it important to let you know of my support for the proposed standard of composition for Flavored Malt Beverages (FMB's), as set forth by the Tax and Trade Bureau (TTB) in Notice No. 4 (March 2003). The proposal adopts a standard under which an FMB, in order to be classified as beer, must receive less than .05% of its total alcohol by volume from distilled spirits or from flavors derived from distilled spirits.

I truly regard this proposed rule as a critical step towards consistent classification of these products. Maintaining an orderly marketplace and helping sustain consistency of federal alcohol beverage categories are primary concerns of everyone involved with the alcohol beverage industry. More importantly, your proposed rule will foster uniformity in such categories at the state level - hence my letter. Maintaining clear and distinct definitions between "beer", "malt beverage" and "spirits" will, in turn, promote clarity in important tax, licensing and distribution policies.

Further, any alternative to the TTB's proposal would likely trigger a disruptive chain reaction of legislative and regulatory actions at the state level. These measures would have significant ramifications for the alcohol beverage industry, licensees, the state and ultimately, the consumers.

Therefore, I strongly support the proposed ".05%" standard for FMB's and urge you to implement the rule as proposed.

Sincerely,
Daniel R. Martiny
State Representative
DRM:cd District 79