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Oct 20 03 02:45p Dan Bott 517-703-0071 P.2

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October 19, 2003

Mr. William Foster  
Chief Regulations and Procedures Division  
ATTN: Notice No. 4  
Alcohol and Tobacco Tax and Trade Bureau  
Post Office Box 50221  
Washington, D.C. 2009] -0221

RE: TTB Notice No. 4  
Dear Mr. Foster:

I am currently employed by Mark Anthony Brands; we are the #1 flavored malt beverage in Michigan. I am against TTB's proposal to limit the alcohol contribution from flavoring materials in Mike's Hard Lemonade to 0.5% alcohol by volume. If a change in regulation must be made I suggest that TTB allow products to be produced that would allow less than 50% of the alcohol content to come from flavoring materials.

TTB has allowed products to be produced that derive a majority of their alcohol from flavoring materials for over four years. Notice No. 4 states that the 0.5% standard is necessary so that the consumers are not confused about where the alcohol content is coming from. I have over ten years sales experience in the beverage industry and never once have I had a consumer, retailer, or distributor turn down a product based on the fact that the alcohol content was from flavoring materials. The bottom line is that the consumers are make their buying decisions based on how the beverage tastes, pricing, and brand image.

Notice No. 4 would have extremely adverse affects on the Flavored Malt Beverage Category. I suggest that the TTB adopt a rule that would further promote the healthy competition that this category has had for the past four years and not pass a regulation that would kill the growth and success of the category. My solution would be a majority standard that caps the alcohol contribution derived from flavoring materials to be less than 50% of that product's alcohol content. This majority standard would prevent consumer confusion and provide a nationally uniform standard to help the federal government and the states in regulating FMB's. This would also promote market stability and competition.

As an employee of Mark Anthony Brands, I would like to see the TTB reject the proposed 0.5% standard for FMB's and workout a reasonable solution that would still promote this category.

Sincerely,

Dan Bott