

0048829

'TTB Notice No. 4'From: Currie, Thomas P [Tom.Currie@us.army.mil]

Sent: Friday, October 17, 2003 1:53 PM

To: nprm@ttb.gov

Subject: 'TTB Notice No. 4'

name=Thomas Currie name= Address1=7001 Ethan Allen Way Address2= City=Louisville State=KY Zip Code=40272-1305 Comments=I became aware of TTB Notice No. 4 only as a result of abusive internet advertising apparently conducted at the behest of Westhill Partners, Ltd. and the makers of Smirnoff Ice.

After reviewing the statements made on their web site concerning the nature, intent, and impact of the proposed TTB regulatory changes, I then went to the TTB web site and reviewed the actual text of Notice No. 4. It rapidly became thoroughly clear that the makers of Smirnoff Ice are conducting an advertising and lobbying campaign based entirely on deliberate disinformation concerning TTB Notice No. 4 which they falsely claim would restrict the formulas used by the makers of various beverages such as their Smirnoff Ice.

With a background of over a quarter century in professional technical and regulatory writing, I can find nothing in the proposed regulatory changes that has any of the impacts claimed by the makers of Smirnoff Ice. Quite the contrary, it appears that their real concerns are related entirely to the tax status and marketing impacts which would result if their product were no longer treated as if it were beer.

I am not convinced that the approach proposed by TTB is the most appropriate way to regulate beverages with alcohol by volume levels over 0.5% and less than 10%. I see little value in government regulation of alcoholic beverages on any basis other than the amount of alcohol by volume in the beverage. Current TTB regulations are unnecessarily complex and often do not serve any valid public interest.

As a member of the public and an occasional consumer of alcoholic beverages, I feel it would be most appropriate for all alcoholic beverages to be regulated and taxed entirely on the alcohol content of the beverage. One ounce of alcohol is one ounce of alcohol regardless of whether it comes from a pint of beer, a glass of wine, a double shot of whiskey, or a Rum & Coke. Implementing this preferred regulatory

approach would require significant changes in existing federal law. Such changes take time.

The changes I would prefer are not within the scope of the TTB. The TTB is responsible for interpretation, application, and enforcement of the existing laws. The regulatory changes proposed in TTB Notice No. 4 are appropriate under current law. I agree with the TTB position that existing law is ambiguous concerning these malt beverages and that the proposed regulatory changes would clarify the issues. As such I support implementation of the changes described in TTB Notice No. 4.