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From: Mike Crowley [mcrowley@jenkinswilsonstaylor.com]

Sent: Thursday, October 16, 2003 12:47 PM

To: nprm@ttb.gov

Subject: 'TTB Notice No. 4'

name=Mike Crowley

name=

Address1=318 Magnolia Breeze Ct.

Address2=

City=Apex

State=NC

Zip Code=27502

Comments=Dear Sir or Madam: I support the proposed regulations for products marketed as flavored malt beverages (FMBs), as set forth by the Tax and Trade Bureau (TTB) in TTB Notice No. 4 of March 2003. Beer is a beverage with malt flavor and hop bitterness, flavor and aroma. FMBs display none of these characteristics, and should not be considered beer by any definition. The term "flavored malt beverage" implies that malt is a key component in the making of the beverage. Comments submitted by others suggest that by changing the regulations as proposed by the TTB, manufacturers would need to change the formulation of their FMBs to add malt and that such a change would alter the character of the beverage. Clearly, if malt is not already a key component of the FMB, calling it a malt beverage is misleading.

Moreover, the proposed rule would not require the reformulation of FMBs. Rather, FMBs could continue to be produced using their current formulations but subject to a different tax structure.

In summary, I support the proposed "0.5% standard" for FMBs in order to preserve the image of what the general public considers beer.

Sincerely,

Mike Crowley