

0040005

E. & J. GALLO WINERY

COMPLIANCE DEPARTMENT

April 29, 2003

Chief, Regulations & Procedures Division  
Alcohol & Tobacco Tax & Trade Bureau  
P. O. Box 50221  
Washington, DC 20091-0221

RE: TTB NOTICE NO. 4, FLAVORED MALT BEVERAGES & RELATED PROPOSALS

Ladies/Gentlemen:

In Notice No. 4, you have requested comments on how the proposed standard of 0.5% alcohol from flavors in flavored malt beverages would affect the viability of products currently on the market. You have also requested comments on how the proposed standard would affect taste, shelf-life stability, and other characteristics of these products. In addition, you have specifically requested data, facts or studies supporting such comments.

We agree that such comments must be substantiated with supporting data. Unfortunately, gathering that data will require more time than is allowed by the current comment period. Therefore, we respectfully request an extension of the comment period for an additional 120 days, from 6/23/03 to 10/21/03, which should allow sufficient time for aging product under normal conditions, so that we can determine the impact of the proposed change. We will also be testing product that has 51% of its alcohol from the malt base, with 49% from the added flavors, based on your indication that IRC 5052 would support a regulation requiring a beer or a malt beverage to derive a majority of its alcohol from the malt fermentation.

We request that you respond as quickly as possible to this request, but no later than May 14, 2003, as we will be devoting considerable resources to conducting the testing necessary to fulfill your request.

Very truly yours,  
E. & J. GALLO WINERY

Paul C. Thorpe

Attorney in Fact