

0040011

Mississippi  
STATE TAX COMMISSION  
April 7, 2003

Ed Buelow, Jr., Chairman

Alcoholic Beverage Control and Commissioner of Revenue  
Post Office Box 540

Terry L. Jordan

Madison, Mississippi 39130 Associate Commissioner

Donald L. Green  
Associate Commissioner

Chief, Regulations and Procedures Bureau  
Alcohol and Tobacco Tax and Trade Bureau  
PO Box 50221  
Washington, DC 20226

Attn: Notice No.4

Dear Sir or Madam:

I have finished review of your proposed rules regarding the newest type of beverage alcohol product those sweet-tasting drinks trumpeting the names of spirit manufactures. The establishment of these uniform standards will allow states to apply fair and consistent taxation and regulation of these products.

One area to which I wish to draw attention concerns the use of distilled spirit brand names in the name of the malternative" product. Your rule states:

"The use of a brand name of a distilled spirits product as the brand name of a malt beverage Is not In itself misleading."

"Use of a cocktail term as the fanciful name of a malt beverage is not misleading if there is no misleading impression about the identity of the product. . ."

It is my opinion, shared, I am confidant, by many of my colleagues of the National Alcohol Beverage Control Association (NABCA) and the National Liquor Law Enforcement Association (NLEEA), that use of the same name for two different products (I.e., Bacardi Rum and Bacardi Silver) confuses the consumer. 'Malternatives" are marketed to youth (see The Center on Alcohol Marketing and Youth, Alcohol Advertising and Youth", 2002). Additional exposure of our youth to same-name alcohol beverage products can only result in Increased drinking by these young people.

As Director of the Office of Alcoholic Beverage Control, State Tax Commission, I encourage and support the majority of your agency's position regarding these products. I encourage you to re-visit the Labeling and Identity standards to be applied to malternatives. I am confident you will develop fair regulations that will best serve the public interest.

Sincerely.

Ann J. Richmond  
Director, Office of Alcoholic Beverage Control