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Bill Kirkland
Mark Anthony Group Inc
3809 34th ave SW
Seattle, WA 98126

October 3, 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. 20091-0221

RE: TTB Notice No. 4

Dear Mr. Foster:

I work at Mark Anthony Brands, one of the leading producers of flavored malt beverages, also referred to as FMB's. I am writing in response to the TTB's proposed regulations change governing flavored malt beverages. I strongly oppose No. 4 proposal to limit the alcohol contribution from flavoring materials in these beverages to 0.5% alcohol by volume. I would urge you to adopt a majority standard that would allow less than 50% of the alcohol content in FMB's to come from flavoring materials.

TTB has allowed brewers to produce and sell FMB's that derive a majority of their alcohol from flavoring materials for years. To claim that 0.5% standard is necessary to avoid consumer confusion is nonsensical and insulting. For starters the TTB fails to acknowledge that unlike most beers virtually all FMB labels disclose the alcohol content. Secondly, as a consumer I expect my drink of choice to taste good and its alcohol be derived in a manner that is safe for me. I work with wholesalers, retailers, and consumers on a daily basis and what I have observed is a consumer that picks his FMB on taste and cost.

At a time when competition is thriving and FMB's are enjoying strong growth new standards can only hurt. I strongly urge TTB to adopt a rule that all companies can meet a majority standard that caps the alcohol contribution derived from flavoring materials contained in an FMB to less than 50% of the product's alcohol content. Adopting such a standard would prevent consumer confusion if any exists, establish a nationally uniform standard that would assist the federal government and the states in regulating FMBs, and preserve both market stability and competition. To do otherwise does no benefit to competition and the small brewer whose jobs are essential to their towns.

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For the sake of consumers and hard-working Americans like myself~ I encourage TTh to reject the proposed 0.5% standard for FMBs and to work with the FMB industry to achieve a more reasonable and workable set of rules that can preserve and promote this valuable product category.

Regards,

Bill Kirkland