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THE SENATE
STATE OF NEW YORK
ALBANY

12247

EFRAIN GONZALEZ. JR. PLEASE RESPOND TO:
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October 1, 2003

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

Dear Sir or Madam:

As a member of the New York State Senate, I am writing to express my support for the rule proposed by the United States Treasury's Alcohol and Tobacco Tax and Trade Bureau, with regard to flavored malt beverages (2001R-136P).

This action, by the Tax and Trade Bureau, gives us an important clarification of federal alcohol beverage categories. The debate surrounding the proposed standard poses important issues for the stability of the retail licensing system and the marketplace overall.

This standard appears to be the most efficient means of addressing the concerns of both state and federal officials. If this standard is adopted it will maintain an orderly marketplace, meet consumer expectations for consistent products and help sustain the long term development of product category. Furthermore, these reformulated products will be consistent with sales tax, license and distribution laws which will allow wholesalers and retailers to continue to distribute, sell and market flavored malt beverages as they currently do.

Lacking a national standard within the existing laws and regulations, manufacturers, retailers and wholesalers will face laws and regulations where the same product may be sold as beer in one state and as a distilled spirit in another. Clearly, this sets the stage for misunderstanding and inconsistency. -.

<< 0042427A >>

TTB - page two

October 1,2003

There may be those who have concerns regarding the ability of manufacturers to produce flavored malt beverage products in accordance with the new proposal. However, brewers have already demonstrated the expertise and technical ability to brew these products under the new federal standard. The flavored malt beverage products that look and taste the same will be available to wholesalers and retailers in all states without interruption or discemable difference in taste for consumers.

It is my pleasure to have taken this oppourturuty to express my support for the proposal made by the Tax and Trade Bureau. Thank you for your attention and interest.

Sincerely,

Efrain Gonzalez, Jr.
Member, New York State Senate