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Attn: TTB Notice No.4
Chief, Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
PO Box 50221
Washington, D.C. 20091-0221

Dear Sir or Madam:

As a employee of the beer industry, I support the March 2003 proposed rule issued by the Tax and Trade Bureau (TTB) that sets alcohol content requirements in order for flavored malt beverages (FMB) to be classified as beer. Specifically, the TTB proposes that for an FMB to be classified as beer, its alcohol content from distilled alcohol cannot exceed 0.5%.

Beer is a unique product with a unique regulatory and taxation history. It has been treated differently than other alcohol beverages throughout our nation's history. The distinct regulatory treatment of beer is based on its age-old production process - brewing, and its definition in the Internal Revenue Code dates back to the 1800s when Congress first imposed the beer excise tax.

The TTB proposed rule is consistent with the historical interpretation of what constitutes beer and other malt beverages. Adoption of the TTB "0.5 by volume standard" would ensure the integrity of beer and the brewing process.

.Equating beer to beverages that derive a majority of their alcohol content from distilled spirits could weaken the important distinctions between beer and products with higher alcohol content. These distinctions impact state and federal policies regarding the regulation and taxation of beer and other alcohol beverages.

If traditional distinctions disappear, it will only be a matter of time before other producers of alcohol beverages attempt to categorize themselves as beer products.

Beer is not distilled spirits. Beer is not fortified wine. Beer is not a product that has been made through the distillation process. Beer is made through the

brewing process. The 0.5% standard will ensure that the integrity of beer remains.

Beer drinkers expect beer to be beer. Final approval of the proposed 0.5% standard on FMBs would ensure that consumer expectations are met and their interests protected.

Sincerely,

