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STEVE DAVIS
STATE REPRESENTATIVE
111TH DISTRICT

October 16, 2003

Chief, Regulations & Procedures Division
Attention: Notice No. 4
Alcohol & Tobacco Tax & Trade Bureau
P.O. Box 50221
Washington, DC 20091

Dear Chief:

I write in support of the 51/49 "majority" standard for flavored malt beverages (FMBs), which I understand Tobacco Tax & Trade Bureau says is supported by the law.

I support this reasonable compromise because:

- It will promote fairness. The federal government has for two decades allowed the use of flavors containing alcohol in beers and FMBs under 6% alcohol by volume without limitation. An entire category of malt beverages with varying taste and flavor types has been developed in reliance on that and should not be harmed now by federal regulations.
- It will ensure the continued availability of today's most popular FMB products. FMBs like Smirnoff Ice, Mike's Hard Lemonade and Seagrams Coolers belong on retail shelves in the beer section. Establishing the dire 90-10 (0.5%) standard would force FMB brewers to make costly changes to their production process that some compames may not be able to accomplish.
- It will allow brewers to continue to satisfy customers. According to national reporting services, the FMB category has achieved remarkable acceptance among consumers who want a bottled ready to drink beverage with the same alcohol content as beer, but do not prefer the taste of

conventional beers. The category's share of grocery channels sales last summer was nearly 6% of the total beer category.

- It will ensure that tomorrow's FMB products continue to taste like the products consumers enjoy today. The use of significant amounts of flavors in a FMB allows those products to achieve the refreshing taste many consumers want. A 90-10 rule would force EMLB brewers to substantially increase the amount of malted barley and other traditional ingredients used in an FMB, probably resulting in a very different tasting product.

Thank you for your consideration.

Sincerely,

Steve Davis
State Representative
111th District
cc: Michael McClain-Awerkamp & McClain

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