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FEDERAL BASIC PERMIT P-5053 MASSACHUSETTS LICENSE W174

MERRIMACK VALLEY

DISTRIBUTING CO., INC.  
"THE HOUSE THAT JACK BUILT"  
Wholesale Liquor  
and Malt Beverages

FIFTY PRINCE STREET  
DANVERS, MASSACHUSETTS 01923  
TELEPHONE: (978) 777-2213  
FAX.: (978) 774-7487

September 8, 2003

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

Dear Sir or Madam:

Merrimack Valley Distributing Company supports the proposed rule issued in March 2003 by the Tax and Trade Bureau (TTB) that outlines the alcohol content requirements in order for flavored malt beverages (FMB) to be classified as beer.

Beer is a unique product that has been regulated and taxed differently than other alcohol beverages throughout our nation's history. 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.

Consistent regulatory policy is important because while states enjoy regulatory power over alcohol, most follow federal regulatory guidelines. This proposed rule would help maintain an orderly marketplace and avoid costly and confusing disruptions in state licensing, taxation and distribution policies, any of which would deal a severe blow to beer wholesalers

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.

Once again, Merrimack Valley Distributing Company encourages the TTB to give final approval to the proposed 0.5% standard on FMBs.

Sincerely,

Jack Tatelman  
Managing Partner

JT:gc

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