

October 6, 2003

Mr. William Foster
Chief Regulator
Regulations and Procedures Division
ATTN: Notice No. 4
Alcohol and Tobacco Tax and Trade Bureau
P.O. Box 50221
Washington D.C. 2009 1-0221

RE: TTB Notice No.4

Dear Mr. Foster,

As an employee of The Mike's hard Lemonade Company a division of Mark Anthony Brands Inc. I would like to express my opinion on the up-coming decision regarding the formulation change to flavored malt beverages. I strongly oppose TTB's proposal to limit the alcohol contribution from flavoring materials in these beverage products to 0.5% alcohol by volume or 90/10%. I urge TTB to adopt a compromise that would allow a more reasonable 51/49% standard.

Ultimately this battle is about fairness, about our right at Mike's (Trademark) to compete on an equal footing. Mike's hard lemonade research has shown that we have never deceived consumers into thinking that our products are anything but malt beverages. With the Mike's brand the consumer gets what they see- it's in the bottle not on the label.

I interact directly with beer wholesalers, retail chain buyers and consumers on a daily basis. Notice # 4 suggests that the current guideline must be changed to prevent consumer confusion on the source of alcohol in flavored malt beverages. This is a fairy tale, there is no confusion in the marketplace, the confusion lies in the fact that some of my competition would like to kill this category since they cannot compete on product taste.

The consumers deserve a competitive market and one that serves them product they prefer. I encourage the TTB to reject the proposed 0.5% standard for flavored malt beverages and to work with the Flavored Malt Beverage Coalition (FMBC) to achieve a more reasonable and fairer set of

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guidelines that can serve the consumer and preserve this valuable product category.

Sincerely,

Charles L. Neeler
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Charlotte NC 28270