

MAKE IT MIKE'S

Mr. William Foster Date: 10/06/03

• Chief

Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau

RE: TTB Notice No. 4

Dear Mr. Foster:

My name is Mark O. Lawman. I worked in grocery retail for 15 years and beer sales for two of Oregon's major wholesalers for 6 years before I accepted a position at Mark Anthony Brands, which manufactures the FMB called mike's hard lemonade. I started working for this company 3 years ago managing the territory of Oregon, Idaho and S.W. Washington. During this time that I have managed this territory working with wholesalers, retailers and consumers not once have I ever heard that we have deceived the consumers with the content of our mike's hard lemonade. The consumer does not seem to be concerned at all about the make up of mike's hard lemonade rather they are concerned about the taste profile mike's has, which actually taste like the bottle states, lemonade with alcohol 5.2% (mike's hard lemonade).

I believe that if a standard must be set for beverages that are other than all malt that ruling #2 which is the 51% predominance of malt would certainly be a fair measurement of the FMB category to go by.

I believe the 90/10 ruling of Notice # 4 will place my position and many other positions at wholesale and retail unnecessarily in jeopardy and I truly believe that the consumers could really care less about the malt % in any of these FMB's currently on the shelves today as the bottle states the level of alcohol on the label.

I support TTB Notice NO. 2 on the table as a compromise to the current regulations and I am strongly against TTB Notice No. 4 as I believe it to be unfair.

Sincerely

Mark O. Lawman