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Tim Hayes
3471 Stevenson Court
North Tonawanda, NY 14120

October 5, 2003

Mr. William Foster
Chief
Regulations and Procedures Division
AflN: Notke No.4
Alcohol and Tobacco Tax and Trade Bureau
Post Office Box 50221
Washington, D.C. 20091-0221

RE: TTB Notice No.4

I work at Mark Anthony Brands, one of the leading producers of flavored malt beverages, also referred to as FMB's. Because my job depends on the future viability of FMBs, I strongly oppose TTB's proposal to limit the alcohol contribution from materials in these beverage products to 0.5% alcohol by volume. In order to establish a more rational standard, I urge TTB to adopt a majority standard that would allow less than 50% of the alcohol content in FMBs to come from flavoring materials.

It seems that notice No.4 claims that the 0.5% standard is necessary to prevent consumer confusion. I would like to say that, I have been in the alcoholic beverage industry for over 20 years and I have never had a consumer come up to me and ask me how much alcohol comes from flavoring and how much comes from malts. The normal reaction is how good they taste and how refreshing they are (FMBs). I think that severe changes in this very strong and profitable category can be very detrimental. When making your decision on Notice No. 4 please keep in mind the effect that this will have on thousands of hard working Americans and our families. I would hope that there could be a happy medium to save this category.

Sincerely,

Tim Hayes