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TO: Mr. William Foster Chief
Regulations and Procedures Division
ATTN: Notice No 4
Post Office Box 50221
Washington, D.C. 2009 I..0221

FROM: Jim Herron
Mink Anthony Group Inc.
Area Manager: Ohio / Kentucky
22370 Weatwood Dr.
Strongsville, Ohio 44149
October 15.2003
RE: TTB Notice NO.4

Dear Mr. Foster

I currently work for Mark Anthony Brands, and have been employed by theta for the last three years. Mark Anthony Brands is one of the largest producers of flavored zuak beverages, also referred to as FMB's. I am writing you because my job is at risk on the future Viability of FMB's After reviewing the proposed legislation. I am strongly against TUB proposal to limit the alcohol contrfttttion from flavoring materials in these beverage products to 0.5% alcohol by volume.

The TTB has allowed all brewers the ability to produce and sell FMB's that derive a majority of their alcohol from flavoring material over the last four to five years. Notice No 4 states that the 0.5% standard is necessary so that the consumers are not confused about where the alcohol content is coming from. I have over 15 years of experience in the beverage industry. I have had the opportunity to work with many individuals, retailers, wholesalers and consumers. Based on what I have seen first hand from all of them, there is no consumer confusion about how the FMB's derive the majority of their alcohol. Rather they make their decisions based on tastes and price.

Notice No 4 would have extremely adverse effects on the FMB category. It appears that a new standard would eliminate the healthy market competition that now exists." I think this is what you really want to do? I would strongly urge the TTB to adopt a rule that all companies can meet—a majority standard that caps the alcohol contribution derived from flavoring materials contained in a flavor to less than 50% of the product's alcohol content.

This majority standard would prevent consumer confusion establish a nationally uniform standard that would assist the federal government and the states in regulating FMB's and most importantly, preserve both market stability and competition.

I encourage TUB to reject the proposed 0.5% standards for FMB's and to work with the FMB Industry to achieve a more reasonable and workable set of rules that can preserve, and promote this valuable category.

Sincerely,

Jim Herron

