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From: Bruce Berke [BBERKE@sheehan.com]

Sent: Tuesday, October 21, 2003 12:04 PM

To: 'nprm@ttb.gov'

Subject: Reference TTB Notice No. 4 Dear Sir or Madam:

As a state legislative consultant for Miller Brewing Company, I am writing to express my support for the TTB'S proposed rulemaking for flavored malt beverages which preserves the integrity of beer.

I believe the TTB's action is an important clarification that ensures that if a FMB product is to be sold as a malt beverage, it should be made as a malt beverage according to traditional brewing methods and processes.

If your rule is adopted, consumers will still be able to enjoy FMB products and wholesalers and retailers will continue to be able to distribute, sell and market flavored malt beverages as they do today.

However, absent your new standard, brewers, retailers, and wholesalers will face a potential for a patchwork of individual state laws and regulations where the same product may ultimately be sold as a "beer" in one state and as "hard liquor" in another...in fact, several officials in my state have already suggested this as a possibility.

Thank you for this opportunity to offer my support for your proposed FMB rule preserving the unique differences and integrity of beer.

Sincerely,

Bruce A. Berke New Hampshire