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August 25, 2003

Chief, Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
P.O. Box 50221
Washington, DC 20091-0221

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

As an elected official, I am writing to express my support for the U.S. Treasurys Alcohol and Tobacco Tax and Trade Bureau proposed rulemaking for flavored malt beverages.
(2001R-i 36P)

I believe the TTB's action is an important clarification of federal alcohol beverage categories established to maintain an orderly US marketplace. The debate surrounding the proposed standard poses important issues for the stability of the retail licensing system and the overall marketplace.

This standard is the most efficiem means to address recent concerns by both federal and state officials. If adopted, the standard will maintain an orderly marketplace, meet consumer expectations for consistent products, and help sustain the long-term development of the product category. In addition, these reformulated products will be consistent with the state tax, licence, and distribution laws allowing wholesalers and retailers to continue to distribute, sell and market flavored malt beverages as they do today

Absent a national standard rooted inthe existing law and regulation, manufacturers, retailers and wholesalers will frsce a poterirail for a patchwork of individual state laws and regulations where the same product may ultimately sold as a "beer" in one state and as a "distilled spirit" in another.

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There are some who have concerns regarding the ability of manufacturers to produce FMB products in accordance with the new proposal. As you may know, brewers have already demonstrated the expertise and technical ability to brew these products under the new federal standard. The FMB products that look and taste the same will be available to wholesalers and retailers in all states with no interruption and no discernable taste differences for consumers,

Thank you for this opportunity for me to offer my support for the current TTB proposed rulemaking for flavored malt Beverages.

NICHOLAS A. SPANO
New York State Senator
35th S.D.