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M.L. Wismer Distributing Company

600 SOUTH MAIN
BAYTOWN, TEXAS 77520-7099

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

September 11, 2003

Wismer Distributing Co. and its 135 employees support the proposed rule issued in March 2003 by Tax and Trade Bureau (TTB) that outlines the alcohol content requirements so that flavored malt beverages (FMB) may be classified as beer, specifically the TTB proposes that for an FMB to be classified as beer it cannot exceed .5%

Beer has been regulated and taxed differently than other alcoholic beverages throughout or nation's history. The distinct regulatory treatment, the production process and its definition in the Internal Revenue Code dates back to the 1800's when Congress first imposed the beer excise tax. Adoption of the TTB "0.5 by volume standard" would ensure the integrity of beer and its brewing process.

Any changes would only tend to weaken the important distinctions between beer and products with higher alcohol contents.

If traditional distinctions disappear, it will only be a matter of time before other producers of alcohol beverages attempt to categorize themselves as beer products.

Beer is not distilled.
Beer is not a fortified wine.
Beer is not a product of a distillation process.

For the sake of our industry and to preserve the integrity of our product, we urge you to leave well enough alone by supporting the TTB proposal.

Sincerely,
Jim P. Ferris