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September 10, 2003

Attn: TTB Notice No. 4  
Chief, Regulations and Procedures Division  
Alcohol and Tobacco Tax and Trade Bureau  
PO Box 50221  
Washington, DC 20091-0221

Dear Sir or Madam:

Bradley Distributing Co., Inc. supports the proposed rule issued in March 2003 by the Tax and Trade Bureau (TTB) that outlines the alcohol content requirements in order for flavored malt beverages (FMB) to be classified as beer. Specifically, the TTB proposes that for an FMB to be classified as beer, its alcohol content from distilled content cannot exceed 0.5%.

Beer is a unique product that has been regulated and taxed differently than other alcoholic beverages throughout America's history. The TTB proposed rule is consistent with the historical interpretation of what constitutes beer and other malt beverages. The distinct regulatory treatment of beer is based on its age-old production process, and its definition in the Internal Revenue Code dates back to the 1800s when Congress first imposed the beer excise tax. Adoption of the TTB "0.5 by volume standard" would ensure the integrity of beer and the brewing process.

Consistent regulatory policy is important because while states enjoy regulatory power over alcohol, most follow federal guidelines. This proposed rule would assist in maintaining an orderly marketplace and avoid costly and confusing disruptions in state licensing, taxation and distribution policies, any of which would deal a severe blow to beer wholesalers.

Equating beer and beverages that derive a majority of their alcohol content from distilled spirits could weaken the important distinctions between beer and products with higher alcohol content. These distinctions impact state and federal policies regarding the regulation and taxation of beer and other alcoholic beverages.

If traditional distinctions disappear, it will only be a matter of time before other producers of alcoholic beverages attempt to categorize themselves as beer products. Beer is neither distilled spirits, fortified wine, nor is it a product that has been made through a distillation process. Beer is made through a brewing process.

BRADLEY DISTRIBUTING Co., INC.  
PO. Box 906. Kennett, MO 63857. tel. (573) 888-1173

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Bradley Distributing Co., Inc. encourages the TTB to give final approval to the 0.5% standard on FMB's, thereby ensuring the integrity of beer remains.

Sincerely,

Greg Bradley  
General Manager  
GRB/crf