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Paul E. Patton Commonwealth of Kentucky Stephen G. Homer
Governor Commissioner-Chairman
Department of Alcoholic Beverage Control
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September 29, 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:

After much study, research and deliberation the Kentucky Alcoholic Beverage Control Board hereby endorses the recently proposed rule by the Federal Tax and Trade Bureau that stipulates the alcohol content requirement for (FMB) flavored malt beverages to be classified as beer, at 0.5%.

The Kentucky ABC board feels that the standard that alcohol content derived from distilled spirits cannot exceed 0.5% and still be classified as beer is fair. This is not only a standard that KY ABC can agree with, but that everyone, including consumers, can live with.

The Board has long felt that this standard should be set by the Federal Regulatory Authorities, not the individual states. Such Policy consistency is important because while states enjoy regulatory power over alcohol, most follow federal regulatory guidelines. We appreciate your action on the 0.5% standard. It maintains the clear distinction between malt beverages and distilled spirits that were becoming blurred in the minds of many regulators, including Kentucky.

Once again, on behalf of the Kentucky Alcoholic Beverage Control Board, we encourage the TTB to give final approval to the proposed 0.5% stand on FMB's.

Sincerely,

Michael Magee
Malt Beverage Administrator