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IMARKSTEIN BEVERAGE CO.

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Sept. 22,. 2003

TTB Notice #4
Chief of Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
PO Box 50221
Washington, DC 20091-0221

Re: ".05% by-volume standard" on flavored malt beverages
Dear Chief:

The integrity of beer must remain at the ".05% by-volume standard" regulation. Beer is a unique beverage that has been regulated and taxed differently than other alcohol beverages throughout our nation's history. This treatment is based on the age-old production process of brewing not distillation.

Regarding Flavored Malt Beverages, they can and should be classified as beer if their alcohol content from distilled alcohol cannot exceed 0.5% as in your March 1003 proposed rule. I strongly support this rule.

Thank you.

Steven H. Markstein

/mh