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September 12, 2003

Attn: TTB Notice No. 4
Chief, Regulations and procedures Division
Alcohol and Tobacco Tax and Trade Bureau

Dear Sir or Madam,

This letter is to inform you that Tri County Distributors, LLC 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 alcohol cannot exceed 0.5%.

Our beer products are uniquely different and historically has been regulated and taxed differently than other alcohol beverages. 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 "0.50/0 by volume standard" would ensure the integrity of beer and the brewing process.

Along with the unique production process for beer, a consistent regulatory policy is important because while states enjoy regulatory power over alcohol, most follow federal regulatory guidelines. This proposed rule would help maintain an orderly marketplace and avoid costly and confusing disruptions in state licensing, taxation and distribution policies, thus creating a great deal of confusion in the distribution business.

One other concern is that 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 and we are not sure what scenenio that can create.

Beer is not distilled spirits. Beer is not fortified wine. Beer is not a product that has been made - through the distillation process. Beer is made through the brewing process. The .05% standard will ensure that the integrity of beer remains.

Thank you, in advance for your time and consideration on this very important issue.
Respectfully,

Jeffrey Wydeven
Member - Tri County Distributors, LLC

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