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MULLER INC.  
IMPORTER OF FINE BEERS  
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September 8, 2003

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

To Whom It May Concern:

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

Beer is a unique product that has been and should be 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. 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 regulatory guidelines. This proposed rule would help maintain 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 us as beer wholesalers.

Equating beer with 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 alcohol beverages.

Member of  
Philadelphia Beer • Malt Beverage Distributors • National Beer wholesalers • Pennsylvania Beer  
Distributors Association Association of Pennsylvania Association of America Wholesalers Association

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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 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 0.5% standard will ensure that the integrity of beer remains.

Once again, Muller, Inc. encourages the TTB to give final approval to the proposed 0.5% standard on FMBs.

Sincerely,

MULLER, INC.

Edward O'Donnell  
Senior Vice President

SM/dh