



September 20, 2010

Dear Member of Congress:

We, the undersigned beer, wine, spirits producer and importer associations representing virtually all alcohol beverages sold in the 50 states have repeatedly expressed our opposition to H.R. 5034. In order to preserve the effectiveness of the existing state-based alcohol regulatory system – and support the constitutional principles that protect the marketplace against discriminatory and arbitrary state laws – we have asked you to reject H.R. 5034.

Last week, Rep. Delahunt (D-MA) offered an amendment to H.R. 5034. While we appreciate and accept that his stated intention was to narrow his originally-introduced H.R. 5034, we believe that this proposed amendment still has many serious problems, as briefly described below. Under this amendment, states would have the power to discriminate against interstate alcohol beverage products provided they simply avoid explicit producer discrimination. While attempting to wall off the Granholm decision, a variety of ways to discriminate still would be allowed and would reverse decades of Supreme Court precedent while doing irreparable damage to a fair and equitable marketplace.

The proposal to amend H.R. 5034 would put brewers, wineries, distillers, importers, and retailers at a competitive disadvantage; and allow states to enact unfair and protectionist laws against out-of-state beer, wine and spirits interests without judicial recourse. By its very language, the primary function of this legislation is to affirmatively permit states to pass discriminatory laws that are in opposition to the Commerce Clause. While the wording may have changed, much of the underlying results remain the same.

We fully support existing state alcohol regulatory systems and believe they provide an effective and efficient balance of control that serves the interests of consumers, producers, retailers, as well as wholesalers, and the marketplace as a whole. We strongly oppose H.R. 5034 with its proffered amendment, and respectfully ask that you refrain from supporting this unnecessary legislation.

Sincerely,

Charlie Papazian
CHARLIE PAPAZIAN
PRESIDENT
BREWERS ASSOCIATION

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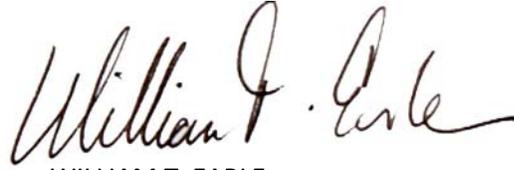
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