From: 202 927 0813 Page: 1/2 Date: 4/2/2007 3:03:40 PM

UNITED STATES OF AMERICA DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

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In re:	Better Brands Distributing, Inc.)	Docket Number DN-79439
	W162 N11819 Fond Du Lac Avenue)	
,	Germantown, WI 53022	.)	
	Wholesaler's Basic Permit No.		
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STIPULATION AND AGREEMENT

The Alcohol and Tobacco Tax and Trade Bureau ("TTB") and Better Brands Distributing, Inc., ("Better Brands") hereby stipulate and agree as follows:

- 1. Better Brands holds Wholesaler's Basic Permit Number issued under the authority of the Federal Alcohol Administration Act, Title 27, United States Code, Sections 201-211. As a holder of such permit, Better Brands is authorized to engage in the business of purchasing distilled spirits, wine, and/or malt beverages for resale at wholesale at W162 N11819 Fond Du Lac Avenue, Germantown, Wisconsin 53022.
- 2. On or about July 15, 2002, Better Brands entered into a 3-year agreement, understanding, and/or contract with the a malt beverage retailer. Pursuant to the agreement, understanding, and/or contract, Better Brands agreed to pay the retailer an annual "sponsorship" amount of \$5,000. This violates 27 U.S.C. § 205(b)(3) and 27 C.F.R. §§ 6.21(c) and 6.41.
- 3. 27 U.S.C. §§ 204(d) and (e), provide in pertinent part:
 - (d) A basic permit shall be conditioned upon compliance with the requirements of section 105 (relating to unfair competition and unlawful practices) and of section 106 (relating to bulk sales and bottling) [27 U.S.C. §§ 205 and 206], with the twenty-first amendment [USCS Constitution, Amendment 21], and with all other Federal laws relating to distilled spirits, wine, and malt beverages, including taxes with respect thereto.
 - (e) A basic permit shall by order of the Secretary of the Treasury, after due notice and opportunity for hearing to the permittee, (1) be revoked, or suspended for such period as the Secretary of the Treasury deems appropriate, if the Secretary finds that the permittee has willfully violated

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any of the conditions thereof, provided that for a first violation of the conditions thereof the permit shall be subject to suspension only.

- 5. In consideration of the violations described in paragraph number two (2), above, both parties agree to a two (2) consecutive day suspension of Better Brands' Wholesaler's Basic Permit Number The parties further agree that said suspension will be served by Better Brands on January 19 and 20, 2007. Better Brands agrees that it will not engage in any business operations authorized under its basic permit for the duration of the suspension.
- 6. Pursuant to 27 C.F.R. § 71.71, Better Brands waives its right to a hearing before an administrative law judge, and agrees that the Assistant Administrator, Field Operations, TTB, has authority pursuant to 27 U.S.C. § 204(e) to suspend Better Brands' basic permit for the above referenced violation thereof.

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7. Better Brands agrees not to contest or to appeal the provisions of this settlement agreement.

ACCORDINGLY, this Stipulation and Agreement becomes effective upon the execution thereof by both parties to this Agreement. Upon successful completion by the permittee of the suspension, this pending matter will be dismissed.

	1/18/07
President, Better Brands Distributing, Inc.	Date
	1/3/07
Thomas R. Crone Assistant Administrator, Field Operations	Date

Alcohol and Tobacco Tax and Trade Bureau