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FCC 42400 Letter

THE  
DISTILLED  
SPIRITS  
COUNCIL  
OF  
THE  
UNITED  
STATES

PHOTOCOPY  
PRESERVATION

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Code of Good Practice For Distilled Spirits Advertising and marketing  
1996

Distilled Spirits Council of the United States, Inc.

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**CODE  
OF GOOD  
PRACTICE**

FOR  
THE DISTILLED SPIRITS COUNCIL  
OF THE UNITED STATES, INC.

1996

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DISTILLED SPIRITS COUNCIL  
OF THE UNITED STATES, INC.

## PREAMBLE

The Distilled Spirits Council of the United States, Inc. (DISCUS), is the national trade association representing producers and marketers of distilled spirits sold in the United States. The members of DISCUS adopt this Code of Good Practice as guidelines concerning the placement and content of advertising and marketing materials. These guidelines have two overriding principles: (1) to ensure responsible, tasteful, and dignified advertising and marketing of distilled spirits to adult consumers who choose to drink and (2) to avoid targeting advertising and marketing of distilled spirits to individuals below the legal purchase age.

The consumption of beverage alcohol products has played an accepted and important role in the cultural and social traditions of both ancient and modern society. DISCUS members take special pride in their products and their commitment to promoting responsible consumption by those adults who choose to drink. Nevertheless, it is the obligation of each consumer who chooses to drink to enjoy beverage alcohol products in a responsible manner.

The distilled spirits industry acknowledges the problems inherent in abusive consumption of beverage alcohol, and DISCUS members remain committed to combatting alcohol abuse. To that end, the industry has joined with government and civic groups in efforts to encourage responsible use of beverage alcohol products. DISCUS also actively supports informational, educational, research, and treatment initiatives in an effort to better understand, prevent, and combat abuse of its products.

## SCOPE

The producers and marketers of distilled spirits encourage responsible decision-making regarding drinking of beverage alcohol by adults, and discourage abusive consumption of their products. The distilled spirits industry urges that adults who choose to drink, do so responsibly. Towards this end, DISCUS members pledge voluntarily to conduct their advertising and marketing practices in the United States in accordance with the provisions of this Code.

DISCUS members recognize that it is not possible to cover every eventuality and, therefore, agree to observe the spirit as well as the letter of this Code. Questions about the interpretation of the Code, member companies' compliance with the Code, and the application of its provisions are directed to the Code Review Board of DISCUS.

## RESPONSIBLE PLACEMENT

1. Distilled spirits should not be advertised or marketed in any manner directed or primarily intended to appeal to persons below the legal purchase age.
2. Distilled spirits advertising and marketing should not be placed in any communication intended to appeal primarily to individuals below the legal purchase age.
3. Distilled spirits should not be advertised on college and university campuses or in college and university newspapers.
4. Marketing activities for distilled spirits should not be conducted on college and university campuses except in licensed retail establishments located on such campuses.
5. Distilled spirits advertising and marketing should not be specifically aimed at events where most of the audience is reasonably expected to be below the legal purchase age. Fixed distilled spirits advertising and marketing materials at facilities used primarily for adult-oriented events fall outside this guideline.

**RESPONSIBLE  
CONTENT**

**Underage Persons**

1. Distilled spirits advertising and marketing materials are intended for adults of legal purchase age who choose to drink.
2. The content of distilled spirits advertising and marketing materials should not be intended to appeal to individuals below the legal purchase age.
3. Distilled spirits advertising and marketing materials should not depict a child or portray objects, images, or cartoon figures that are popular predominantly with children.
4. Distilled spirits advertising and marketing materials should not contain the name of or depict Santa Claus or any religious figure.
5. Distilled spirits should not be advertised or marketed on the comic pages of newspapers, magazines, or other publications.
6. Distilled spirits should not be advertised or promoted by any person who is or appears to be below the legal purchase age.

**Social Responsibility**

7. Distilled spirits advertising and marketing materials should portray distilled spirits and drinkers in a responsible manner. These materials should not show a distilled spirits product being consumed abusively or irresponsibly.
8. On-premise promotions sponsored by distillers should encourage responsible consumption by those adults who choose to drink and discourage activities that reward excessive/abusive consumption.
9. Distilled spirits advertising and marketing materials should not promote the intoxicating effects of beverage alcohol consumption.
10. Distilled spirits advertising and marketing materials should contain no claims or representations that individuals can obtain social, professional, educational, or athletic success or status as a result of beverage alcohol consumption.
11. Distilled spirits should not be advertised or marketed in any manner associated with abusive or violent relationships or situations.
12. Distilled spirits advertising and marketing materials should not imply illegal activity of any kind.
13. No distilled spirits advertising or marketing materials should portray distilled spirits being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination.

14. No distilled spirits advertising or marketing activity should be associated with anti-social or dangerous behavior.
15. Distilled spirits may be portrayed to be part of responsible personal and social experiences and activities, such as the depiction of persons in a social or romantic setting, persons who appear to be attractive or affluent, and persons who appear to be relaxing or in an enjoyable setting.

**Drunk Driving**

16. Driving while intoxicated is against the law. Distilled spirits advertising and marketing materials should not portray, encourage, or condone drunk driving.

**Alcohol Content**

17. Distilled spirits advertising and marketing materials should not refer to alcohol content except in a straightforward and factual manner.

**Good Taste**

18. No distilled spirits advertising or marketing materials should contain advertising copy or an illustration unless it is dignified, modest, and in good taste.
19. No distilled spirits advertising or marketing materials should claim or depict sexual prowess as a result of beverage alcohol consumption.
20. Distilled spirits advertising and marketing materials should not degrade the image, form, or status of women, men, or of any ethnic, minority, sexually-oriented, religious, or other group.
21. Distilled spirits advertising and marketing materials should not employ religion or religious themes, nor should distilled spirits be advertised in publications devoted primarily to religious topics.



There shall be established and maintained a Code Review Board, which shall meet when necessary to consider complaints lodged by DISCUS members or other interested parties.

The Code Review Board shall be comprised of no less than five (5) members in good standing of the Board of Directors of DISCUS. Each member shall be elected by a majority vote of the Board of Directors.

Findings of the majority of the members of the Code Review Board shall be communicated promptly to the responsible advertiser and in appropriate circumstances to all members of the Board of Directors of DISCUS.



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1250 EYE STREET, N.W.  
SUITE 900  
WASHINGTON, D.C. 20005  
202/628-3544

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from a low of 10 days to a high of six months.

Studies show that ALR is the most powerful deterrent against drunk driving.

To make ALR even more of a deterrent, states should make it an offense knowingly to provide a vehicle to someone whose license has been suspended or revoked.

### *Stopping the Underage Drinker*

For those under 21, anyone who drinks at all and drives should be subject to stiff penalties. And minors convicted of the unlawful purchase

or possession of alcohol should face a mandatory six-month license revocation.

Persons age 16-to-20 still constitute 12.7 percent of alcohol-related traffic fatalities, even though they make up only 6.8 percent of licensed drivers.

***Anyone under 21 who purchases or possesses alcohol should face a mandatory six-month license revocation.***

### *Mandatory Drug Testing*

We need mandatory drug testing in fatal crashes. Any successful strategy to reduce fatalities must be based on the knowledge of what is being abused.

There is now no solid evidence on the prevalence of drug use among drivers. According to the National Highway Traffic Safety Administration (NHTSA), estimates of injured drivers

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using drugs range from 18 to 40 percent. Currently, only 31 states provide for drug testing of fatally injured drivers.

More states should participate in the NHTSA Drug Evaluation and Classification Program. This training teaches officers visual and verbal cues for probable drug use. If the individual fails, the officer then has probable cause to order a drug test. Currently, only 24 states use this program.

***Effectively fighting drunk driving requires working from a mindset that is anti-abuse, not anti-alcohol.***

States should also

adopt an implied consent law, which allows chemical tests for drugs in urine and blood. Currently, many states limit testing for only one substance.

### *The Drunk Driving Prevention Act*

It is easy to pass laws against drunk driving. What is harder is changing attitudes. But real progress is made when each driver knows that drunk driving will not be tolerated and it will be stopped.

The Drunk Driving Prevention Act will be submitted as model legislation for every state to consider, and the distilled spirits industry will play an active role in its promotion.

*August 1994*

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# THE DRUNK DRIVING PREVENTION ACT

***"Every driver must know that drunk driving will never be tolerated and that it will be stopped."***

Fred A. Meister  
President and CEO  
DISCUS

**For more information, contact:  
The State Government Relations Division  
The Distilled Spirits Council of the United States  
(DISCUS)  
1250 Eye Street, N.W. Suite 900  
Washington, D.C. 20005  
(202) 628-3544**

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## ***Reducing Drunk Driving: The Good News***

- The number of teenage drunk drivers involved in fatal accidents is down 59 percent since 1982.
- Highway fatalities are at their lowest point in 26 years.
- Alcohol-related traffic fatalities in 1992 were 20 percent below the 1990 level.
- The original target for the year 2000 set by the federal government in "Healthy People 2000" was met and beat by 19 percent by 1992.
- Drunk driving fatalities for all age groups have declined 31 percent since 1982.

*"Over the past 15 years, the incidence of driver intoxication in fatal crashes has been cut by almost a third through tougher, innovative laws, widespread public service advertisements that promote temperance and designated drivers . . ."*

-- *The New York Times*, May 22, 1994

## ***Drunk Driving: The Problem Areas***

- The 21-to-34 year old age group seems resistant to the assault on drunk driving.
- This group constitutes 43 percent of all alcohol related vehicle fatalities.
  - Drivers in this group are more likely than any other age group to have been intoxicated at the time of a fatal crash.
  - They are four times more likely to have had their licenses suspended or revoked.

More needs to be done to ensure that drunk driving keeps declining. One way to fight drunk driving more effectively is to have tough anti-drunk driving laws in every state. The distilled spirits industry is proposing that state legislatures pass **The Drunk Driving Prevention Act**, model legislation which consists of five key provisions.

### ***The Drunk Driving Prevention Act***

***Alcohol Education for Drivers***

***Open Container Laws***

***Administrative License Revocation***

***Tough Laws Against Underage Drinking***

***Chemical Tests for Suspected Drivers and in Fatal Crashes***

### ***The Need For Alcohol Education***

Too many states don't do enough to educate prospective drivers about the facts on drinking and driving.

Some states have chapters in driver's manuals and questions on driver's exams dealing with alcohol and driving. Others give drinking and driving only a brief mention, and seven states do not

have any form of alcohol education as part of the process of obtaining a driver's license.

The spirits industry proposes that all states include specific questions about alcohol and driving on their driver's exams. Students must be taught when they are impressionable and forming their perceptions about the rules society places on drivers. Teenagers take the process of obtaining their driver's licenses very seriously, and this is the best time to learn that drinking and driving simply will never be tolerated.

***Both federal government and insurance industry statistics indicate that ALR laws reduce fatalities by 6 to 9 percent within the first year of enactment, and those numbers are sustained annually.***

### ***Open Container Bans***

Twenty-two states have no open container laws. Open container laws play an important role in reducing the incidence of drunk driving, because they deter those who would drink *while* they drive.

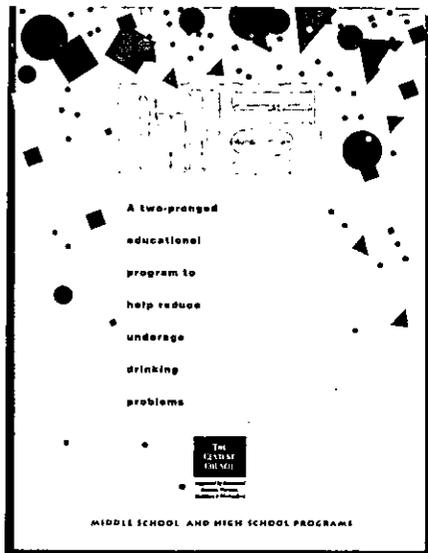
### ***Administrative License Revocation***

Even though most states have some sort of ALR, many have only suspension, not revocation. Under such varied ALR laws, mandatory suspension for the first offense ranges

Education Programs

Talking with young people about alcohol

The Century Council



*Full House Kit*



*Facilitator's Guide*



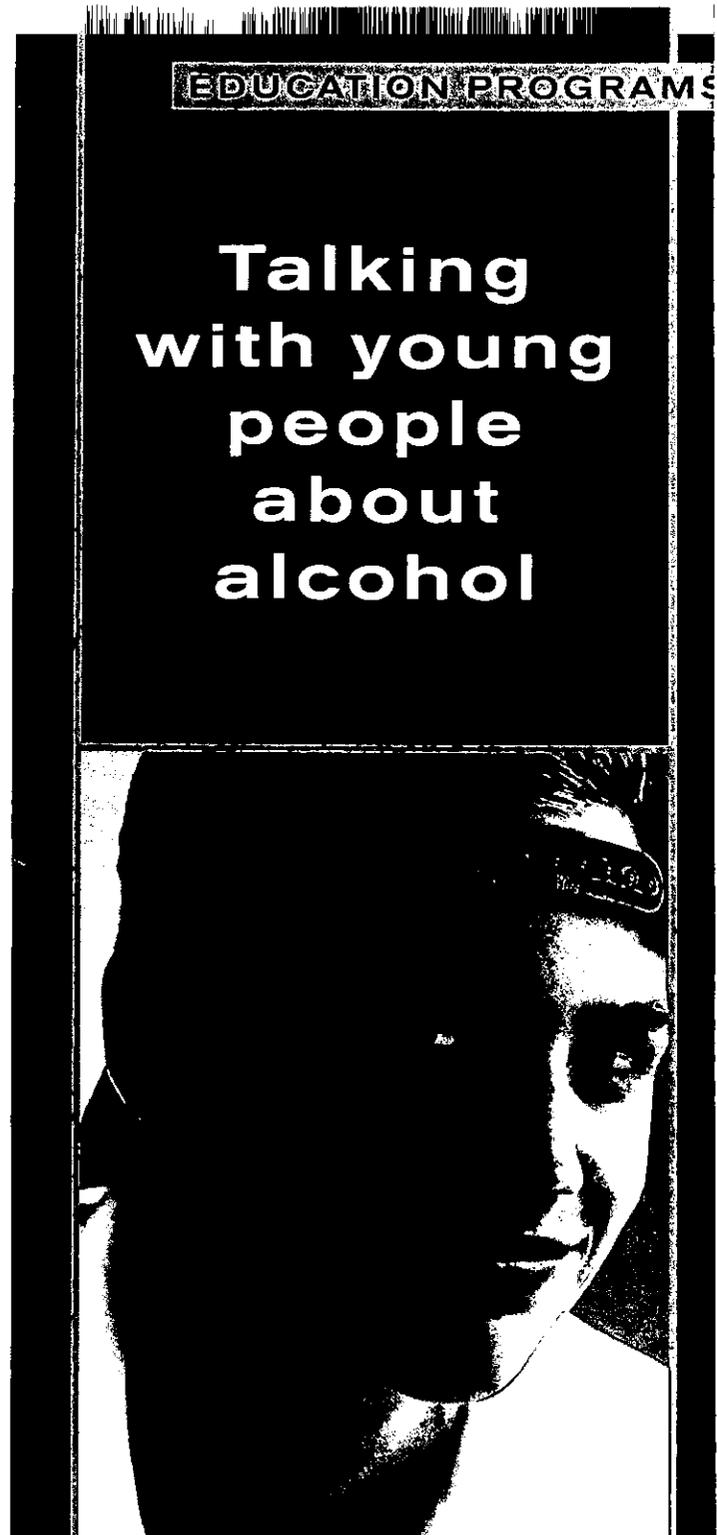
*Video*



*Activity Guide*



*Video*





# **READY<sup>SM</sup> OR NOT:** Talking with kids about alcohol.

Teachers, coaches, youth leaders — people who look after kids for a living — will tell you that kids have to deal with drinking issues in their middle school years.

Introducing Ready or Not<sup>SM</sup> — a community program developed with Boys & Girls Clubs of America.

Parents and adult care givers can watch a free video at home or join a positive, no-fault group session to ask questions and take part in solving a dozen real-life child/adult alcohol situations. For more information, call 1-800-624-9575.

## **Brandon Tells His Story.**

Hundreds of thousands of students have listened to Brandon Silveria in person. He's a remarkable young man who has paid a terrible price for a decision to drink and drive when he was seventeen.

His speech is slurred, his walk unsteady, his memory permanently impaired.

Now, there's an award-winning, 30-minute videotape and an activity guide available on request. You'll be able to hear a pin drop when *Brandon Tells His Story*.



This classroom program features a video of the popular ABC television show to discourage illegal underage drinking, especially during the high school prom and graduation season. A second curriculum for middle schools focuses on resisting peer pressure.

Our partner is the National Commission Against Drunk Driving.

**“Sober, Skillful & Safe: Cruise Control for Teens”**

A unique bilingual drivers’ education program on underage drinking and driving. Our partner is *Scholastic*, the nation’s leading producer of classroom materials.

The program includes a teacher’s guide, student worksheets, and a classroom poster.

**COMING ATTRACTIONS:**

We have two abuse prevention programs under development for college campuses, where some of the students are of legal drinking age but a lot of them aren’t.

*Promising Practices:* Campus Alcohol Strategies is a nationally-researched project that compiles the most promising programs to reduce alcohol abuse being implemented on America’s campuses.

*Alcohol 101*, an interactive CD-ROM for college students to take them through their questions (and anxieties) about drinking, not

I’d like more information about:

- Ready or Not<sup>SM</sup>
- Brandon Tells His Story
- Full House
- Sober, Skillful & Safe

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Facsimile: \_\_\_\_\_

Mail to: *Katie Brower, The Century Council*  
 550 South Hope Street, Suite 1950, Los Angeles, CA 90071-2604  
 Telephone: 213-624-9898 Facsimile: 213-624-9012



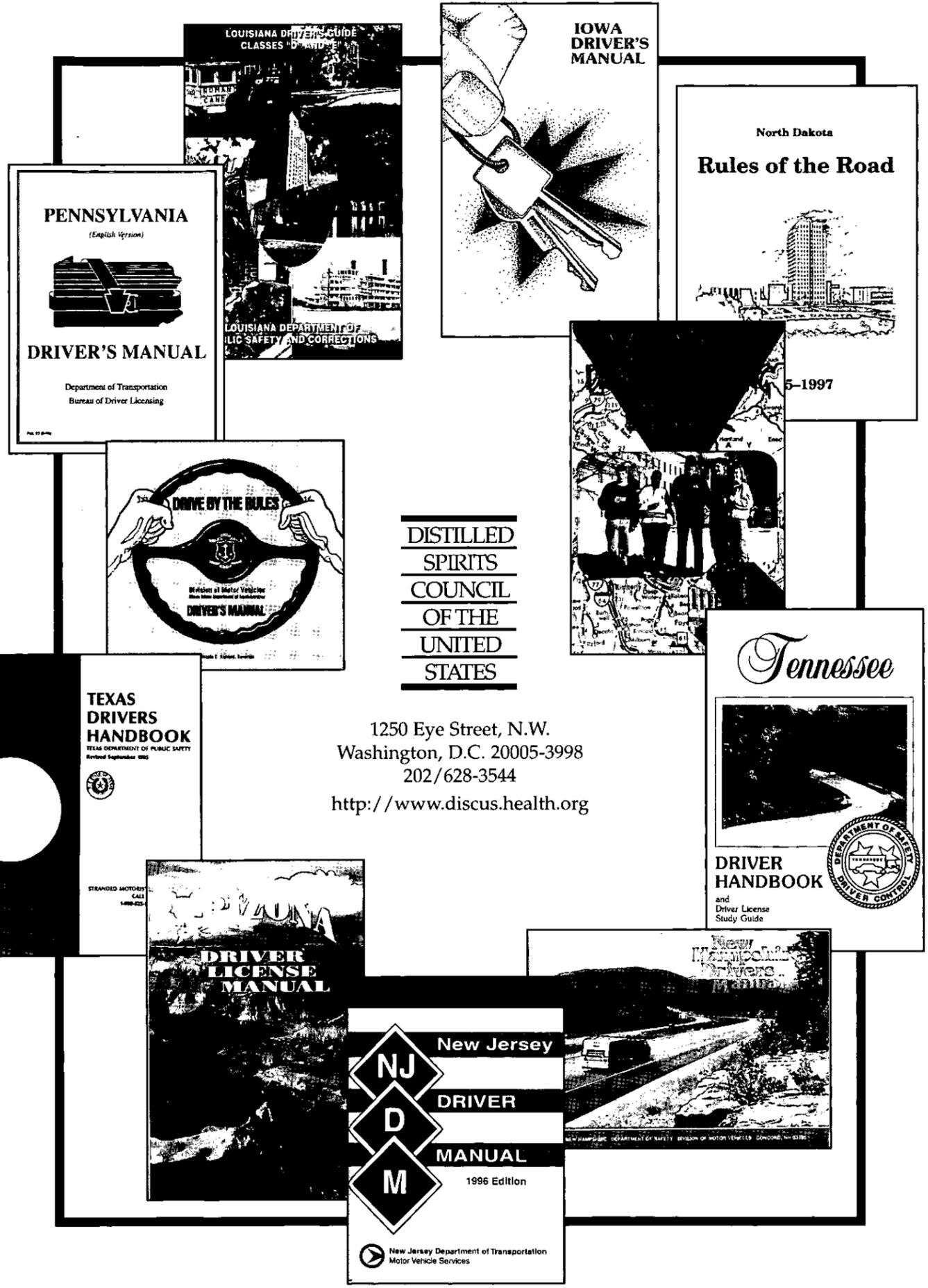
**In nearly every discussion about alcohol misuse, the first concern is for the young.**

**Of course, law enforcement is important.**

**Preventing illegal purchases by minors and making the penalties for drunk driving especially tough on the underaged is important.**

**But the real long-term answer is education.**

**The Century Council  
Attention: Katie Brower  
550 South Hope Street  
Suite 1950  
Los Angeles, CA 90071-2604**

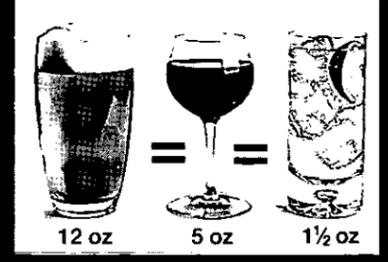


**DISTILLED  
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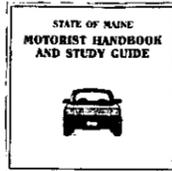
1250 Eye Street, N.W.  
Washington, D.C. 20005-3998  
202/628-3544  
<http://www.discus.health.org>

**STATES AGREE...**

**ALCOHOL  
IS  
ALCOHOL  
IS  
ALCOHOL**



# STATES AGREE...ALCOHOL IS ALCOHOL IS ALCOHOL



"If you stick to beer or wine you won't get drunk." Untrue. It's the alcohol that causes the problem not the form in which you take it: liquor, beer or wine.  
—*South Carolina Driver's Manual*

A sobering fact about alcohol. It's not what you drink. It's how much.  
12 oz. beer = 5 oz. wine = 1 1/2 oz. spirits  
—*Arizona Driver License Manual*

## Debunking Some Myths

Here are some common myths that get many drivers into trouble: "It's only beer." One 12 ounce beer or a 5 ounce glass of wine has about the same alcohol content as an average 1-1/2 ounce mixed drink. Some beers have a higher alcohol content than others.

—*Oregon Driver's Manual*

## Myths Concerning Alcohol

*Beer vs. Booze.*

Some people think that if they drink beer they are consuming less alcohol than those who drink mixed drinks. They are wrong!  
—*State of Maine Motorist Handbook and Study Guide*

It doesn't matter whether you drink beer, wine, whiskey or any other alcoholic beverages; it's the amount of alcohol that enters your blood that causes the problem.  
—*Louisiana Driver's Guide*

Q. How much alcohol is in 1 1/2 ounces of whiskey, 12 ounces of beer or 3 to 5 ounces of wine?

A. There is approximately 1/2 ounce of alcohol in each.  
—*Commonwealth of Massachusetts Drivers' License Manual*

It does not make any difference whether you drink beer, wine, or liquor. Standard servings of each have the same amount of alcohol.  
—*Washington Driver's Guide*

1-1/2 ozs. 80° Liquor = 5 ozs. Wine = 12 ozs. Beer  
—*Nevada Driver's Handbook*

It doesn't matter whether you drink beer, wine, whiskey or any other alcoholic beverage; it's the amount of alcohol that enters your blood that causes the problem.  
—*Hawaii Driver's Manual*

Different types of drinks are *not* different in the way they affect you. If you consume a certain amount of alcohol, whether it's in beer, wine or liquor, your BAC and the effects on your driving ability will be the same.  
—*New York State Department of Motor Vehicles Driver's Manual*

An important fact to keep in mind is that the type of alcoholic beverage consumed makes no difference in the effect of alcohol.  
—*Rhode Island Driver's Manual*

## There Are Several Things You Should Know About Alcohol:

The type of alcoholic beverage consumed makes no difference in the effect of alcohol on the physical and mental changes that take place within the body when alcohol is consumed. It's the amount of alcohol which enters the body that counts.  
—*State of Alaska Drivers Manual*

Remember, it doesn't matter if you're drinking hard liquor, beer, or wine—the effect is the same...A 12-ounce can of beer, a mixed drink with one shot of liquor and a 5-ounce glass of wine all contain the same amount of alcohol.  
—*1996 Montana Driver's Manual and Motorcycle Supplement*

A 12-ounce glass of beer, a five-ounce glass of wine and a shot of liquor have the same amount of alcohol.  
—*Virginia Driver's Manual 1996-97*

## Is Beer Safer Than Whiskey?

There is just as much alcohol in the average can of beer as in the average glass of wine or cocktail. A jigger (1.5 ounces) of 80-proof whiskey, five ounces of table wine and 12 ounces of beer all contain the same amount of alcohol.  
—*Idaho Driver's Manual*

12 ounces of beer, 3 to 5 ounces of wine and 1 1/2 ounces of 86 proof hard liquor have about 1/2 ounce of alcohol mixed in them.  
—*State of Wyoming Driver License Manual*

What you drink doesn't really matter. There is just as much alcohol in the average drink of beer as there is in the average drink of whiskey or wine.  
—*New Jersey Driver Manual*

The amount of alcohol in one bottle of beer is about equal to that in an average "shot" of whiskey or wine.  
—*Alabama Driver's Manual*

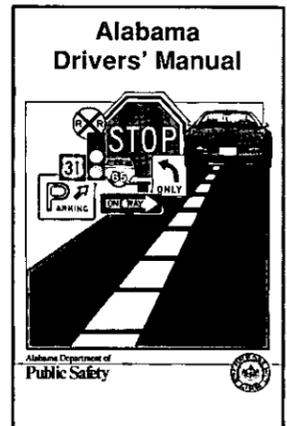
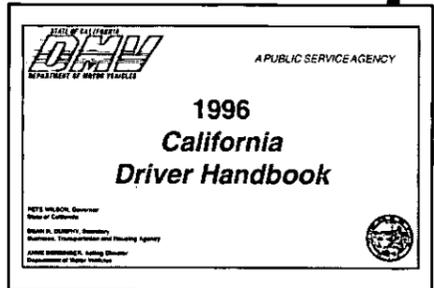
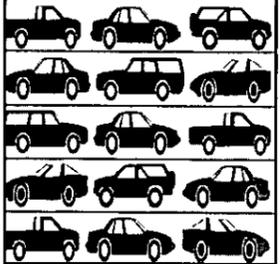
One Drink  
approximately 12 ounces of beer  
approximately five ounces of wine  
approximately 1 1/2 ounces of 80 proof distilled spirits  
—*Iowa Driver's Manual*

An important fact to keep in mind is that the type of alcoholic beverage consumed makes no difference in the effect of alcohol.  
—*New Hampshire Drivers Manual*

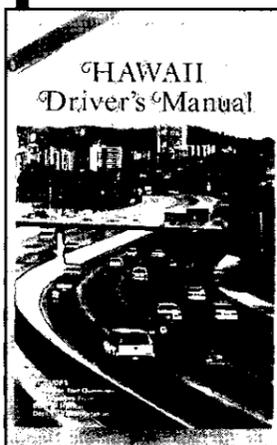
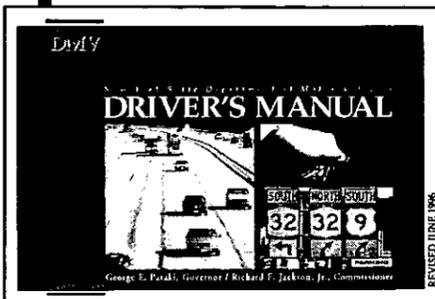
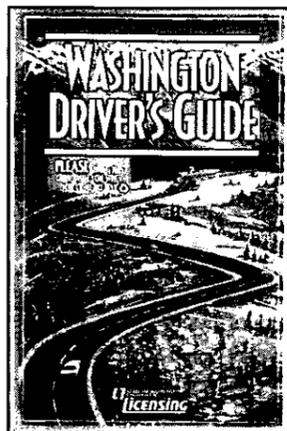
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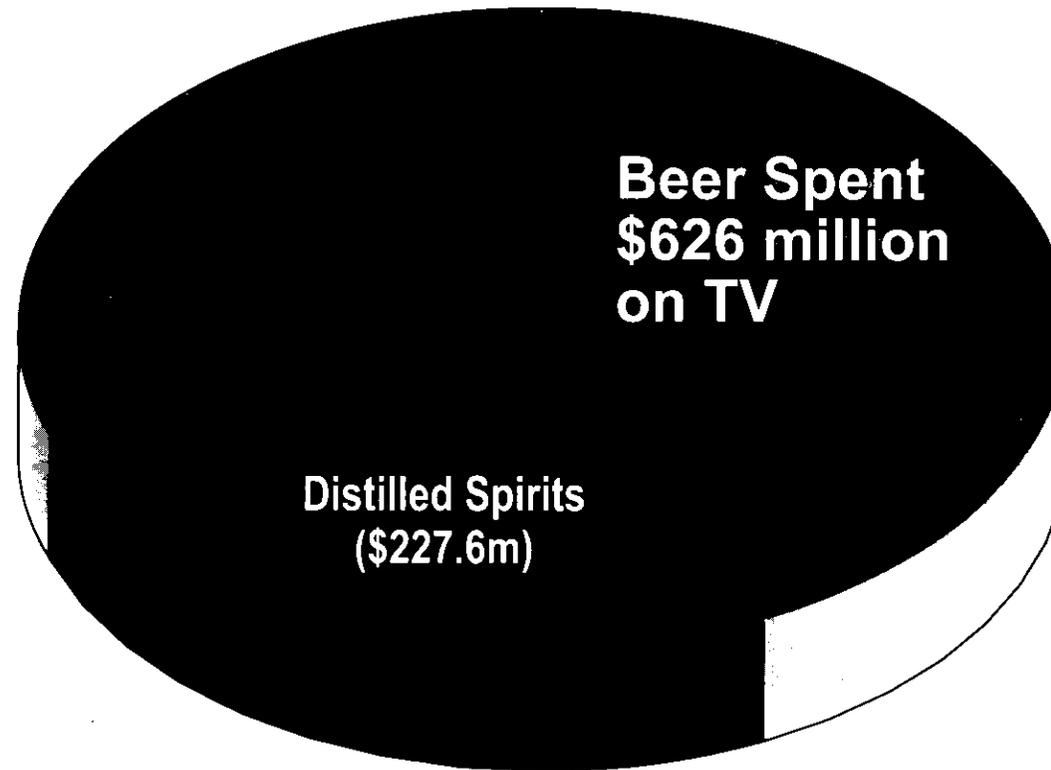
Virginia  
Driver's Manual  
1996 - 1997



SOUTH  
DAKOTA  
Driver License  
Manual



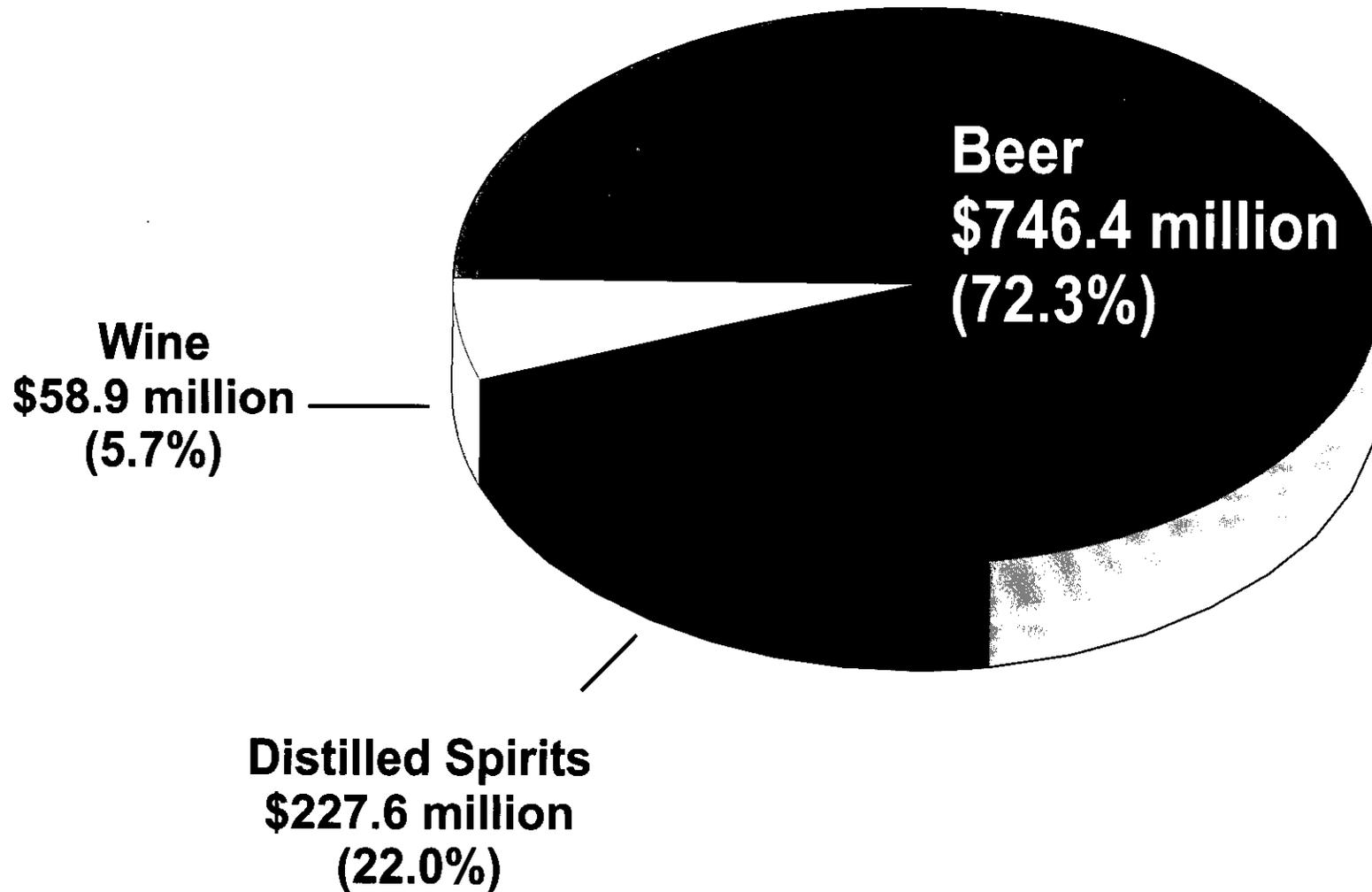
# In 1995, Beer Spent More on Television Advertising Alone than Distilled Spirits Spent on all Advertising Mediums



Note: Figures based on measured national media expenditures

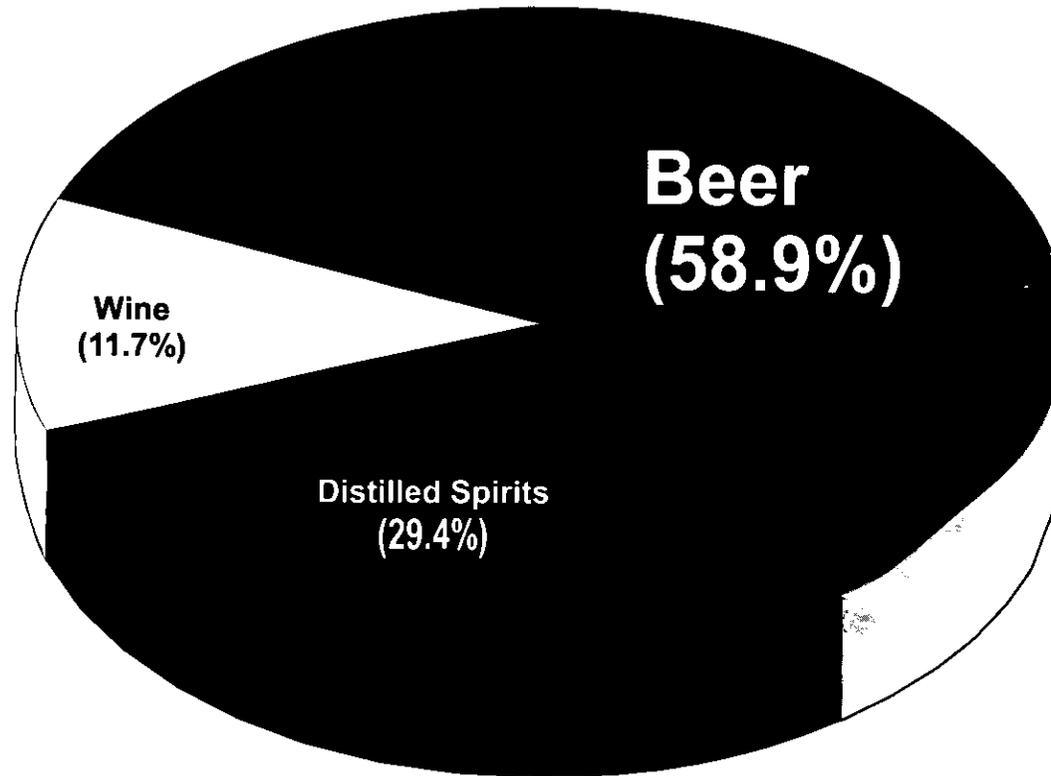
Sources: CMR and Impact Databank, as reported in Impact, October 1996

# In 1995, Only 22 Percent of the Total Beverage Alcohol Advertising Costs Were for Distilled Spirits



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Sources: CMR and Impact Databank, as reported in impact

# Distilled Spirits Accounted for Only 29 Percent of all Alcohol Consumed in 1995



Note: Conversion from wine gallons to gallons of pure alcohol was made using the following conversion factors: Beer=4.5%; Wine=11%; Distilled Spirits=40%

Sources: DISCUS; Beer Institute; Steve L. Barsby & Associates

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Studies show that ALR is the most powerful deterrent against drunk driving.

To make ALR even more of a deterrent, states should make it an offense knowingly to provide a vehicle to someone whose license has been suspended or revoked.

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*August 1994*

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DISCUS

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***Alcohol Education for Drivers***

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***Tough Laws Against Underage Drinking***

***Chemical Tests for Suspected Drivers and in Fatal Crashes***

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DISTILLED  
SPIRITS  
COUNCIL  
OF THE  
UNITED  
STATES

April 4, 1997

*The President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500*

*Dear Mr. President:*

*While we strongly disagree with your Administration's attempt to single out only distilled spirits advertising for discriminatory examination and action, we want to propose a bold approach to the issue of alcohol advertising and youth.*

*Given the fact that your Administration is concerned with youth and alcohol advertising, the issue of advertising by other forms of alcohol must be addressed concurrently. Distilled spirits has been advertising on television and radio in a very responsible way, but with relatively few ads for only the past several months. Beer, however, has been advertising for decades and has spent billions of dollars doing so without any great public outcry or controversy.*

*The fact is that there can be no sensible or effective analysis of the issue of youth, alcohol and advertising if beer and wine are not part of that process. I doubt that there is one alcohol education or anti-abuse group anywhere that would not support this view that any Federal analysis of alcohol advertising **absolutely must** have beer and wine included. Attached are some recent letters from such groups.*

*As distillers, as parents and as good citizens, we are as concerned as anyone about illegal alcohol use among the underage. Indeed, our companies have a long and proud record of educating all segments of society about responsible alcohol consumption and alcohol abuse. The distillers collectively, through the Century Council, conduct effective community-based programs directed at combatting illegal, underage drinking.*

*It is with this tradition of responsibility that we propose a process that goes far beyond your position of "no backsliding."*

The President  
April 4, 1997  
Page Two

*Respectfully, the distillers call on your Administration to publicly request and expect that the distillers, brewers and vintners together with the broadcasters will meet under the aegis of your Administration. **Your tasking to the group would be for them to develop a unified code that sets the same responsible standards for all forms of beverage alcohol (beer, wine and spirits) advertising and also would be the guidelines for broadcasters.***

*Currently, each segment of beverage alcohol has its own code that addresses the issues of responsibility and youth, but a **common code** would improve the status quo by holding all segments of the beverage alcohol industry and the broadcasters to the same responsible standard.*

*We respectfully urge you to take pointed action by issuing a call for spirits, beer, wine, and the broadcasters to "come to the table" and, within no more than 90 days, develop and agree to a common code of advertising. Your Administration then could use its "bully pulpit" to attain an effective impact.*

*Your Administration prides itself on creative, dynamic and bold solutions and thus surely can do more than not just "backslide." Your Administration has the courage to bring all parties in the beverage alcohol industry (beer, wine and spirits) and the broadcasters to the table to achieve this comprehensive and sustaining objective.*

*The spirits industry is responsible -- we are willing to come to the table now. Your Administration only has to secure the same commitment from the beer and wine industries and the broadcasters to work toward this common end.*

*We would be pleased to discuss this soon with you or anyone in your Administration.*

Sincerely,

  
Fred A. Meister  
President/CEO

FAM:ck  
Attachments



**Mothers Against Drunk Driving**

---

511 E. John Carpenter Frwy., Suite 700 • Irving, Texas 75062-8187 • Telephone (214) 744-MADD • FAX (972) 869-2206/2207  
NATIONAL OFFICE

FOR IMMEDIATE RELEASE  
(April 1, 1997)

CONTACT: Michelle Bennett, ext. 248  
Tresa Coe, ext. 245  
(214) 744-6233

**STATEMENT FROM MOTHERS AGAINST DRUNK DRIVING (MADD)  
IN RESPONSE TO CLINTON ADMINISTRATION'S REQUEST FOR  
FEDERAL COMMUNICATIONS COMMISSION (FCC) TO INVESTIGATE  
HARD LIQUOR ADS ON TV AND RADIO**

Mothers Against Drunk Driving (MADD) applauds the announcement today by President Clinton that he is requesting the Federal Communications Commission to "take all appropriate action" to explore the potential effects of the decision of the distilled liquor industry to end their voluntary ban on broadcast advertising.

MADD has long been concerned about the impact of all alcohol advertising on underage consumption and last year requested the FCC to exercise its authority to hold public hearings on this issue to examine and evaluate the role of alcohol advertising in the problem of underage drinking pursuant to the FCC's authority to determine if the use of the airwaves to broadcast alcohol advertising is in the public's best interest.

MADD was disappointed earlier this year when scheduled Congressional hearings on alcohol advertising were cancelled. However, it has always been our position that the FCC has the jurisdiction and the authority to provide a public forum for all issues surrounding alcohol advertising and we urge the FCC to move quickly in response to the President's request.

MADD has long advocated that any alcoholic beverage advertising, distilled spirits, beer or wine, should not target our youth or be created or presented in such a fashion as to be overly appealing to those under the legal drinking age.

###



# NCADD News

NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE, INC

12 WEST 21st STREET  
New York, NY 10011  
212/208-8770 FAX 212/845-1880

For More Information, Contact:  
Jeffrey Hon, Director for Public Information  
212/208-8770, ext. 18  
Sarah Kayson, Director for Public Policy  
202/737-8122

-----  
*For Immediate Release:*

Statement re: **PRESIDENTIAL LETTER URGING FCC TO  
EXAMINE IMPACT OF DISTILLED SPIRITS RADIO  
& TELEVISION ADVERTISING ON CHILDREN**

Attribute to: **Senator George McGovern  
NCADD National Spokesperson**

The National Council on Alcoholism and Drug Dependence, Inc. strongly supports President Clinton's request to the Federal Communications Commission (FCC) to examine the impact that radio and television advertising of distilled spirits will have on children. The President is correct to be wary of the makers of vodka, gin and whiskey and their attempts to appeal to a new generation of drinkers.

The President and the FCC should not, however, overlook the fact that our airwaves have long been awash in beer commercials that make drinking seem like a harmless activity enjoyed by people who are always happy, attractive and successful. Is it any wonder that teenagers already consume more than a billion cans of beer each year? Or that 33% of high school seniors, 21% of tenth graders and 8% of eighth graders report that they have been drunk during the past month?

It would be a mistake to focus only on distilled spirits advertising because this would send the wrong message that these beverages are more alcoholic than beer or wine. While so called "hard" liquor may pose a greater threat of alcohol poisoning, standard servings of distilled spirits, beer and wine all contain the same amount of alcohol and all can be equally addictive.

Children like the beer commercials they see on television and for many, the ads make them want to use the product. We can expect more of the same from the makers of distilled spirits; children do not need encouragement from the likes of Budweiser's frogs and RJ Reynolds' Joe Camel to drink sweetened alcohol beverages that taste good.

NCADD welcomes President Clinton's efforts to address the issue of alcohol advertising.

4/1/87

## NEWS RELEASE

For Immediate Release  
April 1, 1997

Contact: Tara Siegman  
(202) 332-9110, ext. 341

### **CSPI Applauds President Clinton's Concerns About Liquor Advertising**

*Michael F. Jacobson, executive director of the Center for Science in the Public Interest, had the following comment on President Bill Clinton's speech urging the FCC to investigate alcohol advertising on radio and television.*

"President Clinton clearly recognizes that America's War on Drugs must include restricting the advertising of alcoholic beverages. Alcohol is a factor in the three leading causes of death for 15- to 24-year-olds: unintentional injuries, homicides, and suicides. We hardly need whiskey ads during baseball games to further tempt youths to drink. We urge the FCC to investigate whether the broadcast of TV and radio commercials for liquor, as well as for beer and wine, is consistent with stations' public-interest responsibilities."

*CSPI is a nonprofit health-advocacy organization that focuses on alcoholic-beverage problems, nutrition, and food safety. It is based in Washington, D.C., and is supported largely by its 900,000 members and foundation grants. It does not accept industry or government funding. CSPI led efforts to win passage of the law requiring warning labels on alcoholic beverages and has publicized the nutritional content of many popular restaurant foods.*

*The Marin Institute*  
*for the Prevention of Alcohol and Other Drug Problems*



TRANSMITTED BY FAX

April 1, 1997

President William J. Clinton  
The White House  
Washington, D.C.

Dear Mr. President:

I am writing on behalf of the Marin Institute for the Prevention of Alcohol and Other Drug Problems to commend you for your letter to the Federal Communication Commission requesting that they investigate the impact of television and radio advertising of distilled spirits on children.

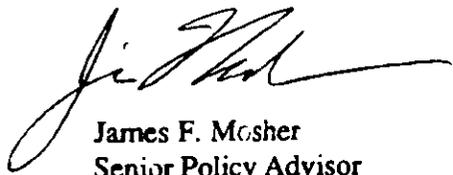
The decision of the distilled spirits industry to rescind its voluntary ban on broadcast advertising represents a giant step in the wrong direction. Beer advertising already saturates the airwaves, using images and slogans that clearly appeal to young people and aggravate our most serious youth drug problem – alcohol. Beer is by far the alcoholic beverage of choice among young people, particularly among heavy youthful drinkers and drinking drivers. Their preference for beer is not surprising given the beer industry's deliberate targeting of this age group with slick, sophisticated broadcast advertising. Research studies find that beer advertising on television is a powerful tool for reaching the youth market.

Clearly the distilled spirits industry is seeking to level the playing field by moving their advertising onto the airwaves. This highly unfortunate trend warrants immediate action by your administration and by the FCC. The lifting of distilled spirits industry's voluntary ban will increase the attractiveness of distilled spirits among young people, undermining your administration's drug policy goals and putting the lives and safety of our young people at further risk due to alcohol problems.

Until last year, the distilled spirits industry has taken a responsible stand — one that recognizes that alcohol is a powerful psychoactive drug that poses serious health and safety risks, particularly among young people. We believe the beer and wine industries should be following the past voluntary policy of the distilled spirits industry, not the reverse.

We therefore fully support your call for an FCC investigation. Advertising beer on television and radio raises the same issues as broadcasting distilled spirits advertisements. We urge you to follow up this first step with a call for a broader investigation by the FCC and the Federal Trade Commission to assess the impact of all alcohol advertising on broadcast media.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Mosher", with a long horizontal flourish extending to the right.

James F. Mosher  
Senior Policy Advisor

cc: Diana M. Conti, Executive Director, The Marin Institute



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

APR 15 1996

Mr. Fred A. Meister  
President/CEO  
Distilled Spirits Council  
of the United States  
1250 Eye Street, N.W., Suite 900  
Washington, D.C. 20005-3998

Dear Mr. Meister:

Thank you for taking the time to follow up on our meeting with additional information about public misunderstanding of the definition of a drink. It seems clear from both the survey work you have done and the Department's own Inspector General's report that there is considerable confusion among the general public about what constitutes a drink and the alcohol equivalencies of beer, wine and distilled spirits.

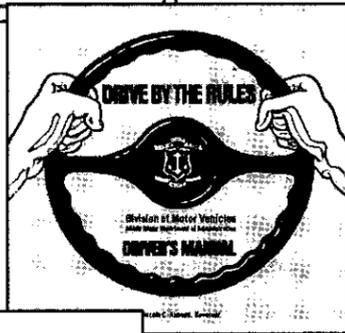
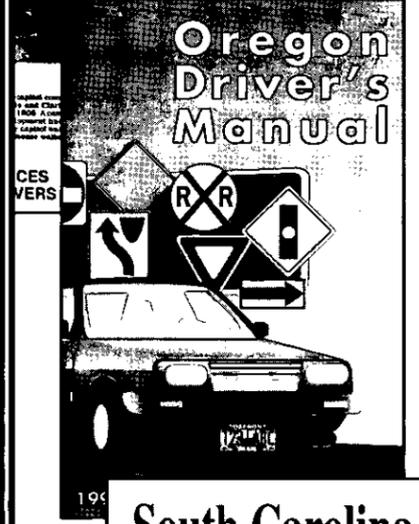
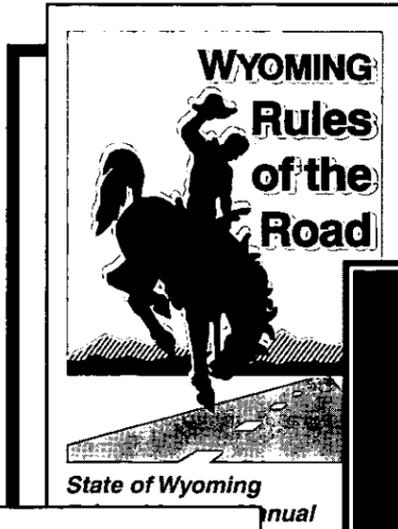
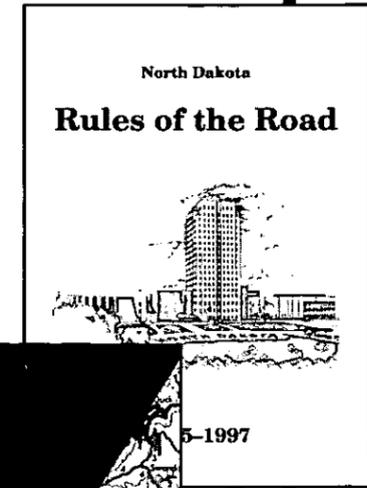
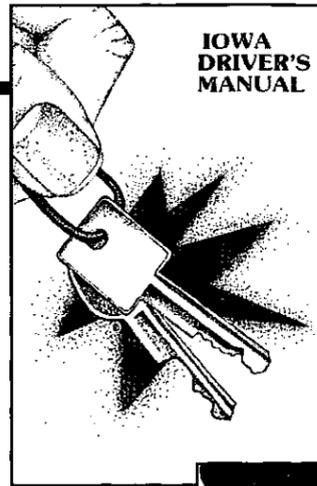
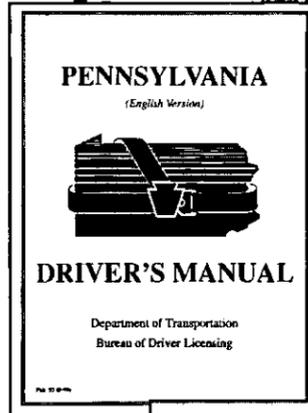
We certainly agree with your assessment that public misconceptions interfere with informed decision making. With that in mind, the Department has used the definition of a drink (12 ounces of regular beer, 5 ounces of wine or 1.5 ounces of 80-proof distilled spirits) in a number of public education materials, including, as you know, the Dietary Guidelines for America. In addition, the National Institute of Alcohol Abuse and Alcoholism (NIAAA), at the National Institutes of Health, has incorporated the definition into a number of publications, including the Alcohol Alert issue on moderate drinking you included in your package to me and the recently published Physicians' Guide to Helping Patients with Alcohol Problems. Furthermore, NIAAA is in the process of preparing three patient education brochures on fetal alcohol syndrome which will explain that any kind of alcohol -- beer, wine, wine coolers, liquor, or "mixed drinks" -- is harmful during pregnancy. Finally, the Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention has included this definition of a drink in its recently revised Editorial Guidelines.

Please be assured that we will continue to work to clear up confusion on this issue through our many departmental publications. You should feel free, as we discussed in our meeting, to distribute our public education materials widely.

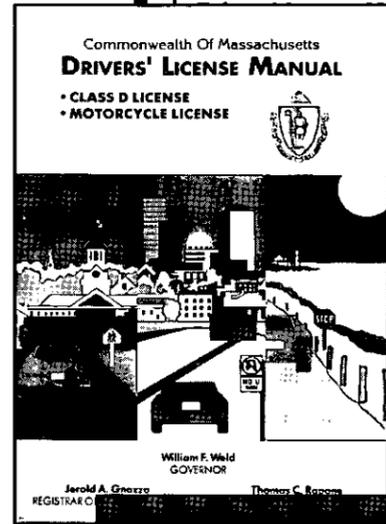
I hope this information is helpful.

Sincerely,

  
Donna E. Shalala



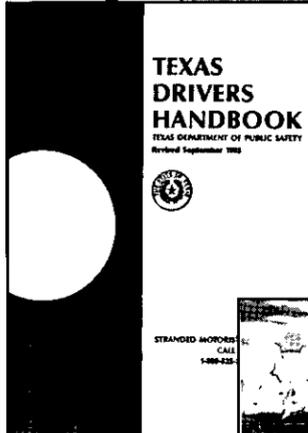
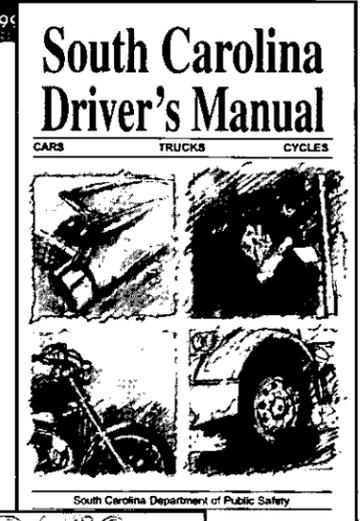
**DISTILLED SPIRITS COUNCIL OF THE UNITED STATES**



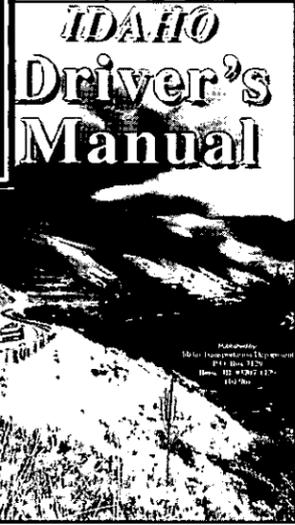
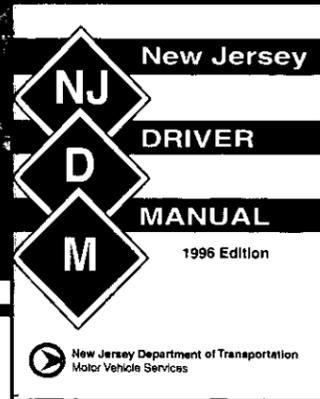
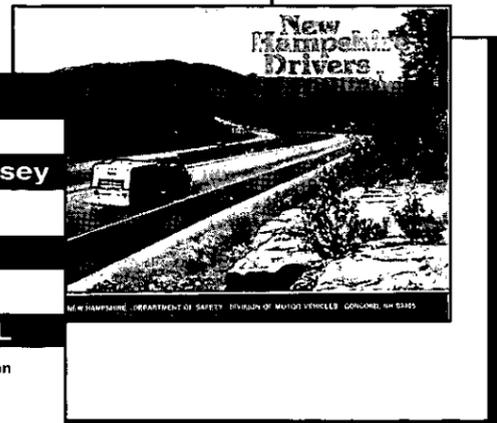
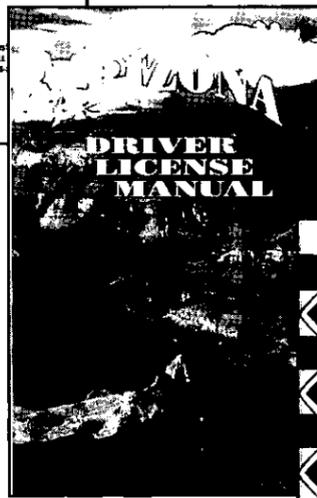
STATES AGREE...

ALCOHOL IS ALCOHOL IS ALCOHOL

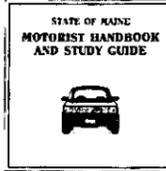
12 oz = 5 oz = 1 1/2 oz



1250 Eye Street, N.W.  
Washington, D.C. 20005-3998  
202/628-3544  
<http://www.discus.health.org>



# STATES AGREE...ALCOHOL IS ALCOHOL IS ALCOHOL



"If you stick to beer or wine you won't get drunk." Untrue. It's the alcohol that causes the problem not the form in which you take it: liquor, beer or wine.

—*South Carolina Driver's Manual*

A sobering fact about alcohol. It's not what you drink. It's how much.  
12 oz. beer = 5 oz. wine = 1 1/2 oz. spirits

—*Arizona Driver License Manual*

## Debunking Some Myths

Here are some common myths that get many drivers into trouble: "It's only beer." One 12 ounce beer or a 5 ounce glass of wine has about the same alcohol content as an average 1-1/2 ounce mixed drink. Some beers have a higher alcohol content than others.

—*Oregon Driver's Manual*

## Myths Concerning Alcohol

*Beer vs. Booze.*

Some people think that if they drink beer they are consuming less alcohol than those who drink mixed drinks. They are wrong!

—*State of Maine Motorist Handbook and Study Guide*

It doesn't matter whether you drink beer, wine, whiskey or any other alcoholic beverages; it's the amount of alcohol that enters your blood that causes the problem.

—*Louisiana Driver's Guide*

Q. How much alcohol is in 1 1/2 ounces of whiskey, 12 ounces of beer or 3 to 5 ounces of wine?

A. There is approximately 1/2 ounce of alcohol in each.

—*Commonwealth of Massachusetts Drivers' License Manual*

It does not make any difference whether you drink beer, wine, or liquor. Standard servings of each have the same amount of alcohol.

—*Washington Driver's Guide*

1-1/2 ozs. 80° Liquor = 5 ozs. Wine = 12 ozs. Beer

—*Nevada Driver's Handbook*

It doesn't matter whether you drink beer, wine, whiskey or any other alcoholic beverage; it's the amount of alcohol that enters your blood that causes the problem.

—*Hawaii Driver's Manual*

Different types of drinks are *not* different in the way they affect you. If you consume a certain amount of alcohol, whether it's in beer, wine or liquor, your BAC and the effects on your driving ability will be the same.

—*New York State Department of Motor Vehicles Driver's Manual*

An important fact to keep in mind is that the type of alcoholic beverage consumed makes no difference in the effect of alcohol.

—*Rhode Island Driver's Manual*

## There Are Several Things You Should Know About Alcohol:

The type of alcoholic beverage consumed makes no difference in the effect of alcohol on the physical and mental changes that take place within the body when alcohol is consumed. It's the amount of alcohol which enters the body that counts.

—*State of Alaska Drivers Manual*

Remember, it doesn't matter if you're drinking hard liquor, beer, or wine—the effect is the same...A 12-ounce can of beer, a mixed drink with one shot of liquor and a 5-ounce glass of wine all contain the same amount of alcohol.

—*1996 Montana Driver's Manual and Motorcycle Supplement*

A 12-ounce glass of beer, a five-ounce glass of wine and a shot of liquor have the same amount of alcohol.

—*Virginia Driver's Manual 1996-97*

## Is Beer Safer Than Whiskey?

There is just as much alcohol in the average can of beer as in the average glass of wine or cocktail. A jigger (1.5 ounces) of 80-proof whiskey, five ounces of table wine and 12 ounces of beer all contain the same amount of alcohol.

—*Idaho Driver's Manual*

12 ounces of beer, 3 to 5 ounces of wine and 1 1/2 ounces of 86 proof hard liquor have about 1/2 ounce of alcohol mixed in them.

—*State of Wyoming Driver License Manual*

What you drink doesn't really matter. There is just as much alcohol in the average drink of beer as there is in the average drink of whiskey or wine.

—*New Jersey Driver Manual*

The amount of alcohol in one bottle of beer is about equal to that in an average "shot" of whiskey or wine.

—*Alabama Driver's Manual*

## One Drink

approximately 12 ounces of beer  
approximately five ounces of wine  
approximately 1 1/2 ounces of 80 proof distilled spirits

—*Iowa Driver's Manual*

An important fact to keep in mind is that the type of alcoholic beverage consumed makes no difference in the effect of alcohol.

—*New Hampshire Drivers Manual*

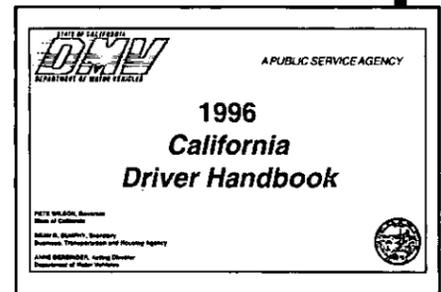
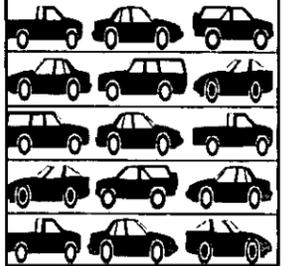
1 Glass of Wine = 1 Shot of Whiskey = 1 Bottle of Beer

—*Colorado Driver's Manual and Supplemental Motorcycle Driver's Manual*

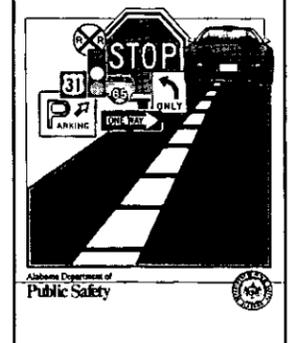
12 ounces of beer, 3 to 5 ounces of wine and 1 1/2 ounces of 86 proof hard liquor have about 1/2 ounce of alcohol mixed in them.

—*South Dakota Driver License Manual*

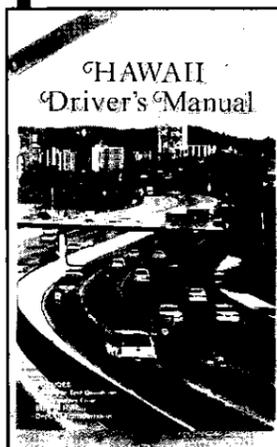
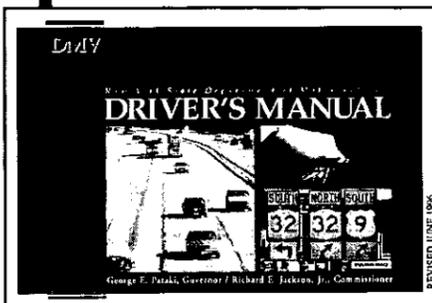
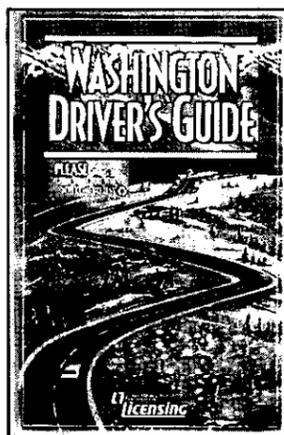
## Virginia Driver's Manual 1996 - 1997



## Alabama Drivers' Manual



## SOUTH DAKOTA Driver License Manual



## **Co-Signers**

### **Petition for Notice of Inquiry on Alcohol Advertising**

'Cause Children Count Coalition, Inc., Washington, DC  
Action on Alcohol and Teens - A Citizens' Group, St. Paul, MN  
Alabama Association of Addiction Counselors, Mobile  
Alameda County Friday Night Live, Fremont, CA  
Alaska Association of Alcoholism and Drug Abuse Counselors, Anchorage  
Alaska Council on Prevention of Alcohol and Drug Abuse, Anchorage  
Alaska Council on Prevention of Drug and Alcohol Abuse, Eagle River  
Alaska School Nurse's Association, Anchorage  
Alaska Women's Resource Center, Anchorage  
Alcohol Policy Network, Berkeley, CA  
Alcohol Research Information Service, Lansing, MI  
Alcohol Services, Inc., Syracuse, NY  
Alcohol and Drug Abuse Services, Inc., Port Allegany, PA  
Alcohol and Drug Abuse of Greater Baton Rouge, LA  
Alcohol-Drug Information Center, Bloomington, IN  
Alcoholism Council of New York, Inc.  
Alcoholism and Drug Abuse Council of Ocean, Inc., Lakewood, NJ  
American Academy of Family Physicians, Washington, DC  
American Academy of Health Care Providers in the Addictive Disorders, Cambridge, MA  
American Academy of Pediatrics, Washington, DC  
American College Health Association, Baltimore, MD  
American College of Emergency Physicians, Washington, DC  
American College of Nurse-Midwives, Washington, DC  
American College of Physicians, Washington, DC  
American College of Preventive Medicine, Washington, DC  
American Council on Alcohol Problems, Bridgeton, MO  
American Medical Student Association, Reston, VA  
American Muslim Council, Washington, DC  
American Public Health Association, Washington, DC  
American Society of Addiction Medicine, Chevy Chase, MD  
Anchorage School District, AK  
Arizona Association of Alcoholism and Drug Abuse Counselors, Phoenix  
Atlantic Prevention Resources, Inc., Northfield, NJ  
Benton Foundation, Washington, DC  
Born Free of Mississippi, Inc., Jackson  
Burke County Council on Alcoholism and Chemical Dependency, Inc., Morganton, NC  
Butler Alcohol/Drug and Community Services Inc., Meridian, MS  
California Association of Alcoholism and Drug Abuse Counselors, Sacramento  
California Council on Alcohol Policy, Berkeley  
California Latino Alcohol and Other Drug Coalition, Oakland  
California Prevention Congress, Sacramento  
Camden County Council on Alcoholism and Drug Abuse, Inc., Voorhees, NJ  
Catholic Charities, Inc., Jackson, MS  
Center for Media Education, Washington, DC  
Center on Alcohol Advertising, Berkeley, CA  
Certified Addictions Counselors of Maryland, Bel Air

**Co-Signers, continued**  
**Petition for Notice of Inquiry on Alcohol Advertising**

Champions for a Drug Free Kentucky, Frankfort  
Charter Behavioral Health System at Cove Forge, Williamsburg, PA  
Chemical Dependency Professionals of Washington State, Bremerton  
Chester Valley School, Anchorage, AK  
Child Welfare League of America, Washington, DC  
Children of Alcoholics Foundation, Inc., New York, NY  
Children's Defense Fund, Washington, DC  
Chinook Elementary, Anchorage, AK  
Christian Citizens of Arkansas, El Dorado  
Christian Life Commission of the Southern Baptist Convention, Washington, DC  
Chugiak High School, Eagle River, AK  
Clinica Msr. Oscar A. Romero, Los Angeles, CA  
CommPre/Horizon Services, Inc., Mt. Eden, CA  
Committee For Children, Washington, DC  
Commonwealth Prevention Alliance, State College, PA  
Communities in Prevention, Central, Santa Ana, CA  
Community Action Network, Newberry Park, CA  
Community Alcohol Problem Prevention Project, Santa Barbara, CA  
Community Anti-Drug Coalitions of America, Alexandria, VA  
Community Counseling and Education Center, Fremont, CA  
Community Prevention Coalition of Hennepin County, Minneapolis, MN  
Connecticut Coalition on Youth and Alcohol Drugs Don't Work, Hartford  
Connecticut Federation of Alcoholism and Drug Abuse Counselors, Wallingford  
Consumer Federation of America, Washington, DC  
Consumer Project on Technology, Washington, DC  
Council of Chief State School Officers, Washington, DC  
Council on Alcohol and Drug Abuse for Greater New Orleans, Metairie, LA  
Council on Alcoholism and Drug Abuse, Santa Barbara, CA  
Council on Alcoholism and Drug Abuse of Northwest Louisiana, Shreveport  
Council on Alcoholism and Drug Abuse of Sullivan County, Inc./Recovery Center, Monticello, NY  
Dakota County Receiving Center, Inc., Hastings, MN  
Dauphin County RADAR Network, Harrisburg, PA  
Delaware Association of Alcoholism and Drug Addiction Counselors, Wilmington  
Delaware County Council on Alcoholism and Other Drug Addictions, Inc., Delhi, NY  
Developing Resources for Education in America Inc., Jackson, MS  
Didi Hirsch Community Mental Health Center, Culver City, CA  
District of Columbia Arc, Inc.  
Employee and Family Resources, Inc., Des Moines, IA  
Florida Association of Alcoholism and Drug Abuse Counselors, Coral Springs  
Foundry Community School, San Jose, CA  
Gateway Center for Human Services Substance Abuse Services Division, Ketchikan, AK  
Gay and Lesbian Community Center of Ventura County, CA  
General Board of Church and Society, The United Methodist Church, Washington, DC  
General Board of Global Ministries, The United Methodist Church, Washington, DC  
Georgia Addiction Counselors Association, Atlanta  
Greater Buffalo Council on Alcoholism and Substance Abuse, NY  
Greater Indianapolis Council on Alcoholism, Inc./NCADD, IN

**Co-Signers, continued**  
**Petition for Notice of Inquiry on Alcohol Advertising**

Gwinnett United In Drug Education, Lawrenceville, GA  
Hawaii Association of Alcoholism and Drug Abuse Counselors, Honolulu  
Health Through Art: Signs of Recovery of Health and Human Resource Education Center, Oakland, CA  
Hollis/Brookline Schools, Student Assistance Program, Hollis, NH  
Horizon Community Center, San Leandro, CA  
Horizon Services, Inc., Hayward, CA  
Illinois Association of Addiction Professionals, Bensenville  
Indiana Communities for Drug-Free Youth, Indianapolis  
Indiana Counselors Association on Alcohol and Drug Abuse, Indianapolis  
Indiana Middle Level Leadership Institute, Indianapolis  
Interfaith Prevention Program, Inc., Hayward, CA  
International Commission for the Prevention of Alcohol and Drug Dependency, Silver Spring, MD  
Joyner and Associates, University Heights, OH  
"Just Say No" Foundation, Oakland, CA  
Kansas Alcoholism and Drug Addiction Counselors Association, Topeka  
Kentucky Association of Addiction Professionals, Louisville  
Lake County Citizens Committee for Alcohol Health Warnings, Tavares, FL  
Latino Council on Alcohol and Tobacco, Washington, DC  
Laurens County Commission on Alcohol and Drug Abuse, SC  
Loma Linda University Children's Hospital, CA  
Los Alamos Council on Alcoholism/Drug Dependence, NM  
Los Angeles County Commission on Alcoholism, Palmdale, CA  
Los Angeles County Juvenile Assistance Coalition, Lynwood, CA  
Louisiana Association of Substance Abuse Counselors and Trainers, Baton Rouge  
Maine Association of Alcoholism and Drug Abuse Counselors, Portland  
Maryland Underage Drinking Prevention Coalition, Annapolis  
Massachusetts Association of Alcoholism and Drug Abuse Counselors, Fall River  
Mercer Council on Alcoholism and Drug Addiction, Trenton, NJ  
Metropolitan Atlanta Council on Alcohol and Drugs, Inc., Atlanta, GA  
Michigan Alcohol Issues Forum, Okemos  
Michigan Association of Alcoholism and Drug Abuse Counselors, Southfield  
Minneapolis Urban League, MN  
Mississippi Association of Alcoholism and Drug Abuse Counselors, Jackson  
Missouri Addiction Counselors Association, Columbia  
Missouri Youth/Adult Alliance Against Underage Drinking, MO Assoc. of Community Task Forces, Columbia  
Montana Association of Alcohol and Drug Abuse Counselors, Billings  
Montgomery County Community Partnership, Rockville, MD  
National Association For Better Broadcasting, Beverly Hills, CA  
National Association For Public Health Policy, Reston, VA  
National Association of Alcoholism and Drug Abuse Counselors, Arlington, VA  
National Association of State Alcohol and Drug Abuse Directors, Inc., Washington, DC  
National Association on Alcohol, Drugs and Disability, Oregon, WI  
National Association on Alcoholism and Drug Dependence:  
California; Central and Northern Arizona, Phoenix; Central Mississippi Area, Inc., Jackson; Greater Detroit Area, MI; Juneau, AK; Michigan, Lansing; Middlesex County, Inc., East Brunswick, NJ; New Jersey; North Jersey Area, Inc., Montclair; Northwest Ohio, Toledo; Oakhurst, NJ; Rochester Area, NY; St. Louis Area, MO; San Fernando Valley, Van Nuys, CA; San Jose, CA; South Bay Area, Torrance, CA; Tulare County, Inc., CA; Washington, DC  
National Families in Action, Atlanta, GA

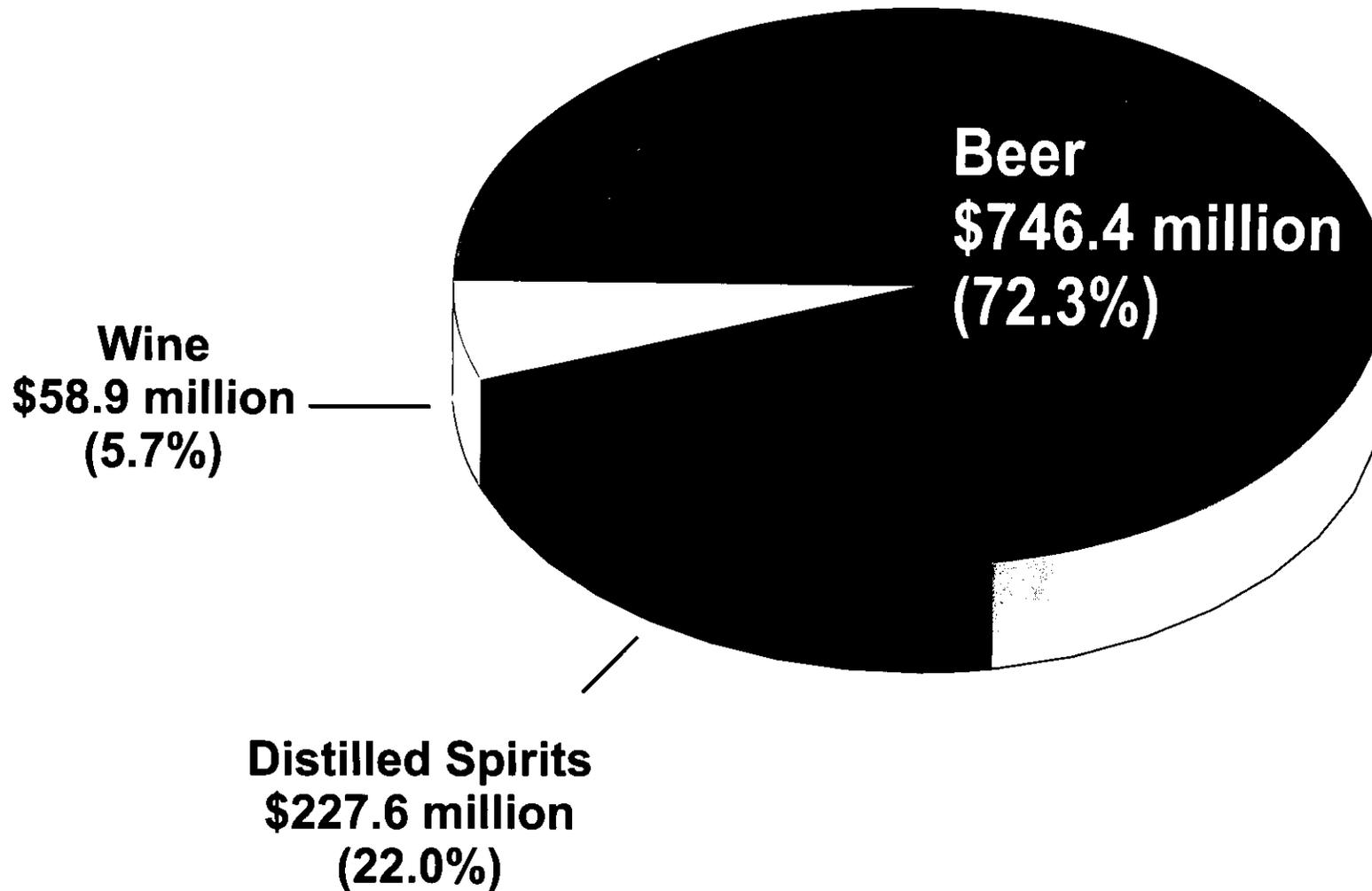
**Co-Signers, continued**  
**Petition for Notice of Inquiry on Alcohol Advertising**

National Family Partnership, Saint Louis, MO  
National Institute on Media and the Family, Minneapolis, MN  
National Organization for Victim Assistance, Washington, DC  
National Organization on Adolescent Pregnancy, Parenting and Prevention, Inc., Washington, DC  
National Parent Teacher Association, Washington, DC  
National Prevention Network, Washington, DC  
Nebraska Association of Alcoholism and Drug Abuse Counselors, Omaha  
Nevada Association of Drug and Alcoholism Counselors, Las Vegas  
New Hampshire Alcoholism and Drug Abuse Counselors Association, North Chelmsford  
New Hampshire Prevention Association, Concord  
New Jersey Association of Alcoholism and Drug Abuse Counselors, Riverton  
New Mexico Alcoholism and Drug Abuse Counselors Association, Albuquerque  
New York Federation of Alcohol and Chemical Dependency Counselors, Albany  
North Bay Health Resources Center, Petaluma, CA  
North Dakota Addiction Counselors Association, Minot  
Northern Lights Elementary School, Anchorage, AK  
Northern Nevada Association of Alcohol and Drug Abuse Counselors, Carson City  
Ohio Association of Alcoholism and Drug Abuse Counselors, Columbus  
Ohio Public Health Association, Pickerington  
Oklahoma Drug and Alcohol Professional Counselor Association, Moore  
Orange County Health Care Agency, Alcohol and Drug Abuse Services, Santa Ana, CA  
Oregon Office of Alcohol and Drug Abuse Programs, Salem  
Oregon Student Safety On the Move, Corvallis  
Oregon Teen Leadership in Prevention Institute, Corvallis  
PRIDE (National Parents Resource Institute for Drug Education), Atlanta, GA  
PRIDE - Omaha, Inc., NE  
PRIDE of St. Tammany, Covington, LA  
Parents Association to Neutralize Drug and Alcohol Abuse, Alexandria, VA  
Partnership for a Drug Free New Hampshire, Concord  
Pasadena Family Center, CA  
Pennsylvania Association of Alcoholism and Drug Abuse Counselors, Shippensburg  
Pennsylvania Council on Alcohol Problems, Harrisburg  
Phase: Piggy Back, Inc., Harlem, NY  
Preventing Alcohol Related Trauma in Salinas, CA  
Professional Alcoholism and Drug Abuse Counselors Association of the District of Columbia  
Public Voice for Food and Health Policy, Washington, DC  
RID-USA, Inc. (Remove Intoxicated Drivers), Schenectady, NY  
Racine Council on Alcoholism and Other Drug Abuse, WI  
Rhode Island Association of Alcoholism and Drug Abuse Counselors, Providence  
Ruth Lilly Center for Health Education, Indianapolis, IN  
STAR Alliance, Indianapolis, IN  
Salina All-American Prevention Partnership, KS  
San Benito County Alcohol and Drug Program, Hollister, CA  
San Francisco Medical Society, CA  
San Lorenzo Unified School District, CA  
Santa Barbara Council on Alcoholism and Drug Abuse, CA

**Co-Signers, continued**  
**Petition for Notice of Inquiry on Alcohol Advertising**

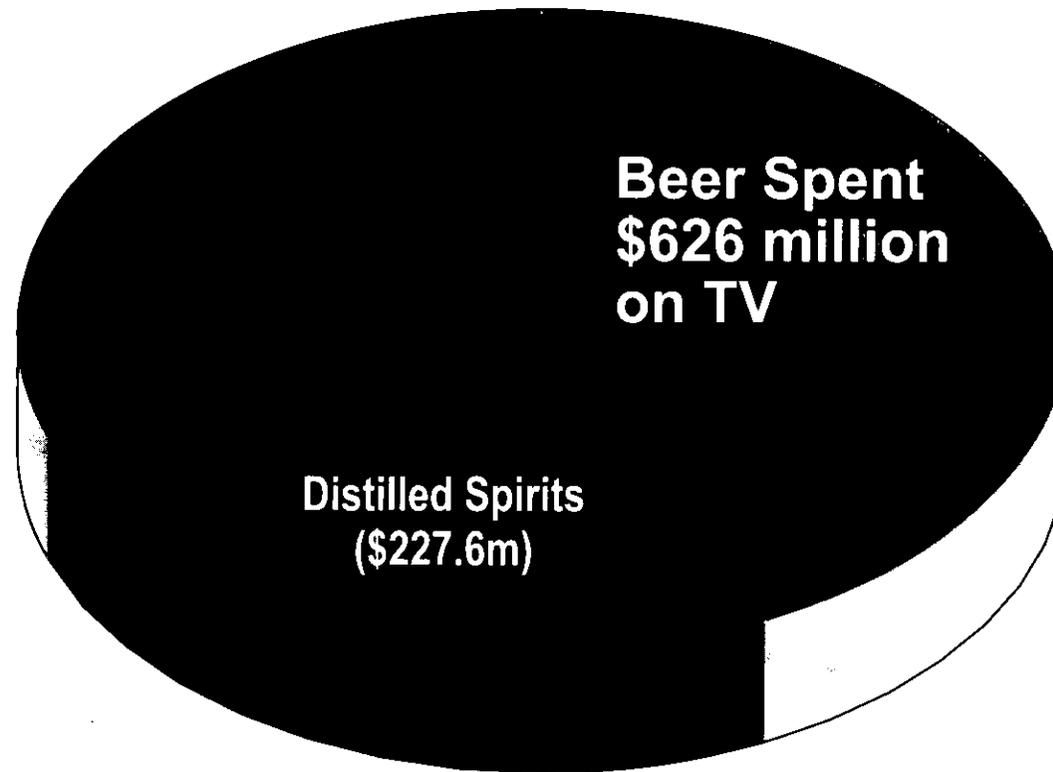
Santa Cruz Police Department, CA  
Scott Newman Center, Los Angeles, CA  
Second Chance, Inc., Newark, CA  
Seventh Day Adventist Church, Silver Spring, MD  
South Carolina Association of Alcoholism and Drug Abuse Counselors, Columbia  
South Dakota Chemical Dependency Association, Sioux Falls  
South Dakota Plus Community Prevention Council, Sioux Falls  
Southern Minnesota Association of Alcoholism and Drug Abuse Counselors, Fairmont  
St. Vincent College Prevention Projects, Latrobe, PA  
Substance Abuse Counselors of Colorado, Denver  
Summit County Community Partnership, Inc., Akron, OH  
Support Team for Youth, Hollis, NH  
T.H.U.M.B.S.-U.P. Association, Akron, OH  
Taku Elementary, Anchorage, AK  
Temperance League of Kentucky, Louisville  
Tennessee Association of Alcoholism and Drug Abuse Counselors, Nashville  
Texas Association of Alcoholism and Drug Abuse Counselors, Austin  
The Arc, Washington, DC  
The Association of Alcoholism and Drug Abuse Counselors of Oregon, Portland  
The Children's Health Fund, New York, NY  
The Health Network, New City, NY  
The Manocherian Foundation, New York, NY  
The Marin Institute, San Rafael, CA  
The Praxis Project, Oakland, CA  
The Urban Coalition, St. Paul, MN  
Trauma Foundation, San Francisco, CA  
United School District, Armagh, PA  
University of Massachusetts, University Health Services, Amherst  
University of Minnesota at Duluth, Health Services, Duluth  
University of Notre Dame, Office of Alcohol and Drug Education, IN  
Ursa Major Elementary School, Fort Richardson, AK  
Utah Association of Alcoholism and Drug Abuse Counselors, Salt Lake City  
Vallejo Alcohol Policy Coalition, CA  
Vallejo Fighting Back Partnership, CA  
Vermont Alcohol and Drug Abuse Counselors Association, Wallingford  
Victims Rights Political Action Committee, Washington, DC  
Virginia Association of Alcoholism and Drug Abuse Counselors, Richmond  
West Virginia Association of Alcoholism and Drug Abuse Counselors, Wheeling  
Wisconsin Association of Alcoholism and Drug Abuse Counselors, Appleton  
Wyoming Association of Addiction Specialists, Cheyenne  
YMCA - Communities in Prevention - North, Fullerton, CA  
Youth Leadership Institute, San Rafael, CA

# In 1995, Only 22 Percent of the Total Beverage Alcohol Advertising Costs Were for Distilled Spirits



Note: Figures based on measured national media expenditures  
Sources: CMR and Impact Databank, as reported in impact

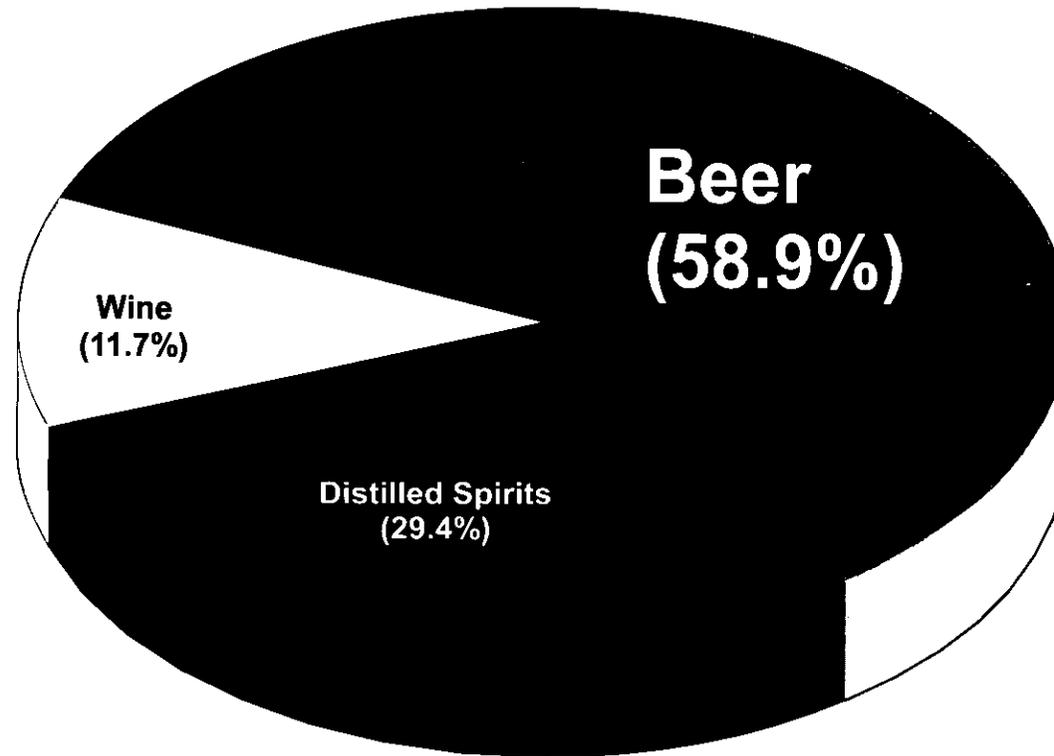
# In 1995, Beer Spent More on Television Advertising Alone than Distilled Spirits Spent on all Advertising Mediums



Note: Figures based on measured national media expenditures

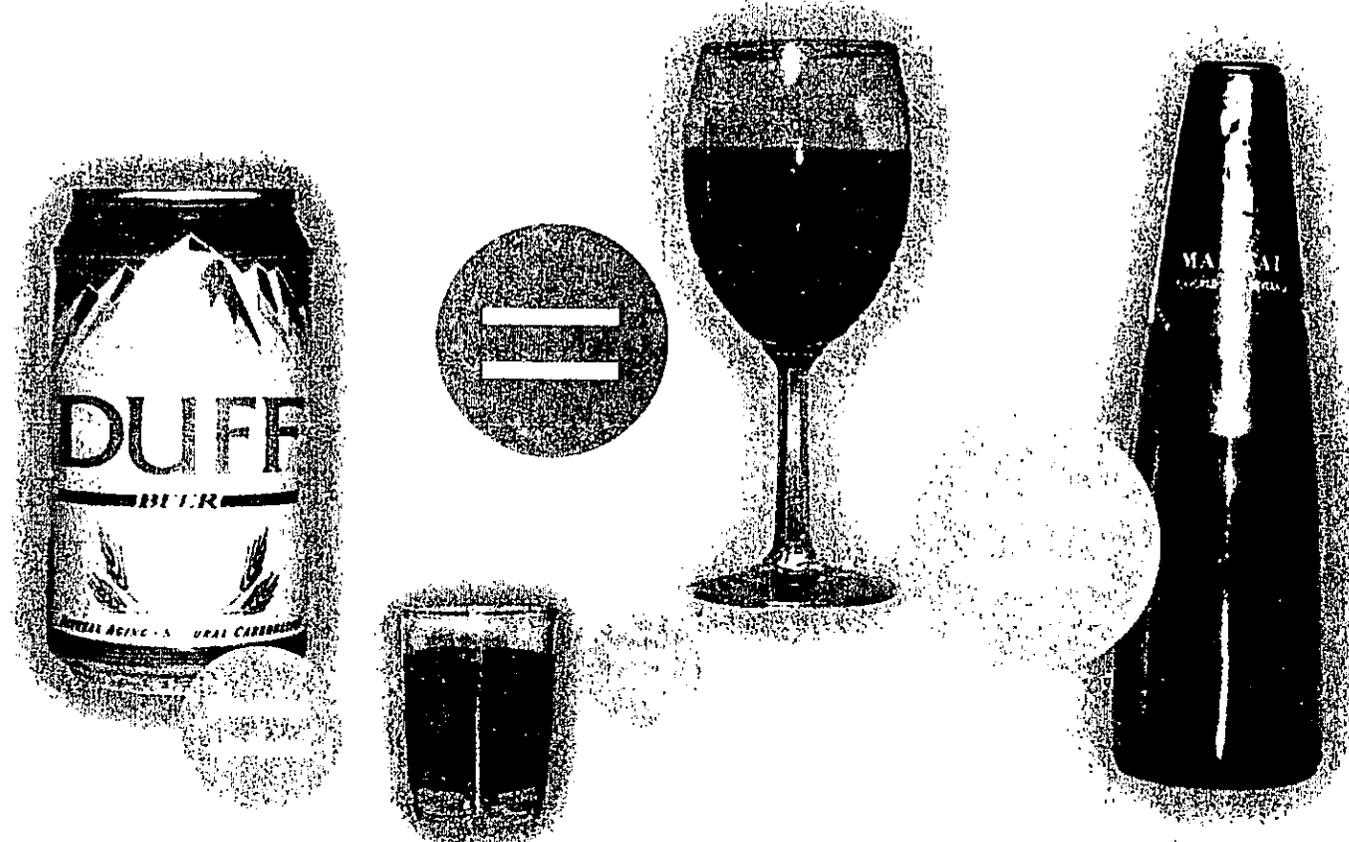
Sources: CMR and Impact Databank, as reported in Impact, October 1996

# Distilled Spirits Accounted for Only 29 Percent of all Alcohol Consumed in 1995



Note: Conversion from wine gallons to gallons of pure alcohol was made using the following conversion factors: Beer=4.5%; Wine=11%; Distilled Spirits=40%

Sources: DISCUS; Beer Institute; Steve L. Barsby & Associates



~~Don't let~~ the bottle fool you... a 12-ounce can of beer, a 5-ounce glass of wine, a 9-ounce wine cooler and a shot of whiskey have about the same amount of alcohol. Just because it looks fruity or lame doesn't mean it doesn't pack the same punch. Alcohol in any shape or form can mess with your head. And your mind. And your life.

**MADD®**

Mothers Against Drunk Driving

P.O. Box 541688

Dallas, Texas 75354-1688

DISTILLED  
SPIRITS  
COUNCIL  
OF THE  
UNITED  
STATES

April 4, 1997

*The President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500*

*Dear Mr. President:*

*While we strongly disagree with your Administration's attempt to single out only distilled spirits advertising for discriminatory examination and action, we want to propose a bold approach to the issue of alcohol advertising and youth.*

*Given the fact that your Administration is concerned with youth and alcohol advertising, the issue of advertising by other forms of alcohol must be addressed concurrently. Distilled spirits has been advertising on television and radio in a very responsible way, but with relatively few ads for only the past several months. Beer, however, has been advertising for decades and has spent billions of dollars doing so without any great public outcry or controversy.*

*The fact is that there can be no sensible or effective analysis of the issue of youth, alcohol and advertising if beer and wine are not part of that process. I doubt that there is one alcohol education or anti-abuse group anywhere that would not support this view that any Federal analysis of alcohol advertising **absolutely must** have beer and wine included. Attached are some recent letters from such groups.*

*As distillers, as parents and as good citizens, we are as concerned as anyone about illegal alcohol use among the underage. Indeed, our companies have a long and proud record of educating all segments of society about responsible alcohol consumption and alcohol abuse. The distillers collectively, through the Century Council, conduct effective community-based programs directed at combatting illegal, underage drinking.*

*It is with this tradition of responsibility that we propose a process that goes far beyond your position of "no backsliding."*

The President  
April 4, 1997  
Page Two

*Respectfully, the distillers call on your Administration to publicly request and expect that the distillers, brewers and vintners together with the broadcasters will meet under the aegis of your Administration. **Your tasking to the group would be for them to develop a unified code that sets the same responsible standards for all forms of beverage alcohol (beer, wine and spirits) advertising and also would be the guidelines for broadcasters.***

*Currently, each segment of beverage alcohol has its own code that addresses the issues of responsibility and youth, but a **common code** would improve the status quo by holding all segments of the beverage alcohol industry and the broadcasters to the same responsible standard.*

*We respectfully urge you to take pointed action by issuing a call for spirits, beer, wine, and the broadcasters to "come to the table" and, within no more than 90 days, develop and agree to a common code of advertising. Your Administration then could use its "bully pulpit" to attain an effective impact.*

*Your Administration prides itself on creative, dynamic and bold solutions and thus surely can do more than not just "backslide." Your Administration has the courage to bring all parties in the beverage alcohol industry (beer, wine and spirits) and the broadcasters to the table to achieve this comprehensive and sustaining objective.*

*The spirits industry is responsible -- we are willing to come to the table now. Your Administration only has to secure the same commitment from the beer and wine industries and the broadcasters to work toward this common end.*

*We would be pleased to discuss this soon with you or anyone in your Administration.*

Sincerely,

  
Fred A. Meister  
President/CEO

FAM:ck  
Attachments



**Mothers Against Drunk Driving**

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511 E. John Carpenter Fwy., Suite 700 • Irving, Texas 75062-8187 • Telephone (214) 744-MADD • FAX (972) 869-2206/2207  
NATIONAL OFFICE

FOR IMMEDIATE RELEASE  
(April 1, 1997)

CONTACT: Michelle Bennett, ext. 248  
Tresa Coe, ext. 245  
(214) 744-6233

**STATEMENT FROM MOTHERS AGAINST DRUNK DRIVING (MADD)  
IN RESPONSE TO CLINTON ADMINISTRATION'S REQUEST FOR  
FEDERAL COMMUNICATIONS COMMISSION (FCC) TO INVESTIGATE  
HARD LIQUOR ADS ON TV AND RADIO**

Mothers Against Drunk Driving (MADD) applauds the announcement today by President Clinton that he is requesting the Federal Communications Commission to "take all appropriate action" to explore the potential effects of the decision of the distilled liquor industry to end their voluntary ban on broadcast advertising.

MADD has long been concerned about the impact of all alcohol advertising on underage consumption and last year requested the FCC to exercise its authority to hold public hearings on this issue to examine and evaluate the role of alcohol advertising in the problem of underage drinking pursuant to the FCC's authority to determine if the use of the airwaves to broadcast alcohol advertising is in the public's best interest.

MADD was disappointed earlier this year when scheduled Congressional hearings on alcohol advertising were cancelled. However, it has always been our position that the FCC has the jurisdiction and the authority to provide a public forum for all issues surrounding alcohol advertising and we urge the FCC to move quickly in response to the President's request.

MADD has long advocated that any alcoholic beverage advertising, distilled spirits, beer or wine, should not target our youth or be created or presented in such a fashion as to be overly appealing to those under the legal drinking age.

###



# NCADD News

NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE, INC

12 WEST 21<sup>st</sup> STREET  
NEW YORK, NY 10010  
212/208-8770 FAX 212/845-1880

For More Information, Contact:  
Jeffrey Hon, Director for Public Information  
212/208-8770, ext. 18  
Sarah Kayson, Director for Public Policy  
202/737-8122

*For Immediate Release:*

Statement re: **PRESIDENTIAL LETTER URGING FCC TO  
EXAMINE IMPACT OF DISTILLED SPIRITS RADIO  
& TELEVISION ADVERTISING ON CHILDREN**

Attribute to: **Senator George McGovern  
NCADD National Spokesperson**

The National Council on Alcoholism and Drug Dependence, Inc. strongly supports President Clinton's request to the Federal Communications Commission (FCC) to examine the impact that radio and television advertising of distilled spirits will have on children. The President is correct to be wary of the makers of vodka, gin and whiskey and their attempts to appeal to a new generation of drinkers.

The President and the FCC should not, however, overlook the fact that our airwaves have long been swash in beer commercials that make drinking seem like a harmless activity enjoyed by people who are always happy, attractive and successful. Is it any wonder that teenagers already consume more than a billion cans of beer each year? Or that 33% of high school seniors, 21% of tenth graders and 8% of eighth graders report that they have been drunk during the past month?

It would be a mistake to focus only on distilled spirits advertising because this would send the wrong message that these beverages are more alcoholic than beer or wine. While so called "hard" liquor may pose a greater threat of alcohol poisoning, standard servings of distilled spirits, beer and wine all contain the same amount of alcohol and all can be equally addictive.

Children like the beer commercials they see on television and for many, the ads make them want to use the product. We can expect more of the same from the makers of distilled spirits; children do not need encouragement from the likes of Budweiser's frogs and RJ Reynolds' Joe Camel to drink sweetened alcohol beverages that taste good.

NCADD welcomes President Clinton's efforts to address the issue of alcohol advertising.

4/1/87

## NEWS RELEASE

For Immediate Release  
April 1, 1997

Contact: Tara Siegman  
(202) 332-9110, ext. 341

### **CSPI Applauds President Clinton's Concerns About Liquor Advertising**

*Michael F. Jacobson, executive director of the Center for Science in the Public Interest, had the following comment on President Bill Clinton's speech urging the FCC to investigate alcohol advertising on radio and television.*

"President Clinton clearly recognizes that America's War on Drugs must include restricting the advertising of alcoholic beverages. Alcohol is a factor in the three leading causes of death for 15- to 24-year-olds: unintentional injuries, homicides, and suicides. We hardly need whiskey ads during baseball games to further tempt youths to drink. We urge the FCC to investigate whether the broadcast of TV and radio commercials for liquor, as well as for beer and wine, is consistent with stations' public-interest responsibilities."

*CSPI is a nonprofit health-advocacy organization that focuses on alcoholic-beverage problems, nutrition, and food safety. It is based in Washington, D.C., and is supported largely by its 900,000 members and foundation grants. It does not accept industry or government funding. CSPI led efforts to win passage of the law requiring warning labels on alcoholic beverages and has publicized the nutritional content of many popular restaurant foods.*

*The Marin Institute*  
*for the Prevention of Alcohol and Other Drug Problems*



TRANSMITTED BY FAX

April 1, 1997

President William J. Clinton  
The White House  
Washington, D.C.

Dear Mr. President:

I am writing on behalf of the Marin Institute for the Prevention of Alcohol and Other Drug Problems to commend you for your letter to the Federal Communication Commission requesting that they investigate the impact of television and radio advertising of distilled spirits on children.

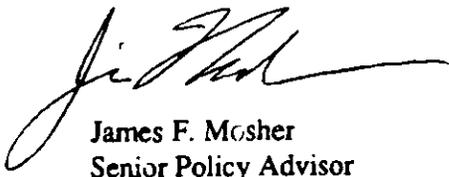
The decision of the distilled spirits industry to rescind its voluntary ban on broadcast advertising represents a giant step in the wrong direction. Beer advertising already saturates the airwaves, using images and slogans that clearly appeal to young people and aggravate our most serious youth drug problem – alcohol. Beer is by far the alcoholic beverage of choice among young people, particularly among heavy youthful drinkers and drinking drivers. Their preference for beer is not surprising given the beer industry's deliberate targeting of this age group with slick, sophisticated broadcast advertising. Research studies find that beer advertising on television is a powerful tool for reaching the youth market.

Clearly the distilled spirits industry is seeking to level the playing field by moving their advertising onto the airwaves. This highly unfortunate trend warrants immediate action by your administration and by the FCC. The lifting of distilled spirits industry's voluntary ban will increase the attractiveness of distilled spirits among young people, undermining your administration's drug policy goals and putting the lives and safety of our young people at further risk due to alcohol problems.

Until last year, the distilled spirits industry has taken a responsible stand — one that recognizes that alcohol is a powerful psychoactive drug that poses serious health and safety risks, particularly among young people. We believe the beer and wine industries should be following the past voluntary policy of the distilled spirits industry, not the reverse.

We therefore fully support your call for an FCC investigation. Advertising beer on television and radio raises the same issues as broadcasting distilled spirits advertisements. We urge you to follow up this first step with a call for a broader investigation by the FCC and the Federal Trade Commission to assess the impact of all alcohol advertising on broadcast media.

Sincerely,



James F. Mosher  
Senior Policy Advisor

cc: Diana M. Conti, Executive Director, The Marin Institute

*"kids should have no business with liquor."*

—President Clinton, April 1, 1997

# Distillers believe kids should have no business with *any* kind of alcohol— beer, wine, or distilled spirits.

The nation's distillers have called on President Clinton to bring together brewers, vintners, distillers and broadcasters to develop a common code of advertising.

The distillers are ready  
and willing to come to the table.

We urge Congress and the President  
to call us all to action now.



## Distilled Spirits Council of The United States

Equivalency based on standard servings from the U.S. Dietary Guidelines,  
12 ounces beer, 5 ounces of wine, 1.5 ounces of distilled spirits.

DISCUS 1250 Eye Street, N.W. • Suite 900 • Washington, D.C. 20005-3998 • 202-628-3544  
<http://www.discus.health.org>

# FACT SHEET

DISCUS is the trade association representing producers and marketers of distilled spirits sold in the United States.

Website: <http://www.discus.health.org>

## BEVERAGE ALCOHOL EQUIVALENCE

**All alcohol beverages have one thing in common - they contain alcohol. Standard servings of beer, wine and spirits -- a 12-ounce can of beer, a 5-ounce glass of wine and a cocktail with 1 1/2-ounces of 80-proof spirits -- all contain the same amount of absolute alcohol. A diverse collection of established experts recognize that "alcohol is alcohol is alcohol," and that there is no scientific basis for treating distilled spirits differently from other beverage alcohol.**

- The federal government (Departments of Health and Human Services, Agriculture, Transportation and Education), Mothers Against Drunk Driving, the National Council on Alcoholism and Drug Dependence, Blue Cross/Blue Shield and the National Alcohol Beverage Control Association all measure beverage alcohol equivalence the same way.
- The Dietary Guidelines for Americans, published by the U.S. Departments of Agriculture and Health and Human Services, define a drink of alcohol as "12 ounces of regular beer, 5 ounces of wine, or 1.5 ounces of 80-proof distilled spirits."
- The Department of Transportation's National Highway Traffic Safety Administration concurred with other federal agencies in a 1995 Fact Sheet: "Alcohol is alcohol. Beer has the same effect as straight scotch."
- In a June 30, 1993, USA Today Editorial, former U.S. Surgeon General Antonia Novello wrote: "They (young people) don't realize that one can of beer, five ounces of wine, or one wine cooler has roughly the alcohol equivalent of one shot of vodka. So deep is their misunderstanding that 80% of the students did not know that a 12-ounce can of beer has the same amount of alcohol as one shot of whiskey."
- From the National Council on Alcoholism and Drug Dependence, Inc (NCADD): "Beer and wine contain as much alcohol as liquor in standard servings. A lot of people think there is less risk in drinking beer or wine than in drinking liquor. They may have heard that the percentage of alcohol is lower in beer (around 5 percent) and wine (12 percent) than in liquor (usually 40 to 50 percent). But they may not know that beer, wine and liquor are also usually served in different sizes (12 ounces for beer; 5 ounces for wine; and 1 1/2 ounces of 80 proof liquor). So it works out that each one has the same amount of alcohol. It's just more diluted in beer and wine than in liquor. Beer, wine and liquor have the same effect if a person drinks them in a standard size serving and at the same rate."
- "... a standard drink of regular beer, wine or liquor contains roughly the same amount of alcohol in different overall volume of liquids." Enoch Gordis, M.D., Director of the National Insitute on Alcohol Abuse and Alcoholism (NIAAA), January 21, 1997 letter to Senator Wendell H. Ford.



- Most state driver's license manuals teach the facts of beverage alcohol equivalency.
- A 1991 U.S. Department of Health and Human Services, Office of Inspector General Report "Youth and Alcohol: A National Survey. Do They Know What They're Drinking?" states: "Students do not know the relative strengths of different alcoholic beverages. Almost 80 percent of the students do not know that one shot of whiskey has the same amount of alcohol as a 12-ounce can of beer. Similarly, 55 percent do not know that a 5-ounce glass of wine and a 12-ounce can of beer have the same amount of alcohol. One out of three students do not know that all wine coolers contain alcohol."
- A 1996 survey conducted by Yankelovich Partners, Inc. shows an alarmingly high level of misunderstanding among American adults about equivalence. Only 39% of Americans correctly answer that a 12 ounce can of beer, a 5 ounce glass of wine, and a mixed drink with 1.5 ounces of distilled spirits contain the same amount of alcohol. 53% of Americans believe a typical mixed drink is more potent than a typical 5 ounce glass of wine while only 16% say the two drinks are equally potent.
- The National Alcohol Beverage Control Association, the association of the 19 alcohol control jurisdictions in the U.S., conducted a public education campaign on equivalency. Public service advertisements with the message, "A Sobering Fact About Alcohol: It's Not What You Drink, It's How Much" were widely disseminated throughout the 19 control jurisdictions.
- The U.S. Supreme Court's recent reinforcement of the beverage alcohol industry's commercial free speech rights, in its decision in 44 Liquormart v. Rhode Island, did not distinguish among distilled spirits, beer or wine.
- On June 12, 1995, the Federal Court of Canada repealed the country's prohibition of distilled spirits advertising on television and radio. Prominent researchers and clinicians in Canada testified that all alcohol should be treated equally under the law. Allan Wilson, MD, Ph.D., Clinical Director of Royal Ottawa Hospital Addiction Programs, testified that "There is no coherent body of scientific evidence to support the differential treatment of beer, wine and distilled spirits."
- In an affidavit before the Court, Harold Kalant, MD, Ph.D., Professor Emeritus in Pharmacology, University of Toronto and Assistant Research Director of the Addiction Research Foundation of Ontario concluded, "... there is no logical basis in scientific evidence for differential treatment of different types of alcoholic beverage."
- Alcohol warning labels, minimum drinking age laws and drunk driving laws do not distinguish among distilled spirits, beer or wine.
- The National Institute on Alcohol Abuse and Alcoholism, HHS, recognizes that alcohol is alcohol: "A standard drink is generally considered to be 12 ounces of beer, 5 ounces of wine, or 1.5 ounces of 80-proof distilled spirits. Each of these drinks contains roughly the same amount of absolute alcohol - approximately 0.5-ounce or 12 grams." (source: Alcohol Alert, No. 16)

Nutrition and Your Health:  
**Dietary Guidelines  
for Americans**

**Balance  
the food you eat  
with physical activity—  
maintain or improve  
your weight**

**Choose  
a diet  
with plenty of  
grain products,  
vegetables,  
and fruits**

**Choose  
a diet  
low in fat,  
saturated fat,  
and cholesterol**

**Eat a  
variety of  
foods**

**Choose a  
diet moderate  
in salt and  
sodium**

**Choose a  
diet moderate  
in sugars**

**If you drink  
alcoholic beverages,  
do so in  
moderation**

Fourth Edition, 1995  
U.S. Department of Agriculture  
U.S. Department of Health and Human Services

## If you drink alcoholic beverages, do so in moderation

Alcoholic beverages supply calories but few or no nutrients. The alcohol in these beverages has effects that are harmful when consumed in excess. These effects of alcohol may alter judgment and can lead to dependency and a great many other serious health problems. Alcoholic beverages have been used to enhance the enjoyment of meals by many societies throughout human history. If adults choose to drink alcoholic beverages, they should consume them only in moderation (box 16).

Current evidence suggests that moderate drinking is associated with a lower risk for coronary heart disease in some individuals. However, higher levels of alcohol intake raise the risk for high blood pressure, stroke, heart disease, certain cancers, accidents, violence, suicides, birth defects, and overall mortality (deaths). Too much alcohol may cause cirrhosis of the liver, inflammation of

BOX 16

### WHAT IS MODERATION?

Moderation is defined as no more than one drink per day for women and no more than two drinks per day for men.

#### Count as a drink—

- 12 ounces of regular beer (150 calories)
- 5 ounces of wine (100 calories)
- 1.5 ounces of 80-proof distilled spirits (100 calories)

the pancreas, and damage to the brain and heart. Heavy drinkers also are at risk of malnutrition because alcohol contains calories that may substitute for those in more nutritious foods.

### Who should not drink?

Some people should not drink alcoholic beverages at all. These include:

- Children and adolescents.
- Individuals of any age who cannot restrict their drinking to moderate levels. This is a special concern for recovering alcoholics and people whose family members have alcohol problems.
- Women who are trying to conceive or who are pregnant. Major birth defects, including fetal alcohol syndrome, have been attributed to heavy drinking by the mother while pregnant. While there is no conclusive evidence that an occasional drink is harmful to the fetus or to the pregnant woman, a safe level of alcohol intake during pregnancy has not been established.
- Individuals who plan to drive or take part in activities that require attention or skill. Most people retain some alcohol in the blood up to 2–3 hours after a single drink.
- Individuals using prescription and over-the-counter medications. Alcohol may alter the effectiveness or toxicity of medicines. Also, some medications may increase blood alcohol levels or increase the adverse effect of alcohol on the brain.

### ADVICE FOR TODAY

If you drink alcoholic beverages, do so in moderation, with meals, and when consumption does not put you or others at risk.

# BEER IS THE BEVERAGE PREFERENCE OF DRINKING DRIVERS

<u>Population</u>	<u>Percent Drinking Beer</u>	<u>Source</u>
13,000 in jail for DWI	75%	Greenfeld, 1988
5,000 arrested for DWI in MD	78%	NHTSA, 1986
3,000 arrested for DWI in NH	77%	New Hampshire, 1985
100 drivers with BAC > .10 at roadside survey	78%	Lund and Wolfe, 1989
2,000 drivers admitting impaired driving in past year	81%	SRBI, 1992
1,287 drinkers	66%	NHTSA, 1995

Source: NHTSA



Vol. 7 No. 14

May 2, 1997

## ACTIONS AGAINST ALCOHOL ADS BLOW CHILLING WINDS ON COMMERCIAL SPEECH

by  
William C. MacLeod

*"So long as we preserve a predominantly free enterprise economy, the allocation of our resources in large measure will be made through numerous private economic decisions. It is a matter of public interest that those decisions, in the aggregate, be intelligent and well informed. To this end, the free flow of commercial information is indispensable"*

Twenty-one years ago in *Virginia Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 421 U.S. 748, 765 (1976), Justice Harry Blackmun used these words to explain why the Supreme Court was according First Amendment protection to accurate and non-misleading commercial messages for legal products. Today, unfortunately, decision makers at the highest level of the federal government have decided that it is more in the public interest to restrict, not promote, the free flow of commercial information. They are engaged in a vigorous effort to restrict, or at least frustrate, the broadcast advertising of legal alcoholic products. This interpretation of what is in the public interest does not, however, provide agencies such as the Federal Communications Commission (FCC) the authority to act, nor does it legally justify any threatened or actual attempts to restrict commercial speech. Such actions do, however, seriously imperil the First Amendment rights of *all* advertisers and consumers.

**Background.** At the urging of anti-alcohol activists and state and federal policy makers, the Chairman of the FCC has been vocally threatening agency investigation of or action against advertisements by distilled spirits producers. He has also been strongly asserting that FCC possesses the power to act, and has been using that belief to urge broadcasters to reject such ads. FCC's efforts received support recently from a letter and public statements by the President "urging the Commission to take *all appropriate actions*" to explore the effects of these ads and agreeing that the FCC "has an obligation to consider any and all that would protect the *public interest* in the use of the public airwaves." *Text of a Letter from the President to Reed E. Hundt*, Apr. 1, 1997 (emphasis added). In addition to possible FCC action, the Federal Trade Commission (FTC), asserting their broad "unfairness" jurisdiction, has reportedly initiated investigations into advertising by spirits and beer

---

William C. MacLeod is a partner with the Washington, D.C. law firm of Collier, Shannon, Rill & Scott. He is Chairman of Consumer Alert and a former Director of the Bureau of Consumer Protection of the Federal Trade Commission.

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<http://www.wlf.org>

producers.

**FCC Lacks Jurisdiction.** FCC lacks the jurisdictional power to investigate or act in any way to restrict advertising of alcohol products. Those supporting FCC jurisdiction argue that in empowering the FCC, Congress gave it broad authority to ensure that the broadcast system is operated “in the public interest.” The public interest mandate is not so broad, however, to overcome the Communications Act’s specific prohibition against the use of any agency power to censor free speech. 47 U.S.C. § 326. Two FCC Commissioners, in responses to an inquiry on this issue by Congressman John D. Dingell (D-MI), have both stated that absent Congressional authorization, this section of the Act prohibits television or radio advertising restrictions.

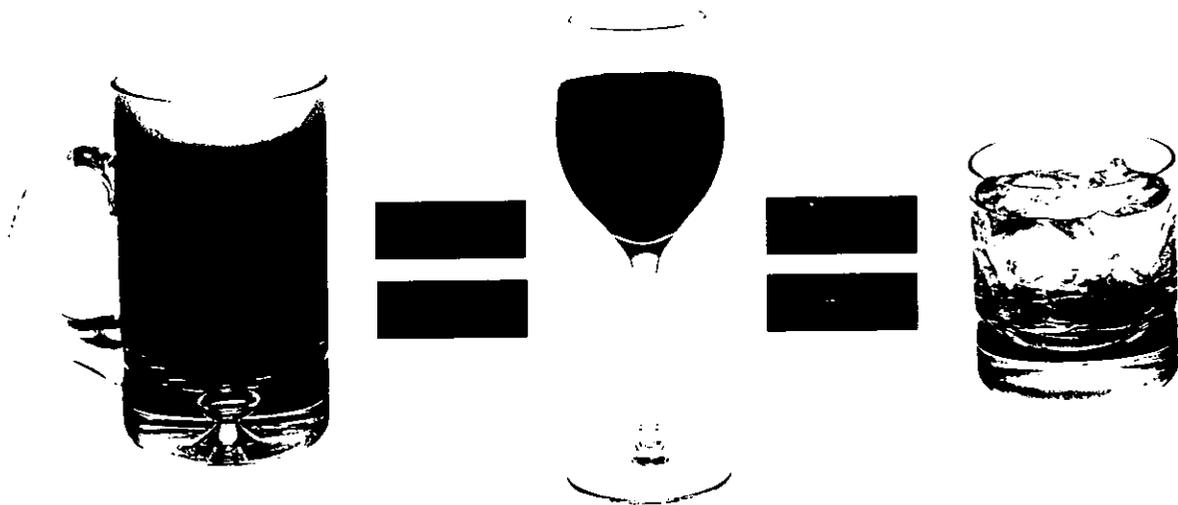
Federal court decisions interpreting the breadth of FCC’s “public interest” mandate have consistently denied or strictly limited the agency’s attempts to expand it. For instance, in *Becker v. FCC*, 95 F.3d 75 (D.C. Cir. 1996), the court struck down FCC limits on political advertising where the agency, as it is in the alcohol advertising context, asserted that its public interest power allowed it to restrict speech that “may be harmful to children.” Even where courts have upheld FCC’s use of its public interest mandate to regulate speech, it has only done so in the indecency context, and has been careful to stress “the narrowness of our holding.” *FCC v. Pacifica Foundation*, 438 U.S. 726, 750 (1978). In addition, in the indecency context, FCC was acting to enforce a statute, whereas in the alcohol context, it is seeking to act on its own initiative.

**U.S. Constitution Restricts Agencies’ Actions.** Even if FCC possessed jurisdiction to regulate or ban alcohol advertising, any effort to use speech restrictions to influence consumption would be extremely vulnerable to a First Amendment challenge. Those willing to sacrifice speech seem to assert that the public interest at stake — reducing alcohol abuse and underage consumption — is so compelling that it alone outweighs any damage that can be done to speech rights, and thus any federal government action would be constitutional. The Supreme Court, however, certainly has never endorsed such a justification for commercial speech restrictions. The importance of the government’s interest in reducing abuse is but the beginning of the inquiry courts would utilize to judge the constitutionality of alcohol advertising limitations. In fact, the Court has made clear that the First Amendment does not tolerate censorship under the guise of protecting children. As the Court has stated, the government may not “reduce the adult population . . . to reading only what is fit for children.” *Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60 (1983).

Under the test created in *Central Hudson Gas & Electric Corp. v. Public Service Comm’n*, 447 U.S. 557 (1980), and strengthened in many subsequent cases, including *44 Liquormart, Inc. v. Rhode Island*, 116 S. Ct. 1495 (1996), courts must also determine whether the speech restriction *directly* advances the government’s interest. Limits on alcohol ads could not directly advance the government’s interest in reducing abuse because advertising does not cause abuse. As the Department of Health and Human Services itself has stated, “Research has yet to document a strong relationship between alcohol advertising and alcohol consumption.” Seventh Special Report to the U.S. Congress on Alcohol and Health, Jan. 1990 at 211. Research has continued since that statement, but it has demonstrated the same conclusion — advertising does *not* increase abuse or underage consumption.

**Conclusion.** Few would take issue with the notion that reducing alcohol abuse and underage consumption is in the public interest. Everyone who cares about freedom of speech should, however, strongly contest the federal government’s prevailing notion that this interest always takes precedent over the public interest in the free flow of commercial information spoken of above by Justice Blackmun. The First Amendment demands that government not so easily intrude upon the rights of commercial speakers to speak, and of consumers who choose to listen. Any attempts to impose speech restrictions on alcohol product should be vigorously opposed. But even if restrictions are never imposed, the rigorous “jawboning” that has been engaged in by certain members of the FCC and others, including some in the Executive Branch, has placed a disturbing chill over the exercise of commercial speech rights of alcohol advertisers and those who control the mediums that would communicate the advertisements. Such actions ultimately chill the speech of *all* consumers and producers. If the “disfavored” target today is alcohol advertising, what will be tomorrow’s unlucky target?

# A Sobering Fact About Alcohol.



BEER 12OZ.

WINE 5OZ.

SPIRITS 1 1/2OZ.

ALCOHOL IS ALCOHOL IS ALCOHOL

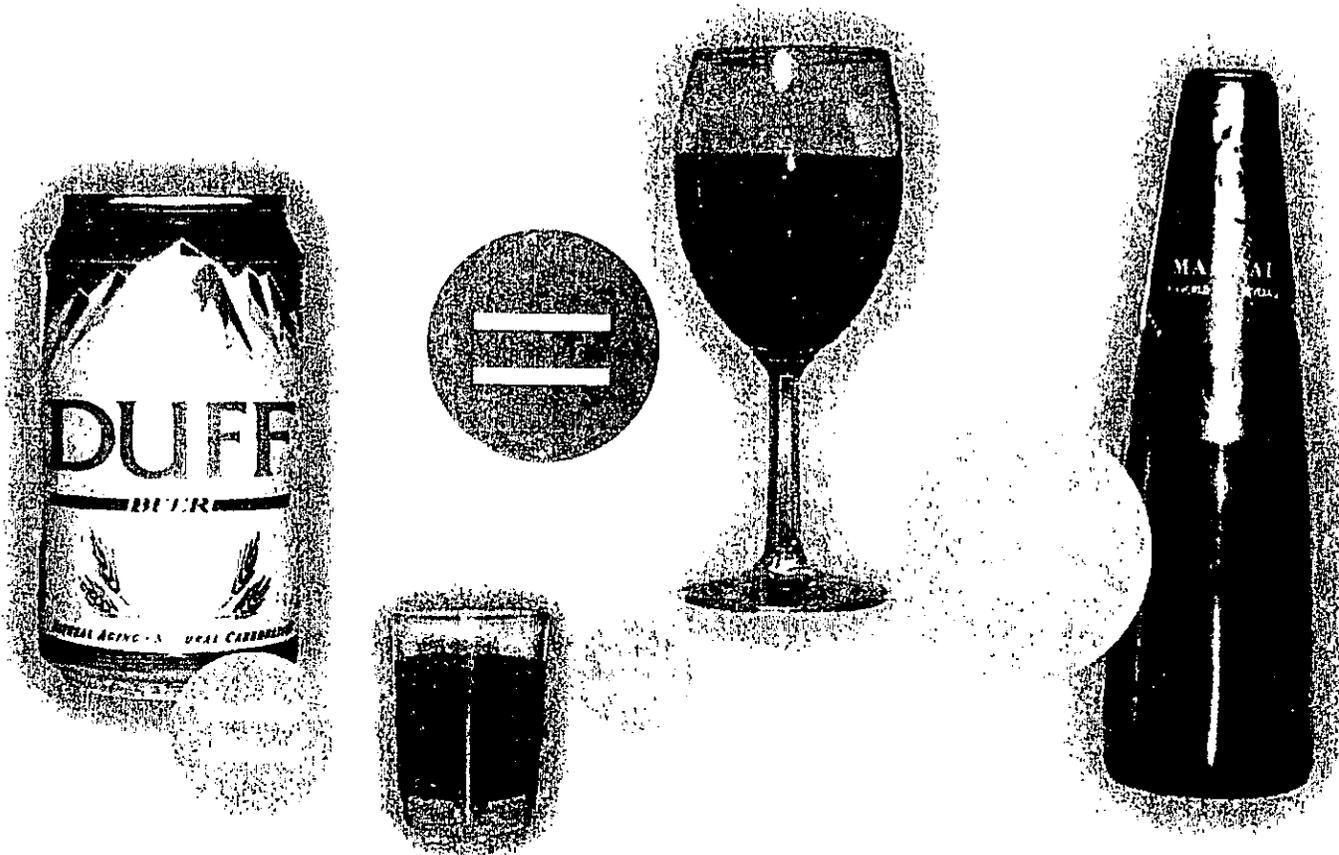
It's Not What You Drink.  
It's How Much.

A MESSAGE FROM THE

**NABCA**

The National Alcohol Beverage Control Association  
An Association Of The 19 Control Jurisdictions In The United States

ALABAMA. IDAHO. IOWA. MAINE. MICHIGAN. MISSISSIPPI. MONTANA. NEW HAMPSHIRE.  
NORTH CAROLINA. OHIO. OREGON. PENNSYLVANIA. UTAH. VERMONT. VIRGINIA. WASHINGTON.  
WEST VIRGINIA. WYOMING. MONTGOMERY CO., MD.



Don't let the bottle fool you... a 12-ounce can of beer, a 5-ounce glass of wine, a 9-ounce wine cooler and a shot of whiskey have about the same amount of alcohol. Just because it looks fruity or lame doesn't mean it doesn't pack the same punch. Alcohol in any shape or form can mess with your head. And your mind. And your life.

**MADD®**

Mothers Against Drunk Driving

P.O. Box 541688

Dallas, Texas 75354-1688

allow only moderate growth in programs covered by the Intermodal Surface Transportation Efficiency Act.

House aides said they would meet again May 13 to discuss the maximum funding for ISTEA that the budget plan will allow. But, with congressional negotiators having already committed themselves to relatively small increases in talks with the Clinton administration, the aides said the budget resolution now will probably not reflect much higher funding levels for the programs.

After a week of wrangling between the House Budget Committee and the Transportation and Infrastructure Committee, discussions still are focused primarily on small increases for ISTEA programs, despite Transportation Committee Chairman Bud Shuster's (R-Pa) insistence that he needs a sharp boost in funding for this year's reauthorization of ISTEA, they said.

"We are talking about modest increases," an aide to Shuster said after another round of meetings with aides from the Budget and Appropriations committees May 12. Another session, he said, is planned for May 13.

But even the small increases being discussed, he said, may not translate into actual spending if the Appropriations Committee opposes them.

"We're trying to find a way to wall that off . . . so that appropriators actually spend the [extra] outlays on this program," the aide to Shuster said.

**\$21 Billion Highway Limit Suggested.** Since the administration and congressional leaders announced they had a five-year deal to balance the budget May 2, the details of the transportation portion of the pact have been in flux. However, aides said it now appears that the agreement would provide an extra \$10 billion in contract authority for ISTEA programs and between \$7 billion and \$8 billion in extra outlays for the programs.

That extra funding is far below what Shuster and many other lawmakers proposed for the ISTEA reauthorization. In a sharply worded memo to House GOP leadership, Shuster called the funds totally inadequate for crafting a reauthorization bill that will satisfy states' competing interests.

With key funding levels on ISTEA unsettled, Shuster said he will not move forward with the draft reauthorization bill that his committee developed in recent weeks. Shuster said he intended for the legislation to be ready for committee members to preview on May 13, with markup in subcommittee and full committee to occur May 20 and May 22. Now, aides said, the bill probably will not move out of committee until after the Memorial Day recess (91 DER A-25, 5/12/97).

The most recent round of talks, aides said, center on increases that are on top of the increases already agreed to by budget negotiators. But even the new levels being discussed will not bring funding close to the levels Shuster proposed, they said. Shuster had wanted to boost annual road funding from about \$20 billion to \$32 billion, and annual transit funding from \$4 billion to \$6 billion.

Instead of the sharp funding increases for both highways and transit, the scenario that is taking shape, sources said, is ISTEA funding that grows only moderately over the next few years.

Under the five-year budget pact, for example, the Transportation Committee is said to have interpreted those increases as translating into a slow-growing highway program, with funding for the core program to be

set at about \$21 billion annually. Currently, the highway obligation ceiling is at the \$18 billion level.

**State-By-State Losses Outlined.** According to sources, the Transportation Committee has assumed that the five-year budget agreement's levels would mean that about \$5 billion less will be available each year for distribution to the states than planned under the original reauthorization bill.

Under projections prepared by the Transportation Committee, the program levels suggested by the budget agreement mean all states will receive far less than they would have under Shuster's proposal, particularly the so-called donor states that are dissatisfied with their return on gas tax payments. According to the projections, the committee's bill had significantly changed highway allocation formulas in order to direct much more funding to the donor states.

According to the committee, the difference between Shuster's \$32 billion annual highway program and the budget pact's \$21 billion program means a loss of \$4.2 billion for California, \$3.1 billion for Texas, \$2.1 billion for New York, \$2.0 billion for Florida, \$2.0 billion for Pennsylvania; \$1.6 billion for Illinois; \$1.6 billion for Ohio; and \$1.5 billion to Georgia.

— BY NANCY OGNANOVICH

## Communications

### **Hundt Open to Examining Beer in Probe Of Liquor Ads, But 'Dubious' About Parallels**

Federal Communications Commission Chairman Reed Hundt said May 12 that he was willing to look at questions surrounding beer commercials as part of his proposed FCC inquiry into liquor advertising on television and radio.

"I want to have an open-minded attitude about the questions," Hundt told reporters. "I think it's clear that the hard liquor industry would insist in such an inquiry that it be permitted to talk about alcohol in general. And I can't see any reason to say to them that they shouldn't be able to have their say on that subject."

The statement appeared to reflect a shift in Hundt's thinking, or at least his public statements. Previously, Hundt had summarily dismissed all attempts by the distilled spirits industry to establish parallels between the potency and regulation of its products and those of the beer and wine industries.

Hundt said liquor ads should remain the "primary focus" of any FCC inquiry, noting that he remained "very dubious" about the distilled spirits industry arguments that "alcohol is alcohol" whatever the form of delivery.

"But I think they should have the chance to make that argument in the inquiry and offer whatever scientific evidence they can find," he said.

Elizabeth Board, a spokeswoman for the Distilled Spirits Council of the United States (DISCUS), said Hundt's comments were "an improvement" over previous statements, and speculated that he may have been reacting to pressure from her group.

"Our concern is that Reed Hundt has so prejudiced the issue and made so many anti-spirits statements that there can't be a balanced inquiry," Board said. "We say

he should recuse himself on this topic. So maybe this was because of our criticisms."

Hundt was speaking after giving a speech in Chevy Chase, Md., to a National Youth Summit on Underage Drinking organized by Mothers Against Drunk Driving.

In his speech and subsequent comments to reporters, Hundt continued to warn of the dangers posed by televised liquor ads.

He also expressed concern about what he said was a recent drop in the number of public service advertisements on all topics being aired by broadcasters.

**Other Commissioners' Views Unchanged.** Hundt has been stymied in his attempts to open an FCC inquiry into televised liquor advertising by the opposition of two of his three fellow FCC commissioners.

Hundt acknowledged the "public stance" of his colleagues, but said he thought that "it's possible that this will change."

If so, it may have to await a change in the makeup of the commission.

Aides to Commissioners James Quello and Rachelle Chong told BNA May 12 that their bosses remained firm in their views that the FCC lacked jurisdiction to open a liquor ad inquiry. They said that Congress and the Federal Trade Commission are the appropriate bodies to look into the matter.

"Hope springs eternal," quipped Quello aide Rudy Baca, in reaction to Hundt's comment.

Baca said Hundt's apparent willingness to examine issues surrounding beer and wine ads made no difference.

"That doesn't change the fundamental jurisdictional questions," Baca said. "This is not our area of expertise. This is not an area that we should be looking at — I don't care what kinds of questions he's thinking of looking at."

An aide to Commissioner Susan Ness said her boss supports opening an inquiry or some other method of investigation. For instance, the FCC could issue a public notice and ask for comment on petitions for an inquiry that it has received from the state of Alaska and various others.

But the aide said that Ness has not made up her mind on the need for new regulation and had "serious First Amendment concerns."

More than 240 groups recently requested that the FCC open an inquiry into questions raised by the introduction of liquor commercials, including on matters relating to beer and wine ads.

More petitions may be on their way, according to George Hacker, director of the Alcohol Policies Project at the Center for Science in the Public Interest, a group which organized the April 24 petition.

**Beer 'Much More Difficult.'** In his comments to reporters, Hundt said that questions surrounding beer advertisements were "much more difficult" than those surrounding liquor ads.

"We have a lot of reliance on beer advertising, both by the stations and by the [beer] industry," he said.

But he said that "there's nothing wrong with having that be one of the topics of our inquiry."

"I note that we're in an evidence-free zone here as far as the hard liquor industry is concerned," Hundt said. "I never see anything that could remotely be con-

sidered to be evidence admissible in court or even from the scientific perspective."

The distilled spirits industry maintains that the amount of alcohol in a standard mixed drink with 1.5-ounces of liquor is same as that in a 5-oz. glass of wine or a 12-oz. bottle of beer.

"If the hard liquor industry will stipulate that we should have the inquiry provided that we ask what people think about beer, that's an easy deal to strike," Hundt said. "On the other hand, that's exactly what they've never agreed to."

DISCUS spokeswoman Board acknowledged that her group had not and would not call for an FCC notice of inquiry (NOI) because it questions the agency's jurisdiction.

"We're not going to come out and ask for an NOI at the FCC just as long as it examines all three [beer, wine, and liquor ads] — that's absurd," Board said. "But if it did happen, we're saying that it must include all three."

Jeff Becker, vice president of alcohol issues at the Beer Institute, told BNA that his industry believes its advertising "would withstand scrutiny from anyone" but added, "Our view is we didn't start this thing."

"We do not think that the FCC has authorization from Congress to review broadcast advertising content," Becker said. "In the past the FCC has stated that it lacks such authority and at least two current commissioners have agreed with that premise."

**Liquor Industry Slammed.** Despite his apparent shift on the scope of an inquiry, Hundt, in his speech to the MADD youth conference, continued his attacks on the liquor industry's 1996 decision to end its decades-old voluntary bans against advertising its products on television and radio.

"The hard liquor industry is putting these advertisements on TV shows that all the statistics show millions of kids are watching," he said.

The main networks have refused to participate, but some local stations are airing the ads.

"It seems to be the case," Hundt told the teenage audience, "that the hard liquor industry wants to make darn sure that when each and every one of you turns 21 you will be very very well informed, not just about history and literature and mathematics, but about the A-to-Z of hard liquor: absinthe and zombies, Hiram Walker and Seagrams, and vodka and gin."

Hundt said that for better or worse, American youths pick up many of their values from television. He suggested that liquor companies were teaching an "insidious" values system that "lured people into the experience of alcohol."

"Are they about trying to establish familiarity toward brand names, with a kind of permissiveness about alcohol?" he asked.

Hundt mentioned his own three children, aged 15, 11, and 8.

"Why does he [the 15-year-old] have to get pounded on the pupils for 20 years in advance of the legal drinking age with the message that he would really like to be drinking [whiskey] instead of playing baseball?" Hundt asked.

"Do we want a world in which my 11-year-old and eight-year-old will know vodka brands as well as they know Coke and Pepsi?" he asked.

Hundt disputed the arguments of the distilled spirits industry for advertising on TV and radio.

"The hard liquor industry tells us that the reason we should want this is so that they can advertise on an equal basis with beer," he said. "Well, if it's a bad idea to have beer on TV, then I guess hard liquor is telling us that two wrongs make a right. Now does anyone know a church or synagogue or a teacher who teaches that two wrongs make a right? I thought it was pretty clear that that was not a valid theory, that that was not a correct way to act in this world."

"Of course, if the hard liquor industry really was concerned about beer advertising, why don't they tell us that we ought to kick beer ads off TV?" he added. "That's not their message to me and that's not their message to Congress. What they want is for an opportunity to compete with software and soap and movies for the attention of America's youth. What they want is an opportunity to improve their sales by improving your awareness in their brand names."

**PSA Controversy.** Hundt also noted that at the same time that the liquor industry wants to advertise on electronic media, the number of public service announcements (PSAs) broadcasters run appear to be falling, particularly in prime time.

Hundt and Eddie Fritts, president of the National Association of Broadcasters, have recently exchanged several letters on the subject.

Fritts maintains that the number of PSAs has not fallen and says that they represent only a part of broadcasters' efforts to fulfill their public-interest duties.

Hundt told reporters that the advertising and broadcast industries are now in disagreement over the actual number of PSAs being run.

He also said that PSAs on the dangers of alcohol could be one way to address concerns about the liquor ads.

"Some people think that the way to deal with dangerous information is to have more information of another kind on television," he said. "That's the kind of PSA as an antidote approach."

"Others think that the way to deal with dangerous information is to prohibit it or to channel it."

Hundt said that the Supreme Court had recently upheld a law against billboard advertising near schools, a decision which he said had implications for regulating the airwaves.

"Even if you hold to the First Amendment absolutist view of the broadcast media as being like the print medium — a view that has no support at the Supreme Court level — but even if you hold to that view, then that billboard case means that you could have a prohibition of liquor advertising when 'kids are likely to see it,'" he said.

By DAVID KAUT

## Defense

### **Cohen Will Scrutinize Hiring, Firing Of All Noncareer Personnel**

**D**efense Secretary William S. Cohen has let it be known that he wants to weigh in on the "recruitment, selection, and termination" of all noncareer personnel within the Defense Department.

In a two-page internal memorandum dated April 1 and obtained by BNA May 12, Cohen said his chief of staff, Robert S. Tyrer, will oversee the handling of all noncareer appointments within DOD. Tyrer's written approval will be required to initiate efforts to fill any noncareer position, including offices filled by presidential appointment, noncareer Senior Executive Service billets, Schedule C billets, and advisory boards and commissions.

"In addition, prior to taking any action to terminate the service of a noncareer employee in the Department, the responsible supervisor must consult with Tyrer as well as with the White House liaison," the memorandum says.

**Avoiding 'Embarrassing Surprises.'** A former DOD official commented that "this is Cohen's way of saying that he doesn't want any potentially embarrassing surprises." Last January, Deputy Under Secretary of Defense for Acquisition Reform Colleen Preston abruptly resigned due to long-standing differences between her and Under Secretary of Defense for Acquisition and Technology Paul G. Kaminski. Pentagon and other sources have said that both the White House and members of Congress were given a "heads-up" on the impending resignation, but that "no one did anything to block it."

Cohen, a former three-term Republican senator from Maine, also emphasized in his memorandum that "I intend to select the members of this team based on merit, without regard to political affiliation."

Meanwhile, a White House announcement of the nomination for a replacement for Kaminski—who is leaving May 16—is said to be imminent. Jacques Gansler, executive vice president of TASC Inc., is considered the likely choice. Also, DOD Comptroller John J. Hamre is said to be in line to replace Deputy Defense Secretary John P. White, who recently announced he will leave in June. Alice C. Maroni, Hamre's principal deputy, is said to be in line to succeed Hamre as Comptroller.

MELANIE I. DOOLEY



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

APR 15 1996

Mr. Fred A. Meister  
President/CEO  
Distilled Spirits Council  
of the United States  
1250 Eye Street, N.W., Suite 900  
Washington, D.C. 20005-3998

Dear Mr. Meister:

Thank you for taking the time to follow up on our meeting with additional information about public misunderstanding of the definition of a drink. It seems clear from both the survey work you have done and the Department's own Inspector General's report that there is considerable confusion among the general public about what constitutes a drink and the alcohol equivalencies of beer, wine and distilled spirits.

We certainly agree with your assessment that public misconceptions interfere with informed decision making. With that in mind, the Department has used the definition of a drink (12 ounces of regular beer, 5 ounces of wine or 1.5 ounces of 80-proof distilled spirits) in a number of public education materials, including, as you know, the Dietary Guidelines for America. In addition, the National Institute of Alcohol Abuse and Alcoholism (NIAAA), at the National Institutes of Health, has incorporated the definition into a number of publications, including the Alcohol Alert issue on moderate drinking you included in your package to me and the recently published Physicians' Guide to Helping Patients with Alcohol Problems. Furthermore, NIAAA is in the process of preparing three patient education brochures on fetal alcohol syndrome which will explain that any kind of alcohol -- beer, wine, wine coolers, liquor, or "mixed drinks" -- is harmful during pregnancy. Finally, the Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention has included this definition of a drink in its recently revised Editorial Guidelines.

Please be assured that we will continue to work to clear up confusion on this issue through our many departmental publications. You should feel free, as we discussed in our meeting, to distribute our public education materials widely.

I hope this information is helpful.

Sincerely,

  
Donna E. Shalala



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## NEWS RELEASE

**For Immediate Release:**  
April 24, 1997

**Contact: George Hacker (202) 332-9110, ext. 343**  
**Bill Bryant (202) 332-9110, ext. 370**

### **PETITION DEMANDS FCC INQUIRY OF ALCOHOL ADS**

#### **Public Interest Organizations From Every State Call For Action**

More than 240 organizations from every state in the Union today urged the Federal Communications Commission (FCC) to waste no more time before launching a full investigation into broadcast alcohol commercials that reach and appeal to millions of children.

The groups urged the Federal Communications Commission (FCC) not to abandon America's children to liquor, beer, and wine marketers. They formally petitioned the FCC to examine the effects on children of radio and television advertising for all forms of alcoholic beverages.

George Hacker, director of the Alcohol Policies Project at the non-profit Center for Science in the Public Interest (CSPI), which coordinated the petition, said, "The FCC is supposed to insure that broadcasters serve the public interest. It has acted to shield children from harmful programming, including obscenity and indecency. Helping protect our children from the seduction of alcohol advertisements certainly deserves as much attention."

James E. Copple, President and CEO of Community Anti-Drug Coalitions of America (CADCA), which represents 4,300 coalitions across the country, said, "We have looked in the past to alcohol marketers for restraint in their advertising. That restraint has broken down. We call upon the FCC to conduct a thorough and balanced investigation into whether public airwaves are being used to induce our children to drink."

The groups said that the decision by the Distilled Spirits Council of the United States to abandon its 48-year voluntary ban on broadcast ads raises "significant public interest issues" requiring a comprehensive Notice of Inquiry by the FCC.

Beer and wine industries alone poured \$700 million into broadcast advertising in 1995. Citing the glut of youth-oriented advertising, the petition also documented numerous risks and consequences of youth drinking that could be aggravated by liquor commercials on television and radio.

--MORE--

## CSPI--PAGE TWO

For youth, alcohol use more than any other single factor is responsible for more pregnancies, sexually transmitted diseases, and HIV infections. Alcohol is a factor in the three leading causes of death for youth aged 15 to 20 years: unintentional injuries (including motor vehicle crashes), homicides, and suicides.

Earlier this month, President Clinton urged the FCC to investigate the effects of liquor commercials on young people. In addition to the President, some two dozen U.S. Representatives, led by Joseph P. Kennedy II (D-MA), have requested an FCC investigation of liquor advertising on radio and television.

Twelve states and Puerto Rico have joined a petition to the agency filed last summer by Alaska's Governor Knowles seeking a ban on broadcast liquor ads. Broadcasters, advertisers, and alcoholic-beverage producers oppose Commission action.

The petition filed today, however, seeks an expanded inquiry into beer and wine advertising as well as liquor commercials.

The petition calls for the FCC Notice of Inquiry to focus on three issues:

- Whether permitting liquor and other alcoholic-beverage commercials is consistent with the FCC's responsibility to serve the public interest;
- Whether the FCC should take regulatory action to ban such advertisements, limit ads to particular time slots, propose informational campaigns to discourage underage alcohol consumption, or otherwise reduce the influence of alcohol commercials on audiences below the legal drinking age;
- Whether new legislation is necessary to serve the public interest.

"We welcome public discussion and review of alcohol advertising standards," said Hacker. "This petition by national, state, and local organizations that represent tens of millions of Americans, demonstrates widespread concern about the expansion of alcohol advertising in the broadcast media. It reflects the failure of the alcoholic-beverage industries' voluntary advertising guidelines to protect kids from a steady torrent of alcohol ads. Parents need the Commission's help, not its indifference."

"Broadcasters, advertisers, and alcoholic-beverage companies will claim that they have a Constitutional right to air beer, wine, and liquor commercials that reach millions of children," Hacker said. "The Constitution is not a suicide pact. The FCC -- and Congress -- have the power to act to protect children from inducements to drink that are transmitted on the public airwaves. Challenges based on the First Amendment, for example, have failed to overturn FCC restrictions and a Congressional ban on broadcast advertising for cigarettes."

Joining in the petition, besides CSPI, are the American Academy of Pediatrics, American Academy of Family Physicians, American Public Health Association, Center for Media Education, Children's Defense Fund, Child Welfare League of America, Community Anti-Drug Coalitions of America, Consumer Federation of America, Latino Council on Alcohol and Tobacco, National Association of Alcoholism and Drug Abuse Counselors, National Council on Alcoholism and Drug Dependence, National Organization for Victim Assistance, National PRIDE, National Family Partnership, National Families in Action, National PTA, Trauma Foundation, and Victims Rights Political Action Committee.

The complete list of petitioners, which is available upon request, also includes dozens of other national, state and local health-promotion, child-advocacy, safety, and alcohol treatment and prevention groups. Copies of the petition also are available.

--END--

*CSPI is a nonprofit health-advocacy organization that focuses on alcoholic-beverage problems, nutrition, and food safety. Based in Washington, D.C., it is supported in large part by the 900,000 subscribers to its Nutrition Action Healthletter. It does not accept funding from industry or government.*

## Co-Signers

### Petition for Notice of Inquiry on Alcohol Advertising

'Cause Children Count Coalition, Inc., Washington, DC  
Action on Alcohol and Teens - A Citizens' Group, St. Paul, MN  
Alabama Association of Addiction Counselors, Mobile  
Alameda County Friday Night Live, Fremont, CA  
Alaska Association of Alcoholism and Drug Abuse Counselors, Anchorage  
Alaska Council on Prevention of Alcohol and Drug Abuse, Anchorage  
Alaska Council on Prevention of Drug and Alcohol Abuse, Eagle River  
Alaska School Nurse's Association, Anchorage  
Alaska Women's Resource Center, Anchorage  
Alcohol Policy Network, Berkeley, CA  
Alcohol Research Information Service, Lansing, MI  
Alcohol Services, Inc., Syracuse, NY  
Alcohol and Drug Abuse Services, Inc., Port Allegany, PA  
Alcohol and Drug Abuse of Greater Baton Rouge, LA  
Alcohol-Drug Information Center, Bloomington, IN  
Alcoholism Council of New York, Inc.  
Alcoholism and Drug Abuse Council of Ocean, Inc., Lakewood, NJ  
American Academy of Family Physicians, Washington, DC  
American Academy of Health Care Providers in the Addictive Disorders, Cambridge, MA  
American Academy of Pediatrics, Washington, DC  
American College Health Association, Baltimore, MD  
American College of Emergency Physicians, Washington, DC  
American College of Nurse-Midwives, Washington, DC  
American College of Physicians, Washington, DC  
American College of Preventive Medicine, Washington, DC  
American Council on Alcohol Problems, Bridgeton, MO  
American Medical Student Association, Reston, VA  
American Muslim Council, Washington, DC  
American Public Health Association, Washington, DC  
American Society of Addiction Medicine, Chevy Chase, MD  
Anchorage School District, AK  
Arizona Association of Alcoholism and Drug Abuse Counselors, Phoenix  
Atlantic Prevention Resources, Inc., Northfield, NJ  
Benton Foundation, Washington, DC  
Born Free of Mississippi, Inc., Jackson  
Burke County Council on Alcoholism and Chemical Dependency, Inc., Morganton, NC  
Butler Alcohol/Drug and Community Services Inc., Meridian, MS  
California Association of Alcoholism and Drug Abuse Counselors, Sacramento  
California Council on Alcohol Policy, Berkeley  
California Latino Alcohol and Other Drug Coalition, Oakland  
California Prevention Congress, Sacramento  
Camden County Council on Alcoholism and Drug Abuse, Inc., Voorhees, NJ  
Catholic Charities, Inc., Jackson, MS  
Center for Media Education, Washington, DC  
Center on Alcohol Advertising, Berkeley, CA  
Certified Addictions Counselors of Maryland, Bel Air

**Co-Signers, continued**  
**Petition for Notice of Inquiry on Alcohol Advertising**

Champions for a Drug Free Kentucky, Frankfort  
Charter Behavioral Health System at Cove Forge, Williamsburg, PA  
Chemical Dependency Professionals of Washington State, Bremerton  
Chester Valley School, Anchorage, AK  
Child Welfare League of America, Washington, DC  
Children of Alcoholics Foundation, Inc., New York, NY  
Children's Defense Fund, Washington, DC  
Chinook Elementary, Anchorage, AK  
Christian Citizens of Arkansas, El Dorado  
Christian Life Commission of the Southern Baptist Convention, Washington, DC  
Chugiak High School, Eagle River, AK  
Clinica Msr. Oscar A. Romero, Los Angeles, CA  
CommPre/Horizon Services, Inc., Mt. Eden, CA  
Committee For Children, Washington, DC  
Commonwealth Prevention Alliance, State College, PA  
Communities in Prevention, Central, Santa Ana, CA  
Community Action Network, Newberry Park, CA  
Community Alcohol Problem Prevention Project, Santa Barbara, CA  
Community Anti-Drug Coalitions of America, Alexandria, VA  
Community Counseling and Education Center, Fremont, CA  
Community Prevention Coalition of Hennepin County, Minneapolis, MN  
Connecticut Coalition on Youth and Alcohol Drugs Don't Work, Hartford  
Connecticut Federation of Alcoholism and Drug Abuse Counselors, Wallingford  
Consumer Federation of America, Washington, DC  
Consumer Project on Technology, Washington, DC  
Council of Chief State School Officers, Washington, DC  
Council on Alcohol and Drug Abuse for Greater New Orleans, Melarie, LA  
Council on Alcoholism and Drug Abuse, Santa Barbara, CA  
Council on Alcoholism and Drug Abuse of Northwest Louisiana, Shreveport  
Council on Alcoholism and Drug Abuse of Sullivan County, Inc./Recovery Center, Monticello, NY  
Dakota County Receiving Center, Inc., Hastings, MN  
Dauphin County RADAR Network, Harrisburg, PA  
Delaware Association of Alcoholism and Drug Addiction Counselors, Wilmington  
Delaware County Council on Alcoholism and Other Drug Addictions, Inc., Delhi, NY  
Developing Resources for Education in America Inc., Jackson, MS  
Didi Hirsch Community Mental Health Center, Culver City, CA  
District of Columbia Arc, Inc.  
Employee and Family Resources, Inc., Des Moines, IA  
Florida Association of Alcoholism and Drug Abuse Counselors, Coral Springs  
Foundry Community School, San Jose, CA  
Gateway Center for Human Services Substance Abuse Services Division, Ketchikan, AK  
Gay and Lesbian Community Center of Ventura County, CA  
General Board of Church and Society, The United Methodist Church, Washington, DC  
General Board of Global Ministries, The United Methodist Church, Washington, DC  
Georgia Addiction Counselors Association, Atlanta  
Greater Buffalo Council on Alcoholism and Substance Abuse, NY  
Greater Indianapolis Council on Alcoholism, Inc./NCADD, IN

**Co-Signers, continued**  
**Petition for Notice of Inquiry on Alcohol Advertising**

Gwinnett United In Drug Education, Lawrenceville, GA  
Hawaii Association of Alcoholism and Drug Abuse Counselors, Honolulu  
Health Through Art: Signs of Recovery of Health and Human Resource Education Center, Oakland, CA  
Hollis/Brookline Schools, Student Assistance Program, Hollis, NH  
Horizon Community Center, San Leandro, CA  
Horizon Services, Inc., Hayward, CA  
Illinois Association of Addiction Professionals, Bensenville  
Indiana Communities for Drug-Free Youth, Indianapolis  
Indiana Counselors Association on Alcohol and Drug Abuse, Indianapolis  
Indiana Middle Level Leadership Institute, Indianapolis  
Interfaith Prevention Program, Inc., Hayward, CA  
International Commission for the Prevention of Alcohol and Drug Dependency, Silver Spring, MD  
Joyner and Associates, University Heights, OH  
"Just Say No" Foundation, Oakland, CA  
Kansas Alcoholism and Drug Addiction Counselors Association, Topeka  
Kentucky Association of Addiction Professionals, Louisville  
Lake County Citizens Committee for Alcohol Health Warnings, Tavares, FL  
Latino Council on Alcohol and Tobacco, Washington, DC  
Laurens County Commission on Alcohol and Drug Abuse, SC  
Loma Linda University Children's Hospital, CA  
Los Alamos Council on Alcoholism/Drug Dependence, NM  
Los Angeles County Commission on Alcoholism, Palmdale, CA  
Los Angeles County Juvenile Assistance Coalition, Lynwood, CA  
Louisiana Association of Substance Abuse Counselors and Trainers, Baton Rouge  
Maine Association of Alcoholism and Drug Abuse Counselors, Portland  
Maryland Underage Drinking Prevention Coalition, Annapolis  
Massachusetts Association of Alcoholism and Drug Abuse Counselors, Fall River  
Mercer Council on Alcoholism and Drug Addiction, Trenton, NJ  
Metropolitan Atlanta Council on Alcohol and Drugs, Inc., Atlanta, GA  
Michigan Alcohol Issues Forum, Okemos  
Michigan Association of Alcoholism and Drug Abuse Counselors, Southfield  
Minneapolis Urban League, MN  
Mississippi Association of Alcoholism and Drug Abuse Counselors, Jackson  
Missouri Addiction Counselors Association, Columbia  
Missouri Youth/Adult Alliance Against Underage Drinking, MO Assoc. of Community Task Forces, Columbia  
Montana Association of Alcohol and Drug Abuse Counselors, Billings  
Montgomery County Community Partnership, Rockville, MD  
National Association For Better Broadcasting, Beverly Hills, CA  
National Association For Public Health Policy, Reston, VA  
National Association of Alcoholism and Drug Abuse Counselors, Arlington, VA  
National Association of State Alcohol and Drug Abuse Directors, Inc., Washington, DC  
National Association on Alcohol, Drugs and Disability, Oregon, WI  
National Association on Alcoholism and Drug Dependence:  
California; Central and Northern Arizona, Phoenix; Central Mississippi Area, Inc., Jackson; Greater Detroit Area, MI; Juneau, AK; Michigan, Lansing; Middlesex County, Inc., East Brunswick, NJ; New Jersey; North Jersey Area, Inc., Montclair; Northwest Ohio, Toledo; Oakhurst, NJ; Rochester Area, NY; St. Louis Area, MO; San Fernando Valley, Van Nuys, CA; San Jose, CA; South Bay Area, Torrance, CA; Tulare County, Inc., CA; Washington, DC  
National Families in Action, Atlanta, GA

**Co-Signers, continued****Petition for Notice of Inquiry on Alcohol Advertising**

National Family Partnership, Saint Louis, MO  
National Institute on Media and the Family, Minneapolis, MN  
National Organization for Victim Assistance, Washington, DC  
National Organization on Adolescent Pregnancy, Parenting and Prevention, Inc., Washington, DC  
National Parent Teacher Association, Washington, DC  
National Prevention Network, Washington, DC  
Nebraska Association of Alcoholism and Drug Abuse Counselors, Omaha  
Nevada Association of Drug and Alcoholism Counselors, Las Vegas  
New Hampshire Alcoholism and Drug Abuse Counselors Association, North Chelmsford  
New Hampshire Prevention Association, Concord  
New Jersey Association of Alcoholism and Drug Abuse Counselors, Riverton  
New Mexico Alcoholism and Drug Abuse Counselors Association, Albuquerque  
New York Federation of Alcohol and Chemical Dependency Counselors, Albany  
North Bay Health Resources Center, Petaluma, CA  
North Dakota Addiction Counselors Association, Minot  
Northern Lights Elementary School, Anchorage, AK  
Northern Nevada Association of Alcohol and Drug Abuse Counselors, Carson City  
Ohio Association of Alcoholism and Drug Abuse Counselors, Columbus  
Ohio Public Health Association, Pickerington  
Oklahoma Drug and Alcohol Professional Counselor Association, Moore  
Orange County Health Care Agency, Alcohol and Drug Abuse Services, Santa Ana, CA  
Oregon Office of Alcohol and Drug Abuse Programs, Salem  
Oregon Student Safety On the Move, Corvallis  
Oregon Teen Leadership in Prevention Institute, Corvallis  
PRIDE (National Parents Resource Institute for Drug Education), Atlanta, GA  
PRIDE - Omaha, Inc., NE  
PRIDE of St. Tammany, Covington, LA  
Parents Association to Neutralize Drug and Alcohol Abuse, Alexandria, VA  
Partnership for a Drug Free New Hampshire, Concord  
Pasadena Family Center, CA  
Pennsylvania Association of Alcoholism and Drug Abuse Counselors, Shippensburg  
Pennsylvania Council on Alcohol Problems, Harrisburg  
Phase: Piggy Back, Inc., Harlem, NY  
Preventing Alcohol Related Trauma in Salinas, CA  
Professional Alcoholism and Drug Abuse Counselors Association of the District of Columbia  
Public Voice for Food and Health Policy, Washington, DC  
RID-USA, Inc. (Remove Intoxicated Drivers), Schenectady, NY  
Racine Council on Alcoholism and Other Drug Abuse, WI  
Rhode Island Association of Alcoholism and Drug Abuse Counselors, Providence  
Ruth Lilly Center for Health Education, Indianapolis, IN  
STAR Alliance, Indianapolis, IN  
Salina All-American Prevention Partnership, KS  
San Benito County Alcohol and Drug Program, Hollister, CA  
San Francisco Medical Society, CA  
San Lorenzo Unified School District, CA  
Santa Barbara Council on Alcoholism and Drug Abuse, CA

**Co-Signers, continued**  
**Petition for Notice of Inquiry on Alcohol Advertising**

Santa Cruz Police Department, CA  
Scott Newman Center, Los Angeles, CA  
Second Chance, Inc., Newark, CA  
Seventh Day Adventist Church, Silver Spring, MD  
South Carolina Association of Alcoholism and Drug Abuse Counselors, Columbia  
South Dakota Chemical Dependency Association, Sioux Falls  
South Dakota Plus Community Prevention Council, Sioux Falls  
Southern Minnesota Association of Alcoholism and Drug Abuse Counselors, Fairmont  
St. Vincent College Prevention Projects, Latrobe, PA  
Substance Abuse Counselors of Colorado, Denver  
Summit County Community Partnership, Inc., Akron, OH  
Support Team for Youth, Hollis, NH  
T.H.U.M.B.S.-U.P. Association, Akron, OH  
Taku Elementary, Anchorage, AK  
Temperance League of Kentucky, Louisville  
Tennessee Association of Alcoholism and Drug Abuse Counselors, Nashville  
Texas Association of Alcoholism and Drug Abuse Counselors, Austin  
The Arc, Washington, DC  
The Association of Alcoholism and Drug Abuse Counselors of Oregon, Portland  
The Children's Health Fund, New York, NY  
The Health Network, New City, NY  
The Manocherian Foundation, New York, NY  
The Marin Institute, San Rafael, CA  
The Praxis Project, Oakland, CA  
The Urban Coalition, St. Paul, MN  
Trauma Foundation, San Francisco, CA  
United School District, Armagh, PA  
University of Massachusetts, University Health Services, Amherst  
University of Minnesota at Duluth, Health Services, Duluth  
University of Notre Dame, Office of Alcohol and Drug Education, IN  
Ursa Major Elementary School, Fort Richardson, AK  
Utah Association of Alcoholism and Drug Abuse Counselors, Salt Lake City  
Vallejo Alcohol Policy Coalition, CA  
Vallejo Fighting Back Partnership, CA  
Vermont Alcohol and Drug Abuse Counselors Association, Wallingford  
Victims Rights Political Action Committee, Washington, DC  
Virginia Association of Alcoholism and Drug Abuse Counselors, Richmond  
West Virginia Association of Alcoholism and Drug Abuse Counselors, Wheeling  
Wisconsin Association of Alcoholism and Drug Abuse Counselors, Appleton  
Wyoming Association of Addiction Specialists, Cheyenne  
YMCA - Communities in Prevention - North, Fullerton, CA  
Youth Leadership Institute, San Rafael, CA

# Mothers Against Drunk Driving

## National Youth Summit to Prevent Underage Drinking

May 10 - 13, 1997

Monday May 12

7:00 - 8:00 pm est

Solutions/Recommendations

Transcript Page 3

Jean, a delegate is introducing Antonia Novello, MD, MPH. How happy are you to see the first Hispanic, woman, left-handed Surgeon General of this country? Standing ovation and cheering. How many women are in this group? Cheers. How many men? Men of quality should not fear women who seek equality. You have heard everything about drinking and everything. Am I correct? The most important thing is how many of you know how long it takes to metabolize one can of beer - one hour. Is it equivalent to one glass of wine, one wine cooler, one mixed drink? I think we should teach Alcohol 101 all over this country - I think the problem is that kids are hooked on alcohol but the parents are hooked on the 1960s mentality. Do you realize that the law has so many loopholes - there are five areas that are legal - religious reasons, in restaurants, medicinal purposes, with your parents or someone over 21 or for job related needs.

Please tell me how many kids are drinking in this country? 10 million drink and 10 million don't - kids don't drink alone, but more than anything kids drink to change the way they feel and if you have to change the way you feel at 14, we have serious problems in this country.

Did you know that many teens believe that when you are drunk it is okay to participate in sexual harassment - so, there is much more to drinking than just driving. The advertising is a big problem. Sometimes I believe that the industry must take responsibility and I am glad that you are taking this to the hill tomorrow.

More than anything, I want to tell you that the most important is tomorrow when you go to speak on Capitol Hill.

Double messages from parents are killing our kids. She has told a story of a young boy who died on the Eastern Shore when he went into a bar because there was a sign that said all the vodka you can drink for \$3.00 - we must do something about the dramshop law.

I think the time has come for you tomorrow to make an impact - the time has to come that our society has to know that getting drunk is not a right of passage

You are the future of the United States. I would like to take all the questions that you have but first I want to tell you something - there are the ten commandments and then there are three more --

Thou shalt not be a victim  
Thou shalt not be a perpetrator  
Thou shalt not be a bystander.

1250 EYE STREET, N.W.  
SUITE 900  
WASHINGTON, D.C. 20005  
(202) 628-3544

**PHOTOCOPY  
PRESERVATION**

FCC liquor letter

Cheryl M. Carter

06/18/97

01:30:53 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP, Rahm I. Emanuel/WHO/EOP, Michelle Crisci/WHO/EOP

cc: Peter O'Keefe/WHO/EOP

Subject: Distilled Spirits Council

Things continue to heat up on this issue...I'm sending over copies of letters and press releases of interest from FCC Commissioners for your information. Please take the time to review because you will see that Distilled Spirits thinks the letter from Reno to Hundt is the President's response to them. They are waiting on a response from POTUS to their letter asking him to convene a meeting.

Open Agenda meeting at FCC is tomorrow. And so far two of the Commissioners have come out opposed to consideration of this issue.

----- Forwarded by Cheryl M. Carter/WHO/EOP on 06/18/97 01:18 PM -----

Cheryl M. Carter

06/17/97

11:18:41 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Peter O'Keefe/WHO/EOP

Subject: Distilled Spirits Council

I just got an urgent message from Tim Dudgeon with Distilled Spirits regarding a letter that went to Reed Hundt from Attorney General Reno asking him to act. Dudgeon's call has a very urgent tone and he is concerned that the AG's letter to Hundt is the WH's answer to their letter to POTUS. We need to talk about this asap...please call me at 62682.

FCC liquor letter

Cheryl M. Carter

06/24/97

01:52:41 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP, Rahm I. Emanuel/WHO/EOP  
cc: Michelle Crisci/WHO/EOP, Peter O'Keefe/WHO/EOP  
Subject: Distilled Spirits call

As I mentioned last week they've been holding off making calls to your offices. I've just received another call from Tim Dudgeon, head of Federal Gov't Relations, Distilled Spirits Council, requesting an update. They are almost to the point of unleashing a public campaign on their request for a WH meeting. We need an answer to their letter to POTUS. I'm sure they will start calling you by end of week if I don't tell them something.

In addition, according to Dudgeon, Sen. Daschle is getting ready to call Erskine on this.

We need to do something and I need to give them some kind of update today if at all possible.

Please help.

Fcc liquor letter

Cheryl M. Carter

06/24/97

06:14:34 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Rahm I. Emanuel/WHO/EOP

cc: Michelle Crisci/WHO/EOP

Subject: Meeting request/Nat'l Cncl on Alcoholism

The National Council on Alcoholism would like to bring a couple of folks in to meet with you to share information on their strategy and findings regarding alcohol advertising. FYI, they recently filed a petition with the FCC asking them to consider implementing a process by which broadcasters would be required to produce and air counter ads to alcohol advertisements.

I told her that I would be happy to request a meeting on their behalf. I believe we should do a meeting with them and hear them out. They are not planning to request that POTUS convene a meeting on the issue of alcohol advertising at this point in time. They do not believe that all parties would be prepared to come to the table and come up with a constructive approach and recommendation on the issue.

Are you available to do such a meeting the week of July 7th? That would work for them. The other group she mentioned was MADD...I'll get additional information on the groups from them to prepare for the meeting if we do it.

Please advise regarding your availability and willingness to do the meeting. Thanks.

**Beer, Wine and Liquor Advertising**

There is a clear distinction between hard liquor and beer and wine advertising.

A majority supports a ban on hard liquor advertising; most do not support a ban on beer and wine —but would support voluntary/collective industry actions to reduce the impact of beer advertising on underage drinking.

Do you think...	Should be permitted	Permitted only if content doesn't appeal to kids	Not permitted at all
Hard liquor ads on TV...	21	18	57
Beer advertising on TV...	20	35	43
Wine advertising on TV...	24	34	40

FCC liquor letter

DISTILLED  
SPIRITS  
COUNCIL  
OF THE  
UNITED  
STATES

June 3, 1997

Ms. Elena Kagan  
White House Domestic Policy Council  
Room 222  
Old Executive Office Building  
Washington, D.C. 20500

Dear Elena:

As the attached article from this morning's BNA indicates, FCC Chairman Hundt is yet again being challenged by another one of the FCC Commissioners. The comments made by Commissioner Quello's legal advisor are clearly supportable and DISCUS and its member companies sincerely hope that Mr. Hundt gets the message.

Thank you for your attention to this matter and I look forward to speaking with you soon.

Best personal regards.

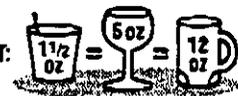
Sincerely,

Tim Dudgeon  
Director  
Federal Government Relations

Attachment

TD:led

*P.S. An example of why a positive response to Mr. Hunter's April 4 letter is likely the only way to move this issue forward. Thank you for your interest!*



## Communications

### **Quello Eyes Delaying FCC Vote On Opening Liquor Ad Investigation**

**C**ommissioner James Quello of the Federal Communications Commission may temporarily thwart Chairman Reed Hundt's plans to force a vote on investigating liquor advertising on television and radio, a Quello aide told BNA June 2.

Quello legal adviser Rudy Baca said that Quello "is considering exercising the commissioner's prerogative" to prevent Hundt's proposed notice of inquiry on broadcast liquor ads from being taken up at the FCC's June 19 open meeting.

Quello believes that the FCC lacks jurisdiction to open such an inquiry, said Baca, who noted that the Federal Trade Commission has launched its own probe.

Commissioner Rachelle Chong shares Quello's views on the FCC's lack of authority, particularly in the absence of "specific direction from Congress," Chong aide Jane Mago told BNA.

"This is not something the FCC should be putting its efforts into right now," Mago said.

If Quello does block a vote at the June 19 meeting, Hundt could bring the item up for a vote at the July 10 meeting unless another commissioner blocked it again, according to both Mago and Baca.

Chong has made no decision on such a course of action, Mago said.

Even at the Aug. 7 meeting, Baca predicts, Hundt's proposal would be defeated in a 2-2 vote.

Commissioner Susan Ness believes the FCC has jurisdiction to investigate broadcast liquor ads but she has drawn no further conclusions, an aide said.

**Slippery Slope Fears.** Hundt presented fellow commissioners with a draft notice of inquiry May 29 to address issues raised by the liquor industry's decision to end a decades-old ban and begin advertising its products on electronic media. Hundt says he simply wants to create a public forum and establish a factual record.

But Quello does not think the FCC has any business getting involved.

"If you don't have jurisdiction you don't have the power to act," Baca said. "If you don't have the authority, what are you going to do with an inquiry?"

Baca said Hundt's "expansive view" of the FCC's authority could lead the FCC down a slippery slope. For instance, Baca said, the FCC might then feel compelled to probe automobile advertising, given concerns raised about the safety of children in cars equipped with air bags.

"Where does it stop?" Baca asked. "What about fast food? Does it mean we're going to haul McDonalds and Arthur Treacher in here? And why are we going to haul in McDonalds but not Pizza Hut? It's ludicrous."

Hundt was not available for comment.

BY DAVID KAUT

# Alcohol and alcohol

## *Distillers have a point in objecting to looser ad codes for beer, wine*

The liquor industry has a good point. Why should Popov vodka, Bacardi rum and Jack Daniels whiskey be barred from broadcast advertising when the Budweiser frog and the Gallo brothers are fixtures there, making hundreds of millions of dollars?

President Clinton has responded that liquor ads would threaten America's youth, citing the links between alcohol and crime and car crashes. He is leaning on the Federal Communications Commission (FCC) to ban the ads and has urged television stations to refuse to run them.

There is no denying the havoc caused by alcohol abuse. But the problem isn't restricted to minors and certainly isn't unique to liquor. Beer and wine also contain alcohol. A few beers or glasses of wine will have the same consequences as a mixed drink or two. So there is a strange skewing of signals in federal attitudes which suppress advertising for one sort of drink while having nothing to say about others which deliver the same effects.

For 63 years, since the end of Prohibition, distillers have voluntarily refrained from broadcast advertising even though their beer and wine competition pushed aggressively ahead. But in recent years, liquor sales have declined — down 27 percent since 1980. Partly, the cause is changing consumer tastes. But the distillers can't be blamed for also looking at the advertising disparities. Last year, the beer and wine industries spent \$700 million reaching consumers through TV spots; the liquor industry spent \$725,000 — up from the zero of previous years. Indeed, 1996 would have been another zero year for the distillers were it not for their decision in November to drop their self-imposed television ban. At that point, the problem became the refusal of many TV stations to carry the liquor ads.

Whether the FCC has jurisdiction over television ads is dubious. Congress is much better suited to deal with the issue. Anything done there, however, should end the pretense that beer and wine are benign and that liquor is not. Alcohol consumed through a beer bottle can steer a driver off the road just as surely as the alcohol that comes in a whiskey flask. So if there are to be restrictions on the advertising of alcoholic drinks, the rules should apply across the board, not just to liquor.

The core issue here shouldn't be alcohol but the person consuming it. Alcohol is a legal product. Used responsibly, it doesn't have to be a problem. Government has an interest in barring ads which target adolescents, but the issue beyond that is in the area of personal responsibility. And that applies whether the names on the table is Stroh's or Seagram's.

Grand Rapids, MI  
Press  
Grand Rapids  
Met Area

Thursday

D 139.359

MAY 1, 1997

N3150

**LUCE** PRESS CLIPPING

Bloomington, IL  
Pantagraph  
Bloomington  
Met Area

Thursday

0 50.670

APR 17, 1997

N2218

**LUCE** PRESS CLIPPINGS

## Big Brother isn't needed to regulate liquor ads

His declaration of the end of big government notwithstanding, President Clinton remains at heart a die-hard liberal who has rarely met a government regulation he didn't like. He is ready and eager to save people from the errors of their ways.

The latest evidence of that Big Brother mentality came the other day when he asked his activist Federal Communications Commission Chairman Reed Hundt to consider the possibility of a ban on liquor advertising on television.

For one thing, there are precious few ads to ban, even if that was deemed to be a good idea — which it isn't.

Although the Distilled Spirits Council announced several months ago that it was ending its voluntary ban on TV promotions, the major networks have thus far

refused to accept any liquor spots.

There is, however, an avalanche of beer commercials on the tube, crediting the brew with all good things, from fostering friendships to attracting the opposite sex. Strangely, Clinton doesn't seem concerned with beer ads even though a beer or two can be just as intoxicating as, say, a shot of Jack Daniel's.

More to the point: Why should the FCC become a watchdog guarding the personal lifestyle choices of Americans as they relate to the use of legally sold products?

The agency is charged with overseeing telecommunications matters, not weighing the potential evil of demon rum.

Big Brother should end this regulatory binge, sit down and take a deep breath.

1 of 1

APR 6, 1997

N24666

**LUCE** PRESS CLIPPINGS

# Some things the media should leave unreported

The media are obligated, we are told constantly, to inform the people of public doings, but there are times when it seems it might be better if they did not tell us everything. This last week our officials have said things that added nothing to public discourse.

President Clinton led off by demanding that liquor ads be kept off television, though beer and wine ads could continue. The idea, apparently, is to keep young folks away from alcohol. But a glass of wine or a bottle of beer contains as much alcohol as a shot of 90 proof whiskey. And beer, not booze, is not only the teen-age drink of choice, but it's the drink kids can afford. And they are far more likely to be enticed by commercials showing muscular boys and pretty girls hysterical over a six-pack than ads showing adults having a quiet cocktail.

It would seem that the president, with his War on Drugs, has a sufficient failure on his hands, without launching a Battle Against Brew, which would probably be as popular as it would be futile.

The same thought occurs on hearing state Attorney General Ben Chandler advocate a tougher war on crime. He made his proposal on the same day that he an-



**JOHN ED  
PEARCE**

HERALD-LEADER  
COLUMNIST

nounced that he would not run next year for the U.S. Senate.

The two statements made a strange mixture. If he were running for office, it would be easy to explain his fervor for the death penalty, a policy that appeals to every redneck and reactionary.

Nothing pleases the unthinking masses more than a promise to get tough on criminals. Ever since George Bush trotted out Willie Horton as a target for hate in the 1988 election, officials have been making a pitch for longer prison terms and tougher punishment of prisoners. It

doesn't do much to deter crime, but it pleases people who seek to punish the criminal rather than prevent the crime.

Chandler, a bright, personable young man who many hoped would make the Senate run, would apply the death penalty for those who kill federal officials, trial witnesses, children under 12 and people past 60. If the aim is to punish the killers, the death penalty may be useful, though small comfort to the victim.

But if the idea is to discourage further murders, there is no evidence that the death penalty, a slow and costly procedure, is effective. It is not clear why killing a federal official or a trial witness is a more heinous crime than killing a guy who at day's end just wants to get home, or a single mother carrying dinner for the kids. Why is it worse to kill a 10-year old than to kill his mother, who may be the sole support for other kids? If killing those who kill trial witnesses is such a deterrent, why not kill all killers?

Like the war on drugs, tough talk on crime is evidence of our frustration. Not knowing what to do, we keep doing what we have been doing. Meanwhile, our prisons bulge with criminals whose upkeep costs exceed those of college students.

If punishment alone is our aim, perhaps we should adopt the Chinese system of justice. Or perhaps, unwittingly, we have. The authorities in Beijing have solved the problem of political dissent by imprisoning their dissenters. It might take a while, but if we put away all of our criminals and threw away the keys, we would in time have them all behind bars, and no more crime.

Our Gov. Paul Patton also waded into muddy verbal waters this week when he warned University of Kentucky President Charles Wethington to stop opposing Patton's plan to remove the community colleges from UK supervision, or face possible ouster by Patton-appointed trustees. (It's a twist on the O.J. defense line: If you don't submit, you'll have to quit.)

Is this the way to run higher education reform? Or would it be better for the UK president and the governor to sit down with, say, former governor and now UK trustee Chairman Ned Breathitt, a cool, public-spirited man, and discuss this thing calmly?

1 of 1

Louisville, KY  
Courier-Journal

Louisville  
Met Area

Friday

D 238.884

1 of 1

APR 11, 1997

**LUCE** N2798  
PRESS CLIPPINGS

## Getting it backwards

**T**HE Federal Trade Commission is investigating whether the nation's two largest beer producers — Miller Brewing Co. (a unit of Philip Morris) and Anheuser-Busch — have aimed advertising at underage drinkers. This disclosure comes several months after the FTC opened similar inquiries into the Stroh Brewing Co.'s malt-liquor ads and the decision of the distilled spirits industry to lift its voluntary ban on liquor ads on television.

Meanwhile, President Clinton has expressed strong reservations about TV liquor ads (but not beer ads) and last week asked an enthusiastic Federal Communications Commission to examine whether such ads should be banned or, at least, severely curtailed. U. S. Rep. Joseph Kennedy, D-Mass., is pushing legislation to ban liquor ads (but not beer ads) from the airwaves.

There are important issues here, of course. The consequences for our society of underage and uncontrolled drinking are dire indeed, both in human and economic terms. We certainly would welcome thoughtful and promising responses to these problems that are based on hard information and respect for constitutional freedoms.

What worries us is that federal authorities may be starting with

their answers — a ban on liquor ads and a crackdown on the content of beer ads — and working their way back to the problems. We'd like to see the process move in the opposite direction.

What is the relationship between alcohol advertising and underage drinking, individual consumption levels and alcohol abuse? If the answer is none or little — as the FTC concluded a decade ago and a

recent USA TODAY poll found — let's move on to more urgent issues.

The President should order appropriate federal agencies to get the facts. If such inquiries suggest

there's a problem in search of solutions, political leaders should be guided by two imperatives.

One is that the alcohol and broadcast industries' remedies should be voluntary, though perhaps aided by government jawboning. A federal ban on advertising of legal products would be an unacceptable curb on free speech. The other is that if underage drinking is the big concern, the focus must be on beer. Beer is what teen-agers drink, beer dominates alcohol advertising on TV, and beer ads (broadcast on MTV and invoking beach parties, youthful sexuality and offbeat frogs) are the ones with fishy content. The Clinton-Kennedy approach is a copout.

“What is the relationship between alcohol advertising and underage drinking, individual consumption levels and alcohol abuse?”

1 of 1

# No scientific link between alcohol ads, teen use and abuse

■ There is no scientific proof between liquor ads and the altering of behavior.

By MORRIS E. CHAFETZ

As a psychiatrist, scientist and former national architect of ways to prevent and reduce alcohol problems, I've been an interested observer of the debate on ending the distilled-spirits industry's self imposed 48 year moratorium on TV advertising.

I have always sought to marshal the best science, both biomedical and behavioral, to reduce alcohol abuse. I have felt that the focus by advocacy groups on advertising and the availability of alcohol as the major contributor to alcohol problems misses the mark.

Critics are raising the specter that television liquor advertising will increase alcohol abuse and underage drinking. If I believed that banning these ads from TV would keep a bottle out of the hands of a child or a person with an alcohol abuse problem, I would lead the charge against lifting the moratorium.

Instead, I find myself asking an important question: Where in the holy name of science is there any proof? If alcohol ads will end society as we know it, shouldn't there be some science to say it's so?

I come to this issue as a psychiatrist and scientist, nothing more. It's not my business whether manufacturers of distilled spirits should or should not advertise on TV. That is — quite literally — their business, something more appropriate for an MBA than an M.D. to decide.

What I can say is that opponents of TV advertising for distilled spirits (or any other alcohol beverage for that matter) assert a connection between ads and the altering of behavior that, scientifically speaking, just isn't there.

As I've written in the New England Journal of Medicine, there is not a single study — not one study in the United States or internationally that credibly connects advertising with an increase

in alcohol use or abuse. Any assertion or assumption that alcohol ads increase use and abuse is fantasy, not fact.

The hypocrisy concerning advertising is reflected in a recent newspaper editorial against liquor ads in the name of protecting the health of youngsters. So far as I know, no newspaper is ready to forgo liquor ads and the revenue that liquor advertisements bring.

As a father and grandfather, I've noticed through the years that young people are not Pavlovian in their responses. Billions of dollars are spent each year bombarding young people with ads for all kinds of products, some of which they covet and others of which they ignore.

The public ought to stop worrying about the power of ads and focus more on the power of prohibition: the unintended consequences of demonizing a product or behavior. Never underestimate the seductive power of a "Thou Shalt Not."

The natural impulse to go against the grain is a reality of adolescent life.

Forbidden fruit is an old story, but it's one with enduring power. Are anti-drinking advocacy groups — unintentionally or not — the most effective marketers for underage drinking?

As we debate the issue of advertising distilled spirits on TV, let's do so with open eyes. We need to respect young people more than we now do. They will take their risks as we did when we were adolescents. Ignorance does not lead to abstinence.

And let's also remember that when we invoke science to dress prejudice as policy, we do more than simply distort science. We demean policy and the laws we live by as well.

Chafetz, a physician, is founding director of the National Institute on Alcohol Abuse and Alcoholism in the U.S. Department of Health and Human Services; president and founder of the Health Education Foundation in Washington, D.C., and author of "The Tyranny of Experts, Blowing the Whistle on the Cult of Expertise." Write to him at: 2600 Virginia Avenue NW, Suite 502, Washington, D.C. 20037.

■ There's no need to ban ads for distilled spirits. Instead, parents must be willing to change the channel.

By BETSY K. DORMINEY

I confess I was surprised when a friend told me that the liquor industry was planning to run ads on television. "Haven't they been doing that for years?" I asked.

"No," was the reply. But not because liquor ads are prohibited by law.

This industry simply decided on its own, nearly 50 years ago, that it would not advertise on TV. (On the other hand, the beer and wine makers and distributors, have raised TV ads to an art form.)

But now that the distilled spirits people are lifting their self-imposed ban, a host of do-gooders and professional busybodies are lining up to pressure broadcasters to silence these ads.

As a parent, a citizen and a lawyer, I think the opponents of liquor advertising are misguided. Let's examine some of their reasons.

■ "The hard stuff" is worse than beer or wine. False. Ask the next Breathalyzer you meet whether it cares if you were drinking scotch and soda or "just" had a beer. Alcohol is alcohol.

Distilled spirits are more concentrated, but a mixed drink containing 1½ ounces of spirits has the same alcoholic content as a 12-ounce beer or a 5-ounce glass of wine. In fact, banning ads for distilled spirits while allowing ads for beer and wine to run may send the mistaken message that these beverages are somehow safer than liquor. That simply isn't true.

■ Children will be exposed to the ads. False, or at least disingenuous.

First of all, the distillers aren't crazy. "Marty Martini" won't be sandwiched in between the Saturday morning cartoons, because advertisers know that most folks who are old enough to buy the product are in bed at that hour.

Second, anyone who has watched a sporting event and hasn't seen ads for beer and wine must

have stuck his head in the refrigerator every time there was a commercial break. But no one argues that children shouldn't be allowed to watch football, basketball and baseball on TV for fear that cute frogs will make them want to drink beer.

■ The ads will induce children to consume liquor.

False again, and dishonest to boot. Liquor manufacturers and distributors adhere to strict standards of taste and discretion in their print advertising, and I expect they'll do the same on TV. More to the point, parents and peers — much more than Madison Avenue — influence young people in their decisions about alcohol consumption. And this, to me, is the most important point of all.

I am a "soccer mom." My career is less important to me these days than my 6-year-old son, a bona fide soccer player with a trophy.

Part of what earned me a place in this exciting new demographic group is realizing that raising my child is my responsibility, not Washington's job. I worry about education, safety, drugs and child care, but I don't expect the government to find all the answers for me. If I don't want my son exposed to violence on TV, for example, it's my job to change the channel.

In the same way, it's my job to make sure my son grows up with life size examples of responsible behavior. Studies demonstrate that children who grow up in homes where alcohol is consumed moderately are much more likely to grow up to be moderate consumers themselves.

It is every parent's responsibility to teach their children about drinking (as well as sex and drugs and courtesy and hard work), so they, in turn, will grow into responsible adults. We don't need Washington to censor liquor ads on TV. Our children will be better served if we teach them to make wise choices than if we attempt to spare them from ever having to choose.

Dorminey practices law and watches soccer in Athens, Ga. Write to her at Betsy K. Dorminey, Wimberly & Lawson, 357 Hill St., Athens, Ga. 30601.

Detroit, MI  
News  
Detroit  
Met Area

Friday

D 954,403

MAY 9, 1997

N3134

**LUCE** PRESS CLIPPINGS

## Prohibition Doesn't Work

A move is on in the state Legislature to lower the blood-alcohol levels at which drivers can be prosecuted for drunk driving. Meanwhile, in North Carolina, a jury this week convicted a motorist of first-degree murder for killing two sorority sisters while driving high on pills and alcohol. And in Washington, the Clinton administration has announced it is looking into a ban on TV liquor ads.

Thus alcohol may be shaping up as the next major front in the war by the self-anointed to purge America of its vices. While much of the impetus has come from citizen groups, such as Mothers Against Drunk Driving (MADD), the temptation for government to grab the limelight is strong. President Bill Clinton, whose own morals are under attack, seldom misses a chance to lecture the rest of us about our shortcomings.

The politicians should remember, though, that the United States tried Prohibition once — and it didn't work well. The 18th Amendment to the Constitution banning the sale of liquor, approved by Congress in 1917 (and enacted by the states in 1919), was overturned by the 21st Amendment in 1933. President Franklin Roosevelt, who had a fondness for martinis, realized that Prohibition had created a huge, illegal black market in whisky, beer and wine that was leading to a breakdown in law and order.

Prohibition did succeed in reducing alcohol consumption somewhat, according to historians. But there was a high cost: soaring crime rates throughout the 1920s. After Prohibition was repealed, crime rates diminished sharply.

There is no question that alcohol abuse is a serious problem, particularly in a society that must rely

on safe operation of an automobile to get almost anywhere. The 39-year-old miscreant in the North Carolina case was portrayed as a habitual offender who had ignored frequent orders to stop drinking and driving. (His blood-alcohol level was actually below the new standard being considered here in Michigan, but he also had been taking drugs at the time of the fatal wreck.)

If the legal theory by which his criminal negligence was transformed into an outright murder charge is upheld, states will have a powerful new tool in the war against drunk driving. But legal experts warn that this development could clog courts with expensive, protracted capital cases at a time when it's tough enough to find resources to prosecute garden-variety murders and the like.

Likewise, other quick fixes for alcohol abuse may bring troubling trade-offs. The casualty of a crackdown on alcohol advertising, for example, would be the First Amendment principle that even undesirable speech should be protected. Higher taxes on liquor may only succeed in creating another black market for booze.

The new prohibitionism, interestingly, is coming at a time when alcohol consumption is declining among younger Americans from a decade ago, according to surveys. MADD and other groups, particularly in the schools, appear to be having some success at stigmatizing drunkenness as uncool at best and dangerous at worst. Rather than risking utopian and counterproductive efforts to ban alcohol, the best strategy may be to let peer pressure continue to find the appropriate balance.

1 of 1

Chicago, IL  
Sun-Times  
Chicago  
Met Area

Tuesday

D 474.838

MAY 20, 1997

N2254

**LUCE** PRESS CLIPPINGS

### Unclean and sober

Over the last few months there has been much controversy since the distilled spirits industry decided that it had as much right as beer and wine companies to advertise its products in a responsible manner in the broadcast media.

As a longtime member of the beverage alcohol industry I feel

strongly that all segments of our industry should have the equal opportunity to advertise our products—to not do so would be a violation of our rights of commercial free speech under the First Amendment. One of the arguments against such advertising is that these ads will adversely affect young children and teenagers.

A couple of weeks ago, I happened to tune my television set to a popular police-type show just about the end—a few minutes before 10 p.m. To my utter amazement I watched the show end with two adults embracing, sans clothing. What message is that sending to our teens—you can't advertise distilled spirits at this hour because they might decide to go out and get drunk, but it's all right to practice illicit sex?

Where are our priorities—you can't advertise liquor, but you can show two naked adults embracing on national television?

**Peggy Donovan,**  
national president,  
World Association of the  
Alcohol Beverage Industries,  
Des Plaines

# There they go again (Regulating!)

by James Gattuso

With the passage of an historic telecommunications reform act last year, Americans were promised a new era of deregulation in communications. Regulators in Washington were being given the heave-ho, the public was told, and consumers would be more able to decide for themselves what they could buy and what they could watch. Unfortunately, the promise has not lived up to the reality, with bureaucrats in Washington still up to as much mischief as ever.

Never was this shown more clearly than last November. At that time, the nation's distilled spirits manufacturers decided to -- for the first time -- advertise their products on television. The reaction of the regulators was almost instantaneous, with both the Federal Communications Commission and Federal Trade Commission announcing possible bans on such ads. Moreover, Rep. Joe Kennedy (D-MA) -- whose celebrated grandfather of the same name made a fortune in whiskey during prohibition -- launched a congressional effort for a ban.

What has caused this sudden surge of regulatory fever on the Potomac? After all, ads for other types of alcoholic drinks, such as beer and wine, have long been heavily advertised on TV -- as anyone who has ever watched a Super Bowl can attest.

The problem is that the politicians see they can score easy political points by associating themselves with good clean living, and opposing demon alcohol. Never mind that these same folks can't balance a budget, and have engaged in a spending binge that has left us trillions of

dollars in debt. They still think they can protect us from the evils of booze.

Whatever they drink, Americans simply shouldn't swallow the Washington regulators' line. As a first matter, any ban on advertising would be of doubtful constitutionality. The First Amendment protects speech, even speech by those selling things we don't like.

Surely, say ban proponents, we at least should be able to regulate in order to protect children. However, that rationale raises serious problems. Among other things, courts would likely question a ban limited to hard liquor. Why are beer and wine different? (After all, the alcohol in a typical serving of each is about the same.)

Of course, beyond these constitutional issues lie even more fundamental questions regarding the role of government in our lives. Do we really need regulators in Washington to act as our national babysitters, making sure we don't even hear about things that are bad for us? And surely, if advertising liquor is banned, certainly other of life's little vices will be next in line. How long will it be before ads for coffee will be restricted? How about fatty foods? So long, Ronald McDonald.

None of this is to say that alcohol abuse is not a problem. Many people use it irresponsibly, and there should be strict penalties for the harm they cause to others. However, alcohol abuse by some is not a reason to punish the millions of adults who drink alcohol responsibly and legally. The bureaucrats should instead simply abstain from new restrictions on advertising, and work to reduce, not increase, the role of Washington in how we live our lives.

## Survey shows su

Last year CSE invited about taxes, and tax reform the flat tax. Here are the re

Q: Are you able to com ask someone else to do it consuming?

Do it myself 30%

Q: Do you think our cur apply):

Changed 74%

Q: Do you think our cur

The Poor  
The Rich  
The Middle Class

Q: Do you think every A same percentage of tax on th

Yes 74%

Q: Do you think big spe federal taxing and spending

Yes 93%

Q: If "yes," do you think taxed the same will help e special interests will no longer tax code?

Yes 77%

Q: Should Citizens for a simple and fair by supportin

Yes 76%



CSE is a non-partisan, nonprofit organization whose 250,000 members advocate less government, lower taxes and fewer regulations. CSE Foundation is the organization's research and educational affiliate. CSE and CSE Foundation rely solely on the financial support of their members, foundations and businesses who share their philosophy. No government funding is accepted.

- CSE Chairman.....C. Boyden Gray
- CSE Foundation Chairman .....David Koch
- President.....Paul Beckner
- Communications Director.....Brent Bahler
- Communications Assistant.....Karen Lotter
- Contributors.....James Gattuso Charles Test

## A new religio

By Charles D. Test

I'd heard about environmen religion but had never witnessed i personally until I attended the D

# Cheers to Liquor Ads on TV

Uneasy Lies  
the Head-End  
That Bears the  
Crown Royal

By Matt Miller

**A**bout a year ago, the Seagram's Corporation and its gutsy chairman decided to back out of a long-standing gentleman's agreement to not advertise liquor on television in the United States. The company announced that it would begin advertising its Crown Royal-brand whisky on television. Last November, with other manufacturers of spirits suddenly weighing the possibilities presented by broadcast advertising, the association representing them withdrew its prohibition against ads for spirits on radio and television, starting a wave of controversy.

Seagram's is a member of DISCUS (Distilled Spirits Council of the U.S., Inc.), the trade organization for alcoholic spirits manufacturers. Prior to 1996, DISCUS enjoined its members from broadcast advertising. (Contrary to common misconception, that policy has nothing to do with federal regulations banning tobacco advertising in broadcast media.) The DISCUS policy dates back to 1936, when its members, exercising their own discretion, agreed not to advertise on radio. With television's onset, the association's membership extended that policy to "radio with pictures."

Whatever motivated such industry restraint in the past, the apparent consequence was to keep the bar low for competition within the spirits-advertising categories. Spirits producers agreed to wage the battle for market share in magazines and on billboards where, historically, saturation costs have been

significantly lower.

Beer and wine advertisers made full use of the airwaves, while DISCUS signatories refrained, a handicap not lost on the spirits manufacturers. Once Seagram's resolved to breach the agreement, the floodgates opened, and the DISCUS decision flowed.

In spite of the DISCUS injunction, manufacturers maintain the right to market their products in the manner of any other legal product sold in the U.S. Furthermore, attacks on DISCUS's revocation of the policy ignore the fact that its decision accurately reflects the membership's views. And the purpose of any association is to carry out the will of its members. As the business climate changes, the association exists to mirror the amended desires of its membership.

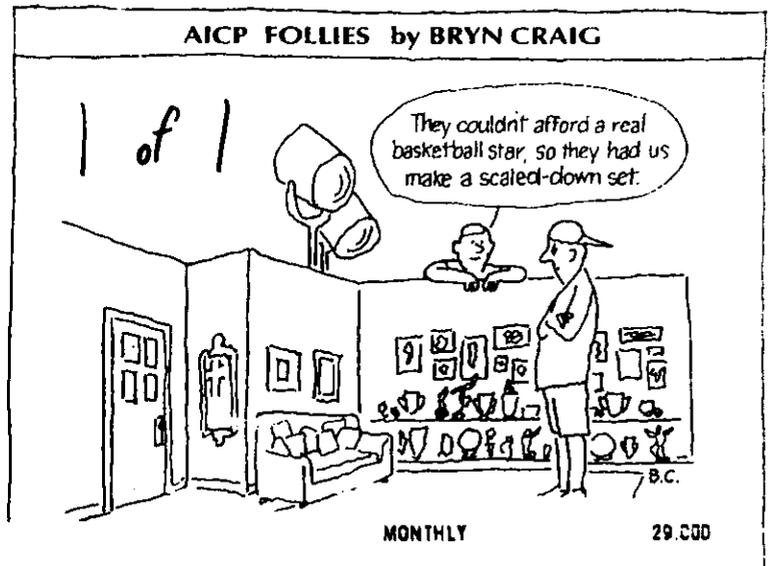
Curiously, a vocal portion of the advertising industry—a field not known for taking ethical positions—reacted with ire to the DISCUS affair. In trade journals and consumer media, advertising executives from agencies, companies which use advertising, and commercial production companies sounded moral objections to this "dire" decision by DISCUS—to allow advertising on

(horrors!) television.

A gentle rebuke to those complaints: All advertising professionals are in the business of helping bring to market, and communicate to the consumer, the attributes of legal products. That's the job. Those advertising executives objecting to participation in the marketing of a legal product or service have the option to decline the business; if they constitute a small part of a large company, they can voice their objections with the understanding that the company may go forward without their assistance.

All alcoholic beverages—wine, beer or distilled spirits—are adult products, and should be advertised with restraint and targeted to age-appropriate audiences. Indeed, all products and services advertised should be advertised responsibly. When advertising is irresponsible, the public, operating in a free market, has a way of showing advertisers its disapproval: It doesn't buy their brands. So, a glass raised high to distilled-spirits advertising on television: Welcome aboard and cheers! ■

*Matt Miller is president of the Association of Independent Commercial Producers, New York City.*



VARIETY'S ON PRODUCTION  
Hawthorne, CA

MAR 1997

## Liquor issue not for FCC

Advertising Age

April 7, 1997

p. 20

1 of 1

**P**RESIDENT CLINTON WANTS liquor marketers to keep their ads off TV. Toward that end, he summoned the news media to the White House last week to prod reluctant Federal Communications Commission members to join his crusade.

Despite FCC Chairman Reed Hundt's eagerness to plunge ahead, wincing in the FCC will neither frighten off liquor advertisers or keep them from gaining access to TV in at least some markets. The more productive route is to help the TV industry write sensible rules for how this will be controlled.

The FCC can claim no special knowledge about advertising and its impact on consumers. Nor can it cite any particular responsibility for public health, as the Food & Drug Administration has done to justify its attempt, under fire in the courts, to control tobacco marketing.

Advertisers will fight an FCC whose members start deciding which legal products are unfit to advertise on TV stations. So, too, will TV stations if their "public interest" obligation is construed to include a duty to turn away truthful ads the FCC does not like. And, finally, any FCC action that singles out TV ads for liquor while ignoring ads for beer and wine faces a tough time in the courts.

Whether or not liquor will be advertised on TV is not something the government can quickly or easily address. On the other hand, TV executives can and should set rules about if, when and how liquor will be advertised on their stations. By acting with liquor marketers to self-regulate, they can help protect themselves from charges they are profiteering at the expense of the public.

For much of TV's history, all but a few stations set such rules and standards collectively through the National Association of Broadcasters TV Code Authority. It was a system not universally liked by advertisers, who often chafed at its strictures, and it collapsed in the early 1980s after the U.S. Justice department complained Code limits on commercial minutes per hour were an anticompetitive restraint on the supply of TV ad time. But the Code did set standards that tried to reflect public concerns about the ads TV brought into viewers' homes.

Rep. Billy Tauzin (R., La.), a key House member on TV matters, has recently suggested he might propose a limited antitrust exemption to let the TV business address the liquor ad issue in this collective way. Those in TV and advertising should give that serious thought. □

## 'Ellen'-itis

**T**HAT THERE WILL BE advertiser fallout from the emergence of the first openly gay lead character in a TV series comes as no surprise. Advertisers have the right to decide how and where to spend their sponsorship dollars, and many

U.S. marketers are known for their conservative media buys. (You could count on one hand the number of



Major League Fash

### Age diversity

The March 9 issue of *York Times Magazine* devoted an edition to the subject "Boomer"—the highlight of the advertising community article by Jerry Della Fera titled, "When Will Madison Avenue Get It?" The gist of the article was that, in its blind quest for the 18-to-49 age group, the advertising community is ignoring young and affluent market segments.

The problem with recognition for this real have come to recognize these two years—is quite this: There is no more great advertising agencies!

For whatever reason, all-out youth movement nomics, it is impossible anyone in the trenches with hair. Just try to find anyone the age of 50 involved in day-to-day planning and

## Advertising

CRAIN'S INTERNATIONAL NEWS SERVICE

DARCE CRAIN Editor in chief  
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Elizabeth / Letanne -

File: FCC Liquor letter and

DPC - Keep Up On

JOLLY/RISSLER, INC.

GOVERNMENT AND PUBLIC RELATIONS

10TH FLOOR

818 CONNECTICUT AVENUE, N.W.

WASHINGTON, DC 20006

(202) 293-3330

FAX (202) 293-3515

E-Mail: jris@jollyrissler.com

Could you work together to draft a memo to the President informing him of the request to hold a "forum" on this issue and laying out whatever other ~~additional~~ alternatives you think ~~are~~ <sup>should be considered?</sup>

JOLLY/RISSLER

~~appropriate staff~~

~~President decide to take further action on this issue~~

May 28, 1997

one option is (obviously) to do nothing. ~~Manipulation~~

Talk with HHS and whoever ~~else~~ you think

Ms. Elena Kagin  
Chief of Staff  
Office of Domestic Policy  
Old Executive Office Building, Room 222  
Washington, D.C. 20500

appropriate (DOT?) to get their policy ideas, and make whatever recommendations you think appropriate. (But don't get HHS/DOT hopes up.) I think we

Dear Elena:

should review and discuss such a memo in - hour and decide whether we want to send

Thank you once again for meeting with Fred Meister, Tim Dudgeon and me last Thursday. We really appreciated the opportunity to provide you with a thorough briefing on the issues of alcohol equivalency and broadcast advertising. ~~it is - to~~ ~~The President,~~

DISCUS members were especially pleased to learn that you intend to meet with your senior White House staff colleagues to discuss these issues further and to prepare a response to Fred Meister's April 4 letter to President Clinton. As you know, Fred's letter simply requests that President Clinton, given his concern with youth and alcohol advertising, publicly invite and encourage all parties -- distillers, brewers and vintners -- as well as the broadcasters, to meet to develop a unified code for all forms of beverage alcohol advertising. DISCUS is anxiously awaiting a response to this proposal. ~~cc: Bruce~~

Cheri called to let us know that this meeting would not occur until next week since one of the principles is out of town this week. However, we hope that you will have the opportunity to give us an indication of how the White House feels about DISCUS' request at some point next week.

Again, thank you for the lengthy meeting and for your willingness to give this issue the serious attention it merits. We shall look forward to hearing from you.

Sincerely,

Thomas R. Jolly

TRJ:ks

P.S. Thanks again -- as you may have detected, I have a nervous client - please let us know if there's anything further we can do to help you help us.

# FACT SHEET

DISCUS is the trade association representing producers and marketers of distilled spirits sold in the United States.

Website: <http://www.discus.health.org>

## BEVERAGE ALCOHOL EQUIVALENCE

All alcohol beverages have one thing in common - they contain alcohol. Standard servings of beer, wine and spirits – a 12-ounce can of beer, a 5-ounce glass of wine and a cocktail with 1 1/2-ounces of 80-proof spirits – all contain the same amount of absolute alcohol. A diverse collection of established experts recognize that "alcohol is alcohol," and that there is no scientific basis for treating distilled spirits differently from other beverage alcohol.

- The federal government (Departments of Health and Human Services, Agriculture, Transportation and Education), Mothers Against Drunk Driving, the National Council on Alcoholism and Drug Dependence, Blue Cross/Blue Shield and the National Alcohol Beverage Control Association all measure beverage alcohol equivalence the same way.
- The Dietary Guidelines for Americans, published by the U.S. Departments of Agriculture and Health and Human Services, define a drink of alcohol as "12 ounces of regular beer, 5 ounces of wine, or 1.5 ounces of 80-proof distilled spirits."
- The Department of Transportation's National Highway Traffic Safety Administration concurred with other federal agencies in a 1995 Fact Sheet: "Alcohol is alcohol. Beer has the same effect as straight scotch."
- In a June 30, 1993, USA Today Editorial, former U.S. Surgeon General Antonia Novello wrote: "They (young people) don't realize that one can of beer, five ounces of wine, or one wine cooler has roughly the alcohol equivalent of one shot of vodka. So deep is their misunderstanding that 80% of the students did not know that a 12-ounce can of beer has the same amount of alcohol as one shot of whiskey."
- From the National Council on Alcoholism and Drug Dependence, Inc (NCADD): "Beer and wine contain as much alcohol as liquor in standard servings. A lot of people think there is less risk in drinking beer or wine than in drinking liquor. They may have heard that the percentage of alcohol is lower in beer (around 5 percent) and wine (12 percent) than in liquor (usually 40 to 50 percent). But they may not know that beer, wine and liquor are also usually served in different sizes (12 ounces for beer; 5 ounces for wine; and 1 1/2 ounces of 80 proof liquor). So it works out that each one has the same amount of alcohol. It's just more diluted in beer and wine than in liquor. Beer, wine and liquor have the same effect if a person drinks them in a standard size serving and at the same rate."
- "... a standard drink of regular beer, wine or liquor contains roughly the same amount of alcohol in different overall volume of liquids." Enoch Gordis, M.D., Director of the National Institute on Alcohol Abuse and Alcoholism (NIAAA), January 21, 1997 letter to Senator Wendell H. Ford.



- Most state driver's license manuals teach the facts of beverage alcohol equivalency.
- A 1991 U.S. Department of Health and Human Services, Office of Inspector General Report "Youth and Alcohol: A National Survey. Do They Know What They're Drinking?" states: "Students do not know the relative strengths of different alcoholic beverages. Almost 80 percent of the students do not know that one shot of whiskey has the same amount of alcohol as a 12-ounce can of beer. Similarly, 55 percent do not know that a 5-ounce glass of wine and a 12-ounce can of beer have the same amount of alcohol. One out of three students do not know that all wine coolers contain alcohol."
- A 1996 survey conducted by Yankelovich Partners, Inc. shows an alarmingly high level of misunderstanding among American adults about equivalence. Only 39% of Americans correctly answer that a 12 ounce can of beer, a 5 ounce glass of wine, and a mixed drink with 1.5 ounces of distilled spirits contain the same amount of alcohol. 53% of Americans believe a typical mixed drink is more potent than a typical 5 ounce glass of wine while only 16% say the two drinks are equally potent.
- The National Alcohol Beverage Control Association, the association of the 19 alcohol control jurisdictions in the U.S., conducted a public education campaign on equivalency. Public service advertisements with the message, "A Sobering Fact About Alcohol: It's Not What You Drink, It's How Much" were widely disseminated throughout the 19 control jurisdictions.
- The U.S. Supreme Court's recent reinforcement of the beverage alcohol industry's commercial free speech rights, in its decision in 44 Liquormart v. Rhode Island, did not distinguish among distilled spirits, beer or wine.
- On June 12, 1995, the Federal Court of Canada repealed the country's prohibition of distilled spirits advertising on television and radio. Prominent researchers and clinicians in Canada testified that all alcohol should be treated equally under the law. Allan Wilson, MD, Ph.D., Clinical Director of Royal Ottawa Hospital Addiction Programs, testified that "There is no coherent body of scientific evidence to support the differential treatment of beer, wine and distilled spirits."
- In an affidavit before the Court, Harold Kalant, MD, Ph.D., Professor Emeritus in Pharmacology, University of Toronto and Assistant Research Director of the Addiction Research Foundation of Ontario concluded, "... there is no logical basis in scientific evidence for differential treatment of different types of alcoholic beverage."
- Alcohol warning labels, minimum drinking age laws and drunk driving laws do not distinguish among distilled spirits, beer or wine.
- The National Institute on Alcohol Abuse and Alcoholism, HHS, recognizes that alcohol is alcohol: "A standard drink is generally considered to be 12 ounces of beer, 5 ounces of wine, or 1.5 ounces of 80-proof distilled spirits. Each of these drinks contains roughly the same amount of absolute alcohol - approximately 0.5-ounce or 12 grams." (source: Alcohol Alert, No. 16)

April 4, 1997

Fcc Liquor Letter

DISTILLED  
SPIRITS  
COUNCIL  
OF THE  
UNITED  
STATES

May 23, 1997

Ms. Elena Kagin  
Chief of Staff  
Office of Domestic Policy  
Room 222  
Old Executive Office Building  
Washington, D.C. 20500

Dear Elena:

Thank you very much for all the time you spent with Fred Meister, Tom Jolly, and me. I especially appreciate you listening to my extra effort with respect to getting a positive response to Fred's April 4 letter to the President.

With regard to the points we made about advocacy group activity, enclosed find a press release from the National Consumers League announcing the launching of a new alcohol education campaign which has "alcohol is alcohol is alcohol" as one of its major tenants. I thought you might be interested to see once again that it is not just the distilled spirits industry putting forth this extremely important educational message.

Again, many thanks for your time and we look forward to working with you in the future.

Sincerely,



Tim Dudgeon  
Director  
Federal Government Relations

Enclosure





**National  
Consumers  
League**  
Founded 1890

Contact: Cleo A. Manuel  
Kim A. Michalski  
202-835-3323

FOR IMMEDIATE RELEASE

## National Consumers League Launches Alcohol Education Campaign: Equivalency, Alcohol Interactions, Impaired Driving Stressed

Washington, DC . . . Timed for Memorial Day and the beginning of the summer driving season, the National Consumers League has this sobering message about drinking alcohol: it's not what you drink, but how much.

The League has released a consumer education brochure, "Alcohol: How It All Adds Up," to help consumers learn about drinking responsibly. Topics covered include medication and alcohol interactions, drinking and driving, and learning more about alcohol equivalency.

NCL reports that many Americans don't know that the standard serving sizes of different drinks contain the same of alcohol, believing instead that beer and wine are less "potent" and therefore "safer" than distilled spirits.

"Alcohol is alcohol is alcohol," said NCL President Linda F. Golodner. "Lack of understanding about this basic fact may lead some people to make uninformed and unsafe decisions about the type and amount of alcohol they consume."

NCL's concern is backed up by a number of surveys which show that both parents and young adults need more information about alcohol equivalence. According to a recent survey of 1,502 Americans conducted by Yankelovich Partners, Inc., only 39 percent of respondents know that a standard serving of beer (12 ounces), wine (5 ounces) and a mixed drink with liquor (1.5 ounces) contains the same amount of alcohol. Not surprisingly, the same survey found that over half of those polled (53 percent) believe that a typical mixed drink is more "potent" than a glass of wine. In fact, both have the same alcohol content.

"Our education campaign will help consumers learn the basic math of alcohol consumption -- that drinking a rum and Coke or a Bloody Mary is the same as drinking a glass of beer or wine. Hopefully, this will help people understand more about the type and amount of alcohol they consume," said Golodner.

The recent Yankelovich poll also confirmed that public education can change misperceptions. Sixty-two percent of Americans say that understanding the alcohol equivalency of standard servings of different types of drinks is helpful in making more responsible choices about alcohol consumption.

NCL's new public education campaign also explains:

◆A standard serving of beer (12 ounce bottle or can), wine (5 ounce glass) and cocktail (1.5 ounces of 80-proof spirits) all contain the same amount of alcohol.

◆Instead of comparing different types of alcoholic beverages ounce for ounce, use basic math to figure out how much alcohol you are drinking. Multiply the percent of alcohol by volume by the total number of ounces. This will tell you the amount of alcohol you are actually consuming. (You can find the percent of alcohol by volume on most bottles, cans or labels.)

◆Medications and alcohol don't mix. This includes both prescription and over-the-counter drugs. Some medicines cause adverse reactions when mixed with any form of alcohol. If you have any questions, ask a pharmacist or physician.

NCL's brochure also explains other common sense tips for people who drink moderate amounts of alcohol. They include choosing a designated driver when drinking and driving; if you drink, do so in moderation for your health and everyone's safety; remember, it's illegal to purchase alcohol if you are under age 21; and pregnant women should avoid drinking alcohol.

To get a free copy of the brochure, contact the National Consumers League, 1701 K St., NW, Suite 1200, Washington, D.C. 20006.

-30-

The National Consumers League, founded in 1899, is America's pioneer consumer organization. NCL is a private, nonprofit membership organization dedicated to representing consumers on issues of concern including fraud, health care, fair labor standards, food and drug safety, and telecommunications. NCL's three-pronged approach of research, education, and advocacy has made it an effective representative and source of information for consumers and workers.

NOTE TO EDITORS:VNR AND B-ROLL AVAILABLE (FRIDAY, MAY 23, 1:15-1:30 pm EDT  
Galaxy 4, transp. 22, DL 4140, Audio 6.2/6.8

Other graphics available for print media.



Elizabeth Drye

05/21/97 01:53:10 PM



Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Cathy R. Mays/OPD/EOP, Elena Kagan/OPD/EOP

Subject: MADD/NCADD petition asking FCC to require counter advertising for alcohol

Elena asked Leanne and I to review this petition and get a note to you before your meeting with the distilled liquor people. As you know, the petition asks FCC to require broadcasters to provide free time for counter-advertisements to educate the public, especially kids, on the dangers of high-risk alcohol consumption. The requirement would apply to beer, wine, and liquor. Their proposal sights as precedent the effective late 1960's FCC rule requiring broadcasters to provide one hour of cigarette counter advertising for every four hours of cigarette ads. That requirement is credited with reducing cigarette use and prompting companies to agree to a legislative ban on broadcast cigarette ads.

Here are our very initial reactions:

pros:

- good public health policy; the petition argues convincingly that ads clearly reach kids and effect their views on drinking, and that counter ads would work as they have worked for tobacco and drugs;

cons:

- would be the first time we've criticized beer and wine advertising practices;
- Chairman Hunt would likely have a tough time implementing -- he does not yet apparently have the votes to move the liquor ad investigation we requested;
- gets out in front of our liquor ad study -- in other words, assumes a solution (for liquor, beer and wine) before FCC has completed the review we requested..

Bottom line -- we should consider supporting.

Sorry this is so brief. Let us know if you want more.

May 21, 1997

MEMORANDUM FOR BRUCE REED

FROM: Cheri Carter

SUBJECT: Meeting with Distilled Spirits representatives

Tomorrow you will meet with Fred Meister, President & CEO of the Distilled Spirits Council, Timothy Dudgeon, Director of Federal Relations for the Distilled Spirits Council and Tom Jolly, Partner, Jolly/Risler, at 2:00pm in your office. This informational meeting was scheduled in response to their request for a meeting with you.

The attached information is for your review:

- A) Letter from Fred Meister, President & CEO of the Distilled Spirits Council to President Clinton, 4/4/97.
- B) Distilled Spirits Council press release from 4/4/97 which calls for the President to request a common code for all alcohol advertising.
- C) A matrix comparing the advertising codes of the Spirits, Beer and Wine industries (produced by the Distilled Spirits Council).
- D) A copy of the Distilled Spirits Council "Code of Good Practice".

DISTILLED  
SPIRITS  
COUNCIL  
OF THE  
UNITED  
STATES

April 4, 1997

*The President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500*

*Dear Mr. President:*

*While we strongly disagree with your Administration's attempt to single out only distilled spirits advertising for discriminatory examination and action, we want to propose a bold approach to the issue of alcohol advertising and youth.*

*Given the fact that your Administration is concerned with youth and alcohol advertising, the issue of advertising by other forms of alcohol must be addressed concurrently. Distilled spirits has been advertising on television and radio in a very responsible way, but with relatively few ads for only the past several months. Beer, however, has been advertising for decades and has spent billions of dollars doing so without any great public outcry or controversy.*

*The fact is that there can be no sensible or effective analysis of the issue of youth, alcohol and advertising if beer and wine are not part of that process. I doubt that there is one alcohol education or anti-abuse group anywhere that would not support this view that any Federal analysis of alcohol advertising **absolutely must** have beer and wine included. Attached are some recent letters from such groups.*

*As distillers, as parents and as good citizens, we are as concerned as anyone about illegal alcohol use among the underage. Indeed, our companies have a long and proud record of educating all segments of society about responsible alcohol consumption and alcohol abuse. The distillers collectively, through the Century Council, conduct effective community-based programs directed at combatting illegal, underage drinking.*

*It is with this tradition of responsibility that we propose a process that goes far beyond your position of "no backsliding."*

The President  
April 4, 1997  
Page Two

**Respectfully, the distillers call on your Administration to publicly request and expect that the distillers, brewers and vintners together with the broadcasters will meet under the aegis of your Administration. Your tasking to the group would be for them to develop a unified code that sets the same responsible standards for all forms of beverage alcohol (beer, wine and spirits) advertising and also would be the guidelines for broadcasters.**

Currently, each segment of beverage alcohol has its own code that addresses the issues of responsibility and youth, but a **common code** would improve the status quo by holding all segments of the beverage alcohol industry and the broadcasters to the same responsible standard.

We respectfully urge you to take pointed action by issuing a call for spirits, beer, wine, and the broadcasters to "come to the table" and, within no more than 90 days, develop and agree to a common code of advertising. Your Administration then could use its "bully pulpit" to attain an effective impact.

Your Administration prides itself on creative, dynamic and bold solutions and thus surely can do more than not just "backslide." Your Administration has the courage to bring all parties in the beverage alcohol industry (beer, wine and spirits) and the broadcasters to the table to achieve this comprehensive and sustaining objective.

The spirits industry is responsible -- we are willing to come to the table now. Your Administration only has to secure the same commitment from the beer and wine industries and the broadcasters to work toward this common end.

We would be pleased to discuss this soon with you or anyone in your Administration.

Sincerely,

  
Fred A. Meister  
President/CEO

FAM:ck  
Attachments

**DISTILLED  
SPIRITS  
COUNCIL  
OF THE  
UNITED  
STATES**

# NEWS RELEASE

DISCUS is the trade association representing producers and marketers of distilled spirits sold in the United States.

CONTACT: ELIZABETH BOARD

PHONE: 202-682-8840

## DISTILLERS CALL ON PRESIDENT CLINTON TO REQUEST A COMMON CODE FOR ALL ALCOHOL ADVERTISING

Washington, D.C., April 4, 1997 -- The Distilled Spirits Council of the United States (DISCUS) sent a letter to the White House, calling on President Clinton to use his "bully pulpit" to bring together the beer, wine, distilled spirits and broadcast industries to devise a common code of advertising, DISCUS President and CEO Fred Meister announced at a press conference today.

DISCUS' call for action came in response to President Clinton's statements Tuesday asking the FCC to examine the effects, if any, of spirits advertising on television. DISCUS criticized the President's proposal stating that it ignores more than 99 percent of the alcohol advertising on television.

"During the President's address, he made a statement that is seriously incomplete. The President said the 'kids should have no business with liquor,'" said Meister. "I believe that every parent and alcohol abuse expert would say that kids should have no business with any form of alcohol -- beer, wine or distilled spirits -- period."

In the letter, DISCUS urged the President to ask for the distillers, brewers, and vintners together with the broadcasters to "come to the table" to develop and adopt a common code for alcohol advertising within 90 days.

"The spirits industry is responsible -- we are willing to come to the table now. Your Administration only has to secure the same commitment from the beer and wine industries and the broadcasters to work toward this common end," said Meister.

The code would set the same responsible standard for all beverage alcohol advertising and also would provide uniform guidelines for the broadcasters.

~~more~~

DISCUS • 1250 Eye Street, N.W. • Suite 900  
Washington, D.C. 20005-3998  
202/628-3544 • FAX: 202/682-8888  
<http://www.discus.health.org/>

A FACT ABOUT ALCOHOL CONTENT:



"For decades, our members have demonstrated through numerous alcohol education efforts that we are a responsible industry dedicated to combatting alcohol abuse, including illegal underage drinking," said Meister. "It is with this tradition of responsibility that we propose a bold and innovative call for action that goes forward and far beyond the President's stated goal of 'not backsliding.'"

Meister cited new polling data from Yankelovich Partners that showed that 61 percent of Americans did not know that typical servings of beer, wine and spirits contained virtually the same amount of alcohol. The poll also showed that the majority of Americans -- 62 percent -- said that understanding the equivalency of standard servings of different types of alcohol beverages is helpful to them in making decisions about responsible drinking.

"These findings demonstrate why the U.S. Departments of Health and Human Services, Agriculture, Transportation and Education teach alcohol equivalence," said Meister. "It is a basic, essential and critical fact."

Meister also unveiled an industry-produced commercial about alcohol equivalence that was rejected by a network.

"To encourage other groups to expand their alcohol equivalency education, we recently tried to deliver this important equivalence message to the public through a commercial produced by the spirits industry," said Meister. "Unfortunately, the network we wanted to buy time from to run the message would not accept the ad."

###

*Copies of the DISCUS commercial are available for members of the media. If you are interested in receiving a VHS or Betacam (oxide) copy of the commercial, please contact the Public Issues Division at (202) 682-8840.*

## BEVERAGE ALCOHOL ADVERTISING CODES COMPARISON<sup>1</sup>

PROVISION (in DISCUS Code order)	SPIRITS Distilled Spirits Council "Code of Good Practice"	BEER Beer Institute "Advertising & Marketing Code"	WINE California Wine Institute "Code of Advertising Standards"	CENTURY COUNCIL "Code of Responsible Marketing & Advertising Practices"
<b>No advertising or marketing directed or primarily intended to appeal to underage</b>	<p>Distilled spirits should not be advertised or marketed in any manner directed or primarily intended to appeal to persons below the legal purchase age. (p. 1, #1)</p> <p>Distilled spirits advertising and marketing materials are intended for adults of legal purchase age who choose to drink. (p. 4, #1)</p>	<p>Beer advertising and marketing materials are intended for adults of legal purchase age who choose to drink. (#3)</p> <p>No beer identification, including logos, trademarks, or names should be used or licensed for use on clothing, toys, games or game equipment, or other materials intended for use primarily by persons below the legal purchase age. (#3.g)</p>	<p>Any advertisement which has particular appeal to persons below the legal drinking age is unacceptable. (#3)</p> <p>Advertising shall not be directed to underage drinkers. (#8)</p> <p>Advertising shall not suggest that wine or wine cooler product resembles or is similar to another type of beverage or product (milk, soda, candy) having particular appeal to persons below the legal drinking age. (#3.e)</p>	<p>Products should not be marketed or advertised using any symbol, language, gesture, cartoon, or animated character that is intended to appeal primarily to persons below the legal drinking age. (II.C.4.)</p> <p>No product name, logo, trademark or service mark should be used on, or licensed for use on, clothing, toys, game equipment, or other materials that are intended primarily for use by persons below the legal drinking age. (II.C.7.)</p>
<b>No placement in communications intended to appeal primarily to underage</b>	<p>Distilled spirits advertising and marketing should not be placed in any communication intended to appeal primarily to individuals below the legal purchase age. (p. 3, #2)</p> <p>Distilled spirits should not be advertised or marketed on the comic pages of newspapers, magazines, or other publications. (p. 4, #5)</p>	<p>Beer advertising and marketing materials should not be placed in magazines, newspapers, television programs, radio programs, or other media where most of the audience is reasonably expected to be below the legal purchase age. (#3.d)</p>	<p>Advertising shall not appear in children or juvenile magazines, newspapers, television programs, radio programs or other media specifically oriented to persons below the legal drinking age. (#3.c)</p>	<p>Products should not be marketed or advertised through any medium where the intent is to appeal primarily to persons below the legal drinking age. (II.C.6.)</p>
<b>College or university campuses</b>	<p>Distilled spirits should not be advertised on college and university campuses or in college and university newspapers. (p. 3, #3)</p> <p>Marketing activities for distilled spirits should not be conducted on college and university campuses except in licensed retail establishments located on such campuses. (p. 3, #4)</p>	<p>Beer advertising and marketing activities on college and university campuses, or in college media, should not portray consumption of beer as being important to education, nor shall advertising directly or indirectly degrade studying. (#12)</p> <p>Beer may be advertised and marketed on college campuses or at college-sponsored events only when permitted by appropriate college policy. (#12)</p>	<p>No specific separate provision.</p>	<p>Products should not be marketed at any event on a college campus or any college-sponsored event or advertised in campus media except (i) in conformity with policies promulgated by appropriate college officials, or (ii) in the absence of such formal policies, with the prior approval of appropriate college officials. (II.C.2.)</p>

<sup>1</sup> This document is a summary of the beverage alcohol advertising codes, and serves as a guide to the full texts of these codes, which are attached hereto.

<b>PROVISION (in DISCUS Code order)</b>	<b>SPIRITS Distilled Spirits Council "Code of Good Practice"</b>	<b>BEER Beer Institute "Advertising &amp; Marketing Code"</b>	<b>WINE California Wine Institute "Code of Advertising Standards"</b>	<b>CENTURY COUNCIL "Code of Responsible Marketing &amp; Advertising Practices"</b>
<b>No advertising or marketing at events where most of the audience is below legal purchase age</b>	Distilled spirits advertising and marketing materials should not be specifically aimed at events where most of the audience is reasonably expected to be below the legal purchase age. (p. 3, #5)  Fixed distilled spirits advertising and marketing materials at facilities used primarily for adult-oriented events fall outside this guideline. (p. 3, #5)	Beer should not be advertised or marketed at any event where most of the audience is reasonably expected to be below the legal purchase age. (#3.f)  This guideline does not prevent brewers from erecting advertising marketing materials at or near facilities that are used primarily for adult-oriented events, but which occasionally may be used for an event where most attendees are under age 21. (#3.f)	No specific separate provision.	Products should not be actively promoted at any event where most of the audience is likely to be below the legal drinking age. (II.C.1.)
<b>No depiction of children, or objects, images or cartoon figures popular predominantly with children</b>	Distilled spirits advertising and marketing materials should not depict a child or portray objects, images, or cartoon figures that are popular predominantly with children. (p. 4, #3)	Beer advertising and marketing materials should not employ any symbol, language, music, gesture, or cartoon character that is intended to appeal primarily to persons below the legal purchase age. (#3.a)  Beer advertising and marketing materials should not employ any entertainment figure or group that is intended to appeal primarily to persons below the legal purchase age. (#3.b)	Advertising shall not use music, language, gestures or cartoon characters specifically associated with or directed toward those below the legal drinking age. (#3.b)  Advertising shall not use current or traditional heroes of the young such as those engaged in pastimes and occupations having a particular appeal to persons below the legal drinking age. (#3.f)	Products should not be marketed or advertised using any symbol, language, gesture, cartoon, or animated character that is intended to appeal primarily to persons below the legal drinking age. (II.C.4.)  Products should not be marketed or advertised through the use of any entertainment figure intended to appeal primarily to persons below the legal drinking age. (II.C.5.)
<b>No depiction of Santa Claus or any religious figure</b>	Distilled spirits advertising and marketing materials should not contain the name of or depict Santa Claus or any religious figure. (p. 4, #4)	Beer advertising and marketing materials should not depict Santa Claus. (#3.c)  Beer advertising and marketing materials should not employ religion or religious themes. (#6.c)	No specific separate provision.	No specific separate provision.
<b>Age of actors and personalities used in advertising and promotions</b>	Distilled spirits should not be advertised or promoted by any person who is or appears to be below the legal purchase age. (p. 4, #6)	To help insure that the people shown in beer advertising are and appear to be above the legal purchase age, models and actors employed should be a minimum of 25 years old, substantiated by proper identification, and should reasonably appear to be over 21 years of age. (#3.e)	Advertising shall not show models and personalities in advertisements who are under the legal drinking age. Models should appear to be 25 years of age or older. (#3.a)	Products should not be marketed or advertised through the use of models or personalities who are below 25 years of age or who are made to appear, through clothing or otherwise, to be below 21 years of age except where otherwise required by law. (II.C.3.)

<b>PROVISION (in DISCUS Code order)</b>	<b>SPIRITS Distilled Spirits Council "Code of Good Practice"</b>	<b>BEER Beer Institute "Advertising &amp; Marketing Code"</b>	<b>WINE California Wine Institute "Code of Advertising Standards"</b>	<b>CENTURY COUNCIL "Code of Responsible Marketing &amp; Advertising Practices"</b>
<b>No depiction of abusive or irresponsible consumption</b>	Distilled spirits advertising and marketing materials should portray distilled spirits and drinkers in a responsible manner. These materials should not show a distilled spirits product being consumed abusively or irresponsibly. (p. 5, #7)	Beer advertising and marketing materials should portray beer in a responsible manner. (#2.b)  Beer advertising and marketing materials should not depict situations where beer is being consumed excessively, in an irresponsible way, or in any way illegally. (#2.b)	Advertising shall not depict wine or wine coolers in quantities inappropriate to the situation or inappropriate for moderate and responsible use. (#1.f)  Advertising shall not depict or describe any persons engaged in activities not normally associated with the moderate use of wine or wine coolers and a responsible lifestyle. (#1.c)  Advertising shall not appear in or directly adjacent to television or radio programs or print media which dramatize or glamorize over-consumption or inappropriate use of alcoholic beverages. (#5)	No product should be shown as being consumed in quantities inappropriate to the situation depicted or in an irresponsible or illegal manner; nor should any advertising or marketing practice encourage irresponsible consumption, or consumption by persons who for medical reasons should not consume the product. (II.A.1.)  Advertising shall not be in or directly adjacent to any television or radio program or in any print medium, that glamorizes or condones over-consumption or otherwise irresponsible consumption of alcoholic beverages. (II.B.1.)
<b>On-premise promotions to encourage responsible consumption</b>	On-premise promotions sponsored by distillers should encourage responsible consumption by those adults who choose to drink and discourage activities that reward excessive/abusive consumption. (p. 5, #8)	No specific separate provision.	No specific separate provision.	No specific separate provision.
<b>No depiction of the intoxicating effects of alcohol consumption</b>	Distilled spirits advertising and marketing materials should not promote the intoxicating effects of beverage alcohol consumption. (p. 5, #9)	Beer advertising and marketing promotions should not portray persons in a state of intoxication or in any way suggest that intoxication is acceptable conduct. (#2.c)  Beer advertising and marketing materials should not refer to any intoxicating effect that the product may produce. (#9)	Advertising shall not depict or describe the consumption of wine or wine coolers for the effects their alcohol content may produce. (#1.a)  Wine and wine coolers shall not depict or describe in their advertising excessive drinking or persons who appear to have lost control or to be inappropriately uninhibited. (#1.c)  Advertising shall not depict or describe any suggestion that excessive drinking or loss of control is amusing or a proper subject for amusement. (#1.d)	Consumers of a product should not be portrayed as engaging in excessive consumption, being intoxicated, or having lost control of their faculties. There should be no suggestion that excessive consumption, intoxication, or loss of control is amusing or a proper subject for amusement or in any way acceptable conduct. (II.A.3.)  Product marketing and advertising should not refer in a favorable manner to any intoxicating effect that the product's alcohol content may produce. (II.A.4.¶5)

<b>PROVISION (in DISCUS Code order)</b>	<b>SPIRITS Distilled Spirits Council "Code of Good Practice"</b>	<b>BEER Beer Institute "Advertising &amp; Marketing Code"</b>	<b>WINE California Wine Institute "Code of Advertising Standards"</b>	<b>CENTURY COUNCIL "Code of Responsible Marketing &amp; Advertising Practices"</b>
<b>No claims that consumption can lead to social, professional, educational, or athletic success or status</b>	Distilled spirits advertising and marketing materials should contain no claims or representations that individuals can obtain social, professional, educational, or athletic success or status as a result of beverage alcohol consumption. (p. 5, #10)	Beer advertising and marketing materials should contain no claims or representations that individuals cannot obtain social, professional, educational, athletic or financial success or status without beer consumption; nor should they claim or represent that individuals cannot solve social, personal or physical problems without beer consumption. (#5.c)	<p>Any attempt to suggest that wine directly contributes to success or achievement is unacceptable. (#2)</p> <p>Wine and wine coolers shall not be presented as being essential to personal performance, social attainment, achievement, success or wealth. (#2.a)</p> <p>Wine and wine coolers shall not be presented as vital to social acceptability and popularity. (#2.c)</p> <p>The use of wine and wine coolers shall not be directly associated with social, physical or personal problem solving. (#2.b)</p> <p>It shall not be suggested that wine or wine coolers are crucial for successful entertaining. (#2.d)</p> <p>Advertising shall not be presented as being related to the attainment of adulthood or associated with "rites of passage" to adulthood. (#3.d)</p>	<p>Product marketing and advertising should not claim or represent that persons cannot achieve social, financial, or professional success or sexual or physical prowess without consuming the product. (II.A.4.¶2)</p> <p>Use of any sports figure in product marketing or advertising should not be designed or intended to create an impression that consumption of the product helps to develop athletic skill or attainment of physical prowess. (II.D.2.)</p> <p>Product marketing and advertising should not claim or represent that persons cannot solve social, physical, or personal problems without consuming the product. (II.A.4.¶3)</p>
<b>No association of consumption with abusive or violent relationships or situations</b>	Distilled spirits should not be advertised or marketed in any manner associated with abusive or violent relationships or situations. (p. 5, #11)	No specific separate provision.	Advertising shall not reinforce nor trivialize the problem of violence in our society. Therefore, advertising shall not associate wine or wine coolers with abusive or violent relationships or situations. (#9, as amended, 1993)	No specific separate provision.
<b>No implication of illegal activity</b>	Distilled spirits advertising and marketing materials should not imply illegal activity of any kind. (p. 5, #12)	<p>Beer advertising and marketing materials should not depict situations where beer is being consumed in any way illegally. (#2.b)</p> <p>Beer advertising and marketing materials should not portray or imply illegal activity of any kind. (#2.d)</p>	No specific separate provision.	No product should be shown as being consumed in an illegal manner. (II.A.1.)

PROVISION (in DISCUS Code order)	SPIRITS Distilled Spirits Council "Code of Good Practice"	BEER Beer Institute "Advertising & Marketing Code"	WINE California Wine Institute "Code of Advertising Standards"	CENTURY COUNCIL "Code of Responsible Marketing & Advertising Practices"
<b>No portrayal of a person engaged in any activity requiring a high degree of alertness or physical coordination</b>	No distilled spirits advertising or marketing materials should portray distilled spirits being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination. (p. 5, #13)	Beer consumption is intended as a complement to leisure or social activity. Beer advertising and marketing activities should not associate or portray beer drinking before or during activities in situations which require a high degree of alertness or coordination. (#4)	Association of wine use in conjunction with feats of daring or activities requiring unusual skill is specifically prohibited. (#1.e)	No product should be portrayed as being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination, such as operating a motor vehicle, boat, snowmobile, motorcycle, airplane, or other potentially dangerous equipment. (II.A.2.)
<b>No association with anti-social or dangerous behavior</b>	No distilled spirits advertising or marketing activity should be associated with anti-social or dangerous behavior. (p. 6, #14)	No specific separate provision.	No specific separate provision.	No specific separate provision.
<b>Portrayal of consumption</b>	Distilled spirits may be portrayed to be part of responsible personal and social experiences and activities, such as the depiction of persons in a social or romantic setting, persons who appear to be attractive or affluent, and persons who appear to be relaxing or in an enjoyable setting. (p. 6, #15)	Beer may be portrayed to be part of personal and social experiences and activities. (#5.c)	Advertising should encourage the proper use of wine. (#1)  The image of wine and wine coolers in advertising and promotion shall be adult-oriented and socially responsible. (#1.g)  When advertising visually depicts a scene or setting where wine is to be served, such advertising shall include foods and show that they are available and being used or are intended to be used. (#10)	These general standards are not intended to prohibit tasteful marketing or advertising merely because it suggests responsible consumption in an enjoyable setting or by adults who appear to be attractive or successful. For example, such advertising does not violate the principles of this Code merely because it portrays: > spectators at a sports or other event; > participants at the conclusion of a sports event or other event; > persons in a business, social, or romantic setting; > persons who appear to be attractive or affluent; or > persons who appear to be relaxing or having fun. (II.A.5.)
<b>Drunk driving</b>	Driving while intoxicated is against the law. Distilled spirits advertising and marketing materials should not portray, encourage, or condone drunk driving. (p. 6, #16)	Beer advertising and marketing materials should not portray, encourage or condone drunk driving. (#2.a)	Advertising shall not show motor vehicles in such a way as to suggest that they are to be operated in conjunction with wine or wine cooler use. (#4¶1)  Advertising should in no way suggest that wine or wine coolers be used in connection with driving motorized vehicles such as automobiles, motorcycles, boats, snowmobiles, or airplanes. (#4¶2)	No product should be portrayed as being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination, such as operating a motor vehicle, boat, snowmobile, motorcycle, airplane, or other potentially dangerous equipment. (II.A.2.)

<b>PROVISION (in DISCUS Code order)</b>	<b>SPIRITS Distilled Spirits Council "Code of Good Practice"</b>	<b>BEER Beer Institute "Advertising &amp; Marketing Code"</b>	<b>WINE California Wine Institute "Code of Advertising Standards"</b>	<b>CENTURY COUNCIL "Code of Responsible Marketing &amp; Advertising Practices"</b>
<b>No referral to alcohol content except in a straightforward manner</b>	Distilled spirits advertising and marketing materials should not refer to alcohol content except in a straightforward and factual manner. (p. 6, #17)	No specific separate provision.	Advertising shall not depict or describe directly or indirectly alcohol content or extra strength, except as otherwise required by law or regulation. (#1.b)	Product marketing and advertising should not refer to alcohol content, except in a straightforward, factual manner. (II.A.4.¶4)
<b>Advertisements should be dignified, modest and in good taste</b>	No distilled spirits advertising or marketing materials should contain advertising copy or an illustration unless it is dignified, modest and in good taste. (p. 7, #18)	Beer advertising and marketing materials should reflect generally accepted contemporary standards of good taste. (#6)  Beer advertising and marketing materials should not contain any lewd or indecent language or images. (#6.a)	Advertising shall not depict or describe wine consumption among any persons engaged in activities not normally associated with the moderate use of wine or wine coolers and a responsible lifestyle. (#1.c)	No specific separate provision.
<b>No suggestion of sexual prowess as result of consumption</b>	No distilled spirits advertising or marketing materials should claim or depict sexual prowess as a result of beverage alcohol consumption. (p. 7, #19).	Beer advertising and marketing materials should not portray sexual passion, promiscuity or any other amorous activity as a result of consuming beer. (#6.b)	No specific separate provision.	Product marketing and advertising should not claim or represent that persons cannot achieve, sexual or physical prowess without consuming the product. (II.A.4.¶2)
<b>No ads degrading women, men, or any ethnic, minority, religious, sexually oriented or other group</b>	Distilled spirits advertising and marketing materials should not degrade the image, form, or status of women, men, or of any ethnic, minority, sexually-oriented, religious, or other group. (p. 7, #20)	No specific separate provision.	Advertising shall not degrade, demean, or objectify the human form, image or status of women, men, or of any ethnic, minority or other group, or feature provocative or enticing poses. (#7, as amended, 1993)	Product marketing and advertising should not exploit the human form in a manner that offends national standards of decency in advertising and marketing. (II.A.4.¶1)
<b>No use of religion, or religious themes or ads in publications devoted to religious topics</b>	Distilled spirits advertising and marketing materials should not employ religion or religious themes, nor should distilled spirits be advertised in publications devoted primarily to religious topics. (p. 7, #21)	Beer advertising and marketing materials should not employ religion or religious themes. (#6.c)	No specific separate provision.	No specific separate provision.

<b>PROVISION (in DISCUS Code order)</b>	<b>SPIRITS Distilled Spirits Council "Code of Good Practice"</b>	<b>BEER Beer Institute "Advertising &amp; Marketing Code"</b>	<b>WINE California Wine Institute "Code of Advertising Standards"</b>	<b>CENTURY COUNCIL "Code of Responsible Marketing &amp; Advertising Practices"</b>
<b>Compliance</b>	<p>There shall be established and maintained a Code Review Board, which shall meet when necessary to consider complaints lodged by DISCUS members or other interested parties. (p. 891)</p> <p>Findings of the majority of the members of the Code Review Board shall be communicated promptly to the responsible advertiser and in appropriate circumstances to all members of the Board of Directors of DISCUS. (p. 893)</p>	<p>A copy of this code should be given to every brewery employee, wholesale distributor and outside agency whose responsibilities include advertising and marketing beer. (immediately after #12)</p>	<p>These guidelines shall apply only to voluntary subscribers of this Code of Advertising Standards. (appears at top of page, preceding #1)</p>	<p>In any case where a subscriber [to the Century Council Code] consistently fails to satisfy the requirements of this [Code], the Council may deny the subscriber the right to use the Code Service Mark or disassociate the subscriber from membership in the Council. (III.D.)</p>

April 1997

5-22-97 Distilled spirits

Good supporters/hold dialogue

4/4 letter - summit - common code

MADD, Po + ASm etc - 240 pumps - have to look at all

Shalala letter

Wannings identical

Don't want to drive all liquor off air

Port want accept total ban on us.

center/placement/hours

Dankle

Hearings? We're getting nothing

Port Kennedy bill - FCC intending

Ford

Bureau

process w/ everyone involved

graphs

broadcasters -

code

summit response?

history

also eq u ✓?



Danger of looking like we're reacting to him.

Harplin: Not too diff. him last yr. They want to support  
return; they've already been to a place we can't do.

FCC liquor letter

Cheryl M. Carter

05/13/97

06:39:27 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Distilled Spirits meeting

Just got sign off from Don Arbuckle in OIRA to go ahead and do the meeting with Bruce. They don't need to be in attendance and there is no pending action/review in OIRA from FCC on this issue so we are clear to do the "informational" meeting.

Can we go ahead and set a meeting up asap? Please let me know so I can get back to them.

FCC liquor letter

Cheryl M. Carter

05/07/97

02:03:07 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: OIRA/Distilled Spirits Meeting 

Tell them that General Counsel said that scheduling a meeting for them to share information with Bruce was ok. But Bruce could not discuss or report on the meeting with FCC. They also advised us to contact OIRA/Sally Katzen to inform her that we wanted to do a meeting and see if someone from her office needed to sit in.

Let me know what you find out...the Distilled Spirits folks call me daily!

Thanks for your help.