

Bruce/Elizabeth

*liquor
sales*

MEMORANDUM

To: Elena Kagan
From: George Hacker *George Hacker*
Re: Proposed Health Claims for Wine at ATF
Date: August 1, 1997

As I indicated when we met in the Roosevelt Room on July 8, the Bureau of Alcohol, Tobacco, and Firearms (ATF) seems intent on approving a label application for wine that would make an inappropriate and misleading health claim which could lead to increased alcohol consumption and higher levels of alcohol problems. Previously, I sent you a package of information containing correspondence between the Public Health Service (which opposes the labels) and other relevant documents, including the language of a recent AMA resolution opposing "beneficial health claims" for alcohol.

Today, I am forwarding letters to ATF from Senators Robert Byrd and Strom Thurmond, also opposing the proposed labels.

One of the avowed purposes of the proposed "directional" labels is to undermine the cautionary language of the current required warning label. Vice President Gore was the leader of efforts in the Senate to pass that legislation in 1988; perhaps he is now interested in protecting his accomplishment from attacks by the wine industry. Would you please share this information -- as well as what I previously sent to you -- with his office. If you need additional copies, please call me at (202) 332-9110, ext. 343.

Thank you very much for your consideration and assistance.



STROM THURMOND
SOUTH CAROLINA

PRESIDENT PRO TEMPORE
UNITED STATES SENATE

COMMITTEES
ARMED SERVICES, CHAIRMAN
JUDICIARY
VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510-4001

Personal attention July 28, 1997

Honorable Robert Rubin
Secretary of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Mr. Secretary:

It has come to my attention that the Bureau of Alcohol, Tobacco and Firearms (ATF) is considering a proposal to approve health claim statements for wine labels. I encourage you to oppose this proposal.

As you know, alcohol abuse is a serious problem in our Country. For years, drunk driving, underage drinking, drinking during pregnancy, and alcoholism have had devastating effects on the health and safety of our citizens. During the 1980s, I worked very hard to pass the law that requires alcohol containers to carry a government health warning on the label. This warning informs consumers of the dangers of alcohol abuse.

I am concerned that if the ATF approves special labels for wine that claim health benefits, the intent of the current health warning will be undermined. If a wine label suggests that drinking wine is healthy, citizens may be encouraged to drink more alcohol. It is sound health policy to discourage the consumption of alcohol, and I strongly urge you to reject any new labels that may actually lead to increased alcohol consumption.

I thank you for your attention to this matter.

With kindest regards and best wishes,

Sincerely,

Strom Thurmond

Strom Thurmond

ST/lx

THE HONORABLE ROBERT RUBIN
SECRETARY
DEPARTMENT OF THE TREASURY
1500 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20220

ROBERT RUBIN
SECRETARY
DEPARTMENT OF THE TREASURY
1500 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20220

United States Senate
COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6078

July 22, 1997

The Honorable Robert Rubin
Secretary
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Dear Mr. Secretary:

It is my understanding that the Bureau of Alcohol, Tobacco, and Firearms (BATF) is considering approving a proposal to allow directional health effects labeling for wine. I encourage you to oppose the approval of health effects labels.

Please find enclosed a copy of a letter from the Assistant Secretary of Health of the Department of Health and Human Services (HHS) to the Director of the BATF expressing serious concern about approval of directional health effects labels for wine. I share the concerns expressed by the Assistant Secretary and would hope that the BATF would forestall approval of this proposal, and, instead, work with the HHS to ensure that any action taken with regard to labeling does not jeopardize the public health.

In light of the BATF's anticipated approval of a proposal which our nation's health officials believe could potentially harm the public health, I question whether the BATF is the appropriate agency to have jurisdiction over alcohol labeling. Perhaps authority over labeling issues, which clearly have a health impact, would be better placed at an agency such as the Food and Drug Administration, which has the health care expertise and experience to make sound public health decisions.

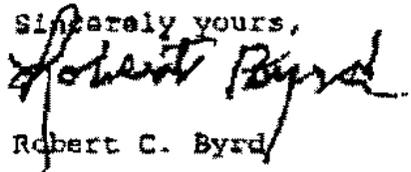
According to the National Institute on Alcohol Abuse and Alcoholism (NIAAA), alcohol abuse and alcoholism cost society over \$100 billion annually and each year over 100,000 deaths have alcohol-related causes. Drunk driving deaths in 1995 totaled 17,274. Also, alcohol consumption is related to increased violence and crime. Given the great costs imposed on society by alcohol consumption, I believe that granting government consent to labels that could potentially offset the current warning labels on wine and encourage consumption is ill advised. I urge you to continue to work with HHS officials to address their concerns about the effects that directional health effects labels could have on the public health.

Page 2

Your consideration of my concern in this regard is appreciated,
and I look forward to hearing from you on this important
matter.

With kind regards, I am

Sincerely yours,



Robert C. Byrd

RCB:kl
Enclosure

1 (8) RESOLUTION 439 - HEALTH CLAIMS ON ALCOHOLIC
2 BEVERAGE LABELS
3

4 RECOMMENDATION A:
5

6 Mr. Speaker, your Reference Committee recommends that Resolution
7 439 amended by insertion on lines 21-23 to read as follows:
8

9 **RESOLVED**, That the American Medical Association urge the Bureau
10 of Alcohol, Tobacco and Firearms to continue to reject proposals by the
11 alcoholic beverage industry for authorization to place beneficial health
12 claims for its products on container labels.
13

14 RECOMMENDATION B:
15

16 Mr. Speaker, your Reference Committee recommends that Resolution
17 439 be adopted as amended.
18

19 Resolution 439 asks our AMA to urge the Bureau of Alcohol, Tobacco and Firearms to reject
20 proposals that would permit health claims on the labels for alcoholic beverages.
21

22 Limited testimony was heard on Resolution 439, but it was suggested that positive or favorable
23 health claims be prohibited, since, for example, an unqualified statement might be construed to
24 prohibit cautionary language regarding drinking and driving.
25

26
27 (9) COUNCIL ON SCIENTIFIC AFFAIRS REPORT 14 - DRIVERS
28 IMPAIRED BY ALCOHOL
29

30 RECOMMENDATION A:
31

32 Mr. Speaker, your Reference Committee recommends that a new
33 Recommendation 7 be added to CSA Report 14 to read as follows:
34

35 That the AMA encourage the National Highway Traffic Safety
36 Administration to investigate the feasibility of technologies that would
37 prevent an automobile from being started or driven by an individual with
38 an excessive blood alcohol level.
39

40 RECOMMENDATION B:
41

42 Mr. Speaker, your Reference Committee recommends that the
43 recommendations in Report 14 of the Council of Scientific Affairs be
44 adopted as amended in lieu of Resolution 423 (1-95) and the remainder
45 of the report be filed.
46

47 Council on Scientific Affairs Report 14 provides background on the relationship of blood alcohol
48 levels to driver impairment and discusses experiences in the United States and elsewhere with lower
49 legal blood alcohol limits for drivers. The report recommends that public education messages should
50 indicate that "all alcohol use, even at low levels, impairs driver performance and poses significant

PHOTOCOOPY
PRESERVATION

DISCUS meeting with Bruce Reed

Introduction

President Clinton has singled out the spirits industry for criticism and discriminatory treatment even though scientific evidence and his own cabinet members acknowledge the reality of the equivalency doctrine.

His concern is the effect of broadcast alcohol advertising on youth. This issue cannot be realistically or responsibly addressed by singling out one segment of the industry for discriminatory treatment. Broadcast alcohol advertising should be addressed in the same manner in which the Administration has previously addressed issues involving youth and the media -- by encouraging members of *all* segments of the industry to come together and work toward a responsible and voluntary solution.

This is precisely what DISCUS proposed to the President over three months ago. On April 4, 1997, DISCUS President and CEO Fred Melster wrote to President Clinton and asked him "to take pointed action by issuing a call for spirits, beer, wine, and the broadcasters to 'come to the table' and...develop and agree to a common code of advertising." DISCUS has never received a response.

This request is totally consistent with the ways in which the White House and the President have dealt with other issues affecting youth and the media -- specifically with respect to (1) television programs and (2) creating a family-friendly Internet. These approaches are apparently working well and the Administration seems pleased with them. Let's review the record briefly:

Television programming

The President was concerned about violence and adult content on television. He responded to this by calling upon representatives from all segments of the industry to address the problem and voluntarily develop a solution.

On February 29, 1996 President Clinton announced "[O]ur administration, spearheaded by the Vice President, has worked with broadcasters, cable firms, production studios and others to encourage them to find ways to take more responsibility toward meeting our shared goals."

He added, "As a result of our discussions, the media and the entertainment industry has agreed to a voluntary system of ratings for television programs.

"The work we began here is just that -- a beginning. In our meeting I invited the industry leaders to come back to the White House to report once they have developed their rating systems and I look forward to the work that they will do."

On December 19, 1996, the President, in a White House briefing with the Vice President immediately following his meeting with Jack Valenti, Eddie Fritts and Decker Anstrom, said "I want to thank the industry leaders for the television rating system which they have proposed today. Earlier this year I asked them to do this."

The Vice President said, "Mr. President, what you did a year-and-a-half ago...resulted in your White House summit and the unprecedented willingness of this industry to respond as it has, by trying to bring itself together and present the country with its version of what it thinks will work..."

Creating a family-friendly Internet

Similarly, the President called industry leaders and other interested parties together to address the issue of content on the Internet.

On July 16, just a little over a week ago, in a White House press briefing Mike McCurry announced that the Vice President had a working meeting with "some of the industry leaders and representatives of the industry, parents groups and others who are working together in a strategy to create a family-friendly Internet." He also mentioned that the President dropped by this meeting and "clearly enjoyed it a great deal."

Don Gips, Domestic Policy Advisor to the Vice President, was also present at this briefing. Mr. Gips noted "[t]his was a first set of meetings. We will have continuing meetings...this will be an ongoing process..."

He also noted: "And today the President and Vice President laid out the challenge; industry and parents groups accepted the challenge and were very much looking forward to working together to achieve it."

Conclusion

The President has invited industry leaders and other interested parties to the White House and urged them to work together to develop voluntary solutions for other issues involving youth and the media. He should do the same for the broadcast alcohol advertising issue.

If the President is concerned about spirits advertising on television and its possible effect on our youth, he should be equally concerned about *all* alcohol advertising on television. His own administration has stated, "alcohol is alcohol. Beer has the same effect as straight scotch." The beer industry spends approximately \$600 million annually advertising on television, and it is a well established fact that beer is the alcoholic beverage of choice among young people.

From the standpoint of consistent, sensible and even-handed public policy -- for which the Administration is known -- it simply does not make good sense to address the issue of broadcast alcohol advertising by focusing solely on one segment of the industry and ignoring the others. As the Marin Institute stated in a letter to President Clinton earlier this year, "advertising beer on television and radio raises the same issues as broadcasting distilled spirits advertisements."

DISCUS reiterates its request that the President invite all segments of the industry to come together, as he has done in connection with television programming and Internet content, and work out a voluntary solution to the broadcast alcohol advertising issue.

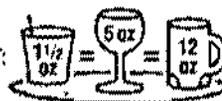
July 25, 1997

DISTILLED
SPIRITS
COUNCIL
OF THE
UNITED
STATES

DISTILLED SPIRITS COUNCIL OF THE UNITED STATES

WHITE HOUSE MEETING

JULY 25, 1997



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

311 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

13 WEST 21st STREET
NEW YORK, NY 10011
212/208-8770 FAX 212-646-1880

For More Information, Contact:
Jeffrey Hon, Director for Public Information
212/208-8770, ext. 16
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

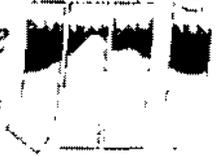
CSPI Applauds President Clinton's Concerns About Liquor Advertising

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.

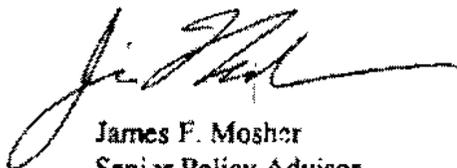
The decision of the distilled spirits industry to rescind its voluntary ban on broadcast advertising represents a giant step in the wrong direction. Beer advertising already saturates the airwaves, using images and slogans that clearly appeal to young people and aggravate our most serious youth drug 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,

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

EQUIVALENCY

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)



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

**FINDINGS OF THE OFFICE OF INSPECTOR GENERAL
DEPARTMENT OF HEALTH AND HUMAN SERVICES
(OEI-09-91-00652)**

Youth and Alcohol: A National Survey. Drinking Habits, Access, Attitudes, and Knowledge

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.



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. Cottle, 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, 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./NCAADD, 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

American Medical Association

Physicians dedicated to the health of America



P. John Seward, MD
Executive Vice President

515 North State Street
Chicago, Illinois 60610

312 464-5000
312 464-4184 Fax

May 8, 1997

Reed Hundt
Chair
Federal Communications Commission
1919 M Street, NW -- Room 202
Washington, DC 20554

Dear Chairman Hundt:

The American Medical Association (AMA) supports President Clinton's request of the Federal Communication Commission (FCC) to study the impact of the recent decision by the distilled spirits industry to lift its voluntary ban on broadcast advertising. The AMA, however, urges the FCC, to broaden the study to include the impact of all alcohol advertising on children.

The AMA supports a total ban on all alcohol advertising outside of wholesale and retail sites. Such a ban, to have the most beneficial effect on our nation's youth, should also include beer and wine products. The drug of choice of our youth is overwhelmingly beer. This is not surprising given the pervasive advertising and promotion of beer, and the major beer brands on TV, radio and at professional sports events, rock concerts, on college campuses, community events, and on billboards in every community. These ubiquitous messages make it difficult for youth not to be affected. By the time minors reach age 18, it is common for them to have seen over 100,000 beer advertisements.

Today, juvenile consumption of alcohol and college binge drinking are increasing. Illegal sales of alcohol products to minors are extensive and highlight the ineffectiveness of current regulations as well as the beverage industry's self-monitoring in reducing underage drinking. Rather than expand alcohol advertising, we should restrict the promotion of alcohol to them.

The FCC should address this critical public health problem by examining the impact of all alcohol advertising on the behavior of our nation's youth. As the FCC process proceeds, please consider that any discussion of a revised code of advertising for alcohol products should include extensive input from the medical, public health, education and parent communities. In every state, alcohol is an illicit drug for minors. The AMA urges the FCC to adopt policies which support these state laws.

Thank you for the opportunity to comment on this important public health matter. If you have any questions, please contact Margaret Garikes at 202-789-7409.

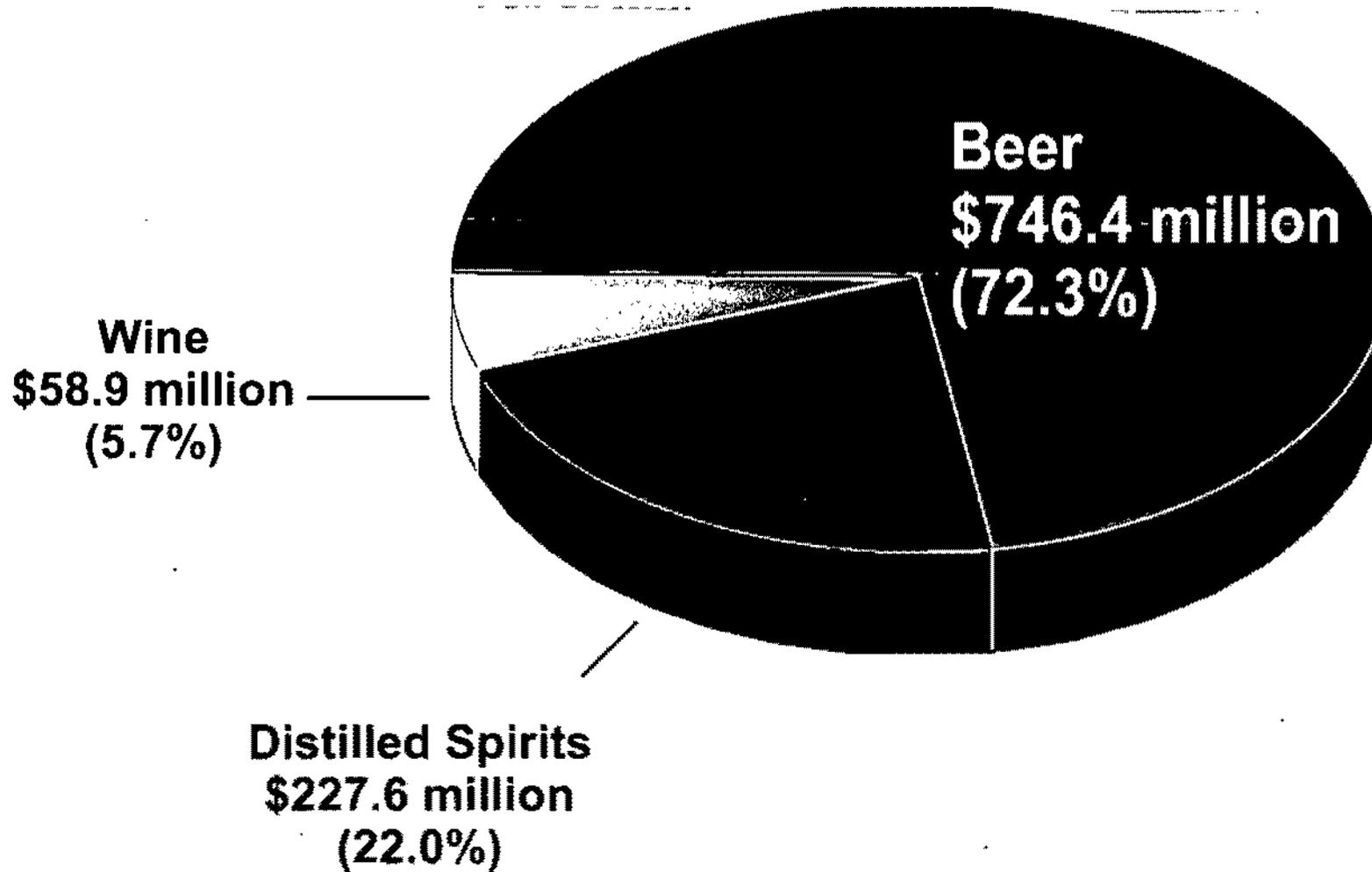
Sincerely,

A handwritten signature in cursive script that reads "P. John Seward, MD".

P. John Seward, MD

150 *Years of Caring for the Country*
1847 • 1997

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

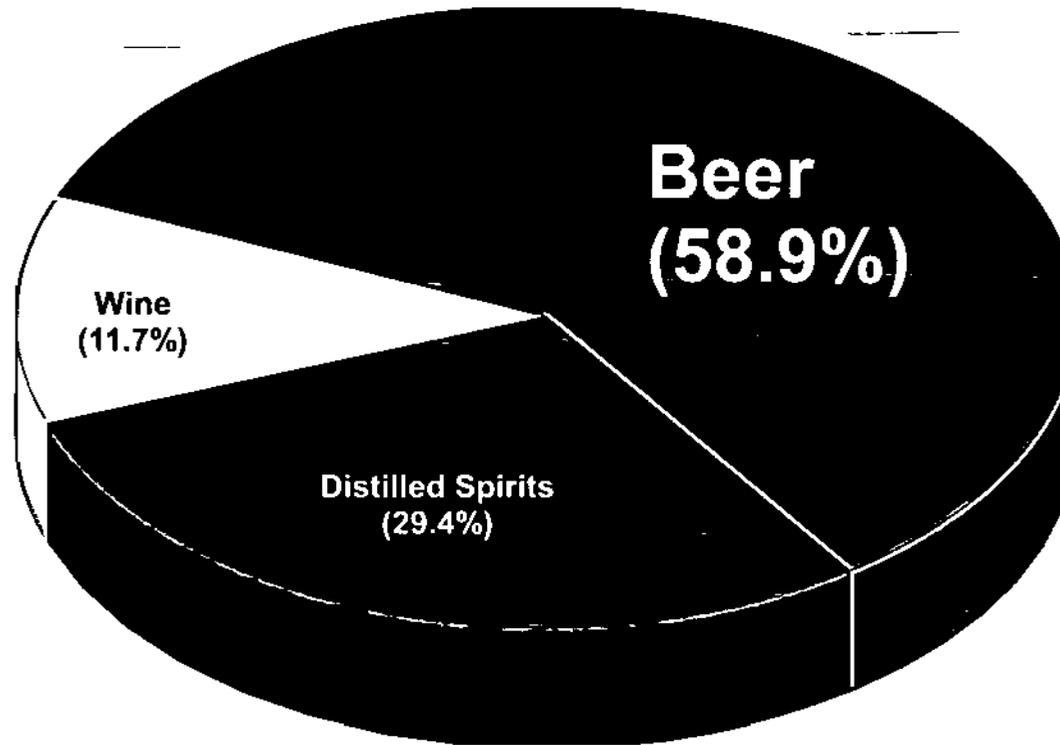
In 1995, Beer Spent More on Television Advertising Alone than Distilled Spirits Spent on all Advertising Mediums



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

BEER FACTS

Beer and youth.

- o "[B]eer seems to have carved out an image ... in the minds of youth, as a virtually non-alcoholic, run-of-the-mill soft drink."
 "They 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."
 (U.S. Surgeon General, Dr. Antonia Novello, *USA Today*, June 30, 1993, page 11A.)

 "So I'm giving you confused messages. I'm also telling you that you cannot advertise Seagrams, but you can advertise beer and it's the same alcoholic equivalency. It's just that one's permitted and the other one is not."
 (U.S. Surgeon General, Dr. Antonia Novello, on "To The Contrary", WETA-TV(PBS), November 30, 1996.)
- o "[O]ur sample of young adults perceive beer drinking as significantly less risky than the consumption of spirits."
 (Hennessy and Saltz, *Journal of Studies on Alcohol* 51: 422-427, 1990, page 426.)

Beer and drinking drivers.

"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

(A review of published and unpublished reports compiled by
the National Highway Traffic Safety Administration.)

- o The Harvard study identifies "... a subgroup of individuals at high risk for involvement in drinking and driving. This subgroup is comprised of young, predominantly white, males (21-34) in blue-collar occupations with a high school education or less who most often drink beer."
 (Harvard School of Public Health, Injury Control Center, Strategic Advertising Plans to Deter Drunk Driving: Executive Summary, 1995, page 1.)

- o "Those who preferred beer typically drank to higher levels of intoxication, were more likely to drive after drinking and tended to consider driving while intoxicated to be less serious." "These data contradict the popular perception of beer as a relatively harmless drink of moderation, and challenge policies of special concessions for the legal purchasing age and advertising of beer."
(Berger and Snortum, *Journal of Studies on Alcohol* 46: 232-239, 1985, especially page 232.)
- o Data from 50 states and the District of Columbia show that "beer consumption was significantly and positively associated with highway fatalities perhaps because many drivers consider it a 'soft' alcoholic beverage that will not impair their ability to drive."
(Colon and Cutter, *Journal of Safety Research* 14:83-89, 1983, page 83.)
- o "Since heavy beer drinkers were found to be over-represented among these crash and citation problem drinkers,
(1) more research, administrative, and public education concern should be focused on the effects of beer, the frequent heavy users of beer, and the counteracting of the erroneous and contrived image of beer as a less harmful beverage than distilled spirits; and
(2) eradication of the double standards for beer (as opposed to distilled spirits) which sanction and institutionalize the advertising and distributing of beer at a more permissive social level than distilled spirits."
(Perrine, Waller & Harris, "Alcohol and Highway Safety: Behavioral and Medical Aspects", prepared for NHTSA, 1971, section 11.2 under "Recommendations". Underscoring is in the original.)

Alcohol is alcohol is alcohol.

- o "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."
(National Institute on Alcohol Abuse and Alcoholism, "Moderate Drinking", *Alcohol Alert*, April 1992, page 1.)



**Community Intervention:
The Saving Lives Program**

Everyone wants to know about programs that work. An example of a community intervention program that has been evaluated is the Saving Lives Program. It was designed to reduce drinking and driving and to promote safe driving practices in six communities in Massachusetts. These communities involved the media, businesses, schools and colleges, citizens' advocacy groups, and the police in activities such as high school peer-led education, college prevention programs, alcohol-free prom nights, beer keg registration, increased liquor outlet surveillance, and other efforts. This program was accompanied by declines in fatal crashes among drivers ages 15-25, who experienced a 39 percent reduction in such crashes compared with young people in the rest of the State. In addition, the proportion of 16- to 19-year-olds who reported driving after drinking in the month before being interviewed declined 40 percent compared with teens in the rest of Massachusetts. Regarding teens' perception of law enforcement in Saving Lives communities, the proportion of those who believed that the license of a person caught driving after drinking could be suspended before a trial increased, while there was no such change in perception among young people in the rest of the state. The researchers note that "...the Saving Lives Program provided a community organizational structure that enabled private citizens and public officials...to develop their own innovative initiatives that markedly reduced drunk driving and speeding as well as related fatal crashes, particularly among young drivers."

Here's the bottom line—preventing drinking and driving among youth requires laws, their highly visible enforcement, and community support of and involvement in prevention programs. Prevention also depends on

changing young people's attitudes and behaviors about drinking and driving. Attitudes and behaviors may be changed by public information programs designed to persuade young people that their risk for a crash after drinking is higher than they think; that the majority of their peers do not condone or practice driving after drinking; and that alternatives to driving after drinking are available. Perhaps, most importantly, parents and caring adults need to let kids know that their safety and well-being are important—that it matters very much that they grow-up to become the terrific human beings that we know they are.

**Two Out
Of Three
Drunk Drivers
Prefer Beer
LET'S
DRAW
THE LINE**

**APRIL IS ALCOHOL
AWARENESS MONTH**

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.

**STATEMENT OF FRED A. MEISTER
PRESIDENT AND CEO
DISTILLED SPIRITS COUNCIL OF THE UNITED STATES**

June 18, 1997

DISCUS President Fred Meister issued the following statement in response to the press conference held today by the Center for Science in the Public Interest attacking FCC Commissioner Chong for striking the call for a vote on a Notice of Inquiry into broadcast spirits advertising.

The nation's distillers commend Federal Communications Commission (FCC) Commissioner Rachele Chong for weighing all the facts carefully and regulating by authority, not by intimidation. Commissioner Chong has stated repeatedly that the Federal Trade Commission, not the FCC, has jurisdiction over alcohol advertising. She has made it clear that the FCC's authority to ensure broadcasters serve the public interest does not give the FCC the authority to censor or discriminate against the advertising of one form of beverage alcohol. By striking down the vote for the consideration of a Notice Of Inquiry (NOI) into broadcast spirits advertising, Commissioner Chong sent a clear message that she will not tolerate the use of one's position of power to promote a personal agenda.

Commissioner Chong has the backing of many influential members of Congress who agree that the FCC has absolutely no jurisdiction over alcohol advertising. Yesterday Senator Conrad Burns, Chairman, Senate Subcommittee on Communications, and Senator John Ashcroft, Chairman, Senate Subcommittee on Consumer Affairs, sent a letter to FCC Chairman Reed Hundt stating that the FCC does not have the authority to limit broadcast advertising. Their letter states: *Congress specifically limited the FCC's oversight of advertising by giving that authority to the FTC. ...we urge you to commit the FCC's scarce resources to the regulatory work at hand -- specifically, the implementation of the universal service provision (as it pertains to rural and high cost areas) of the Telecommunications Act of 1996.*

As Mr. Hundt should know by now, the U. S. Departments of Health and Human Services, Education, Transportation, and Agriculture, as well as virtually every alcohol education group, teach the basic fact of alcohol equivalence -- that alcohol is alcohol is alcohol.

Mr. Hundt has so often repeated his personal bias against distilled spirits that it would be impossible for the FCC to fairly evaluate the industry's limited amount of broadcast or cable advertising. If Mr. Hundt was truly serious about alcohol advertising, he would join us in our call to the President to bring together the beer, wine, spirits and broadcast industries to develop a common code for all alcohol advertising on television. This code would set the same responsible standards for all alcohol advertising and would provide uniform guidelines for broadcasters.



DISTILLED
SPIRITS
COUNCIL
OF THE
UNITED
STATES

FEDERAL GOVERNMENT RELATIONS

TIM DUDGON, Director
JAN KINNEY, Assistant Director
JOHN FEATELY, Assistant Director
REBECCA HONEYCUTT ADLER, Assistant Director

FEDERAL GOVERNMENT RELATIONS DIVISION

FAX TRANSMITTAL FORM

TO: Cheri Carter

FROM: _____

DATE: 6/17/97

FAX #: _____

Cheri -
Here is Attorney General Reno's letter.
We hope this is not the President's answer, but
really are wondering if there some kind of coordinated
campaign going that overrides any willingness to
work together.
Tim

We are transmitting _____ pages (including this cover page). If there is a problem with this transmission, please call (202) 682-8879. Thank you for your cooperation.



Office of the Attorney General
Washington, D. C. 20530

June 13, 1997

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Mr. Chairman:

As the Nation's chief law enforcement official, I am concerned about the introduction of hard liquor advertisements on television and radio. I would urge the Federal Communications Commission to issue a Notice of Inquiry into the many issues surrounding such advertising.

I believe that the introduction of hard liquor advertisements onto television and radio are matters that require careful study. In particular, such advertising may aggravate an already serious risk to the youth of our Nation. Recent research shows a clear link between alcohol consumption and increased domestic violence, youth violence and delinquency. These are among the many questions which should be fully explored before hard liquor advertising on television and radio becomes widespread.

I further believe that the Federal Communications Commission should examine this matter because of its unique role in ensuring that the public interest is not undermined by certain uses of the public airwaves. Therefore, I strongly urge the Commission to begin an investigation of this issue as soon as possible; to allow all interested parties to come forward and present their views; and to report on its findings to Congress and to the President.

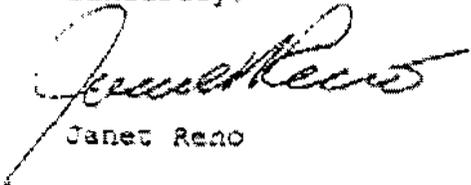
The Commission should explore whether liquor advertising over the electronic media poses a risk to children and to other groups that may be particularly susceptible to alcohol abuse. In particular, the Commission should explore whether the possible risks to children would be mitigated by time and place restrictions on such advertising. I would urge the Commission to elicit information from members of the public, the medical and academic communities, broadcasters, cable operators and other programming providers, as well as the alcoholic beverage industry, in order to determine the possible effects of such advertising, the mitigating impact of various terms and

Chairman Reed Hundt
Page 2

conditions that could be imposed, and other appropriate responses
to this issue.

Thank you for your consideration of the foregoing.

Sincerely,



Janet Reno

DISTILLED
SPIRITS
COUNCIL
OF THE
UNITED
STATES

FEDERAL GOVERNMENT RELATIONS

TIM DUDGEON, Director
JAN KINNEY, Assistant Director
JOHN FLATLEY, Assistant Director
REBECCA HONEYCUTT ADLER, Assistant Director

FEDERAL GOVERNMENT RELATIONS DIVISION

FAX TRANSMITTAL FORM

TO: Cheri Carter

FROM: Tim Dudgeon 682-8882

DATE: 6/18

FAX #: 456-6218

Cheri - 6118197
Another example of why Humelt is
going nowhere despite his sound & fair
A positive response to our voluntary call
for all levels of alcohol remains a very positive
action for the President - Please get to End

We are transmitting _____ pages (including this cover page). If there is a problem with this transmission, please call (202) 692-8879. Thank you for your cooperation.

**Press Statement
of
Commissioner James H. Quello**

June 12, 1997

Re: Proposed Notice of Inquiry on Broadcast Advertisement of Distilled Spirits

I am issuing this press statement as a summary of a more detailed expression of my views on the FCC's lack of jurisdiction to inquire into the issue of advertising of distilled spirits on television. To cut through the demagoguery, rhetoric, and mischaracterization of my position, I want to reiterate that I think that this issue is an important societal concern requiring government action.

Hardly a family in this country has been untouched by the tragic consequences of abuse of alcohol. I believe not only that the government should respond but that the government already has responded. I want to report what has been lost in the press spin: the proper governmental agency is already investigating the matter. The Federal Trade Commission has two investigations in process.

Accordingly, I support the decision of Commissioner Chong to ask the Chairman to pull the proposed NOI on Broadcast Advertising of Distilled Spirits from consideration at the upcoming open agenda meeting. I cannot support the issuance of the draft NOI because I believe that the Federal Communications Commission lacks jurisdiction to consider the subject matter.

It is precisely because I want to see the issue of liquor ads on TV responsibly and effectively handled that I do not support engaging the FCC's investigative, rule making, or hearing processes in what I fear would ultimately be a futile, and possibly counterproductive, effort to devise an FCC mandated regulatory "solution." As I stated when this issue first arose: "In my view, the issue is not whether something must be done, but rather who can most capably do it."

This issue is undeniably important. What is equally clear to me is that this Federal Communications Commission is an unauthorized forum. We lack jurisdiction and no amount of hectoring from the Chairman's supposed "bully pulpit" can change that. I find it significant that key Congressional leaders agree with Commissioner Chong's and my decision on the jurisdictional boundaries between the FCC and the FTC. The good news for all of us concerned about the effect of advertising on underage drinking is that the matter is being handled competently by the FTC, an agency that has the requisite jurisdiction and expertise. The only down side is that the FCC will not get to claim credit for resolving the issue in the first instance. When balanced against an unauthorized and unwise foray into jurisdictional power grabbing, that is a result that I can support.

I believe that a significant measure of our duty as Commissioners to seek and serve the public interest in our decisions is to refrain from regulating wherever possible and certainly where we are not authorized to act. I look forward to the conclusion of the FTC's investigations and will be guided by their analysis and recommendations that will be transmitted to this commission pursuant to the long-standing interagency agreement.

June 12, 1997

Press Statement of FCC Commissioner Rachelle Chong
on Broadcast Advertisement of Distilled Spirits Draft Notice of Inquiry

Today, I asked the FCC's Chairman to remove a draft Notice of Inquiry regarding broadcast advertisement of distilled spirits from the Federal Communication Commission's June 19 agenda meeting. While I share concern about the serious societal problems of underage drinking, drunk driving and alcoholism, these problems should be addressed *directly*, by stronger enforcement of laws restricting the sale of alcohol to minors, by improving drivers' education, and by programs that assist recovering alcoholics. They should not be addressed *indirectly*, by an FCC attempting to reduce perceived demand by a blanket ban on the advertising of lawful products under the guise of public interest considerations relating to broadcasters.

To the extent that the Chairman's concern is liquor advertising that tempts minors to purchase alcohol, the expertise to examine the effects of liquor advertising on underage persons clearly resides at the Federal Trade Commission (FTC), whose job it is to investigate false, deceptive and misleading advertising or advertising aimed at illegal audiences. In fact, the FTC has taken up the issue and has two ongoing investigations on alcohol advertising already. I am confident that our sister agency will take action if necessary to protect the public interest.

I agree with the statement of Senator Conrad Burns in his April 14, 1997 letter to Chairman Hundt, that "any further investigation of this matter by the FCC would be inappropriate and would be a waste of the FCC's resources." Moreover, all the major networks on behalf of their owned and operated stations and many major broadcasting groups have already voluntarily pledged to decline hard liquor advertising on their stations. As a fiscally responsible Commissioner, I believe the FCC ought to be focusing on the unfinished tasks that remain before it in implementing the Telecommunications Act of 1996.

To the extent that the Chairman's concerns is the mere presence of truthful liquor advertising on television directed at adults, I oppose any FCC inquiry into such constitutionally-protected commercial speech. I strongly disagree with those who suggest that the FCC must open this inquiry as a step toward ensuring that broadcasters serve the public interest. The FCC's general mandate to ensure that spectrum is used to serve the public interest is not a plenary authorization to conduct broad-ranging inquiries ultimately aimed at dictating program content. Nor should our processes be used in a biased manner to pursue only one sector of the industry - distilled spirits - while allowing the beer and wine industry to continue to place advertisements on TV, as the draft NOI proposes.

I continue to emphasize the important First Amendment considerations raised in this debate. This is not unexplored ground. In the past, individuals have asked the FCC to take regulatory action on broadcast advertisements of products ranging from snowmobiles to hand guns and air bags. The courts have offered direction on what the FCC may and may not do, absent Congressional direction. The Supreme Court has recognized that truthful liquor advertising is entitled to First Amendment protection. While concerned parties can argue that alcohol advertising presents a health hazard sufficient to justify a restriction on this commercial speech, such arguments should be addressed to Congress. In the past, courts have looked to whether Congress had reached a conclusion that restrictions on speech are justified to further an important government interest. In the case of distilled spirits, Congress has not made such a judgment. Thus, I do not believe the FCC should be stepping into areas well beyond our expertise without express statutory direction.

In light of all of the above, I believe that the issue of advertising practices by the hard liquor industry would be best left in the hands of our sister agency, the FTC, to address these issues in its ongoing proceedings. If further action is warranted, Congress is in the best position to decide what government action may be appropriate.

Meanwhile, I join in the call for all broadcasters and advertisers to be responsible and responsive to the concerns about alcohol advertising. We do not want to encourage underage drinking or drunk driving, and any voluntary actions they can take should be undertaken as good corporate citizens. Such voluntary actions could include airing the ads during hours when children are not likely to be watching, screening the advertisements for appropriateness, or voluntarily developing and airing counter advertisements to educate the public about the hazards of drinking irresponsibly.

-FCC-

United States Senate

WASHINGTON, DC 20510

June 17, 1997

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Chairman Hundt:

As members of the Senate Commerce Committee, we have been following closely the debate over alcohol beverage broadcast advertising. We share your concerns about underage drinking and about the effects of alcohol abuse, and, like you, we believe that the alcohol beverage industry has a duty to promote responsible drinking by adults only.

We do not agree, however, with your proposal to open a formal inquiry at the Federal Communications Commission in response to distilled spirits advertising on television. While the FCC does have the authority to ensure that the nation's airwaves are operated in a manner which protects the public's interest, this authority should not be interpreted as an invitation to the FCC to limit broadcast advertising.

As you know, pursuant to Section 5 of the Federal Trade Commission Act, the FTC has the responsibility to ban or restrict false, deceptive or unfair advertising. Likewise, the FTC can order an end to advertising directed at illegal audiences. The FTC is the federal agency with both the advertising expertise and the authority to evaluate and regulate broadcast advertising, including the advertising of alcohol beverage products.

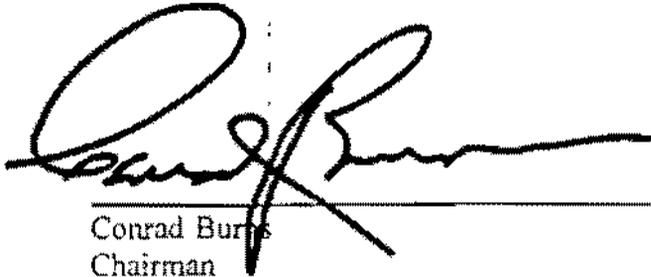
Congress established the FCC over sixty years ago to provide for the orderly development of the United States' telecommunications services, including radio and television. Congress specifically limited the FCC's oversight of advertising by giving that authority to the FTC. We are not aware of any provision of the Telecommunications Act of 1996 that directs the FCC to ban or limit alcohol beverage advertising.

We oppose any advertising directed at children that promotes the use of a product which they cannot legally purchase or consume. However, we believe that the FTC -- and not the FCC -- is the appropriate agency to investigate and to take appropriate action, should it deem it necessary. Further, we understand that the FTC has active investigations into alcohol advertising, and we trust that, if the law has been violated, the FTC will take appropriate steps to resolve these cases.

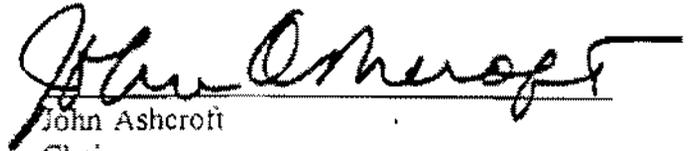
We appreciate the concerns that you and others at the FCC have raised about alcohol

advertising. However, we urge you to commit the FCC's scarce resources to the regulatory work at hand -- specifically, the implementation of the universal service provision (as it pertains to rural and high-cost areas) of the Telecommunications Act of 1996.

Sincerely,



Conrad Burns
Chairman
Senate Subcommittee on Communications



John Ashcroft
Chairman
Senate Subcommittee on Consumer Affairs

DISTILLED
SPIRITS
COUNCIL
OF THE
UNITED
STATES

FEDERAL GOVERNMENT RELATIONS

TIM DUDGEON, Director
JAY KINNEY, Assistant Director
JOHN FLATLEY, Assistant Director
REBECCA ROSEY-CUTT ADLER, Assistant Director

FEDERAL GOVERNMENT RELATIONS DIVISION

FACSIMILE FORM

TO:

Cheri Carter

FROM:

Tim Dudgeon

DATE:

6/18/97

FAX #:

MESSAGE:

*Cheri -
FCC reviewing thousands of these type messages.
President and Vice President could be getting same.
There is public support for our proposal & the President
next week, we plan to solicit very much more
of same. Hopefully, we can work something out
before then. At least get things started or some kind of*

We are transmitting _____ pages (including this cover page). If there is a problem with this transmission, please call (202) 582-8879 and ask for Lisa Davis. Thank you for your cooperation.

clear, favorable signal.

DISCUS 1250 Eye Street, N.W. • Suite 900 • Washington, D.C. 20005-3998 • 202/628-3544

If time permits, please call me this afternoon.

Tim

**SAMPLE E-Mail Messages Received as of June 17, 1997
Supporting DISCUS Position on Liquor Advertising**

MESSAGE #1:

I do not support drunkenness, alcoholism, underage drinking, drinking and driving, or any other abuse of alcohol. However, I do support the right of liquor companies and retailers to market their products. Censoring their television advertisements will not solve the problem -- but it will incense Americans who love freedom. Don't do it!

Lynne Tierney

MESSAGE #2:

THIS MAN MUST BE STOPPED!!!! Banning any kind of liquer advertisment is insane. Last time I checked I wasn't living in Russia! Your country needs you. Go 1st amendment!

> From: SDoyle@aol.com
> To: doyle@epsenergy.com
> Subject: Fwd: Need Your Immediate Help To Stop Censorship by FCC's Reed Hundt
> Date: Tuesday, June 17, 1997 1:58 PM

MESSAGE #3:

Ban Liquor ads - Sounds familiar - Booze is legal and so are Cigarettes!!!

Leave us alone!!!!!!!!!!!!!!!

MESSAGE #4:

Dear Sir:

It has come to my attention that Chairman Hundt is trying to ban advertising for liquor (but not beer or wine) on television. Since liquor is a legal product, how is it possible to ban advertising for it? His omission of beer and wine makes it seem as if there is a hidden agenda. This makes no sense, and I am opposed to it. Although not a liquor drinker myself, I still believe in free speech.

Sincerely,

Margie Padgett
MPadgett@aol.com

MESSAGE #5:

Mr. President,

I understand that the FCC Chairman is opposing alcohol advertising on TV. When did the FCC become the guardian of our virtues?
I am a law obedient, taxpaying and voting American of mature age (63), with very moderate drinking habits.
If excessive drinking is a problem in this country a advertising ban would only be a band aid approach.
I STRONGLY OPPOSE THIS TYPE OF INFRINGEMENT ON THE 1st AMENDMENT.

Sincerely,
Rbrogren

MESSAGE #6:

I support stopping R Hundt from censorship of our first right!

Thank You....Bill Dunbar....Iowa

MESSAGE #7:

Dear Mr. Hundt,

Please keep in mind that as a bureaucrat, you have no authority to flaunt the Constitution of the United States, or its Amendments.

Do not attempt to censor the rights of Americans or American business by forbidding certain advertisements (such as liquor) on television. It is not up to you or anyone else to decide what people can or cannot say.

Dan Kramer
dan@volatile.com

MESSAGE #8:

Renegade federal regulator - FCC's Reed Hundt - is trying to ban liquor advertising on TV. It's OK to advertise beer and wine on TV, why not liquor? What's the difference? None. The internet is next!
Censorship is the activity of tenacle like government control. It must stop.

I caught wind of this news going around and would like to say a few words. The FCC and all gov. should stay out of the people's jurisdiction. We do not need a nanny to take care of us or to cause us problems. I am a person of honor and decency I live by God's laws which means I never break state laws. I am a law abiding citizen due to the fact that I have a moral code. The imposition of heavy handed gov. will never peacefully cause law abiding citizens to give way to the law.

On a side note, if gov. wants law abiding citizens then why do they seem to work so hard to crush good morals via the schools and media controlled propaganda?

--
Matthew Woodbury
Mechanical Design
Louisville Colorado

MESSAGE #9:

FCC Commissioner Reed Hundt:

I am opposed to attempts by politicians and especially by appointed bureaucrats such as you to abridge the rights of free speech given us all by our constitution. Even though I may (as I do in this case) agree with the end you are trying to achieve (limiting the exposure of alcohol product advertising) I vehemently oppose the means you are using to achieve it.

"The end justifies the means" was the rationale used by Stalin. It still stinks wrapped in the American flag.

If alcohol abuse is a problem needing legal redress, then the proper venue is the legislature, not the executive branch. And if alcohol abuse is the problem then legislators should deal with alcohol abuse, not alcohol advertising or alcohol sale.

But then you would be the last person to understand this since no one elected you to office and you have no immediate reason to care what people think outside the Beltway. Nevertheless, a radically good plan for the long term preservation of your bureaucracy would be to pretend that you care what people outside your little "ruling coterie" think and act accordingly.

Paul H. Davis
PO Box 230708
Anchorage AK 99523-0708
Ph: 1-907-337-6886 Fx: 1-310-734-1727
Email: pau@davis-company.com

MESSAGE #10:

The decision as to what material (books, advertising, movies, et al.) is good or bad for the community should be decided by the community, not by a small, UNELECTED body of anonymous people, that is to say, the FCC. This is no longer democracy; this is no longer freedom: this is fascism. Fifty years ago, my grandfather and his generation fought a war to stop this kind of thing, but now they seem to be fighting for it. This is the first step in the decline and fall of any great nation, and this will not be tolerated.

DarkLord76@aol.com This will be short, as it will probably not be read:

6/14/97 Read 790582152

MESSAGE #11:

Hello,

Kindly leave the 1st amendment alone. It was worked well all these years so direct your energy on something that is more important.

Thank you,
Bob & Bonnie Lee

MESSAGE #12:

Mr. Hundt:

I am writing to oppose your proposal to ban liquor ads on TV. I do not drink liquor and I have small children, but I am nevertheless opposed to your proposal because I consider it an unreasonable infringement of free speech, and to no real benefit. The problem you are concerned with is not consumption of alcohol per se, but abuse of alcohol and a possible rise in drunken driving. A ban on TV ads is not likely to be effective in protecting against either of these harms, nor are TV ads likely to encourage underage children to start drinking. Underage drinking is far more likely to result from observation of parents' or celebrities' drinking habits than from viewing of advertising. Like millions of others, I saw thousands of beer commercials as a child and yet did not become a beer drinker as a child, and in fact I still rarely drink beer (or any kind of alcohol for that matter). I think you are overestimating the effects of advertising on a decision to consume the product category (liquor) as opposed to influence on a brand choice once a consumer has made the decision to purchase the product category.

For these reasons, I urge you to reconsider your proposal and cancel any plans to ban liquor advertising on TV.

Douglas C. Friedman
2291 Stone Rd.
Ann Arbor, MI 48105

MESSAGE #13:

Sirs:

It is my belief that the FCC attempt to ban Liquor advertising from TV is contrary to the spirit and letter of the constitution.

I am in favor of TELLING the FCC that they are the "Servants of the Constitution", not the "Masters of A New Age".

The level of Censorship in our society should be determined by law. Laws should be made by ELECTED Representatives, not appointed individuals.

Please move to keep the FCC within the guidelines of their ACTUAL AUTHORITY.

Thank You
M. Scott Clayton
MSC7707@aol.com

MESSAGE #14:

It has been brought to my attention that you have set your sights on the 1st Amendment. In this day and time when the REAL middle class of American can speak for their self it seems that you would walk a little lighter when it comes to trying to take away the rights of the People that put you in office.

In the very way that you speak of change entitles you to free speech

But when it comes time for the American People to speak it becomes a inconvenience for you.

We must all remember that when it comes to the time to stand and fight for our rights, that the American people will always win and that the ELECTED Politicians will always lose.

Thank you

Jerry Hare

MESSAGE #15:

I came to this country to be free. Please stop censorship!!!

Sincerely,
Dmitri Eroshenko
digitalNATION
de@dn.net

MESSAGE #16:

I am told that the FCC is considering a ban on some types of alcoholic beverage advertising on TV. This is to add my support in favor of this proposal, as I am attempting to acquire stock in those industries that will be exempt from the ban. Also, I feel that this is an appropriate time to introduce a ban on red, blue, yellow, and orange tractors.

John S. Hall
John Deere Parts Distribution Center
1600 First Avenue E., Milan, IL 61264

mailto:jh30895@deere.com

MESSAGE #17:

Dear Sirs,

Censorship should not be commonplace in our country. Please be aware that I am one of many people who are against it. I hope that at elected and appointed officials that you will serve the want of the many and not the want of the few. I believe strongly that I am in the majority (although usually the silent majority).

Best Regards,
Andre' Perrin

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".

04/04/1997 09:3

**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."

04/04
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



"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.

DISTILLED
SPIRITS
COUNCIL
OF THE
UNITED
STATES

April 4, 1997

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

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*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

BEVERAGE ALCOHOL ADVERTISING CODES COMPARISON¹

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"
No advertising or marketing directed or primarily intended to appeal to underage	<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>
No placement in communications intended to appeal primarily to underage	<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>
College or university campuses	<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>

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.

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"
No advertising or marketing at events where most of the audience is below legal purchase age	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.)
No depiction of children, or objects, images or cartoon figures popular predominantly with children	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.)
No depiction of Santa Claus or any religious figure	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.e)	No specific separate provision.	No specific separate provision.
Age of actors and personalities used in advertising and promotions	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.)

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"
No depiction of abusive or irresponsible consumption	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.e) 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)
On-premise promotions to encourage responsible consumption	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.
No depiction of the intoxicating effects of alcohol consumption	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)

<p>PROVISION (in DISCUSS Code order)</p>	<p>SPIRITS Distilled Spirits Council "Code of Good Practice"</p>	<p>BEER Beer Institute "Advertising & Marketing Code"</p>	<p>WINE California Wine Institute "Code of Advertising Standards"</p>	<p>CENTURY COUNCIL "Code of Responsible Marketing & Advertising Practices"</p>
<p>No effect that consumption can lead to social, professional, educational, or athletic success or status</p>	<p>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)</p>	<p>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>	<p>Any attempt to suggest that wine directly contributes to success or achievement is unacceptable. (#7) Wine and wine coolers shall not be presented as being essential to personal performance, social attainment, achievement, success or wealth. (#2. a) Wine and wine coolers shall not be presented as vital to social acceptability and popularity. (#2. c) The use of wine and wine coolers shall not be directly associated with social, physical or personal problem solving. (#2. b) It shall not be suggested that wine or wine coolers are crucial for successful entertaining. (#2. d) 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) 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>No association of consumption with abusive or violent relationships or situations</p>	<p>Distilled spirits should not be advertised or marketed in any manner associated with abusive or violent relationships or situations. (p. 5, #11)</p>	<p>No specific separate provision.</p>	<p>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)</p>	<p>No specific separate provision.</p>
<p>No implication of illegal activity</p>	<p>Distilled spirits advertising and marketing materials should not imply illegal activity of any kind. (p. 5, #12)</p>	<p>Beer advertising and marketing materials should not depict situations where beer is being consumed in any way illegally. (#2. b) Beer advertising and marketing materials should not portray or imply illegal activity of any kind. (#2. d)</p>	<p>No specific separate provision.</p>	<p>No product should be shown as being consumed in an illegal manner. (II.A.1.)</p>

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No portrayal of a person engaged in any activity requiring a high degree of alertness or physical coordination	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.)
No association with anti-social or dangerous behavior	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.
Portrayal of consumption	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)	<p>Advertising should encourage the proper use of wine. (#1)</p> <p>The image of wine and wine coolers in advertising and promotion shall be adult-oriented and socially responsible. (#1.g)</p> <p>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)</p>	<p>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:</p> <ul style="list-style-type: none"> > 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.)
Drunk driving	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)	<p>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. (#41)</p> <p>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. (#42)</p>	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.)

<p>PROVISION (for DISCUS Code number)</p>	<p>SPIRITS Distilled Spirits Council "Code of Good Practice"</p>	<p>BEER Beer Institute "Advertising & Marketing Code"</p>	<p>WINE California Wine Institute "Code of Advertising Standards"</p>	<p>CENTURY COUNCIL "Code of Responsible Marketing & Advertising Practices"</p>
<p>No referral to alcohol content except in a straightforward manner</p>	<p>Distilled spirits advertising and marketing materials should not refer to alcohol content except in a straightforward and factual manner. (p. 6, #17)</p>	<p>No specific separate provision.</p>	<p>Advertising shall not depict or describe directly or indirectly alcohol content or extra strength, except as otherwise required by law or regulation. (#1, b)</p>	<p>Product marketing and advertising should not refer to alcohol content, except in a straightforward, factual manner. (II, A, 4, #4)</p>
<p>Advertisements should be dignified, modest and in good taste</p>	<p>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)</p>	<p>Beer advertising and marketing materials should reflect generally accepted contemporary standards of good taste. (#6)</p> <p>Beer advertising and marketing materials should not contain any lewd or indecent language or images. (#6, a)</p>	<p>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)</p>	<p>No specific separate provision.</p>
<p>No suggestion of sexual prowess as result of consumption</p>	<p>No distilled spirits advertising or marketing materials should claim or depict sexual prowess as a result of beverage alcohol consumption. (p. 7, #19)</p>	<p>Beer advertising and marketing materials should not portray sexual passion, promiscuity or any other amorous activity as a result of consuming beer. (#6, b)</p>	<p>No specific separate provision.</p>	<p>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)</p>
<p>No ads degrading women, men, or any ethnic, minority, religious, sexually oriented or other group</p>	<p>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)</p>	<p>No specific separate provision.</p>	<p>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)</p>	<p>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)</p>
<p>No use of religion, or religious themes or ads in publications devoted to religious topics</p>	<p>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)</p>	<p>Beer advertising and marketing materials should not employ religion or religious themes. (#6, c)</p>	<p>No specific separate provision.</p>	<p>No specific separate provision.</p>

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"
Compliance	<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. 8§1)</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. 8§3)</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)	These guidelines shall apply only to voluntary subscribers of this Code of Advertising Standards. (appears at top of page, preceding #1)	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.)

April 1997


**CODE
OF GOOD
PRACTICE**

**DISTILLED
SPIRITS
COUNCIL
OF THE
UNITED
STATES**

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

1996

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

PREMIUM

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.



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.

CODE REVIEW
12/3/30

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.

A FACT ABOUT ALCOHOL CONTENT:





Office of the Attorney General
Washington, D. C. 20530

March 26, 1997

To: Elena Kagan
Domestic Policy Council

From: Kent Markus
Counselor to the Attorney General

Subject: Liquor Advertising

I thought it would be useful to recap my understanding of the state of play on this matter. I have also set out below the items on which we are awaiting feedback from the White House.

(1) Possible FCC "Notice of Inquiry"

Chairman Hundt has indicated his interest in having the FCC issue a "Notice of Inquiry" on the subject of liquor advertising on television. Such a proposed Notice, if approved by a majority of the Federal Communications Commissioners, would authorize the Commission and its staff to commence an investigation regarding the consequences of liquor advertising on television.

Following a meeting between the Attorney General and Chairman Hundt, and with a green light from White House staff, the Justice Department began preparing a letter from the Attorney General to the FCC encouraging the issuance of a Notice of Inquiry on the subject of liquor advertising. The Department has also encouraged the President and other members of the Cabinet to communicate with the FCC on this matter. The approach which the Justice Department contemplates taking with respect to the Attorney General's letter, and the approach we have encouraged others to take, is to raise questions about the potential consequences of liquor advertising on television. Our goal is to indicate to the Commission that we can foresee possible negative consequences stemming from liquor advertising on television, that we lack adequate information to make judgments about the matter, and that we encourage the FCC to examine the issue.

Secretary Shalala has indicated directly to the Deputy Attorney General, and through her staff to others at the Justice Department as well as the White House, that she opposes efforts

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to encourage the FCC to issue a Notice of Inquiry on the topic of liquor advertising. As I understand them, Secretary Shalala's objections are two-fold. First, it is my understanding that she feels as though it is inappropriate for the President or other Administration actors to encourage FCC action in this area unless all television alcohol advertising (as opposed to merely liquor advertising) is scrutinized. In addition, it is my understanding that Secretary Shalala believes that there is a prior determination of the Administration that it would be imprudent to encourage the FCC to act in a manner which might impact beer and wine advertising activity on television. Accordingly, it is my understanding that Secretary Shalala believes that the Administration should not engage with the FCC on this topic at all.

Attorney General Reno is aware of Secretary Shalala's concerns but believes, nonetheless, that it is worth raising appropriate questions with the FCC about the impact liquor advertising on television would be expected to have without taking a position on the wisdom of liquor advertising on television. She recognizes that raising such questions might lead the FCC to examine the impact of beer and wine advertising as well as the impact of liquor advertising, but also believes that the incremental impact of liquor advertising, on top of existing beer and wine advertising, is worth examining.

It is my understanding that the DPC will take steps to ensure that Secretary Shalala has an opportunity to make her views known, prior to any decision by the President on whether he and others should communicate with the FCC on this topic.

Feedback Needed: If there is a prior determination by the administration that no action should be taken which might impact the subject of beer and wine advertising on television, the Attorney General would like to know that and consider it in making determinations about further DOJ activity in this area.

(2) Antitrust Activity Regarding Television Liquor Advertising

When the Attorney General met with Chairman Hundt, they also discussed the possibility of a narrow antitrust exemption which would permit collaborative broadcast industry activity dealing with the subject of liquor advertising. Chairman Hundt indicated that Senator Lieberman wanted to propose appropriate legislation in that regard.

Much to our surprise, when policy staff from our Antitrust Division attended their first Hill meeting on this subject with staff from each of Senator Lieberman's and Senator Brownback's

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offices, and with staff from the FCC, the subject was not liquor advertising, it was program content. At that and a subsequent meeting, our Antitrust people provided technical guidance and assistance on drafting matters associated with the development of a relatively broad program content antitrust exemption. When our people asked whether the proposed exemption was also to cover advertising content, and particularly whether it was intended to reach the issue of liquor advertising, others indicated relative indifference. The Senate staffers noted that they would be happy to include advertising content in their legislation, but that program content was the area about which they were primarily concerned.

While our Antitrust Division is generally disposed against antitrust exemptions, Joel Klein informs me that the division has not resisted these efforts because they have perceived that the currently-in-development program content exemption is an Administration policy objective.

Feedback needed: As you and I have discussed, we would appreciate feedback about whether a relatively broad program content antitrust exemption is, indeed, consistent with Administration policy objectives, whether such an exemption is inconsistent with Administration policy objectives (perhaps due to prior negotiated arrangements with the broadcast industry with respect to program content), or whether the Administration is indifferent on the matter.

The above reflects my current understanding of the relevant activity on this front. It is my intention that this memo serve as a memorialization of the conversations you and I have had, an opportunity for me to clarify the areas in which we need feedback, and a means by which I can communicate to others at DOJ the current situation as I understand it. Accordingly, I have copied this memo to the Attorney General, Deputy Attorney General, and others at the Justice Department who are involved with this matter.

Based on all of the above, I consider the ball to be in DPC's court. We will not proceed without further direction from the White House. At your convenience, please let me know how you would like us to proceed.

Thanks very much.

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cc: Janet Reno
Attorney General

Jamie S. Gorelick
Deputy Attorney General

Eleanor D. Acheson
Assistant Attorney General
Office of Policy Development

Joel I. Klein
Acting Assistant Attorney General
Antitrust Division

Katrina Weinig
Senior Counsel
Office of Policy Development

Bruce Reed
Assistant to the President
for Domestic Policy

Reed

THE PRESIDENT HAS SEEN
3-31-97

THE WHITE HOUSE
WASHINGTON

March 29, 1997

MR. PRESIDENT:

The attached Bruce Reed memo recommends that you send a letter to Reed Hundt asking the FCC to explore what effects might ensue given the decision by manufacturers of hard liquor to abandon their long-standing voluntary ban on television advertising, specifically the impact on underage drinking.

Background. In November 1996, the Distilled Spirits Council announced an end to its almost 50-year voluntary practice of refraining from broadcast advertising. The industry contends that it needs to be on equal footing with the beer and wine industries.

Hundt has challenged broadcasters to refuse liquor advertising, and indicated that "government action" might be appropriate if they do not. In addition, 26 members of Congress have requested, as you would in this letter, that the FCC study the effects of hard liquor advertising on the nation's youth and consider possible action. To proceed along these lines, Hundt will need the support of the majority of the Commission. Currently, he does not have that support, but he thinks a letter from you could change that fact.

Rahm strongly supports Bruce's recommendation to send the letter, as does the AG. (Note that John Podesta has chosen not to weigh-in because of past representations.) However, Sec. Shalala is opposed. She notes that: 1) "liquor is liquor," and your action will immediately raise questions about beer and wine advertisements; and 2) there is no good scientific data connecting liquor advertising with children's consumption. Bruce argues that: 1) you can explain limiting the letter to distilled liquor advertisements by referring to the 50-year agreement that kept these ads off the air, and urging that we not move backwards; and 2) as to the lack of data linking liquor advertising and children's consumption, your letter is asking the FCC to explore exactly that.

Send Letter Don't Send Letter Discuss

Helen Howell *Shalala*

THE WHITE HOUSE
WASHINGTON

March 28, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED

SUBJECT: LETTER TO REED HUNDT ON DISTILLED LIQUOR ADVERTISING

Attached is a draft letter, which both you and the Vice-President have reviewed before, to Reed Hundt asking the FCC to review what action is appropriate in light of the decision by distilled liquor manufacturers to begin advertising on television. You and the Vice-President are tentatively scheduled to announce that you are sending this letter on Tuesday, April 1st. I wanted you to be aware of the background and the some concerns raised about the letter before you do so.

In November 1996, the Distilled Spirits Council announced that it had ended its almost 50-year voluntary practice of refraining from broadcast advertising. The industry contends that it needs to be on equal footing with the beer and wine industries, which engage in extensive broadcast advertising. Although the major networks and cable companies have thus far refused to accept distilled spirits advertising, a few companies have run some liquor ads on television and radio since the announcement and other companies are presently preparing large advertising campaigns.

As you say in the letter, Chairman Hundt has opposed any move toward liquor advertising. In December, he challenged broadcasters to refuse liquor advertising, and indicated that "government action" might be appropriate if the broadcasters did not do so. He has met with the Attorney General to seek her support, and she strongly favors sending a letter to Hundt urging an FCC investigation of this issue.

Twenty-six members of Congress have requested the FCC, as you would do in this letter, to study the effects hard liquor advertising on the nation's youth and to consider possible action. In addition, 11 states have joined Alaska's more far-reaching petition for a FCC rulemaking to ban the TV and radio advertising of distilled spirits.

Secretary Shalala is opposed to your sending the letter. She points out that "liquor is liquor," so that your action will immediately raise questions about beer and wine advertisements. She also argues that there is no good scientific data (as exists, for example, with respect to tobacco) connecting liquor advertising with children's consumption.

The Honorable Reed E. Hundt
Chairman, Federal Communications Commission
1919 M Street, N.W., Suite 814
Washington, D.C. 20554

Dear Chairman Hundt:

I write to ask your assistance in addressing a new and emerging challenge to parents struggling to raise safe, healthy children: the decision by manufacturers of hard liquor to advertise on television.

For half a century, these companies voluntarily refrained from such advertising. They understood that advertising over the uniquely powerful and pervasive medium of broadcasting could reach children inappropriately, encouraging them to drink before it is even legal for them to do so. Until now, these companies have shown appropriate restraint. For as long as there has been television, they have known that a voluntary ban was right and they lived by it.

Now, some companies have broken ranks and started placing hard liquor ads on TV. I was greatly disappointed by their decision. I have previously expressed my dismay at this action and called on the industry to urge all its members to return to their long-standing policy and stand by the ban. I am gratified to learn that, according to one survey, the vast majority of television stations are declining to air these advertisements. I applaud that stand.

I firmly believe that we have a national obligation to act strongly to protect our children from threats to their health and safety. That's why I have fought so strongly to impose appropriate regulations on the sale and distribution of cigarettes and smokeless tobacco and tobacco advertising that appeals to adolescents, to ensure that our schools and children are safe and drug-free, and to combat gangs and violence afflicting our youth.

I applaud your public remarks calling on the industry and broadcasters to reactivate the voluntary ban. I also commend your comments that the Federal Communications Commission has an obligation to consider any and all actions that would protect the public interest in the use of the public airwaves.

I urge the Commission to take all appropriate actions to explore what effects might ensue in light of the decision by manufacturers of hard liquor to abandon their long-standing voluntary ban on television advertising, specifically the impact on underage drinking.

We have made tremendous progress in recent years reducing the incidence of deaths due to drunk driving among our youth. We have taken important steps including the increase in the 1980s in the drinking age to 21 and the passage of zero tolerance legislation for underage drinking and driving. But there is more to be done. Too many of our young people are dying in car crashes, and too many young people are starting to drink at an early age,

leading to alcohol and other substance abuse problems.

I would appreciate your help and the help of the Commission in exploring the possible actions you could take to support our parents and children in response to the manufacturers' decision to break with the long and honorable tradition of not advertising on the broadcast medium.

Sincerely,

cc: Bruce
Dennis

THE WHITE HOUSE
WASHINGTON

March 28, 1997

MEMORANDUM FOR: Bruce Reed
Assistant to the President for
Domestic Policy

FROM:

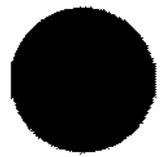
 Charles F.C. Ruff
Counsel to the President

Although I see no legal issues in the proposed letter to Chairman Hundt, I offer the layman's view that the President should send the letter. I agree with your analysis and believe that Secretary Shalala's concerns about the absence of scientific evidence linking advertising and underage drinking ought not to prevent the President's taking a strong stand on an issue that everyone recognizes is extremely serious.

Bruce —
I don't know how I
got the original on
this; have you seen
it?
Aren't you glad I
put in that analysis
now?!

Elena —

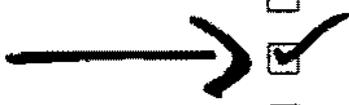
WHITE HOUSE STAFFING MEMORANDUM



DATE: 3-28 ACTION/CONCURRENCE/COMMENT DUE BY: 3-29 Noon

SUBJECT: LETTER ON URBAN ADVERTISING

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McCURRY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BOWLES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGINTY	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input type="checkbox"/>	NASH	<input type="checkbox"/>	<input type="checkbox"/>
PODESTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RUFF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MATHEWS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMITH	<input type="checkbox"/>	<input type="checkbox"/>
RAINES	<input type="checkbox"/>	<input type="checkbox"/>	REED	<input type="checkbox"/>	<input type="checkbox"/>
BAER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SOSNIK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ECHAVESTE	<input type="checkbox"/>	<input type="checkbox"/>	LEWIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YELLEN	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	STREETT	<input type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>	SPERTING	<input type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input type="checkbox"/>	<input type="checkbox"/>	HAWLEY	<input type="checkbox"/>	<input type="checkbox"/>
HIGGINS	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>
HILLEY	<input type="checkbox"/>	<input type="checkbox"/>	RADD	<input type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
BERGER	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>



REMARKS: Please advise ASAP.

RESPONSE: _____

Clinton Administration Urges FCC to Investigate Hard Liquor Ads on TV and Radio

April 1, 1997

Announcement:

Today, President Clinton announced that he was writing to Federal Communications Commission (FCC) Chairman Reed Hundt to 1) explore the effects -- on children in particular -- of the distilled liquor industry's decision to end its 50-year voluntary ban on broadcast advertising; and 2) determine what actions the FCC can take in response to the lifting of the ban.

Background:

- In November 1996, the Distilled Spirits Council announced that it had ended its almost 50-year voluntary practice of refraining from broadcast advertising.
- In his November 9, 1996 radio address, the President urged broadcasters to follow the example of the four major broadcast networks and continue to honor the ban to keep liquor ads off the air. The President also said to liquor companies, "You were right for the last 50 years when you didn't advertise on television; you're wrong to change your policy now. This is no time to turn back."
- Although the major networks and cable companies have so far refused to accept distilled spirits advertising, a few liquor manufacturers have been able to run some ads on television and radio since the announcement; other liquor companies are currently preparing large advertising campaigns.
- Chairman Hundt also has opposed any move toward liquor advertising. In December, he challenged broadcasters to refuse liquor advertising, and indicated that "government action" might be appropriate if the broadcasters did not do so.
- An FCC inquiry can supply the information needed to evaluate the nature and extent of the problem posed by broadcast liquor ads and to consider appropriate action.

Alcohol Use by Youth

- Alcohol is the drug most often used by young people. Approximately one in four 10th grade students and one in three of 12th grade students report having had five or more drinks on at least one occasion during the last two weeks.

Clinton Administration: Reducing Substance Abuse by Youth

- The President has pushed states to adopt a policy of zero-tolerance for teen

drinking and driving or risk losing Federal highway funds.

- The President's fiscal year 1998 budget includes funding for a state demonstration program to drug-test teens before they receive their driver's licenses; it also provides incentives for states to fight drugged driving.

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Office of the Attorney General
Washington, D. C. 20530

EK/DENNIS -
Work w/Ran K.
to GET THIS DONE.
Thanks
-BR

March 11, 1997

MEMORANDUM TO: Bruce Reed ✓
Elena Kagan
Domestic Policy Council
The White House

FROM: Kent Markus
Counsellor to the Attorney General

RE: Liquor Advertising on Television

I. Purpose of this Memo

The Department of Justice would like to know if the President will write to the FCC in support of the issuance of a "Notice of Inquiry" by the FCC regarding the effect on children of broadcast distilled spirits advertising.

II. Background

- A. Process - On November 7, 1996, the Distilled Spirits Council of the United States announced that it had ended its almost 50 year voluntary practice of refraining from broadcast advertising. Some liquor adds have run on television and radio since that announcement, but the major networks and cable companies have thus far refused to accept distilled spirits advertising.

FCC Chairman Hundt has been outspoken in his opposition to distilled spirits advertising on television. In setting out the FCC's 1997 agenda, in a speech on December 26, 1996, Chairman Hundt challenged broadcasters to refuse liquor advertising, but indicated that "government action" might be appropriate if the broadcasters failed to voluntarily refuse liquor advertising. Chairman Hundt suggested that "[a]n FCC inquiry would provide a forum to permit interested members of the public, broadcasters, the distilled spirits industry, the academic community, and others to voice their views on this new use of the public broadcast spectrum." (The relevant portion of Chairman Hundt's speech is attached.)

FCC staff have explained to us that for the Commission to formally engage in fact-gathering, it must issue a "Notice of Inquiry". Chairman Hundt has not yet asked the Commission to issue such a notice. (There are four current Commissioners, and Hundt is apparently unsure that he has the two votes, in addition to his own, which he would need.)

- B. Substance - The distilled spirits industry characterizes its efforts to engage in broadcast advertising as an effort to put the industry on equal footing with the beer and wine industries, which engage in extensive broadcast advertising. They deny a link between advertising and consumption or abuse, and insist that there is no scientific basis for treating distilled spirits differently from beer and wine since "alcohol is alcohol."

Chairman Hundt has decried the possibility of increased exposure of children to distilled spirits advertising. FCC staff indicate that there are studies which show that children have little brand awareness when it comes to distilled spirits, while their recognition of beer brands is quite high due to the \$630 million of beer advertising on television and radio. Still, FCC staff recognize that battling the distilled spirits industry's "equal treatment" argument will be tough.

III. POSSIBLE PRESIDENTIAL ACTION

FCC staff believes that a letter from the President to the Commission would have a substantial impact upon Chairman Hundt's ability to obtain the necessary votes in support of the issuance of a "Notice of Inquiry." At your convenience, we would appreciate knowing whether the President is inclined to send such a letter to the Commission.

If you have any questions or thoughts on this matter, please don't hesitate to be in touch with me directly at 202/514-3008.

Attachment

The Hard Road Ahead -- An Agenda for the FCC in 1997

Reed E. Hundt, Chairman

Federal Communications Commission

December 26, 1996

Liquor Ads.

One very unfortunate development in the last few months is the introduction of broadcast hard liquor ads. For almost 50 years, the distilled-spirits industry voluntarily refrained from broadcast advertising, in recognition of the plain fact that TV is too powerful a medium to use for the advertising of a product like hard liquor. Recently, however, the distilled-spirits council repealed this laudable ban. Ads for hard liquor have appeared on television -- both broadcast and cable -- and on radio.

Hard liquor advertising on TV and radio poses a serious risk to our nation's children. The decision by the industry to place these advertisements on TV and radio is disappointing for parents and dangerous for children. Viewers too young to consume distilled spirits will inevitably be exposed to these ads.

I have called on broadcasters and cable operators to "Just Say No" to this aggressive campaign by the hard liquor industry. Broadcast and cable are under no obligation to carry these ads and have every right to refuse to do so. I congratulate and thank ABC, Fox, CBS, NBC, TCI, Time Warner, Gannett, and others for stating that they will not carry the hard liquor ads. I know that this is not a complete list of companies that have already adopted no-liquor policies. Every company must face an individual test of conscience to decide whether these ads are right for our kids. I hope and trust that each will make the right decision.

If they don't, the next line of defense is government action. Some have raised the question of whether the Commission has the expertise to evaluate the public-interest repercussions of the introduction of these advertisements. Surely a central component of the Commission's expertise is our ability to evaluate the effect of television on children. That expertise is why Congress entrusted to us the responsibility in areas such as children's educational television, indecency rules, and the V-Chip.

Of course, more information is needed before the Commission could decide whether it ought to take action with respect to hard liquor advertising on television. An FCC inquiry would provide a forum to permit interested members of the public, broadcasters, the distilled-spirits industry, the academic community, and others to voice their views on this new use of the public broadcast spectrum.

An inquiry can supply the information needed to evaluate the nature and extent of the problem posed by the broadcast liquor ads, and the proper course of action. Members of Congress, a number of states, and members of the public have asked us to look into this issue. Our statutory obligation to safeguard the public interest requires that we do so.