

Alcohol industry 5/4

Alcohol

BATF - Murray McCabe - internal report

Jan. report on self-regulation
alcohol under age

- use folks under 21
- Gaining & drinking
- Violate FIC

3 settlements
w/ on
nation
] TV ads

• Voluntary

- Cops

- Center Media

• Workshop

Parabell

• articulation of stud.

→ 50% audience is over 21

• Majorly

• Content

MEMORANDUM

TO: TOM FREEDMAN, MARY L. SMITH

FROM: DREW HANSEN

RE: PROPOSALS TO PREVENT ALCOHOL MARKETING TO CHILDREN
ON THE INTERNET

DATE: AUGUST 13, 1997

CURRENT ADMINISTRATION POLICY ON INTERNET CONTENT REGULATION

The Framework for Global Electronic Commerce (July 1, 1997) proposes that regulations on Internet content be provided by private industry, consumer groups, and parents instead of by the government. The Framework suggests that Internet content be controlled by industry self-regulation, by the adoption of competing ratings systems, and by the development of easy-to-use technical solutions such as filters to block objectionable content. The July 16, 1997 White House conference on the "Family Friendly Internet" built on this framework by creating family-friendly Internet policies based on the development and use of new technologies, the enforcement of existing laws (against child pornography and stalking, for instance) and the encouragement of active parental participation in the Internet rating and filtering process.

Proposals to prevent the marketing of alcohol to children on the Internet can be created within this general plan of private industry, consumer group, and parental guidelines with minimal government regulation. Specifically, we should encourage filters to block sites that market alcohol to children, encourage ratings systems to label sites that market alcohol to children, encourage voluntary restraint by alcohol companies, and educate parents about alcohol marketing to children on the Internet. An upcoming summit (Fall 1997) of industry groups, non-profit organizations, and parents will focus on public education and parental empowerment regarding family-friendly Internet policies. This summit could provide an opportunity to put the following proposals into action in a highly visible setting.

PROPOSALS TO PREVENT ALCOHOL MARKETING TO CHILDREN ON THE INTERNET

1. Encourage Filters to Block Sites that Market Alcohol to Children.

The two most commonly used "stand-alone" filters on the market -- SurfWatch and Cyber Patrol -- attempt to block sites that encourage the sale and consumption of alcoholic beverages. Yet their efforts are not always successful: a random check of ten alcohol sites against the two filter programs found that Surf Watch let two of the sites slip through and that Cyber Patrol let four of the sites slip through. We should encourage filters to pay close attention to the efforts of alcohol companies to market their products to minors and to block alcohol-related sites from users.

2. Encourage Ratings Systems to Label Sites that Market Alcohol to Children.

None of the three most popular ratings systems available -- Net Shepherd, RSACi, and SafeSurf -- have an explicit ratings category for alcohol-related sites. The RSACi system, used by Microsoft's Internet Explorer and CompuServe, rates sites on violence, nudity, sex, and language. The SafeSurf ratings system, which has rated over 70,000 sites, rates by general age range, profanity, heterosexual themes, homosexual themes, nudity, violence, sex-violence-profanity, intolerance, the glorification of drug use, "other adult themes," and gambling. Net Shepherd, which has rated over 300,000 sites, provides a "Family Search" facility that aims to provide search engine capability similar to Yahoo or Excite but with a limitation to sites rated by Net Shepherd as suitable for kids and families. As far as I can tell, their ratings/limitation system provides considerable opportunities for alcohol-related sites to appear on "family-friendly" search results: in a random check of ten alcohol-related sites, four of them appeared on "family-friendly" searches. (The Bacardi Rum site, in the supposedly family-friendly "General" category, received a three-star rating.) Some other sites are available through hypertext links on pages that are allegedly "family friendly." A search for the Molson's site did not bring up the Molson's home page but did bring up the home page of some guy in Canada, which included links to the Molson's home page (as well as links to Playboy). We should encourage ratings systems to provide labels that denote the presence of alcohol-related material on reviewed sites.

3. Encourage Voluntary Restraint by Alcohol Companies.

Apparently, all alcohol companies have self-regulating codes that prohibit the targeting of minors in marketing efforts. We should encourage alcohol companies to abide by their own codes of conduct. Specifically, we should ask alcohol companies to stop putting games, contests, and "virtual environments" likely to appeal to children and adolescents on their web sites, to provide clear notification on every site of its alcohol-related content, and to provide stricter controls on the ages of those who enter the sites.

4. Educate Parents About Alcohol Marketing to Children on the Internet.

Most "family-friendly" Internet conferences, articles, and Web pages to date have focused on the ready availability of sexually explicit content on the Internet and the possibility of children being lured into meetings with pedophiles. We should educate parents about the efforts made by alcohol companies to market their products to children and encourage them to take steps to control their children's access to alcohol-related sites.

17/10/96

**CODE
OF GOOD
PRACTICE
FOR
DISTILLED SPIRITS
ADVERTISING
AND MARKETING**

1996

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

PREAMBLE

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

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

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

SCOPE

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

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

RESPONSIBLE PLACEMENT

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

RESPONSIBLE CONTENT

Underage Persons

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

Social Responsibility

7. Distilled spirits advertising and marketing materials should portray distilled spirits and drinkers in a responsible manner. These materials should not show a distilled spirits product being consumed abusively or irresponsibly.
8. On-premise promotions sponsored by distillers should encourage responsible consumption by those adults who choose to drink and discourage activities that reward excessive/abusive consumption.
9. Distilled spirits advertising and marketing materials should not promote the intoxicating effects of beverage alcohol consumption.
10. Distilled spirits advertising and marketing materials should contain no claims or representations that individuals can obtain social, professional, educational, or athletic success or status as a result of beverage alcohol consumption.

11. Distilled spirits should not be advertised or marketed in any manner associated with abusive or violent relationships or situations.
12. Distilled spirits advertising and marketing materials should not imply illegal activity of any kind.
13. No distilled spirits advertising or marketing materials should portray distilled spirits being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination.
14. No distilled spirits advertising or marketing activity should be associated with anti-social or dangerous behavior.
15. Distilled spirits may be portrayed to be part of responsible personal and social experiences and activities, such as the depiction of persons in a social or romantic setting, persons who appear to be attractive or affluent, and persons who appear to be relaxing or in an enjoyable setting.

Drunk Driving

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

Alcohol Content

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

Good Taste

18. No distilled spirits advertising or marketing materials should contain advertising copy or an illustration unless it is dignified, modest, and in good taste.
19. No distilled spirits advertising or marketing materials should claim or depict sexual prowess as a result of beverage alcohol consumption.
20. Distilled spirits advertising and marketing materials should not degrade the image, form, or status of women, men, or of any ethnic, minority, sexually-oriented, religious, or other group.
21. Distilled spirits advertising and marketing materials should not employ religion or

religious themes, nor should distilled spirits be advertised in publications devoted primarily to religious topics.

CODE REVIEW BOARD

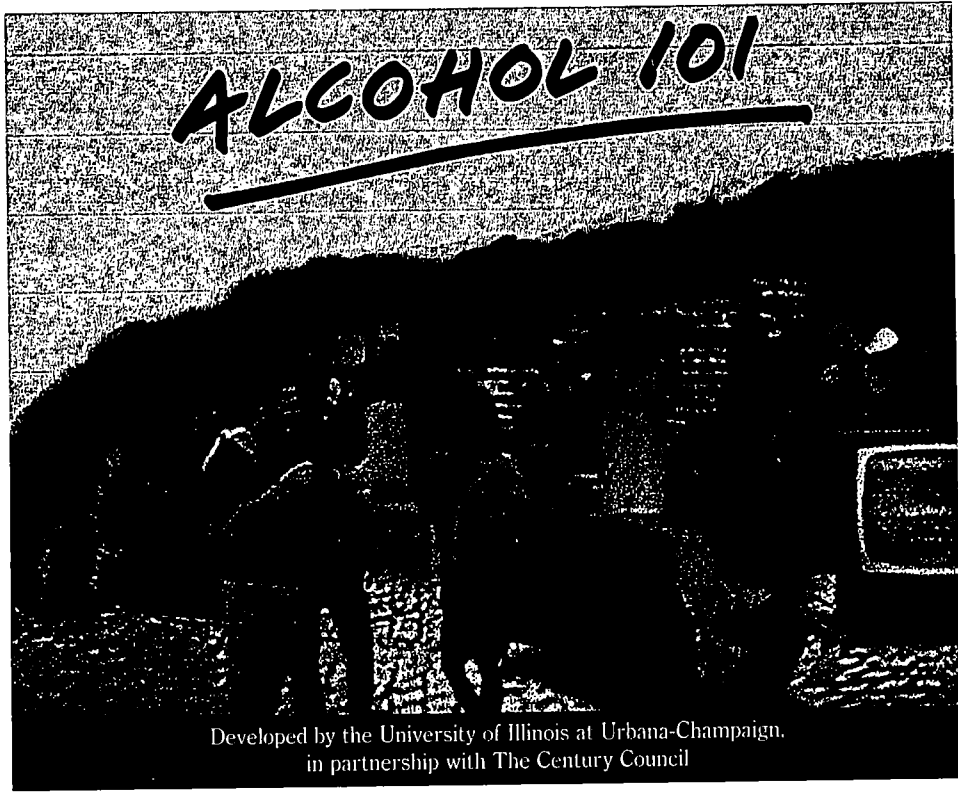
There shall be established and maintained a Code Review Board, which shall meet when necessary to consider complaints lodged by DISCUS members or other interested parties.

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.

Alcohol

ALCOHOL 101



Developed by the University of Illinois at Urbana-Champaign,
in partnership with The Century Council

PHOTOCOPY
PRESERVATION

What is *Alcohol 101*?

- *Alcohol 101* is a powerful, first-of-its-kind, interactive CD-ROM program designed to reduce the harm associated with the misuse of alcohol.
- It provides the physiological, psychological and legal information to help college students make responsible decisions about drinking – or not drinking.

Who Created It?

Alcohol 101 was developed by the University of Illinois at Urbana-Champaign in partnership with The Century Council.

- The University is a leader in the development of interactive, computer-based learning tools and the originator of the Netscape browser and Eudora e-mail software programs.
- The Council is a national, not-for-profit organization that fights alcohol abuse, focusing on drunk driving and underage drinking problems. The Council is funded by America's leading distillers.

How Do Colleges Get It?

- *Alcohol 101* will be available, free of charge, to all the country's colleges and universities in Fall 1998. Participating schools will receive all the materials needed to get the program up and running, including disks; a user guide; and other support material.

How Effective Is It?

Developed with focus groups and student surveys, *Alcohol 101* has just completed a demonstration phase on more than 60 college and university campuses nationwide, reaching nearly 13,000 students. Preliminary survey responses found:

- **Over 70 percent** of students who did not know how to recognize and respond to an alcohol overdose before the program reported that they learned what to do.
- **78 percent** of those who did not know how to intervene to help a heavily-drinking friend said they learned intervention techniques.
- **88 percent** of those who did not understand the relationship between time elapsed, amount drunk and BAC learned how these factors interact.

A controlled study at the University of Illinois compared *Alcohol 101* to a traditional alcohol abuse prevention course and found students learned more from *Alcohol 101* in 13 key areas, including:

- Alcohol's effects on judgment and decision making
- Relationship between excessive drinking and unsafe sex/date rape or aggressive behavior

Students were also enthusiastic about the program: On a scale of 1 to 5, 5 being best, **more than 70 percent** of students rated 9 of the 11 major program elements a 4 or 5.

What Do Educators Say About *Alcohol 101*?

"... user friendly, dynamic, creative, non-threatening, and fun ... most exciting, original instrument for use in alcohol education I have seen this decade."

– Vicki Gardner, M.S., C.A.C II, M.A.C
Coordinator, Alcohol & Drug Program
Coastal Carolina University

"I've been in the [alcohol education] field for 20 years. This program is a Godsend."

– Barbara Fijolek
Coordinator, Wellness Center
Southern Illinois University

"Alcohol 101 promises to be the biggest alcohol abuse prevention program ever seen on college campuses."

– Joe Abhold, Ph.D.
Director for Research and Evaluation
Ball State University

ALCOHOL 101sm

Developed by the University of Illinois at Urbana-Champaign,
in partnership with The Century Council

Alcohol 101sm Demonstration Campuses

Augustana College (Rock Island, Illinois)
Ball State University (Muncie, Indiana)
Boise State University (Boise, Idaho)
Castleton State College (Castleton, Vermont)
Coastal Carolina University (Conway, South Carolina)
Dowling College (Long Island, New York)
East Carolina University (Greenville, North Carolina)
Elon College (Elon College, North Carolina)
Gannon University (Erie, Pennsylvania)
George Mason University (Fairfax, Virginia)
Hofstra University (Hempstead, New York)
Illinois College (Jacksonville, Illinois)
Kean University of New Jersey (Union, New Jersey)
Mercer University (Macon, Georgia)
Miami University (Oxford, Ohio)
North Dakota State University (Fargo, North Dakota)
Northwestern University (Evanston, Illinois)
Plymouth State College (Plymouth, New Hampshire)
Pomona College (Claremont, California)
Saint John's University (Collegeville, Minnesota)
Saint Mary's University of Minnesota (Winona, Minnesota)
Seton Hill College (Greensburg, Pennsylvania)
Southeastern Louisiana University (Hammond, Louisiana)
Southern Illinois University at Carbondale
Southern Maine Technical College (So. Portland, Maine)
Sul Ross State University (Alpine, Texas)
Syracuse University (New York)
Texas A&M University (College Station, Texas)
Texas Tech University (Lubbock, Texas)
The Ohio State University – Office of Residence Life (Columbus, Ohio)
The Ohio State University – Student Wellness Center (Columbus, Ohio)
The Pennsylvania State University (University Park, Pennsylvania)
The University of British Columbia (Vancouver, British Columbia, Canada)
The University of Georgia (Athens, Georgia)
University of California, Santa Barbara
University of Connecticut (Storrs, Connecticut)
University of Florida Brain Institute (Gainesville, Florida)
University of Houston (Houston, Texas)
University of Illinois at Urbana-Champaign
University of Michigan (Ann Arbor, Michigan)
University of Missouri-Columbia
University of Nebraska at Omaha
University of North Florida (N. Jacksonville, Florida)
University of Washington (Seattle, Washington)
University of Wisconsin Oshkosh
University of Wisconsin Superior
University of Wisconsin @ Whitewater
University of Wisconsin Marathon County (Wausau, Wisconsin)
Valdosta State University (Valdosta, Georgia)
Wake Forest University (Winston-Salem, North Carolina)
Willamette University (Salem, Oregon)
West Texas A&M University (Canyon, Texas)
Western Washington University (Bellingham, Washington)
Xavier University (Cincinnati, Ohio)

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The Century Council is funded by America's leading distillers.

ALCOHOL 101

Developed by the University of Illinois at Urbana-Champaign,
in partnership with The Century Council

FOR IMMEDIATE RELEASE

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Hill and Knowlton
(213) 966-5749**

DYNAMIC NEW CD-ROM PROGRAM TO COMBAT ALCOHOL ABUSE ON COLLEGE CAMPUSES

***"Alcohol 101SM" Uses State-of-the-Art CD-ROM Technology
to Educate Students***

LOS ANGELES (September 4, 1997) -- Just in time for the fall 1997 term, more than 25,000 students at over 45 university demonstration sites around the country will participate in a first-of-its-kind interactive CD-ROM program to help combat the harm associated with excessive drinking among some college students. *Alcohol 101SM* is a program of the University of Illinois at Urbana-Champaign developed in collaboration with The Century Council, a national organization that fights alcohol abuse and is funded by America's leading distillers.

Alcohol 101 was created with the benefit of extensive survey and focus group work among students, particularly freshmen, at the University of Illinois under the direction of William L. Riley, Ph.D., dean of students and associate vice chancellor, and Janet S. Reis, Ph.D., associate professor, department of community health. The University of Illinois is at the cutting edge of interactive technology in social learning and, through its Supercomputer center, is the birthplace of such Internet browsing software as MosaicTM and NetScape.

When students log onto the program, they enter a "virtual" party where they can make decisions for characters placed in social situations involving drinking or not drinking, and then witness the outcomes of positive or negative decisions. The program also prompts users to participate in numerous multiple choice games hosted by a talking lava lamp named "Norm" and

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learn about real-life campus tragedies involving alcohol misuse. Students can even “drink” at a virtual bar that, through a blood alcohol content (BAC) calculator, provides personal information about how food, time and amount of alcohol impacts BAC.

“*Alcohol 101* can assist students to make better, more informed decisions regarding the role of alcohol in their lives,” said Riley. “And for those student affairs staff who deal with the effects of alcohol misuse -- disciplinary hearings, readmission, counseling and treatment -- this program should allow them to spend time on more enjoyable student relationships.”

“Students have told us that information in technologically current formats helps them learn and understand the material faster and better,” said John C. Lawn, chairman and CEO of The Century Council and former administrator of the U.S. Drug Enforcement Administration.

“Though communicated in a fast-paced and somewhat irreverent format, the program provides important educational information and encourages positive behavioral change by using role models, with whom students can identify, to demonstrate responsible decision making skills.”

“*Alcohol 101* is like a flight simulator for college students,” said Geneen Wright, a senior at the University of Illinois who participated in the program. “You make choices for students placed in typical social situations involving alcohol and witness the consequences of abusive behavior. It gives you ideas on how to stay safe and in control for when you’re really at the party. I wish I had gone through *Alcohol 101* as an incoming freshman, yet I still learned a lot. It helped me understand that heavy drinking among college students is not the norm. That takes some of the pressure off to fit in by drinking a lot.”

The Century Council and the University of Illinois will incorporate the most effective implementation approaches identified at the demonstration sites into a package of materials that will be distributed with the program nationally to universities and colleges in fall 1998. *Alcohol 101* was funded by a grant from The Century Council, with in-kind support from the university. All materials will be made available free of charge by The Century Council.

“CD-ROM technology is flexible can be incorporated into a number of different educational environments,” continued Riley. “I’m looking forward to seeing what creative ideas the demonstration sites develop -- there are already plans for using *Alcohol 101* in residence halls, with fraternity and sorority students, with student discipline systems and as part of freshman orientation programs.”

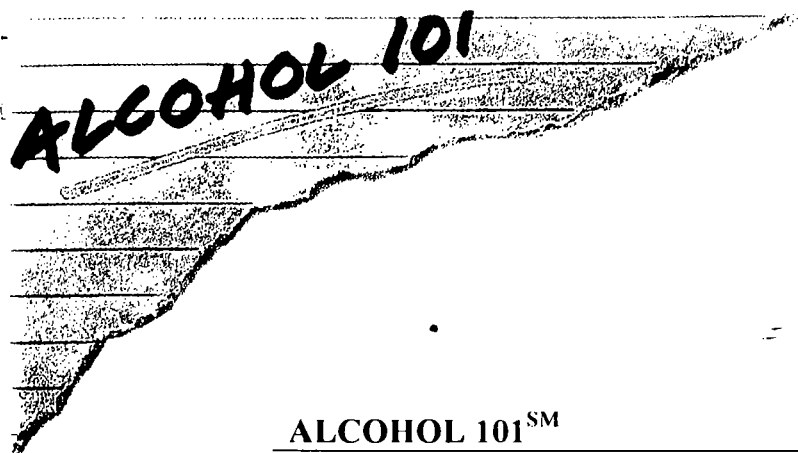
According to a study conducted by Southern Illinois University, nearly one in four male college students (23.6%) and one in 10 female students (9.9%) report three or more binge* drinking episodes in the previous two weeks. (*Core Institute on Alcohol and Other Drug Studies, 1992-1994 Figures.*) Of students who report binge drinking three or more times in the previous two weeks, 90 percent reported having had a hangover, 46 percent got behind in school work (compared to six percent for non-binge drinkers); 22 percent said they engaged in unprotected sex (compared to four percent for non-binge drinkers) and one percent required treatment for alcohol overdose. (*Harvard School of Public Health, December 1994 Report.*)

The University of Illinois at Urbana-Champaign is ranked among the nation's most distinguished teaching and research institutions. Its diverse, world-class programs reflect the mission of a comprehensive, land-grant university. The university is a world leader in computing design and applications, and home to the National Center for Supercomputing Applications.

The Century Council is dedicated to fighting alcohol abuse, focusing on drunk driving and underage drinking problems. Founded in 1991, the Council is headquartered in Los Angeles and is funded by America's leading distillers.

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* Binge drinking is defined in these studies as five or more drinks in a row in the past two weeks for men, and four or more drinks in a row in the past two weeks for women.



ALCOHOL 101SM

Facts-At-A-Glance

Alcohol 101 is an innovative, first-of-its-kind interactive CD-ROM program aimed at reducing the harm associated with excessive drinking among some college students. Topics covered in the program include unsafe sex, alcohol overdose and drunk driving.

Development

- *Alcohol 101* is a program of the University of Illinois at Urbana-Champaign, developed in collaboration with The Century Council, an organization that fights drunk driving and underage drinking problems and is funded by America's leading distillers.
- *Alcohol 101* was funded by a grant from The Century Council, with in-kind support from the university.
- The program was created with the benefit of extensive survey and focus group work among students at the University of Illinois at Urbana-Champaign under the direction of Associate Professor Janet Reis, Department of Community Health. The University of Illinois is at the cutting edge of interactive technology in social learning and through its Supercomputer center is the originator of such Internet browsing software as MosaicTM and NetScape.

Using Alcohol 101

- When students log onto the program, they "enter" a virtual party, where they can click on characters placed in social situations involving decisions about alcohol use and misuse, and then witness the positive or negative outcomes of those decisions. The program prompts users to play multiple choice and learn about real-life campus incidents

- - more - -

involving alcohol misuse. Students can even “drink” at a virtual bar that, through a BAC (blood alcohol content) calculator*, provides personal information about how food, time and amount of alcohol impacts BAC.

- By demonstrating the negative outcomes of decisions to use alcohol excessively and providing socially acceptable alternatives, *Alcohol 101* encourages students to maintain personal safety and control in situations involving alcohol. The program also clearly indicates that not drinking alcohol is an equally valid option.

National Distribution

- In the fall of 1997, more than 25,000 students at over 50 university campuses will implement *Alcohol 101* to explore various ways universities can implement the program. The Century Council and the University of Illinois will incorporate the most creative ideas into an overall package of materials that will be distributed with the program nationally to universities and colleges in 1998. *Alcohol 101* will be made available, *free of charge*, by The Century Council.

Evaluation

- *Alcohol 101* was created using extensive student survey and focus group information gathered at the University of Illinois.
- Dr. Reis and Dr. John Baer, Associate Research Professor of Psychology at the University of Washington, will evaluate implementation strategies at the demonstration sites in preparation for the 1998 national distribution. They will also supervise a separate evaluation of the program’s longer term effects on student attitudes, knowledge, intentions and drinking behavior. This evaluation will include comparisons of students using *Alcohol 101* to control groups of students who do not use the program.

- A built-in research component in *Alcohol 101* provides an ongoing opportunity to gather extensive information about college drinking patterns. From this continuing research, the Council and the University hope to gain an understanding of the relationship between alcohol-related problems and the frequency and intensity of drinking episodes among college students.

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* The National Highway Traffic Safety Administration (NHTSA) has reviewed the BAC calculator in *Alcohol 101*, which is based on the NHTSA BAC estimator, and found the calculations to be consistent with NHTSA research. NHTSA's BAC estimator is the official source of BAC data for the United States Department of Transportation.

Dary Fiorentino, M.A., research scientist with the Southern California Research Institute (SCRI), has reviewed the BAC calculator in *Alcohol 101*, and found the calculations to be accurate and consistent with SCRI's work in this field and with other nationally recognized research. SCRI, a non-profit research institute engaged in traffic safety research since 1973, is headed by Dr. Herbert Moskowitz and Dr. Marcelline Burns, two of the country's foremost authorities on impaired driving.

ALCOHOL 101SM

Overview

An innovative, first-of-its-kind interactive CD-ROM program, *Alcohol 101* is aimed at reducing the harm associated with excessive drinking among some college students. Contrary to common perception, most college students do not drink excessively; however, those students who do often deal with issues ranging from poor academic performance to unsafe sex and alcohol overdose.

Alcohol 101 is a program of the University of Illinois at Urbana-Champaign, developed in collaboration with The Century Council, an organization that fights drunk driving and underage drinking problems and is supported by America's leading distillers. Funded by a grant from The Century Council with in-kind support from the university, *Alcohol 101* was created with the benefit of extensive survey and focus group research among students at the University of Illinois under the direction of Associate Professor Janet Reis, Department of Community Health. The University of Illinois is at the cutting edge of interactive technology in social learning and, through its Supercomputer center, is the originator of such Internet browsing software as MosaicTM and NetScape.

When students log onto the program, they meet their host, a talking lava lamp named "Norm" (short for positive norm). Norm guides the

-- more --

students into a “virtual” party where they can make choices for characters placed in social situations involving decisions about drinking or not drinking, and then witness the outcomes of positive and negative decisions. The program also prompts users to participate in numerous multiple-choice games and learn about real-life campus tragedies involving alcohol misuse. Students can even “drink” at a virtual bar that, through a blood alcohol content (BAC) calculator*, provides personal information about how food, time and amount of alcohol impact BAC.

Alcohol 101 also uses “positive norming” to help students understand that the majority of students do not drink excessively, and that many choose not to drink at all. This concept is introduced through the character of Norm. There is also a program option that allows students to compare their own drinking and estimates of student alcohol consumption levels to actual figures provided by national data. Research has shown this information can help reduce heavy drinking among some college students.

Though delivered in a technologically advanced format, the program provides important educational information and has an academic, theoretical basis. *Alcohol 101* encourages positive behavioral changes by supplying role models, with whom students can easily identify, to illustrate responsible decision-making skills that can be translated into real-life situations. By demonstrating the negative outcomes of decisions to use alcohol excessively and providing socially acceptable alternatives, the program encourages students to maintain personal safety and control in

situations involving alcohol. The program also clearly indicates that not drinking alcohol is an equally valid option.

In the fall of 1997, more than 25,000 students at over 45 university campuses will implement *Alcohol 101* to explore various ways universities can use the program. Dr. Reis and Dr. John Baer, associate research professor of psychology at the University of Washington, will evaluate demonstration site implementation strategies and incorporate the most creative ideas into an overall package of materials that will be distributed with the program nationally in fall 1998. *Alcohol 101* will be made available, free of charge, by The Century Council.

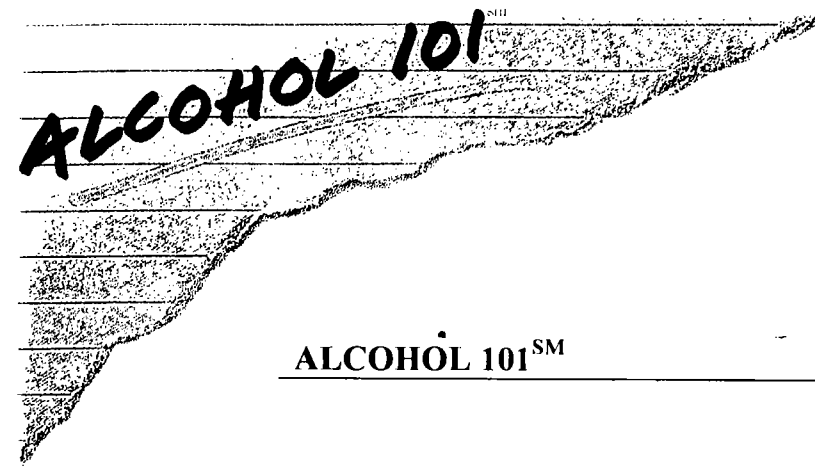
Reis and Baer will also supervise an evaluation of *Alcohol 101*'s longer term effects on student attitudes, knowledge, intentions and drinking behaviors. This evaluation will include comparisons of students using *Alcohol 101* to control groups of students who do not use the program. In addition, a built-in research component in *Alcohol 101* provides an ongoing opportunity to gather information about college drinking patterns. From this continuing research, The Century Council and the University of Illinois hope to gain a better understanding of the relationship between alcohol-related problems and the frequency and intensity of drinking episodes

among college students. These results could support future, more focused, education and prevention programs.

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** The National Highway Traffic Safety Administration (NHTSA) has reviewed the BAC calculator in Alcohol 101, which is based on the NHTSA BAC estimator, and found the calculations to be consistent with NHTSA research. NHTSA's BAC estimator is the official source of BAC data for the United States Department of Transportation.*

Dary Fiorentino, M.A., research scientist with the Southern California Research Institute (SCRI), has reviewed the BAC calculator in Alcohol 101, and found the calculations to be accurate and consistent with SCRI's work in this field and with other nationally recognized research. SCRI, a non-profit research institute engaged in traffic safety research since 1973, is headed by Dr. Herbert Moskowitz and Dr. Marcelline Burns, two of the country's foremost authorities on impaired driving.



ALCOHOL 101SM

Statistics

Contrary to common perception, most college students do not drink excessively. However, those students who do choose to drink excessively often deal with issues ranging from poor academic performance to unsafe sex and alcohol overdose.

- Nearly one in four male college students (23.6 percent) and one in 10 female students (9.9%) report three or more binge* drinking episodes in the previous two weeks.

Source: Core Institute on Alcohol and Other Drug Studies at Southern Illinois University, 1992-1994 Figures

- Nearly one in 10 (8.5 percent) male college students reports consuming 21 or more drinks per week.

Source: Core Institute on Alcohol and Other Drug Studies at Southern Illinois University, 1992-1994 Figures

- Of students who report binge drinking three or more times in the previous two weeks:

- A) 90 percent reported having had a hangover,
- B) 46 percent got behind in school work
(*compared to six percent for non-binge drinkers*),
- C) 22 percent said they engaged in unprotected sex
(*compared to four percent for non-binge drinkers*), and
- D) one percent required treatment for alcohol overdose.

Source: Harvard School of Public Health, December 1994 Report

* Binge drinking is defined in these studies as five or more drinks in a row in the past two weeks for men, and four or more drinks in a row in the past two weeks for women. It should be noted that the term "binge" is defined as a problem drinking indicator. Its relation to the popular concept of the term has recently caused it to come under scrutiny by some in the academic community. (See: The Limits of Binge Drinking, International Center for Alcohol Policies, April 1997)

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August 1997

ALCOHOL 101SM

Demonstration Site Overview

Alcohol 101 is the result of extensive research into college drinking patterns, including student focus groups and surveys conducted by the University of Illinois. Fall 1977 marks its introduction into a wide variety of campuses that will serve as demonstration sites to identify the best ways to use this exciting new program.

“One advantage of CD-ROM technology is its flexibility,” said Dr. Janet Reis, *Alcohol 101* Program Director and Professor of Community Health at the University of Illinois. “*Alcohol 101* can be used in private in homes, dorm rooms, and campus computer labs, or in groups in classrooms equipped with multi-media projection equipment. It can be used alone, or campuses can combine it with existing programs or courses.”

Reis added, “Key program elements can be used to address specific problems, such as alcohol overdose or unsafe sex, that can occur when students drink to excess. So implementation strategies can be designed to target particular student populations considered to be at risk for those outcomes.”

The demonstration sites run the gamut, from small, private, single-sex colleges to large public universities. They include rural and urban locations, residential and commuter students, religious and secular institutions, and widely diverse student populations. More than 20,000 students at over 45 participating schools will be using the program.

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Alcohol 101sm
Demonstration Site Overview
Page 2

Under supervision from Dr. Reis and Dr. John Baer, Associate Research Professor of Psychology at the University of Washington, the demonstration sites will compile and submit student survey data and provide an analysis of their implementation experience. From this information, the Council and the University will compile a "best practices" of implementation methods, which will be made available to all participating institutions as part of national program distribution in fall 1998. Following are brief summaries of some of the proposed implementations.

Wide Variety of Site Plans (partial list)

University of Houston, Houston, Texas. *The University of Houston will integrate Alcohol 101 into all the elements of its comprehensive approach to alcohol abuse issues (freshman social decision-making seminar, peer education, class curricula, residence life planning, the Cougar Alcohol Education campaign), as well as in campus disciplinary and athletic programs and with the Greek system. To use the program in all these areas, the University's Wellness Center has developed an interactive presentation that projects the disk onto a large screen and allows groups of students to participate in the "virtual party."*

Western Washington University, Bellingham, Washington. *In this implementation, peer health educators will use Alcohol 101 in new, high-tech classrooms to reach student athletes.* Western Washington University is a mid-sized public college in an urban area. Each fall, approximately 200 student athletes participate in programs designed to prevent alcohol and drug abuse as well as sexual misconduct. *Alcohol 101* will be incorporated into these programs and used with groups of students who will explore the disk together and discuss it as they go. Studies show that student athletes as a group are more prone to excessive drinking than other students.

University of California, Santa Barbara, California. *UCSB's implementation plan can provide insight into Alcohol 101's impact on an all-male population, as well as allowing a comparison between Alcohol 101 and other, more traditional education efforts.* UCSB is a mid-sized public university in a suburban area. Male students in UCSB residence halls have expressed dissatisfaction with existing alcohol education programming and have indicated that participation in such programming would increase if the experience were more interactive.

University of Illinois at Urbana-Champaign. Under the guidance of Program Director Dr. Janet Reis, *Alcohol 101*'s "home campus" has created a multi-faceted, comprehensive implementation plan for the demonstration phase. The plan includes use of the program in residence halls with randomly selected freshman volunteers, as well as use with freshmen participating in the First-Year Impact (FYI) student leadership program. In addition, two classes in the University's Department of Community Health will use the program as part of their coursework. In all three cases, program users will be compared against appropriate control groups of students who do not use *Alcohol 101*.

Seton Hill College, Greensburg, Pennsylvania. *As the only women's college participating in the demonstration phase, Seton Hill offers a unique opportunity to judge Alcohol 101's effectiveness in helping college women avoid the negative consequences sometimes associated with excessive drinking, particularly those related to unsafe/unplanned sex and vulnerability to date rape.* Seton Hill will use the program in a required developmental course called "Freshman Seminar" and in disciplinary actions for alcohol policy violations. Residence hall staff will also be trained to use the program.

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ALCOHOL 101SM

University of Illinois/Urbana-Champaign Implementation Plan

Under the supervision of Dr. Janet Reis, the University of Illinois/Urbana-Champaign has created a multi-faceted, comprehensive implementation plan for the program's fall 1997 demonstration phase. The plan includes volunteer and required use; residence hall computer labs and public-use labs; student life, course-related, and disciplinary use; use early in the semester and use at the end of the term; and use of *Alcohol 101* alone, *Alcohol 101* in conjunction with other alcohol-education efforts, and *Alcohol 101* compared to no alcohol-education efforts. Following is a brief summary of the plan.

Freshman volunteers/Residence Hall advisors. A pilot group of 60 volunteer freshmen will test the program in residence-hall computer labs in mid-September. The 60-minute sessions (students can stay longer if the labs are not crowded) are led by volunteer residence-hall advisors who have been trained to use the software. To maximize time actually spent with the program, students will complete the pre- and post use surveys before and after their lab sessions.

The researchers will follow up with students within approximately one month to determine which program elements they remember and how they feel they have incorporated information from the program into their lifestyles. They will also observe users' comfort with the structure of the program and whether they move easily through the disk.

First Year Impact (FYI) students. Volunteers for the fall 1997 FYI leadership program constitute a self-selected group of 900 students. With these students, *Alcohol 101* will be assessed in three ways: alone; in comparison with existing peer- and facilitator-led alcohol prevention education; and in comparison with programming unrelated to alcohol prevention. To reduce selection bias within time of day or across days of the week, groups of approximately 20 students have been randomly scheduled for 60-minute sections. Like the other freshman volunteers, FYI participants will complete the pre- and post-use surveys before and after their lab sessions, which will be led by FYI facilitators trained to use the program.

Alcohol 101sm
U of I Implementation Plan
Page 2

A randomly selected subset of these students will be followed through their semester-long involvement in FYI to ascertain which program elements they remember and how they feel they have incorporated program messages into their lifestyles.

Community health classes. A cross-section of students will use *Alcohol 101* in computer labs as part of two Community Health classes. In the Drugs and Alcohol course, half of the 350 selected students will hear a classroom lecture on alcohol; they will also have the option to use *Alcohol 101* for extra credit. (Credit will be awarded only if the student either completes the pre-and post-use surveys or, in the case of students who have already used the program through FYI or other sources, writes a 2-page paper about the experience.) The other half of the students will only hear the classroom lecture. In this course, *Alcohol 101* will be used at the end of September.

In the Personal Health course, 120 students will use the program at the end of the fall semester as part of mandatory discussion sections (students' grades are reduced if they do not attend). In both courses, the survey procedures will be the same as outlined above for student volunteers.

Student discipline. *Alcohol 101* will be incorporated into disciplinary procedures for infractions of alcohol-related University policies. Students will be separated according to their prior exposure to the program, the seriousness of the infraction, and the student's personal involvement with alcohol. More personalized feedback mechanisms to address those cases of students with serious drinking problems are also being developed for this use.

#

October 1997

ALCOHOL 101SM

Important Information About the Program

Preventing alcohol abuse among college students raises a number of complicated issues. Young men and women are placed in new and often difficult social situations involving choices about drinking or not drinking. Some are of legal age to drink; some are not. Many have wrong perceptions about what constitutes “normal” drinking among their peers, and many are unaware of the effects different amounts of alcohol have on their bodies and behavior.

As you move through the disk, you will experience certain things designed to address issues of legality, the effects of alcohol, and safe decision making. These include, but are not limited to:

1. **Legal warnings.** All users are asked their age when they log in to the disk. Depending on the answer, the program automatically presents warnings regarding either illegal underage consumption of alcohol or legal-age students furnishing alcohol to underage drinkers.
2. **Choosing not to drink.** *Alcohol 101* clearly presents “not drinking” as a viable option. The program presents a wide choice of socially acceptable options students can use in situations where they may face heavy social pressure to drink. Be sure to click on the “Sheri” character in the unsafe sex scenario to see one example of this; numerous other suggestions, found throughout the disk, are summarized in the printable document, “Top 10 Ways to Turn Down a Drink,” which appears as you exit the program.
3. **BAC information.** Research shows that many students do not clearly understand the amounts of alcohol required to produce various effects on their body and judgment. Nor do they understand the relationships of food, gender, type of drink and drinking speed to BAC. The BAC calculator in the disk’s “virtual bar” addresses all these issues. It also presents warnings against underage drinking and driving; using the BAC calculator to make decisions about drinking and driving; possible alcohol-drug interactions; and other issues related to BAC.

NOTE:

- The National Highway Traffic Safety Administration (NHTSA) has reviewed the BAC Calculator in *Alcohol 101*, which is based on the NHTSA BAC Estimator, and found the calculations to be consistent with NHTSA research. (The BAC Estimator is the official source of BAC data for the U.S. Department of Transportation.)
 - Dary Fiorentino, M.A., research scientist with the Southern California Research Institute (SCRI), has also reviewed the calculator and found the calculations to be accurate and consistent with SCRI's work in this field and with other nationally recognized research. Dr. Herbert Moskowitz and Dr. Marcelline Burns, two of the country's foremost authorities on impaired driving, head SCRI, a non-profit research institute engaged in traffic safety research since 1973.
4. **Positive norming.** Research indicates that many college students overestimate how much college students drink, and some actually drink more than they would otherwise to "fit in." Research also shows that once these students become aware of the actual facts, some are likely to moderate their behavior. The host of the virtual party, an animated character named Norm, is named for this phenomenon of "positive norming."

When you log into *Alcohol 101*, you will have the option to request feedback on your drinking. Choose "Yes" and answer the questions that appear; when you exit the disk, the program will present information that compares your level of drinking and your estimates of college drinking levels with actual data as reported in an ongoing national survey of college students. This is intended to influence those students who overestimate levels of college drinking and drink excessively to fit in with their false expectations.

5. **Behavioral tools.** The three interactive video scenarios model safe decision-making skills for students, as well as showing the consequences of poor decisions. The scenarios also include role models that help students recognize when and how to intervene in various situations to protect their friends. Several of Norm's 20 Questions, items in the Rave Room, and printable documents on the disk also stress the importance of intervention and responsible decision making.

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Baseball Legend

The Century Council is a not-for-profit organization formed by concerned members of the beverage alcohol industry to stop the misuse of their products and promote responsible decision-making regarding drinking or non-drinking.

By building alliances with other private and public organizations, the Council serves as a catalyst in solving the shared community problems of drunk driving and illegal underage drinking.

The Council believes that the key to success is simple:

All it takes is everyone.

The vast majority of adults who enjoy beverage alcohol do so responsibly.

Those who drink too much—or drink when they shouldn't drink at all—are irresponsible.

And that's not acceptable.

Ever.



The Century Council
550 South Hope St., Suite 1950, Los Angeles, CA 90071-2604
Phone: 213-624-9898 Fax: 213-624-9012

FIGHTING ALCOHOL ABUSE

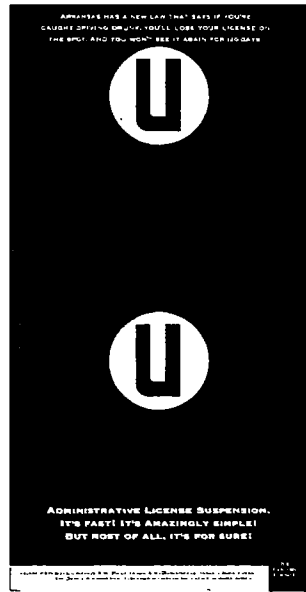
Who
wants
to
help?

THE CENTURY COUNCIL

We identify needs. We create, develop, test and debug new approaches. We refine proven strategies. We bring the most promising ideas to as many communities as possible.

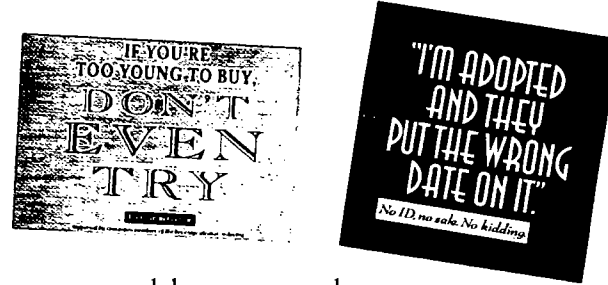
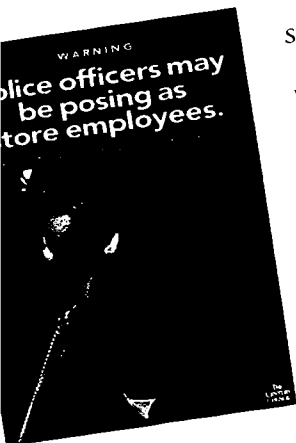
Working for tougher DUI laws.

In state after state, The Century Council has been a leader in the legislative battles for administrative license revocation, underage, zero tolerance laws and fresh, workable solutions to the persistent problem of repeat drunk drivers.



Stopping illegal underage purchases.

The Council provides programs and display materials to help the smart retailer deal with underage wannabe alcohol customers. Participating restaurants,



stores and bars can take advantage of server training, signage (and an occasional plainclothes police officer) to let kids know that — if they're looking to buy alcohol — they're looking in the wrong place.

"So, who will it be?"

Who's the designated driver? The Council has a number of proven, turnkey programs to help servers identify and reward designated drivers or to encourage customers who shouldn't drive to call a cab.

If you'd like to start a designated driver program in your area, make it easy on yourself: Borrow ours.



La Promesa and La Familia

Year after year, Hispanics — the fastest-growing segment of the nation's population — have accounted for a disproportionate number of drunk driving arrests.

The Council is helping to turn those numbers around through culturally-sensitive, comprehensive education programs. (One of our most successful partnerships involves the family, the church and a stand-up-in-front-of-everyone promise not to drive drunk.)



The long-term answer: Education

As important as prevention and treatment will continue to be in the fight against alcohol abuse, the best method is to stop the problems before they start. And the best way to do that is through education.

The Council has developed age-specific programs designed to reach separate student populations — college, high school and middle school — and we will continue to explore new opportunities for education in the home, in the workplace, in the entire community.



The Council implements its programs by listening to communities, finding high energy partners and creating coalitions of people who aren't used to working together:

Package store owners and police officers, health professionals and community leaders, college presidents and beverage distributors and — of course — parents and kids.

You Tarzan or Jane? Happy or sad? Angry or mellow? Rested or tired? And weight? There's more.

Did you have a real meal before you got here, or are you dining on just chips and dips? By the way, how old are you? And what is it that you're drinking? Are you sure?

Now there's a new way to find out. Alcohol 101 is a computer-based interactive educational tool that helps you learn about alcohol and its effects on your body. It's a fun, interactive way to learn about alcohol and its effects on your body. It's a fun, interactive way to learn about alcohol and its effects on your body.

Alcohol 101 was created by the University of Illinois at Urbana-Champaign—in partnership with The Century Council—to reduce the harm associated with the misuse of alcohol.

The university is a leader in the development of computer-based interactive educational tools and is home to the National Center for Supercomputing Applications.

University of Illinois at Urbana-Champaign

THE CENTURY COUNCIL
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For more information, contact The Century Council
550 South Hope Street, Suite 1950 / Los Angeles, California
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ALCOHOL 101SM

You had way too much to drink and messed up. Big time. You'd do anything to start over. Fine. Hit "start over."



THE CENTURY COUNCIL



Welcome to Alcohol 101sm.

You're at a party, meeting new friends, learning a little about some of them and discovering that each has brought a People-Plus-Alcohol decision to be made. With consequences.



Make a

wrong choice and see what happens. Not pretty. Then make a responsible decision. (Most times, it's amazingly easy.)

Your host is a lava lamp named

Norm. (Full name:

Positive Norm.) One part conscience, one part attitude.

His mission in life is to get you to learn about stuff you think you already know.

Visit The Rave Room for a fast-moving, ever-changing array of info on alcohol physiology. And The Reality



Three video scenarios involving party guests and "decision trees" allow users to select the characters' actions

Alcohol 101 was developed by the University of Illinois—in partnership with The Century Council—

Wall where actual campus-related tragedies and disciplinary cases come alive in video and text.

And, before you know what hit you—you've learned a ton about how to take care of yourself. And your friends.



From Point Oh-Oh to Uh-Oh. The calculator* tracks the user's drinks and blood alcohol level and time to sobriety.

to be part of a structured orientation or classroom setting. Or played (and replayed) in the privacy of the student's residence, computer lab or library.

The program gives students a set of practical

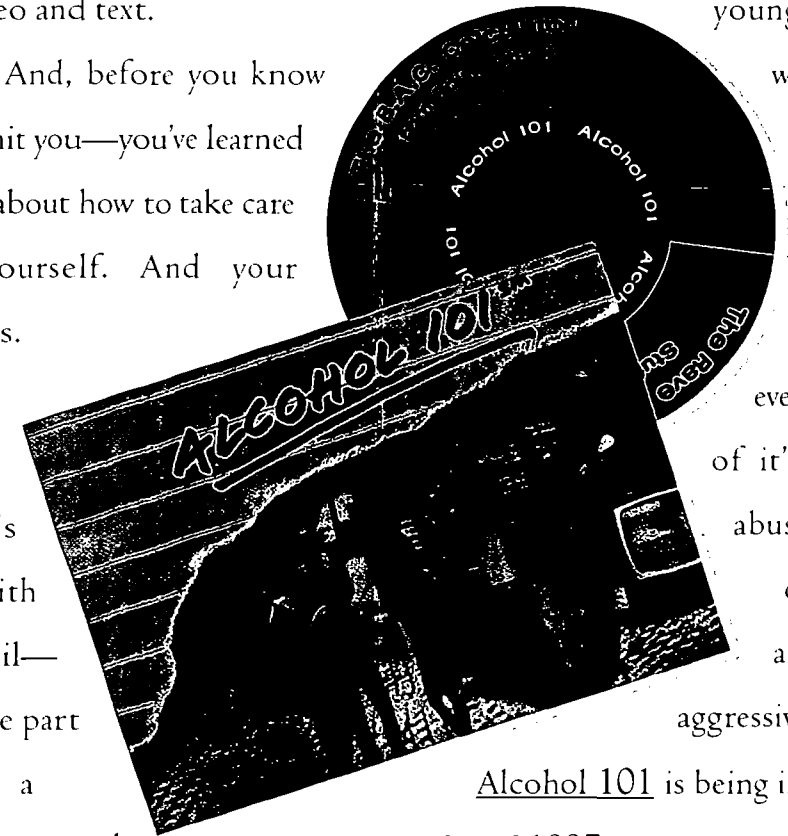
behavioral tools to maintain personal control and safety in a wide range of situations.

We can be clearer than that. College is young men, young women, some of age, some not. College is new friends, new ideas, new stuff every day. And some of it's scary: alcohol abuse, unsafe sex, drunk driving, alcohol overdose, aggressive behavior.

Alcohol 101 is being introduced in the fall of 1997, in selected institutions around the country—big, small, urban, rural, private, public—with special attention to fraternities, sororities, athletes and freshmen.

Plans are for broad national distribution in fall, 1998.

*The National Highway Traffic Safety Administration has reviewed the BAC calculator in Alcohol 101, which is based on the NHTSA BAC Estimator, and found the calculations to be consistent with NHTSA research.



UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

Office of the Dean of Students
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610 East John Street
Champaign, IL 61820

WILLIAM L. RILEY

**Dean Of Students/Associate Vice Chancellor
Biography**

Dr. William L. Riley is dean of students and associate vice chancellor at the University of Illinois at Urbana-Champaign. The university is ranked among the nation's most distinguished teaching and research institutions, and its diverse, world-class programs reflect the mission of a comprehensive, land-grant university. A world leader in computing design and applications, the University of Illinois is home to the National Center for Supercomputing Applications.

Dr. Riley, who has been with the University for 11 years, provides leadership and supervision to an array of departments delivering services and programs to students, including: counseling; career services center; financial aid; minority and international student affairs; health professions; Greek affairs; parents' programs; women's programs; leadership development and the disciplinary action. Riley's responsibilities also include coordination of campus extracurricular programs.

Dr. Riley first came to the University of Illinois in 1986, having served as Assistant Chancellor for Student Affairs and Dean of Student Life at the University of Wisconsin at Whitewater from 1981 to 1986. A prior post was as Assistant Vice Chancellor at the University of Missouri at Columbia.

Riley received his B.S. degree in Mathematics and Psychology and his M.S. degree in Counseling and Guidance from Illinois State University. His Ph.D. in

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Riley Biography
Page 2

Counseling Psychology was awarded from the University of Missouri at Columbia in 1975.

Beyond his campus involvement, Dr. Riley has served on a number of national boards in educational and civic organizations. He has conducted and supervised research in many areas of growth and development of young adults, particularly alcohol-related behavior and education.

Dr. Riley is very much concerned with the total education of the University's undergraduate students and is particularly involved in programs related to the freshman year. Because of his concern for the university's younger students and his interest in alcohol-related behavior, Dr. Riley was a natural to utilize the university's expertise in computer applications in forging a new frontier of computerized alcohol education.

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August 1997

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AT URBANA-CHAMPAIGN

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300 Turner Student Services Building, MC-306
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University of Illinois at Urbana-Champaign

Facts-At-A-Glance

- Located in east central Illinois in the twin cities of Urbana and Champaign, the University of Illinois at Urbana-Champaign is the state's flagship public university. The University is one of the original 37 public land-grant institutions created within 10 years of the signing of the Morrill Act by Abraham Lincoln in 1862.
- Since its founding in 1867, the University of Illinois at Urbana-Champaign has earned a reputation of international stature. Its distinguished faculty, breadth of academic programs and research disciplines, and a large, diverse student body constitute an educational community ideally suited for scholarship and research.
- A world leader in supercomputing design and applications, the University is home to the National Center for Supercomputing Applications, developer of the hypermedia browser Mosaic™, which revolutionized the use of the World Wide Web. Students have access to over 3,000 computer terminals in classrooms, residence halls, and campus libraries for use in classroom instruction, study and research.
- Among the University's most significant resources is its faculty. There are 88 faculty members who belong to the American Academy of Arts and Sciences, the National Academy of Sciences, or the National Academy of Engineering. Ten scientists have received the National Medal of Science, and 84 have received the National Science Foundation Young Investigator Award while on the faculty.

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University of Illinois at Urbana-Champaign

Facts-At-A-Glance

Page 2

- Of the University's more than 400,000 alumni, ten are Nobel laureates and sixteen are Pulitzer Prize winners.
- Academic resources on the campus are among the finest in the world. The University Library is the largest public university collection in the world, housing over 5.9 million items in the main library and in the more than forty departmental libraries and units. The library's computerized cataloging system was the first to serve as the primary access to a large academic library. Users can access the collections from hundreds of computer terminals placed throughout the campus. More than a million users worldwide log on to the on-line catalog each week.
- The University has a fundamental commitment to undergraduate education. About 26,000 undergraduate students are enrolled in nine undergraduate divisions, which together offer some 4,000 courses in more than 150 fields of study. The University enrolls some 10,000 graduate and professional students in more than 100 disciplines.

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leading distillers*

THE CENTURY COUNCIL

Facts-At-A-Glance

DESCRIPTION: The Century Council, funded by America's leading distillers, promotes responsible decision making regarding beverage alcohol and fights alcohol abuse, focusing on drunk driving and underage drinking problems. The Council develops and implements innovative approaches to address these problems and builds alliances with other public and private organizations. To date, the companies that fund The Century Council have invested more than \$90 million in its programs.

PRIMARY PROGRAMS:

- Education Programs
- Legislation
- Retailer Point-of-Sale Campaigns
- Cops In Shops®
- Ethnic Programs
- Community Coalition Programs
- Public Awareness

MANAGEMENT:

- **John C. Lawn**, chairman and chief executive officer
- **Stephen B. Kauffman**, chief operating officer
- **Elisabeth H. Handler**, senior vice president
- **Ralph S. Blackman**, senior vice president

-- more --

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- **General Alfred M. Gray (USMC Commandant - Retired)**, the 29th Commandant of the U.S. Marine Corps, former member of the Joint Chiefs of Staff, currently senior associate of Garber International Associates (GIA)
- **The Honorable David C. Miller, Jr.**, former U.S. Ambassador to Tanzania and Zimbabwe, currently president and chief executive officer of ParEx, Inc.
- **John J. Ring, M.D.**, past president, American Medical Association, currently on staff at Condell Medical Center, Libertyville, Ill.
- **S. Frederick Starr, Ph.D.**, distinguished fellow; former president, The Aspen Institute; currently chairman of The Paul H. Nitze School of Advanced International Studies-Central Asia Institute at Johns Hopkins University
- **The Honorable Ruth Levine Sussman**, currently a judge in the Criminal Court of Bronx County, New York; former positions included: judge in the New York City Civil Court; director, Marshals Bureau; inspector general of the Office of the Sheriff and the Office of Public Administrators for the City of New York

- **David M. Winfield**, former Major League Baseball star for twenty-three seasons; founder of the Winfield Foundation for the promotion of literacy, health and self-esteem among young people; currently sports analyst for the Fox Broadcasting Company.
-

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UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

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Champaign, IL 61820

JANET S. REIS **Associate Professor, Department of Community Health**
Biography

Dr. Janet S. Reis is an Associate Professor in the Department of Community Health at the University of Illinois at Urbana-Champaign. The University has achieved renown for the high quality of its undergraduate education and is ranked among the nation's most distinguished teaching and research institutions.

Dr. Reis, who joined the University faculty as an Assistant Professor in 1988, specializes in developing, evaluating and implementing interactive computer programs in the area of health education. Computer technology enables the professor to develop cost-effective, high-quality programs that involve the users in making choices and decisions, thereby sustaining their interest and facilitating the design of messages tailored to their individual circumstances and needs. Dr. Reis used this technology in creating programs for the National Cancer Institute to encourage use of mammography and breast self-examinations.

A visiting research scientist for the Centers for Disease Control and Prevention in Atlanta, Dr. Reis is currently completing an interactive software program designed to help in counseling African-American adolescents on condom use. Begun in early 1995, the survey-based project identified 14 barriers to the use of condoms and then developed messages for use by counselors in response to each of those barriers.

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Dr. Reis obtained a B.A. degree in Psychology from The Johns Hopkins University and a Ph.D. in the same subject area from the State University of New York at Buffalo. She was a National Institute of Mental Health post-doctoral fellow in the Department of Psychology at Northwestern University. She remained at Northwestern for five years as a Research Assistant Professor in the Department of Community Health and Preventive Medicine. For two years prior to coming to the University of Illinois, Dr. Reis was Assistant Professor in the School of Nursing at State University of New York at Buffalo.

Dr. Reis is the author of more than 60 peer-reviewed articles published in professional journals.

#



*Funded by America's
leading distillers*

JOHN C. LAWN, CHAIRMAN & CEO

Biography

On December 8, 1994, John C. Lawn was appointed chairman and CEO of The Century Council, an organization dedicated to fighting alcohol abuse, focusing on drunk driving and underage drinking problems and supported by America's leading distillers. Lawn succeeded former U.S. Ambassador to Mexico John Gavin, who had been the Council's chairman and CEO from its inception in 1990. The Council was publicly launched in May, 1991.

Lawn came to The Century Council after serving as vice president and chief of operations at the New York Yankees since 1990, following a distinguished career in law enforcement spanning more than 20 years.

Lawn led the nation's Drug Enforcement Administration (DEA) from 1985-1990, serving as administrator. He was deputy administrator from 1982-1985.

-- more --

Lawn Biography

Page 2

- As head of the DEA, Lawn coordinated the U.S. government's international and domestic anti-drug strategy.
- He directed an organization of over 6,000 employees, with offices throughout the U.S. and 43 countries, with an annual budget of more than \$600 million.
- He served for five years as the president of the International Drug Enforcement Conference, an organization of senior Latin American law enforcement officials.
- As the DEA's deputy administrator, Lawn developed the nation's first federal drug education program and coordinated the creation of what became a model minority recruitment and development program in the federal government.

In March 1990, President Bush presented Lawn with the President's Medal, the nation's highest honor for civilian service. He has also received the Edmund J. Randolph Award for Management Excellence, presented by Attorney General Dick Thornburgh, and the Attorney General's Award for Exceptional Service. Also, in 1990, Lawn was portrayed in a three-part NBC miniseries entitled "Drug Wars: The Camarena Story."

Prior to joining the DEA, Mr. Lawn served with the Federal Bureau of Investigation (FBI) from 1967 to 1982.

- As special agent in charge in San Antonio, Texas from 1980-1982, Lawn directed the successful investigation into the assassination of Federal Judge John H. Wood, Jr., an historic case which was among the most extensive investigations in FBI history.

Lawn Biography

Page 3

- Lawn supervised all FBI civil rights cases, including allegations of police brutality and color of law complaints. He was also responsible for background investigations of White House officials, federal judges and U.S. attorney nominees.
- He served in the criminal division of FBI headquarters, where he supervised Congressional review of the assassinations of Dr. Martin Luther King, Jr. and President John F. Kennedy.

From 1960 to 1967, Lawn taught high school English and history at Brooklyn Preparatory school in New York City and was named "Basketball Coach of the Year" in 1964. He was a captain in the United States Marine Corps and served on active duty from 1956-1960.

A native New Yorker, Lawn received a Bachelor of Arts from St. Francis College in Brooklyn and a Master of Arts from St. John's University. He and his wife, Virginia, have four children.

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STATE REGULATION OF ALCOHOL ADVERTISING

201 According to an FTC staff overview of state regulation of alcohol advertising, state decisions about such advertising represent "more than normal state authority" and are entitled to "great deference" because of the following section of the Twenty First Amendment:

"The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors in violation of the laws thereof, is hereby prohibited." (*U.S. Const. Amend. XXI, §2*)

However, on June 18, 1984, the United States Supreme Court did overturn an Oklahoma advertising ban that stopped cable television from retransmitting out-of-state wine advertisements. The Court said that the state in this case is preempted by a federal regulatory scheme, one designed to encourage cable diversity. The Court noted, however, that "restrictions on liquor advertising represent a reasonable, albeit limited, means of furthering temperance." (*Capital Cities Cable v. Crisp, No. 82-1795*)

Also, according to the FTC, a majority of the states and the District of Columbia have regulations addressing the advertising and promotion of alcohol. These rules "generally govern, among other things, the nature and content of advertisements in newspapers and magazines and on billboards, the types and placement of advertising signs and promotional materials by retail licensees, and the types of promotional activities in which manufacturers, wholesalers, and retailers may engage. Most incorporate the provisions of the BATF regulations, and many contain additional provisions."

A Summary of State Laws and Regulations Relating to Distilled Spirits, is available from the Distilled Spirits Council of the United States, the Legal Division, at (202) 628-3544.

(Marginal numbers 203—300, reserved)

202

SELF-REGULATION OF ALCOHOL ADVERTISING

- 301 : The major television networks (Capital Cities/ABC, NBC, CBS) all have guidelines on alcoholic beverage advertising, which are reprinted below.

302 CAPITAL CITIES/ABC GUIDELINES

For additional information, contact: Broadcast Standards and Practices, Capital Cities/ABC, 77 West 66th Street, New York, NY 10023.

Alcoholic Beverages Standard

Hard liquor (distilled spirits) advertising is unacceptable. Beer and wine advertising is acceptable, subject to federal, state, and local laws and the applicable guidelines in this Manual.

Guidelines

Hard liquor (distilled spirits) advertising is unacceptable. Beer and wine advertising is acceptable, subject to federal, state and local laws and Capital Cities/ABC policy.

I. Beer and Wines

A. Capital Cities/ABC policy requires that beer and wine advertising be presented with good taste and discretion.

B. The following is unacceptable:

1. The advertising of wine or malt beverages containing more than 24% alcohol by volume.
2. Direct or indirect references to, or depictions of, the strength of beer or wine, including statements of alcoholic content. However, general references to a reduction in alcoholic content in a given product type is acceptable, provided that there is no implication or conclusion about the safety or amount that may be consumed by reason of such reduction.
3. Presentations which give the impression of, or promote, excessive consumption of beer or wine.
4. Representations or sound effects of drinking.

5. Props or language primarily associated with hard liquor.

6. Portraying or encouraging the use of these products by young people who have not reached, or appear not to have reached, the legal drinking age. Commercial scheduling must be consistent with this Guideline.

7. Presentations which do not conform to generally accepted standards of safety, such as the use of beer or wine either before or during situations involving hazardous activities or requiring a high degree of alertness.

8. Advertisements which represent personal achievements, athletic ability, sexual attractiveness, maturity, etc., as deriving from the consumption of beer or wine.

9. Current professional athletes, or actors representing such persons, may not be employed directly or by implication.

10. Expressing or implying that the consumption of beer or wine will produce an alteration of mood.

C. Where required by law, beer and wine advertising must disclose the name and city of the brewer, producer, packer, wholesaler, or importer responsible for its broadcast.

II. Hard Liquor

The advertising of hard liquor is prohibited. Hard liquor is defined as any beverage legally classified as a distilled spirit, which includes, but is not limited to, whiskey, vodka, gin, rum, brandy, cordials, liqueurs, fortified wines, and mixed products which contain hard liquor, including liquor-based coolers, even if the percentage of alcohol is less than that contained in beer or wine.

III. Distillers and Distributors of Hard Liquor

The use of the corporate name of a distiller or distributor of hard liquor is unacceptable, except:

A. In connection with the advertising of beer and wine when it is required by law that the corporate name be included in the advertisement. In such instances, the use of the corporate name shall be limited solely to the required identification.

B. In connection with the advertising of a non-alcoholic product or service where the corporate name is part of the actual brand name of the product or service advertised and the product or service is not primarily a device to promote hard liquor.

C. In connection with the advertising of corporate messages that in no way promote hard liquor.

IV. Retailers

A. Advertising for businesses which sell liquor in addition to other products or services (liquor stores, cocktail lounges, restaurants, hotels, airlines, etc.) is acceptable provided there is no reference to, or display of, hard liquor or associated props.

B. The words "liquor" or "package" are unacceptable except when they constitute part of the retailer's name.

C. In advertising for cocktail lounges, restaurants, airlines etc., incidental general references to mixed drinks are acceptable when limited to language such as "cocktails," "mixed drinks," "drinks," or "beverages," provided beverages other than hard liquor are available.

304 *V. Mixer Products*

Advertising for mixer products is acceptable provided that there are no direct or indirect references to hard liquor. Prohibitions include, but are not limited to:

A. Reference to the use of mixers with hard liquor.

B. Names of mixer products which identifies hard liquor or mixed drinks or references to specific mixed drinks, except where such names also commonly exist as nonalcoholic products or flavors (e.g., pina colada or daiquiri).

C. The use of "cocktails" or "cocktail mix" other than as part of the product name or category.

D. The use of props or language associated with hard liquor.

E. The advertising of "bartender guides" or other publications which name the distiller and/or contain recipes for mixed drinks containing hard liquor.

NBC ALCOHOL PRODUCTS ADVERTISING GUIDELINES

For additional information, contact: Advertising Standards, National Broadcasting Company, Inc., 30 Rockefeller Plaza, New York, NY 10112.

1. The advertising of distilled spirits and products made with or derived from distilled spirits is not acceptable.

2. The advertising of beer, malt, and wine products (up to 24% alcohol content) may be acceptable only when portrayed in good taste, consistent with applicable federal and local laws and in conformance with the NBC Alcohol Products Advertising Guidelines.

3. Advertising hereunder is acceptable only when portrayed in a manner which does not encourage or sanction product abuse or misuse.

4. The use of alcohol beverages or products shall not be portrayed as being necessary to maintain social status, obtain personal achievements, relieve stress, or as a solution to personal problems.

5. Advertising shall not be addressed to, portray, or encourage the use of alcohol products by persons who are, or appear to be, below the legal drinking age.

6. Alcohol products shall not be advertised as similar to, or equated with, non-alcohol products; e.g., soda, fruit drinks, etc., which have particular appeal to adolescents or persons below the legal drinking age.

7. The use of alcohol beverages or products shall not be promoted as a "mark of adulthood" or "rite of passage."

8. Active professional athletes or prominent amateur athletes may not be depicted in advertisements covered by these guidelines. Appearance of such athletes in alcohol moderation messages will be considered on a case-by-case basis.

9. Advertising will conform to recognized safety standards. Use of alcohol beverages or products will not be represented before or during any activity requiring alertness, dexterity, and/or sober judgement. Advertising which states, suggests, or implies that autos, motorcycles, or other vehicles can be safely operated in conjunction with alcohol beverages is unacceptable.

10. On-camera consumption may not be represented or implied. Depiction or implication of excessive consumption is not acceptable.

11. Statements, references, or representations of alcohol products as "extra strength" are unacceptable.

12. Products shall not be promoted for the intoxicating effect which may be achieved by their alcohol content.

13. Advertising hereunder shall not portray excessive drinking or pronounced loss of inhibitions.

14. Advertising shall not suggest or imply that intoxication, excessive drinking, or loss of control or inhibitions, is a proper subject of humor.

15. Advertising shall not depict the use of alcohol as the sole purpose of any activity.

306 16. Advertisers are required to comply with all applicable federal, state, and municipal laws and regulations concerning the advertising of alcohol beverages. Disclosure of the name and address of the beverage producer will be mandatory in accordance with the above regulations. The corporate name of a distiller/distributor may only be used when required by law for the purpose of identification or when it is part of the brand name of an acceptable product. It shall be the responsibility of the advertiser to ensure compliance with all legal requirements.

17. Advertising by retail liquor outlets for beer and/or wine products is acceptable provided there is no aural or visual reference to products otherwise unacceptable under these guidelines.

18. Advertising for establishments and other businesses which primarily offer non-alcohol products and services, e.g., restaurants and airlines, may make limited and incidental references to the availability of "cocktails."

19. Advertising of drinks mixed with distilled spirits or references to them are not acceptable.

20. Products which may be used with distilled spirits are acceptable providing there is no direct or implied reference to distilled spirits or to the names of drinks associated with them. For example, references to "Bloody Mary," "Martini," "Screwdrivers," etc., are not acceptable.

21. Glassware and other props normally associated with distilled spirits or specific hard liquor drinks are not acceptable except in connection with the limited and incidental references permitted under Guideline 18 above.

22. Advertisements that present messages which alert the public to the dangers of alcohol abuse will be reviewed on a case-by-case basis.

CBS ADVERTISING GUIDELINES

For additional information, contact: CBS Advertising, 51 West 52nd Street, New York, NY 10019.

Alcoholic Beverages

The advertising of hard liquor (distilled spirits) is not acceptable. The advertising of beer and wine is acceptable only when presented tastefully and responsibly. Acceptance of advertising is subject to federal and local laws.

Beer/Wine

- References, direct or implied, to excessive consumption are unacceptable.
- Representations to the potency of beer or wine, direct or implied, are unacceptable.
- Advertisements for beer or wine may not encourage use of these products by young people.
- The use of alcoholic beverages may not be presented in a context involving the performance of hazardous activities or activities which require a degree of alertness.
- There must be an affirmative disclosure of the name and address of the brewer, producer, packer, wholesaler, or importer when required by law.

Mixer Products

- Products which may be used or mixed with liquor may be advertised but there may be no reference to their use with hard liquor.
- The use of the words "cocktail beverages" is acceptable.

Reduced or Low Alcohol Malt or Wine Products

- Statements of reduced alcohol content are now acceptable for malt products that contain less than 2.5 percent and for wine products that contain less than 7 percent alcohol.

- Labeling and advertising for reduced or low alcohol malt or wine products may use statements comparing the

alcohol content of the reduced product to the alcohol content of the same regular product.

- Such comparative statements may not specify the actual alcohol content of either of the products being compared.

(Marginal numbers 309—400, reserved)

INDUSTRY/TRADE GROUPS: VOLUNTARY CODES

- 401 The major industry associations have voluntary advertising codes setting out guidelines for alcoholic beverage advertising. The complete text of the codes for distilled spirits, beer, and wine are printed in this section under their respective headings. An FTC summary of the key provisions of these codes follows.

402 **THE MAJOR TRADE GROUPS AND
INDUSTRY SELF-REGULATION**

The most widely known code restrictions are the prohibition on distilled spirits ads on television or radio and the taboo on the actual drinking of alcohol in commercials. Some of the codes also discourage appeals to children, the use of sexuality, the exploitation of women, and the use of bad taste. For example, the *Code Of Good Practice*, adopted in 1975 by the Distilled Spirits Council of the United States (DISCUS) contains statements like, "all advertisements of distilled spirits shall be modest, dignified and in good taste."

Further, DISCUS has established a code review board consisting of five members that considers complaints lodged by its members or other interested parties. The findings of the board are communicated to the responsible advertiser and, if appropriate, to all members of the Board of Directors of DISCUS.

Guidelines for beer advertising were first adopted in 1975 by the United States Brewers Association (U.S.B.A.). The Beer Institute, which now represents the beer industry at the producer's level, discourages ads

in its *Advertising and Marketing Code* that contain appeals for overindulgence, links to dangerous or criminal activities, depictions of loss of self-control, even slightly lewd or obscene material, the use of young models, and the depiction of unkempt taverns.

The Wine Institute's *Code of Advertising Standards*, adopted in 1978, disallows ads that suggest excessive drinking and the use of wine in conjunction with dangerous activities and driving. The code discourages: "any attempt to suggest that wine directly contributes to success or achievement.... Wine shall not be presented as being essential to personal performance, social attainment, achievement, success or wealth." The use of wine for personal problem solving, social acceptance, or entertainment is also prohibited. More specifically, the Code generally requires that the use of wine be depicted in association with a meal-type setting. The Wine Institute additionally bars strategies that appeal to youth, *i.e.*, young models, youth music, and celebrities, as well as placing ads in "youth-oriented media."

The trade association codes are voluntary. The association members, however, must agree to abide by the guidelines of the codes as a condition for membership in the respective associations. Although voluntary, these codes help industry to avoid practices that might be misleading, or that otherwise might be objectionable. [End excerpted text.]

(Marginal numbers 403—500, reserved)

DISTILLED SPIRITS

501

DEFINITION AND CLASSES

Distilled spirits are defined at 27 CFR 5.11, and classes and types are listed at 5.22. Products which have no standards or identity (or class and type) must be labeled with a statement of composition. Advertisements must include the complete class and type designation required by ATF to appear on the label of the product.

Examples of incomplete designations which could be challenged by ATF include a product advertised as "scotch" which must be labeled and advertised as "blended Scotch whisky." Another incomplete designation in an ad would be a partial statement of composition which omits information that must be on the label. For example, a product labeled "ABC Cocktail, made with rum, Tequila, natural flavors and certified color" which is advertised as "ABC Cocktail, made with rum and Tequila" would be incorrectly advertised.

502

USE OF ATHLETES, AGE REFERENCES

Printed below is the excerpted text of a 1954 ruling on use of athletic activities and references to athletic skill in distilled spirits advertising. Under ATF policy, (see section 6b), the principles enunciated here are applied to all alcoholic beverages.

The ruling also addresses age or maturity claims.

REV. RUL. 41-326

.... Section 64(a) of Regulation No. 5 prohibits the appearance in distilled spirits advertising of any statement that is false or misleading in any material particular. Section 64(d) prohibits any representation as to curative or therapeutic effect that is false or tends to create a misleading impression. Illustrations in advertising portraying athletic activities in connection with the advertised product, such as an illustration of a handball player drinking or preparing to drink the advertised product, are misleading in that they convey the erroneous impression that the use of the product is conducive to the development of athletic skill or physical prowess and the advertisement, therefore, violates the regulations.

Section 64(c) provides in part that if an advertisement of distilled spirits contains any statement or representation concerning age or maturity, it shall include all parts

of the statement if any concerning age and percentages are required to be made on the label of the advertised product.

In view of this provision, it is held that a blended whisky advertisement which contains the statement "Compare the Age" must be revised either by eliminating this reference or by adding to it the age statement required to appear on the label of the product. (27 U.S.C. 205; 27 CFR 5.64)

ADVERTISING REGULATIONS

503

Following is the text of ATF regulations for the advertising of distilled spirits.

PART 5 SUBPART H

ADVERTISING OF DISTILLED SPIRITS

(27 CFR 5, as amended 49 FR 31673, Aug. 8, 1984, effective Sept. 7, 1984)

§5.61 Application.

No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler of distilled spirits, directly or indirectly or through an affiliate, shall publish or disseminate or cause to be published or disseminated by radio or television broadcast, or in any newspaper, periodical, or any publication, by any sign or outdoor advertisement, or any other printed or graphic matter, any advertisement of distilled spirits, if such advertising is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with §§5.61-5.66 of this part. Provided, that such sections shall not apply to outdoor advertising in place on (effective date of this treasury decision), [Sept. 7, 1984] but shall apply upon replacement, restoration, or renovation of any such advertising; and provided further, that such sections shall not apply to a retailer or the publisher of any newspaper, periodical, or other publication, or radio or television broadcast, unless such retailer or publisher or radio or television broadcaster is engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler of distilled spirits, directly or indirectly, or through an affiliate. [Amended at 49 FR 31673, Aug. 8, 1984]

504 §5.62 Definition.

As used in §§5.61-5.66 of this part, the term "advertisement" includes any written or verbal statement, illustration, or depiction which is in, or calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, whether it appears in a newspaper, magazine, trade booklet, menu, wine card, leaflet, circular, mailer, book insert, catalog, promotional material, sales pamphlet, or in any written, printed, graphic, or other matter accompanying the bottle, representations made on cases or in any billboard, sign, other out-door display, public transit card, other periodical literature, publication, or in a radio or television broadcast, or in any other media; except that such term shall not include:

(a) Any label affixed to any bottle of distilled spirits; or any individual covering, carton, or other container of the bottle which constitute a part of the labeling under §§5.31-5.42 of this part.

(b) Any editorial or other reading material (i.e., news release) in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any permittee, and which is not written by or at the direction of the permittee. [Amended at 49 FR 31673, Aug. 8, 1984]

§5.63 Mandatory statements.

(a) *Responsible advertiser.* The advertisement shall state the name and address of the permittee responsible for its publication or broadcast. Street number and name may be omitted in the address.

(b) *Class and type.* The advertisement shall contain a conspicuous statement of the class to which the product belongs and the type thereof corresponding with the statement of class and type which is required to appear on the label of the product.

(c) *Alcohol content.* (1) *Mandatory statement.* The alcohol content for distilled spirits shall be stated in percent-alcohol-by-volume. Products such as "Rock and Rye" or similar products containing a significant amount of solid material shall state the alcohol content at the time of bottling as follows: "Bottled at _____ percent-alcohol-by-volume."

(2) *Optional statement.* In addition, the advertisement may also state the alcohol content in degrees of proof if this information appears in direct conjunction (i.e. with no intervening material) with the statement expressed in percent-alcohol-by-volume. If both forms of alcohol content are shown, the optional statement in

degrees of proof shall be placed in parentheses, in brackets, or otherwise distinguished from the mandatory statement in percent-alcohol-by-volume to emphasize the fact that both expressions of alcohol content mean the same thing.

(d) *Percentage of neutral spirits and name of commodity.* (1) In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled. The statement of percentage and the name of the commodity shall be made in substantially the following form: "_____ % neutral spirits distilled from _____ (insert grain, cane products, or fruit, as appropriate)"; or "_____ % neutral spirits (vodka) distilled from _____ (insert grain, cane product, or fruit, as appropriate)"; or "_____ % grain (cane products), (fruit) neutral spirits"; or "_____ % grain spirits."

(2) In the case of neutral spirits or of gin produced by a process of continuous disillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled. The statement of the name of the commodity shall be made in substantially the following form: "Distilled from gain," or "Distilled from cane products," or "Distilled from fruit."

(e) *Exception.* (1) If an advertisement refers to a general distilled spirits line or all of the distilled spirits products of one company, whether by the company name or by the brand name common to all the distilled spirits in the line, the only mandatory information necessary is the name and address of the responsible advertiser. This exception does not apply where only one type of distilled spirits is marketed under the specific brand name advertised.

(2) On consumer specialty items, the only information necessary is the company name or brand name of the product. [Amended at 49 FR 31674, Aug. 8, 1984; 51 FR 36394, Oct. 10, 1986]

§5.64 Legibility of mandatory information.

(a) Statements required under §5.61-5.66 of this part to appear in any written, printed, or graphic advertisement shall be in lettering or type size sufficient to be conspicuous and readily legible.

(b) In the case of signs, billboards, and displays the name and address of the permittee responsible for the advertisement may appear in type size of lettering smaller than the other mandatory information, provided such in-

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formation can be ascertained upon closer examination of the sign or billboard.

(c) Mandatory information shall be so stated as to be clearly a part of the advertisement and shall not be separated in any manner from the remainder of the advertisement.

(d) Mandatory information for two or more products shall not be stated unless clearly separated.

(e) Mandatory information shall be so stated in both the print and audio-visual media that it will be readily apparent to the persons viewing the advertisement. [Added at 49 FR 31674, Aug. 8, 1984]

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§5.65 Prohibited practices.

(a) *Restrictions.* An advertisement of distilled spirits may not contain:

(1) Any statement that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter tends to create a misleading impression. [Amended at 49 FR 31667, Aug. 8, 1984]

(2) Any statement that is disparaging of a competitor's product.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the Director finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guarantee, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Money-back guarantees are not prohibited.

(6) Any statement that the distilled spirits are distilled, blended, made, bottled, or sold under or in accordance with any municipal, State, Federal, or foreign authorization, law, or regulation, unless such statement appears in the manner authorized by §5.42 for labels of distilled spirits. If a municipal, State or Federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) The words "bond," "bonded," "bottled in bond," "aged in bond," or phrases containing these or synony-

mous terms, unless such words or phrases appear, pursuant to §5.42, on labels of the distilled spirits advertised and are stated in the advertisement in the manner and form in which they are permitted to appear on the label.

(8) The word "pure" unless:

(i) It refers to a particular ingredient used in the production of the distilled spirits, and is a truthful representation about the ingredient; or

(ii) It is part of the bona fide name of a permittee or retailer from whom the distilled spirits are bottled; or

(iii) It is part of the bona fide name of the permittee who bottled the distilled spirits.

(9) The words "double distilled" or "triple distilled" or any similar terms unless it is a truthful statement of fact; except that "double distilled" or "triple distilled" shall not be permitted in advertisements of distilled spirits produced by the redistillation method when a second or third distillation step is a necessary distillation process for the production of the product.

(b) *Statements inconsistent with labeling.* (1) Advertisements shall not contain any statement concerning a brand or lot of distilled spirits that is inconsistent with any statement on the labeling thereof.

(2) Any label depicted on a bottle in an advertisement shall be a reproduction of an approved label.

(c) *Statement of age.* The advertisement shall not contain any statement, design, or device directly or by implication concerning age or maturity of any brand or lot of distilled spirits unless a statement of age appears on the label of the advertised product. When any such statement, design, or device concerning age or maturity is contained in any advertisement, it shall include (in direct conjunction therewith and with substantially equal conspicuousness) all parts of the statement, if any, concerning age and percentages required to be made on the label under the provisions of §§5.31 through 5.42. An advertisement for any whisky or brandy (except immature brandies) which is not required to bear a statement of age on the label or an advertisement for any rum or tequila, which has been aged for not less than 4 years may, however, contain inconspicuous, general representation as to age, maturity or other similar representations even though a specific age statement does not appear on the label of the advertised product and in the advertisement itself.

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(d) *Curative and therapeutic claims.* Advertisements shall not contain any statement, design, representation, pictorial representation, or device representing that the use of distilled spirits has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

(e) *Place of origin.* The advertisement shall not represent that the distilled spirits were manufactured in or imported from a place or country other than that of their actual origin, or were produced or processed by one who was not in fact the actual producer or processor.

(f) *Confusion of brands.* Two or more different brands or lots of distilled spirits shall not be advertised in one advertisement (or in two or more advertisements in one issue of a periodical or newspaper, or in one piece of other written, printed, or graphic matter) if the advertisement tends to create the impression that representations made as to one brand or lot apply to the other or others, and if as to such latter the representations contravene any provisions of this subpart or are in any respect untrue.

(g) *Flags, seals, coats of arms, crests, and other insignia.* An advertisement shall not contain any statement, design, device, or pictorial representation which the Director finds relates to, or is capable of being construed as relating to the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or armed forces; nor shall any advertisement contain any statement, design, device or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

(h) *Deceptive advertising techniques.* Subliminal or similar techniques are prohibited. "Subliminal or similar techniques," as used in this part, refers to any device or technique that is used to convey, or attempts to convey, a message to a person by means of images or sounds of a very brief nature that cannot be perceived at a normal level of awareness. [Amended at 49 FR 31674, Aug. 8, 1984]

§5.66 Comparative advertising.

(a) *General.* Comparative advertising shall not be disparaging of a competitor's product.

(b) *Taste tests.* Taste test results may be used in ad-

vertisements comparing competitors' products unless they are disparaging, deceptive, or likely to mislead the consumer.

(2) The taste test procedure used shall meet scientifically accepted procedures. An example of a scientifically accepted procedure is outlined in the *Manual on Sensory Testing Methods*. ASTM Special Technical Publications 434, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, ASTM, 1968, Library of Congress Catalog Card Number 68-15545.

(3) A statement shall appear in the advertisement providing the name and address of the testing administrator. [49 FR 31674, Aug. 8, 1984] [End of text]

VOLUNTARY INDUSTRY CODE

508

The Distilled Spirits Council of the United States, Inc. (DISCUS) has adopted a code of voluntary guidelines for advertisers in order "to restrict advertising of distilled spirits to responsible adult consumers, to avoid advertising and promotion or sale of distilled spirits to minors, and to provide guidelines to ensure that such advertising is presented in a tasteful and dignified manner."

The Council also has established a Code Review Board. Questions about interpretations of the guidelines and complaints pertinent to the code should be addressed to the Board in care of The Legal Division of the Distilled Spirits Council, 1250 Eye Street, N.W., Suite 900, Washington, D.C. 20005; (202) 628-3544.

The DISCUS Code, revised in January 1995, is reproduced below, preamble omitted.

CODE OF GOOD PRACTICE OF THE DISTILLED SPIRITS COUNCIL OF THE UNITED STATES, INC.

509

I. Advertising

A. Distilled Spirits should not be advertised:

1. By means of radio or television, including both public and private closed circuit TV; except that this subparagraph shall not apply to closed circuit TV in hotels, airplanes, and licensed, on-premises establishments such as restaurants; this subparagraph also shall not apply to the advertising of spirits coolers

2. On the comic pages of newspapers, magazines, or other publications;
3. In publications devoted primarily to religious topics;
4. In any manner directed or primarily intended to appeal to persons below the legal drinking age;
5. On the screen of motion picture theaters or similar assemblies.

B. No advertisement of distilled spirits should contain advertising copy or an illustration unless it is dignified, modest, and in good taste. In addition, no advertisement should claim sexual or physical prowess as a result of the consumption of distilled spirits.

C. Members should not, directly or indirectly, provide any compensation for advertising "plugs" on radio, television.

D. No advertisement of distilled spirits should contain the name of or depict Santa Claus or any Biblical character.

E. No advertisement of distilled spirits should depict a child or immature person, portray objects (such as toys) suggestive of the presence of a child, or in any manner be designed to be especially appealing to children or immature persons.

F. All advertisements of distilled spirits should be modest, dignified, and in good taste.

II. Good Faith Compliance

The provisions of this Code should not be violated or evaded through subterfuge or indirection, such as through institutional advertising and/or program sponsorship.

Financial support of or contributions to charitable organizations or events and to public broadcasting and public telecommunications entities as defined in Title 47 of the United States Code are approved where the contribution is publicly acknowledged by the recipient by reference only to the name of the grantor making the contribution. The name of the grantor may include a brand name but should not include a class or type or other product description (e.g. The XYZ Whiskey Distilling Com-

pany or XYZ Whiskey). In the case of contributions to public broadcasting and public telecommunications entities the contributor should specify that the acknowledgment is to be made when the audience in the principal broadcast area is likely to be composed primarily of persons above the legal drinking age.

A spirits cooler is a beverage containing not more than 7% alcohol by volume, prepared from the admixture of spirits with water and/or dairy products and/or fruit or vegetable juices, to which may be added natural and/or artificial flavors, sweetening agents and/or food additives, and which may be carbonated.

III. Members Subscribe

The members of DISCUS voluntarily subscribe to this Code.

IV. Jurisdiction

This Code is applicable to the states of the United States only.

V. Code Review Board

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 serve for a term of not more than three (3) years and shall, upon the vote of a majority of the members of the Board of Directors, be succeeded by another member of the Board of Directors who has not served as a member of the Code Review Board for a period of at least two (2) years.

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.

(Marginal numbers 511—600, reserved)

105TH CONGRESS
1ST SESSION

H. RES. 171

IN THE HOUSE OF REPRESENTATIVES

Mr. KENNEDY of Massachusetts submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

To urge the Federal Communications Commission to commence an inquiry on distilled spirits advertising on television and radio.

Whereas for forty-eight years, the distilled spirits industry followed a self-imposed voluntary ban against advertising their products on television or radio;

Whereas in June 1996, a distiller began airing 30-second televised commercials for a popular whisky brand, marking the first major break with the voluntary industry ban;

Whereas in November 1996, the Distilled Spirits Council ended its voluntary ban which had served the public interest since 1948;

Whereas the number of distillers advertising their products on television and radio continues to increase;

Whereas alcohol is a factor in the 3 leading causes of death for 15 to 24-year olds (accidents, homicides, suicides);

Whereas alcohol accounts for more than 100,000 deaths each year;

Whereas a recent nationwide poll found that ⁶⁹~~71~~ percent of American adults support a Federal Government investigation of the impact of television and radio advertising of alcoholic beverages on teens and children;

Whereas the Federal Communications Commission has the responsibility to ensure that the public interest is served by uses of the public airwaves;

Whereas a Federal Communications Commission review of the effects of the introduction of distilled spirits advertising on public airwaves would produce a factual record that would be useful to Congress, the Administration, as well as the public; and

Whereas the President, the Attorney General, Members of Congress, numerous States, and hundreds of public interest groups and individuals have asked the Federal Communications Commission to examine various issues raised by the introduction of distilled spirits advertising on television and radio: Now, therefore, be it

1 *Resolved*, That the Congress of the United States
2 urges the Federal Communications Commission to issue
3 a notice of inquiry to seek comment and gather facts relat-
4 ed to issues raised by the introduction of distilled spirits
5 advertising on television and radio, with a particular focus
6 on the effects of such advertisements on children and teen-
7 agers.

Getting the Alcohol Industry to the Table:
(a range of options for action)

Alcohol
RW

I. ATF (Bureau of Alcohol, Tobacco, and Firearms)

- * Revising Rule 95-2 to strengthen athlete and motor vehicle provisions
- * No cartoon characters and animals
- * Improve health warning labels (size, legibility, horizontal, contrasting colors, larger type)
- * Require counter ads during sports programming
- * Regulations regarding age appearance of models in ads

II. FCC (Federal Communications Commission)

- * Gore Commission (Advisory Committee on Public Interest Obligations of Digital TV)
-- requirements relating to alcohol ads and protecting children (counter ads?)
- * Expanded Notice of Inquiry (currently only looking at issues related to the introduction of distilled spirits advertising on TV)

III. FTC (Federal Trade Commission)

- * Endorse FTC workshop on alcohol marketing (voluntary, brings interests together, platform for issues, gives tool for recommendation to Congress)
- * Internet regulations of industry web sites
- * Broad investigation of youth reached by alcohol ads during sporting events
- * Push H.R. 1976 / weighing in on CJS study language -- reporting to Congress on trends in alcohol marketing practices used to hook youth

IV. Legislative Fixes

- * Push H.R. 1981 -- a bill to amend the IRS Code of 1986 to eliminate tax deductions for advertising and promotions related to alcohol beverages (raises \$700 million each year)
- * Propose legislation to add language to the current warning on container labels, "If you drink too much alcohol too fast, you can die of alcohol poisoning." -- response to national tragedy of binge drinking deaths on college campuses
- * Push H.R. 1980, "College Campus Alcohol Abuse Prevention and Education Act," to end alcohol promotions and event sponsorship of on-campus events -- reauthorization of Higher Education Act this Congress

V. Other

- * ONDCP (Office of National Drug Control Policy)
-- expand \$175 million federal campaign to deglamorize illicit drugs to include alcohol
- * White House Conference
-- "Changing the Culture of Drinking on College Campuses"

VI. Limit Alcohol from being near schools, being near schools.
→ Baltimore has it. 4th Circuit upheld.
Anheuser-Busch challenged. Anheuser-Busch vs. Schmale.

I. CHILDREN'S PROTECTION FROM ALCOHOL ADVERTISING

New advertising requirements would be placed on the alcohol beverage industry that:

- 1) prohibit alcoholic beverages from being advertised or promoted on any audio tape, audio disc, videotape, video arcade game, computer game, or in film (except for industry-trade oriented materials). No outdoor advertising of alcoholic beverages may be located within 1000 feet of any school, playground, or other public facility where individuals under the age of 21 are reasonably expected to convene.
- 2) restrict alcohol advertising in publications with a youth readership (under 21) of 15% or more than 2 million, whichever is less, to text only advertising in black and white print.
- 3) restrict alcohol advertising on television during the hours of 7:00 a.m. to 10:00 p.m. to a picture of the product only with a voice-over that may include information about the product and where it may be purchased.

II. ALCOHOL ADVERTISING ACCOUNTABILITY

The Federal Trade Commission (the agency which regulates unfair and deceptive advertising) would be required to report annually to the Congress on alcohol advertising, its profile, and its effects and to make any recommendations for legislative response to such findings.

The Secretary's report would be developed on the basis of work conducted by a panel of federal agency experts that will convene public hearings in each of the regional offices of the Department of Health and Human Services over a 5 year period beginning on the date of enactment of this Act.

The content of the report would include:

- 1) an identification of: the media used by alcohol advertising to reach children and the types and themes of alcohol advertising in all media; the total expenditures for alcoholic beverage advertising in each media and in promotions; the extent to which media program audiences are under the age of 21; any graphics, slogans, children's characters, and techniques that appeal to youth; and the extent to which other promotional efforts used to market alcoholic beverages -- such as clothing, sporting events, contests, etc. -- appeal to individuals under the age of 21;
- 2) a determination of the extent to which young people are exposed to alcohol advertising and promotions of alcoholic beverages;
- 3) an evaluation of the relationship between alcohol advertising practices and underage drinking, drunk driving, and related public health problems; and

- 4) an evaluation of alcohol industry sponsored campaigns addressing public service and prevention messages for underage drinking, drunk driving, and other alcohol-related topics.

III. EDUCATION: ALCOHOL ABUSE PREVENTION ON COLLEGE CAMPUSES

Funds would be made available to colleges and universities, in the form of competitive grants, to develop and implement effective programs for alcohol abuse prevention and education (including treatment referral). A National Recognition Award is also established that would highlight 10 of these exemplary programs.

In addition, new requirements are designed in order for colleges and universities to be eligible for federal funds. Institutions of higher education would be required to:

- 1) prohibit the distribution of any promotional material that encourages the consumption of alcoholic beverages on campus;
- 2) prohibit the distribution of free alcoholic beverages for promotional purposes on campus;
- 3) prohibit the on-campus sponsorship or public support of any on-campus athletic, musical, cultural, or social program, event, or competition by any alcoholic beverage company or by any group of such companies; and,
- 4) limit alcoholic beverage advertisements in the institution of higher education's newspapers and other publications to price and product information.

IV. END CORPORATE WELFARE FOR ALCOHOL INDUSTRY

The Internal Revenue Code of 1986 would be amended to eliminate tax deductions for advertising and goodwill expenditures relating to alcohol beverages. This policy could generate nearly \$700 million/year in additional tax revenues.

The Agricultural Trade Act of 1978 would be amended to prohibit any federal funds that are appropriated for the Market Access Program (under the USDA) to be used to promote the sale or export of alcohol or alcoholic beverages overseas.

V. SENSIBLE ADVERTISING AND FAMILY EDUCATION (SAFE)

The bill would require one of six rotating warnings on all alcohol advertisements, including, broadcast (radio and television), print, billboards, and in-store displays. At the end of every warning, a toll-free number would be displayed so that consumers can obtain additional information on alcohol use and abuse.

The six warnings include:

1. Alcohol is a drug and may be addictive.
2. Don't mix alcohol with over-the-counter, prescription, or illicit drugs.
3. Drinking too much alcohol increases your risk of high blood pressure, liver disease, and cancer.
4. Drive sober. If you don't, you could lose your driver's license or even your life.
5. If you are pregnant, don't drink alcohol. Alcohol may cause mental retardation and other birth defects.
6. If you drink too much alcohol too fast, you can die of alcohol poisoning.

VI. TRUTH IN ALCOHOL BEVERAGE LABELING:

The bill would amend the Federal Food, Drug, and Cosmetic Act to require alcohol beverage labels to disclose the container's alcohol content by volume in a non-promotional manner; disclose the number of drinks per container; require label information to be located in a conspicuous place, in legible type, and offset by borders; and require the label to display a toll-free number so that consumers can obtain additional information on alcohol use and abuse.

The bill would also specify what a "drink" is by defining it as a serving of malt beverage, wine, or distilled spirit which contains 0.6 ounces of alcohol by volume.

H.R. 1980, the "College Campus Alcohol Abuse Prevention and Education Act."

Under this bill, funds would be made available to colleges and universities, in the form of competitive grants, to develop and implement effective programs for alcohol abuse prevention and education (including treatment referral). A National Recognition Award is also established that would highlight 10 of these exemplary programs.

In addition, new requirements are designed in order for colleges and universities to be eligible for federal funds. Institutions of higher education would be required to:

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DRAFT

DEVELOPING A RESPONSIBLE CODE OF PRACTICE FOR ALCOHOL ADVERTISEMENTS ON TV AND RADIO

Problem:

Alcohol use and abuse among our children is on the rise. Alcohol-related deaths are the number one killer of people under the age of 24. Alcohol kills more than 100,000 people each year, five times as many as the death toll from illicit drugs. There are approximately 18 million alcoholics or problem drinkers in this country, 4 million of whom are minors.

Our nation spends \$15 billion a year fighting a war on drugs in this country. Yet each year, alcoholic beverage companies spend over \$2 billion to advertise and promote their products, with some of the most expensive, clever, and amusing ads -- many of which have a strong market appeal to youthful audiences.

A June 1997 national public opinion poll found that 66% of adults believe that alcohol advertising on radio and TV influences teen drinking. And 78% were opposed to alcohol advertising that is shown on programs where at least one-fourth of the audience is under 21 years of age.

Solution:

Convene a meeting between the alcohol industry, broadcasters, Gore/Kennedy/Watts to develop a code of kid-friendly standards for alcohol advertising that the industry and broadcasters will voluntarily support. Guidelines for consideration would include:

1. **Content** -- what images are used to sell the product?
2. **Frequency** -- how often are the ads shown each day?
3. **Timing** -- at what hours should the ads be shown?
4. **Program Placement** -- what television shows are sandwiched in between the ads?
5. **Balanced Messages** -- some deliberation should be given to the issue of balancing advertisements promoting alcohol consumption with public information messages about the risks of alcohol use by minors.

National Assoc Beer Wholesalers

105TH CONGRESS
1ST SESSION

H. RES. 171

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Whereas the number of distillers advertising their products on television and radio continues to increase;

H.RES. 171

Calls on the Federal Communications Commission to issue a Notice of Inquiry to examine the effects of hard liquor advertising on children.

H. RES. 321

THE COLLEGIATE INITIATIVE TO REDUCE BINGE DRINKING

Calls on college and university administrators to adopt a code of principles (outlined in the legislation) in order to change the culture of alcohol consumption on college campuses.

REPORT LANGUAGE IN FY 98

LABOR/HHS APPROPRIATIONS BILL

Secured a bipartisan compromise with the Chairman of the Subcommittee to fund the Center for Substance Abuse Prevention (CSAP) at a \$3 million increase, and included report language calling for CSAP to contract with the National Institute of Alcohol Abuse and Alcoholism to fund a study on the effects of televised alcohol advertising on youth alcohol consumption.

CONFERENCE REPORT LANGUAGE IN FY 98

COMMERCE/JUSTICE/STATE APPROPRIATIONS BILL

Secured a bipartisan compromise to increase funding for the Federal Trade Commission by \$1.5 million to do a study on trends in alcohol advertising and report back to Congress.

The following language was included in the report:

The conferees are aware of concerns about the impact of alcohol advertising on underage drinking, and understand that the FTC is engaged in the ongoing monitoring of the advertising and marketing practices of manufacturers of beverage alcohol. The conferees expect the FTC to emphasize these activities, investigate when problematic practices are discovered, encourage the development of effective voluntary advertising codes, and report their findings back to the Committees on Appropriations.

**CONGRESSMAN JOE KENNEDY'S
COMPREHENSIVE ALCOHOL ABUSE PREVENTION BILL
H.R. 1982**

SUMMARY

This omnibus alcohol policy bill is designed to address a variety of issues in the areas of education, taxes and subsidies, advertisements, and beverage labeling that involve alcohol, its use and abuse.

The bill would:

- establish new requirements for alcohol advertising that targets young audiences,
- require a federal agency report to Congress identifying trends in alcohol advertising,
- provide incentives to colleges and universities to develop and implement alcohol abuse prevention programs on their campuses, and make receipt of federal funds contingent upon a prohibition on the distribution of free promotional alcoholic beverages, materials, or event sponsorship by alcoholic beverage companies on campuses,
- eliminate the tax deductibility of alcohol advertising and promotions,
- eliminate current federal subsidies for alcohol promotions overseas,
- require health warnings on print, radio, and television alcohol advertisements,
- require alcohol beverage container labels to disclose alcohol content by volume and the number of drinks per container.

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Alcohol

COMPREHENSIVE ALCOHOL ABUSE PREVENTION ACT
(H.R. 1982)

1. Establishes strict new limits on alcohol advertising on TV, radio, magazines, and billboards that target young audiences
2. Requires health warnings on all alcohol advertisements (SAFE bill)
3. Eliminates the tax deductibility of alcohol ads and promotions (raises \$700 million)
4. Prohibits promotional campaigns by alcohol companies on college campuses
5. Requires a federal agency report to Congress that identifies trends in alcohol advertising, especially as it relates to children

JUST SAY NO ACT
(H.R. 1067)

Bans hard liquor advertisements from television and radio, in effect codifying the voluntary ban the industry saw fit to place on itself for almost 50 years.

VOLUNTARY ALCOHOL ADVERTISING STANDARDS FOR CHILDREN ACT
(H.R. 1292)

Provides an anti-trust exemption so that television broadcasters can come together to devise a new code of "kid-friendly" standards for alcohol advertising.

While the legislation does not prescribe or mandate what the final code should look like, it does lay out five general guidelines for consideration:

1. **Content** -- what images are used to sell the product?
2. **Frequency** -- how often are the ads shown each day?
3. **Timing** -- at what hour should the ads be shown?
4. **Program Placement** -- What television shows are sandwiched in between alcohol advertisements?
5. **Balanced Messages** -- Some deliberation should be given to the issue of balancing advertisements promoting alcohol consumption with public information messages about the risks of alcohol use by minors.

This bill would give the broadcasters one year to develop their code. The FCC is required to approve the code before it is implemented, seeking public comment. If after one year, the broadcasters fail to develop their own standards, the FCC is given the authority to impose their own code, using the same five guidelines.

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4) an evaluation of alcohol industry sponsored campaigns addressing public service and prevention messages for underage drinking, drunk driving, and other alcohol-related topics.

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Funds would be made available to colleges and universities, in the form of competitive grants, to develop and implement effective programs for alcohol abuse prevention and education (including treatment referral). A National Recognition Award is also established that would highlight 10 of these exemplary programs.

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Clinton Presidential Records Digital Records Marker

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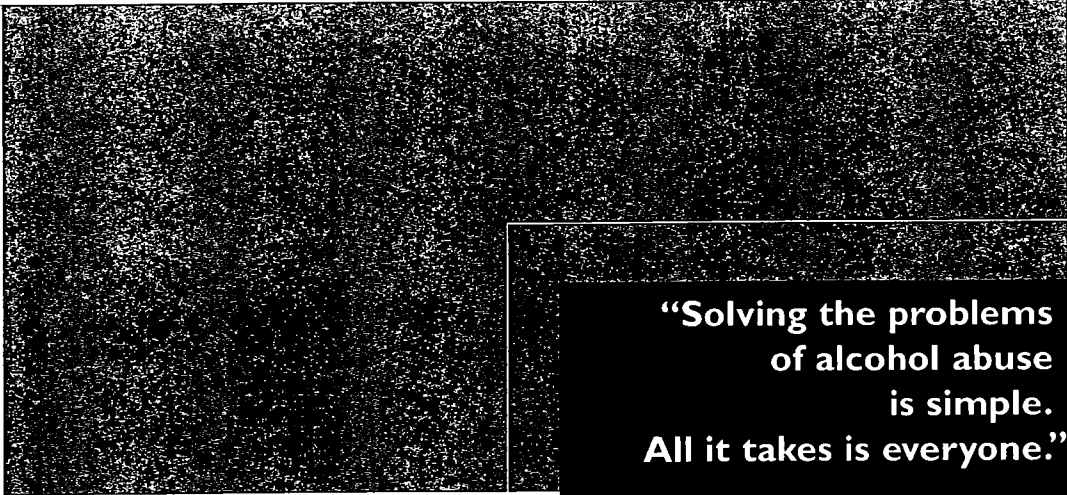
This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

The Century Council

LOOKING BACK, MOVING FORWARD

Alcohol



**"Solving the problems
of alcohol abuse
is simple.
All it takes is everyone."**

THE CENTURY COUNCIL

**FUNDED BY AMERICA'S
LEADING DISTILLERS**

Alc. Adv. - Athletes
 Alcohol
 2W

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 Comment _____ Original _____
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 Return _____ ☐ Call by pickup _____

Subpart A—ALCOHOL

27 U.S.C. 205(e); 27 CFR 4.39; 27 CFR 4.64; 27 CFR 5.42; 27 CFR 5.63; 27 CFR 7.29; 27 CFR 7.54

ATHLETES, ATHLETIC ACTIVITIES OR EVENTS AND MOTOR VEHICLES IN LABELING AND ADVERTISING OF ALCOHOLIC BEVERAGES

ATF Rul. 93-2

The Bureau of Alcohol, Tobacco and Firearms (ATF) has been asked for its interpretation of relevant law and regulations regarding the depiction of athletes, athletic activities or events and motor vehicles in the labeling and advertising of alcoholic beverages.

In recent years, ATF has received numerous inquiries regarding the appearance of or reference to athletes, athletic activities or events, and motor vehicles on labels and in advertisements of alcoholic beverages. In particular, concern has surfaced as to the circumstances in which these depictions are permissible.

During the 1980's, significant concern was expressed regarding the circumstances in which ATF would permit the depiction of athletes or athletic themes in labeling and advertising of alcoholic beverages. In

more recent years, ATF has seen an increase in both the number of applications for approval of labels with athletic themes and the types of athletic activities depicted in labels and advertisements.

Pursuant to the labeling provisions of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), ATF has authority to regulate the labeling of alcoholic beverages to prohibit labels which are, among other things, false, deceptive or misleading. Similarly, under section 205(f), ATF has authority to regulate the advertising of alcoholic beverages so as to prohibit advertising which is false, deceptive, or misleading. The regulations implementing sections 205(e) and (f) likewise prohibit any statement that is false or untrue in any material particular, or that, irrespective of falsity, tends to create a misleading impression. 27 C.F.R. 4.39 and 4.64 (labeling and advertising wine), 5.42 and 5.63 (labeling and advertising distilled spirits), and 7.29 and 7.54 (labeling and advertising malt beverages).

ATF is neither a health nor a social service agency. To prohibit a label or advertisement based solely upon social responsibility or the possible impact on youth, without the "false and misleading impression"

or convey.

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update to CFR
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relationship, is beyond the scope of ATF's statutory authority. Therefore, for ATF to take action against a label or advertisement which is "socially irresponsible," it must be shown that the label or advertisement in question is false, deceptive, misleading, or conveys an erroneous impression.

In determining whether a label or advertisement is deceptive or misleading, ATF considers representations made or suggested by statement, word, design, device, sound or any combination thereof. ATF also considers the extent to which the label or advertisement fails to reveal facts which are material in light of such representations regarding the consequences which may result from consuming the alcoholic beverage under the conditions reflected in the label or advertisement, or under such conditions as are customary or usual.

A review of the legislative history of the FAA Act reveals that the purpose underlying the labeling and advertising provisions was to provide for flexibility in regulating the labeling and advertising of alcoholic beverages so that the regulating body could make such changes as became necessary over time. See Hearings on H.R. 8539 before the Committee on Ways and Means, House of Representatives, 74th Cong., 1st Sess. 10 (1935). Moreover, the legislative history indicates that the regulations were not intended to be confined to prohibitions of falsity but "were intended to insure that the purchaser should get what he thought he was getting, that representations both in labels and in advertising should be honest and straightforward and truthful." *Id.*

ATF has historically taken the position that the depiction of athletes on alcoholic beverage labels and advertising is often deceptive and misleading in that it implies that consuming alcohol is conducive to athletic skill or physical prowess, or that consuming alcohol does not hinder the athlete's performance. Under Rev. Rul. 54-513, (1954-2 C.B. 593) the appearance of certain illustrations of prominent athletes consuming or preparing to consume the advertised alcoholic beverage is prohibited. Under the provisions of Rev. Rul. 54-326 (1954-2 C.B. 591), athletic events may not be depicted when the participants are shown consuming, or preparing to consume, alcoholic beverages. In addition, in ATF Rul. 75-5, 1975 ATF C.B. 45, it was held that depictions of individual athletes of public prominence (locally or nationally) or liquor bottles or the labels on such bottles are misleading, in that they convey the erroneous impression that the consumption of the product contained therein is conducive to the development of athletic prowess or success in a particular athletic endeavor.

Moreover, Congress has shown continued concern over the health hazards that may result from the consumption or abuse of alcoholic beverages as demonstrated by the enactment of the Alcoholic Beverage Labeling Act of 1988 (ABLA), 27 U.S.C. §§ 211-219a. In the ABLA, Congress emphasized the necessity of providing information to the American public about the health hazards that may result from the consumption or abuse of alcoholic beverages. Congress determined that it would be beneficial to provide a clear, nonconfusing reminder of such hazards and that a need existed for national uniformity on such

reminders in order to avoid the promulgation of incorrect or misleading information. Congress found that requiring such reminders on all containers of alcoholic beverages is appropriate and necessary in view of the substantial role of the Federal Government in promoting the health and safety of the public. See 27 U.S.C. § 213.

The various components of the alcoholic beverage industry have adopted their own set of voluntary guidelines which impact the use of or depiction of athletes on labels or in advertisements of alcoholic beverages. These guidelines urge the responsible portrayal of alcoholic beverages and discourage any advertising or marketing materials which associate or portray the consumption of alcoholic beverages before or during activities in situations which require a high degree of alertness or coordination. The guidelines also discourage advertising and marketing intended to appeal primarily to persons below the legal purchase age.

ATF shares the concern of industry and the public that alcoholic beverages be consumed responsibly and appropriately and that the labeling and advertising portray the product in a responsible manner. In view of these concerns, ATF has attempted to more clearly address what it considers permissible labeling and advertising conduct insofar as such conduct falls within the confines of our statutory authority.

Held. ATF will not automatically consider deceptive or misleading each depiction of or reference to athletes, athletic activities or events, or motor vehicles used in alcoholic

beverage labeling or advertising. ATF recognizes that some such depictions or references may appear on labels and in advertisements without being deceptive or misleading. Each such depiction or reference will be reviewed on a case-by-case basis to determine whether it is deceptive or misleading.

In reviewing labels and advertisements, ATF will base its conclusions on the totality of the message conveyed by the label or advertisement. ATF will not prohibit the mere appearance of athletes in labels or advertisements; rather, ATF will examine labels and advertisements in their entirety to determine whether the message conveyed in relation to the appearance of the athlete is deceptive or misleading. ATF is particularly sensitive to the influence athletes are known to have on youth as role models. This is particularly the case where active or recently retired athletes are concerned. Athletes, as role models, set a standard of conduct commonly emulated by youth who aspire to gain talent, success, and/or fame on a level comparable to the athlete's. ATF is concerned that the appearance of an athlete in a label or advertisement not convey a misleading impression to youth.

ATF recognizes that younger people (i.e., those below the legal age for purchase of alcoholic beverages) may be more susceptible to being misled by certain types of labels or advertisements than mature adults. In reviewing labels and advertisements containing references to athletes, athletic activities or events, or motor vehicles, ATF will be especially sensitive to whether such labels and advertisements would be likely to

deceive or mislead or be an alcohol label that depicts their athletes to perform that of a fairly, likely to believe that not inhibit ATF will be and advertisement likely to be conclude of an enable the motor vehicle equipment.

According to the example menu which is acceptable and (f) and none:

(1) any label which states alcoholic beverage promotes athletic activities or conditioning;

(2) any label which depicts (famous athlete) summing or at holic beverage athletic activities;

(3) any label depicting alcoholic beverage summing the about to enable to operate machinery.

Conversely, advertisements which are acceptable

deceive or mislead youth to conclude or believe that consumption of an alcoholic beverage will increase their athletic prowess, enable them to perform at a level comparable to that of a famous athlete or, conversely, likely deceive or mislead youth to believe that such consumption will not inhibit athletic performance. ATF will be equally sensitive to labels and advertisements that would be likely to deceive or mislead youth to conclude or believe that consumption of an alcoholic beverage will enable them to safely operate a motor vehicle or other machinery or equipment.

Accordingly, ATF offers the following examples of labels or advertisements which it considers to be unacceptable pursuant to sections 205(e) and (f) and implementing regulations:

(1) any label or advertisement which states that consumption of the alcoholic beverage will enhance athletic prowess, performance at athletic activities or events, health or conditioning;

(2) any label or advertisement which depicts any individual (famous athlete or otherwise) consuming or about to consume an alcoholic beverage prior to or during an athletic activity or event;

(3) any label or advertisement depicting consumption of an alcoholic beverage while the party consuming the beverage is seated in, about to enter, operating, or about to operate automobiles or other machinery.

Conversely, labels or advertisements which ATF generally finds acceptable pursuant to sections

205(e) and (f) and implementing regulations, so long as they do not contravene the above-mentioned principles and examples, include the following:

(1) depictions of or references to athletes, including famous athletes, whether in motion or not and whether in uniform or not;

(2) depictions of or references to motor vehicles or other machinery or equipment, whether in motion or not, whether occupied by a driver or not;

(3) team logos;

(4) schedules of athletic events; or

(5) depictions of, references to or commemorations of specific events (e.g., an automobile race), specific cars or other equipment, such as hockey sticks, footballs, golf clubs, and the like, on alcoholic beverage labels or advertisements.

All depictions of athletes and athletic events will be reviewed, however, on a case-by-case basis for a determination as to whether the particular depiction is deceptive or misleading, based upon the totality of the message. ATF will not approve applications for labels found to be deceptive or misleading and will initiate appropriate action against such labels and advertisements if they appear in the marketplace.

As a final matter, ATF does not find acceptable the use of disclaimers to negate deceptive or misleading inferences in the labeling and advertising of alcoholic beverages.

ATF Ruling 75-3 is hereby superseded.

In Tobacco War, Alcohol Escapes The Heavy Fire

TO ANYBODY who even scans the newspapers, it's obvious that Washington is huffing and puffing mightily to reduce the harm done by tobacco. And Republicans have decided that, rather than just pummel tobacco companies, Washington should simultaneously escalate its attack on drug abuse.

Meanwhile, though, the nation remains in denial — literally and figuratively — about a comparable health problem: alcoholism. It would be nice if, in the coming months of wrangling, everyone found a little time to ponder this nasty corner of America's addictive tendencies.



The need to shine a brighter light here is amply illustrated by an unusual new national survey sponsored by the Recovery Institute, an organization that combats alcoholism. The institute canvassed about 2,000 people in the families, doctors, employers, clergy and counselors — and reached a worrisome conclusion: Even among the people who should be the most attuned, there's a disturbing tendency to look the other way when alcoholism is the issue.

For example, nearly six in 10 employers acknowledged that their managers avoid addressing alcoholism. Likewise, almost 60% of clergy say their colleagues avoid confronting members of their congregations about alcoholism. Even among the immediate families of alcoholics, half of those surveyed admitted that they avoided the issue for several years.

Perhaps most startling, 82% of doctors — who should form part of the front line of defense — admit they avoid addressing alcoholism in their patients. And for good reason, given that 61% said their training to respond to alcoholism was inadequate.

The tendency toward denial "isn't something that just stops in the family, but it cuts through all of our professional communities," concludes Peter Hart, the pollster who conducted the survey for the Recovery Institute. (Separately, Mr. Hart also helps to conduct The Wall Street Journal/NBC News poll).

THIS KIND OF DENIAL can cause breathtaking problems. An estimated 13 million Americans suffer from alcohol abuse and dependence. Throw in their family members, and 43% of the country confronts alcoholism. Alcoholics are three to eight times more likely to miss work and seven times more likely to divorce or separate from spouses.

Alcohol, like tobacco, may be most troublesome because of the way it affects young Americans. "We worry about illegal drugs in teenagers," says Joseph Califano, the former health, education and welfare secretary who now heads Columbia University's Center on Addiction and Substance Abuse. "It's a grain of sand compared to alcohol. If you look at the college issue, the overwhelming drug that is a problem on college campuses is alcohol." And alcohol is a common gateway to illegal drugs.

Yet despite the compelling reasons the country should shake its attitude of denial, alcoholism barely makes a dent in the discussions of policies to combat tobacco and drugs. In part, that's for social reasons. "Alcohol is very much a part of our culture," says Mr. Califano. "It's in all our celebrations. ... It's really much more difficult to deliver a message or craft a policy that says, 'Moderation' rather than one that says, 'Just say no.'"

BUT ALCOHOL TENDS to disappear from public-policy debates for other reasons: money and power. The alcohol lobby, with its allies in the restaurant and hotel lobbies, is a well-entrenched and well-endowed part of the Washington landscape. Alcohol, hotel and restaurant interests have contributed a combined \$5.4 million to federal candidates and parties since the 1996 elections, according to the Center for Responsive Politics. The money gets spread around to both parties. The majority of it, 62%, has gone to Republicans, but the top House recipient is Democratic leader Richard Gephardt, whose hometown of St. Louis also is home to brewer Anheuser-Busch Cos.

The effect of this kind of clout is easy to see in the one meaningful alcohol-related policy debate now under way in Washington. It involves a proposal to compel states to reduce the blood-alcohol content level for determining drunken-driving violations to a uniform 0.08 percent. The Senate has voted for the standard as part of a new transportation bill. But in the House, the proposal has been blocked.

Obviously, there's no legislative or public-policy initiative that can solve the problem of alcoholism in America. Still, the new survey suggests that more public education about the need to confront alcoholism, and perhaps some government-led initiatives to ensure health professionals are better equipped to tackle alcohol problems early on, would be good ideas. The first step, though, might simply be to end the national tendency to deny that alcohol, like tobacco and drugs, causes serious public-health problems.