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ALCOHOL ADVERTISING ON THE ELECTRONIC
MEDIA: A PROFILE OF HISTORY, LEGISLATION,
ROLES AND CONTROVERSY

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LISA EVELYN STEELE

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ALCOHOL ADVERTISING ON THE ELECTRONIC MEDIA: A PROFILE
OF HISTORY, LEGISLATION, ROLES AND CONTROVERSY

By

Lisa Evelyn Steele

A THESIS

Submitted to
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ABSTRACT

ALCOHOL ADVERTISING ON THE ELECTRONIC MEDIA: A PROFILE OF HISTORY, LEGISLATION, ROLES AND CONTROVERSY

By

Lisa Evelyn Steele

On May 15, 1985, Congressman John F. Seiberling introduced to the House of Representatives "The Fairness in Alcohol Advertising Act," a bill requiring broadcasters and cable operators to provide equal time for beer and wine counter-advertising messages. What controversies surround this bill? What viewpoints do lobbying groups hold? Is the alcohol issue repeating what the Banzhaf case tried to accomplish with cigarettes? What impact can the Seiberling bill have on advertising? These kinds of topics will be explored in my thesis.

The main objective of this thesis is to examine the development and growth of the alcohol issue from its beginning to the present state. The introductory section includes the provisions under the proposed Seiberling bill, defines the issue, and discusses alcohol abuse in America. The main body of this thesis focuses on past product advertising cases, legislation and controversies surrounding the alcohol issue.

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INTRODUCTION

As experience mounts, one would think that developing policy to aid society's problems, implementing policy or, at the very least, identifying societal problems would become an easier process for the public, industries and the decision-makers. Afterall, history contributes to the storehouse of knowledge, allowing a society to learn from past mistakes and become more efficient in the future. Instead, policy-making remains a struggle, a web full of vibrating influences from all corners that can choose to trap an issue, meet an issue head on, or remain indifferent until the issue falls by the wayside. The proposed Seiberling Bill, H.R. 2526, on alcohol advertising has a combination of all these elements which has developed through time and now stands before both the private and public sectors including the government.

On May 15, 1985, Congressman John F. Seiberling introduced to the House of Representatives, "The Fairness in Alcohol Advertising Act," a bill requiring radio and television broadcasters and cable operators to provide equal time for beer and wine counter-advertising messages.

This bill, offered by the Democratic Senator from Ohio, would amend titles III and IV of the Communications Act of 1934 to "specifically provide that in order to air commercial messages promoting alcoholic beverages, a radio or television licensee or cable operator must ensure that equivalent advertising time for the broadcast of counterbalancing messages is given to responsible spokespersons." (Fairness in Alcohol

Advertising Act of 1985 for the Extension of Remarks, May 15, 1985,
p. 2) H.R. 2526 specifically amends Title III of the Communications
Act of 1934 by inserting after section 315 the following new section:

- *a radio or television licensee or cable operator may not broadcast or deliver ads for alcoholic beverages unless equivalent time is provided;
- *equivalent time means equal duration to that used for the beverage ad, during a period when audience size and composition are approximately equivalent;
- *the equivalent time must be devoted to delivering messages relating to the adverse effects on individuals and the public attributable to alcoholic beverage consumption and abuse;
- *exempted are situations in which alcohol beverage sponsors underwrite programming when only the company or institutional logogram is used without any commercial announcement. (H.R. 2526, pp. 4-6)

Other pending legislation dealing with broadcast advertising includes H.R. 1901 introduced by Congressman Nielson which proposes a study of the alcohol advertising issue in detail. The bill proposes that the Bureau of Alcohol, Tobacco and Firearms conduct a study to:

- *examine the relationship between advertising exposure and alcohol consumption, especially among youth and problem drinkers;
- *examine promotional practices that encourage alcohol consumption;
- *examine the extent to which alcohol promotion and advertising are voluntarily regulated and the effectiveness of regulation; and,
- *examine the extent to which other information may neutralize or reduce adverse effects of advertising and promotion. (H.R. 1901, p. 2)

Like former issues, the proposed bills have many sides battling it out for their say on the field of policy-making. Even more so, these sides are pushing for their influence. In order to understand how

these forces can have an impact on the surrounding issue, it is essential to examine the origin of the issue, the precedential history, arguments for and against counter-advertising, legal aspects and individuals and organizations with influence. In each of these areas, the causes and consequences of each will be further examined in this thesis. But first, the issue needs to be more defined.

At ten o'clock in the evening, a viewer looks at the television set and sees Sir John Gielgud strolling through an art gallery explaining the delightful qualities that Paul Masson Chablis has to offer. Sir John gazes into the camera and states to the viewing audience: "Paul Masson will sell no wine before its time."¹ Yet the real question is how will Sir John be able to continue promoting his product on television?

Due to the concern over abusive drinking and drunk driving, a nation-wide ban on alcohol advertising on television was proposed and then replaced with a counter-advertising bill. Many states such as Oklahoma, Mississippi, Massachusettes, Florida and Utah have already passed laws banning or restricting advertising on alcoholic beverages while similar bills are pending in other states.² The snowball effect must surely be on the minds of distillers, brewers, vinters and the networks who have some \$700 million tied up in annual alcohol advertising revenues.³ But the argument's purpose goes further than the pocket. The broadcasting and alcohol industries believe that counter-advertising or a ban on alcohol advertising would have other negative impacts. On other sides of this issue are organizations, special interest groups and the government who want to protect the public from

and educate the public about harmful substances through forming policy which regulates alcohol advertising. The arguments surrounding this issue will be further defined in Chapters two-six of this thesis.

Alcohol has been a publicly debated issue throughout history for political, social and religious reasons. Campaigns devised against the misuse of alcohol and other efforts reflect the importance of these reasons. Temperance movements can be traced to the early 1800's as a reaction to the concern of massive liquor consumption, until the Era of Prohibition (1920-1933) stepped in and dominated the nation.⁴ The Prohibition is probably a remembered event for many citizens who have had an on-going love for liquor. The Prohibition also revealed the American people's resistance to such infringements against personal rights. Due to this violation, an attempt to repeat the prohibition has not been enacted since the repeal of the 18th amendment.

In addition to Prohibition, many other attempts have been made to help solve America's alcohol problems, and many of these additional attempts focus on alcohol advertising on the broadcast media. In 1939, shortly following Prohibition, legislation to ban alcohol advertising on radio was introduced by Senator Edwin Johnson from Colorado.⁵ Many hearings followed between 1947 and 1954 by the House and Senate Interstate and Foreign Commerce Committees. These committees held at least twelve days of hearings examining the various issues which surround the alcohol issue and the possibility of a ban on alcohol advertising on the broadcast media. In 1976, the Subcommittee on Alcoholism and Narcotics of the Senate Labor and Public Welfare Committee also held a hearing on the impact of alcohol advertising. Even though all of these bills were submitted throughout the hearings held between 1939 and 1976, none of them passed.⁶

Despite these unsuccessful attempts to pass legislation restricting alcohol advertising, the issue itself has remained publicly debated by health professionals, federal agencies, public interest and citizen's groups, the television networks and affiliates, and the companies who make up the alcohol industry. The fading memory of the Prohibition and the public's increasing awareness to alcohol's damages to society have both contributed to the continuing debate over the controversial issues of alcohol advertising.⁷ Also these factors have lead to a variety of developments and events between 1974 and 1985 which have attempted to control alcohol use and promotion through legislation or by other means. Before the developments and events of these nine years are examined in detail, it is first necessary to discuss the history of past product advertising controversies and/or cases which have had an influence upon the alcohol advertising issue and proposed legislation. It is secondly important to define some surrounding rules which govern product advertising.

My discussion of the alcohol issue will be analytical and expository in nature, rather than argumentative, and will be divided into ten chapters. In the first chapter the cases, history and controversies surrounding past product advertising up until 1974 will be described and compared to alcohol advertising issues. Chapter One follows the cigarette issue from the fifties through 1974 while drawing comparisons to the alcohol issue. The second chapter draws comparisons between cigarettes and alcohol. Chapters three to seven deal with the controversies which surround the alcohol issue on the broadcast media and the developments between 1974 and 1984, including an examination of the roles various lobbying groups, trade associations, politicians, experts

on alcohol advertising effects and governmental committees play. The eighth and ninth chapters will describe the recent response to and developments of the alcohol advertising issue and the Seiberling Bill, including the Seagram's Equivalency Campaign and the Center for Science in the Public Interest's (C.S.P.I.'s) legislative coordinator's project in particular. The final chapter will consist of an examination of the pending legislation, where it may lead, a discussion of some of the predictions made with regard to the future of alcohol advertising on television, and some of my own thoughts on the subject of alcohol advertising on the electronic media.

This thesis relies primarily on the body of literature extant in this subject. Studies and reports collected from various works, publications and personal interviews have been examined. Many articles have been explored from academic and professional journals; the trade press of the broadcasting industry; N.A.B., F.C.C., Anheuser-Busch, Miller, and Wine Institute annual reports; testimonies submitted before subcommittees in hearings held on beer and wine advertising on television; copies of proposed legislation and broadcast network policies.

INTRODUCTION

FOOTNOTES

¹"Advertising Bans Versus Free Speech," New York Times, September 9, 1984, p. 10.

²Ibid.

³Ibid.

⁴"New Temperance vs. Neo-Prohibition," Wall Street Journal, June 24, 1984, p. 26.

⁵Congressional Record, August 3, 1939.

⁶Letter from Tim Wirth, Chairman of the Telecommunication's Subcommittee to the members of the Subcommittee, RE: Hearing on May 21, 1985, Beer and Wine Advisory: Impact of the Electronic Media.

⁷"New Temperance vs. Neo-Prohibition," Wall Street Journal, June 24, 1984, p. 26.

CHAPTER I

PRODUCT ADVERTISING: EARLY SIXTIES TO 1974

Cigarettes are one of the most well known advertised products to cause controversy, promote policy, and set precedent for the broadcast media. By examining the proposals, cases and struggles faced by the Federal Trade Commission (F.T.C.), Federal Communications Commission (F.C.C.) and Congress in regulating this product, one can understand the difficulty surrounding the proposed regulation of alcohol advertising more deeply. The cigarette controversy had a great impact on the present state of the law concerning commercial product advertising regulation.

In the fifties, and continuing through the sixties, a public debate on the health hazards of smoking persisted. The public became actively concerned about how this activity contributed to health problems, cancer in particular. The public's interests had been manifested in "publications, actions and policies of many federal government instrumentalities including the Surgeon General's Advisory Committee, the Department of Health, Education and Welfare, the Federal Trade Commission and the Senate Commerce Committee."¹ The results of the first Surgeon General's Report on Smoking prompted the Federal Trade Commission to propose a regulation requiring warnings on cigarette packs and in all advertising. In 1965, Congress superseded the F.T.C. rule-making and passed the "Cigarette Labeling and Advertising Act."²

This Act required all cigarette packages to be labelled with "Caution: Cigarette Smoking May Be Hazardous to Your Health."

Shortly following, in 1967, the Federal Communications Commission received a Fairness Doctrine complaint asserting that since W.C.B.S.-T.V. was airing numerous commercial advertisements for cigarette manufacturers, equal time should be afforded for contrasting views on cigarette smoking. This famous case, known as Banzhaf v F.C.C., stressed that responsible spokespersons for an organization should be "afforded an opportunity to present contrasting views on the issue of the benefits and advisability of smoking."³ Some commercials were said to invoke the Fairness Doctrine by presenting the point of view that smoking is socially acceptable, glamorous and desirable.⁴ This kind of depiction on commercials would conflict with the concerns many organizations like the American Cancer Society or the American Lung Association had about smoking being hazardous to a person's health.

The problem of glamourizing the use of a product is not limited to cigarettes. The problem of glamourizing the use of alcohol in advertisements and in television programs also exists. Alcohol is often presented as socially acceptable and desirable by famous actors and actresses just as smoking once was. Some standard policies to be followed by the networks and advertising agencies have been set to avoid the glamourization or promotion of alcohol use. Efforts such as these will be discussed further in following chapters.

In Banzhaf v F.C.C. the F.C.C. agreed with Banzhaf and held that the Fairness Doctrine could be applied to commercial announcements even though such advertisements were aimed only at selling the products.⁵ The Commission's decision did not permit extension of

the Fairness Doctrine to all commercial product advertising. The Commission specifically stated that this rule applied solely to cigarette advertising simply because it is a health hazard, as declared by the 1964 Surgeon General's Report. The F.C.C. ordered that "a station which carries cigarette commercials must provide a significant amount of time for the other viewpoint...but this requirement will not preclude or curtail presentation by stations of cigarette advertising which they may choose to carry."⁶ The Court of Appeals in Banzhaf v F.C.C. "affirmed the F.C.C.'s decision ordering reply time to counter cigarette advertising on three separate grounds: (1) the Fairness Doctrine; (2) a definition of public interest standard (reply time is appropriate in the extraordinary and unique circumstance and when consistent with a demonstrably clear federal policy); and (3) the First Amendment."⁷

Following the extension of the Fairness Doctrine, Congress passed the Public Health Cigarette Smoking Act of 1961, a law which strengthened the health warning required on cigarette packs, banned cigarette advertising on television and radio and a law which also required the warning to be included in advertising. However, some of these actions had already taken place prior to the Act by the broadcast and tobacco industries who voluntarily removed all broadcast cigarette advertising from the airwaves. Both industries believed that the counter-ads were more injurious to the sale of cigarettes than a ban would be. Therefore, the broadcast and tobacco industries removed their advertisements.

The feeling of counter-advertising being more injurious to sales than a ban is a feeling echoed today by many representatives of the alcohol industry, the networks and the National Association of

Broadcasters. These three organizations and/or industries are all opposed to applying the Fairness Doctrine to alcohol advertising, although no advertisements have been completely removed, only the content has been changed. John Abel, Vice President of Operations for the National Association of Broadcasters is "strongly opposed to a bill requiring equal time versus totally banning the advertisements."⁸ He claims that "it gets into too many trouble areas...(such as) the exchange of equal spots displacing other public service announcements, programs or promotional materials."⁹ If counter-ads or public service announcements were to displace regular commercials, there would be the possibility that the station would have to bear some of the costs or lose some of its advertising revenue. Under the Seiberling Bill, this could be the case. Responsible spokespersons who receive equivalent advertising time would "receive only free air time; they would have to bear their own production and other costs." Meaning that the broadcasters would be losing money on that free air time if spokespersons were granted counter-ads.

John Abel from the N.A.B. continued by bringing up another consideration. "Our obligations to advertisers would be questioned as well as granting equal time for other products (in addition to alcohol counter-ads)."¹⁰ For example, would a beer company such as Miller or Strohs want to advertise on a channel if that channel also airs several public service announcements about the hazards of drinking beer? Or if that channel granted equal time to an organization's spokesperson to express the opposing opinion of drinking beer?

The thought of counter-ads may also cause some advertisers to shift from television to print media in order to avoid negative

claims from the counter-ads which, in turn, would affect the broadcast media's revenue and the alcohol industry's profit. An advertiser would also have the option to advertise with more print media. Even though the advertiser would be losing the visual effects of television and the reach, s/he would not have to deal with the negative feedback from counter-ads. These are the kinds of sentiments which most certainly prompted the cigarette industry's earlier actions in 1968 to voluntarily remove cigarette advertisements from television and to saturate the magazine industry with advertisements. These sentiments are indeed repeated by John Banzhaf III, himself, in a testimony to the House Subcommittee on Telecommunication, Consumer Protection and Finance:

"After a reaffirmation of its original decision by the FCC and the courts, Banzhaf v F.C.C., 405 F2d 1082 (D.C. Cir. 1968), and after I set up a monitoring system and began filing complaints for enforcement, antismoking messages began appearing in great numbers and cigarette per capita consumption began falling.

Faced with this situation, reps. of the tobacco industry appeared before the Senate Commerce Committee and agreed to take cigarette commercials off the air. To avoid conflict with the antitrust laws, they asked for either an exemption from these laws, or that Congress itself enact a ban which they would, of course, obey. Congress chose the latter approach and on January 1, 1971 cigarette commercials ceased." (Testimony of J.F. Banzhaf III on "Beer and Wine Advertising: The Impact of the Electronic Media," House Subcommittee on Telecommunication, Consumer Protection and Finance. Tuesday, May 21, 1985, p. 3.)

In 1971, the courts continued to uphold the cigarette ban in Capitol Broadcasting Company v Mitchell. A U.S. District Court in Washington, D.C. held that the Cigarette Advertising Ban violated neither the First Amendment nor due process rights of broadcasters.¹¹

Following the C.B.C. v Mitchell decision, many cases continued to challenge the courts with their decision to extend the Fairness

Doctrine. For example, in Green v F.C.C., some individuals felt that advertising spots urging enlistment in the armed services should be subject to the Fairness Doctrine. The F.C.C. denied this request on two grounds:

- (1) The issue presented was not a matter of important public controversy; and,
- (2) If an important public controversy was implicated (the draft, Vietnam) it had been adequately treated on both sides.¹²

There was one case in 1971 which was probably the most remembered case, referred to as "Friends of the Earth." Here, the U.S. Court of Appeals super eded the 1967 Fairness Doctrine extension (stating that the Fairness Doctrine will be specifically applied to cigarettes), and extended the counter-advertising to high-powered car advertisements under the supposition that this glorified product was a health hazard due to air pollution and was an issue of important public controversy.¹³

In this case, the courts found no legally relevant distinction between cigarette ads and automobiles or gasoline. They both implied messages about the health risks and hazards, one due to smoking and the other due to air pollution. Friends of the Earth v F.C.C. revealed that many products or services with links to an important public controversy could have the potential to be applied to the Fairness Doctrine. As Friends of the Earth makes plain, "the principle of Banzhaf lies not in the nature of the product, but in the notion that product messages implicitly raise whatever controversial issues that may surround their use."¹⁴

These kinds of actions toward extending the Fairness Doctrine to other products are exactly what representatives from the broadcast and

the alcohol industries of today predict will happen if alcohol advertisements become subjected to the Fairness Doctrine: precedent would be set for a range of consumer products that have misuse potential or have an issue of public concern surrounding them. According to Mark Abel, an account executive for Anheuser-Busch (not related to John Abel of the N.A.B.), the industry is doing "all we can to oppose counter-advertising...(we feel) it's not fair to single out our industry. It is not legal, and applying the Fairness Doctrine would be opening up the whole product industry and asking for trouble."¹⁵ Friends of the Earth v F.C.C. is proof in itself that applying one product to the Fairness Doctrine (cigarettes) will lead to applying it to another product (autos). Due to this expansion quality, the F.C.C. completely repudiated the Banzhaf cigarette ruling by 1974.¹⁶

But before the Commission reversed its primary cigarette ruling, several more cases of interest presented themselves only to further demonstrate the problem surrounding the Banzhaf decision. In *Children Before Dogs* in 1972, the F.C.C. ruled that dog food commercials did not involve "a matter of important public controversy about the health hazards of dogs by implicitly representing that dogs are man's best friend."¹⁷ In that same year, childrens' programming was accused of containing violent incidents that merited the application of the Fairness Doctrine (see George D. Corey, 37, F.C.C. 2d, 641, 1972). The Daniel Boone series raised the important issue of how Indians were treated, (David Hare, 35, F.C.C. 2d, 868, 1972) and police dramas raised the issue of gun control (Thomas E. Mitchell, 54, F.C.C. 2d, 593, 1975). As Henry Geller stated in an extensive study of the Fairness Doctrine:

"There are relatively few advertised products whose normal use does not involve some significant issue: automobiles (large and small), gasoline (leaded or unleaded), any type of medication, beer, airplanes, any product that does not have a biodegradable container, any foreign product--the list is virtually endless."¹⁸

During 1974, after a three year assessment of the Fairness Doctrine policy, the Commission reversed their position in their 1974 Fairness Report. A new policy was adopted in response to the expanded application of the Fairness Doctrine to product advertising. The F.C.C. issued the "Handling of Public Issues Under the Fairness Doctrine and the Public Interest Standards of the Communications Act (Docket No. 19260)." This stated:

"If in the future the Commission is confronted with a case similar to that presented by the cigarette controversy, it may be more appropriate to refer the matter to Congress for resolution...The Commission does not believe that the usual product commercial can realistically be said to inform the public on any side of a controversial issue of public importance. In the future, the Commission will apply the Fairness Doctrine only to those commercials which are devoted to the discussion of public issues." (F.C.C. Fairness Report, Docket No. 19260.)

This decision by the Commission does not change the statutory ban on television and radio cigarette advertisements and was supported in two other decisions by the First Circuit and the D.C. court.¹⁹ The Commission concluded that ordinary product ads do not inform the public on any sides of an issue. The Commission felt that applying the Fairness Doctrine to:

"normal product commercials would, at best, provide the public with only one side of a public controversy. In the cigarette case, for example, the ads run by the industry did not provide the listening public with any information or arguments relevant to the underlying issue of smoking and health. At the time of our ruling, Commissioner Loevinger suggested that we were not really encouraging a balanced debate but, rather, were simply imposing our view that discouraging smoking was in the public interest. While such an approach may have

represented good policy from the standpoint of the public health, the precedent is not at all in keeping with the basic purpose of the Fairness Doctrine." (9 F.C.C. 2d at 953.)

Therefore, the current state of the law or F.C.C. opinion does not invoke the Fairness Doctrine to ordinary products which lack meaningful or substantive discussion of controversial issues of public opinion.²⁰

CHAPTER 1

FOOTNOTES

¹ Simon, Issues in the Economics of Advertising, Illinois Press, 1970, p. 243.

² Gillmore and Baron, Mass Communication Law, West Publishing Co., 1974, p. 823.

³ Letter from Tim Wirth, Chairman of the Telecommunication's Subcommittee to the members of the Subcommittee, RE: Hearing on May 21, 1985, Beer and Wine Advisory: Impact of the Electronic Media.

⁴ Schulte, Valerie, Memorandum to the National Association of Broadcasters, History of the Cigarette Ban and Counter-Advertising, December 3, 1984, p. 1.

⁵ Gillmore and Baron, Mass Communication Law, West Publishing Co., 1974, p. 823.

⁶ Letter from Tim Wirth, Chairman of the Telecommunication's Subcommittee to the members of the Subcommittee, RE: Hearing on May 21, 1985, Beer and Wine Advisory: Impact of the Electronic Media.

⁷ Gillmore and Baron, Mass Communication Law, West Publishing Co., 1974, p. 823.

⁸ Phone interview with John Abel, Vice President of Operations at the National Association of Broadcasters, May 20, 1985.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Gillmore and Baron, Mass Communication Law, West Publishing Co., 1974, p. 832.

¹² Robinson and Stennis, Memorandum prepared for the N.A.B., The Fairness Doctrine and Product Advertising, May 5, 1985, p. 4, University of Virginia.

¹³Ibid.

¹⁴Ibid.

¹⁵Phone interview with Mark Abel, Account Executive for Anheuser-Busch, April 4, 1985.

¹⁶Robinson and Stennis, Memorandum prepared for the N.A.B., The Fairness Doctrine and Product Advertising, May 5, 1985, University of Virginia.

¹⁷Ibid.

¹⁸Ibid., p. 5.

¹⁹Schulte, Valerie, Memorandum to the National Association of Broadcasters, History of the Cigarette Ban and Counter-Advertising, December 3, 1984, p. 1.

²⁰Ibid.

CHAPTER II

PARALLELS BETWEEN CIGARETTES AND ALCOHOL

The Banzhaf case and the difficulties surrounding this case called for a lot of attention and action on the parts of the courts, the tobacco industry, the broadcast industry and other significant organizations and individuals throughout the sixties and into the seventies. In chapter one, the complexities involved in passing product advertising laws are obvious. The more organizations, industries and individuals involved in an issue such as this, the more opinions, interests and concerns need to be heard, debated and complied with. There are three significant areas the courts looked at which aided them in their decision-making process in the issues of cigarette advertising that should be pointed out: (1) scientific evidence as presented by the 1964 Surgeon General's Report, (2) serving the public interest or issues of public concern, and (3) the Fairness Doctrine.

The above three elements were the keys to bringing together the vast amount of information and concerns of the many parties involved which enabled the courts to make decisions and arrive at conclusions. These could also be the areas the courts and active groups focus on in the alcohol advertising debate. Before examining these areas, it seems appropriate to first draw together the many parallels between cigarettes and alcohol.

In both product advertising issues, the public has sought or demanded governmental actions to aid in preventing health problems

related to alcohol and cigarettes. Disagreements over the best solutions to solving these problems persist. Each issue also has many active industries, public interest groups, associations and experts involved.

One individual who has had the closest contact to the Banzhaf case and played an active role in causing the Fairness Doctrine to be applied to cigarette advertising is John F. Banzhaf III himself. Dr. Banzhaf, Professor of Law at the National Law Center of the George Washington University, points out seven similarities between the two products which he calls "striking and serves to distinguish these two products from virtually all others."¹

- (1) "Both products contain powerful drugs--nicotine or alcohol--which have a significant and immediate effect on the bodily functions of those who ingest them;
- (2) Both products are used in large part because the users desire or crave the effects these drugs cause;
- (3) Both products are addictive to a number of users and the addiction can be so strong in each case that users are unable to quit, even if it means almost certain death;
- (4) Both products are unbelievably deadly, with cigarettes killing some 500,000 Americans each year and alcoholic beverages killing another 100,000;
- (5) The costs to society of each of these products is enormous, and almost certainly exceed the taxes paid;
- (6) For these and other reasons, tobacco and alcoholic beverages are the only two major products which both by law and custom are restricted to adult consumption;
- (7) Finally, to an extent which is virtually unique compared to advertising for other products, many beer and wine commercials of the 80's, like cigarette commercials of the 60's, seek to equate the use of the product with socializing, sophistication, popularity with members of the opposite sex, and with use by the young adults children seek to emulate, and to provide a justification (excuse, rationale) for their use."²

The seventh point comparing alcohol to cigarettes is the primary point which is debated today by many. This point will be further explored, along with many of the arguments for and against counter-advertising. These arguments will be examined in the following pages when the roles and points of view of many participants in the counter-advertising issue are explored from the late seventies into the eighties. These participants include: Center for Science in the Public Interest (CSPI), and their alcohol abuse prevention project called SMART, an acronym for Stop Merchandising Alcohol on Radio and Television; the National Parents and Teachers Association (PTA); companies from the alcohol industry, Anheuser-Busch, Miller Brewing Company and the Wine Institute in particular; the broadcast industry, focusing on the networks; the National Association of Broadcasters (NAB); and, research experts findings, including the Atkin/Block Michigan State University study.

CHAPTER II

FOOTNOTES

¹Testimony of John F. Banzhaf III on "Beer and Wine Advertising: The Impact of the Electronic Media," House Subcommittee on Telecommunications, Consumer Protection and Finance, May 21, 1985, p. 1.

²Ibid., p. 2.

CHAPTER III

CENTER FOR SCIENCE IN THE PUBLIC INTEREST

In the growing wave of public concern over alcohol abuse, formation of many groups has taken place all over the nation. The push for the counter-advertising issue has been spearheaded by one Washington-based organization; The Center for Science in the Public Interest, a Ralph Nader-related group. This non-profit health advocacy organization concerned about the effects of technology on society, is very much responsible for bringing the alcohol issue out of the woodwork. The impact of television on society remains a major focus in many CSPI studies.

During 1983, the CSPI published The Booze Merchants: The Inebriating of America, a powerful and compelling report concerned with informing the public of the disastrous effects of alcohol abuse and the marketing of this potential killer substance on the broadcast media. This 160-page paperback covers the marketing efforts made by the alcohol industry which are accused of trying to increase overall alcohol consumption, appeal to non-drinkers and target young people, women and heavy drinkers. The reports included in this book, contrasts alcoholic beverage ads with statistics about alcohol abuse. These reports could be found shocking to some readers, unbelievable by others and called false by members in the alcohol industry. A segment from "The Statement on Alcohol Beverage Advertising" section in this book and a paragraph from the introduction of The Booze

Merchants gives a first hand idea as to the content of this publication:

"Alcohol abuse and alcoholism cause a massive amount of harm to millions of Americans, to our economy, and to our social fabric. Cirrhosis of the liver, traffic fatalities, broken careers, birth defects, spouse-beating: these and other alcohol-related misfortunes constitute a virtual epidemic in our society. The massive amount of advertising for alcoholic beverages can only increase alcohol consumption and the inevitable consequences..."

Furthermore, we believe that the marketing approaches that are currently being used on an unprecedented scale to sell alcoholic beverages should be reexamined in light of the enormous harm that we know alcohol is causing in our society, to drinkers and non-drinkers alike. As a first step, we urge that the voluntary ban on broadcast liquor advertising be extended to beer and wine."¹

"The Booze Merchants describes many of the ways in which alcoholic beverages are being marketed. These range from familiar advertising to little-known gimmicks. Still, this report is limited, because most of the industry's plans to get Americans to drink are closely held secrets (an understandable practice, especially for this industry)."²

Dr. Charles Atkin, mass media researcher and professor at Michigan State University believes that this popular book has served as one of the catalysts for the overwhelming, present-day concern with alcohol abuse.³ The authors of this powerful book will be referred to quite often in this chapter and should be mentioned: Michael Jacobson, Executive Director of CSPI who holds a Ph.D. in Microbiology from the Massachusetts Institute of Technology; George Hacker, Associate Director of Alcohol Policies of CSPI who has a law degree from the University of Denver; and Robert Atkins, a former researcher for CSPI with a B.A. from Columbia University. These men are all active in the alcohol issue with Michael Jacobson and George Hacker remaining the Executive Director and Director of the alcohol policies projects

of the CSPI. Dr. Hacker says he has been "hearing the arguments from his opponents ever since I and two others with CSPI published The Booze Merchants, the book intended to lay the groundwork for an advertising ban."⁴

In June of 1984, not long after this book was published, CSPI coordinated project SMART, Stop Merchandising Alcohol on Radio and Television.⁵ The ongoing objective of this program has been to "balance the decidedly biased commercial portrayal of alcohol use that is conveyed daily to millions, including young children and adolescents... carried most dramatically on the powerful publicly regulated broadcast media."⁶ Although many actions have been taken by SMART in particular toward preventing the incidents of these commercials airing, none were the very first effort that its parent organization, CSPI, made to reform the alcohol marketing practices.

In March of 1982 before the inception of SMART, CSPI and 19 other citizen groups wrote to all the major brewers, vinters, and distillers, urging voluntary restraints in marketing activities, particularly those aimed at youngsters and heavy drinkers.⁷ None of the companies who were contacted responded.

CSPI did not give up after not receiving any responses. In addition to publishing The Booze Merchants in 1983, CSPI, 28 other organizations and three individuals filed a 52-page petition with the Federal Trade Commission (FTC) calling for a variety of restrictions on alcohol advertising, including college promotions.⁸ The petition accused alcohol advertisements of portraying consumption in a positive manner without addressing the ill effects, and requested to open a broad investigation of the marketing of alcoholic beverages. The petition

also called for "a ban on all marketing efforts aimed at youths and heavy drinkers...asked for warning notices within the print ads and equal time for health messages concerning alcohol to balance alcohol ads."⁹

The Federal Trade Commission (FTC) responded on April 16, 1985 and denied the petition four to one on the grounds that there was no reliable basis on which to conclude that alcohol advertising significantly affects alcohol abuse (one of the 3 areas the courts relied upon in the cigarette advertisement issue). Without such evidence, the Commission concluded that there was not any basis for believing that rules limiting alcohol ads would offer significant protection to the public.¹⁰

CSPI continued to bounce back in their first phase of project SMART following these two setbacks in two years. Despite what some may call a lack of success with these efforts, CSPI feels that they were very victorious. Ron Collins, a consultant for CSPI, believes "You don't gauge victories and successes by legislation, but by raising public consciousness and public awareness...and there should be some policy which may change things, but visibility remains very important."¹¹ Project SMART has gained a tremendous amount of visibility through the press and through hundreds of national, state and local groups ranging from the Colorado Parent Teachers Association to the Virginia Association of School Psychologists, from Remove Intoxicated Drivers (RID) to Parents' Resource Institute for Drug Education (PRIDE).

CSPI had yet another project in phase one of SMART which also granted them a lot of visibility nationwide. A petition drive was formed seeking one million signatures supporting a total ban on wine

and beer advertising on television and radio, or granting equal time to anti-alcohol educational messages. The National Parents and Teachers Association (PTA), the nation's largest volunteer child advocacy association, participated in and fully supported this petition drive. Boxes of one million signatures collected nationwide were placed in front of members of the House Subcommittee on Telecommunications during a hearing on the controversial issue.¹² Results of this hearing are still pending.

Ron Collins, consultant for CSPI, feels a lot has been accomplished, first with the publication of The Booze Merchants; second, with the birth of project SMART; and, third, with the petition drive. "We've been able to take something few people know of or care about (the alcohol advertising practices on T.V.) and transform it into something of interest and action...demonstrate to the American public the problems that exist."¹³

In addition to the passage of the Seiberling Bill, what are the actions CSPI wants taken against today's advertising practices?

- (1) Bar the use of celebrities and athletes in ads;
- (2) Eliminate ads that connect drinking with sports or with other activities requiring a high degree of alertness;
- (3) Eliminate advertising appeals that suggest heavy drinking or excessively rapid consumption; and
- (4) Restrict the use of "lifestyle" ads that suggest desirable outcomes in connection with the use of an alcoholic beverage.¹⁴

The CSPI and project SMART's members and supporters feel that the broadcasting, wine and beer companies' voluntary advertising codes do not adequately protect the public from these "inappropriate"

practices in commercials which CSPI feels are aimed at young people, a vulnerable segment of society. In the minds of CSPI supporters, if the above actions were taken, the damaging alcohol ads would be reformed.

Project SMART and its parent organization also believe that there is evidence linking advertising and consumption. In their testimonies given to the Subcommittee of Telecommunications, Consumer Protection and Finance and in other hearings, Michael Jacobson often cites a major study on alcohol advertising sponsored in 1976 by four federal agencies: Federal Trade Commission (FTC), Bureau of Alcohol, Tobacco and Firearms (BATF), National Institute of Alcohol Abuse and Alcoholism (NIAA), and Department of Transportation. This study was conducted by Professor Charles Atkin and Dr. Martin Block at Michigan State University. These co-investigators surveyed 1,227 individuals between 12 and 22, measured exposure to alcohol advertising and alcohol consumption/abuse patterns, and concluded that:

- *Advertising contributes to the development of favorable attitudes toward drinking;
- *Exposure to alcohol advertising is associated with excessive, hazardous, and problem drinking;
- *Advertising exposure has an impact on liquor and beer consumption, although not on wine consumption; and
- *Ads seem to create a positive predisposition to drink among adolescents who are not yet drinkers.¹⁵

Exposure to advertising correlated closely with beer and liquor consumption with the young people who are particularly influenced by celebrities in ads.¹⁶ According to Dr. Atkins, this report was filed until 1985 when "the industries and others became interested, interested really in how ads affect abusive drinking. No one is interested in

recommendations, but only conclusive, direct implications and evidence,"¹⁷ like the ones listed above.

In addition to hoping that there was a link between advertising and drinking, SMART supporters hold other firm beliefs and responses to some of the alcohol industry views. The alcohol industry's claim that ads merely switch drinkers from one brand to another seems 'ludicrous' to Michael Jacobson. Dr. Jacobson quotes evidence supporting the opposite view and has a strong opinion on this point. "Come on now! Hold back the laughter marketing departments. Ads clearly have several effects: switching...brands; encouraging current drinkers to 'really turn loose' (as Coors current slogan urges), and cultivating engaging images of drinking and drinkers among society."¹⁸ The National PTA agrees that with "more alcohol advertising using high energy MTV-hype techniques, recognizable athletes, popular comics and rock stars look-alikes, it strains our credulity to accept the industry argument...to persuade current drinkers to switch brands."¹⁹

The alcohol industry goes on to claim that alcohol ads shown on television do not encourage alcohol abuse, but rather only moderate use of alcohol. Dr. Jacobson responds with "Sadly, there are millions of Americans for whom any use might constitute abuse."²⁰

For all the above reasons project SMART has chosen television advertising to key in on. This medium was not chosen at random, but for three specific reasons:

- (1) The sheer power of the broadcast media;
- (2) The media's impact on young people; and
- (3) The airwaves are publically controlled...and the public has a right to get legitimate rules.²¹

It is the ultimate hope of CSPI that their efforts toward preventing alcohol abuse and informing the public of the negative impact of television alcohol advertising will help in passing the Seiberling Bill.

CHAPTER III

FOOTNOTES

¹Jacobson, Michael, The Booze Merchants: The Inebriating of America, C.S.P.I. Books, 1983, pp. 156-157.

²Ibid., p.2.

³Charles Atkin, Discussion given at Michigan State University, May 6, 1985.

⁴"Newest Crusade Aims at Mythology of Alcohol," The Providence Journal-Bulletin, April 1, 1985, p. A-9.

⁵Michael Jacobson, Testimony Hearing on Broadcast Alcohol Advertising Subcommittee on Telecommunications, Consumer Protection and Finance, May 21, 1985, p. 1.

⁶"Newest Crusade Aims at Mythology of Alcohol," The Providence Journal-Bulletin, April 1, 1985, p. 1.

⁷Michael Jacobson, Testimony Hearing on Broadcast Alcohol Advertising Subcommittee on Telecommunications, Consumer Protection and Finance, May 21, 1985, p. 3.

⁸Ibid.

⁹Ibid.

¹⁰"FTC Rejects Alcohol Ad Ban Petition," Broadcasting, April 22, 1985, p. 102.

¹¹Phone interview with Ron Collins, Consultant for the Center for Science in the Public Interest, November 20, 1985.

¹²"Subcommittee Fails to Back Counter-Ad Bill," Electronic Media, May 30, 1985, p. 3.

¹³Phone interview with Ron Collins, Consultant for the Center for Science in the Public Interest, March 17, 1986.

¹⁴Beer and Wine Advertising: Impact of Electronic Media, Hearing before the Subcommittee on Telecommunications, Consumer Protection and Finance of the Committee on Energy and Commerce House of Representatives, HR 2526, HR 1901, May 21, 1985, p. 64.

¹⁵Statement of the Honorable Timothy E. Wirth, Chairman of the Subcommittee on Telecommunications, Consumer Protection and Finance, May 21, 1985, p. 9.

¹⁶"Control Issues in Alcohol Abuse Prevention," Paper presented in Charleston, South Carolina, October 1984.

¹⁷Atkin, Charles, Discussion given at Michigan State University, May 6, 1985, p. 9.

¹⁸"The Case for Curbing Alcohol Advertising," Broadcasting, May 6, 1985, p. 9.

¹⁹Testimony of the National Parent Teacher Association before the Subcommittee on Telecommunications, Consumer Protection and Finance, May 21, 1985, p. 9.

²⁰Phone interview with Ron Collins, Consultant for the Center for Science in the Public Interest, Washington, D.C., March 17, 1986.

²¹"The Case for Curbing Alcohol Advertising," Broadcasting, May 6, 1985, p. 9.

CHAPTER IV

THE ALCOHOL INDUSTRY

On the other side of the issue are the beer companies, who of course have opposing points of views about counter-advertising when contrasted to a lobbying group like CSPI. In response to CSPI's accusations, industry officials insist they advertise mainly to enhance market share, not to convert new drinkers or encourage greater consumption.¹ Not only are beer companies competing against other beer companies, but they claim to be competing for a share in non-alcoholic markets like pop or juices. Critics will point out that alcohol advertising expenditures have been increasing, spending over \$750 million each year and the brewers contend that overall consumption levels have decreased.² Some may believe that even though more money is spent on advertising, consumption is not increasing, therefore, advertising is having little impact on drinking habits.

Most beer companies have conducted their own research, mounted many programs, published many articles, brochures and pamphlets citing their sides on the alcohol advertising issue. Anheuser-Busch and Miller Brewing Companies are among them. Steven Lambright, Vice President and group executive for Anheuser-Busch companies reports that a brewer's advertising code had been in effect despite accusations that they have not been effective. The Code insures that:

*You will never see a person actually drinking...
much less abusing...alcohol in a commercial;

- *You will never see a commercial that implies that drinking leads to athletic or personal success;
- *You will never see a person in a drinking situation who is not visibly and obviously well above the legal drinking age; and
- *You will never see a person in a situation that involves drinking while driving.³

Mr. Lambright also contends that "brewers use 'lifestyle' depictions and athletes in their commercials because they appeal to beer drinkers...and thus help the advertising campaign achieve its primary goal of brand selection/market share growth...(a) campaign depicts sporting events because they provide a form of personal challenge with which beer drinkers can readily identify...not in any effort to glamourize drinking or to suggest that athletic success depends in any way upon drinking."⁴

One thing that the alcohol companies and CSPI do have in common is that both have been developing many anti-alcohol abuse programs. Anheuser-Busch supports programs to combat alcohol abuse: SADD (Students Against Drunk Driving), TIPS (Training for Intervention Procedures by Servers of Alcohol), "Know When to Say When," "The Buddy System," "Pit Stop," "I'm Driving," Operation ALERT, the LA beer brand, research grants, and employee assistance programs. All of these programs combine education about drinking, training for employees in alcohol related jobs, campaigns against drunk driving, the development of a low alcoholic beer and grants for alcohol abuse research.

The above programs show a concern that Anheuser-Busch has for alcohol abuse and all are good public relations tactics. However,

a project like SADD is concerned with drinking and driving and targets its programs to high school and college students instead of on advertising on television. SADD is industry supported and thus, some would argue, the industry has become mediator in regards to the alcohol issue for self-serving purposes. Instead of maintaining an image of causing or promoting alcohol abuse with advertising, the industry has linked itself with drunk driving and devotes their energies to prevention. In return the media becomes a tool or the dominant paradigm with which to promote a new image, placing attention on drunk driving preventions. If this is the case, it could be questionable as to whether this controversy is a political issue or really a media event. In either case, like the cigarette issue, the alcohol issue has become an item on the national systematic agenda where much discussion has been prominent and a lot of action has taken place.

Also like the cigarette case, Anheuser-Busch expresses concern for product extension taking place if the Fairness Doctrine is applied to alcohol ads. All ads could again be viewed as controversial by some segments of society: drugs, airlines, birth control or food products. An example of such an organization who could demand more equal time above and beyond that granted for alcohol ads would be the CSPI, the organization concerned about the effects of technology on society, food, nutrition and health. The question of where the line would be drawn remains paramount. The possibilities of this dilemma were demonstrated throughout the cigarette advertising issue. Mark Abel, an account executive for Anheuser-Busch agrees that "It's not fair to single out our industry...the Fairness Doctrine does not

apply. Opening up the whole product industry is simply asking for trouble."⁵ A definite fear of looking into a pandora's box exists.

Steven Lambright of Anheuser-Busch continues to point out perhaps the most important reason not to extend the Fairness Doctrine by means of the Seiberling Bill, from the alcohol industries' standpoint: the potential "chilling effect such an approach could have on the free marketplace of ideas...extension of the Fairness Doctrine to product advertising would likely drive a significant amount of advertising revenue away from broadcast media:

*The Seiberling Bill requires that one counter-ad be run...for each product advertisement thats aired. Thus, the advertising costs at least double.

*Every message encouraging consumers...must be balanced by (unencouraging ones)...Thus, the value of the product commercial is greatly reduced, and perhaps even eliminated.

*Finally, since the counter-ads mandated by the Bill grossly overstate the incidence of abuse in our society, the advertiser is actually paying to stigmatize his own product. Thus, the net result of any product advertising will be to undermine sales."⁶

With these points in mind, one can clearly see why the tobacco industry voluntarily removed their advertisements from the airwaves in the sixties. The tobacco industry saw that counter-ads would be more injurious to the sales. The above statements and beliefs of Anheuser-Busch are echoed among all beer companies.

The domestic wine industry sides with the alcohol industry in that it opposes H.R. 2526 (the Seiberling Bill), and disagrees with most of CSPI's accusations. The wine industry argues that their ads are not and never have been targeted toward the youth. Their ads

depict wine in food-related uses, and do not present wines as glamorous, necessary to social success or endorsed by athletes.⁷

In 1977, the California wine industry adopted a code which members of the wine institute adhere to, but the problem is that only 500 wineries of California are members of the Wine Institute.⁸ Individual instances have occurred where the Code has been broken, but these were broken by non-Wine Institute members. Interestingly enough, since the proposal of H.R. 2526, the Wine Institute's Code has been adopted by the New York and Washington growers, and the Association of America Vinters, representing 28 states east of the Mississippi River. Wine growers in Oregon, Idaho and New Mexico are considering membership also.⁹ The Wine Institute would like to see universal vinter commitment and has asked the BATF to make the Code mandatory.

CHAPTER IV

FOOTNOTES

¹"Beer and Wine Industry Girds for Battle as Campaign to Ban Ads Gathers Steam," Wall Street Journal, January 30, 1985, p. 18.

²Statement of the Honorable Timothy E. Wirth, Chairman of the Subcommittee on Telecommunications, Consumer Protection and Finance, May 21, 1985, p. 8.

³Testimony by Stephen K. Lambright, Vice President and Group Executive of Anheuser-Busch to the United State Senate Subcommittee on Alcoholism and Drug Abuse, February 7, 1985, p. 6.

⁴*Ibid.*, pp. 6-7.

⁵Phone interview with Mark Abel, Anheuser-Busch Account Executive, April 14, 1985.

⁶Testimony by Stephen K. Lambright, Vice President and Group Executive of Anheuser-Busch to the United State Senate Subcommittee on Alcoholism and Drug Abuse, February 7, 1985, p. 10.

⁷Testimony by John A. DeLuca, President of the Wine Institute before the Subcommittee on Telecommunications, Consumer Protection and Finance, May 21, 1985, p. 3.

⁸*Ibid.*, p. 1.

⁹*Ibid.*, p. 4.

CHAPTER V

THE BROADCAST INDUSTRY

Voluntary, self-regulating codes seem to be a major force behind the beer and wine companies' arguments supporting alcohol advertising. This also holds true in the broadcast industry. The three networks claim they have made voluntary efforts to tighten up their codes, more commonly referred to as program guidelines. Gratuitous drinking scenes have been reduced in such programs as Dallas, Magnum P.I., and Hunter; alcohol-related problems are topics in other shows such as Hill Street Blues, Cheers, Facts of Life, and All My Children.¹

Other public service campaigns have also been launched by the networks. One such campaign, "Just Say No," was introduced in late March of 1985 to a senate panel at a hearing held by the Senate Permanent Subcommittee on Investigation.² Senators applauded the three networks at this hearing for their efforts to deglamourize alcohol use in their programs. "Frankly, I am impressed with the amount of time and effort the television industry has expended in the campaign to deglamourize drugs," stated Subcommittee Chairman William Roth (R-Del.), "and together we have learned that those in the networks who write, produce, direct, and act in television programs have consciously attempted to deglamourize drugs by communicating the ugly truth about drug use."³

Margaret Heckler, Secretary of Health and Human Services, also complimented the broadcast media for their cooperation, concern and

\$40 million contribution of free air time to the Reagan Administration's two phase public service campaign--which included "Just Say No," and a rock and roll video dedicated to anti-drug/alcohol use.⁴

A month before this hearing took place, the very first hearing on the alcohol issue was held on February 7, 1985 by the Senate Subcommittee on Alcoholism and Drug Abuse, chaired by Senator Paula Hawkins (R-Fla.).⁵ The Hearing examined the possibility of a link between beer and wine advertising and alcohol abuse. Once again, most of the developments were positive for the broadcasters. Due to his position, James Miller, Chairman of the F.T.C., was the most influential witness. He said his agency "sees no need for industry-wide rules to curb beer and liquor-marketing practices..."⁶

In response to this Hawkins hearing, Michael Jacobson of CSPI criticized the Senator for not holding a second hearing on the basis that she privately confessed to brewers that she did not want to hurt her re-election campaign.⁷ In addition, Jacobson further suggests that certain congressmen like Senate Commerce Committee Chairman John Danfourth (D-MO.), will stand in the way of legislation because "his country is Anheuser-Busch country."⁸ Due to accusations like these, some suspect that the public service announcements broadcasters so willingly support and air are aimed more at Congress than the public.

The networks continue to claim that they are sensitive to the alcohol abuse problems, and that their actions have proven these concerns. Some of these specific actions include informing the public on alcohol abuse/education topics through: Public service announcements (PSA's), local news stories, community outreach activities,

editorials, made for TV movies, full length public affairs programs, civic boards and task forces. In addition to these activities, each network has their standard policies and/or program guidelines. ABC's Alfred Scheider, Vice President of Policy and Standards states "the use of illegal drugs or the abuse of legal drugs shall not be encouraged or shown as socially acceptable or desirable. When depicted, such use must be consistent with and reasonably related to plot and character development. Care should be exercised to avoid glamorization or promotion of drug usage."⁹ Language such as this may be criticized for being too broad. ABC and CBS say they are stingently applying their existing standards, and CBS has specific program guidelines which includes a substance abuse section as follows:

"Character portrayals and scenes depicting the consumption of alcohol, drugs, cigarettes and similar substances must be thoughtfully considered, essential to plot and role development, and not glamorized. When the line is crossed between normal, responsible consumption of a particular substance and abuse, the distinction must be clear and the adverse consequences of abuse specifically noted and explored."¹⁰

Broadcasters insist that program guidelines such as this insure they are acting responsibly toward the alcohol-related problems.

The final point that broadcasters argue is the many stations and sports shows would be jeopardized economically if the \$720 million-a-year alcohol advertising revenue is threatened.¹¹ Seiberling Bill supporters' response to this broadcasters' claims further indicates the split on this issue. Alcohol advertising accounts for only three percent of radio's revenues and three percent of television's revenues. In the mind of Jacobson, replacing this small percentage would not pose a problem for the sales departments in the \$25-billion advertising industry.¹²

CHAPTER V

FOOTNOTES

¹Statement of the National Association of Broadcasters before the Subcommittee on Children, Youth and Families, May 2, 1985, p. 11.

²"Networks Detail Efforts to Cut Down on Drug Use Seen on TV," Broadcasting, March 25, 1985, p. 56.

³Ibid.

⁴Ibid.

⁵"FTC Brings Cheer to Alcohol Marketers," Advertising Age, April 22, 1985, p. 14

⁶Ibid.

⁷"Debating the Proposed Ad Ban," Electronic Media, March 7, 1985, p. 22.

⁸Ibid.

⁹"Networks Detail Efforts to Cut Down on Drug Use Seen on TV," Broadcasting, March 25, 1985, pp. 56-57.

¹⁰"The CBS Program Guides," Electronic Media, May 2, 1985, p. 25.

¹¹Statement of the Honorable Timothy E. Wirth, Chairman of the Subcommittee on Telecommunications, Consumer Protection and Finance, May 21, 1985, p. 8.

¹²"The Case for Curbing Alcohol Advertising," Broadcasting, May 6, 1985, p. 19.

CHAPTER VI

THE NATIONAL ASSOCIATION OF BROADCASTERS

In addition to the many actions the networks take, the broadcasters also work collectively through the National Association of Broadcasters, NAB, a trade association representing over 4,500 radio and 850 television stations, including all the major networks and groups. The NAB's views can be summarized under six points without going into much detail for explanation due to the exposure these points have previously received. The NAB asserts:

- (1) Due to the lack of a causal link between beer and wine advertising and alcohol abuse, neither a ban nor counter-advertising is constituted;
- (2) Precedential policy holds that the Fairness Doctrine does not apply to commercial advertising:
 - (A) Standard product claims do not rise to the level of issues of public importance;
 - (B) The precedent set by counter-advertising opens a Pandora's Box of similar demands;
- (3) Alcohol abuse is not promoted by, or through responsible advertising for beer and wine;
- (4) Through many actions/programs/PSA's etc., broadcasters are serving the public's interest;
- (5) The broadcast commitment is growing;
- (6) Loss of advertising revenue would severely harm broadcast service to the public.¹

According to the NAB's 1984 Annual Report's Year in Review, it was in January of 1984 that the NAB's alcohol and drug task force was created to examine the positive role of broadcasters in helping to solve problems relating to drugs/alcohol. By November of that year,

the NAB was able to supply member and non-member stations with materials to assist them with anti-drunk driving campaigns.² Many other activities to aid the broadcasters in this alcohol debate were taken by several departments and members of the NAB throughout 1984.

One such department was the Public Affairs Department, who was responsible for developing kits for distribution to the media and Capitol Hill. The Public Affairs Department prepared video tapes for public interest groups, the administration officials and Congress. News conferences were held while PSA's were being fed by satellite to TV stations nationwide. The major aim of all these efforts was to inform the private and public sectors of the broadcasters' efforts toward preventing alcohol abuse.

The NAB's Alcohol and Drunk Driving Clearinghouse is constantly "collecting materials to document industry involvement and provide stations with resource materials to enhance their public service efforts."³ The 1984 Annual Report also states that the NAB lobbyists visited every Congressperson in 1984 to inform them of the broadcast industry's efforts to curb alcohol abuse. Shortly following this action, the NAB helped form local task forces in almost every state. The NAB strongly believes that reaching people on the local levels, staying in front of the issue and maintaining grass roots lobbying is imperative. President Eddie Fritts of the NAB states, "All politics is local and people respond to the local folks back home."⁴ John Summers, from the NAB's Broadcast Congressional Relations Department goes on to warn the broadcasters to monitor the actions at their state levels, "Things can happen very quickly on beer and wine at the state levels. If you get 10 or 12 states acting on this then we can see

snowball effects. We've got to be on guard here (in Washington) and you've got to be on guard there (in each state)."⁵ Despite efforts to be on guard, the snowball effect that Summers urged broadcasters to be on the look out for and to prevent in 1984, had already been taking place for several years around the nation during the New Temperance Movement.

CHAPTER VI

FOOTNOTES

¹Statement of Edward Fritts, President of the National Association of Broadcasters before the Subcommittee on Telecommunications, Consumer Protection and Finance, May 21, 1985, pp. 1-17.

²The National Association of Broadcasters 1984 Annual Report, p. 28.

³Ibid., p. 16.

⁴"Broadcasters Take Case for Beer-Wine to Washington," Broadcasting, March 11, 1985, p. 33.

⁵Ibid.

CHAPTER VII

THE NEW TEMPERANCE MOVEMENT

The exact time, location or specific action which triggered the United States' second movement in this century toward the prevention of alcohol abuse cannot be pinpointed. Instead, it has been a combination of many intellectual and emotional appeals and efforts, beginning in the early 80's and increasing throughout the mid-80's which brought the alcohol abuse issue to the forefront. Some anti-alcohol abuse/drunk driving efforts gained nationwide media attention and thus are better known. Other efforts received limited attention on the local or state levels. However, when all efforts are viewed concurrently, one can see how this tremendous movement toward the prevention of alcohol abuse has had an impact on this nation.

This movement, more commonly referred to as the New Temperance Movement, has been termed by government officials, academicians and physicians as the public health model, a model which looks for controls in the social environment such as laws, taxes, advertisement and change of traditions.¹ Signs of this model have been prevalent throughout the eighties, with most signs concerning national health, social welfare and the economy. Some would view this model as an interesting social phenomenon in the U.S. where most movements have been based on individual freedom.

In 1980 and 1981, three grass roots anti-drunk driving groups called MADD (Mothers Against Drunk Driving), RID (Remove Intoxicated

Drivers) and SADD (Students Against Drunk Driving) were formed. These nationally active coalitions have applied advocacy methods which not only seek publicity but aid in influencing the executive and legislative processes aimed at forming controls over alcohol's use. RID and MADD have been credited with raising the drinking age in 22 states since 1980 and to age 21 in 10.² The alcohol industry has lent its financial support to most of these group efforts in hopes of limiting criticism about its products. For instance, the Wine Institute has held wine tastings to benefit MADD. In addition, Miller Brewing Company has given them \$1 million. Anheuser-Busch has donated \$188,000 to SADD.³ MADD has also been linked as part of the NAB's national campaign against drunk driving.

One might expect such citizen groups as these to act on the opposite side of the spectrum from the broadcast industry, the NAB or the alcohol industry. Instead, as pointed out above, these groups work with these industries. For instance, Candy Lightner, founder of MADD, claims that alcohol advertising is not MADD's issue, and, therefore, will not support the efforts and goals of SMART (Stop Marketing Alcohol on Radio and Television). MADD's issue is preventing drunk driving, and two powerful ways of reaching MADD's goal are through cooperating with the industries and the media. Lightner believes that Project SMART "should have tried to work with the media for a period of time before they came out calling for a ban."⁴

The broadcast industry also knows they have something to gain by associating themselves with interest groups of such emotional appeal. All three of the above groups focus on death, suffering, pain of

accident victims, and abused spouses. These interest groups have proliferated from the media hype granted to their topics, while the alcohol and broadcast industries hope their link to the interest groups will restrict the debate of alcohol advertising and the criticism that surrounds it.

In addition to the actions the citizen groups have taken, other efforts have been made during the Temperance Movement to curb alcohol abuse. In 1983, Congress passed an amendment to the Surface Transportation Assistance Act which denies federal construction funds to any state who have not raised the minimum legal age to purchase alcohol to 21, and offers additional highway safety money to states meeting certain standards for drunk driving policy. Rhode Island's Senator Claiborne Pell was a prime mover of this bill.⁵ This bill was a response to the growing outcry against drunk driving. Under this law, five percent of federal highway construction funds will be withheld from states who do not raise the drinking age to 21 by October 1, 1986. The percentage increases to 10 percent for states who do not act by October 1, 1987. Although this may sound like an insignificant amount of money, small states would lose approximately \$8 million while larger states could lose up to \$99 million.⁶

The year of 1983 was an important year for the Center for Science in the Public Interest (CSPI). They too have been an important part of the Temperance Movement. As discussed before, their powerful book, The Booze Merchants, was published and a petition was filed with the FTC asking Congress to ban over-the-air beer and wine ads or require counter-advertising on the dangers of alcohol abuse (see Chapter Two).

It was also in 1983 when New York City required signs to be posted in places where alcohol is consumed, warning pregnant women about the danger of alcohol to a fetus.⁷

By 1984, not only had President Reagan already signed the law to curb highway funds to states who did not raise their drinking age, but the question of who was responsible for a drunk persons' actions was raised. Was the person drinking responsible, or the person who was serving the drinks? The New Jersey Supreme Court ruled that someone who "directly serves liquor to a guest and allows him to drive away can be liable for injuries if the guest has an auto accident." The court's opinion also stated that "It is the upheaval of prior norms by society that has finally recognized that it must change its habits and do whatever is required, whether it means a small change or a significant one, in order to stop the senseless loss inflicted by drunken drivers."⁸

Along with holding a host liable for their guests' actions, the old colonial 'Dram Shop' laws were reinstituted throughout the East. These laws penalized and held restaurant and bar owners responsible for their drinking customers' behaviors. In addition to these actions, the state of Massachusetts bar owners lessened their chances of having damages done by drunk customers even further by completely banning happy hours or the offering of special deals on drinks during certain hours like a ladies' night. These laws clearly demonstrate the crack-down taking place on alcohol abuse during the Temperance Movement.

The battle to prevent drunk driving and alcohol abuse continued brewing into 1985 as the Temperance Movement gained more momentum. The coalition of education, religious and public health activists

continued mounting efforts against alcohol advertising. The broadcast industry and alcoholic beverage manufacturers continued to form lobbying efforts to oppose alcohol advertising restrictions, and began breaking old traditions. Workers at Anheuser-Busch Company breweries gave up a 100-year-old tradition of allowing free beers during breaks. Yet, more importantly to some, the federal tax on liquor rose 19 percent in September of 1985, the first change in over thirty years.⁹

In the midst of these actions, hearings were being held on the alcohol issue. The first senate hearing took place on February 7, 1985 by the Senate Subcommittee on Alcoholism and Drug Abuse, chaired by Senator Paula Hawkins (R-FL.). The hearing examined the possibility of a link between beer and wine advertising and alcohol abuse. Most of the developments were positive for broadcasters.

Due to his position, James Miller, Chairman of the FTC, was the most influential witness who said his agency "sees no need for industry-wide rules to curb beer and liquor-marketing practices..." He also emphasized the limits of the FTC's jurisdiction "in the area of advertising regulations, especially advertising which is not alleged to be intentionally misleading."¹⁰ Lack of strong evidence linking ads to misuse based on studies are the reasons behind the FTC not seeing any need for regulation. This reason was echoed throughout the 1985 hearings following Hawkins.

In April and May of 1985, several major activities took place that changed the direction of the movement. After almost a year and a half of consideration, the Federal Trade Commission denied the petition filed by the CSPI and other organizations which sought to tighten regulation of alcoholic beverage advertising. The FTC said

it had found "no reliable basis on which to conclude that alcohol advertising significantly affects alcohol abuse" and hence, "there was no basis for concluding that rules banning or otherwise limiting alcohol advertising would offer significant protection to the public."¹¹

The same day the FTC announced its denial of the CSPI petition, it also voted on passing jurisdiction over to the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, the other federal agency with regulatory clout over the industry.¹² Commissioner Patricia Baily said "The FTC should not initiate an industry-wide rule-making proceedings that address many of the same issues as those raised in the petition...for the Commission to engage in rule-making proceedings would be needlessly duplicative governmental action."¹³

Michael Jacobson's response from the CSPI to this switch of action was that "the agency's reaction proves that the once fierce government watchdog is not just sleeping but dead."¹⁴

A remaining argument in defense of the FTC's decision would be that the FTC's decision was based on facts and research, not the apparent emotion of the issue. In any event, after 17 months of juggling this issue inside of the Commission, the FTC decided to put it in the hands of the BATF, the federal agency who now presides over the issue.

CHAPTER VII

FOOTNOTES

¹"Alcoholism and the New Temperance," The Providence Journal-Bulletin, April 1, 1985, p. 8A.

²"New Temperance vs. Neo-Prohibition," Wall Street Journal, June 25, 1984, p. 26.

³"Industry Headache: Alcohol Firms Feel the Effects of a Dip on Drinking," Wall Street Journal, March 14, 1984, p. 18.

⁴"MADD as Hell and Not Going to Take It Anymore," Broadcasting, April 15, 1985, p. 54.

⁵Ibid., p. 51.

⁶"Reagan Signs Law Linking Federal Aid to Drinking Age," New York Times, July 17, 1984, p. 15A.

⁷"Alcoholism and the New Temperance," The Providence Journal-Bulletin, April 1, 1985, p. 8A.

⁸"Jersey Will Hold Hosts Liable if Drunken Guests Crash Cars," New York Times, June 28, 1984.

⁹"Alcoholism and the New Temperance," The Providence Journal-Bulletin, April 1, 1985, p. 8A.

¹⁰"FTC Rejects Alcohol Ad Ban Petition," Broadcasting, April 22, 1985, p. 102.

¹¹"Tide May Have Turned on Beer-Wine Issue," Broadcasting, February 11, 1985, p. 27.

¹²"FTC Brings Cheer to Alcohol Marketers," Advertising Age, April 22, 1985, p. 14.

¹³"FTC Rejects Alcohol Ad Ban Petition," Broadcasting, April 22, 1985, p. 103.

¹⁴*Ibid.*

CHAPTER VIII

SEAGRAMS EQUIVALENCY CAMPAIGN

In addition to the FTC happenings, a second major event began taking place in April of 1985: The promotion of the Seagram's Equivalency Campaign. The objective of this campaign is to increase public awareness of the fact of alcohol equivalence: 12 ounces of beer, five ounces of wine and one and one-quarter ounces of spirits contain an identical amount of ethanol. Seagrams claims that serving the public is the reason behind this campaign: Given the latest concerns over alcohol consumption, a responsible drinker should know how much alcohol is in each drink. Bill Carr, manager of external affairs at the House of Seagrams, "found that a small percentage of the public were informed about the effects of what we call drinking. We found that informing the public about the alcohol equilizer would be in the best interest of the public and to Seagrams, so we began our campaign."¹

Seagrams wanted to pursue their objective by airing 30-second public service messages on the three major networks--ABC, NBC, and CBS. However, the networks refused to sell them air time, accusing Seagrams of trying to promote its product. The networks voluntary advertising ban of the advertisement of spirits would not permit this, even though Seagrams offered to sign the commercials in any fashion in order to de-emphasize or completely remove the Seagram's name and logo.²

There have been four 'unaccepted' PSA's in all. The first was sent to the commercial networks in April of 1985. This advertisement simply informed its audience of the equivalency fact, yet as Bill Carr stated, "went unaired even though we said we would take off the House of Seagram's logo and replace it with Paul Masson or something else the networks could decide on. They just would not go for it."³

In September/October of the same year, the second of the four commercials was produced. Seagram's came up with another idea, the combination of not drinking and driving and learning the truths about alcohol amount myths. The networks still refused to sell air time to them for the same reasons as before.

Later in October, the third PSA featuring Candy Lightner of MADD was completed. This commercial, which dealt with drinking and driving accidents, also never was accepted on the networks.

Shortly following, the fourth message was completed. A direct message from the Journal of the American Medical Association, which discussed fetal alcohol syndrome and the equalizing fact were used. The decision to sell air time to air this message is still pending, possibly due to the several actions Seagrams has taken in response to the networks lack of cooperation. A formal complaint to the networks has been filed, accusing the networks of violating the Fairness Doctrine in refusing to sell Seagrams any airtime for their PSA's.

In addition to this accusation, Seagrams also feel that they are being discriminated against. The networks spend millions of dollars airing PSA's on alcohol abuse, then turn around and receive millions of dollars to advertise beer and wine. This juxtaposition could be

understood by some viewers as saying that the amounts of beer and wine do not need to be considered when drinking as much as spirits do.

Seagrams also began a newspaper and magazine campaign which informed the public about the equivalency fact and the networks refusal to sell them airtime. Print ads were sent to newspapers in the country's 75 largest markets as well as major magazine publications like Newsweek, People, Sports Illustrated, Time, TV Guide and US News and World Report. The headlines read, "It's Time America Knew the Facts About Drinking." The sub-head read, "It's Time ABC, CBS and NBC Let the Fact be Heard."⁴ Seagrams also had a national alcohol awareness test inserted in the issues of Readers Digest, and distributed in retail outfits across the country. This eight-page insert asks questions and gives answers to alcohol consumption topics. Of course, questions and answers about equivalency are covered.

A few months after the promotion of this campaign began, Seagram's Equivalency Fact received endorsements from federal authorities including the Bureau of Alcohol, Tobacco and Firearms (BATF). The BATF, who is empowered by the Federal Alcohol Administration Act (FAAA) to review alcohol labelling and advertising, determined that the message of beverage alcohol equivalency is valid from a medical and scientific viewpoint. The BATF determination came in response to the Winegrowers of California's complaint that the equivalence PSAs were deceptive. During the BATF's investigation, the National Institute on Alcohol Abuse and Alcoholism (NIAAA) and the Food and Drug Administration (FDA) were consulted.⁵ NIAAA Director Dr. David Niven believes that "many individuals are not aware of the amount of alcohol they consume when drinking different alcoholic beverages. We believe that such

awareness is important in minimizing some alcohol-related health problems and support efforts at enhancing public understanding of this issue."⁶ The Seagram's advertisements were found in compliance with the FAAA.

Despite the BATF's claim that Seagram's Equivalency Campaign is valid, beer leaders are far from lending their support. In October and November of 1985, packages of materials and open letters were sent to government agencies and officials (including the BATF and the FTC) from a coalition of anti-Seagram campaign companies. The companies included Anheuser-Busch, Miller Brewing Company, Adolph Coors Company, Stroh Brewing Company, and G. Heileman Brewing Company. This coalition of beer industry leaders believes that the Seagram campaign remains 'dangerous' and 'devious' since the campaign is not "an alcohol-awareness or public-education program, but rather a marketing effort aimed at selling more distilled spirits and building a sales advantage versus beer and wine."⁷ Members and supporters of the beer/wine industries also believe that Seagram's efforts to inform the public about equivalency is due to the decline in distilled-spirits' sales. "Distilled-spirits' sales are on the decline with no prospect for a turn-around. Seagrams has decided to try and convince the American people and Congress that there's not a bit of a difference between a beer and a shot of booze."⁸ The beer industry has three major counter-arguments:

- (1) Four beers will not get a person drunk whereas four mixed drinks will;
- (2) Alcohol from beer is absorbed more slowly and eliminates more quickly than hard liquor; and,

- (3) Domestic beer industry's contribution to the national economy is far greater than the largely foreign-based spirits industry.⁹

These arguments were found groundless by the BATF.

As mentioned earlier, surveys and polls indicated that in the early 80's, a small percentage of the American public were aware of the equivalency fact (17% in 1982, 28% in 1983). A Gallop Poll taken in 1985 showed that the percentage of Americans polled who knew about alcohol equivalency increased to 35 percent, and the Distilled Spirits Council of the United States (DISCUS) claims that credit should go to efforts like the Seagram's Equivalency Campaign.¹⁰ Seagrams plans to run the campaign until surveys show that 50 percent of the American people are aware.

Even though Seagram's television spots have not been aired by the networks, the four messages began showing on cable in October of 1985. The cable campaign involved the USA Network, Financial News Network (FNN) and Lifetime. Ted Turner, who threatened to take the Atlanta Braves out of Atlanta as his ownership would allow if beer and wine advertising was banned in Georgia, also remains supportive of the Seagram's campaign with the four ads airing on superstation WTBS and the Cable News Network (CNN).

CHAPTER VIII

FOOTNOTES

¹Phone interview with Bill Carr, Manager of External Affairs for the House of Seagram's, November 20, 1985.

²Statement by Edgar Bronfman, Jr., President of the House of Seagram's, News Conference, April 11, 1985, p. 2.

³Phone interview with Bill Carr, Manager of External Affairs for the House of Seagram's, November 20, 1985.

⁴Statement by Edgar Bronfman, Jr., President of the House of Seagram's, News Conference, April 11, 1985, p. 2.

⁵"Federal Agency Supports Alcohol Equivalence Message: BATF Rejects Winegrowers' Complaint," News Release, NY, August 13, 1985, Adams and Rinehart, Inc.

⁶Ibid.

⁷"Beer Marketers Take Shot at Seagram's," Advertising Age, October 7, 1985,

⁸Ibid.

⁹Ibid.

¹⁰Ibid.

CHAPTER IX

PROJECT SMART'S SECOND PHASE

In the midst of the Equivalency Campaign, the Seiberling Bill was introduced and Project SMART began the second phase in its alcohol abuse prevention campaign. Three major activities composed this phase. First of all, Project SMART supporters wrote letters to Congress in support of the proposed equal time legislation in order to counter the broadcasters, brewers and vinters massive lobbying efforts. Secondly, local Project SMART legislative coordinators began organizing lobbying campaigns nationwide. Legislative coordinators have been established in 32 states and their objective is to mobilize local support for Project SMART's national goals by:

- *Contacting local civic, professional, social and church groups and telling them about HR 2526;
- *Organizing local groups and getting them to begin congressional letter-writing campaigns supporting HR 2526;
- *Urging congresspersons or senators to conduct a local legislative survey or how many of his/her constituents favor equal time; and,
- *Encouraging local officials to support HR 2526, and begin a state campaign to get an equal time bill similar to HR 2526 on the state law books.¹

In addition to trying to build their Legislative Coordinator program Project SMART's objectives have recently been adopted by Concerned Women for America (CWA), a 545,000-member organization founded in 1979, who supports HR 2526 with their newly launched

campaign "Operation Truth."² The aim of this project coincides with Project SMART's: both wish to bring "a balance of needed information to a public medium (TV) otherwise dominated by commercial exhortations that depict drinking as a vital part of the good life."³

CHAPTER IX

FOOTNOTES

¹Project SMART Newsletter #4, July 1985.

²"A Missing Ingredient in Alcohol Ads," The Washington Post, September 27, 1985, p. 33.

³Ibid.

CHAPTER X

CONCLUSION

The majority of the actions concerning the alcohol issue took place in the Spring of 1985 during the coalition of public-interest groups' efforts. Although this advertising content issue poses serious threats to the broadcasting and alcohol industries, the Seiberling Bill (HR 2526) nor any major action has been adopted at the federal level. Certainly the anti-alcohol abuse campaigns promoted by the broadcasters, advertisers and alcoholic beverage marketers aided their positions and calmed the emotions surrounding the advertising regulation movement.

Scientific evidence seems to be a major force on the attempt to ban advertising on television. The 1964 Surgeon General's Report was the scientific documentation used as a force in 1970 when cigarette advertising was banned from broadcasting. Although a comparable study is missing in the alcohol issue, it has recently been used on smokeless tobacco. The National Institute of Health recently announced that a person using smokeless tobacco increased his/her chances of getting oral cancer.¹ The Senate has adopted measures to require warnings on print ads, television and radio commercials, a warning which the NAB fears will lead to the regulation of other products, namely alcohol. In response to the Senate's actions, the smokeless tobacco industry agreed to ban advertising of its chewing tobacco and snuff on radio and television. The industry accepted the ban in exchange for milder

language in a proposed warning on smokeless tobacco product packages and for federal preemptions of harsher state regulations.² All of these actions have recently taken place due to the evidence found linking the use of this product to cancer. No evidence has been found linking moderate alcohol use to health problems, or alcohol advertising exposure to alcohol abuse. The strong effect that such evidence can have is evidenced by the fate of both cigarette and smokeless tobacco advertising. Until such evidence is found, the chances of HR 2526 passing are slim.

John Abel, Vice President of Operations at the NAB believes that the Seiberling Bill has "no chance of passing because it lacks strong support and evidence. It is also a media event, versus a political event."³ He went on to predict that over-the-counter drug advertising will be the next issue facing the same scrutiny as both tobacco products and alcohol.⁴ In support of Abel's prediction, the Emergency Reyes Syndrome Prevention Act was introduced to a subcommittee on Health and Environment. This act would require a 48-word warning to be included in all aspirin advertising informing the public of a possible link between the use of aspirin and Reyes Syndrome. Over-the-counter drugs could be at the threshold of the ban or counter-advertising trends which have already engulfed tobacco products and alcohol.

With the Seiberling Bill in place, the alcohol advertising issue has secured a position on the policy agendas of 1985 and 1986. Several individuals and organizations will continue trying to maintain this status: interest groups like CSPI and MADD; political figures like Congressman Seiberling; and, the media. The media, through their constant reportage of this issue via newspapers,

magazines, trade journals and television, continue to give salience to this as a news item of high public appeal. This issue is a pragmatic, common sense, emotional issue which hits home to many in the public. How can anyone not side with a group of 600,000 supporting mothers against teenagers driving drunk, or children who fall prey to drunken-crazed parents? Elected officials most certainly should keep public opinion in mind when making decisions related to this subject. In effect, public opinion has been the grass-roots movement to this issue, a movement which has played a large role in getting this issue to its present state: the important task of drafting legislation. The next step in this policy formation would be policy adoption.

Bruce Watkins, the Congressional Science Fellow for the Telecommunications Subcommittee also sides with John Abel, that the Seiberling Bill will not be adopted, given these two facts: (1) no evidence has been submitted linking alcohol abuse to advertising and, (2) the reversal of the Fairness Doctrine precedent announced in the 1974 Fairness Report (see the first chapter).⁵ Seiberling himself admitted the lack of evidence in his introduction of HR 2526 to the Subcommittee: "I do not believe that beer and wine commercials promote the misuses of alcohol, nor do I think that these ads directly cause such misuse..."⁶ It is doubtful that statements like this will help to pass the bill.

The public concern over alcohol abuse is a legitimate concern which echoes many of the same health hazard fears as the Banzhaf cigarette case did in the 1960's, the air pollution case (Friends of the Earth) did in the 1970's and the smokeless tobacco issue is now

doing in the 1980's. New attitudes about fitness, careers, self-being and socializing are being developed as the temperate moods sweep the nation, moods which are influenced by increased public education about health and potentially abusive products.⁷

The public turns to the electronic media as a tool to educate and help solve problems. While this is being done, it is important not to blame the electronic media for alcohol abuse in the U.S., something which arises as a result of myriad demographic, cultural, social and personal factors.

Even though the chances for the proposed legislation to pass look slim, positive effects can be seen only due to the exposure and the impact of vigorous efforts made by many: the public and commercial broadcast networks have adopted new alcohol use guidelines; public service announcements are scheduled regularly and educational newscasts are programmed; the brewing industries have developed many programs to combat alcohol abuse, developed "LA beer," and broken old traditions which promoted drinking while working in the breweries; many public interest groups, especially CSPI, continue to stimulate the much needed debate on alcohol abuse; and, laws are being incurred at the state levels to protect the lives and property of many from the destruction by drunk drivers. By the passage and enforcement of such laws, one of the most important tasks of the government is done, to service the public interest.

Implications for Future Research

The federal and state government should continue to take an active role in the prevention of alcohol abuse and to serve the public interest

as long as the public's constitutional rights are not infringed upon. The future government's role should include adopting legislation which propose more studies of the alcohol advertising issue in detail, such as HR 1901 introduced by Congressman Nielson (outlined in the introduction). In the meantime, other areas should be examined such as how current laws and policies dealing with the availability and prices of beer, wine and liquor affect alcohol problems.

Even though the electronic media has been the focus of this study, this is not to indicate that no action or research has taken place on print media and alcohol advertising.

The issue of alcohol use and abuse will continue to be debated for years to come, just as it has been in the many years past. The alcohol issue will continue to be argued in front of Congress, broadcasters, brewers, vinters and the public alike. Further research is necessary to determine the full causes which are attributable to alcohol abuse. When the day arrives that these reasons are known, the electronic media will be standing by to inform the public of them.

CHAPTER X

FOOTNOTES

¹"Smokeless Tobacco Ads Extinguished," Electronic Media, February 3, 1986, p. 2.

²Ibid.

³Phone interview with John Abel, Vice President of Operations at the National Association of Broadcasters, May 20, 1985.

⁴Ibid.

⁵Phone interview with Bruce Watkins, Congressional Science Fellow for the Subcommittee on Telecommunications, Consumer Protection and Finance, May 15, 1985.

⁶Seiberling, John F., Introduction to the Testimony on the Fairness in Alcohol Advertising Act of 1985, May 21, 1985.

⁷"Water, Water Everywhere," Time, May 20, 1985, p. 68.

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