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Issue Brief

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ADVERTISING OF ALCOHOLIC BEVERAGES:

SHOULD A RADIO AND TV BAN BE IMPOSED?

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ISSUE DEFINITION

Television advertising of beer and wine stands accused of contributing to problems associated with alcoholism and alcohol abuse. In particular, it is alleged that the exposure of the Nation's youth during their formative years to thousands of commercials glamorizing drinking causes many, who otherwise would choose to abstain, to drink. Further, it is claimed, this long-term exposure to such ads causes many to drink more -- in frequency and quantity consumed -- than would otherwise be the case.

Focusing on these allegations, an eclectic coalition of groups is lobbying Congress to enact legislation that would either ban all broadcast advertising (radio, television, and cable) of alcoholic beverages or require broadcasters to provide equal time for public service announcements and "counteradvertising."

Those who oppose a ban argue: no link has been established between advertising and alcohol-related problems; advertisers in the alcoholic beverage market merely compete for shares of that market; and, there should be no restrictions imposed on truthful advertising of legal products.

BACKGROUND AND POLICY ANALYSIS

Concern about the effects of alcoholic beverage advertising on the public is not of recent origin, nor is it confined to this country. Indeed, between 1948 and 1954, the House and Senate held six sets of hearings on the issue of whether ads for beer, wine, and liquor should be banned from the broadcast media, while continuing to permit such products to be advertised in the print media and on billboards. And, worldwide, a number of countries have already imposed bans or are considering doing so.

Recently, however, concern about the impact of such advertising has intensified very substantially. Fueled principally by apprehensions that the advertising of beer, wine, and liquor is being aggressively targeted at youth and problem drinkers -- and, in general, is contributing to excessive consumption of alcoholic beverages -- a number of organizations have called into question the adequacy of current regulatory control, including, Federal, State, and industry self-regulation.

The lead group in this effort is the Center for Science in the Public Interest (CSPI), a Washington-based organization concerned with the effects of science and technology on society . CSPI has joined with 23 other organizations, including the National PTA and the National Council on Alcoholism, to promote "Project Smart" (Stop Marketing Alcohol on Radio and Television), a campaign to collect a million signatures demanding "either an end to alcoholic beverage advertising on radio and television <u>or</u> equal time for health messages."

At hearings held on Feb. 7, 1985, before the Senate Subcommittee on Children, Family, Drugs, and Alcoholism, and on May 21, 1985, before the House Subcommittee on Telecommunications, Consumer Protection and Finance, conflicting testimony was presented on the purposes and effects of the estimated $650 to $750 million dollars spent by brewers and vintners last year on radio and television advertising. Spokesmen for the broadcasting and advertising industries joined with representatives from the brewing and wine industries in expressing their opposition to a ban and denied any cause and effect relationship between beer and wine commercials and the problems associated with alcoholism and alcohol abuse. Furthermore, they claimed that given the absence of any scientific evidence supporting SMART's allegations, a broadcasting ban would inevitably be declared unconstitutional.

While admitting that they were slow to respond to what they acknowledge are serious alcohol-related problems, the industry representatives extolled their recent PSA (public service announcements) efforts to promote moderation as well as a number of community projects they have undertaken aimed at combating alcohol abuse, arguing that such a voluntary approach would prove much more effective and beneficial than increased government intervention.

The ban's proponents disputed industry claims that advertisers compete merely in an effort to increase market shares, not to convert non-drinkers into drinkers. They also cited specific ads they believe refute the industry's contention that youth and heavy drinkers are not being targeted. Concerning the constitutionality of a ban, SMART argued that although several Supreme Court rulings in recent years have broadened the protections accorded so-called commercial speech -- leading some observers to suggest that the 1971 congressional ban on cigarette broadcast advertising would no longer be upheld -- it has heard no cases in which public safety concerns are offered as the primary justification for limits on what would otherwise be protected speech.

So far, much of the debate has centered on the link, if any, between broadcast advertising expenditures for alcoholic beverages and total consumption of those products. To date, no conclusive studies have been produced. Furthermore, many doubt that there ever will be any; so many factors -- including complex social and cultural influences -- determine drinking behavior, it is unlikely that a cause and effect relationship can be established.

Regardless, the effort to establish a statistical relationship, some have suggested, is misdirected. Even assuming a link does exist, the case for government intervention would still be open to question. The costs and benefits associated with a broadcasting ban, both in economic terms and in terms of individual liberty, need to be considered.

No Member of the House or Senate has as yet sponsored legislation that would ban broadcast ads for alcoholic beverages. Representative Seiberling, however, has introduced the Fairness in Alcohol Advertising Act (H.R. 2526). This bill would require that when an alcoholic beverage is advertised on TV, radio, or CATV, equivalent time be provided for public service announcements about alcohol consumption and misuse. In addition, Representative Nielson has introduced H.R. 1901, which calls for a year-long study of alcohol advertising by the Treasury Department's Bureau of Alcohol, Tobacco, and Firearms (BATF). [Except for certain technical changes intended to ensure its consideration by the House Subcommittee on Telecommunications, Consumer Protection, and Finance, the bill is essentially identical to H.R. 824, also introduced by Represenntative Nielson.]

Drinking in America

As the book Drinking in America: Beyond the Shadow of Prohibition (1981) points out, the drinking practices we observe in society are shaped by a variety of factors acting simultaneously. Some factors are individually based (e.g., genetic proclivities, psychological and developmental needs); some are rooted in intimate, informal social processes (e.g., family, ethnic, or religious traditions; the practices of one's spouse; the rituals of one's working companions); some are based on the marketing efforts of alcohol producers; and some are managed explicitly by government (e.g., taxes on alcohol, restrictions on availability, laws regulating drinking conduct, and a variety of educational messages about drinking). Research findings on drinking behavior are consistent with the hypothesis that several variables of relatively weak individual importance combine in different ways to produce different consequences.

Over time, these assorted factors and the ways they interact with one another are constantly changing. Since the colonists brought their drinking habits with them from Europe and elsewhere, American drinking customs and behavior have frequently undergone significant transformations. Today, two general observations can be safely made. First, in their rate of mean alcohol use, the citizens of the United States are not heavy drinkers compared with the citizens of other countries. Second, the increases in U.S. consumption in recent years is unremarkable and is consistent with the increases experienced throughout the industrialized world and, for that matter, in virtually all countries for which statistics have been compiled.

Who are America's drinkers? While there are some significant differences from a marketing standpoint among regions of the country, education and income levels, sex (approximately 70% of males and 60% of females are drinkers), and age, drinkers by and large constitute pretty much a representative cross-section of the adult population. It should also be noted that of all high school seniors, 90% report having tried alcohol, and 40% of male and 25% of female high school seniors report drinking some beer, wine, or liquor every week.

How much alcohol is being consumed and by whom? Americans currently spend about $60 billion a year on beer, wine, and liquor, or approximately 2.8% of total consumption expenditures in the United States. The average estimated per capita consumption (age 14 and older) is about 2.8 gallons of ethanol annually, or about 2 drinks per day. In 1981, beer accounted for 51% of absolute alcohol consumption, while distilled spirits and wine accounted for 36% and 13%, respectively. But these statistics tell us very little because there is such a wide diversity of individual drinking habits within the general population.

Perhaps a better perspective is provided by noted authority Dean Gersten's conceptualization :

> If we were to reduce the overall consumption curve to a representative sample of 10 drinking-age adults, their annual consumption of absolute ethanol would not be very different from the following rough approximation: 3 nondrinkers, 3 drinking a gallon among them, and others drinking 1.5, 3, 6, and 15 gallons, respectively. . .

It may also be helpful to note that illustration is consistant with the generally accepted view that 10% of the population consumes 50% or even more of the beverage alcohol sold in this country each year.

Increased Public Concern

"In general," as Robert R. Rell points out in (1981) Contemporary Social Problems, "since the repeal of prohibition there has developed on the broadest social level in the United States a basic indifference to alcohol. . . . [T]here does not appear to be any general strong opposition to the use of alcohol because it is immoral or bad, especially when it is used in moderation." It is, as Bell emphasizes, the problems associated with alcohol -- crime, alcoholism, drinking by adolescents, and, above all, drunken driving -- that have captured the attention of much of the country.

Alcoholism and alcohol abuse cause America many serious problems in terms of health, safety, and quality of life. Annual costs to society are now estimated in the range of $70 billion and higher. In human terms, some 250,000 Americans have died during the last decade in accidents caused by drunk driving, and millions have been maimed or crippled.

Drunk driving and the many other alcohol-related problems have plagued America for a long time, yet is has only been in the last couple of years that it seems as though the public has finally said "enough!" What is increasingly being referred to as "neotemperance" and the "Sobering of America" is attributed to several factors, including: MADD (Mothers Against Drunk Driving) and other citizens groups that have raised public awareness, pressured State legislatures to enact tougher drunk driving laws, and were instrumental last year in persuading Congress to require States to raise the minimum drinking age to 21 or risk losing Federal highway funds; concern about drug use and abuse, especially among young people, which has caused adults to consider their own dependencies; and, the physical fitness craze that has swept the country. Whatever the reasons, it seems as far as drinking is concerned, the United States is witnessing a profound change in lifestyles -- a change recently described in Newsweek as "drastic, nationwide, and here to stay."

Regulation of Alcoholic Beverage Advertising

The advertising of beer, wine, and liquor is regulated in a number of ways by various levels of government -- Federal, State, and local -and it is subject to self-regulation by, among others, the broadcast industry, the advertising industry, and the trade associations representing brewers, vintners, and distillers. This multiplicity of regulation led the author of one of the leading college textbooks on advertising to conclude, "No other advertising is so closely controlled as that pertaining to alcoholic beverages." In many respects this assertion is irrefutable. Nevertheless, on the whole, this regulation does little to address the concerns raised by SMART. A closer examination reveals why.

Industry Self-Regulation -- When the advertising of alcoholic beverages resumed in 1933 following 14 years of Prohibition, producers of intoxicating beverages were acutely aware of the fragile nature of the public's trust upon which their very existence was dependent. In their book Drinking in America: A History, Lender and Martin say:

> "While distillers, brewers, and vintners worked hard to expand their markets, they consciously avoided many of the practices that had ruined their public image in an earlier age. Advertising, for instance, became highly predictable.

> In the 1940s and fifties, ads showed drinking as part of a tasteful and sophisticated lifestyle, avoiding any themes that even remotely suggested immoderation.

From the mid-thirties until 1982, the National Association of Broadcasters (NAB) administered radio and televison codes which prohibited the advertising of hard liquor and provided that advertising of beer and wine was only acceptable if it was presented in "good taste and discretion." These voluntary codes were negated in 1982, however, as a result of an antitrust action initiated by the Justice Department. (U.S. v. Nat'l Ass'n of Broadcasters, No. 79-1549, D.D.C., 1982. See also, 43 Antitrust & Trade Reg. Rep. 232. July 22, 1982.) A spokeman for the NAB testified at the Feb. 7, 1985 hearing that "[s]ince the dissolution of the Codes, the networks, groups and individual broadcast licensees have enforced standards of their own and scrutinized all beer and wine commercials."

The Distilled Spirits Council of the United States (DISCUS) has also administered a voluntary code for many years. In December 1935, the Distilled Spirits Institute (as it was then called) voted to prohibit all radio advertising of hard liquor. And, in May 1948 the association's board of directors passed the following resolution:

> "Resolved by the board of directors of the Distilled Spirits Institute, That television should not be used to advertise beverage distilled spirits, and that the members of the institute should be advised of this action and urged to refrain from the use of this type advertising."

DISCUS's current code was revised in November 1983. In addition to prohibiting the advertising of distilled spirits on radio and tv, the code contains other prohibitions, including advertising "in any manner directed or primarily intended to appeal to persons below the legal drinking age." Although its members voluntarily refrain from advertising on radio and tv, and thus would seemingly not be affected by SMART's proposed ban, DISCUS opposes the ban because they fear it as a first step in banning all advertising, including the print media.

The Wine Institute's Code of Advertising is by far the most detailed of the voluntary codes, and it received praise at the alcoholism and drug abuse subcommittee's hearing from the subcommittee's chairman, Senator Hawkins. In particular, she noted the Code prohibits the use of athletes in members' advertising. As with the other voluntary codes, however, the Wine Institute's Code does not have the force of law and applies only to members of the association. In the case of the Wine Institute, approximately 40% of all wine -- foreign and domestic -- sold in the United States is made by non-member firms.

Federal Regulation -- Both the Federal Trade Commission and the Treasury Department's Bureau of Alcohol, Tobacco, and Firearms (BATF) have authority to regulate alcoholic beverage advertising. Either or both could become a major player in the current controversy

The FTC was petitioned in November 1983 by a coalition (composed of mostly the same groups that comprise SMART) seeking increased Commission restraints on alcohol advertising and marketing.

At the Feb. 7, 1985, hearing before the alcoholism and drug abuse, subcommittee, FTC Chairman James C. Miller III described the petition as follows:

> The petitioners argue that even where current advertising and promotional practices -- such as beer-company-sponsored events on college campuses -- do not expressly misrepresent the attributes of alcohol products, they are, nevertheless, deceptive and/or unfair under terms of the Federal Trade Commission Act. The petitioners assert that Section 5 of our Act is violated because the ads portray alcohol consumption, and even alcohol abuse, in an appealing manner. The petition contends that these ads lead to increased alcohol consumption and abuse.
>
> The petition seeks a number of remedies, ranging from a ban on all alcohol advertising and promotional practices aimed at, or indeed reaching, large numbers of children, teenagers, or heavy drinkers, to requiring rotational warnings in otherwise permissible print ads or requiring the dissemination of broadcast public service announcements designed to discourage inappropriate drinking habits.

On Apr. 15, 1985, the Commission voted 4-1 to deny the coalition's petition. In a letter to CSPI, the FTC said its decision was based on its determination that there exists "no reliable basis on which to conclude that alcohol advertising significantly affects alcohol abuse. Absent such evidence, there is no basis for concluding that rules banning or otherwise limiting alcohol advertising would offer significant protection to the public." The agency did pledge continued monitoring of alcohol ads, and said its decision would not "eliminate the possibility that the Commission will bring lawsuits in individual cases where advertisements appear to be deceptive or unfair."

While the FTC is the principal Federal agency responsible for policing national advertising, with respect to the unique category of alcoholic beverage advertising, the agency with primary jurisdiction is the BATF. And, if neither Congress or the FTC decides to ban beer, wine, and liquor ads, BATF may eventually become the key player in this debate.

Utilizing its authority under the Federal Alcohol Administration Act of 1935, BATF is on the verge of releasing a proposed rulemaking that would tackle several controversial subsidiary issues such as the use of former athletes, famous personalities, and sporting events.

Some have speculated that were BATF to propose significant changes in these areas -- thus addressing some of the criticisms leveled at current advertising practices -- pressure for more far reaching advertising restrictions might dissipate. (BATF Director Stephen E. Higgins has already said the agency will not propose a ban.)

[Note: For a more thorough examination of broadcast advertising regulation of alcoholic beverages, see: U.S. Library of Congress. Congressional Research Service. Alcohol Advertising and the Media. Typed Report by Douglas Reid Weimer, Feb. 14, 1983. Washington, 1983. 38 pages.]

The Cigarette Analogy and Counteradvertising

Because of a number of similarities, it is only natural that both proponents and opponents of the current efforts to ban broadcast advertising of alcoholic beverages seek to draw an analogy with the 1971 banning of cigarette advertising on radio and TV. The comparison may be instructive, but important differences should not be ignored.

Both alcoholic beverages and tobacco often cause serious health problems and, respectively, are supposed to be responsible for 100,000 and 500,000 deaths in the United States each year. They both contain powerful drugs and are used in large part because users desire or crave the effects these products provide. The costs imposed on society by these products is immense and almost certainly exceed the taxes collected. For these and other reasons, tobacco and alcoholic beverages are the only two products which are restricted by law -- and, to a lesser degree, by custom -- to adult usage.

On the other hand, while no safe level of consumption exists for tobacco, there is a growing body of knowledge indicating that moderate consumption of alcohol provides some health benefits, including a reduction in the risk of coronary heart disease. Also, whereas estimates of the number of cigarette smokers who are addicted run as high as 90%, about 10% of those who drink are considered to be addicted. A significant difference can also be found in the ads for cigarettes when they were permitted on TV and present day ads for beer and wine. Cigarette commercials showed people in the act of smoking, inhaling deeply, and blowing smoke around with obvious pleasure. In contrast, self-regulatory codes prohibit drinking in tv ads for beer and wine.

As with alcoholic beverage advertising, efforts to link cigarette advertising with consumption have proved contradictory and inconclusive. Nearly a decade and a half after Congress prohibited radio and television commercials for cigarettes, there is still no concensus on whether the Public Health cigarette Smoking Act (P.L. 91-222) helped to reduce smoking. There now exists fairly conclusive evidence, however, that the "public service" anti-smoking ads that were aired under the so-called Fairness Doctrine significantly lowered the aggregate demand for cigarettes. [From 1968 through 1971, the Federal Communications Commission (FCC) -- under the Fairness Doctrine, as enbodied in section 315(a) of the Communications Act -- required that an anti-smoking ad be braodcast for every four cigarette commercials.]

Thus, while brewers and vintners are concerned that Congress may ban ads for their products from the Nation's airwaves, perhaps what they should fear even more is that Congress might adopt project SMART's alternative proposal: require broadcasters to provide equal time for anti-drinking messages.

A Bigger Pie?

Would the brewers really spend hundreds of millions of dollars just to fight over market shares? Or, as many critics contend, are they trying to bring new drinkers into the market? Bigger slices of an existing pie, or a bigger pie? Spokesmen for the U.S. Brewers Association as well as others say that the $350 million in sales that a 1% shift in market shares represents is reason enough to spend the amount of money they do on advertising. The SMART coalition and others disagree. They see such large expenditures as proof that Anhauser-Busch, Miller Brewing, et al are, in fact, attempting to increase total beer consumption. So who is right?

Advertisers of many products do spend huge amounts of money to do exactly what the brewers say they are trying to do: shift people from one brand to another. Whether it's Proctor and Gamble vs. Colgate-Palmolive in the soap market or toothpaste market, or Chevrolet vs. Ford in the car market, the fight is for shares of an existing market. There is no expectation on the part of these companies that their ads will induce people to shower or brush their teeth more often or go out and buy an extra car.

On the other hand, many products, particularly in the beverage and food categories, are advertised in the hope of increasing both share and total consumption. Wheaties, Sugar Crisps, Captain Crunch, etc., are not only competing against each other in the cereal market, they are also competing in the much broader market of breakfast foods, including eggs, pancakes, what have you.

And what about the beverage market? "Orange juice; it's not just for breakfast anymore," an ad campaign paid for by Florida citrus growers, is intended to increase total consumption by getting people to drink orange juice throughout the day, not just in the morning. Will people who start drinking orange juice after playing tennis do so at the expense of iced tea or soft drinks or beer? For years, Pepsi and Coke have spent tens of millions of dollars primarily battling each other in the cola market. But they are also competing -- in varying degrees -- with all liquid refreshments.

On the face of it, the brewing industry's claim that its members target their ads at beer drinkers and are merely competing for shares cannot be refuted. Only the companies and their advertising agencies know for sure who is being targeted. For this reason, Professor John F. Banzhaf suggested in his testimony before the House Subcommittee on Telecommunications, Consumer Protection & Finance that either the Congress or the Federal Trade Commission could resolve this question by issuing "subpoenas, modeled after those use by the FTC to investigate the tobacco industry, to require the production of documents describing ad campaigns, themes, target audiences, etc."

Unfortunately, even the subpoena approach would not necessarily resolve this matter. If the documents obtained clearly showed that the beer companies only target existing drinkers and are not trying to entice the Nation's youth or increase consumption in general, the question of whether long-term exposure by youth to commercials glamorizing beer influences their decision to drink would still not be laid to rest. As SMART has said, if the unintended effect of broadcast advertising for alcoholic beverages is to increase overall consumption and the problems of alcoholism and alcohol abuse, the problem to be addressed is the same.

Ad Bans in Other Countries

Despite the fact that international studies attempting to link broadcast advertising of alcoholic beverages with alcohol abuse have also proved inconclusive, some countries have already banned such ads and others are considering doing so.

Ads are already banned from tv in Finland, Norway, and Switzerland. In addition, several other countries, including Mexico and Italy, have placed limits on the hours during which such ads may be broadcast, and according to the International Advertising Federation, there are currently strong movements in Australia, Greece, Brazil, and the Netherlands that are pressuring those governments to either ban alcohol ads on tv or tighten the existing restrictions.

Citing a number of foreign studies that have found no correlation between advertising expenditures for alcoholic beverages and consumption, those who oppose a ban in this country say it would not help reduce teenage drinking, drunken driving, and alcoholism. On the other hand, the ban's proponents say the foreign studies show that the problems associated with alcohol would have been worse were it not for the radio and tv ad bans.

It is noteworthy that in Australia, the United Kingdom, and Sweden, much of the success achieved by those governments in reducing drunken driving in recent years has been attributed to advertising campaigns -- campaigns about the dangers of drinking and driving, paid for by government and aimed at educating the public. In Australia and Sweden, where alcohol-related highway deaths were dramatically reduced, the commencement of the advertising campaigns coincided with the imposition of much stricter penalties for drunken-driving offenses and stepped-up enforcement efforts.

Outlook

In their 1982 book Alcoholism: Development, consequences, and intervention, Estes and Heinemann state: "There is speculation that our society is too permissive toward the advertising of alcohol, with the result that effective advertisements increase the percentage of drinkers and perhaps even alcoholics. No adequate data exist on this subject." This assessment is still accurate. And, because drinking practices are shaped by a large variety of factors acting simultaneously, it is doubtful that the advertising ban debate will ever enjoy the benefits that "adequate data" might provide. As the March 1985 FTC staff report on SMART's petition states: "Most of the studies done so far seem to be conscientious efforts of competent researchers, so the fact that they have not reached definitive or even consistent results does not bode well for future studies." If absolute "statistical proof" is a prerequisite for deciding whether to impose a ban, there probably will not be one.

Public policy decisions invariably involve balancing a host of conflicting costs and benefits to society. Even if the ban's proponents and opponents were in agreement that advertising does increase the number of drinkers (and by inference, problems associated with alcohol), other considerations merit evaluation. These include the probable effects of a ban on the alcoholic beverage and the broadcast industries as well as on viewers and listners, both in economic terms and in the less tangible realm of freedom of expression and individual liberties.

At the Feb. 7, 1985, hearing before the Subcommittee on Alcoholism and Drug Abuse, a spokesman for the National Association of Broadcasters testified that an advertising ban would "significantly harm broadcasters, especially smaller radio stations" and it was suggested that a ban would drive much sports broadcasting from "free" network tv to subscriber tv. The Mar. 11, 1985, issue of Advertising Age, however, reported that a research report by a Wall Street brokerage house "suggests that [the ban's] effect would not be severely disabling to the tv networks" and that sports programs could find other sponsors. A more detailed examination of the probable economic impact of a ban would seem warranted.

The U.S. debate could benefit from further discussion of the balance to be struck between constitutionally protected rights of free speech and the duty of government to protect the health and safety of the Nation's citizenry. Once held to be outside the protective scope of the First Amendment, commercial speech is now accorded some but less than full immunity from regulation. Generally, government may regulate and even ban some forms of commercial speech, subject to judicial balancing of the competing public and private interests and the alternatives available. While a product that is dangerous might be banned itself rather than speech about it, case law does recognize the validity in some instances of governmental discouragement of a product through a ban on or regulation of advertising of it.

Writing in the Federal Communications Law Journal last year, Gregory T. Wuliger said: "If products of any kind are dangerous to the public, it is the product -- and not speech about the product -- that should be banned. If the danger of such a product is in doubt, commercial speech about the product should be allowed, at least on a limited basis, in all media, not just in print."

On the other hand, a number of governments around the world have decided that while alcoholic beverages are legal products, banning advertisements for those products is an appropriate response to health and safety problems associated with drinking.

LEGISLATION

H.R. 1901 (Nielson)

Provides for BATF to conduct a study of alcoholic beverage advertising and promotion, and to prepare and transmit to Congress within one year a report on its findings. More specifically, the bill directs BATF to (1) examine the extent to which such advertising encourages consumption of alcohol, particularly by youth and by problem drinkers; (2) examine other promotional practices which encourage consumption of alcohol (whether or not conducted in connection with such advertising; (3) examine the extent to which such advertising and other promotional practices are subject to private industry self-regulation, and, if so, the effectiveness of such regulation; and (4) examine the extent to which other forms of public information may neutralize or reduce any adverse effects of such advertsing and promotion. Introduced Apr. 2, 1985; referred to Committee on Energy and Commerce.

H.R. 2526 (Seiberling et al.)

Fairness in Alcohol Advertising Act of 1985. Amends the Communications Act of 1934 to provide equivalent broadcasting time in order to respond to alcohol beverage advertisements. More specifically: (1) a radio or television licensee or cable operator may not broadcast or deliver ads for alcoholic beverages unless equivalent time is provided; (2) equivalent time means equal duration to that used for the beverage ad, during a period when audience size and composition are approximately equivalent; (3) 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; (4) exempted are situations in which alcohol beverage sponsors underwrite programming when only the company or institutional logogram is used without any commercial announcement. Introduced May 15, 1985; referred to Committee on Energy and Commerce. Subcommittee hearings held May 21.

HEARINGS

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----- Liquor advertising. Hearings on S. 265. 80th Congress, 1st session. May 12 and 13, 1947. Washington, U.S. Govt. Print. Off., 1947. 182 p.

----- Liquor advertising. Hearings on S. 265, S. 2352, and S. 2365. 80th Congress, 2d session. Apr. 21 and 22, 1948. Washington, U.S. Govt. Print. Off., 1948. 220 p.

----- Liquor advertising. Hearings on S. 1847. 81st Congress, 2d session. Jan. 12, 13, and 14, 1950. Washington, U.S. Govt. Print. Off., 1950. 434 p.

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U.S. Congress. Senate. Committee on Labor and Public Welfare. Subcommittee on Alcoholism and Narcotics. Media images of alcohol: The effects of advertising and other media on alcohol abuse, 1976. Hearings, 94th Congress, 2d session. Mar. 8 and 9, 1976. Washington, U.S. Govt. Print. Off., 1976. 385 p.

CHRONOLOGY OF EVENTS

05/21/85 -- House Subcommittee on Telecommunications, Consumer Protection and Finance held hearings on "Beer and Wine Advertising: The Impact of the Electronic Media."

05/15/85 -- H.R. 2526 introduced by Representative Seiberling and referred to Committee on Energy and Commerce. Bill would amend the Communications Act to require that when an alcoholic beverage is advertised on TV, radio, or CATV, equivalent time be provided for public service announcements about alcohol consumption and misuse.

04/15/85 -- FTC denied petition filed by SMART, saying there is no clear evidence linking alcoholic beverage ads with alcohol abuse.

02/07/85 -- Senate Subcommittee on Alcoholism and Drug Abuse held hearings on issue of whether a ban should be imposed on broadcast advertising of alcoholic beverages.

01/30/85 -- H.R. 824 introduced by Representative Nielson and referred to Committee on Energy and Commerce. Bill calls for one-year study by BATF of advertising and promotion of alcoholic beverages.

06/25/84 -- SMART held press conference, vowed campaign would send a message to the White House and Congress "that American's are fed up with slick broadcast commercial messages that encourage millions of children and adolescents" to drink.

11/00/83 -- SMART coalition filed petition with FTC seeking increased Commission restraints on alcohol advertising and marketing (Docket No. 209-46).

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