

# ***ACTION ALERT***

## ***From WASAVP***

***The Washington Association for Substance Abuse and Violence Prevention***

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**For Immediate Release: June 9, 2009**

The Washington State Liquor Control Board (LCB) has issued proposed changes to Washington Administrative Code (WAC) 314-52 regarding Alcohol Advertising Rules. Public comment will be accepted until June 15, 2009. The LCB's estimated timetable for the entire process is attached to this document.

### **What do we know about youth drinking?**

A September 10, 2003, report entitled, "Underage Drinking: A Collective Responsibility," released by the National Academy of Sciences stated that more youth drink alcohol than smoke tobacco or use other illegal drugs. They estimate that the social cost of underage drinking is \$53 billion.

According to the Washington State Healthy Youth Survey 2008, almost one-third of 10<sup>th</sup> graders report having drunk a glass, can, or bottle of alcohol in the past 30 days. About one out of five 10<sup>th</sup> graders report having drunk five or more drinks in a row in the past two weeks.

Underage drinking plays a substantial role in the three leading causes of death among youth – motor vehicle fatalities, suicide, and homicide. According to the American Medical Association, underage drinking is a factor in nearly one-half of all teen automobile crashes, the leading cause of death among teenagers.

### **How is this connected to alcohol advertising?**

- Research by the National Institute on Alcohol Abuse and Alcoholism entitled, "Effects of the Mass Media on the Use and Abuse of Alcohol," has found that exposure to alcohol advertisements affects young people's beliefs about drinking, intentions to drink and actual drinking behavior. A substantial proportion of alcohol advertising reaches an underage audience and is presented in a style attractive to youth.

- Sixth and seventh graders exposed to high levels of alcohol advertising – from television, magazines, in-store displays and branded promotional items – are 50 percent more likely to drink than children with low exposure to such marketing.<sup>1</sup>
- Each additional dollar spent on alcohol advertising per capita raises youth drinking by 3%.<sup>2</sup>
- The alcohol industry spent over \$28.4 million on ads shown during the 15 most popular teenage television shows in 2003.<sup>3</sup>
- A four year magazine study found that the number of beer and distilled spirits ads increased with a magazine's youth readership. It was found that 1.6 times more beer ads and 1.3 times more distilled spirits ads were placed for every 1 million readers ages 12-19.<sup>4</sup>
- The alcohol industry spent approximately \$6 billion on advertising and promotion in 2005. More importantly, the industry spent three times as much on unmeasured alcohol promotion (sponsorship, Internet advertising, point-of-sale materials, product placement, and branded items or "schwag") as it did on measured media (television, radio, and print).<sup>5</sup>
- Kids who own a hat, poster or t-shirt promoting alcohol are nearly twice as likely to drink as kids who don't.<sup>6</sup>

### **How will changing the Washington Administrative Codes (WAC) effect alcohol advertising?**

The Liquor Control Board regulates alcohol advertising. They believe the purpose of this advertising should be to prevent the misuse of alcohol and reduce youth exposure to alcohol advertising and marketing.

Proposed changes to the WAC will reduce youth exposure to alcohol advertising and restrict venues where the marketing of alcohol can take place. We know advertising is effective, or the alcohol industry would not spend billions of dollars each year on advertising. We also know that children and youth are very susceptible to brand exposure – just look at the company/designer logos on their clothing. The proposed changes are designed specifically to limit exposure to children and youth.

### **What can I do?**

You have the opportunity to impact one of the biggest factors in reducing underage drinking –the environment! We know it makes a difference. You can do this by providing feedback to the LCB regarding their proposed changes to the advertising rules. The process for doing so is on the first page of the attached document.

The remainder of the attached document is a chart that provides the LCB's proposed changes and the changes suggested by members of the prevention community. Where there is no change indicated, the LCB recommendation is supported fully.

- You may use the attached document to formulate your feedback.
- Send your response by mail, e-mail, or fax:
  - Rules Coordinator                      [rules@liq.wa.gov](mailto:rules@liq.wa.gov)      360-664-9689 (fax)
  - Liquor Control Board
  - P.O. Box 43080
  - Olympia, WA 98504
  
- Respond by **June 15<sup>th</sup>** for this first round.

**Additional Considerations:**

You will notice that the proposed changes by the prevention members take a stricter stance than the LCB on a number of the items. While the LCB’s work and their recommendations are appreciated, a stricter policy is being proposed at this time. On the items that no prevention response is indicated, the LCB’s proposal is fully supported.

The LCB has indicated that they need research supporting the proposed changes. Please feel free to include any research information as appropriate. (See first page of this document.)

Please thank the LCB for specifically stating the purpose of regulating alcohol advertising is to “prevent the misuse of alcohol and reduce youth exposure to alcohol advertising and marketing.” This is incredible work on their part, and if these advertising changes are approved, Washington will have some of the best advertising policies in the country. **GO WASHINGTON!**

Thank you.

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1. Collins, Rebecca L., Ph.D, et al., Early Adolescent Exposure to Alcohol Advertising and Its Relationship to Underage Drinking, Journal of Adolescent Health, volume 40, issue 6, Pages 527-534 (June 2007).
2. L.B. Snyder, F.F. Milici, M. Slater, H. Sun, and Y. Strizhakova, "Effects of Alcohol Advertising Exposure on Drinking Among Youth," Archives of Pediatrics and Adolescent Medicine 160 (2006)
3. [CAMY TV Report: Alcohol Advertising on Television, 2001-2003.](#)
4. C.F. Garfield, P.J. Chung, P.J. Rathouz, "Alcohol Advertising in Magazines and Youth Readership," The Journal of the American Medical Association 289, no. 18 (May 14, 2003): 2424-2429.
5. Federal Trade Commission, Self-Regulation in the Alcohol Industry, Appendix B: Alcohol Advertising Expenditures, iii.
6. Collins, Rebecca L., Ph.D, et al., Early Adolescent Exposure to Alcohol Advertising and Its Relationship to Underage Drinking, Journal of Adolescent Health, volume 40, issue 6, Pages 527-534 (June 2007).

(Facts provided on [www.marininstitute.org](http://www.marininstitute.org))

## Alcohol Advertising Rules Review

The Washington State Liquor Control Board (LCB) has issued proposed changes to WAC 314-52 and is accepting public comment until June 15, 2009. (See LCB's estimated timetable below.)

This document spells out the changes most pertinent to the substance abuse prevention and chemical dependency field. Please feel free to use it as a tool when submitting your comments to the LCB.

**Note about lobbying:** governmental entities and those receiving public funding may submit comment **without** violating any laws related to lobbying.

<b>WAC Timetable</b>	<b>Date</b>
Current comment period open until	6/15/09
Rules Coordinator presents new public comments to the Board	6/24/09
Proposed WAC back out for additional public comment	6/30/09
Comments accepted until	7/24/09
Presented to Board again	7/29/09
Public Hearing	8/25/09 or 9/2/09

To read the entire WAC, showing proposed new and deleted language, go to: <http://www.liq.wa.gov/rules/OTS-2401%20final.pdf>

To read the LCB summary of these changes, go to: <http://www.liq.wa.gov/rules/Advertising%20Rules.pdf>

Please forward your comments to the Liquor Control Board by mail, e-mail, or fax by June 15, 2009.

**By mail:**

Rules Coordinator  
Liquor Control Board  
P.O. Box 43080  
Olympia, WA 98504

**By e-mail:**

[rules@liq.wa.gov](mailto:rules@liq.wa.gov)

**By fax:**

360-664-9689

WAC Title	<b>Liquor Control Board Proposed Changes</b> Note: <ul style="list-style-type: none"> <li>● Underlined words are proposed <u>to be added</u> to the WAC</li> <li>● Crossed-out words are proposed <del>to be removed</del> from the WAC</li> <li>● All others are current language included here for context</li> </ul>	Proposed Prevention Response
Purpose and application WAC 314-52-005	<u>The liquor control board regulates alcohol advertising to prevent the misuse of alcohol and reduce youth exposure to alcohol advertising and marketing.</u>	
General WAC 314-52-015	<u>All liquor advertising on products sold in the state of Washington may not contain any statement, picture, or illustration that:</u> <u>(c) Shows a person who appears to be under 21 years of age consuming alcohol</u> <u>(f) ...refers to any <del>known</del> athlete</u> <u>(g)(ii) Is designed in any manner that would be especially appealing to children or other persons under 21 years of age</u> <u>(h) May appeal to persons under 21 years of age by implying that the consumption of alcoholic beverages is fashionable or the accepted course of behavior;</u> <u>(i) Associates alcohol with social achievement</u>	(h) May appeal to persons <b>of any age</b> by implying that the consumption of alcoholic beverages is fashionable or the accepted course of behavior.
Liquor advertising prohibited in school publications WAC314-52-030	<u>(2)...<del>when broadcast over radio or television</del> in any media</u>	
Contests, competitive events, premiums and coupons. WAC 314-52-040	<u>(1)(a) No one under twenty-one years of age is allowed to participate, and no premiums, prizes, coupons, contests, or competitive events are targets to persons under 21 years of age.</u>	<b>Add:</b> Promotional materials may only be distributed in venues where attendance is limited to those 21 years old and older.

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Outdoor advertising WAC 314-52-070	<p>(2) <u>The board limits each licensed premise to four signs referring to alcoholic beverages that are visible from the outside of the premises. The board also limits the size of a sign advertising alcohol to six hundred square inches.</u></p> <p>(5) No outdoor advertising of liquor shall be placed <del>in proximity to</del> <u>within five hundred feet of</u> schools, churches, public playgrounds, or athletic fields used primarily by minors...</p>	<p>(2) The board limits each licensed premise to <u>two</u> signs referring to alcoholic beverages, <u>brand names, or companies</u> that are visible from the outside of the premises. The board also limits the size of a sign advertising alcohol to <u>144 square inches</u>.</p> <p>(5) No outdoor advertising of liquor shall be placed within <u>seven hundred fifty feet</u> of schools, churches. . .</p>
Brand signs and point-of-sale displays on retail licensed premises WAC 514-52-113	<p>Manufacturers, importers or distributors may furnish... <u>to retailers...</u> (2) Giant inflatables, such as inflated beer cans, bottles, <del>animals</del> and banners may be provided as point-of-sale to retailers for display purposes on their property, provided the following conditions are met:</p> <p>(b) <u>Inflatable</u> are not appealing to children or persons under twenty-one years of age;</p> <p><del>(4) Animal mascots</del> and (3) costumed individuals representing beer, wine, or liquor manufacturers may be provided... provided the following conditions are met:</p> <p>(d) <u>The costumed individual may not be appealing to children or persons under twenty-one years of age; and</u></p> <p>(e) <u>The board may prohibit the use of costumed individuals if the use is contrary to the public interest.</u></p>	<p>(2) Giant inflatables, such as inflated beer cans, bottles, and banners may be provided as point-of-sale to retailers for display purposes <u>provided the premises are restricted to those 21 years of age and older.</u></p>
New Section: Sponsorship of public and civic events WAC 314-52-120	<p><u>Manufacturers, importers, and distributors may sponsor public and civic events under the following conditions:</u></p> <p>(1) <u>Acknowledgement of the sponsor is allowed in any media ad where the function recognizes the sponsors</u></p> <p>(2) <u>Brand advertising is allowed only in areas at the event where alcohol sales and consumption are conducted, and</u></p> <p>(3) <u>There may be no giveaways of promotional items of any kind at events held in public areas, including, but not limited to: (a) Street fairs, (b) Parks, and (c) Government buildings</u></p>	<p><u>Add:</u> (4) Attendance is limited to those 21 years old and older.</p>

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Programs and program folders WAC 314-52-085	Programs and program folders, for the purpose of this section, shall mean brochures for use at sporting arenas which have, as a part of their operations, whether directly or indirectly, a retail licensed premises. No manufacturer, importer, distributor, or their agent, shall provide, without cost, directly or indirectly, programs or program folders for retail licensees <u>unless the following conditions are met:</u> <ol style="list-style-type: none"> <li>(1) <u>A sports entertainment facility</u> may accept bona fide liquor advertising from manufacturers, importers, distributors or their agents, for publication in the program or program folder of the <u>sports entertainment facility</u>; and</li> <li>(2) Advertising is paid for by said manufacturer, importer, distributor or their agent at the published advertising rate for all program or program folder advertisers, including nonliquor advertisers.</li> </ol>	<b>Add:</b> Alcohol advertisements cannot occupy more than 100 square inches or 5% of the total publication space, whichever is less.