The Advertising of Alcohol on Television:
A History of Controversy

An Honors Thesis (HONRS 499)

by

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Abstract

This discussion focuses on the issue of advertising alcohol on television. It first provides a look back into the history of the controversies that have surrounded alcohol since the 1800's. This history explores the rise and fall of prohibition and discusses legislation that has both passed and failed over the years. The alcohol debates are then divided into two categories, hard liquor and beer. The discussion of liquor focuses on the debate that has ensued following the industry's lifting of its 50 year voluntary ban on television advertising. The discussion that focuses on the beer and wine industries takes a look at arguments that have risen concerning advertising by these industries since the beginning of the 1990's. It also explores the possible effects that liquor's move onto television could have on the beer and wine industries as well as what effects advertising restrictions placed on brewers would have on the economy and the general public. Finally, the discussion looks at what lies ahead for alcohol and its battle for a place on the airwaves.
November 7, 1996 will remain an important date in advertising and broadcasting history. It was on this day that the Distilled Spirits Council of the United States (DISCUS) lifted its 50 year voluntary ban of hard liquor advertisements on radio and television. This move, along with Seagram's placement of Crown Royal advertisements on network TV, sparked a debate that has taken many different angles. Some people feel that ads for hard liquor have no place on television, but that beer and wine advertisements are fine. Others think that any form of alcohol should be banned from the airwaves. Some people are worried about the effects that alcohol advertisements have on our youth, yet others are concerned about the potential loss in revenue for broadcasters and certain industries if alcohol ads were to be banned. President Bill Clinton, Congress, the FCC, the FTC, Mothers Against Drunk Driving, and many consumer advocacy groups have all voiced their concerns about alcohol on television. No one can decide, however, where to draw lines in the debate. What effects, if any, do advertisements have on children? Does the FCC or the FTC have the right to regulate who advertises on television and what those advertisements contain? Does anyone have that right? Should beer and wine industries be regulated differently than the hard liquor industry? Should any advertising restrictions exist at all? These questions, and others, keep the debate fires burning and prove that the controversy over the existence of alcohol on television could develop into a never-ending battle.
Chapter 1
A Look Back

In order to understand why the advertising of alcohol has stirred up an abundance of controversy, it is important to first identify where attitudes about alcohol came from. The controversy over alcohol began as early as 1619 when a Virginia statute decreed that "a person found drunk for the first time was to be reproved privately by a minister, the second time publicly and the third time made to 'lye in halter' for 12 hours as well as to pay a fine" (Worsnop, 1997, p. 225). In the Massachusetts Bay Colony, drunks were punished with whippings, fines, and confinement in stocks. (p. 225)

Alcohol also became a problem in the late 1800's. Americans in this era drank almost three times as much as they do in the 1990's. According to David Musto, a Yale University authority on attitudes toward alcohol and other drugs, "They viewed alcoholic beverages as 'important and invigorating foods whose restorative powers were a natural blessing'". (p. 225) People from all areas and all classes drank at any possible moment. They drank "imbibed" wine with sugar at breakfast, "bitters", which were strongly hopped ales, at 11 a.m., and then they would have beer and cider with lunch. (p. 225)

The day would continue with more bitters at 4 p.m., and then toddies, drinks made with brandy or other liquor and hot water, sugar, and spices, with supper and for the rest of the evening. (p. 225) Workers were often paid with spirits, and stores left barrels of whiskey or rum outside of their doors from which customers could take a drink. (p. 225)

Due to the abundance of alcohol consumption during the early 19th century,
temperance groups began to form. The first of these groups was the Massachusetts Society for the Suppression of Intemperance, which formed in 1812. (p. 227) Many of the groups that formed started out with the purpose of simply reducing alcohol consumption, but ended up with the goal of creating complete abstinence. (p. 225) As a result of the movement, Maine became the first state to put forth a prohibition law in 1851 to bar the "manufacture, storage, and sale of intoxicating liquors" (p. 225), and to "impose heavy penalties on violators" (p. 225). Over the next 5 years, 12 more states had passed similar laws. (p. 227)

After 1855, however, the prohibition trend came to a halt. The country became involved in issues such as slavery, secession, and the Civil War, so prohibition wasn't at the forefront of controversy for most people. (p. 225) Also, legal problems became an obstacle. A series of court decisions found certain parts of state legislation unconstitutional and law enforcement in dry states led to the conclusion that prohibition was "inherently infeasible". (p. 225)

The movement was resurrected twenty years later when, on December 23, 1873, Eliza Jane Thompson formed The Woman's Christian Temperance Union (WCTU) and led 70 women on a march through Hillsboro, Ohio. (p. 225) During their 50-day campaign, the women managed to "shutter" 150 bars by "preaching, praying, and singing about the evils of alcohol". (p. 225) Joining the crusade, the Anti-Saloon League formed in Ohio in 1893 and became known as the Anti-Saloon League of America in 1895. (p. 226) They solicited aid from Protestant evangelical churches and became known as the 'Church in Action Against the Saloon'. (p. 226) Together, the Anti-Saloon League of American and the WCTU strengthened the prohibition movement nationwide and made it an issue for the 20th century.

In addition to group efforts, some individuals felt the need to make their voices heard. In 1900, Carry Moore Nation received national attention by using a hatchet to
wreck saloons in Kansas. (p. 226) The 54 year-old woman said that "God had directed her to do her work" (p. 226). Although Nation was never a part of any "mainstream" temperance group, many give her credit for helping to set the stage for the passage of a national prohibition law in 1919. (p. 226)

On January 16, 1920, the 18th Amendment to the Constitution took effect, barring the " 'manufacture, sale, or transportation of intoxicating liquors' within the United States as well as all imports and exports of alcoholic beverages" (p. 226). Even if this amendment had not taken effect, however, most states would have been dry as a result of written prohibition statutes in their state constitutions. (p. 226) As a result of the amendment, the 15 states that hadn't passed their own limits on alcohol did so. (p. 226)

The support of prohibition began to wear thin as many people realized how limiting the laws actually were. As historian Frederick Lewis Allen noted, " 'Evasion of the law began almost immediately . . . and strenuous and sincere opposition to it -- especially in the large cities of the North and East -- quickly gathered force.' " (p. 226) He continued, " 'The results were the bootlegger, the speakeasy and a spirit of deliberate revolt which in many communities made drinking the thing to do.' " (p. 226) Prohibition resulted in a change of attitudes toward alcohol. These attitudes included " 'increased popularity of distilled as against fermented liquors, the use of the hip-flask, the cocktail party and the general transformation of drinking from a masculine prerogative to one shared by both sexes together' " (p. 226). As a result, states repealed the 18th Amendment and prohibition formally ended in 1933. (p. 226)

Many historians today are interested in the health benefits that arose from the nation's prohibition era. In 1968, Ohio State University historian John C. Burnham found that death rates from cirrhosis of the liver dropped from 29.5 per 100,000 men in 1911 to 10.7 in 1929. (p. 226) He also noted that state hospital admissions for treatment of "alcoholic psychosis" also declined during this period. (p. 226)
Before the repeal of the 18'th Amendment was official, President Franklin D. Roosevelt and members of an interdepartmental committee met to develop a plan for alcohol control under the National Industrial Recovery Act. (p. 226) The plan created a Federal Alcohol Control Administration (FACA), which would have authority to "set production and price limits and to enforce fair trade practices, including advertising and labeling" (p. 226). However, the National Industrial Recovery Act was found unconstitutional on May 27, 1935. (p. 227) As a result, the Federal Alcohol Administration (FAA) Act was approved on August 24, 1935, and incorporated FACA's established advertising and labeling provisions. (p. 227) Under this law, the FAA was given authority to "regulate the advertising of alcoholic beverages to prevent deception of consumers; provide adequate information on the identity and quality of the products advertised, their alcoholic content and the person responsible for the ad; prohibit language disparaging a competitor's products or making false, misleading, obscene or indecent statements; and bar statements inconsistent with those on product labels" (p. 226).

In order to win popular approval and to avoid any further federal regulations, the Distilled Spirits Institute (now known as DISCUS) banned all liquor advertising on the radio in 1936 and later extended the ban to television after World War II. (p. 228) They also extended the effort to include discouraging liquor ads on comic pages and in school, college or religious publications that were geared toward women or children. (p. 228) The beer and wine industry followed later with codes that were similar. (p. 228) Advertisements for beer were "not to encourage overindulgence, depict scenes of drunkenness or loss of control, or associate beer drinking with activities and situations that require a high degree of alertness" (p. 228). Advertisements for wine were to show the product as a beverage appropriate to have with meals, but not as one that contributes to success or achievement. (p. 228) It was also not appropriate to use rock stars, sports
celebrities, or models who didn't look over the age of 25. (p. 228)

The voluntary bans weren't enough for many people, however. In 1950, at congressional hearings concerning federal bans on ads for alcohol, Samuel McCrea Cavert, general secretary of the Federal Council of the Churches of Christ in America, testified, "The deceptive glamour of alcoholic beverages is vastly intensified by the extremes to which their advertising now goes." (p. 228) Many consumer advocacy groups have felt that the voluntary codes are not as strictly enforced as they should be and that 'good taste' in advertising can have many different interpretations. (p. 228) In November 1983, the Center for Science in the Public Interest (CSPI) led a coalition of 28 consumer, women's, health, religious and other organizations and petitioned the FTC for "a ban on beer and wine commercials or, failing that, a requirement that such ads be balanced by public service announcements warning of the risks of excessive drinking" (p. 228). They also petitioned that the FTC "require alcohol advertisements in magazines and newspapers to contain health warnings" (p. 228) and "prohibit beer companies from sponsoring rock music concerts and beer-tasting parties on college campuses" (p. 228). The FTC would not agree to such regulations, however.

Because their efforts failed, the coalition developed a campaign in 1985 known as Project SMART (Stop Marketing Alcohol on Radio and Television). (p. 228) The coalition wanted to target alcohol commercials that featured former athletes and other celebrities. They felt that these ads "encouraged excessive drinking by young people and others without cautioning potential purchasers that alcohol can impair health" (p. 228). If the coalition could not get a complete ban of alcohol advertising, then they would settle for a law that required public service announcements by broadcasters that warned about the health risks associated with alcoholic beverages in exchange for the broadcasters' privilege to run beer and wine commercials. (p. 228)

Many oppositions faced Project SMART. The first argument was that the alcohol
industry already funded public service announcements and other educational programs about the abuse of alcohol. (p. 228) Opponents were also worried that restrictions placed on beer and wine advertising would influence revenue for the networks, forcing them to cut back on such programming as sports coverage because nearly 20 percent of the advertisements shown during sportscasts are for alcohol. (p. 228) The First Amendment right to free speech and the fact that there is no scientific evidence showing any link between advertising and alcohol abuse were also arguments in the debate. (p. 228) The project drew a great deal of media attention, but it failed to stimulate any legislation on the subject. (p. 228)

Further attempts at regulating alcohol and the advertising of it have appeared over the past ten years. In 1988, for example, President Ronald Reagan signed a bill into law that required all alcoholic beverage containers be marked with health warnings. (p. 227) Five years later, in 1993, the Sensible Advertising and Family Education (SAFE) Act was introduced by Sen. Strom Thurmond, R-S.C. and Rep. Joseph P. Kennedy II, D-Mass. (p. 229) The purpose of the act was to require all advertisements for alcohol to contain one of seven health warnings placed on a rotating basis. (p. 229) It also stated that the Health and Human Services Department would have to maintain a toll-free telephone number, to be advertised in some of the warnings, that would cover such topics as underage drinking, drunk driving, and drinking while pregnant. (p. 229) Kennedy stated, "We need these messages -- especially for our underage drinkers' . . . "Things have got to change -- and we know the alcohol industry isn't going to change voluntarily." (p. 229) In 1996, Kennedy proposed an expanded version of the SAFE Act. (p. 229) It added the provisions that drug and alcohol prevention programs would be required in universities, alcohol advertising would be reduced on college campuses, alcohol ads would be banned on television between 7 a.m. and 10 p.m., and there would no longer be a tax deductibility for alcohol advertisements and promotions. (p. 229) To the dismay of
many, however, neither versions of the Act were successful in producing legislation.

On March 20, 1996, Joseph E. Seagram & Sons Company stirred up the liquor debate once again. It was on this date that they broke the 50 year-old ban and ran a television advertisement for liquor on the Prime Sports Network during an equestrian event. ("Distilled Spirits Advertising," 1996) Three months later, a commercial for Seagram's Crown Royal Canadian whiskey began airing on an NBC affiliate in Corpus Christi, Texas. (Underwood, 1996, p. 8) The ad featured two dogs graduating from obedience school. One carried a newspaper in its mouth, while the other, labeled as "Valedictorian", wore a bottle of Crown Royal around its neck. (p. 8) Following Seagrams' actions, the Distilled Spirits Council of the United States (DISCUS) formally lifted its 50 year voluntary ban on television and radio advertising of hard liquor on November 7, 1996. (Leonhardt, 1996, p. 46) Hours later, such high-ranking officials as Federal Communications Commission Chairman Reed E. Hundt and President Clinton expressed their disapproval of these actions and the discussion about the advertising of liquor on television developed into a heated debate. (p. 46)
Chapter 2
Liquor on Television

Before the highly publicized breaching of the voluntary ban of hard liquor advertising on television by Seagram's, liquor crept onto television in 1994. Early in the year, Telemundo, a Spanish-language network, began airing commercials for Presidente brandy after 10 p.m. (Burgi, 1994, p. 5) About 50 Latino and public-interest groups responded to the ads by demanding that the network stop carrying the advertisements. (p. 5) The groups argued that Latinos "'suffer disproportionately high rates of alcohol-related problems'" (p. 5). Telemundo defended its airing of the brandy commercials by arguing that it was simply continuing the alcohol advertising that its prime audience, recent Hispanic immigrants, was accustomed to. (p. 6) Although this first breach of the distillers' voluntary code didn't cause much of a stir, it was the preamble to the explosion that was to follow two years later.

The present day battle over liquor on television began with the commercial for Seagram's Crown Royal Canadian Whiskey that aired on March 20, 1996 on the Prime Sports Network. ("Distilled Spirits Advertising," 1996) In an interview with Brandweek magazine, Arthur Shapiro, executive vice president of marketing and strategy at Seagram Americas, said, "'We are testing the viability [of advertising on TV], we are testing the content.'" (Underwood, 1996, p. 8) He also stated that his company did not intend for the commercial to be a "one-shot deal" (p. 8). Most importantly, Shapiro stated Seagram's rationale for placing whiskey ads on the air waves:
It centered on two sets of factors, the main one was that television from 1948 up until the last 15 years was two or three networks, nothing else, and one TV set per household. It would have been under those circumstances that the family would sit watching TV together. The world has changed. The average home has some 2.3 TV sets. There are scores of channels available. The medium has changed. For some time there has been conversation in the industry whether the restriction on broadcast advertising was still appropriate. Rather than continue the conversation, we decided to try it. (p. 8)

The move onto television by the liquor industry sparked a debate in Washington. President Clinton, members of Congress, and FCC officials expressed their concerns after the Distilled Spirits Council of the United States, or DISCUS, officially lifted its voluntary ban on November 7, 1996. (Worsnop, 1997, p. 219) In a November 9th radio address, President Clinton stated his position on the matter. "We've worked so hard here to warn our children about the dangers of drugs [and] we also have a duty to protect our families from the consequences of alcohol abuse. Now the American liquor industry has made a decision that will make this hard work even harder." (p. 219) Five months later, the President addressed the issue again in a discussion with reporters. During his address, President Clinton made a plea to the liquor industry to reinstate their voluntary ban when he said, "For 50 years you have kept the ban; it is the responsible thing to do. For the sake of our parents and our young people, please continue to keep that ban." ("Remarks on the Advertising of Distilled Liquor," 1997)

Federal Communications Commission (FCC) Chairman Reed Hundt also showed concern and called the decision made by DISCUS "disappointing and dangerous for kids" (Worsnop, 1997, p. 220). During an April 17, 1997 speech to the Association of National Advertisers (ANA) in Washington D.C., Hundt stated that broadcasters and
advertisers need to realize that television is different from all other media. ("Chairman Reed Hundt," 1997) "The most 'modern and widespread' medium (I'm paraphrasing the hard liquor industry) ever invented -- television -- asks for and gets special treatment from the courts." ("Chairman," 1997) He continued, "... even outside of TV, the law recognizes that liquor ads should not be treated like Coca Cola or Buick ads." ("Chairman," 1997)

Hundt felt that the FCC has the authority to regulate such issues as hard alcohol advertisements on television, but others argued that it is not within the FCC's jurisdiction. Representative John D. Dingell, the 1997 ranking minority member of the House Commerce Committee, commented, "Congress has never given the [FCC] the ability to censor specific programming or advertising; to prohibit or limit broadcasters' ability to air commercial advertising; or to prohibit or limit particular advertising of products or services legally sold in interstate commerce." (Worsnop, 1997, p. 220) However, 26 Democratic and Republican members of Congress wrote a letter to the FCC and requested that a formal investigation be made concerning hard alcohol advertisements on the airwaves. (p. 220) This sparked a debate within the FCC as to whether or not the Commission had the power to investigate the situation.

Commissioner James H. Quello made a statement on July 9, 1997 explaining his opposition to an FCC investigation. He agreed that the television advertising of distilled hard liquor poses many problems to government regulation and should be taken seriously and investigated as such. ("Statement of Commissioner James H. Quello," 1997) However, Quello felt that, because the Federal Trade Commission (FTC) had already launched two investigations, it would be a waste of time and government funding for the FCC to conduct an additional inquiry. ("Statement," 1997) He stressed that, "... the FCC should not get in the way in a matter beyond our authority and expertise." ("Statement," 1997).
FCC Commissioner Rachelle Chong agreed that the FCC should not conduct an investigation into hard liquor advertising. In her July 9, 1997 address during an FCC Agenda Meeting, Chong stated that the best way to handle the matter would be to enforce the laws against the misuse of alcohol instead of indirectly trying to solve alcohol problems through an investigation. ("Comments of Commissioner Rachelle Chong," 1997) However, where investigations would be beneficial, Chong felt that the FTC had the authority to handle such actions. ("Comments," 1997) She argued, "... we have a long-standing agreement with the FTC that says the FTC 'will exercise primary jurisdiction over all matters regulating unfair or deceptive advertising in all media, including the broadcast media.'" ("Comments," 1997) Moreover, from a practical point of view, if we start this investigation under our broad public interest mandate, would we then have an obligation to also investigate car advertising that features air bags and sugared cereal advertising?" ("Comments," 1997)

In response to both Quello and Chong, Chairman Hundt pointed out three reasons why the FCC should conduct their own investigation. His first reason was that the Commission has the jurisdiction to conduct an inquiry into the use of public airwaves. ("Statement of FCC Chairman Reed Hundt," 1997) Next Hundt pointed out that "... when the President, the Attorney General, 26 Members of Congress, 15 Attorneys General, and over 240 public interest organizations ask us to conduct an inquiry into a matter over which we have jurisdiction, we should generally willingly and enthusiastically do so without hesitation or purpose of evasion" ("Statement. . Hundt," 1997). His final reasoning argued that the existence of an FTC investigation into certain alcohol ads "neither precludes FCC action nor explains any unwillingness to act on our part" ("Statement. . Hundt," 1997). Hundt added that the FTC investigation would not answer the kinds of questions that would allow the public to evaluate the scope of the problem or to provide their own opinions and solutions. ("Statement. . Hundt," 1997)
Hundt also addressed the First Amendment argument. He stated that hard liquor advertising is commercial speech and doesn't have the same First Amendment rights as noncommercial speech. ("Statement. Hundt," 1997) Hundt furthered his argument by pointing out that a Court of Appeals' decision in Anheuser-Busch v. Schmoke upholding a Baltimore ordinance banning billboard ads for liquor in places where children are likely to see them proved that "reasonable, narrowly tailored advertising restrictions to protect children can be constitutional" ("Statement. Hundt," 1997).

After much debate, the proposed inquiry was shot down during a tie vote during a July 1997 FCC meeting. (McConnell, 1997, p. 22) The split vote prevented the proposed liquor inquiry from moving any further because a majority vote is required in order to pass an FCC act. (p. 22) Following the vote, Commissioner Quello said that he would agree to a later FCC investigation should the FTC investigations turn out unsuccessful. (p. 22) However, Commissioner Chong said that she disagrees with an FCC investigation completely because alcohol is a legal product aimed at adults and, therefore, does not need to be regulated. (p. 22)

The debate didn't end after the July vote, however. In November 1997, a new FCC Chairman, William Kennard, as well as three new Commissioners were sworn in, and Kennard promised to resurrect Hundt's efforts to stir up an FCC investigation. (McConnell, 1997, p. 19) Not all of the new commissioners were in agreement with Kennard though. Commissioner Michael Powell said that he would not feel comfortable with conducting an FCC investigation without first discussing and understanding FCC's authority in the matter once the investigation was completed. (McConnell, 1997, p. 19) Like Commissioner Quello, Powell questioned the FCC's authority concerning such issues as investigating and regulating the advertising of legal products. With the new Commission in place, new arguments arise and old arguments continue. The controversy over an FCC investigation into television advertising of hard alcohol stands strong today.
and looks to be a topic of ongoing concern.

Many people claim that distillers decided to break into television advertising because of their loss of revenue to beer and wine over the years. Sales of cases of distilled spirits experienced a 29% drop from 1980 to 1995, decreasing from 190 million to 135 million. (Krantz, 1996, p. 49) Meanwhile, in 1995, beer and wine accounted for 71.7% of all alcohol beverage sales in the United States. ("Shaken and Stirred," 1996) Seagram's claimed that the voluntary ban which the liquor industry was under for so long put it at a "competitive disadvantage" to beer and wine, which frequently advertise on television. (Knight, 1996, p. 17) DISCUS President Fred A. Meister agreed by saying, "The absence of spirits from television and radio has contributed to the mistaken perception that spirits are somehow harder or worse than beer or wine." (Katz, 1996, p. 7)

Distillers claimed they joined the world of television advertising because they wanted to compete on a level playing field with beer and wine, but is that really possible? That is the question that many people have asked. Statistics from the National Coalition on Alcoholism and Drug Dependence say yes. It is true that the percentage of alcohol is lower in beer and wine than in distilled spirits, but standard servings of beer (12 ounces), wine (five ounces), and cocktails (1 1/2 ounces of scotch, vodka, etc.) all contain the same amount of absolute alcohol. (Worsnop, 1997, p. 220) These numbers mean that beer, wine, and liquor all have the same effect when people drink them in standard serving sizes at the same rate. (p. 220)

Despite these findings, George A. Hacker, director of the alcohol policies project of the Center for Science in the Public Interest (CSPI), argues that beer, wine, and liquor are not all the same. "They're consumed in different situations. The alcohol in liquor is much more concentrated, particularly given the thoughtless way in which many young people drink. Persuading them to drink liquor instead of beer would increase the level
and the severity of alcohol-related problems'." (p. 223) However, former Senator George S. McGovern, D-S.D. and 1996 national spokesman for the National Council on Alcohol and Drug Dependence (NCADD) sides with distillers. He says, "'There's just as much alcoholism in this country stemming from beer and wine as there is from vodka and bourbon and scotch. In fact, as beer and wine consumption increased, they have become more of a danger in terms of producing addiction, auto accidents and so on'." (p. 223)

Basically, opinions are split. Distillers want hard liquor to been seen as the same type of product as beer and wine in order to gain the same advertising privileges that brewers and vintners have been enjoying. Groups such as the National Woman's Christian Temperance Union (WCTU) favor the same view, but for a different reason. They would like to see all types of alcohol treated equally in order to get all of them off of the airwaves. However, the beer and wine industries do not feel that they should be put in the same category as hard liquor because they are afraid of the restrictions that might be set on them as a result.
Chapter 3  
The Great Beer Debate

Long before the liquor industry stirred up controversy by advertising on television, the beer and wine industries caused many debates of their own. Beer and wine advertisements have been on the air for quite a long time and seem to saturate commercials during televised sporting events and other programs today. In the first eight months of 1996 alone, advertisers spent nearly $525 million dollars on television ads for beer and wine and around $50 million for other forms of media. ("Shaken and Stirred," 1996) Arguments are mounting against beer and wine advertisements on television and brewers and vintners are doing all they can to fight back.

Near the end of 1991, the beer and wine industries were in fear of losing their privileges to advertise on television. The scare started in November when the Office of the Surgeon General called for a review of the relationship between alcohol abuse and advertising. (Bunzel, 1991, p. 44) It was expected that the Office of Substance Abuse Prevention within the Department of Health and Human Services would call for a complete ban of beer and wine advertising. (p. 44) Such drastic measures were not taken, but many people made attempts to make the road a little rougher for brewers and vintners. Beginning in 1991, Representative Joseph Kennedy and Senator Strom Thurmond worked on passing legislation that would impose a warning label during all alcohol advertisements. Broadcasting magazine quoted one critic of the bill as saying, "No beer company is going to buy advertising that spends so much time saying that the product is bad for you. It would force them off the air, which, ultimately, is its thinly
veiled intent." (p.44) The bill stimulated mixed feelings in Congress and caused many debates. The main concern over the bill was its limitations on free speech. Senator Conrad Burns of Montana commented, "The resulting limit on free commercial speech of a legal product is a constitutional violation." (McAvoy, 1993, p. 16) In May 1994, four years after the bill was introduced, Senator Thurmond withdrew his legislation after facing stiff opposition by the broadcasting and advertising industries. (McAvoy, 1994, p. 16)

Many opponents of beer and wine advertisements are worried about the influence that they have on young children and teenagers. On the eve of the 1998 Super Bowl, Mothers Against Drunk Driving (MADD) publicly criticized the marketers of alcohol for "continuing to develop and broadcast new 'cartoon'-type advertisements with strong appeal to young people" ("MADD Tackles Alcohol," 1998). They cited Budweiser's latest campaign featuring "Louie" and "Walter", two animated lizards that are the follow-up to the popular frog campaign. According to MADD, "The campaign is one of the latest and most glaring examples of irresponsible alcohol ads appealing to American children, teens and young adults under the legal drinking age of 21." ("MADD," 1998) Karolyn Nunnallee, national president of MADD, estimated that the average U.S. child will see approximately 75,000 beer commercials by the time he or she reaches the age of eighteen. ("MADD," 1998) " 'Alcohol marketers are bombarding our children with characters that look like they belong on Saturday morning cartoons and it's absurd to think these don't affect our young people.' 'Campaigns such as the Budweiser lizards and frogs are unconscionable at a time when underage drinking is at epidemic levels'," argued Nunnallee. ("MADD," 1998) In April 1996, MADD had responded to the Budweiser frog campaign by producing counter-advertising that urged young people to " 'Be wise-errr than your buds. . .(you might get smashed)' " ("MADD," 1998). In a report on February 9, 1998, however, Anheuser-Busch said that it will be launching a new media
campaign that will focus on people. It will not be abandoning the continuing saga of the frogs and lizards though. ( "Bud Ad Blitz Promised", 1998) Bob Lachky, Anheuser-Busch vice president and brand manager, said, "'(Frog-envying lizard) Louie's troubles and travails are far more complicated than anything we would be able to wrap up quickly'." ( "Bud Ad Blitz," 1998) Opposition facing the beer industry will not slow down Anheuser-Busch's media campaigns. The company reported that it will be spending an estimated $70 million in additional advertising for Budweiser during 1998, including $40 million spent on prime-time television. ( "Bud Ad Blitz," 1998)

MADD's concerns for children were strengthened in March 1998 when results of a survey done by KidCom, the kid marketing unit of the national marketing communications agency Campbell Mithun Esty, found that ads for Budweiser beer are the favorite commercials of kids between the ages of six and seventeen. ( "Kids Love Budweiser," 1998) The survey studied the reactions of 800 children to advertisements in order to find out what works and what doesn't. ( "Kids," 1998) The commercials of choice contained humor, music, animals, claymation, and cohesive storylines. ( "Kids," 1998) Christine Fruechte, general manager of KidCom, said, "'Kids aren't attracted to the product message per se. What they recall is the entertainment value of a particular commercial'." ( "Kids," 1998)

MADD voiced its concerns once again in March of 1998 over the Anheuser-Busch "Bud Rewards" promotion that was being offered in five Southern states. ( "MADD Questions 'Bud'," 1998) Under the promotion, consumers could collect points when they bought Budweiser beer and could then exchange the points for Budweiser duffel bags, mugs, t-shirts, caps and other items. ( "MADD Questions," 1998) MADD opposed the promotion because it said that the campaign "encourages underage drinking and heavy alcohol consumption" ( "MADD Questions," 1998). Legal action had already been taken against the program in other parts of the country. In California, for example,
a state court ruled that the Bud Rewards program was illegal in California because it encouraged the consumption of beer in order to accumulate points for merchandise. ("MADD Questions," 1998) Under California state law, promotions that provide an incentive to drink are prohibited. ("Beer Company Settles," 1998)

Today, with the hard liquor industry breaking into the world of television advertising, there is a looming threat to the beer and wine industries once again as the correlation between alcohol abuse and advertising becomes more and more a topic of concern. Says Terry Lefton of Brandweek magazine, "Many see hard liquor's move into broadcast as a no-lose proposition: either it gains equal footing with the beer and wine marketers, to whom it has been losing market share for years, or it gets beer and its half-billion-dollar ad budget off the air." (Lefton, 1997, p. 22) Many people are worried about what restrictions of all advertisements for alcohol would do to the media and the general public. A study by The Leadership Council on Advertising Issues (LCAI) predicts that, due to advertising restrictions, broadcast programming would eventually migrate to cable, causing the variety and quality of broadcast programming to greatly diminish. ("Study Finds Loss of Beer," 1990) A mere 5% reduction in overall advertising would result in a 12.7% decline in broadcast programming. ("Study Finds," 1990) Another concern is a possible rise in cable costs. Advertisers that provide revenue to the cable companies would be banned so the companies would be forced to regain revenue by raising subscription rates. ("Study Finds," 1990)

Restrictions on beer and wine could also cause a reduction in incentives for these industries to continue paying for ads that focus on drunk driving and alcohol abuse. (Bunzel, 1991, p.44) During the 1998 Super Bowl, Anheuser-Busch sponsored a commercial concerned with fighting alcohol abuse as part of their "Know When To Say When" campaign. ("Busch's Super Bowl 'Know When' Ad," 1998) The spot featured welterweight champion of the world and Olympic gold medalist Oscar de la Hoya
giving a pitch about drinking responsibly. ("Busch's Super Bowl," 1998) In addition, De la Hoya's message was featured in English and Spanish radio commercials, posters and other printed media. ("Busch's Super Bowl," 1998) An effort to curb drunk driving was made by Anheuser-Busch during the CBS coverage of the 1998 Winter Olympics as well. ("Busch's Designated Driver Ads," 1998) The 30-second spot, called "Pick Me Up", centered around beer bottles from the 'Bud Family' and their 'cousin' O'Doul's, Busch's non-alcoholic malt beverage and "Official Brew of the Designated Driver". ("Busch's Designated," 1998) The "group" was at a party and, when they left, they piled into their six-pack with O'Doul's driving. ("Busch's Designated," 1998) Viewers were then told, "When partying with your Buds, remember to choose a designated driver ... it's the perfect pick-me-up!" ("Busch's Designated," 1998) Looking at these and other examples, Jeff Becker, spokesman for the Beer Institute in Washington, opposes restrictions by saying that the beer industry "has done more to prevent abuse of its product than any other industry.'" (Bunzel, 1991, p. 44)

Possibly the biggest threat generated by advertising restrictions on beer and wine looms over the sports industry, which receives $500 million in ad revenues a year. (Lefton, 1997, p. 22) Mike Hart, director of marketing services at Miller Brewing, predicts "reduced rights fees, higher ticket prices and economic incentive for pay-per-view sports" (p. 23). Many people argue that, although the elimination of advertising revenue from sports programming may sting a little, beer is not the "lifeblood" of sports. New categories of products will simply fill in where beer and wine ads have previously been. Burt Manning, chairman of J. Walter Thompson, says, "It's not pleasant for networks and agencies to face the prospect of having this enormous category disappear, but the [sports] audience will always be there, so if it isn't beer, it will be somebody else who wants to reach that target." (p. 24) However, beer has special characteristics that make it a natural partner for sports. (p. 24) Both brewers and sporting events have the
same target audience, males. What better way to reach males than by advertising during Monday night football? In addition, the beer industry is dominated by three companies who drive ad prices up because of competition. (p. 24) Many other industries are not as competitive because they are dominated by single companies. For those industries that do have competitive contenders for advertising time, many have much broader demos and can reach their target audiences with a variety of programming. (p. 24)

NASCAR is said to be the sporting property with the most at stake with the possible restrictions of beer advertising. Budweiser is a corporate sponsor and they, along with Miller, sponsor NASCAR teams. (p. 24) Other sports that would feel the shock include bowling, arena football, indoor lacrosse and boxing. (p. 24) In addition, local teams, which count on brewers as their top sponsors, would feel the effect of the restrictions. "'TV, radio and cable are all heavily supported by beer on a local level; in many cases the beer support is entirely crucial to the rights bids'," says Bill Sheehan, svp-sports for Zenith Media Services, N.Y. (p. 24) Major League Baseball clubs are also concerned. Says the marketing director of the Seattle Mariners, Dave Venneri, "'I don't know where else those dollars would come from. I really don't think we could survive without that revenue'." (p. 24)

The main argument against having heavy beer involvement in sporting events focuses again around targeting children and teenagers. Opponents point out that alcohol is the leading cause of death and injury among teenagers and young adults. ("Substance Abuse Prevention," 1996) Although beer advertisements during the broadcasting of sporting events are directed at an older audience, they still reach younger viewers who are also tuned in. (Grimm, 1991, p. 22) According to Arbitron's 1990 statistics, the Major League Baseball season drew an average of 751,700 viewers age 17 and under. (p. 22) The World Series scored 2.3 million and NASCAR's Daytona 500 won 1.3 million viewers of the same demo. (p. 22) The 1991 Super Bowl was the winner with an
average of 11.7 million viewers under the age of 18. (p. 22) However, brewers defend themselves by contenting that sporting events draw a primarily adult audience. Joe Castellano, vice president of consumer awareness and education at Anheuser-Busch, defends the beer industry. "Sports are about the most adult programming you can buy advertising on. We're trying very hard to limit our advertising to 21-and-above, and that's about 85% of people who watch major sports broadcasts." (p. 22)

Despite efforts to squeeze beer out of sports, the Associated Press reported on March 11, 1998 that Anheuser-Busch will be a sponsor of the 2002 Winter Olympics in Salt Lake City, Utah, and Budweiser will be the official malt beverage of the Games. ("Beer Company to Sponsor 2002 Winter Olympics," 1998) The news came as no surprise to many. A malt-beverage company has been the official sponsor of the Olympics and the U.S. Olympic teams for two decades. ("Utah Official Olympic Beer," 1998) The $50 million deal also made Anheuser-Busch a sponsor of the 2000 Summer Olympics in Sydney, Australia, the 2004 Summer Olympics in Athens, Greece, the U.S. teams in the 1999 and 2003 Pan-American Games, and the exclusive malt beverage sponsor of the 2002 Paralympics. ("Beer Company," 1998)

The future of beer advertising on television could be one of the most critical issues in the battle over hard liquor ads on the airwaves. The hard liquor marketers are trying to associate themselves with the beer and wine industry in order to gain equal television rights. In the process, however, they could ruin the chances for both industries. Alicia Mundy of Brandweek magazine writes, "Brewers, beer distributors and wine producers are trying desperately to get as far away as possible from the hard liquor makers. Both sides are taking shots at each other...". (Mundy, 1997, p. 26) It is very important that the beer industry convince people, most importantly those in Congress, that the liquor industry's move toward television advertising is irrelevant to the advertisement of beer and wine. (p. 26)
The Future

The future of alcohol advertisements on television is uncertain and there are a variety of directions that it could go. If some people have their way, our airwaves will become completely dry. Results from a poll released on January 22, 1998, revealed that 52 percent of people questioned said they were in favor of a ban on televised liquor advertisements and 37 percent would like to see beer ads taken off of the air. ("Poll Says Americans Favor Liquor Ad Ban," 1998) the poll was conducted by Michigan State University and the University of Missouri and questioned 800 adult television viewers. ("Nationwide Poll Reveals Viewers Want TV Airwaves Dry," 1998) Results showed that an overwhelming majority of viewers support strict rules on liquor advertising that would include warning messages, late-night placement and restrictions on content. ("Nationwide," 1998) Although only 16 percent of those polled had actually seen the liquor ads, a majority hoped they never would. ("Nationwide," 1998)

The main concern of the 800 television viewers that were questioned was the potential effect that ads for alcohol have on children. It was the opinion of half of those polled that liquor companies advertising on TV directly try to influence teenagers. ("Nationwide," 1998) Nine out of ten people felt that it is important to prevent teenagers from consuming alcohol and that advertising restrictions could help. ("Nationwide," 1998) Ninety percent favored alcohol warnings during liquor advertisements and 79 percent would like to see restrictions banning ads before 9 or 10 p.m. and that contain cartoons, celebrities, or animals that would appeal to children. ("Nationwide," 1998)
The poll also revealed that less than half of those questioned believed that the First Amendment provides protections for alcohol ads and that more people are opposed to liquor advertisements than to those for condoms or casino gambling. ("Nationwide," 1998) A mere 11 percent of those polled agreed that liquor advertising is a "good thing" for America, while 71 percent disagreed. ("Nationwide," 1998)

A potential alternative to placing restrictions on advertisements for alcohol is to educate our youth about media practices and the function of advertising. In an article entitled "Preparing Adolescents for a New Century", D.A. Hamburg wrote, "Knowledge of media production, and especially of the ways commercial messages are shaped and used to manipulate audiences, may help protect young adolescents against strong advertising pressures to smoke, drink, have sex, or eat unhealthy foods." He advised parents to sit down and watch television with their children and to conduct family discussions about the messages that are there. (Hamburg) Schools and community and youth development programs would also provide good environments in which children could learn about media practices. According to Hamburg, "Settings for television viewing that both encourage social interactions and imbue teenagers with critical habits of mind can help them become effective users of technology, restoring personal control." (Hamburg) This approach is already being used in Great Britain, Canada, Australia, and Spain, where media literacy is a required part of the language arts curriculum for grades seven through twelve. (Hamburg)

Such a program was put to a test in a 1997 study of in-school media training on third grade children. (Austin, 1997) During the study, one group of children saw a videotape about television advertising as well as video clips of alcohol ads and discussion about alcohol advertising specifically. Another group also watched the video about television advertising, but they were exposed to clips of non-alcohol advertising and then discussion of advertising in general. The alcohol-specific tapes proved to be more
effective, but both produced similar effects. These included "the children's increased understanding of persuasive intent, viewing of characters as less similar to people they knew in real life and less desirable, decreased desire to be like the characters, decreased expectation of positive consequences of alcohol, and decreased likelihood to choose an alcohol-related product" (Austin, 1997).

Regardless of all of the suggested alternatives, the question of whether or not restrictions should be placed on televised alcohol advertisements still remains. Legislation has been proposed and shot down, but one message is clear. The controversy is far from over. Some people foresee a reinstatement of the voluntary hard liquor ban for television in order to avoid harsh legislation that could come down from Congress. Others predict an even greater push by the liquor industry onto the airwaves. And still others see the liquor and beer industries canceling each other out due to their battle over whether they should be regulated separately or as one. Presently, the beer industry's presence is still known in the world of broadcasting and many liquor companies are advertising on cable and local television stations, but the networks have refused any offers to put spirits on their commercial line-up. Ultimately, the future could lie in the hands of broadcasters. They must weigh the alternatives against each other. As long as the money's on the table, beer commercials will continue to run and there is potential for distillers to gain the television access that they so desire.
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