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| *www.IowaABD.com* | *Lynn M. Walding, Administrator* |

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|  | e - NEWS |
| *May 19, 2006* | |

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**1. State Attorneys General Demand Stricter Limits on Alcohol Ads**

By Ira Teinowitz - *AdAge.com*

May 16, 2006

**Believe Current Standards Overexpose Youths to Liquor Marketing**

WASHINGTON (AdAge.com) -- Unleashing a fresh attack on alcoholic beverage advertising, 20 state attorneys general are urging the Federal Trade Commission to limit alcohol ads to media in which only 15% of the audience is aged 12 to 20.



The Federal Trade Commission is being asked to tighten the rules on alcoholic beverage advertising.

**Mandatory limits**

Industry marketing codes in recent years have limited ads to media in which no more than 30% of the audience is under 21. But in a filing with the FTC, the attorneys general said current voluntary limits don't go far enough and that new ones should be mandatory.

"Right now it's just an industry standard," said Maine Attorney General G. Steven Rowe, who is co-chairman of the National Association of Attorney Generals Youth Access to Alcohol Committee, which is urging the FTC to mandate the new lower standard. "We believe the current standard overexposes youth to alcohol advertising."

He added, "Why do kids drink? Part of the reason is marketing practices of the alcohol industry. We know there is a causal connection between marketing and young people drinking."

**Inadequate code**

Utah Attorney General Mark Shurtleff, co-chairman of the alcohol committee, in a statement said the current code is inadequate because it's difficult to factor out the under-12 audience from the alcohol industry's "under 21" standard. But media studies zeroing in on the 12-to-20 age group are easier to come by.

A 15% standard could have potentially far-reaching effects on alcohol advertising, sharply limiting its access to sports programming. It could also affect radio and Internet ads as well as some magazines.

A Nielsen Media Research spokeswoman said the change wouldn't push alcohol marketers off National Football League games; only 6.2% of NFL viewers were aged 12 to 20 during the regular season games last year. But a 2003 FTC report found that limiting alcohol advertising to media with only 15% of their audiences under age 21 would banish ads from some NBA and NHL telecasts and from magazines like *GQ*, *Ebony*, *Men's Fitness* and *Shape*.   
  
**Magazine ads**

In addition to its existing self-imposed 30% limit, the Distilled Spirits Council of the U.S. earlier this year said its members would pull ads from some top magazine covers because of concerns that school editions of the titles would be seen by underage youth.

Liquor and advertising associations have denied there is a causal relationship between advertising and underage drinking and questioned whether the government can legally impose any ad limits, and argue that their advertising is reaching mostly adults.

Dan Jaffe, exec VP of the Association of National Advertisers, said the industry has already imposed fairly dramatic self-limits and gave weak odds for the new proposal. "It's my strong guess that the FTC could not enforce this," he said. "It's highly unlikely to be constitutional."

**Review of self regulation**

The attorneys general also asked the FTC to review steps the industry has taken to self-regulate the appropriateness of their ads. "The states have undertaken review of [marketers'] advertisements and promotional practices that were either not subject to pre-publication review or, in our view, inappropriately passed pre-publication muster," the group said.

Besides Maine and Utah, the comments were signed or endorsed by attorney generals of Arizona, Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Maryland, New Jersey, New Mexico, New York, Ohio, Oregon, Rhode Island, Vermont, Wyoming, California and Washington State.



**2. Court Ruling May Impact Iowa Beer Distributors**

By Dave DeWitte – *Cedar Rapids Gazette*

May 16, 2006

**Costco case addresses anti-competitive laws**

Iowa's beer distributors are concerned about the fallout of a federal court decision that could essentially cut out the middle man in Iowa's beer market.

Costco Wholesale Corp. of Issaquah, Wash., the largest U.S. operator of wholesale clubs, challenged Washington state laws that ban, among other things, volume discounts and the purchase of wine and beer on credit.

The laws struck down in the case parallel Iowa's beer distribution laws, according to Lynn Walding, administrator of the Iowa Alcoholic Beverages Division and president of the National Alcohol Beverage Control Association.

In the April 26 ruling, U.S. District Judge Marcia Pechman held that ''The restraints challenged by Costco are clearly anticompetitive, and there is no dispute that these restraints increase the average cost of beer and wine in Washington.''

The other legal provisions struck down included Washington's minimum mark-up requirement. It requires manufacturers to charge at least 10 percent more than their cost when selling to distributors, and distributors to charge at least 10 percent more than their cost when reselling to retailers.

The ruling is posted on the Web site of the Iowa Alcoholic Beverage Division. Walding says the direction of the federal courts in their interpretation of commerce cases has been to favor competitive trade, but alcohol is different from most other products.

''Nobody ever crashed their car by brushing their teeth too much,'' Walding said.

Iowa's beer and wine distribution laws were established in the 1930s to deal with market concentration and other issues that led to Prohibition.

The central tenants of Iowa's beer distribution laws are to prevent any single entity, such as a brewer or a chain of liquor establishments, from wielding too much market power, Walding said, and to make the price of alcohol a factor in discouraging excessive consumption.

Walding said distributors, who could be cut out of the picture under the Costco ruling, serve functions in regulating sales, and also help the state collect alcohol taxes.

The president of Fleck Sales, the Cedar Rapids area's Miller beer distributor, last week lobbied Iowa's congressional delegation with other local members of his trade association to support the current regulatory structure.

Dudley Fleck says distributors provide value to retailers by keeping them stocked with fresh product to their specifications, are active contributors to their communities and provide control assistance. The latter includes sponsorship of bartender education programs to help prevent underage drinking and excessive consumption and cab ride programs.



**3. 40 States Seek to Limit 'Little Cigar' Marketing**

*By Kathleen Day, Staff Writer - Washington Post*

May 19, 2006; Page D01

**Treasury Asked to Clarify Definition**

Forty states have asked the U.S. Treasury Department to bar tobacco companies from marketing products they say are identical to cigarettes as "little cigars," a designation the states say lets the firms evade taxes and target younger consumers.

Attorneys general from the 40 states, including Maryland, want the department's Alcohol and Tobacco Tax and Trade Bureau to reverse decades-old rules that permit products the size, shape and weight of cigarettes, but have brown rather than white wrappers, to be labeled as little cigars.

"If it looks like a cigarette, smokes like a cigarette and is being marketed like a cigarette, then the federal government should classify it as a cigarette," said Bill Roach, spokesman for Iowa Attorney General Tom Miller, co-chairman of the National Association of Attorneys General tobacco committee. The attorneys general also said the "little cigars" appeal to young smokers because they cost less than cigarettes and come with flavorings such as chocolate and raspberry.

The "little cigar" label allows the companies to pay lower federal and state taxes, and to avoid payments and advertising restrictions required for cigarettes under the 1998 master agreement between tobacco companies and all 50 states, according to the petition for rule changes.

The request was filed last month with the backing of 23 states, but the National Association of Attorneys General didn't announce it until yesterday, by which 17 more states had signed on.

Since 1998, the number of little cigars sold in the United States has doubled, to about 4 billion a year, according to the Cigar Association of America, the industry trade and lobby group.

"We think that is no accident," Roach said. "We think these are being marketed in a way to get around the tax and marketing restrictions on cigarettes."

A spokesman for the Tax and Trade Bureau said the agency can write rules so there is a "bright line" drawn between cigarettes and little cigars but that the release of the rules is months away at best. Several tobacco companies and the cigar trade association also have asked the bureau to clarify the definition of the two products, industry and government officials said yesterday. Makers of "little cigars" want to make sure they are not subject to legal attacks that they are really marketing cigarettes.

Both sides agree that there is a legitimate category of cigars known as little cigars and that a clearer line has to be made between those products and cigarettes. They differ, however, on how to do that.

Norman F. Sharp, president of the Cigar Association of America, said the attorneys general are confused on many facts. "Little cigars are not cigarettes and, over the long term, they have never been substitutable for cigarettes," he told New Jersey legislators at a hearing this month. "They represent the cigar industry's attempt to give satisfaction to cigar smokers, not an attempt to attract cigarette smokers."

Representatives of four nonprofit groups -- the American Heart Association, Americans for Nonsmokers Rights, the American Lung Association and the Campaign for Tobacco-Free Kids -- disagreed. "Many of these 'little cigars' are blatantly aimed at our children," they said in a joint statement in support of the 40 states' filing. "They are cheaper and more affordable to kids than regular cigarettes because they have lower excise tax rates, and they are often sold individually rather than in packs because their classification exempts them from state laws setting minimum pack sizes for cigarettes."

Cigars are harmful, said Matthew Myers of the Campaign for Tobacco-Free Kids, but they generally are smoked less frequently than cigarettes and their smoke often is not inhaled. The products being marketed as "little cigars" are often smoked frequently and the smoke is inhaled like that from cigarettes, he said.

The little-cigar industry's retail value is about $360 million a year, Sharp said. In contrast, 380 billion cigarettes are sold each year, with retail value of more than $80 billion.

Miller, the Iowa attorney general, said that while the sales of little cigars are low compared with those of cigarettes, their growth rate in recent years, if it continues, could undo the reduction in overall smoking that the 1998 agreement achieved.

<http://www.washingtonpost.com/wp-dyn/content/article/2006/05/18/AR2006051802087.html#>



**4. Bacardi Enlists Outsider as CEO**

By Elaine Walker - *Miami Herald*

**An executive with luxury goods experience will head Bacardi's North American subsidiary.**

**Eduardo Sardiña retired after 33 years.**

Bacardi continues to add new blood to its executive team.

John Esposito, former president and chief executive of Mot Hennessy USA, started work Monday in Miami as president and chief executive of Bacardi U.S.A. Esposito will also hold the same titles for the North American Region, overseeing Puerto Rico and Canada.

Esposito, 58, replaces Eduardo Sardiña, who is retiring after 33 years at Bacardi and more than a decade in charge of the liquor company's North American region. During that time, Bacardi U.S.A. has enjoyed some of the strongest growth in its history and has added such key premium brands as Grey Goose and Bombay Sapphire.

Bacardi was attracted to Esposito's experience at Mot Hennessy USA, which is the wine and spirits group of luxury conglomerate LVMH Moet Hennessy Louis Vuitton. Esposito has handled the sales and marketing of a portfolio that includes Mot & Chandon, Dom Perignon, Hennessy Cognac, Grand Marnier and Belvedere Vodka.

''Bacardi is a company of premium products, and John Esposito understands how to manage premium brands,'' Andreas Gembler, president and chief executive of the Bermuda-based parent company Bacardi Ltd., said in a statement. ``He is the kind of engaging, thoughtful and inspiring executive to take Bacardi U.S.A. and the North American region to a new level of excellence.''

**BREAKING TRADITION**

The family-owned firm has also been breaking away from tradition in recent years, as it tries to keep pace in the rapidly changing liquor industry. Gembler, a former executive with 30 years at Philip Morris International, was hired a year ago after serving on Bacardi's board of directors.

Esposito's hiring represents a key addition to Gembler's team, as he prepares Bacardi for the possibility that it may one day become a public company. Bacardi shareholders have taken preliminary steps in that direction, but they have refrained from moving forward.

Industry experts say that bringing in seasoned outside executives like Esposito is important for Bacardi's future growth.

''If you can borrow knowledge from the competition it strengthens your enterprise,'' said Tom Pirko of Bevmark, an industry consultant. ``Bacardi is heading in the right direction, but they're not there yet.''

While Esposito is new to Bacardi, he's got more than 25 years experience in the spirits industry. He started as a retailer working in his family's New York liquor store and over the years Esposito has worked on both the manufacturing and distribution side of the business.

Esposito's career included almost three years in Miami during the early 1990s, first as a vice president of national sales with W.A. Taylor, a subsidiary of Hiram Walker Inc., and later as president of Premier Beverage Company in Miami, where he worked directly with Bacardi.

He joined the precursor to Mot Hennessy USA, then Schieffelin & Somerset, in 1992 and became president and chief executive in 1999. As Schieffelin & Somerset the company was a joint venture with Diageo and handled marketing for Diageo's North American portfolio including Johnnie Walker Scotch, Tanqueray, Tanqueray No. TEN, Ciroc and J&B.

While he wasn't looking to move, Esposito said that Bacardi was one of few places he would consider.

**`UNIQUE OPPORTUNITY'**

''This is a unique opportunity with a great company that really cares about brands,'' Esposito said. ``I've managed change and managed luxury brands. That experience will help me build on the incredible foundation they have here.''

Sardiña's retirement marks the end of a Bacardi career that has spanned 33 years and taken him all over the world. He started with Bacardi in 1973 as assistant general manager in Martinique and also worked in Spain and Switzerland. But the bulk of his career was spent in the U.S. company, where he held positions in sales, marketing and as chief operating officer.

The plans for Sardiña's retirement have bounced around in the last couple years. He originally intended to leave this summer, after he turned 60 and finished his term as chairman of the Distilled Spirits Council of the United States. But after a series of changes in the executive ranks at Bacardi Ltd., Sardiña had agreed to stay until 2007. That changed again when Esposito became available.

''I'm basically leaving at the time I wanted to leave in the first place,'' Sardiña said. ``The time is right. The company is in very good shape.''

Sardiña will remain at Bacardi for the next month to help Esposito with the transition, then remain as a consultant to the company. He is also a member of Bacardi's board of directors and a major shareholder. Sardiña's wife, Anne, is the daughter of Eddie Nielsen, the great-grandson of founder Don Facundo Bacardí Massó.



**5. Cass Supervisors Look at Keg, Ethanol Plant Decisions**

By Tom McMahon, Staff Writer – *Daily Nonpareil*

May 17, 2006

ATLANTIC - Cass County wants to regulate sexually oriented businesses and beer keg sales.

Cass County Board of Supervisors Chairman Chuck Kinen said the board would also hear from one of two proposed ethanol plants at today's board meeting.

"We've got a lot going on," he said.

The city of Atlantic recently passed an ordinance regulating potential "adult" businesses. Kinen said the proposed county ordinance is patterned after it.

The law would require sexually oriented businesses and their employees to be licensed, outlaw nude dancing, restrict hours of operation and require businesses to prohibit and monitor loitering. The ordinance would allow semi-nude entertainment but require entertainers to be at least six feet from any customer and on a stage at least two feet from the floor.

The move is preventative as there are no businesses in the county that would fall under the regulations nor any plan to locate one within its borders.

In another matter, Kinen said the board is taking up the keg law after the Iowa Legislature refused to pass a bill that would require retailers to keep track of keg sales.

"I think a lot of counties are starting to look at it now," he said. "We have been talking about it for some time."

Shelby County approved a similar ordinance on its first two readings. The third and final reading is scheduled for Tuesday.

Under the proposed law, kegs would be tagged with a non-removable identification number. Buyers purchasing a keg would have to show identification, and the retailer would record the purchaser's name, address and identification number along with the keg identification. Kinen said the law is aimed at preventing underage drinking by discouraging people from buying teenagers kegs that could later be traced back to them.

<http://www.zwire.com/site/news.cfm?newsid=16651066&BRD=2703&PAG=461&dept_id=555106&rfi=6>



**6. Davenport Club Lacks Liquor Permit**

By Dustin Lemmon – *Quad City Times*

May 19, 2006

A Davenport club owner is wanted on an arrest warrant for operating his business without a liquor permit.

Isaac Wilmington, 30, is facing a bootlegging (expired or no permit) charge for selling alcohol at his business, I’s House, at 1019 W. 6th St.

According to a police affidavit, Wilmington has a social club license, but no liquor permit. The affidavit claims customers pay a $5 cover to enter the club, which has an open bar inside that sells beer and liquor.

A witness reported purchasing alcohol at the establishment on three occasions, police claim.

<http://www.qctimes.net/articles/2006/05/18/news/local/doc446bff6c4abe4420244774.txt>



**7. US Fight Quenches SABMiller’s Fire**

By Jenny Wiggins, Correspondent - *Consumer Industries*

May 19, 2006

Graham Mackay, chief executive of SABMiller, yesterday said the UK-listed brewer was engaged in "street fighting" with Anheuser-Busch, its larger rival in the fiercely competitive US market. North American profits, which account for 14 per cent of group earnings, fell 7 per cent to $454m.

SABMiller, whose brands include Miller Genuine Draft and Peroni, said it was also feeling the effect of higher energy costs, resulting in higher aluminium prices. About half of all SABMiller beer sold in the US is packaged in aluminium cans.

Overall, pre-tax profits were lower due to exceptional gains associated with the sale of investments in Edgars Consolidated Stores and the Harbin Brewery Group in the previous financial year.

For the year to March 31, pre-tax profits fell 4 per cent to $2.45bn.

Earnings before interest, taxation and amortisation rose 9 per cent at constant currencies to $2.9bn, in line with analysts' expectations, while sales revenues were up 19 per cent to $15.3bn. SABMiller's shares fell 33 pence, to £10.61 yesterday.

Analysts said SABMiller's overall performance was solid, but warned of an uncertain outlook inthe brewer's US business.

Carlos Laboy, analyst at Bear Stearns, said: "Anheuser-Busch's pricing push in the US is clearly costing the Miller Brewing unit."

European profits were strong, rising 14 per cent to $569m due to healthy sales volumes in eastern Europe. "Europe has delivered extraordinarily well," Mr Mackay said, adding that the brewer was seeing stronger demand for imported beers in the UK.

SABMiller has invested heavily into its Peroni Nastro Azzurro brand, where sales rose 32 per cent. Group basic earnings per share fell 20 per cent to 105 cents. SABMiller recommended a final dividend of 31 cents (26 cents), making a total for the year of 44 cents (38 cents).

**FT Comment**

\*SABMiller's results were largely in line with expectations but analysts remain cautious about the group's earnings outlook due to ongoing difficulties in North America and uncertainties in emerging markets, which account for the bulk of the group's profits. Profit growth in South Africa has slowed, and the group needs to prove it can integrate Bavaria efficiently. At a p/e ratio of 14.5 times 2007 estimated earnings, SABMiller is considered cheap compared with other brewers.



**8. Business Profile: The SABMiller's Tale**

*Daily Telegraph*

May 14, 2006

Under Graham Mackay, the African brewery group stole a march on its rivals by going into eastern Europe after the Wall came down. Today, it is a £16.8bn giant fighting for world dominance. Topaz Amoore finds out how.

Graham Mackay's father survived being shot down at El Alamein and then the Long March at the end of the Second World War, when exhausted PoWs were herded hundreds of miles by German guards after Hitler closed their camps. Mackay Snr's camp was the infamous Stalag Luft III, from which 76 prisoners - himself included - tried to tunnel to freedom, as immortalised in The Great Escape.

Grit, determination, resolve: they must be family traits. Over the past 15 years, his son - the chief executive of SABMiller - has doggedly transformed an unprepossessing South African conglomerate into a £16.8bn brewing behemoth spanning five continents and 40 countries.

Today, we are in Mackay's office at SABMiller's Mayfair headquarters: the company has no brewing interests in Britain but the London location is handy for Mackay's punishing hemispherical commute. He flies long-haul three weeks in every four, coming home to his wife and young family in Hampshire.

At 56, Mackay has six sons, the youngest of whom was born only last year. Further proof, perhaps, of the Mackay stamina, although his health is not bullet-proof. An unseasonal cold has reduced his voice to a corrugated croak.

Did his father manage to escape? "No - he was sitting ready in the tunnel but the escape was stopped after a while because of an air raid," rasps Mackay. "They came back up and tried to cover for those who had gone, but they couldn't. He was lucky he didn't get out, because he'd probably have been caught and shot. That's what happened to most of them."

The story is startling not least because Mackay has actually told it. He is said to dislike one-on-one interviews, usually filling up time that might otherwise be spent on personal questions with thoughtful, comprehensive answers about the business. His dress sense, though, is flamboyant and hints at a more genial off-duty man: today's grey suit with triple white pinstripe is enlivened by purple braces, tie and handkerchief.

Mackay's own battles are corporate ones, pitting SABMiller against rivals such as -Anheuser-Busch (A-B) and its powerful Budweiser brand, and Inbev, parent of Stella Artois. Mackay first stole a march on the competition by invading emerging markets in eastern Europe after the fall of communism.

In recent years he has made further territorial gains away from the traditional African base, buying the American giant Miller in 2002 and last year swallowing up Latin America's -second--biggest brewer, Empresarial Bavaria, for $7.8bn.

He is a cerebral battlefield strategist rather than a scalp-hunter, however, preferring to leave eyeball-to-eyeball negotiation to colleagues. "With M&A there's creativity involved, self--discovery, mental flexibility, and I find that exciting and energising."

He has also been embroiled in a price war, with SABMiller's full-year results on Thursday expected to show the scars of last summer's vicious discounting by A-B in America. A-B's determination to protect its 50 per cent market share has seen more than $700m in margin taken out of the US beer market. Yet A-B has borne the brunt of the loss, at some $600m, and the damage to SABMiller is believed to be far less than its 18 per cent market share would suggest.

Mackay's frustration over the price war is matched by irritation over A-B's partisan marketing, which depicts Bud as the true American beer for American drinkers and attacks SABMiller for being -foreign-owned.

"They had signs over urinals in Florida talking about our foreign ownership and how they were the only true -American-owned big beer company," growls Mackay, a third-generation South African. "It's completely laughable and inaccurate, particularly in the context of their expansion into China and foreign share ownership. But that stuff plays to a certain conservative, -middle--American audience, and anecdotally it has been accepted unquestioningly by that constituency."

Mackay is genuinely offended on behalf of the company, where he has worked since 1978. His indignation may stem from a wider grievance that SAB was dismissed for many years as a niche player from Nowheresville.

He feels, for example, that the share price was "overtly insulting" in the years after SABMiller moved its listing to London in 1999. The shares closed at £11.25 on Friday but back in 2002 they were below 400p. "We got credit from the investment community for running the business well but that's not the same as reaching for their pockets and bidding up the share price," Mackay says.

"Later the market re-evaluated some of the things we'd done and decided that perhaps we did know what we were doing." He also believes the company's investment proposition was "treated more sympathetically" in the US.

Certainly, A-B appears rattled by Miller's improved performance since 2002. Carlos Laboy, an analyst at Bear Stearns, praises SABMiller for "growing its market value by four times while contributing to a devaluation of A-B's market value in the same time frame".

Despite lacklustre America, JP Morgan turned bullish on the shares last week, predicting a rise in earnings of 8.5 per cent and dividend growth of 9 per cent. Last year profits were up by 31 per cent to £1.2bn. Analysts are looking for adjusted Ebitda of $2.9bn this time, up from $2.4bn.

For all his protestations over foreign ownership, the former South African Breweries has historically benefited from being an "outsider". During apartheid it was a mish-mash of retail, brewing, hotel, furniture and glass interests. Mackay saw that beer was the only possible platform from which to launch SAB internationally once apartheid came to an end.

It grew rapidly in eastern Europe in the early 1990s after the fall of communism, seizing on opportunities that British and American brewers were "a bit sniffy" about, as Mackay puts it. Now it is the -second--biggest player in both India and China, the largest beer market in the world by volume.

Was the expansion his master plan? "Yes and no. Strategy is a blend of what you're capable of, what is available and what you can afford - it's about opportunism as well as structure and concept," he says.

"We went into emerging markets because we were making a virtue of necessity. They were the only ones that were affordable. We couldn't take our capital out of Africa, they were bite-sized and relatively close to home. So in we went."

Home for the young Mackay took in South Africa and the then Rhodesia. With his five brothers and sisters, he spent an idyllic few years living on the banks of the Zambezi, where his father, safely returned from the war, ran a Tate & Lyle plant.

He graduated in engineering from the University of Witwatersrand, initially joining BTR as an information analyst. It was as a computer systems wonk that he joined SAB, but he soon moved into management and rose swiftly to the top.

He intends to stay there, juggling jetlag and toddlers, Colombian breweries and squash games in Hampshire. Mackay cautions that this has been a "business as usual year" but the excitement for him lies ahead in the growth from Latin America and China, "assuming I carry on until retirement age". Lost voice notwithstanding, he seems confident he'll want to. It's a stamina thing.



**9. From The Far Side: Holy Cow! Tenant Leaves Behind 70,000 Beer Cans (Utah)**

*News Partner NBC 6*

May 18 2006

OGDEN, Utah -- When a Utah man moved out of his townhouse, his landlord found quite a collection -- an estimated 70,000 beer cans.

The landlord said the man had been living in the home for about eight years and never threw away a single can.

After a massive clean-up effort, the cans were recycled for about $800.

All of the cans were Coors Light. The man said he has quit drinking and now has a job

