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| *April 13, 2007* | |

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**[I. NATIONAL NEWS.](#I)****1. Cold Play: Coors Pushes Positioning  
  
Launches ‘Glacier’ Tap Handles and Temperatures-Activated Labels**Jeremy Mullman  
*AdAge*April 8, 2007This just in: Coors Light really, really wants you to know it's cold.

Coors' new 'glacier' tap mechanism delivers beer at 6 to 10 degrees colder than normal taps.

OK, that's not news at all -- the No. 3 light beer has said virtually nothing else about itself for years, with few generally disastrous exceptions, such as the much-maligned "Rock On" campaign. But it's a point the brand is hammering home with a few innovations it hopes will boost sales in both bars and store aisles.

**On-counter glacier**

The first of these is "Coors Light Super Cold Draft," an on-counter "glacier" that pours beer to bar patrons at sub-freezing temperatures. The modified tap handle forms a layer of ice as it delivers beer between 28.5 and 31.5 degrees farenheit, compared to the 36 to 40 degrees Coors says beers are typically poured at. Then there's the cold-activated bottle, a gimmick that makes part of the Coors Light bottle's label turn blue when the beer reaches optimum drinking temperature.

These follow past brainstorms such as insulated cooler box and stay-cold bottle labels that have helped Coors harp on its long-standing cold claim, originally linked to the cold-filtered technology used to make the beer (similar to the process used by Miller Genuine Draft and others) and its Rocky Mountain heritage.

**'We own cold'**

"We can own [cold] because of our heritage and our brewing process," said Sara Mirelez, brand director for the Coors Light and Coors brands.

The tap and bottle will be hyped in TV and print ads from DraftFCB, Chicago, which will tout Coors Light as the "World's Most Refreshing Beer." Some of the spots will laud Coors Light as the beer of choice for celebrities such as the world's strongest man, Magnus Ver Magnuson; fastest man, Michael Johnson; and fastest eater, hot-dog-downing champ Takeru Kobayashi.

Coors, a traditionally reluctant online spender, is also taking its cold campaign to the web. The brand's "Cold Train" will scoot across various web pages daily at 4:53 p.m., touting that as the start of a new, earlier happy hour. The campaign was executed by Avenue A/Razorfish.

**Tight race**

The focus on cold helped boost Coors Light sales by low single digits last year, while its closest rival, Miller Brewing Co.'s Miller Lite, saw small declines. Both brands lost ground to No. 1 brand Bud Light, which grew faster. The rivalry between Coors Light and Miller Lite is particularly important because they are relatively close in market share (Miller Lite leads with 8.6% to Coors Light's 7.8%, according to Beer Marketers' Insights) and both are vying for the focus of many shared distributors.

Coors Light spent about $127 million in measured media during 2006, according to TNS Media Intelligence. That total should rise this year. During a recent conference call with Wall Street analysts, executives at parent Molson Coors Brewing Co. said marketing, general and administrative costs would likely rise in the mid-single digits. The executives also said the bulk of the increase would be in marketing.

**Coors Banquet**

Coors is also launching a national ad campaign behind its original, full-calorie Coors brand, known as "Coors Banquet" for its early days when founder Adolph Coors used to serve it at banquets for miners. The spots, narrated by actor Sam Elliott, tout the brand's history as a cult beer that used to be smuggled east of the Mississippi.

That could be a tough sell given the moribund sales trends of full-calorie domestic macrobrews (led by Anheuser-Busch's Budweiser, which in the 1880s was a cult beer in its own right), which have become so persistent that simply slowing sales declines is a cause for celebration.

Mr. Elliott's presence in the spots draws attention to the absence of Coors' usual spokesman, company namesake and former U.S. Senate candidate Pete Coors. Mr. Coors, who starred in Coors spots as recently as early 2006, hasn't appeared in any of the brewer's ads since pleading guilty to driving while impaired last summer.

Asked if Mr. Coors' absence is related to his legal woes, a spokeswoman said: "We're taking a different direction with Coors Light and Banquet right now."  
  
<http://adage.com/article?article_id=115992>  
**2. Trentadue wins Trellis Battle with IRS**

Loralee Stevens  
*North Bay Business Journal*  
April 3, 2007

The United States Tax Court has handed the wine industry a partial but significant victory, ruling that grape growers and wineries can depreciate trellising on the same shortened schedule as farm equipment, but not drip irrigation.

The case originated when Victor and Evelyn Trentadue of Trentadue Winery near Geyserville protested the extra $30,000 the IRS slapped on their 2002 tax return after a change in depreciation schedules.

The IRS argued that such systems are permanent, capital improvements and are subject to the longer depreciation schedule, 20 years as opposed to 10.

The Trentadues' attorney Jeff Terry of Santa Rosa's Carle Mackie Power & Ross argued that above-ground systems, including posts, wires, stakes and drip lines are an integral part of a manufacturing or production activity.

In a ruling filed today by the United States Tax Court, it was held that "trellising was properly classified as farm machinery or equipment, and the irrigation systems and well should be classified as land improvements."

"Sounds like they gave us the one and gave themselves the other," said Mr. Trentadue. "An above-ground drip system is a lot different than a well. But I'm pleased that they gave way on the trellising. That's the most expensive part."

Most likely the Trentadues will still be required to pay a certain amount in back taxes, but farmers with hundreds of acres of trellised vines can breath a sign a relief.

According to Santa Rosa-based accountant David Dillwood, large operations could have been hit with thousands of dollars per acre in underpaid taxes under the interpretation challenged by the Trentadues.   
  
<http://www.busjrnl.com/apps/pbcs.dll/article?AID=/20070403/BUSINESSJOURNAL/70403019/1218>  
**3. Pernod Ricard USA To Launch New AD Campaign for Stolichnaya Vodka**  
**Multi-Million Dollar Effort Highlights Stoli's Authentic Russian Heritage**  
  
*PRNewswire*  
April 9, 2007

Pernod Ricard USA, a leading producer, importer and marketer of premium spirits and wines in the United States, and Stolichnaya, the iconic, genuine Russian vodka, today announced the U.S. launch of a new, multi-million dollar advertising campaign for the Stoli family of vodkas that reminds consumers to "Choose Authenticity."

Created together with Pernod Ricard's London-based Stolichnaya Brand Organization Ltd. and Marcel Republique, an award-winning, Paris-based boutique advertising agency owned by Publicis Groupe, the new campaign is the first-ever global effort for Stolichnaya.

"Stolichnaya is the best-known Russian brand in the Western World, with a legendary history and a pioneering spirit no other vodka brand can claim," said Patrick Piana, Senior Vice President, Marketing, Pernod Ricard USA. "Since it became the first branded vodka to be exported from Russia over half a century ago, Stolichnaya has been the world's favourite Russian vodka, and the epitome of tradition and style, with both balance and character. Now, by highlighting the brand's authentic heritage in a relevant, motivating way, we expect to further increase the momentum behind this true icon."

Set to debut in the May issues of such leading U.S. magazines as Rolling Stone, In Style and GQ, the new campaign's visual style is based on a Russian artistic movement called "constructivism," which celebrated the bold, strong, industrial structures of the early 20th century, when Stolichnaya was created. The campaign will feature positive Russian icons, a proud tone and witty delivery, as indicated by one of the first ad execution's headlines, "The Mother of all Vodkas, from the Motherland of Vodka.''

Howard Southern, Vice President, Marketing, Stolichnaya Brand Organization, said the development of the new campaign for the third biggest global vodka brand was driven by research that produced two key findings: First, that Stoli's remarkable history\* hasn't been fully told; and second, that authenticity is an extremely important consideration in the purchasing decisions of today's sophisticated, young adult consumers.

Stolichnaya's smoothness and character stems from its crafting in one of the most fertile regions in the world, the Black Earth Region of Russia, where the wheat and rye is mostly grown and harvested directly by the distillery in Tambov, a picturesque, provincial town about 320 miles southeast of Moscow.

The new campaign is Pernod Ricard's first major effort behind Stolichnaya, which acquired the marketing and distribution rights for Stoli in the U.S. and selected other countries in 2006. Said Piana: "Pernod Ricard has consistently demonstrated its ability to drive brands to achieve their potential, and we are confident that this new Stolichnaya campaign will resonate with the brand's core consumers and build on our overall track record of success."

<http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=104&STORY=/www/story/04-09-2007/0004561865&EDATE>=  
  
  
  
  
  
  
**4.** **A-B issues Counter-Punch over Spykes**

*Just-Drinks*  
April 10, 2007  
  
Anheuser-Busch has come out fighting against claims it is targeting children with one of its alcoholic brands.

The US brewer, which was attacked last week by a consumer watchdog in the country for its "kid-friendly" marketing of Spykes, has dismissed the claims out of hand.

The Center for Science in the Public Interest said last week that it believes the brewer is trying to "get children interested in alcohol" through its positioning of the drink. Spykes are available in what the body describes as "kid-friendly flavours" such as Spicy Mango, Hot Melons, Spicy Lime and Hot Chocolate. The CSPI also asked A-B to launch an immediate nationwide recall of Spykes and is calling on state attorneys general to investigate.

"Spykes is neither a high-alcohol content drink, nor an energy\_drink," said Francine Katz, vice president of communications and consumer affairs at A-B. "Spykes is simply a malt beverage with 12% abv sold in 2oz single servings. In fact, the amount of alcohol in a Spykes bottle is equivalent to one-third of a glass of wine. And the amount of caffeine in a 2oz serving of Spykes is equal to 1oz of dark chocolate."

Katz noted also that the beverage's Web site requires age verification, and that the drink cannot be bought online.

Turning to the CSPI, Katz said: "Frankly, we're perplexed at this criticism, yet we know the CSPI is a perennial, fear-mongering anti-alcohol group whose members are in the business of spreading misinformation. They have even stooped so low in the past as to criticise the use of designated drivers."

The body has threatened to launch private litigation if its call to state attorneys general goes unheeded.

<http://www.just-drinks.com/article.aspx?ID=89919>  
  
  
  
  
  
  
**5.** **Wrigley Taken to Task for Mojito-Flavored Gum**

**Alcohol Watchdog Group Says Cocktail Being Used to Appeal to Children**

Jeremy Mullman   
*AdAge*  
April 11, 2007

Is Wm. Wrigley Jr. Co.'s new mojito-flavored gum a harbinger of Tanqueray-and-Tonic Tic-Tacs, Jack Daniels Jolly Ranchers and Smirnoff Skittles?

Wrigley says its mojito-flavored gum is no different than pina colada flavors used in gums, candies and jelly beans.

An alcohol-industry watchdog says it's concerned that the candy conglomerate's new Mint Mojito Orbit -- currently being touted in new national ads -- is using the rum-based cocktail's flavor to appeal to children, and also that it will inspire more egregious imitators.

**'Mildly reprehensible'**

"It's something I'd call mildly reprehensible, and it'll almost certainly lead to others going further," said a spokesman for the Marin Institute, the watchdog group. "It's sad they need to name it like an alcoholic beverage to sell it."

In a statement a Wrigley spokesman argued that mojito flavor has transcended alcohol and become a wider phenomenon, used in sauces, salsas, marinades and even scented candles.

He compared the mojito to the pina colada, another cocktail flavor that's found a life outside the bar, used in gum, candy bars and jelly beans by Wrigley rivals Trident, Carefree, Hershey and Jelly Belly (which also offers a margarita flavor).

The spokesman didn't mention Chronic Candy, the marijuana-flavored lollipops that caused a stir after being imported from Europe in 2005.

"A number of well-respected confectionary products feature flavors that originated with exotic or tropical beverages but have passed into general use," the spokesman said. "I think the mojito has as well."

**Needed a new mint name**

He added, however, that there is a practical matter: Breath-freshening Orbit is running out of names for mint-based flavors. The current stable includes bubblemint, winter mint, peppermint, spearmint, cinnamint, sweet mint, citrus mint, raspberry mint -- and now mint mojito -- which perhaps has a better ring to it than "lime-sugar-and-rum mint."

The new spots for Mint Mojito Orbit, from Energy BBDO, Chicago, show a hapless man buried in sand, struggling with a mouthful of seaweed. At the point, Orbit's quirky British mascot, Vanessa, appears to offer gum: "Dirty mouth? Clean it up with new Orbit Mint Mojito."

Energy BBDO Chief Creative Officer Marty Orzio said neither the tone nor target of the spot differed much from the previous 20 spots the agency has shot for the client since 2001.

"We're aiming for [an audience in their] early 20s," he said. "This was never a teen brand."  
  
<http://adage.com/article?article_id=116025>  
  
  
  
  
  
  
**6.** **SABMiller Dismisses Rumors Of Takeover Bid For Scottish & Newcastle**

*AFX* *International Focus*  
April 12, 2007

SABMiller PLC today dismissed rumors it is planning to launch a takeover bid for Scottish & Newcastle.

Speaking during a conference call this morning for the company's full-year trading update, CFO Malcolm Wyman refused to comment on other listed companies.

"There is a lot of speculation in the market place and it does seem they are old rumors bubbling up and resurfacing again," he said.

Wyman said the group finds the Western European beer market "singularly unattractive".

"Volumes are declining and whilst it is a big value pool, it is under significant pressure not only in the United Kingdom but in Western Europe as well," he added.

SABMiller PLC also said Thursday lager sales rose 10 percent in the year ended March 31, leaving the world's No. 2 brewer on course to meet its annual performance targets. Lager sales rose 27 percent in Africa and Asia, including a a 30 percent gain in China. In North America domestic sales were flat compared to the previous year, and profitability was squeezed by higher costs for raw materials and packaging.

"Group financial performance was in line with management's expectations as good revenue growth was partially offset by higher input costs and increased investment across the business," the company said.

SABMiller's brands also include Pilsner Urquel and Castle.

Scottish & Newcastle shares fell back 7-1/2 pence to 591 pence this morning, having risen some 15 pct over the last two weeks on persistent takeover speculation.   
  
<http://money.cnn.com/news/newsfeeds/articles/newstex/AFX-0013-15894074.htm>

**7. Scottish & Newcastle Shares Fall as Bid Talk Dwindles**

Amy Wilson  
*Bloomberg*  
April 12, 2007

Shares of Scottish & Newcastle Plc fell on speculation that a takeover bid for the U.K.'s largest brewer is less likely after larger competitor SABMiller Plc called western Europe's beer market ``singularly unattractive.''

The stock dropped as much as 3.6 percent in London. When trading ended yesterday, it had gained 13 percent since the close on March 28 on speculation about a bid. Analysts have cited Heineken NV and Diageo Plc as potential suitors, and SABMiller was singled out on April 1 by the Sunday Express newspaper as a possible bidder.

Scottish & Newcastle controls the largest shares of the British and French beer markets. Industry beer and cider sales rose less than 1 percent in the U.K. last year, and the French beer market shrank, the Edinburgh-based company said Feb. 20. SABMiller said today its European growth is being driven by drinkers in Poland, Russia and Romania.

``This will blow away some of the market froth about a potential acquisition,'' Trevor Stirling, an analyst at Sanford C. Berstein in London, said today in a research note. The note was published after Malcolm Wyman, SABMiller's chief financial officer, declined to comment on speculation about a bid for Scottish & Newcastle on a conference call with reporters.

The company's stock dropped 12.5 pence, or 2.1 percent, to 586 pence, the biggest fall since bid speculation began on March 28. SABMiller shares gained 29 pence, or 2.6 percent, to 1,148 pence.

Scottish & Newcastle makes beverages ranging from Strongbow cider to Mort Subite, the Belgian beer whose name means ``sudden death'' in French. SABMiller brews Pilsner Urquell and Peroni Nastro Azurro. Diageo, the distiller of Johnnie Walker whiskey, also makes beers including Red Stripe lager, among the sponsors of the cricket World Cup being played now in the West Indies.   
  
<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aF6bOM1FvtBc>

**8.** **Market Cheers SABMiller's 10% rise in Beer Sales**

Martin Flanagan  
*The Scotsman*April 13, 2007

Brewing major SABMiller put out an upbeat trading statement yesterday, as one of its top directors poured cold water on speculation that it may be considering a takeover bid for Scottish & Newcastle.

As SABMiller announced that its annual beer volumes had risen by a higher-than-expected 10 per cent, the company said it was not looking to make acquisitions in western Europe because it was cool on the prospects for the region.

Malcolm Wyman, the group's chief financial officer, went so far as to call the beer market in western Europe "singularly unattractive". He cited the slow volume decline.

Wyman refused to talk about specific rumoured takeover targets but said: "It does seem like old rumours resurfacing and bubbling up again."

He added: "Volumes are declining and whilst it is a big value pool, it is under significant pressure not only in the United Kingdom but in western Europe as well."

S&N, whose brands include Foster's and Kronenbourg lagers and John Smith's bitter, earns more than half its profits in western Europe, where it is the market leader in Britain and France. Wyman's comments had the effect of making S&N's shares the second biggest faller in the FTSE 100 index yesterday, closing down 12.5p or 2 per cent at 586p. The group's shares had spiked up nearly a pound in recent months on speculation it was being targeted for a takeover.

SABMiller's shares, by contrast, were the top riser in the Footsie yesterday, closing up 29p or 2.6 per cent at 1,148p on relief that it might not be tempted to overbid for the Scottish brewer, plus the positive trading update.

SABMiller's 10 per cent rise in underlying beer volumes for the year to end-March beat a forecast for a 9 per cent rise. The rise was driven by strong growth in South America, Europe, Asia and Africa.

However, the company, which makes Miller Lite, Peroni and Castle beers, did caution that the good revenue growth was partly offset by higher costs on raw materials such as aluminium and barley. There was also increased marketing spending in South America and Europe.

Analysts said volume growth was extremely strong, implying a similar or better performance in the group's fourth quarter, with all areas apart from the Miller brand ahead of expectations.

Despite volume declines at Miller and input cost pressures, house broker Cazenove increased its earnings per share forecast for the year to March 2007 to 116 US cents from 114, and to 129 cents from 127 for the year to March 2008.

In its South African beer business, which earns just over 30 per cent of group profit, full-year volumes rose 2 per cent, with Q4 volumes up 8 per cent as it benefited from hot weather. The trading statement covered the peak summer season in South Africa and South America, its two biggest profit earners in the southern hemisphere.

**[II. IOWA NEWS.](#II)****9. Vote divides Meskwaki Tribe**

**BENEFIT: Alcohol sales are needed to compete with other casinos.  
CONCERN: Heavy drinking is a problem among American Indians.**

Lisa Rossi  
*Des Moines Register*  
April 11, 2007

The legacy of alcohol on American Indians overshadows a vote Thursday to determine if the Meskwaki Settlement will sell alcohol at its casino - the only one in Iowa that prohibits such sales.

The issue has pitted the young against the old. Residents says it's a debate of money versus morals.

Younger tribal members see the benefit of alcohol sales. Their share of the casino's profits could increase, they say, and it could prevent the loss of customers to a new casino opening in Waterloo.

But the elders, whom many on the settlement look up to, are opposed. They've seen loved ones die of alcohol-related deaths and are taking care of children whose parents are absent.

"Some weekends it's really bad," said Lynn Morgan, 59. "We're in the age where we should be enjoying ourselves. We are taking care of grandchildren, because parents are not responsible."

On the 7,500-acre settlement, which has a current enrollment of 1,400 people, American Indian mothers mourn the loss of their dead daughters and middle-aged men tell stories of friends who have perished from cirrhosis, a fatal liver disease. Old women watch as their young relatives are sent to alcohol rehabilitation that rarely, if ever, works.

The economics of the issue dictates that the casino be given the right to compete with Iowa's liquor-selling casinos, supporters say.

**Substance abuse is major issue**

Studies show that American Indians have suffered from the effects of alcohol abuse more than other groups. Data from the National Institute on Alcohol Abuse and Alcoholism published in 2002 show that, among minority groups, heavy drinking are most prevalent among American Indians [](javascript:NewWindow(600,520,'/apps/pbcs.dll/misc?url=/misc/zoom.pbs&Site=D2&Date=20070411&Category=NEWS&ArtNo=704110371&Ref=AR&Profile=1001');)and Alaska natives.

The same studies show that chronic liver disease and cirrhosis, which is caused by long-term drinking, is four times more prevalent among American Indians and Alaska natives than the general U.S. population. Alcohol-related crashes are three times more prevalent among American Indians and Alaska natives than the general population, the study said.

Substance abuse is a major issue for American Indians in part because of high poverty and limited resources for treatment on reservations, said Vickie Claymore-Lahammer, who is with the Aberdeen, S.D., office of the Indian Health Service, which also oversees Iowa.

"When we send someone away for treatment ... you are sending them across state," she said. "They go home and there's limited services at home. How do you continue with the aftercare?"

The Meskwaki Settlement does not have an on-site rehabilitation shelter, said Don Wanatee, 74, a tribe member who has studied alcohol's effects on the reservation. The tribe runs the Meskwaki Alcohol/Drug Abuse Center in Tama, Claymore-Lahammer said, which, unlike an inpatient facility, does not offer residential treatment. The center employs counselors to help members with alcohol and drug problems, she said.

Court-ordered rehabilitation takes people out of the reservation, where "the people who run those establishments have no idea what Indian culture is like," Wanatee said.

And when they are done with rehabilitation, "they come back to the same sewage plant," he said. "There's nothing that changes. They'll continue doing this unless the tribe takes it up."

**Supporters say sales are key to competing**

The referendum at the Meskwaki Settlement comes as possible competition looms for the casino.

In Waterloo, Iowa's 20th casino will be opened this spring by Isle of Capri Casinos.

In Tama, business leaders want to construct a gambling complex at Cherry Lake with a casino, hotel and restaurant that would compete with the Meskwaki casino. Members of the Iowa Racing and Gaming Commission have said they want time to evaluate recently opened casinos before considering new licenses.

In face of such competition younger people on the settlement support alcohol sales, seeing it as a key component to allowing the casino to compete with others in the state.

[](javascript:NewWindow(600,520,'/apps/pbcs.dll/misc?url=/misc/zoom.pbs&Site=D2&Date=20070411&Category=NEWS&ArtNo=704110371&Ref=V2&Profile=1001');)"I think it will probably pass," said Shalane Ironshield, who is 20. "Everyone is concerned about the competition."

Enrolled tribal members receive monthly payments from the casino profits.

Some tribal members, like Carma Wanatee, are still undecided on their support for selling alcohol.

On one hand, she said, the casino payments have helped people out of poverty, and competing casinos could drive away

customers.

"Some people live on (the stipends) alone," she said.

In the 150-year history of the Meskwaki Settlement, the tribe has never sold alcohol. Today, the tribe's casino is the only one of 19 in Iowa without such sales.

Her husband works at the casino, which helps the tribe by providing jobs, she said.

Still, Wanatee said, she will talk to the older members of the tribe, who she knows are against it.

If the referendum passed, the casino would sell drinks in designated areas, rather than on the entire floor, said Dan Stromer, general manager of Meskwaki Bingo Casino Hotel.

There is no question that selling alcoholic beverages would draw more people, he said.

"You have to position yourself to be able to compete with everyone else," Stromer said. "There's always the people that are not familiar with the property that come in from the outside. One of their questions is 'Where do a I get a beer?' They are surprised that you don't serve alcoholic beverages."

Larry Lasley, the Meskwaki tribe's executive director, did not return repeated phone calls for this article. Staff at his office directed inquires to Stromer, the casino manager.

**Alcohol problems make elders wary**

Older Meskwaki members say the threat of competition pales in comparison to the scourge of alcohol-related problems that target the tribe's young.

Morgan has many stories of her children and relatives turning to alcohol at a young age.

A nephew who worked at a discount store said it was easy to steal bottles of booze. She's seen teens party constantly until they end up in the court system. "The legal-age ones are buying for them, because they are related and are friends," she said.

Elders in the tribe say that the kinship system, which means many on the tribe are related or practically related, knits members together closely. When one member dies, it affects the whole tribe.

And when they watch their young succumb to rampant partying, they grapple with a sense of sadness — a sense of helplessness, they said.

"I try, and try, and try," Morgan said. "They just don't listen. They have help from friends. I'll be up all night waiting by the phone."

Morgan herself has had to struggle with alcohol. When she became diabetic, she had to stop drinking.

The harmful effects of alcohol are passed down, she said.

Some elders on the tribe have had to steel themselves against the mistakes their children make.

"I tell them right out, 'Don't come running to me,' " said Margo Mauskemo, 71, who explained that her sons have struggled with alcohol problems and she has taken a hard line against their ways.

# <http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070411/NEWS/704110371/1001/NEWS> 10. Smoking bill Unlikely to be law this Year Jason Clayworth *Des Moines Register* April 13, 2007 A proposal that would allow Iowa cities and counties the ability to ban smoking in restaurants and bars is unlikely to become a law this year, House Majority Leader Pat Murphy said Thursday. Murphy also confirmed that a controversial measure to add sexual orientation to the state's civil rights law is unlikely to pass this year. A third bill, allowing public-employee unions to charge fees to nonmembers, was put on the Legislature's version of life support Thursday. The smoking bill would allow cities to adopt ordinances that are more strict than state law. The law currently prohibits smoking in public places, including restaurants seating more than 50 people. Restaurant owners, however, can opt to establish smoking areas. Advocates of the proposal have said giving cities the ability to set their own anti-smoking laws would help protect residents from secondhand smoke. Opponents say they worry it would create disadvantages among businesses in nearby areas. The Senate's Democratic majority last month rejected Republican-backed proposals to exempt taverns and casinos - but agreed to exclude fraternal organizations, such as the American Legion and Veterans of Foreign Wars. The House Local Government Committee endorsed a bill that would exempt taverns and casinos from local bans. Murphy said Thursday that so many changes have been proposed, it's likely that lawmakers will study the issue over the interim and bring it back next year for debate. "Because of the amount of exemptions, I don't think this year" lawmakers will pass Senate File 236, said Murphy, a Democrat from Des Moines. Lawmakers also do not expect action this year on another controversial bill. Murphy said House Democrats don't have enough votes to add sexual orientation to the state's civil rights laws. The Senate last month approved a proposal that extends protections in employment, public accommodations, housing, education and credit to gay, lesbian and transgender people. Senate File 427 needs House approval and the governor's signature to become law. Meanwhile, House Democrats on Thursday moved to keep alive the union-fee proposal, known as "fair share." The proposal would allow public employee unions to assess a fee for services provided to nonunion workers. The action keeps the bill alive as lawmakers move to wrap up their business by the end of the month. <http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070413/NEWS10/704130380/1001/NEWS> 11. Iowa Senate Okays Lower BAC for Drunk Boating *Beverage News Daily*

April 11, 2007

The Iowa Senate passed unanimously and sent to the House a bill that would lower the blood-alcohol limit for boaters to 0.08% from 0.1%.

# House Majority Leader Kevin McCarthy (D) said he and some other lawmakers believe the new limits may be too tough.  “It may not be politically correct or popular to say so, but there is a day-and-night difference between driving on the road and on the water.  Accidents rarely, rarely if ever happen on the water due to alcohol consumption.  It’s just a fact.” 12. House Leader: Drunken Boating Bill may Capsize Jason Clayworth *Des Moines Register* April 9, 2007 A proposal that would hold drunken boat operators in Iowa to nearly the same standards as drivers is unlikely to become law, a top House Democrat said today.

The proposal, approved unanimously vote by the Senate in January, changes the blood-alcohol limit for boat operators from .10 to .08, which is the current standard for operating a vehicle on Iowa roads.

Senate File 49 must gain approval from the Iowa House and the signature of the governor before it becomes law.

It was slated for a vote today but House Majority Leader Kevin McCarthy said it was added to the debate calendar by mistake.

Some legislators have concerns that the bill is too tough and would strip commercial licenses away from people and cause them to lose their jobs.

“It may not be politically correct or politically popular to say so but there’s a day-and-night difference between driving on the road and on the water,” McCarthy said.

“Accidents rarely, rarely, if ever, happen on the water due to alcohol consumption. It’s just a fact.”

Brenda Krumel, president of the Polk County Mother’s Against Drunk Driving, said her group is opposed to any amendments that would give more leniency to people who drink and operate boats rather than cars.

“That’s certainly concerning to hear,” Krumel said today of the possible changes to the proposed law.

Last year, 20 percent of reported boating accidents across the state involved alcohol. That’s up from 16 percent in 2004, the Iowa Department of Natural Resources said.

There were 42 arrests in Iowa in 2006 for operating a boat while intoxicated. That’s also up from 2004, when 26 such arrests were made.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070409/NEWS/70409028/1001/NEWS>  
  
**13.** **Driver Charged in Fatal Accident**

*Des Moines Register*  
April 10, 2007

The driver of a vehicle involved in a fatal accident in February in West Des Moines has been charged with homicide by vehicle and drunken driving.

Police arrested Jason Hosler, 26, on Monday.

Shortly after 1 a.m., on Feb. 18, Hosler was driving a pickup truck to Beach Girls, 6220 Raccoon River Drive, police said. It rolled over as it veered from a private drive.

West Des Moines police reported today that the investigation has revealed that six people were in the Chevrolet Silverado when the crash occurred. Hosler, the driver, was not injured.

Timothy Green from Pataskla, Ohio was pronounced dead at the scene. One of the other occupants, Daniel Patton, suffered minor injuries.

Hosler, of Norwalk, was booked at the West Des Moines Police Department on Monday and then was taken to the Dallas County Jail.  
  
<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070410/NEWS/70410012/1001/NEWS>  
  
**14.** **Keg Registration law may have little Effect Locally**

Melissa Regennitter  
*Muscatine Journal*

The passage of a bill requiring beer kegs to be registered if they are purchased and taken from a retailer might narrow the local availability of the 15 ½-gallon party favorite.

According to some Muscatine retailers, the law might be too much of a hassle to mess with, since they don’t sell a lot of kegs to go anyway.

“As far as the carryout deal, I am not going to do it,” said Joe Manjoine, owner of Jody’s Bar and Grill.

He said he has sold a few kegs to go in the past but plans to nix such sales once the state requires kegs to be tagged beginning July 1.

The story was the same at the Hilltop Tap, where manager Shelly Brus said she’s never even had a customer ask for a keg to go.

“We have never been opposed to it (selling kegs) but if people buy kegs,” they keep them on the premises, Brus said. “I don’t know anything about it (the law) but I probably won’t sell kegs to go after the requirement is in place.”

Last Thursday, Gov. Chet Culver signed into law House File 650, which will require any type of keg purchased in Iowa, and sold to persons other than licensed retailers for off-premises use, to be registered. Retailers will be responsible for the registration process by keeping record of at least the name and address of the purchaser along with the tag identification number on the keg.

The law is an attempt to discourage adults from buying kegs for minors by requiring the purchaser to leave identification on a sticker that would be placed on the keg. In turn, if minors are found drinking at a keg party, the person who purchased the beer could be held accountable.

Bill Wallace, president of VanGuard, an area Anheuser-Busch product wholesaler, said his company delivers to Muscatine and he doesn’t foresee any problem with the sale of kegs locally because they aren’t a popular to-go item.

“I sell kegs to grocery stores, but it’s probably less than one or two percent of total sales,” Wallace said. “I don’t personally believe this bill will affect sales. As a member of the Iowa Wholesale Beer Distributors Association we didn’t support or oppose it, but anything that stops one underage person from drinking, that’s a good thing.”

Wallace added that he thought it was a good idea for the state to make a law straight across the board rather than having Iowa’s 99 counties make up their own ordinances.

Though management from HyVee Food Store, Muscatine, declined to comment on Monday regarding the issue, Kasey O’Kelly, store director of HyVee Drug Store said, to his knowledge, HyVee stores across Iowa backed the keg registration bill.

O’Kelly added that in order to purchase kegs at HyVee Drug Store, buyers must pre-order them. The store typically sells one or two kegs per year. He believes that the HyVee stores will continue to sell kegs under the new ordinance.

The Bullpen Sports Bar will probably still sell kegs, too.

“I hadn’t heard about it but I am going to go with yes, we still will,” said Ro Frye, manager. “We normally only get asked to do it by regulars who we know and trust anyway. I think the state is ‘lawing’ us to death.”

DeAnna Turner, manager of Steamboat Landing convenience station, said to-go kegs are available if they are pre-ordered, but she’s sold only one in the past three years.

“We won’t be doing it anymore,” Turner added. “Not that we’re against it, but that’s too much of a hassle.”

In an interview last month, Sgt. Mark Kopf of the Muscatine County Sheriff’s Department said he doesn’t hear of more than three or four underage keg parties per year in Muscatine County, but thinks the bill is still a good idea.

“When we do get them, it’s usually in rural cabin areas and we have a hard time identifying the person who bought the keg,” Kopf said.

“Another thing is, we’ve cited people leaving those parities for OWI, and cited teens for underage drinking who came there in cars and planned to leave in a car after drinking. It’s dangerous.”

Kopf said the law will serve as a tracking tool to find the person who bought the keg and likely help reduce underage drinking, though teens might be deterred only from drinking keg beer and instead ask adults to purchase cases of beer.

Prior to this new Iowa law, 27 counties had keg ordinances of their own and several had ordinances pending.

There are now 28 states that have keg registration laws.  
  
<http://www.muscatinejournal.com/articles/2007/04/10/news/doc461ba68304130659248616.txt>  
  
  
  
  
  
  
**15.** **Fayette County Tracks cell Phone to find lost Teenager**  
  
*WCFCourier*  
April 10, 2007

A young man, lost and reportedly intoxicated, was cited for having alcohol after calling the Fayette County sheriff's office for help.

The 18-year-old from West Union used his cell phone shortly before 4 a.m. Friday after leaving a party on foot. He was reportedly very cold and walking on a paved road somewhere in northern Fayette County, according to the sheriff's office.

The sheriff's office used GPS tracking available through the enhanced 911 system to narrow the search to within a half-mile of the subject. Authorities found the young man on Filmore Road seven miles east of West Union and took him to his home.

Sheriff Marty Fisher cited the rescue as an example of the importance of continued upgrades to the E-911 system and other equipment in the county's communications center.  
  
<http://www.wcfcourier.com/articles/2007/04/10/news/regional/df9a9cb6a574526f862572b9003fc66c.txt>  
**16. Drunken-Boating bill Raises Concerns**

**Some House members wonder if the proposal to lower the blood-alcohol limit for boat operators is too tough.**

Jason Clayworth  
*Des Moines Register*  
April 10, 2007

Some legislators have concerns about a proposed Iowa law that would bring about stricter standards for drunken-driving violations for boaters, a top House Democrat said Monday.

The proposal, which was approved in a unanimous January vote by the Senate, would change the blood-alcohol limit for boat operators from 0.10 to 0.08, which is the current standard for operating a vehicle on Iowa roads.

Senate File 49 must gain approval from the Iowa House and the signature of the governor before it becomes law.

It was slated for a vote Monday, but House Majority Leader Kevin McCarthy said it was added to the debate calendar by mistake.

McCarthy said some legislators, including himself, have concerns that the proposal may be too tough.

"It may not be politically correct or politically popular to say so, but there's a day-and-night difference between driving on the road and on the water," McCarthy said. "Accidents rarely, rarely, if ever, happen on the water due to alcohol consumption. It's just a fact."

Drunken-boating violations do not count against driving records. Intoxicated boat operators can be charged with a simple misdemeanor for the first offense, which carries a fine of up to $1,000, two days in jail and loss of their boat licenses for a year.

Even though offenders would not lose their driver's licenses for boating drunk, legislators want to study the bill more, McCarthy said.

"We want to be cautious and mindful of how it affects people's lives," McCarthy said.

Brenda Krumel, president of the Polk County chapter of Mother's Against Drunk Driving, said her group is opposed to any amendments that would give more leniency to people who drink and operate boats, compared with those who drive automobiles.

"There needs to be a serious message" for people who boat drunk "because the results are that people can lose their lives," Krumel said.

Last year, 20 percent of reported boating accidents across the state involved alcohol. That's up from 16 percent in 2004, the Iowa Department of Natural Resources said.

There were 42 arrests in Iowa in 2006 for operating a boat while intoxicated. That's up from 26 arrests in 2004. Iowa first put a blood-alcohol limit in place for boaters in 2000.

Perry resident Jill Brosnahan urged lawmakers to tighten boating laws.

Brosnahan was boating in August 2005 with her husband, dentist Michael Brosnahan, and four other people when they were struck by a drunken boater. Michael Brosnahan died and Jill Brosnahan suffered broken ribs, a broken collarbone and a punctured lung. The four other people in the boat were not injured.

Justin Nearman of Sioux Falls, S.D., pleaded guilty of operating a boat while intoxicated resulting in the death of another person. He was sentenced to 10 years in prison, five of which were suspended. He was also given five years probation and may not operate a motorboat or sailboat for six years.

"I'm totally in favor of making it the same as for someone who gets behind the wheel of a car," Brosnahan said.

State Rep. Mike May, a Republican from Spirit Lake, made a similar proposal last year. May's family runs Trigg's Bay Resort, an Arnolds Park business that rents boats.

"I really don't understand the logic" of not making the law tougher, May said. "It seems to me if you believe that 0.08 on the highway is a good law, then 0.08 on the lake makes sense, as well."

McCarthy said the bill could be debated later this week. He was unsure whether there would be amendments.  
  
<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007704100398>  
  
  
  
  
  
  
**17.** **WDM Cracks Down on After-Hours Clubs**

**Despite few problems, businesses that permit alcohol but don't sell it face safety and security regulations.**

Tom Barton  
*Des Moines Register*  
April 12, 2007

Ask rapper Tripp Marxx where he'll be on a Friday or Saturday during the week and he'll feed you the line, "in the club going 'Boom Boom' ... on the west side chilling with beautiful women."

It's one of a handful of lyrics Marxx of Des Moines uses to describe his after-hours partying style at the Boom Boom Room, 3320 Westown Parkway in West Des Moines.

He frequents the club so often he was asked to write an anthem for the business, appropriately titled "Boom Boom Room."

And according to the song, "if you ain't here, then you ain't livin' right."

The Boom Boom Room's bring-your-own-alcohol policy - much like that of strip clubs in Iowa - affords clientele the opportunity to keep the party going even after other establishments have closed for the night.

"It's another place to go and carry on conversations and dance," Marxx said.

But early-morning drunkenness by patrons has concerned area law enforcement and city councils, who are troubled by calls to police to handle fights.

Des Moines leaders approved stricter operating rules for these after-hours clubs after a man was shot in the arm at Club City, 1820 E. Army Post Road.

On Monday, West Des Moines City Council members unanimously adopted a similar ordinance. Council members waived the third and final reading of the ordinance in voting to approve the measure.

The ordinance requires those who operate after-hours businesses, which allow on-premises alcohol consumption but do not sell alcohol, to acquire a license that is subject to safety regulations.

The license would also require adequately trained security personnel for crowd control.

West Des Moines has two establishments that would be subject to the ordinance, the Boom Boom Room and Beach Girls, 6220 Raccoon River Drive.

A manager for Beach Girls declined to comment.

"We haven't had any problems with these establishments. There's been nothing out of the ordinary. But they are fairly new and we want to be able to regulate these businesses as they come in so everyone involved is safe," West Des Moines Police Lt. Jeff Miller said.

"While we haven't had the problems Des Moines has had, we see it as a win-win situation by being proactive."

According to West Des Moines police records, officers received 29 calls for service to the Boom Boom Room from January to April 4, nine of which were self-initiated bar checks or community policing by officers.

Other calls were responding to intoxicated people, illegal parking and motor vehicle theft.

There were only two calls for a fight and one for assault.

Beach Girls had 16 calls for service, none involving fights or assaults. Like the Boom Boom Room, most were bar and building checks.

Since the Boom Boom Room has not experienced the same problems as its Des Moines counterparts, co-owner Bill Proctor said he sees little benefit from the ordinance.

"We haven't had a major issue here. The problem doesn't lie anywhere. I just don't see the need," said Proctor, who is also Marxx's manager.

Proctor said three to four bouncers and a certified security guard work on any given night to help with crowd control.

"We've had a couple of incidents, but our bouncers have been able to take care of it," he said.

He said the ordinance will have little effect on the business, because it already complies with provisions of the ordinance.

But Marxx said he is afraid the ordinance will discourage others from establishing similar clubs in West Des Moines.

"It seems like with anything in Des Moines, if it's catching too much attention, there's got to be a stop to it, and it's too bad," Marxx said. "We need more choices for places to go after the bars instead of strip clubs."

Other Boom Boom Room regulars expressed similar reservations about the ordinance.

"They're regulated enough, and things are fine the way they are," said Ryan Hass, 24, a business owner from Urbandale, who said Des Moines should be like other cities in the Midwest where bars stay open past 2 a.m. "This is just a good way to keep the nightlife going."  
  
<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007704120335>

1. **OTHER STATE NEWS.**

**18. New law Proposed on Problem Liquor Stores (California)**

Christopher Heredia  
*San Francisco Chronicle*  
April 12, 2007

A new bill by Assemblywoman Loni Hancock, D-Berkeley, would allow local governments to put problem liquor stores out of business by buying their alcohol licenses, officials said Wednesday.

Hancock plans to announce the legislation Friday at Oakland City Hall.

The law would focus on areas of cities and counties with an over-concentration of liquor outlets where store owners have failed to address neighborhood complaints about loitering and crime linked to their businesses.

The legislation would dovetail with Oakland's Neighborhood Law Corps program, which sends attorneys into neighborhoods to try to get nuisance businesses and property owners to clean up their acts.

In the past three years, Oakland has shut down seven liquor stores and persuaded 13 others to improve their operating habits and physical conditions, said Erica Harrold, spokeswoman for the city attorney's office.   
  
<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/04/12/BAGDDP71571.DTL&feed=rss.bayarea>

**19.** **Wine-Shipping Bill Fails After Fishy Vote (Florida)**

*Orlando Sentinel*   
April 12, 2007

In a move that left lobbyists scratching their heads, a House council this morning shot down a bill creating new rules for shipping wine directly to Florida consumers moments after casting an awfully fishy vote about whether to change it.

The House Jobs & Entrepreneurship Council was debating whether to amend the wine bill to limit direct-shipping to wineries that produce less than 250,000 gallons a year, an issue pitting California's wine industry against Florida's in-state liquor distributors and retailers. Council Chairman Ron Reagan, R-Bradenton, called a voice vote on the controversial amendment, and it appeared to easily pass.

Reagan, however, declared that the amendment had failed, prompting audible muttering and grumbling from lobbyists filling the council chamber. "What was that about?" one asked out loud.

Even a lobbyist for California's wine industry appeared caught off guard by the decision when he testified on the legislation a few minutes later. Lobbyist Hunter Limbaugh told the council that California's The Wine Institute supported the bill since the council "apparently did not adopt that [cap] amendment."

But the questionable voice vote also sparked some angry opposition testimony from lobbyists representing Miami-based Southern Wine & Spirits, the country's largest distributor, a trade group for the distributing industry and Clermont's Lakeridge Winery.

And when the final vote was called, the entire bill failed on a 7-6 vote, leaving the measure in legislative limbo with just over three weeks left in the 60-day legislative session.  
  
<http://blogs.orlandosentinel.com/news_politics/2007/04/wineshipping_bi.html>

**20. Maine Spanked for Ban on Santa's Butt Beer Label (Maine)**

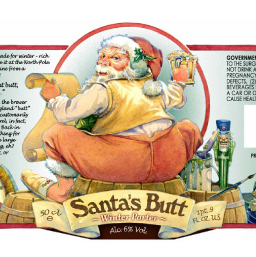
Elbert Aull *Portland Press Herald*April 10, 2007

Maine liquor enforcement officials last year refused to let a Massachusetts company market a beer with this "Santa's Butt" label.

A dispute about breasts and backsides on beer labels earned the state a place on an annual list of freedom-of-speech foes.

The Thomas Jefferson Center for the Protection of Free Expression picked a state agency's ban on Santa's Butt Winter Porter as one of the nation's most egregious violations of free speech last year.

"I think I'd put this more into the ridiculous category, but even the ones that seem pretty silly touch on pretty serious issues," said Joshua Wheeler, associate director of the Jefferson Center, which is releasing its annual list today.

The organization in Charlottesville, Va., uses the Jefferson Muzzle awards to spotlight what board members believe are the worst infringements on freedom of speech and the press during the past year.

Maine finished seventh on the list of 14, ahead of the NCAA's controversial team logo and mascot regulations and behind the Department of Defense for its surveillance of anti-war activists.

Rep. Peter King, R-N.Y., finished first on the list for calling on the Justice Department to investigate The New York Times after it published information about government surveillance of international financial transactions.

The flare-up in Maine began late last year when the state Bureau of Liquor Enforcement refused to allow a Massachusetts merchant to sell Santa's Butt Winter Porter and two other specialty brews. State regulators said sticker illustrations on the three beers violated a regulation prohibiting "undignified or improper" labels.

The Santa's Butt label depicts a smiling Saint Nick and his rotund rear end, while the other Shelton Bros. beers featured illustrations of topless women -- one from a Eugene Delacroix painting.

The Maine Civil Liberties Union and Shelton Bros. challenged the ban, saying it amounted to government censorship and asserting that the "undignified or improper" standard was too vague.

The state reversed its decision in late December, and owner Daniel Shelton said the company will have its beers on store shelves this Christmas. The company's seasonal brews faced similar scrutiny in New York and Connecticut.

Maine has agreed since then to bring its rules into line with federal standards, which prohibit labels deemed "obscene," said MCLU attorney Zachary Heiden.

"Any time we can put an end to official censorship, that's a good day's work," Heiden said. "Freedom of expression means both political and artistic expression."

Maine State Police Lt. Patrick Fleming, who heads the Bureau of Liquor Enforcement, could not be reached for comment Monday.

The Jefferson Center's Wheeler said the Shelton Bros. case illustrates a common problem involving the way states restrict how alcohol companies market their products.

"We think they step over the line in terms of regulating speech about alcohol and alcohol products," he said.

Shelton, a lawyer, called the Maine case the tip of the iceberg, saying his company has encountered unconstitutional restrictions on alcohol marketing in several states.

"A lot of these state people don't even know the First Amendment applies to them. It's really amazing how little these people understand about it," he said.

The Jefferson Center, founded by a University of Virginia professor in 1990, released its first muzzle awards in 1992. Board members look for national, state and local examples of free-speech infringement when compiling their list, Wheeler said.

The seven-member board counts actress Sissy Spacek, musician Boyd Tinsley and New York University law professor and former ACLU President Norman Dorsen as members.

The board ranked the NCAA 10th for "politically correct and arbitrary" regulations on the logos and mascots of members' athletic teams, a rule that forced some schools to scuttle or alter Indian logos while others remained intact.  
  
<http://pressherald.mainetoday.com/news/state/070410butt.html>  
  
  
  
  
  
  
**21.** **DUI Offenders Stay Sober with SCRAM (Nevada)**Aaron Drawhorn  
*KLAS – TV – Nevada*April 9, 2007

The Las Vegas Justice Court disposed of more than 7,000 DUI misdemeanor cases last year alone. Drunk driving is an ongoing problem, but new technology is allowing some defendants in

Clark County a chance to stay sober and not go to jail.

It's called SCRAM, or Secure Continuous Remote Alcohol Monitor. The device for DUI offenders is locked to the ankle keeping them shackled but sober.

"Sheree" is a 27-year-old alcoholic. The SCRAM device goes everywhere she goes. "It's a visual reminder every day," she said.

"Sheree" got her second DUI last year and faced the sobering truth. "My blood alcohol level was 0.35, which is very, very high. Close to comatose."

The judge gave her a choice: six months in jail, or wear the all-telling ankle bracelet.

One day behind bars was enough. "It's like a little vibration every hour. It goes off. I know that if I drink, I'll go back to jail."

She must report her data daily. "Once a day, it reads back to the box that runs through my phone line," she explained.

SCRAM's maker, Alcohol Monitoring Services, says the tool constantly tests sweat. "Every hour, 24 hours a day, seven days a week," said Aaron Fleisher, SCRAM's state director.

SCRAM's sweat sensors know if you drink and will then "inform" the police and courts.

Fleisher continued, "If someone is drinking in Henderson, we need to report that to Henderson. If someone is drinking in Boulder City, we need to report that to Boulder City."

"Sheree" gave up booze on her own in January. She's been wearing SCRAM for three weeks now and is not taking any chances. "The bracelet is letting the court know I'm sober," she commented.

Sixty-six DUI defendants in Clark County are currently required to wear scram. It's not free. They have to pay a $100 start-up cost and $12 every day to be a part of the program.

The compliance rate locally is high, but Eyewitness News was told some people struggling with alcohol still find a way to tamper with the device. The company says they always get caught.

Alcohol Monitoring Services says SCRAM has been on the market for two years now. It's been used by 32,000 people nationwide.   
  
<http://www.klas-tv.com/Global/story.asp?S=6346329>

# 22. Two Airlines Receive Temporarily Liquor Licenses (New Mexico)

*Associated Press*

April 6, 2007

US Airways and Northwest Airlines have obtained state liquor licenses allowing them to serve booze on flights in and out of New Mexico.

New Mexico earlier this year ordered U-S Airways, Northwest and Frontier Airlines to stop serving liquor on flights in and out of New Mexico until they received the licenses.

The issue arose after a November traffic accident involving a man who witnesses say was intoxicated on a U-S Airways flight to Albuquerque. Police have said the man was drunk when he drove the wrong way on Interstate 25 and killed himself and five members of another family.   
  
<http://ktar.com/?nid=6&sid=441648>

**23. Beer Waste May Become Ethanol (New York)***Star-Gazette*April 9, 2007  
  
Want to cut the country's dependence on foreign oil? Drinking High Falls beer may soon be an answer.

Monroe County officials are developing a plan with High Falls Brewery Co. to turn beer waste into ethanol and produce enough of it to power much of the county's fleet of vehicles. If all goes well, the county hopes to have extra available to offer ethanol-based fuel to the public.

Using ethanol for county vehicles would save taxpayers' money and also would save High Falls about $300,000 a year because it would send less waste to the county's Van Lare Wastewater Treatment Plant in Rochester.

"It's hard to find a fault with the project," said Thomas Hubbard, brewery chairman. "It's very exciting."

With a nation moving toward alternative energy sources, breweries are increasingly being looked to as facilities that can double as ethanol stills. Ethanol is processed in a very similar way to beer.

The Coors brewery in Golden, Colo., is producing 3 million gallons of ethanol a year and is the largest operation of its kind in the country. Other brewers, including Anheuser-Busch and Miller, also produce ethanol, and Northeast Biofuels LLC is turning an old Miller brewery near Syracuse into the state's first ethanol plant.

"The process is similar because so many of the ingredients that would go into beer, one could use to make ethanol," said Matt Hartwig, spokesman for the Renewable Fuels Association, a trade group in Washington D.C. "It's just a matter of how much of that material is available."

The county's proposal calls for spending $3 million to $4 million to build a plant that can produce 300,000 gallons of ethanol a year, a modest share of the 7 billion gallons President Bush has mandated that the nation manufacture by 2012.

Nonetheless, the idea is part of the county's increasing efforts to develop renewable energy. It is building a $9.7 million power plant at the Mill Seat landfill in Riga to turn landfill gas into power.

The county plans to construct an ethanol fueling station on Scottsville Road in Chili. If the ethanol plant is built, officials expect to have 60 of the county's fleet of 250 light trucks running this year on E-85, a mix of 85 percent ethanol and 15 percent unleaded gasoline.

The county's efforts under Executive Maggie Brooks are drawing high marks from some environmental groups. "Her administration has made this a plank of her platform, and we're happy to see it," said Bob Siegel, a local Sierra Club leader.

**On the drawing board**

The brewery's ethanol plant, however, raises many questions. A major one is how to pay for the construction. Currently, there's no money to build it.

The county hopes to tap into burgeoning pots of state and federal money designated for renewable energy projects, but there are no assurances that the aid will start flowing, or when.

Another question is who will own and operate the facility. Neither the county nor High Falls has committed any money to building the roughly 2,500-square-foot plant, and neither wants to run it.

Also, the sides haven't reached any financial arrangements on potential revenue from the plant. High Falls is currently on a plan to pay back the county about $4.2 million in back taxes and sewer charges.

The hope, though, is that the project could get under way by year's end. Construction would take only a few months.

"We know it can work," said John Graham, the county's director of environmental services. "How it goes together is something that attorneys are going to have to argue about. I know physically it can be done."

The idea is to establish an arrangement with a private business, similar to the one at the Coors plant. There, Merrick & Co., a development firm, owns the plant, leases the land from Coors and buys the beer waste. The company then ships out the ethanol and sells it on the open market.

**Lowering costs**

Monroe County officials went to Colorado recently to learn about the operation.

"Not a lot of breweries do this," said Steve Wagner, Merrick vice president. "And one of the reasons is it has just been within the last couple of years that the price of ethanol, driven by the fuel value and the (high) price of crude, has gotten to a point where this makes a lot of sense."

At present, once beer is brewed at High Falls, the waste is shipped to the county's treatment plant. But since the brewery produces such strong discharges at the Van Lare plant, the process is costly and complicated.

With the ethanol facility, much of the waste would be siphoned there, resulting in less waste going to the treatment plant. The ethanol would then be trucked — about 6,000 gallons a week — to the Scottville Road facility. The county hopes that in four years all of its 250 light-truck vehicles will be running on E-85 fuel.

With the 60 vehicles expected to run on E-85 by year's end, the county estimates that it will save about $50,000 in fuel costs once the ethanol facility is up and running. The idea is so intriguing that the county is linking up with researchers from Rochester Institute of Technology, who plan to study the effectiveness of the initiative.

"I think it's a huge win," Graham said. "Having two agencies, government and private business, working together says wonders. I can't believe it's happening."  
  
<http://www.star-gazette.com/apps/pbcs.dll/article?AID=/20070409/UPDATE/304090013>

## 24. Teenage Drinkers face Alcohol test at School (New York)

### Andy Coglan *New Scientist Magazine* April 10, 2007 Big Brother has arrived at a high school in New Jersey. Determined to stop their students from consuming alcohol during weekends, staff at Pequannock Township High School in Morris County will start using a controversial test that can detect if students have been drinking up to a week earlier.

The test measures urine concentrations of an ethanol breakdown product called ethyl glucuronide (EtG). “We plan to use this new test as part of our comprehensive testing program to keep our kids safe from the dangers of drugs and alcohol,” says Larrie (cq) Reynolds, superintendent of Pequannock High School. “About four to eight kids will be tested every day.” In New Jersey, drinking alcohol is illegal under the age of 21.

Drinking is a growing problem in U.S. schools. “As many as half of our kids are doing this,” says Reynolds. An estimated 1,700 U.S. highschool students died from alcohol poisoning or related accidents in 2005 alone.

However, the EtG test poses a problem. It’s so sensitive that even total abstainers can sometimes test positive. Alcohol absorbed from soaps, mouthwashes or contaminated vinegars or by drinking a sip of communion wine can be enough.

Despite this, the test’s popularity is growing, and around a dozen commercial versions are now available. Estimates by the U.S. Department of Health and Human Services (DHHS) suggest that as many as 20,000 tests are being performed each month, mainly among medical staff — including 9,000 physicians — pledged to abstinence following the discovery that they have a drinking problem. Law firms and the military have started using it on their staff, too. Greg Skipper, medical director of the Alabama Physician Health Program, says the test has been invaluable for monitoring doctors in recovery from alcoholism. “It enables them to comply, stay sober and keep their jobs,” he says.

Skipper is, however, critical of health boards and agencies in some states that he says have been automatically sacking people who fail the EtG test without using other tests to confirm its findings. In the three to four years that the test has been commercially available in the U.S., more than 100 nurses in recovery from alcoholism have complained of losing their jobs after testing positive despite, they say, not drinking. Blood tests for a second metabolite such as phosphatidyl ethanol would be far less likely to give a false positive, as this substance appears only after large amounts of alcohol have been consumed, but these tests are more expensive.

# In 2006, Skipper helped compile an advisory document for the DHHS which stated that “legal or disciplinary action based solely on a positive EtG test is inappropriate.” Since the advisory was published, Skipper says there has been a fall in the number of complaints of unfair dismissal posted on a Web site he set up ( [www.ethylglucuronide.com).](http://www.ethylglucuronide.com) Skipper backs use of the tests by schools if they accept its limitations. “Schools must have a system for dealing with positives, managed by a medical review officer, and not automatically expel the child,” he says. <http://www.buffalonews.com/185/story/50522.html> 25. Boston Beer to Invest Up to $7 Million in Latrobe Brewery (Pennsylvania)

*Beverage News Daily*

April 10, 2007

Boston Beer Co. will invest between $3 million and $7 million in the Latrobe, Pa., plant which formerly brewed Rolling Rock and may become a partner in the facility which was recently bought by City Brewing Co.

Boston Beer and City Brewing said they will immediately begin to upgrade the brewery by purchasing equipment to allow for Samuel Adams' traditional brewing process, use of proprietary yeasts and extended aging time, and beer bottling and kegging. Brewing of Boston Beer products is expected to begin during the second quarter.

"This agreement gives us increased flexibility," said Martin Roper, Boston Beer’s president/ceo. "Our sales grew 17% in 2006. We felt it was important that we arrange additional brewing capacity to augment what we can brew in our other brewing locations and provide security and flexibility of supply while we continue to review our long-term brewing strategy. We chose the Latrobe site because it has a classic brewhouse and because of our solid partnership with City Brewing at their brewery in La Crosse, Wisconsin dating back to 2002."

This agreement with City Brewing Company isn’t expected to have an impact on brewing operations at the Boston Beer's breweries in Boston and Cincinnati.  Roper said Boston Beer is continuing to assess the feasibility, design and costs for a brewery on a site in Freetown, MA, and are in the process of obtaining preliminary bids. The assessment is expected to be completed this summer.  
  
  
  
  
  
  
**26.** **The Battle Over Beer (Pennsylvania)**

Michael Pound *Beaver County Times*

April 8, 2007

Although the on-again, off-again sales of six-packs at a special convenience store in Altoona are off again - for the time being - the legal battle surrounding the store could mean big changes for how beer is sold in Pennsylvania.

Officials from Sheetz locked up the beer coolers at a specially designed store in Altoona earlier this week after the Pennsylvania Liquor Control Board asked the state Supreme Court to consider whether sales at the store should be permitted.

Sheetz approached the LCB a few years ago with plans for a "convenience restaurant," which, company officials hoped, would be permitted to sell carry-out beer, just as it does at its 107 stores outside Pennsylvania. The LCB gave it a conditional thumbs-up in 2004, but only after the company agreed to physically separate the restaurant - and its beer coolers - from the convenience store operation.

A trade association representing the state's beer distributors opposed the license, and won a ruling late last year before the Commonwealth Court. The LCB appealed, and Sheetz was permitted by the court to begin selling beer at the Altoona super-store on Feb. 1.

That changed again last week, when the court agreed with the Malt Beverage Distributors Association of Pennsylvania that sales should be suspended until a Supreme Court decision on the matter.

"This is another frustrating setback in our effort to provide our customers with the freedom to purchase alcoholic beverages in a convenience setting," said Stan Sheetz, the company's president, upon this week's court decision. "All we are looking for is the opportunity to give our customers the products they want."

The legal back-and-forth promises to set precedent for the industry, which has historically been tightly regulated by the state. Buying beer by the case is a Pennsylvania tradition - albeit one set by law - and the only way around it has been to buy six- or 12-packs at bars, restaurants or six-pack shops, usually at a hefty markup.

**Other Changes?**

Even without the Sheetz debate, there are other changes in the works. The Wegman's Food Markets grocery chain in eastern Pennsylvania has opened restaurants in some of its locations, which gives those stores the ability to sell beer as it serves food, for example.

So while the courts grapple with the Sheetz question, should the Legislature take up the issue as well? At a hearing last month before the state Senate Law and Justice Committee and the House Liquor Control Committee, opponents to the changes argued that altering the current laws would make it too easy for beer to fall into the hands of minors.

"Parents who take their children on a weekly grocery shopping trip should not be confronted with all the cues that present beer as being the equivalent of toothpaste or popcorn and tell them to buy it with no more thought than is given to purchases of such items," David Shipula, president of the distributors association, said at the hearing.

**Legislature Involvement**

Several lawmakers from the region didn't return calls seeking comment on the issue, but Rep. Jim Marshall, R-14, Big Beaver, said he would consider input from residents in his district before making a decision.

"I've talked with people who think that selling beer or wine in grocery stores or convenience stores would make buying alcohol too easy, or that it would be too easy to pop open a beer while you're driving home," Marshall said.

"I've also heard from people in the distributing business that groceries or convenience stores don't have enough at stake to take a risk on them selling beer," he said. "If a distributor sells beer to a minor, they would be risking their family's business, but if a grocery store does it, they're not going to have to shut down."

Marshall said he wouldn't oppose the sales of wine at grocery stores - and added that he understands the other side of the argument as well. But he said he would continue to talk with constituents about the issue before forming an opinion.

"It does seem that this will be an issue for the Legislature at some point down the road," he said. "It seems that the Sheetz store would set a precedent that we should take a look at."

That would be good news to Darlington resident Derek Ehrenberg, who said he generally drives across the state line into Ohio to buy a six-pack rather than buy a case a little closer to home.

"Our liquor laws are ridiculous," Ehrenberg said. "I'm lucky that I live so close to Ohio - that way I don't have to deal with them at all."

**Money Matters**

Ehrenberg said when he was a student at Clarion University, there were few options for buying beer to take home once the local distributors closed for the day.

"You could go to a bar and start shelling out $8 or $9 for a six-pack, but that was about your only choice," he said. "

Chippewa Township resident Lorrie Musser isn't a big beer drinker, but she said she understands why Ehrenberg would drive to Ohio instead of buying at home. What she doesn't understand is why Pennsylvania doesn't give consumers more realistic options.

"If you live as close to the line as we do, that's how we're buying beer," Musser said. "I don't understand why the state doesn't see that so many people are taking their money elsewhere."

Beaver resident Ryan Slagle said he sees it as getting the state to catch up with its neighbors.

"I don't know why the laws here are the way they are, but it doesn't make much sense to me," Slagle said. "If an adult wants to stop at the store on the way home from work to pick up some dinner and a six-pack, he should be able to."

Michael Pound can be reached online at mpound@timesonline.com.

**The Issue**

The question that may be considered by the state Supreme Court is one of language. The Pennsylvania Liquor Code defines a "retail dispenser," in part, as follows:

"'Retail dispenser' shall mean any person licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee, with the privilege of selling malt or brewed beverages ... to be carried from the premises by the purchaser."

Sheetz and the Pennsylvania Liquor Control Board contend that the above wording does not require on-premises consumption of beer, while it permits the "privilege" of selling take-out beer. The Malt Beverage Distributors Association of Pennsylvania contends - and the Commonwealth Court has agreed - that the primary purpose of a "retail dispenser," as defined by the code, is to sell beer for on-premises consumption, something Sheetz officials have said they don't want at the Altoona store.

**Licenses**

Types of liquor and malt beverage licenses in Pennsylvania

# C-license: Clubs or Catering Clubs.

For fraternal, not-for-profit organizations. The sale of alcoholic beverages must be secondary to the actual reason for the club's existence. Incorporated clubs must be chartered for a year before applying; unincorporated clubs must exist for 10 years before applying.

# D-license: Distributors.

Sells beer or malt beverages for off-premises consumption only. Sales must be made in original containers of one case of no less than 24 containers. Can sell single units - kegs, in other words - that contain at least 128 fluid ounces.

# E-license: Eating places.

The primary purpose of the establishment is to prepare and serve food. Must have at least 30 chairs or equivalent seating for diners. Can sell only beer, in single servings for on-premises consumption or up to 192 fluid ounces for takeout. "Six-pack shop" businesses typically hold E-licenses.

# R-license: Restaurants.

Similar to an E-license, but is usually a larger establishment and is permitted to serve wine and liquor in addition to beer. May sell alcohol for takeout; single servings must be consumed on premises.

# H-license: Hotels.

Similar to an R-license. Also must have at least 12 separate bedrooms, a separate dining room and a separate kitchen.  
  
<http://www.timesonline.com/site/index.cfm?newsid=18182101&BRD=2305&PAG=461&dept_id=478569&rfi=8>

**27. Distillers Support North Carolina Bill Revoking Driver's Licenses of Those Who Illegally Provide Alcohol to Minors (North Carolina)**

*DISCUS*  
April 11, 2007

The Distilled Spirits Council provided testimony today to the North Carolina House Transportation Committee in support of a bill that would revoke the driver's license of any person convicted of giving alcohol to, or aiding the purchase of alcohol by, an underage person.

“The distilled spirits industry fully supports this important legislation,” said Council Vice President David Wojnar, whose organization has supported similar legislation in many other states. “Representative Harrell has introduced a tough bill that will serve as an effective deterrent to anyone who knowingly provides alcohol to those under the legal purchase age.”

H.B. 1277, sponsored by Representative Ty Harrell, will revoke the driver’s license for a period of one year of anyone convicted of knowingly giving, purchasing, or procuring alcoholic beverages to or for a minor. The bill would take effect December 1, 2007.

“Studies show most youth who drink obtain alcohol primarily through non-commercial sources such as parents, family, friends and other adults over 21,” said Wojnar, pointing to research from the National Academy of Sciences, the Federal Trade Commission and other institutions. “Laws that crack down on adults who illegally provide alcohol to minors are important tools states can use to reduce underage drinking in their communities.”

Wojnar noted that the distilled spirits industry has a long history of working with communities nationwide to combat underage drinking and drunk driving. He cited as examples the work of The Century Council, a not-for-profit organization funded by America’s leading distillers, which has programs available for communities and parents to reduce underage drinking and drunk driving.   
  
For more information regarding these programs, visit www.centurycouncil.org.<http://www.discus.org/media/press/article.asp?NEWS_ID=432>

**28. Memo to teens: Don't post your Kegger pics on MySpace (Oregon)**

*The Oregonian*  
April 9, 2007

After a birthday kegger last month in his honor, a 17-year-old Myrtle Creek boy posted the photos a partygoer took on MySpace.com.

Tipped to the public evidence, police in this southern Oregon town looked into the popular youth Internet site and identified everybody in the photos, arresting three adults on suspicion of furnishing alcohol to minors and citing nine minors, the Roseburg News Review reported today.

"They were partying with the kids," said Chief Don Brown said of the adults.

Kelly Jo Page, who was one of the adults arrested, said the situation got out of control with minors showing up who weren't invited. She wanted to provide a safe place for her son on his birthday and figured she could at least keep an eye on him at home.

"They're going to find it," she said of alcohol, "They're going to go elsewhere." She's not pleased the photos ended up on the ever-popular Web site.

Another parent, Doris McGahuey, whose 16-year-old son was cited, said police shouldn't be able to rely on the photos to make arrests.

"Nowhere in those pictures did it show him holding a beer or any of that stuff," she said. If an officer had been at the house and smelled beer on her son's breath or if he'd failed a breath test, McGahuey said her son would have deserved punishment.

The chief said he was suprised by his short visit to Myspace, which warns users not to post anything you wouldn't want the world to know.

"It's amazing the stuff you can get off of MySpace," Brown said. "You learn a lot about your kids and the community."   
  
<http://blog.oregonlive.com/breakingnews/2007/04/memo_to_teens_dont_post_your_k.html>  
**29. University of South Carolina Football Coach Steve Spurrier Joins Beer Distributors to Eliminate Irresponsible Drinking (South Carolina)**

Erin Rutherford *NBWA*April 6, 2007

University of South Carolina head football coach Steve Spurrier recently teamed with the National Beer Wholesalers Association (NBWA) and South Carolina beer distributors to unveil a radio public service announcement (PSA) encouraging those under 21 to make the right decision not to drink alcohol and those aged 21 and older to drink responsibly.

"Real progress has been made in the fight against underage drinking and drunk driving, but more can be done," said NBWA President Craig Purser. "Beer distributors are proud to play an important role in providing solutions to the problems of drunk driving, alcohol abuse and underage drinking. We are thrilled that Coach Spurrier is assisting us in delivering this message to Gamecock fans."

"I'm glad to have the opportunity to speak to our fans about responsible behavior both on and off the field. We can all be part of a winning team by avoiding irresponsible and illegal consumption of alcohol. It's up to all of us to make responsible choices to obey the law and keep our roads safe," said Coach Spurrier.

The thirty and sixty-second radio spots are part of an ongoing alcohol awareness campaign by NBWA featuring sports celebrities, elected officials and entertainment figures. The PSA is being distributed to radio stations across South Carolina and is expected to reach thousands of state residents.

"As a Heisman Trophy recipient and National Championship winner, Coach Spurrier knows the importance of team work in having a winning season," said Purser. "It is obvious that he feels the same way about responsibility when it comes to underage consumption of alcohol and drunk driving. Thanks, Coach, for taking the time to make a difference in the lives of young people."

America's beer distributors sponsor thousands of programs educating the public about the problems of alcohol - from educational speakers in schools who encourage students to resist peer pressure, to materials to help parents talk to their children about illegal underage drinking.

Through NBWA's public service campaign, millions of Americans are hearing the message to consume alcohol legally and responsibly and never drive drunk. These initiatives, combined with the efforts of parents, teachers, teens and community leaders, have contributed to the steady decline of underage drinking and drunk driving over the past two decades.   
  
<http://www.nbwa.org/Nbwa/NewsRoom/Press_Releases/pr_04_06_07.htm>

grapes