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

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|  | e - NEWS |
| *August 3, 2007* | |

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**[I. NATIONAL NEWS.](#I)**

**1. Bacardi Goes Big With Responsibility Message**

Eric Newman  
*BrandWeek*  
July 26, 2007

Flipping the traditional ad formula, a new Bacardi spot is focusing more on the “Drink Responsibly” message than pure branding.

The spot, dubbed “Whatever Your Reason,” inverts classic liquor ads that play up sex and chic with a responsibility kicker, featuring consumer ruminations of their “reasons” for drinking responsibly, with the familiar fruit bat logo only briefly appearing at the ad’s tail end. The ad began its national cable network run earlier this month.

“It’s a different approach from what we’ve done before with Bacardi,” Darren Moran, group creative director at Young & Rubicam, New York, which produced the spots, told Brandweek. “We wanted to be true to the ‘Drink Responsibly’ message and not use it as a way to oversell our product. We wanted to approach it from an altruistic standpoint.”

And while there are other, more familiar, branded spots running concurrently, “Whatever Your Reason” isn’t a simple one-off. The company plans to keep the ad in rotation for the next 12 months, increasing its frequency across a variety of cable networks during the holidays, with particular attention on New Year’s Eve promotions, according to Joe Metevier, brand director for Bacardi USA.

“We hope that [consumers] appreciate Bacardi, but the main point of the spot was getting the [responsibility] message across, regardless of from whom it comes,” said Metevier, when asked whether or not he felt the ads would increase brand awareness and equity for Bacardi. “It’s not meant to be a brand spot, but rather it’s about the message … This is the beginning of a big initiative and continuation of our long-standing devotion to responsibility. [It represents] a good percentage of our total media weight.”

While the company would not disclose its total dollars commitment to the spots, total ad spend in 2006 was $38 million, and the brand has already spent $6 million in advertising through April of this year, per Nielsen-Monitor Plus.

In addition to the TV spots, the ad also gets some digital play on the company’s Web site, where viewers can add their own reasons for drinking responsibly, additions that Metevier said could eventually produce an update to the campaign which would include user-generated content, the current Holy Grail for authenticity-seeking marketers. Banner ads will also run on various Web sites.

grapes<http://www.brandweek.com/bw/news/recent_display.jsp?vnu_content_id=1003617377>  
  
  
  
  
  
  
**2.** **Fortune Brands CEO Bullish on Absolut Acquisition**

*Reuters*  
July 27, 2007

Fortune Brands Inc. (FO.N: Quote, Profile, Research) Chief Executive Norm Wesley said on Friday he was not nervous that turmoil in the debt market might hurt Fortune's ability to finance an acquisition of Absolut vodka maker Vin & Sprit

On a conference call, Wesley said he looked forward to bidding for the Swedish state-owned business, and called the purchase of Absolut by Fortune "a natural step forward," since Fortune already distributes Absolut in the United States.

Wesley also said some Wall Street analysts were underestimating Fortune's ability to create shareholder value through an acquisition, saying he did not see the 50 cent per share to $1 per share dilutive impact to earnings that some analysts have estimated. (Reporting by Martinne Geller)

grapes<http://today.reuters.com/news/articleinvesting.aspx?type=comktNews&rpc=33&storyid=2007-07-27T135122Z_01_N27314185_RTRIDST_0_FORTUNE-VINSPRIT-URGENT.XML>  
  
  
  
  
  
  
**3.** **Pressures Linger for new CEO of wine Leader**

Mary Chao *Rochester Democrat*  
July 29, 2007

The new chief executive of Constellation Brands, Robert Sands, will be facing some industry challenges as he takes the helm, according to area portfolio managers who follow the world's largest wine company.

A wine glut in Australia, as well as a drop in its United Kingdom business, has had an impact on the Perinton-based company, said Dennis Lohouse, principal at Bryce Capital Management in Pittsford.

"The inventory of grapes was a negative for the whole wine industry," Lohouse said Friday.

But he sees that as a short-term problem because a drought in Australia means the grape harvest next year should be 20 percent to 30 percent lower than this year.

Constellation stock has been on a rollercoaster since the beginning of the year. In January, the stock dropped from $29 to less than $25. It has maintained a zigzag pattern, falling to under $19 in March before regaining momentum. It closed at $21.93 Friday.

At its annual meeting of shareholders Thursday, Sands addressed a question about the company's stock price, saying he believes it is undervalued.

In May, the company announced a $421 million buyback of 16.9 million shares of its Class A common stock, a move that has boosted its stock value.

While the company has some highly visible short-term challenges, there are also bright spots, Lohouse noted, pointing to Constellation's strong beer distribution business.

The company entered into a joint venture with Grupo Modelo to form Crown Imports, which distributes beer brands such as Corona Extra, St. Pauli Girl and Tsingtao.

One major long-term challenge for Constellation is finding the right strategic acquisitions, said Tom Carroll, vice president of research at Bullfinch Funds in Mendon.

"As they get larger, it gets harder and harder to find the right fit," Carroll said.

grapes<http://www.democratandchronicle.com/apps/pbcs.dll/article?AID=/20070729/BUSINESS/707290335/1001>  
  
  
  
  
  
  
**4.** **Miller Touts New Brew's Success, But Anheuser-Busch Disputes Popularity**

*Milwaukee Journal*  
July 27, 2007

Miller Brewing says sales of its new Chill beer have surpassed expectations. But rival Anheuser-Busch isn't buying it.

At issue is Miller's claim that half of Chill's sales are from drinkers who previously avoided beer in favor of spirits and wine. If true, that presents a huge opportunity for retailers looking to boost their beer sales.

But Anheuser-Busch, the nation's largest brewer, says its data indicates that less than 5% of Chill's sales are coming from new beer drinkers. Anheuser-Busch says Chill sales are mainly shifting dollars away from other beers, including imports and specialty brews that provide higher profits for retailers.

Both brewers are making their case in sales literature aimed at the nation's convenience stores, supermarkets, liquor stores and other retailers. The conflicting claims come as Chill, which Miller began test marketing in March in five states, has recently spread its distribution to all 50 states.

"It's certainly been a home run," said Julian Green, spokesman for Milwaukee-based Miller. He accused Anheuser-Busch of "being fast and loose with the facts" in its campaign aimed at Chill.

Chill is a light beer brewed with hints of lime and salt. It is marketed as a chelada-style beer with Mexican roots, and has rung up sales beyond Miller's expectations.

Miller hopes to sell 400,000 barrels of Chill in its first year. That would put Chill on roughly the same sales level as Foster's Lager, Miller's biggest import.

In supermarkets, Chill is outselling such established brands as Dos Equis, Michelob Light, Heineken Light, Beck's, Blue Moon, Samuel Adams Boston Lager and Rolling Rock, according to data from AC Nielsen. Supermarkets account for around 20% of U.S. beer sales.

Miller President and Chief Executive Officer Tom Long says Chill taps into consumer preferences for specialty beers. It also exploits what Long calls the "Latinization" of the United States, with Mexican-inspired foods and drinks appealing to a growing crowd, including people who are not of Hispanic origin.

Long also touted the repeat buys by Chill customers, which indicates the beer is not just a fad.

In its presentation to retailers, Miller says Chill is getting 50% of its sales volume from new beer drinkers. Also, Miller claims that 30% of the sales volume is coming from beer drinkers who normally drink less profitable mainstream brands.

Miller says those trends are confirmed by similar reports from large retailers, which the company declined to name.

**Chill success contested**

Not surprisingly, St. Louis-based Anheuser-Busch has a different take.

Chill, in addition to drawing under 5% of its sales from new drinkers, pulls "significant" sales volume from imports, craft beers and flavored alcohol brands, such as Mike's Hard Lemonade and Smirnoff Ice, according to Anheuser-Busch's sales literature.

As a result, Chill's sales are coming at the expense of drinks that generate higher profits for retailers, Anheuser-Busch claims.

Anheuser-Busch says Chill's repeat sales are lower than repeat sales for other recently launched beers. The company also says Chill's sales appear to have peaked in May.

"While a portion of Miller Chill's volume has come from Anheuser-Busch sales, it is significantly lower than we would expect based on our total share of the market," said Keith Levy, Anheuser-Busch vice president of retail sales and marketing, in a statement.

Green disputes Anheuser-Busch's claims about Chill's performance.

"We have no idea where their facts are coming from," Green said.

An executive at Milwaukee-based Roundy's Supermarkets Inc., which operates more than 150 supermarkets in Wisconsin, Illinois and Minnesota, under Copps, Pick 'n Save and Rainbow names, couldn't be reached for comment. Ditto for SuperValu Inc., a grocery wholesaler and retailer, based in Edina, Minn., which supplies Sentry Foods and other supermarkets in Wisconsin.

Dave Luebke, president of Otto's Beverage Centers, which operates seven liquor stores in the Milwaukee area, said Chill is getting repeat buys from customers. But Luebke doesn't track whether those customers are new beer drinkers.

There's no doubt that Chill is hot, he said.

"It's doing really well," Luebke said. "It's one of the best new rollouts Miller has had in a while."

<http://www.beverageworld.com/content/view/33463/>

**5.** **NBWA to Celebrate 70 Years at Convention and Trade Show in Las Vegas**

*NBWA*  
July 27, 2007

The National Beer Wholesaler Association (NBWA) will celebrate its 70th birthday at its Annual Convention and Trade Show taking place September 30-October 3, 2007, in exciting Las Vegas at the Bally's and Paris Hotels.

"America's beer distributors have much to celebrate at the 70th Annual Convention and Trade Show," said NBWA President Craig Purser. "Our nation's beer distribution system has safely and efficiently delivered choice and value for 70 years. At this year's event, we will celebrate the beer distribution industry's past, present and future."

The Convention's General Session will feature Tom Long, CEO of Miller Brewing Company, who will deliver the industry keynote address. Long joined Miller in 2005 as the company's chief marketing officer after serving as president of Coca-Cola's Northwest Europe division. He took the reigns as president and CEO of Miller Brewing Company in August 2006.

The event will also feature political power couple James Carville and Mary Matalin who will provide an overview of the current state of politics from both the left and right sides of the aisle and share their predictions for the 2008 elections.

Carville is America's best-known political consultant with a history of steering overlooked campaigns to unexpected landslide victories. President Bill Clinton is included among his list of victories.

Matalin, a former host of CNN's Crossfire, served as assistant to President George W. Bush and counselor to Vice President Dick Cheney and was the first White House official to hold the double title. She appears frequently on various T.V. shows as a political commentator and has written for publications such as Newsweek and the Los Angeles Times.

The NBWA Convention has a long history of showcasing cutting edge political speakers, industry executives and marketplace powerhouses. "The Convention features education seminars to better prepare today's beer industry leaders for the challenges of tomorrow. The 70th Annual Convention and Trade Show should not be missed by anyone with a stake in the beer business," added Purser.

Additionally, more than 250 exhibitors are looking forward to sharing information about their products and services with distributors at the Trade Show. The Trade Show floor will be packed with companies offering products and services to help streamline beer distributor operations, as well as promoting new innovative beverages and, of course, beer.

grapes<http://www.nbwa.org/Nbwa/home_public.htm>  
  
  
  
  
  
  
**6.** **Disney drops rat wine Promotion**

*United Press International*  
July 27, 2007

Walt Disney Co. has shelved its plan to offer U.S. wine and rodent lovers a "Ratatouille Chardonnay" in honor of the star of its latest movie.

Costco was to carry bottles of French 2004 white Burgundy with labels featuring Remy, the haute-cuisine-loving rat in "Ratatouille," The Los Angeles Times reported Saturday. The promotion was canceled amid criticism from California winemakers and opponents of underage drinking, Disney spokesman Gary Foster told the newspaper.

"It was going to be a small offering" -- 500 cases -- "and we thought it would be best not to proceed with it," he said.

In a decision called unrelated, Disney announced last week its films, including long-released classics, no longer would show characters smoking.

<http://www.upi.com/NewsTrack/Business/2007/07/28/disney_drops_rat_wine_promotion/8624/>

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**7.** **Rising American Spirits**

Eric Felten  
*Wall Street Journal*July 28, 2007

Not too long ago, American whiskey suffered a plight not unlike that of the American automobile. Sales of Kentucky's signature commodity declined alarmingly in the '70s through the '90s in the home market it once dominated. Yet unlike Detroit, the bourbonistas have reversed the slide. They've done it by focusing on the luxury end of the market and delivering spirits worthy of the premium price.

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| **Sampling Single-Barrel Bourbons**    [Drink]  **Very Good/Delicious**  **Blanton's, $46.99** An essay in the proper balance of a fine spirit. An Aristotelian mean between the extremes of raw firewater and watery whiskey. Cutting through the thick honeyed sweetness are bitter notes of dark chocolate and licorice. The applesauce on the finish is spiced with cinnamon (just the way grandma used to make it).  **Very Good**  **Eagle Rare Single Barrel, $25.99** A subtle and easy-to-drink whiskey with plenty of anise to spice away excess sweetness. Far and away the best value of the tasting.  **Wild Turkey Kentucky Spirit, $43.99** Chewy caramel tempered with some unapologetic alcohol burn.  **Good/Very Good**  **Jack Daniel's Single Barrel Tennessee Whiskey, $37.99** Lacking the individuality one hopes to find in a single-barrel expression. The same satisfying sweetness one expects from J.D., only more so.  **Good**  **Elijah Craig 18-year-old Single Barrel, $42.99** Just too darn old. There may be 18-year-old barrels of bourbon that escape being marred with the tarry taste of liquid smoke, but this wasn't one of them. Saved from oblivion by the underlying quality of the whiskey. |

Just too darn old. There may be 18-year-old barrels of bourbon that escape being marred with the tarry taste of liquid smoke, but this wasn't one of them. Saved from oblivion by the underlying quality of the whiskey.How bad a stretch did bourbon have? Between 1970 and 1990, it lost about half its domestic market share. In 1970, American distillers sold 65 million cases of straight and blended whiskey; by 2000 they were selling less than 20 million cases. But in the past few years the story has finally turned around, with sales of straight bourbon and Tennessee whiskey (a category that consists of Jack Daniel's and George Dickel) growing by over a million cases between 2000 and 2005.

It may have taken a couple of decades for bourbon to tick up in the sales charts, but the current modest revival got its start in the early '80s, when distillers realized they needed some prestige products to add luster to their American whiskey brands. What bourbon needed wasn't just a greater emphasis on quality, but also an emphasis on the qualities that distinguish one whiskey from another. Scotch provided an object lesson: The more commoditized blended Scotches have long been retreating right along with the other brown spirits. Yet at the same time, individualistic single malts grew from an obscure curiosity to a robust essential.

Much of the appeal of single-malt Scotch has been that different drams are significantly different in character. The soft and floral Lowland malts, such as Edinburgh's Glenkinchie, hardly seem to be in the same genus as the most assertively peaty island whiskies, such as Lagavulin and Laphroaig. All sorts of variables contribute to the variety in single malt. Is the barley malted with or without the smoke from peat fires? Is it aged in waterfront warehouses where hints of seaweed and brine seep into the barrels, or does the whisky rest in Highland dunnage? What sort of wood does the spirit come in contact with -- used bourbon barrels, recycled sherry hogsheads, or casks that had once held port, rum or Château Margaux?

That last set of variables, the practice of putting a mature Scotch whisky in a barrel redolent of another spirit, accounts for a variety among single malts that has been hard for bourbon to match. Newly in vogue, wood-finishing has allowed for a staggering proliferation of Scotch varieties. Glenmorangie alone has had whiskies touched up with time in barrels previously devoted to everything from Sauternes, Burgundy, Madeira, golden rum, cognac, Côte de Beaune, port and Côte de Nuits to good old sherry.

Such finishes have yet to catch on with sour mash whiskey, though Jim Beam did try out a couple of special bottlings it called Distiller's Masterpiece. The first was finished in casks that had been home to cognac; the second effort was in port wood. But bourbon hasn't lent itself easily to the refinements of finishing school. The first problem is definitional. By law, bourbon must be aged in new, charred oak barrels -- and only new, charred oak barrels. Put a bourbon in some other sort of barrel and it isn't, strictly speaking, bourbon anymore. Regulators have since come up with a specialty category to accommodate wood-finished bourbons. The bigger challenge is that the bold toasted-oak flavors that come naturally to bourbon don't leave much room for other flavors to be introduced later. Because Scotch is aged in used barrels to begin with, the original casks don't impart nearly as much flavor to the whisky, which gives the subtle flavors from a finishing barrel a chance.

Even so, Kentuckians have been experimenting to see if there is a wood-finishing strategy that might be successful for bourbon. Woodford Reserve has just released a whiskey finished in barrels that had previously held Chardonnay from California's Sonoma-Cutrer winery.

But for the past 20 years, the main effort to follow the lead of single-malt whiskies has been made with "small batch" bourbons such as Booker's and Knob Creek, and "single barrel" bourbons. The first of those was Blanton's, launched in the dark days of 1984 (when Cadillac was still embarrassing itself with the Cimarron). The single-barrel variety promises the most individuality, as barrels vary widely.

I went shopping for single-barrel American whiskey and came home with bottles of bourbon from Blanton's, Eagle Rare, Elijah Craig, Evan Williams and Wild Turkey, and the single-barrel version of Jack Daniel's Tennessee Whiskey. I found that Blanton's holds a firm grip on the category it created. The bottle I bought -- which was filled from barrel No. 336 last September -- is full of rich flavors beautifully knit into an elegant whole. It starts with licorice as did the Eagle Rare, but in far more restrained proportions. Blanton's is much smoother than the Wild Turkey, and far more muscular than the Evan Williams. Unlike the Jack Daniel's, Blanton's isn't overly sweet; it has just enough dark-chocolate bitterness to balance its thick honey. The long finish hints at cinnamon-spiced applesauce.

The only bottle that I was truly disappointed in was the Elijah Craig single-barrel (named after the Baptist minister and distiller who helped pioneer Kentucky corn-liquor a couple of centuries ago). But then, I shouldn't have been surprised. The Elijah Craig single-barrel is aged for 18 years, which may be a sweet-spot for Scotch but is superannuated for most bourbon. What with dunnage in fresh barrels, and the hot Kentucky summers, bourbon ages far more quickly than Scotch. Leave it in the wood too long and the caramelized sugars in the oak give way to tarry, ropey tastes.

That said, the occasional wizened bourbon barrel survives the ravages of age. If you want to try the Elijah Craig, just look for a bottle that comes from a barrel other than No. 1858. And that's half the fun of a single-barrel bourbon -- finding out how a given barrel tastes. For the most part, they taste fine, and prove that the makers of bourbon deserve the turnaround they are now beginning to enjoy.

<http://online.wsj.com/services/article/SB118556739471380579-search.html?KEYWORDS=spirits&COLLECTION=wsjie/6month>

grapes  
  
  
  
  
**8.** **Rule May Require US Cos To Put Alcohol Info On Containers**

*Dow Jones Newswires*  
July 31, 2007

The Treasury Department is considering a new rule that would require companies to put alcoholic content, serving sizes and nutritional information on all alcoholic drink packaging.

According to the proposed rule being published Tuesday for public comment, labels on all alcoholic beverages - from beer cans to wine bottles - would include a statement of the drink's percentage of alcohol by volume.

The labels would also include a "serving facts" panel, which would list the number of calories, carbohydrates, fat and protein for a standard serving size.

Companies could also choose to disclose the amount of pure alcohol, or ethyl alcohol, per serving.

Currently, liquor and wine labels must include at least the percentage of alcohol by volume, but that information is not allowed on beer labels except in states that require it. However, if a brewer wants its beer to be labeled as a "light" beer, the label must show its caloric content and the percent of alcohol per volume.

Guy Smith, executive vice president at Diageo PLC (DEO), which sells brands including Smirnoff, Jose Cuervo and Guinness, called the proposal "a giant and very positive step in the right direction" for the alcohol industry.

"Overwhelmingly people want this kind of information on the package," Smith said.

Smith said Diageo studied the issue and heard from a number of consumers questioning why bottles didn't include the information.

"This is the year 2007, and it ought to be on there," Smith said. "Our industry has not changed as quickly as it probably should have."

But it may be some time before companies are forced to comply with the proposed regulation. The Treasury Department's Alcohol and Tobacco Tax and Trade Bureau will gather comments on the proposed rule through Oct. 29. The bureau will then review the comments and decide whether to make the rule official.

The department said in the proposal that it would make the information labels mandatory three years after a final rule is published.

Although the Food and Drug Administration regulates information labels on groceries and medications, the Treasury Department has jurisdiction over alcoholic-beverage labeling in all but a few cases.

The push for a more comprehensive label began in 2003 when the Center for Science in the Public Interest, the National Consumers League and more than 70 other groups and companies - including Diageo - petitioned the bureau to change the regulation.

The Treasury Department published an "advance notice," which informs the public that the agency is considering changing the rule, and it received more than 19,000 comments. It has taken until now for the bureau to read the comments and make adjustments to the rule.

Treasury officials did not return calls seeking comment Monday.

grapes<http://www.iht.com/articles/ap/2007/07/31/america/NA-GEN-US-Alcohol-Labels.php>  
  
  
  
  
  
  
**9.** **Miller Accuses ex-Worker of taking Trade Secrets to Rival**

Tom Daykin *Journal Sentinel*  
July 30, 2007

A former Miller Brewing Co. management employee is being sued by Miller for allegedly taking trade secrets to his new job at a rival beverage-maker.

According to the lawsuit, Hasan Yardimci, Miller's former director of pricing execution, secretly downloaded "massive numbers" of computer files related to the company's strategic and tactical planning, as well as its pricing.

Yardimci took the information just a few days before resigning his position at Miller, says the lawsuit, filed in Milwaukee County Circuit Court.

He is a senior strategist at Diageo Plc, a British-based global alcoholic-drinks-maker. Diageo's brands include Guinness, Smithwick's Kilkenny, Red Stripe and Harp beers.

Yardimci couldn't be reached for comment Monday, and a spokeswoman for Diageo's U.S. operations didn't respond to requests for comment.

The files taken by Yardimci "represent a multimillion-dollar investment for Miller and contain highly sensitive information, the use of which by a competitor would be devastating to Miller," the lawsuit says.

Yardimci, in addition to having access to pricing information, also obtained data about Miller's strategic and tactical planning.

The suit says Yardimci obtained that information the week of June 11 after telling another management employee that he was considering taking an overseas position at Miller. Yardimci said he wanted the information to determine whether he wanted to accept Miller's offer.

On July 2, Yardimci announced he was leaving Miller, but the suit says he accepted the position at Diageo by June 22.

Among other actions, the lawsuit claims that Yardimci obtained trade secrets through improper means and breached a 2003 confidentiality agreement that he signed. The suit also says Yardimci violated the state's computer crime statute.

Miller is seeking a judge's order barring Yardimci from providing services to Diageo or any other Miller competitor until July 2008. The order also would require Yardimci to return to Miller all documents he obtained from the company and to make available to Miller his computer hard drive for inspection.

The suit also seeks an undetermined amount of damages.

grapes<http://www.jsonline.com/story/index.aspx?id=639866>  
  
  
  
  
  
  
**10.** **Amtrak Hopes Alcohol Adds To Trains' Allure**

Devlin Barrett  
*Associated Press*August 2, 2007

Amtrak is trying to gin up new business by offering $100 in free alcohol to customers on some overnight trains.

The national passenger rail company is making the unusual offer to promote a new high-end service being offered on a trial basis for certain sleeper car trips.

Members of Amtrak's guest rewards program, the railroad equivalent of frequent fliers, can get a $100 per person credit for alcohol between November and January.

The offer of free drinks comes on top of the dinner wine that is already included in the cost of a ticket for GrandLuxe trips on the California Zephyr, chugging between Chicago and San Francisco; the Southwest Chief, between Chicago and Los Angeles; or the Silver Meteor, between Washington and Miami or Orlando.

At about $6 for a house wine or $7 for a top-shelf scotch, that credit could fuel a long ride. The credit would not go nearly as far for, say, a $250 bottle of Dom Perignon - also available.

Christina Messa, vice president of marketing for GrandLuxe, said the drinks promotion is part of an effort to revive some of the luxury of old-fashioned, cross-country train trips.

Mothers Against Drunk Driving questioned whether $100 in free alcohol was too much.

"This sounds like a lot of credit toward possible overindulging," said MADD spokeswoman Misty Moyse.

GrandLuxe offers separate cars, with their own private dining and lounge sections, attached to regular Amtrak trains. Tickets for such trips range from $789 per person for a two-day, one-night trip on the East Coast to $1,599 or higher for three days and two nights for travel to or from the West Coast.

Amtrak spokeswoman Karina Morero said the goal is to entice people to try the new, high-end sleeper car service. The free alcohol promotion "is a test run, so we're going to see how our passengers respond to it," she said.

grapesOn Long Island, N.Y., the commuter rail company considered ending alcohol service out of concern some passengers might disembark at their destination and drive home while they were drunk. The proposal was shelved after some patrons opposed the idea.  
  
  
  
  
  
  
**11.** **4A's Fearful of Looming Tobacco-Ad Legislation**  
**Bill Does Little to Alter Cigarette Marketing but Could Set Precedent for Booze, Food**

Ira Teinowitz   
*AdAge.com*July 30, 2007

Ready to hit the Senate floor this fall is legislation that would ban color or imagery in tobacco ads in places where 15% of the audience is under 18, prescribe type sizes and dimensions for health warnings, and limit items to be used in giveaways and sponsorships.

 If proposed legislation passes, brands like Marlboro will be forbidden from using color in certain advertisements.

If that sounds familiar, it's because many tobacco makers have voluntarily agreed to most of them. So why, then, are advertising groups ready to fight the proposed curbs tooth and nail?

Their concern isn't who regulates tobacco or even the potential impact on tobacco advertising. Instead, what keeps them up at night is the precedent the curbs could set for food and alcohol marketing, which are both under fire. The worry is that the tobacco-ad restrictions could fuel demands for similar restrictions for those products and serve as evidence that the government has a right to impose the curbs.

**Legal products**

"It's a de facto ban on advertising of a legal product, and it gives all of us pause," said Dick O'Brien, exec VP of the American Association of Advertising Agencies. "What we must defend is the right of being able to market legal products to the public. If this passes, there will almost certainly be a First Amendment [legal] challenge."

Dan Jaffe, exec VP of the Association of National Advertisers, said, "There has never been a situation where 15% of the audience determines whether a product could be advertised. If it does move the ball, it is going in a direction that we don't like. We are concerned about the precedent."

Ad groups contend the curbs are "content-based censorship" that isn't allowed under free-speech decisions by the Supreme Court. "All of the various disclosure requirements [in the bill] place the government in the role of copywriter," said a letter the 4A's, the ANA and the American Advertising Federation sent to Capitol Hill. They suggest the government is illegally "seizing" ad space and compelling speech.

Tobacco critics and Sen. Edward Kennedy, D-Mass., who will send the bill to the Senate this fall, argue that the government should be able to regulate a product that kills. The legislation would turn over tobacco regulation to the Food and Drug Administration.

**Allies**

Mr. Kennedy has more than 50 co-sponsors for the bill. An aide to Rep. Frank Pallone Jr., D-N.J., said House hearings on similar legislation will be scheduled upon Congress's return in September.

Mr. Kennedy has suggested the ad curbs are necessary to stop tobacco makers from marketing their products to kids. His legislation has won the endorsement of the market leader, Altria, but other tobacco-makers have complained the marketing ban would lock in share and make it impossible to compete.

At a hearing last week, Sen. Richard Burr, R-N.C., said he opposed the FDA regulation of tobacco and intended to work on the Senate floor to offer alternatives to the FDA for regulation.

grapes<http://adage.com/article?article_id=119596>  
  
  
  
  
  
  
**12.** **Department of Justice Announces $17 Million in Awards to Enforce Underage Drinking Laws**

*Department of Justice*  
August 2, 2007

The Department of Justice's Office of Justice Programs (OJP) today announced block awards of more than $17 million to 50 states and the District of Columbia to enforce state and local underage drinking laws. The awards are made through the Enforcing Underage Drinking Laws (EUDL) program, which supports activities in law enforcement, public education programs, and innovative methods for reaching youth.

"The dangers of underage drinking affect every segment of our society," said Regina B. Schofield, Assistant Attorney General for the Office of Justice Programs. "These awards support law enforcement agencies' efforts to more aggressively implement underage drinking laws and help create partnerships with parents, youth, schools and communities to monitor adolescent activities."

Enforcing Underage Drinking Laws is the only federal initiative directed exclusively toward preventing underage drinking. The program is a $25 million initiative consisting of block grants to each state and the District of Columbia, and discretionary awards to selected states to fund the best and most promising activities and research at the local level. Each state and the District of Columbia received at least $350,000 in the form of block grants.

The awards support a wide range of activities including a strong emphasis on compliance checks of retail alcohol outlets to reduce sales to minors, crackdowns on false identification, programs to reduce older youth or adults from providing alcohol to minors, "party patrols" to prevent access to alcohol at large youth gatherings, and "cops in shops" to deter minors' attempts to purchase alcohol.

OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP), through the Underage Drinking Enforcement Training Center, is hosting its ninth annual national leadership conference in Orlando, Fla., Aug. 2-4, 2007. OJJDP Administrator J. Robert Flores is representing OJP at this year's conference, which will host more than 1,500 law enforcement, community members, youth advocates and prevention advocates, and focus on evidence-based strategies to reduce youth access to alcohol.

The Office of Justice Programs, headed by Assistant Attorney General Regina B. Schofield, provides federal leadership in developing the nation's capacity to prevent and control crime, administer justice and assist victims. OJP has five component bureaus: the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office of Juvenile Justice and Delinquency Prevention; and the Office for Victims of Crime. Additionally, OJP has two program offices: the Community Capacity Development Office, which incorporates the Weed and Seed strategy, and the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office. More information can be found at http://www.ojp.usdoj.gov

<http://www.ojp.usdoj.gov/newsroom/2006/OJJDP06045.htm>

**II.** **INTERNATIONAL NEWS.**

**13. EU ban to leave Booze Makers Whining**

Richard Gurner  
*The Argus*  
July 31, 2007

Michael Roberts, from Ridgeview Wine Estate, is concerned about the EU's proposals

Sussex wine makers could soon be left with a bitter taste in their mouths if a new European Union ban on using sugar to boost booze content gets the go-ahead.

The EU is considering imposing a ban on using sucrose in wine production in a bid to reform its heavily subsidised wine market and reduce the amount of excess plonk that goes unsold every year.

The sugar is used by Sussex producers to increase the alcohol content of their product which is vital in poor summers to produce a decent strength wine.

Industry experts predict the ban will push prices of UK bottles higher and cause damage to businesses, especially those which are emerging and already find it hard to sell their products in the face of foreign competition.

The EU also wants to continue a ban on vine planting to cut back on wasted wine.

Michael Roberts, the co-owner of Ridgeview Wine Estate at Ditchling Common, said: "The majority of the EU proposals we totally support.

"They are going down the right avenue of an unsubsidised free market where we produce what the customer wants.

"But why should we not use sugar when the rest of the world can?"

Mr Roberts said his biggest objection to the new rules is the continuing ban on planting more vines.

He added: "The ban doesn't affect us at the moment and we are already in the process of expanding our business ten-fold.

"By between 2009 and 2011 we would have grown to fit into the ban and we are going to be forbidden from planting any more vines until 2013."

The wine industry currently costs EU taxpayers £1 billion a year, of which £400 million is spent on storing and disposing surplus wine. The rest is spent on subsidising winemakers.

Instead of sucrose winemakers could use 'grape dust', another type of alcohol booster formed from grapes. However this would raise the price of production.

Christopher Ann, the owner of the English Wine Centre in Alfriston, near Polegate, said: "To the industry the main complaint is that we can't really be treated like the rest of Europe.

"To use us to cope with overproduction is unfair.

"We are really being hit by them using sweeping changes.

"There is a real demand for our products and we are not allowed to produce it and that's what doesn't seem fair.

"It will affect growth in our industry and the drinks trade which is of general benefit to the economy."

Sam Linter, a winemaker at Bookers Vineyard in Bolney, near Haywards Heath, said the sucrose ban probably would not have a great affect on their vineyard although the vine planting ban could be problematic when the business wants to expand.

She said: "If anything the sucrose ban is going to raise the quality of wine slightly but it is going to make it slightly more expensive."

grapes<http://www.theargus.co.uk/news/localnews/display.var.1585136.0.eu_ban_to_leave_booze_makers_whining.php>  
  
  
  
  
  
  
**14.** **Finland to Hike Alcohol Tax Up to 15 Pct**

*Associated Press*   
August 1, 2007

The Finnish government on Wednesday proposed tax hikes of up to 15 percent on alcohol, following reports that liquor has become the leading killer of the country's adults.

Finance Minister Jyrki Katainen said the tax proposal, included in next year's budget, would be aimed mainly at strong drinks.

The "alcohol tax will target stronger alcohol, with a tax increase of 15 percent, while the increase will be 10 percent on milder drinks (wine and beer)," Katainen said.

The ministry's recommendation was part of a 43 billion euro ($60 billion) budget proposal the government plans to present to Parliament for approval in September.

Last year, health officials reported an alarming increase in binge drinking and growing health costs related to liquor consumption in the nation of 5.3 million.

Alcohol was responsible for 17 percent of all deaths among 15 to 64-year-old men, surpassing heart disease for the first time, the healthy agency's report said. It was also the main killer of women for the first time, alongside breast cancer, causing some 10.5 percent of all deaths.

The Finnish government has traditionally kept a tight control on alcohol consumption by maintaining high prices in its Alko monopoly retail outlets. Supermarkets are allowed to sell only low-alcohol beer and cider.

But in 2004, the government slashed alcohol taxes by more than 40 percent to discourage growing "booze cruises" to Russia and neighboring Estonia, where liquor is much cheaper.

The move caused an outcry by health officials, and police reported a growth in public drunkenness and anti-social behavior, with binge drinking increasing 10 percent among 17-year-olds in the first six months after the tax cut.

Since 2004, the cost of treating alcohol-related illnesses has grown by 14 percent, peaking at 850 million euros ($1.1 billion) in 2005, according to the latest available figures.

<http://www.businessweek.com/ap/financialnews/D8QODO680.htm>

**III.** [**IOWA NEWS.**](#II)

**15. Woman Arrested for Driving drunk with Infant in Car**

Dustin Lemmon  
*QCTimes*  
July 29, 2007

A Davenport woman is facing child endangerment charges after she was accused of driving drunk in a store parking lot with her 5½-month-old child on the backseat floor.

Raquel Gonzalez, 36, of 3421 Hillandale Road, is charged in Scott County District Court with child endangerment, operating while intoxicated and interference with official acts.

Davenport police received a report of a possible intoxicated driver at Hy-Vee, 2200 W. Kimberly Road, around 7 p.m. Wednesday, court records state.

When officers arrived they found Gonzalez hitting several curbs as she drove around the parking lot, the charges allege. When they stopped her, they allegedly found her daughter laying on the backseat floor.

According to police, Gonzalez appeared heavily intoxicated with slurred speech, watery eyes and a heavy odor of alcohol on her breath. She told police that she had been drinking tequila, the reports add.

When police asked her to get out of the vehicle, she twice refused and resisted several attempts to place her in custody, court records allege.

Gonzalez was no longer in custody Friday.

grapes<http://www.qctimes.com/articles/2007/07/29/news/local/doc46abcc63c43a5727121487.txt>  
  
  
  
  
  
  
**16.** **Man who Crashed into house had many Previous Offenses**

Lee Hermiston  
*Iowa City Press-Citizen*  
August 1, 2007

A national spokesperson for Mothers against Drunk Driving said if Iowa had some additional measures, recidivism among drunk drivers would be reduced.

On Sunday, police arrested a Cedar Rapids man who they said, after getting kicked out of a bar early Sunday morning, stole a car and drove it into an Iowa City home.

David Cross, 34, was charged with second-degree theft, operating while intoxicated, and driving while barred. As a habitual offender, Cross’s license is barred from June 22, 2006 to June 20, 2010, according to police reports.

Police reports state that Cross has drunken driving convictions from 1998, 1999, 2002, 2004 and 2006.

According to the Iowa Department of Corrections, Cross most recently served seven months for drunken driving and operating a vehicle without the owner’s consent in 2006.

Prior to that, records show Cross served six months in 2005 for the same offenses before being transferred to an institution outside of the Iowa Department of Corrections system. Fred Scaletta, the public and media directions director for the Department of Corrections said Cross may have been transferred out of state on a pending charge, but did not have that information.

Online records show Cross served 28 days in 1998, 80 days in 1999 and 28 days in 2002 for his other drunken driving charges.

Online court records do not yet show when Cross will make his next court appearance.

Misty Moyse, a national spokesperson for MADD, said incidents such as this one may be less likely to occur if Iowa had certain measures aimed at stifling drunk driving and subsequent offenses.

“Generally, research shows you have to have strict laws (and) tough enforcement,” Moyse said Monday.

Among the laws seen in other states, but not in Iowa, are anti-plea bargaining laws which prevent the reduction of an alcohol-related offense to a non-alcohol-related offense, lowering the legal blood alcohol content among repeat offenders, confiscation of offender’s vehicles, and a program enabling the placement of sobriety checkpoints.

Iowa is one of only 10 states without a sobriety checkpoint program, according to the MADD Web site.

“Ultimately, we need everybody’s support in our campaign to eliminate drunk driving,” Moyse said.

Sen. Joe Bolkcom, D-Iowa City, said the most recent action taken by the Senate to curb drunken driving was lowering the legal blood alcohol content to .08 and he was not familiar with any other legislation being suggested.

“I’m not aware of any legislation being abdicated on those points.” Bolkcom said. “It’s certainly something we ought to look into.”

Without those measures, however, prosecutors will have to use the laws at hand to attempt to prevent repeated drunken driving offenses.

In cases similar to Cross’s, Johnson County Attorney Janet Lyness said prosecutors will recommend that judges taken a defendant’s prior record into consideration when sentencing offenders. Lyness said the maximum sentence for third or subsequent of drunken driving is five years in prison.

“We have to continue to be diligent in our enforcement efforts,” Lyness said.

grapes<http://www.press-citizen.com/apps/pbcs.dll/article?AID=/20070731/NEWS01/70731003/1079>  
  
  
  
  
  
  
**17.** **Ackley man Sentenced for Fatal Accident**

*WCF Courier*  
August 1, 2007

An Ackley resident will spend up to 11 years in prison for his role in a fatal accident that killed a teenager.

Israel Jimenez, 21, pleaded guilty to homicide by vehicle charges July 2 as part of an agreement with prosecutors. He was originally charged with vehicular homicide and operating while intoxicated, according to court records.

According to the Hardin County Sheriff's Department, Jimenez was driving west on U.S. Highway 20 at about 2:30 a.m. Nov. 22 when he lost control of his car. The vehicle entered the median and overturned.

Two of the car's three passengers, all minors, were ejected, according to the sheriff's office. A 14-year-old boy, Jacob Webb of Steamboat Rock, died.

Jimenez was drunk at the time, according to the sheriff's office.

Vehicular homicide is a Class B felony punishable by up to 25 years in prison. The lesser charge of homicide by vehicle carries a 10-year penalty. Jimenez received an additional year in prison for operating while intoxicated. He must also pay $150,000 in victim restitution along with court fees and funeral costs.

<http://www.wcfcourier.com/articles/2007/08/01/news/regional/b5f21bb4e378f2978625732a003e0823.txt>  
  
  
  
**IV.** **OTHER STATE NEWS****18. Impact of Alcohol Debated (Alabama)  
Leaders from both sides of issue plead cases at Athens council meeting**

Holly Hollman   
*Decatur Daily News*  
July 31, 2007

Is Athens growing because it has alcohol sales, or could Athens continue to grow without it?

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| Athens City Councilman Harold Wales listens to questions from David Christopher, who favors legal alcohol sales, during the council's meeting Monday. |
| Athens City Councilman Harold Wales listens to questions from David Christopher, who favors legal alcohol sales, during the council's meeting Monday. |

Those are the two positions proponents and opponents took Monday at the Athens City Council meeting. City voters will decide Aug. 14 whether to repeal alcohol sales. The city began allowing sales in December 2003.

Proponents David Christopher and Carl Hunt asked the council if it is a fair statement to say the sales tax growth is attributed to alcohol sales. City leaders said yes.

The city's sales tax base has increased by $1.6 million between fiscal 2003 and fiscal 2006.

But anti-alcohol speakers Lifford Abernathy and Joel Glaze said Applebee's came to Athens when the city was dry.

"Wal-Mart is not hurting from no alcohol sales," Abernathy added.

Christopher said he sees a dry Athens as losing overall sales tax to cities like Huntsville that have more restaurants to offer.

"If a family goes to eat in Huntsville, then they decide to go by the mall or a movie and fill up with gas and get their groceries," he said.

Councilman Johnny Crutcher said that losing alcohol would impact overall sales tax to the point that the council would have to make budget cuts ranging from 5 to 10 percent.

"You've got to dance with what you've got," he said, "and we would lose some of our tax base."

Abernathy said he did not understand why the city is talking budget cuts when it is not spending the alcohol tax money, which is in a separate capital account and has accumulated about $600,000.

The council said the alcohol tax is separate from sales tax on alcohol and on spin-off sales of other products.

Hunt asked what would happen to businesses selling alcohol if the city went back dry.

Mayor Dan Williams said a wet city has never repealed sales.

"We would be breaking new ground," Williams said.

grapesCouncilman Ronnie Marks said that once the council certifies the vote, if the vote is dry, then sales would have to stop immediately. <http://www.decaturdaily.com/decaturdaily/news/070731/alcohol.shtml>  
  
  
  
  
  
  
**19.** **Curbing Drunk Drivers (California)**  
**Authorities crack down on repeat DUI offenders**

Penne Usher  
*Auburn Journal*  
July 31, 2007

The Placer County Probation Department is spending more than $200,000 to keep repeat drunk drivers off the roadways.

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| http://www.auburnjournal.com/content/articles/2007/08/01/news/top_stories/04drunk1.jpg |
| Eric Guerena, of the Placer County Probation Department demonstrates the use of an intoxilizer on probation department employee Vicki Lowry Tuesday, that will help keep repeat DUI offenders in check. |

"Driving under the influence is a choice and a preventable crime," Mike Cholerton, Placer County Probation superintendent said during a Tuesday press conference at Auburn's Historic Courthouse. "The highest number of crashes involve a blood alcohol level of more than .08 (the legal limit) and involve 20 to 24 year olds."

Using a $229,107 grant from the California Office of Traffic Safety, as well as support from local law enforcement and the court system, high-risk DUI offenders will now be subject to extensive disciplinary supervision.

To date, more than 50 people living within Placer County who have been convicted of multiple DUIs have had their cases reviewed as a result of the newly grant-funded program.

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| http://www.auburnjournal.com/content/articles/2007/08/01/news/top_stories/04drunk1.jpg  http://www.auburnjournal.com/content/articles/2007/08/01/news/top_stories/04drunk1-2.jpgEric Guerena, of the Placer County Probation Department demonstrates the use of an intoxilizer on probation department employee Vicki Lowry Tuesday, that will help keep repeat DUI offenders in check. Eric Guerena, of the Placer County Probation Department demonstrates the use of an intoxilizer on probation department employee Vicki Lowry Tuesday, that will help keep repeat DUI offenders in check. Eric Guerena, of the Placer County Probation Department demonstrates the use of an intoxilizer on probation department employee Vicki Lowry Tuesday, that will help keep repeat DUI offenders in check. Eric Guerena, of the Placer County Probation Department demonstrates the use of an intoxilizer on probation department employee Vicki Lowry Tuesday, that will help keep repeat DUI offenders in check. |
| The intoxilizer device pictured here is just one tool the Placer County Probation Department will utilize, as part of a $229,000 grant, to keep repeat drunk drivers off the streets. |

"The DUI problem in Placer County, as in many other counties, has become the deadliest and most destructive of all crimes," said Stephen Pecor, chief probation officer. "The number of DUI arrest has increased significantly in recent years, from 1,580 in 2000, an average of 4.3 arrest a day, to 2,632 in 2006, an average of 7.2 arrest per day."

High-risk DUI offenders, those who are arrested twice within a five-year period for driving under the influence of alcohol, will now face three to five years formal, supervised probation, officials said.

"We have 50 to 60 new DUI cases coming in to the court in any given week," said Placer County Superior Court Judge Colleen Nichols. "The numbers have not reduced."

Nichols and other officials, said they hope that an individual psychological evaluation will more effectively identify those offenders likely to re-offend.

"We're hoping the reduction of recidivism goes down considerably," Nichols said.

High-risk offenders will face jail time, exorbitant fines and fees, victim restitution and will be closely monitored.

“They must submit to alcohol testing, search and seizure and will have to complete a substance abuse program as well as numerous other court-ordered probation terms," Pecor said. The grant from OTS will fund a two-year pilot period that began October 2006 and will continue through September 2008.

grapes<http://www.auburnjournal.com/articles/2007/08/01/news/top_stories/04drunk1.txt>  
  
  
  
  
  
  
**20.** **New law Allows more Vintners to pour Wine at Charity Events (California)**

Dan Judge  
*Times-Herald*  
July 31, 2007

Gov. Arnold Schwarzenegger has signed Assembly Bill 323, which allows more vintners to donate and pour their wines at fundraising events for nonprofits.

The bill, authored by Santa Rosa Assemblywoman Noreen Evans, was inspired by Wolf, the owner of AlphaWOLF Vineyard and Olive Ranch in Napa, who was cited for pouring wine at a fundraiser without the proper license.

"Hooray!" Wolf exclaimed Monday. "This means we can contribute back to the community, which we always wanted to do all along, and it helps get our wine in front of the customers."

After pouring at a Chamber of Commerce fundraiser in Tiburon, Wolf said, five Napa Valley vintners were cited because they did not have an "02" license issued to wineries by the Department of Alcoholic Beverage Control.

Although Wolf owns a vineyard, label and three winemaker licenses, he lacks a physical winery building on his land. He hires other facilities to produce the Eagle Eye brand wine from his grapes and bottle it.

As a result, he did not have the proper winery license allowing him to donate or pour wine at charitable events.

Wolf convinced three of the other cited winemakers - Elkhorn Peak

Cellars and StoneFly Vineyard - to take the issue before an administrative judge rather than pay the fines.

They lost, and their licenses were suspended for five days.

Evans agreed to carry the bill amending the rules on pouring wine at charity functions.

Signed into law, AB 323 enables vintners operating under the license combination "17," beer and wine wholesaler, and "20", wine retailer, to donate and pour their wines alongside wineries at charitable fund-raisers.

"All vintners are now free to donate and pour their wares for a good cause," Evans said. "This new freedom will unleash a new wave of generosity across our state. Government should not place obstacles between charities and those who support them."

In 2006, California's wine industry generated more than $115 million in charitable contributions, Evans noted.

According to ABC, about 1,400 California vintners now operate under the 17/20 license combination.

grapes<http://www.timesheraldonline.com/todaysnews/ci_6507038>  
  
  
  
  
  
  
**21. ShotPak Drinks Headed East (Connecticut)**

*Dowd’s Spirits Notebook*  
August 2, 2007

ShotPak, the Irvine, CA, maker of ready-to-drink cocktails, has been confined essentially to its home state. That is changing, with statewide distribution in Connecticut marking its move [](http://bp1.blogger.com/_idlYwkc9AhE/RrHzTm80wRI/AAAAAAAABs0/uAFn_x0xIzg/s1600-h/Str8up.jpg)eastward.

The company's products are packaged in single serving, lightweight, break-resistant, recyclable plastic pouches with a built-in pouring spout. It is expected they'll be available in most major American markets by the end of the year.

ShotPak's line of vodka cocktails -- Sour Apple, Purple Hooter, Lemon Drop and Kamikaze -- will be joined by a new line of straight vodka, rum, whiskey and tequila shots called STR8UP.

grapes<http://www.drinks-business-review.com/article_news.asp?guid=8B113420-FEE9-4C29-BA2C-CDE53E9BEECC>  
  
  
  
  
  
  
**22.** **Commissioner Backs an Alcohol Exemption for Restaurants (Georgia)**

*Athens Banner-Herald*August 3, 2007

Mama's Boy sells a whole lot of scrambled eggs and pimento cheeseburgers at breakfast and lunch. But when suppertime comes, some customers are walking out the door.

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| http://www.onlineathens.com/images/080307/23744_512.jpg |
| Mark Moberly eats lunch Thursday at Mama's Boy restaurant on Oconee Street. Mama's Boy is one of several restaurants in Athens that cannot sell alcohol because of its proximity to a church. |

It's not the food, said co-owner Cooper Currin. Diners want a glass of wine and can't buy one, because the Oak Street restaurant is 280 feet from Oconee Street United Methodist Church.

Mama's Boy is one of several Athens restaurants that can't serve alcoholic beverages because it's too close to a church, school or house, a disadvantage when competing for customers who don't always know about the law or the restaurant's brown-bag policy, Currin said.

"It makes it that much harder because all our money is in the food," she said.

Athens-Clarke Commissioner David Lynn wants let restaurants like Mama's Boy sell beer, wine or liquor no matter where they are. He's proposing to exempt restaurants from the county's requirement that, to serve alcohol, they be 100 feet from a single-family home and 300 feet from a church or school for beer and wine, and 600 feet from a church or school for liquor. In some cases, the county's rules are twice as strict as state law.

In a county where developers are often reluctant to mix residential and commercial uses for fear the commercial side won't pan out, Lynn said easing up on the distance requirements will help promote live-work developments, which county officials see as a solution to sprawl and traffic.

"A nice restaurant is something most people desire within walking distance," he said.

On any given night, college students flock to Cali-N-Tito's, coolers in tow, but it's never been owner Bruno Rubio's choice to allow brown-bagging. Alcohol sales were illegal at all three of the Athens restaurants Rubio has run. The ability to sell beer and wine would be good for business, the Peru native said, and he has several South American brews already in mind.

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| http://www.onlineathens.com/images/080307/23743_512.jpg |
| Mark Moberly eats lunch Thursday at Mama's Boy restaurant on Oconee Street. Mama's Boy is one of several restaurants in Athens that cannot sell alcohol because of its proximity to a church. |

"Some customers like to be catered to," he said. "They don't mind paying extra. They want the convenience."

Rubio is one of the few local restaurateurs who can turn a buck without the help of high-margin adult beverages. Along the main Athens roads where restaurants are allowed, churches and schools render whole blocks alcohol-free, short-circuiting the chance of getting a neighborhood eatery. Five and Ten's Hugh Acheson, for example, considered opening an establishment at the refurbished Leathers Building on Pulaski Street, but backed out when he discovered he couldn't serve alcohol there, Lynn said.

Lynn's proposal is part of a slate of reforms to local laws governing alcohol sales the commission's Legislative Review Committee will consider over the next two months. Other changes could include requiring bar doormen to get police permits and banning "ladies' night" drink specials.

The commission is expected to vote on other reforms in September, including setting a minimum drink price of $1, banning drink specials after 11 p.m. and changing the process of getting an alcohol license so bar owners who've been cited for violating the law can't avoid punishment by applying under a different name.

In April, Lynn proposed doing away with county distance requirements altogether and using the state's minimum distances, which are the same or shorter than the county's. But that idea met with resistance from some other commissioners, including Kathy Hoard and George Maxwell, who said the alcohol ordinance contained too many revisions already, and churches might resist the change.

"There were a number of issues I felt needed further evaluation," Hoard said.

But Hoard said she's not necessarily opposed to Lynn's latest proposal - which includes, he emphasizes, restaurants only, not bars, liquor stores or convenience stores - as long as it's scrutinized by the public.

<http://www.onlineathens.com/stories/080307/news_20070803046.shtml>

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**23.** **Georgia Adds Tobacco-Free Schools (Georgia)**

*eMaxHealth*  
July 31, 2007

Georgia Department of Human Resources announces the addition of eight new Tobacco Free School systems, bringing the total of 100% Tobacco Free School systems in Georgia up to 10.

In Georgia, 22% of adults smoke cigarettes, and approximately 80% of them started smoking before age 18. Nine percent of middle school students and 19% of high school students smoke cigarettes. A 100% Tobacco Free School prohibits cigarette, cigar, and pipe smoking, and smokeless tobacco use by students, faculty, staff, and visitors. The policy prohibits tobacco use in school buildings, on school grounds, in school buses or other vehicles used to transport students, and at off-campus school-sponsored events 24 hours per day, seven days per week. A tobacco free policy is more effective if it emphasizes education and prevention rather than punishment for violators.

Increasing the number of 100% Tobacco Free Schools is a priority with DHR's Tobacco Use Prevention efforts for several reasons; primarily, because one of the most effective means of reducing the beginning of tobacco use is a focus on youth, and implementing 100% Tobacco Free Schools is a Centers for Disease Control & Prevention (CDC) best practice for tobacco control. Public Health staff have been working collaboratively with local school systems and advocacy groups to achieve this goal. The following school districts have taken steps to improve the health of students and adults by adopting 100% Tobacco Free schools.

In the last year, Glynn County Schools, Worth County Schools, Liberty County Schools, Marietta City Schools, Muscogee County Schools, Hancock County Schools, Douglas County Schools, Charlton County Schools, McDuffie County Schools and Effingham County Schools have become 100% Tobacco Free School Districts. At least one more school system has held hearings and is working toward becoming a 100% Tobacco Free School system.

"We are pleased to be partnering with school districts to educate and inform middle and high school students about the dangers of smoking and using tobacco products," said Stuart Brown, director of DHR's Division of Public Health. "It is our hope that through collaborations with school systems to become 100% Tobacco Free, along with all the other tobacco use prevention programs, we can decrease the health and economic burden of smoking among teens in Georgia, and reduce the number of Georgians who take up smoking during the vulnerable teen years," said Brown.

Public Health's Tobacco Use Prevention program uses various approaches and strategies to reduce the burden of tobacco. DHR also funds the Georgia Tobacco Quit Line. Calling the Georgia Tobacco Quit Line at 1-877-270-STOP or 1-877-2NO-FUME or TYY 1-877-777-6534 is the first step for smokers to improve their health and quit for good. The Georgia Tobacco Quit Line is a free resource that offers counseling, screening and support services to Georgians ages 13 and older who want to quit using tobacco. The Quit Line is open 8 a.m. to midnight daily.

DHR helps train advocates, including youth, who along with supportive adult leaders utilize tools in advocating for policy change and providing peer education. These strategies have been effective in realizing 100% Tobacco Free School Policies and a reduction in teen tobacco use.

We applaud the schools and districts that have adopted tobacco free policies, and appreciate the efforts of all those involved.

<http://www.emaxhealth.com/58/14446.html>

**grapes****24. Training to help Businesses obey booze Laws (Maryland)**

Steve Berberich   
*Gazette*  
July 30, 2007

Montgomery County will begin its ‘‘cultural competency” training and education for Latino businesses that sell or serve alcohol, today at the El Golfo Restaurant in Silver Spring.

The training is part of a county business alliance made possible by a new $30,000 state grant. The aim of the alliance is to help business owners and the county to ‘‘customize and implement responsible policies to address alcohol abuse, drinking in public and under [age] 21 alcohol use,” according to a statement by Katherine Durbin of the county’s department of liquor control.

‘‘We have been trying to do it for years,” said Durbin. ‘‘We [the county] are so diverse that this is the first step with working with groups that speak different languages,” she said. Previously such programs have been ‘‘put out” in English, but Durbin hopes to repeat the training in several other languages.

Durbin said the funds give the county the opportunity to provide state-certified training to 100 people at once instead of one at a time at a cost of $50 to $60 per person at any of 20 state-approved training companies.

‘‘Cultural competency means that it is not enough just to translate” laws and policies regarding selling and serving alcohol, said Durbin. ‘‘You need to work with the businesses one on one on these issues to make sure they understand the law. We help them develop their own responsible business policy.”

Calls to Hispanic chamber and business officials for comment were not returned by Gazette press time.

The training meeting at El Golfo was arranged through the Maryland Hospitality Education Foundation, a non-profit entity of the Maryland Restaurant Association, said Durbin.

The grant also helps the county develop ‘‘Cops and Shops” in Spanish and English, to train plainclothes police to work closely with businesses on alcohol-related policy.

The training today will include speakers on several topics, said Durbin, because ‘‘people who have trouble with alcohol issues often also have problems in fire codes, health department issues and others.”

Durbin, with the DLC’s division of licensure, regulation and education, said the agenda will likely include speakers from the Montgomery County Police Department, a Long Branch area business owner, the state highway safety office, the Montgomery County Liquor Board and the state attorney general’s office.

Durbin said the training will focus on three areas of ‘‘high risk” for alcohol issues: The Wheaton business district, the Long Branch⁄Silver Spring area and the Wheaton⁄Rockville Randolph Road area.

Durbin said the county has applied to the state to renew the grant for next year.

<http://www.gazette.net/stories/073007/businew163300_32380.shtml>

grapes  
  
  
  
  
**25.** **Anti-Alcohol Device worth the Cost (Michigan)**

*Flint Journal*   
July 30, 2007

A package of bills that may offer the best solution to keeping repeat drunken drivers and those arrested with very high blood alcohol levels off the road is making its way through the state Legislature. If passed, the measures could go into effect next October. Let's hope that they do.

Experts say these offenders are at the highest risk for causing fatal accidents and more needs to be done to stop them.

The bills focus on technology to keep drunks from driving rather than the current license suspensions and revocations that have proved all but useless against the worst violators, who simply drive anyway.

The bills call for breath testers to be installed on offenders' vehicle ignitions. The devices are used now, but in much smaller numbers. Under the bills, an offender could get back on the road legally in 45 days, which is much sooner than now, but his car would be equipped with an interlock system that would prevent it from being driven by anyone consuming alcohol.

Widespread use of the technology shows promise. Drunken driving fatalities dropped 11.3 percent in New Mexico a year after that state implemented similar measures.

Michigan Mothers Against Drunk Driving supports the legislation for good reason, as 40 percent of road fatalities in the state last year were alcohol- or drug-related. A goodly percentage of those 440 lives might have been saved by wide use of this technology. Nationally, MADD is pushing the same agenda, which it feels will reduce the 13,000 traffic deaths a year attributable at least partly to driving under the influence.

The devices aren't foolproof. An offender presumably could gain access to someone else's vehicle. But at least they couldn't drive their own while drunk. In fact, the breath testers are set low enough that if the driver had a single alcoholic beverage the vehicle would not start. Once on the road, the driver would have to repeat the test every 15 minutes to ensure that the same person who started the vehicle is the one actually driving it.

The technology isn't cheap at $1,000 a year, but the cost would be borne by the offender, as it should be, although state aid likely would be available to help the destitute.

grapesKeeping drunken drivers from repeating their offenses is essential. This package of bills deserves support. <http://www.mlive.com/news/kzgazette/index.ssf?/base/columns-3/118580544387540.xml&coll=7>  
  
  
  
  
  
  
**26.** **Hopefuls Thirsty for beer, wine Licenses (Montana)**

Charles S. Johnson  
*Missoulian*  
August 1, 2007

A whopping 532 individuals and businesses, including many speculators, have applied for 124 new state restaurant beer and wine licenses under a new law.

State Liquor Control Division Administrator Shauna Helfert said she was surprised by the sheer number of applications for the licenses, popularly known as cabaret licenses.

In Bozeman and Belgrade, 172 people and businesses applied for 12 licenses. Missoula drew 80 applicants for 12 licenses, while Billings attracted 50 applications for 22 licenses. Forty-three individuals and businesses are seeking 10 licenses in Whitefish and Columbia Falls, while 41 submitted their names for seven licenses in Helena and East Helena. Ennis drew 26 applications for four licenses.

Butte and Great Falls are not part of the lottery, because both have existing cabaret licenses available for purchase.

Many applicants appear to be speculators who applied in many cities, often having multiple relatives separately submit their names, to enhance their chances.

For example, Michael Cetraro of Helena and Andrew and Natoshia Cetraro of Bozeman separately applied for licenses in most areas. They could not be reached for comment Tuesday.

So did Polson lawyer Douglas Wold and his wife Linda, who threw in their separate names for licenses in at least 13 areas. Their son and daughter-in-law, Chad and Ashley Wold of Whitefish, applied in at least two locations. Linda Wold declined comment when asked about the multiple applications.

Next week, the Liquor Control Division will conduct lotteries in Billings, Bozeman, Helena and Missoula for licenses in 19 areas.

Preferences will go to restaurants that have been open at least a year and for those that have failed to get a cabaret license in previous lotteries. Some applicants have a double preference and will be moved to the front of the line to receive cabaret licenses.

Cabaret licenses differ in several ways from conventional all-beverage licenses held by a number of restaurants.

Holders of cabaret licenses are prohibited from installing electronic gambling machines and from having sit-down bars. At least 65 percent of these restaurants' income must come from food, and they can be open only from 11 a.m. to 11 p.m. daily.

Cabaret licenses also are considerably cheaper. All-beverage licenses in some cities now sell for upward of $900,000 or $1 million each.

The 124 new cabaret licenses are the result of a new law, sponsored by Sen. Dan Weinberg, D-Whitefish. The state already has 304 cabaret licenses available, with 136 issued and five pending.

“The high numbers are showing that the law was badly needed,” Weinberg said Tuesday. “I think most of us believe in capitalism. I don't think it's the job of the state to restrict the number of restaurants that do business. It's very, very hard to make it as a restaurant serving an evening meal without beer and wine.”

Weinberg, who was asked to draw the lottery winners in Missoula next week, broke the applications down into three categories.

The first group are what he calls “the priorities,” the restaurants that have been running for at least a year and have failed to get a previous cabaret license. Then, Weinberg said, there are those making up “the big middle ground.”

“Then there are the speculators,” he said. “I would like to think that nobody's going to get one on speculation.”

He doesn't believe the law allows someone to win multiple licenses in a number of cities.

Mark Staples, attorney and lobbyist for the Montana Tavern Association, said the huge number of applicants doesn't mean much.

“When the wheat separates from the chaff, existing restaurants are going to get the preference, and they should,” Staples said. “This isn't some land rush when people who've never flipped a burger, tossed a salad or poured a beer, much less created a fine-dining atmosphere, go out as a family enterprise to try to corral as many licenses as they can. These licenses were created for restaurants. It's not the family speculative portfolio license.”

Staples, who helped draft the law, said cabaret licenses can be sold with a restaurant, but not separately.

Those winning the lottery must pay a one-time fee ranging from $5,000 to $20,000, depending on the seating capacity of a restaurant. The annual renewal fee is $400.

The law also provides that no more than one-fourth of the licenses can go to restaurants with seating capacities of more than 101.

Once the drawings are held, the winners have 30 days to submit their formal applications to the Liquor Control Division, Helfert said. It generally takes the division 60 to 90 days to complete financial and criminal background investigations before issuing the license.

**License lotteries**

The state Revenue Department's Liquor Control Division will hold lotteries to determine winners of the 124 new restaurant beer and wine licenses. These drawings are open to the public. The drawing for licenses available in northwestern Montana, including Missoula, Stevensville, Hamilton/Pinesdale, Darby, Philipsburg, Kalispell, St. Ignatius, Eureka/Rexford and Whitefish/Columbia Falls, will be held at 2 p.m. Aug. 8 at Missoula's Holiday Inn Downtown at the Park, Parlor C, 200 S. Pattee St.

<http://www.missoulian.com/articles/2007/08/01/news/local/news04.txt>

**grapes****27. Police Learn New Methods to Spot Impaired Drivers (Nevada)**

*Las Vegas Now*July 31, 2007

One-third of the fatal accidents in the Las Vegas Valley involve impaired drivers

An accident involving a 19-year-old happened very early in the morning on May 5th. Police say Ronald Jayne, Jr. had a blood alcohol level of twice the legal limit when he speeded through a stop sign.

Police say drivers under the influence of drugs and alcohol are a leading threat to public safety. Police chiefs from across the nation are meeting in Las Vegas to learn more about battling this deadly crime.

During the three-day conference, the police chiefs will learn about ways to spot impaired drivers, as well as new drug trends and innovative technology.

Metro police just recorded its 100th traffic fatality, a number inflated by drivers under the influence of alcohol or drugs. They make an average of 700 arrests a month for people driving under the influence of drugs or alcohol.

One-third of the fatal accidents in the Las Vegas Valley involve impaired drivers. Despite Metro's efforts to crackdown, it seems the message just is not sinking in.

Police have increased DUI checkpoints and increased the focus on cracking down on drivers. Still, Metro Sergeant Tracy McDonald says more people than ever in Las Vegas are driving under the influence of drugs and alcohol.

Sgt. McDonald, with Metro Fatal Detail, said, "Unless Vegas starts slowing down, or we are able to catch up, I don't know there is a cure in the near future."

Nationally four out of every ten drivers on the road from 6 p.m. to 1 a.m. are impaired by either drugs or alcohol. Sgt. McDonald says that number is higher in Las Vegas because it's a 24-hour town and alcohol can be bought anytime.

"You can pretty much go to any grocery store open 24 hours a day or a market on the corner and you have your choice of all types of alcohol," Sgt. McDonald added.

Accidents also happen at all hours.

An accident involving 19-year-old Ronald Jayne, Jr. happened very early in the morning on May 5th. Police say Jayne, Jr. had a blood alcohol level of twice the legal limit when he speeded through a stop sign at Farm Road and Tenaya.

He hit a family in an SUV killing five of the eight people inside. The family had just recently moved to Las Vegas.

Juan Luis Miranda, a relative, said, "He wanted to make the whole new life with his family right here. It was shattered because somebody decided to drink and drive."

It just takes one bad decision to get behind the wheel and ruin a life. Sgt. McDonald says many other drunk drivers made that bad decision more than once and the courts let them do it.

"We see a lot of them coming out on probation. They will give punishments for community service, high fines," he said.

However, jail time is limited because of overcrowding.

Police are stumped on what else can be done to solve the problem. There are still educational campaigns. Another one is being formed for Labor Day weekend. It will be a partnership with local bars in Las Vegas.

<http://www.klas-tv.com/Global/story.asp?S=6867527>

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**28.** **Smoking ban tests Resourcefulness (Nevada)**  
**Barkeeps find ways to let patrons keep smoking without running afoul of the law**

Ed Koch   
*Las Vegas Sun*July 30, 2007

When a tough, voter-approved anti-smoking law went into effect in January, Southern Nevada bar owner Rich Hall, like many other local tavern operators, ignored it for a couple of weeks.

And then Hall, who operates three local bars, realized he had a bunch of nervous smokers on his hands.

"Whenever anyone would come into the bar, customers would cup their cigarettes in their hands and shift their eyes back and forth," Hall said. "It was like watching teenagers smoking behind the schoolhouse.

"I didn't want to put them through that."

So he installed a glass wall.

Hall, a 54-year-old non smoker whose restaurants prior to passage of the measure last November already were non smoking, installed sealed glass partitions separating the bar from the restaurant in each of his businesses. The price tag for all three locations was about $60,000, he said.

Hall's places and more than 100 other local bars have been approved by the Southern Nevada Health District for such modifications to comply with the Nevada Clean Indoor Air Act , which went into effect in January.

The law prohibits smoking in places that serve food, including bars, grocery stores and convenience stores. Major casinos are exempt from the law, as are some bars that have unrestricted gaming licenses.

Smoking is permitted in bars that do not have food or have done away with food service.

Many tavern owners continue to ignore the law. Although they may have gotten rid of ashtrays and match books, they still wink and provide cups of water for their smoking customers' ashes, and then look away.

The health district, the law's chief enforcer, is trying to get scofflaw bar owners to obey the measure - under threat of lawsuit and civil penalties - but the progress has been slow.

"Overall, I am not satisfied" with the enforcement progress, said Southern Nevada Health District attorney Steve Minagil. "It's like trying to corral cats. Unfortunately, seven months after this law went into effect we are still running down complaints, writing letters, filing lawsuits. I'm optimistic that more places are complying, but it has come after a lot of work."

The district has investigated m ore than 2,000 complaints about bars violating the law . It has written letters to - and held meetings with - 20 of the most blatant alleged offenders and has filed lawsuits against two of them.

The district allows bar owners to separate their restaurants from their bars, essentially turning the bars into smoking-friendly stand-alone structures while maintaining a smoke-free environment in adjacent restaurants.

One of Hall's bars, Mulligan's Border Bar & Grill at Pebble Road and Maryland Parkway, is one of 130 establishments that has submitted such plans. To date, partition projects have been completed at 35 bars, the district says.

For some establishments, spending thousands of dollars for glass partitions to keep their food service was not cost-effective.

"We never even considered it (glass walls) because it already was costing us so much to keep the kitchen open," said Rebecca Marlowe, bar manager of the New York City Bar on Spring Mountain Road. "We were never really a food bar. It was just a convenience for our players."

After the law went into effect, the establishment closed its kitchen so patrons could smoke to their hearts' content.

The NYC Bar is one of a number of places that offers customers menus from area fast-food restaurants that deliver, which apparently does not violate the new law.

Marlowe said some customers have told her they miss her homemade meatloaf , which used to be on the Thursday menu, but she said business has been good since the change.

Hall, who moved to Las Vegas in 1989 and worked for the Big Dogs and Roadrunner bars before opening his own bar business with two partners in 2000, says he does not regret putting up the glass walls.

"Eventually this law is either totally going to go away or will be strictly enforced," he said. "My concern is that thumbing noses at the law will only make the anti-smoking advocates even more committed in their cause to wipe out smoking everywhere. And that won't help any of us."

In addition to putting up glass partitions, Hall revamped his air-conditioning system to prevent bar area intake vents from exporting smoky air through the restaurant vents.

Hall said he has no idea how long it will take to recoup those renovation costs because that hinges on whether his business picks up.

In the months shortly after the law went into effect, Hall said , his bar and restaurant business was down 20 to 25 percent. He says bar revenues have increased in recent months but the restaurant business remains slow despite glass walls keeping out the smoke.

But that isn't to say that his smoking gamblers still don't enjoy one of his restaurant's meals, thanks to a loophole in the law that Hall doesn't mind exploiting.

His bar patrons can order food in his restaurant, bring it back to the bar a few feet away on the other side of the glass partition, eat, smoke and gamble and still be in compliance.

"The law prohibits us from serving food (in the bar)," Hall said. "Technically, we are not serving it" when customers pick up a restaurant take-out order.

It's no different, he says, from when a bar customer brings in his own bagged lunch from home or a pizza or burger from a joint down the street - or orders out like at the New York City Bar. The law does not ban smoking and food eating, just smoking and food serving.

Some businessmen have tried to get around the law merely by giving their restaurants different names than their adjacent bars. Nice try, the health district says. Minagil said he has written them letters telling them they can't do that.

When the anti-smoking law went into effect, a number of bar operators said scores of small businesses would go under. But health district statistics show that the number of small local bars actually has increased slightly.

The health district said there were 1,957 permits in August 2006 for what the agency classifies as "drinking establishments." As of this month, that number is 2,029.

Hall says the district's permit figures surprise him. He reckons it will take a little more time before the bars that were most affected by the new law will go out of business in significant numbers.

"I can tell you there are a number of places that I know of that are on the brink of closing their doors because of this law," he said.

grapes<http://www.lasvegassun.com/sunbin/stories/lv-other/2007/jul/30/566616780.html>  
  
  
  
  
  
  
**29. Community college Tobacco-Free (North Carolina)**

Joe DePriest  
*Charlotte County Observer*July 30, 2007

Cleveland Community College in Shelby will become tobacco-free as of Wednesday.

The new policy was approved by the college's board of trustees in March.

The college has completed several steps to help prepare for the change. Students are being informed in a number of ways. The policy is being distributed with each receipt after a student completes registration. Both temporary and permanent signage has been posted on campus. A sign is also posted in each classroom and meeting room on campus.

The college is also working with the Cleveland County Health Department to offer free smoking cessation classes for students, faculty and staff. The classes will begin on Sept. 6 and run for four weeks.

grapesPrinted materials are available to students. Topics include tips and resources for qutting, minimizing weight gain while quitting and the effects of smokeless tobacco. The tobacco-free initiative is funded by a grant from the North Carolina Health and Wellness Trust Fund.  
  
<http://www.charlotte.com/breaking_news/story/217525.html>  
  
  
  
  
  
  
**30.** **Parents Accused of giving Alcohol to teens before Fatal Crash (Ohio)**

Denise M. Callahan  
*Middletown Journal*August 1, 2007

Parents can be charged with a crime for providing alcohol to anyone under 21 or allowing alcohol to be consumed in their home by someone who's underage.

Many parents don't know that, or disagree with the Ohio law, say Mason's prosecutor and the leader of a community group that works to prevent drunken driving.

One Deerfield Twp. couple, Jose Hernandez, 43, and his wife Cinda, 47, were supposed to appear Tuesday in Mason Municipal Court but their lawyer, Chris McDowell, faxed over their not-guilty plea. They are accused of allowing underage drinking at their house which resulted in a car crash that killed a Mason teen.

"I understand a tragedy occurred but I don't believe a crime occurred," McDowell said.

Mason City Prosecutor Robert Peeler charged the couple with four counts of furnishing alcohol to minors, a misdemeanor offense punishable by up to six months in jail and a $1,000 fine.

Peeler said he will continue to prosecute adults regardless of whether people believe the law is not be fair in certain circumstances.

"There are a lot of laws that we don't like. One of my son's friends was up visiting this weekend and he's in the Marines and he's already been to Iraq. He just turned 20 and he's going back to Iraq and I couldn't give him a beer because he's underage," he said. "A lot of people think that's an unfair law but there is a purpose for the law. Speed and alcohol are the primary killers of young people."

The charges stem from an April 15 party at the Hernandez house where Peeler said teens were drinking alcohol and two, Roman Zmood and Dustin Russell, got into a car and Zmood plowed into a tree on Snider Road. Russell died of his injuries on April 18.

Russell would have celebrated his 18th birthday this week.

Zmood is charged with vehicular homicide and a trial is scheduled to begin Oct. 1. According to court documents, Zmood was driving but he and Russell argued and Russell grabbed the steering wheel.

Zmood has asked the common pleas court to suppress all evidence pertaining to the sobriety tests administered to Zmood after the accident because he contends police violated his constitutional rights by testing him against his will.

Both teens had been drinking alcohol provided by the Hernandezes at their house, according to court records.

Andrea Rehkamp, executive director of MADD Southwestern Ohio said her staff gets four or five calls a month from parents and police reporting parents hosting beer bashes for teenagers.

"Unfortunately, they don't lose the most when they host a party and someone else's child is killed," she said. "The family that lost the child has lost the most. The parents who hosted should be held accountable for their actions and their contribution to the party. But whatever happens to them is nothing compared to the family that lost the child."

<http://www.middletownjournal.com/hp/content/oh/story/news/local/2007/08/01/pjm080207parenttrouble.html>

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**31.** **Minor drinking, major Problem (Oklahoma)**  
**What do you think is the primary factor in the growth of underage drinking?**

John Greiner *NewsOK.com*  
August 1, 2007

"Oklahoma looks at 3.2 beer as food. We've got it in the stores,” he said.

Beer is advertised many places, said Bouldin, who works at Eagle Ridge Institute in Oklahoma City.

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| http://static.newsok.biz/article/3096243/a1-p1-poster_08-01-2007_CO44K1P.jpg |
| This poster is being used in a campaign to curb underage drinking. 13.4 years: Average age for first regular alcohol use.  11.6 years: Average age for a first alcohol sip.  17.5% of 12th-graders admit being drunk or high at school. |

Most kids know 21 is the legal age to buy beer or alcohol, he said. They also know which stores will sell to them, even though they're too young.

"They know they can get it at home,” Bouldin said.

About 155,000 underage youths in Oklahoma drink alcohol each year, according to information from the state Mental Health and Substance Abuse Services Department.

Problems caused by underage drinking are costly — $778.1 million in 2005 for everything from youth violence and traffic crashes to alcohol treatment, according to the state agency.

From 2001 to 2005, 3,706 drivers age 16 to 20 with an alcohol- or drug-impaired condition were in crashes, according to the Oklahoma Highway Safety Office.

The crashes caused 115 fatalities and injured another 3,217 people.

**Learned behavior**

Whether they realize it or not, some parents teach their children how to drink, Bouldin said.

For example, after a rough week at the office, a parent comes home on Friday, opens the refrigerator and gets an alcoholic drink, Bouldin said.

"Kids see that,” he said.

So the first time they have drama or stress, they are looking for a way to make themselves feel better, he said.

"We're not putting the blame on anyone. We're putting it on society as a whole.”

Andrea LaFazia, prevention services director for the state Mental Health and Substance Abuse Services Department, will be chairman again this year of a state task force on underage drinking. It met last year and made recommendations. Its goal this year will be to oversee implementation of a comprehensive plan on this issue, she said.

She and Bouldin agree that people under 21 often drink for one reason — to get drunk.

It's not very expensive to buy beer, LaFazia said.

"Right now, the most alarming thing is I can go into a convenience store and buy beer that is cheaper than a bottle of water,” LaFazia said.

Starting to drink when you are underage can lead to addiction, she said.

"If you begin drinking before age 15, you are five times more likely to become addictive.”

She cited a 2004 survey showed that 78 percent of 12th-grade students in Oklahoma reported having used alcohol in their lifetime.

"That is alarming,” she said.

In Oklahoma, someone can be under 18 and sell beer in a convenience store, she said.

**Legislative action**

The Oklahoma Legislature has passed some measures to tackle the problem:

•In 2005, it passed a law making it more difficult for some beer-selling establishments to have special, low-price beer nights, referred to as "drown nights.”

•In 2006, lawmakers passed a bill to penalize adults who allow underage youths to drink alcohol or use drugs in their homes.

•Also in 2006, legislators passed a bill providing stiffer penalties for someone selling 3.2 beer to a minor. Under that legislation, the first two offenses would be misdemeanors. A third offense **within a year of the first violation would be a felony carrying a penalty of up to a $5,000 fine and up to five years in prison.**

**How to fight it**

Oklahoma City police Detective Chris Swanson said officers focus their enforcement efforts mainly on illegal beer sales.

"Beer is more convenient” for minors to get, he explained.

People who own liquor stores know selling to a minor is a felony and they could very easily lose their livelihood, he said.

The vice department conducts undercover operations that involve sending an underage person into a store to try to buy beer, he said.

Often, police find out about a store selling beer to a minor when a parent calls them, he said.

After a kid comes home drunk, a parent often will find out where the child got the beer or alcohol and then inform the police, he said.

Illegal sales of beer and alcohol aren't concentrated in any one part of Oklahoma City, he said.

Some weeks, police may get three or four complaints. Some weeks they may not get any. But the problems stay pretty constant, he said.

The new law carrying a fine and possible prison time for selling beer to a minor is an important tool for police, he said.

<http://newsok.com/article/3096243>

**grapes** **32. Congressman asks SEPTA to pull malt Liquor ads on Buses (Pennsylvania)**

*Associated Press*  
July 27, 2007

A congressman is urging the state's largest transit authority to remove malt liquor ads from two of its buses.

U.S. Rep. Bob Brady said community leaders had expressed "overwhelming opposition" to the Colt 45 ads, which are wrapped around the outside of two Southeastern Pennsylvania Transportation Authority buses.

"Given our rising epidemic of violence, your promotion of especially dangerous malt liquor is extraordinarily counterproductive," said Brady, D-Pa. "Through these ads, SEPTA is effectively condoning malt liquor sales and consumption throughout Philadelphia."

Given SEPTA's budget problems, however, Brady said he would work to get replacement advertisement "if you cancel your Colt 45 contract and immediately remove the wraps from your buses."

A SEPTA spokesman did not immediately return a call seeking comment Friday.

Community activists have long decried the sale of malt liquor, similar to regular beer but with an alcohol content as high as 8 percent and often sold in 40-ounce bottles. The product figures prominently in efforts to limit so-called "stop-and-go" stores that sell takeout bottles.

grapes<http://www.philly.com/philly/wires/ap/news/state/pennsylvania/20070727_ap_congressmanasksseptatopullmaltliquoradsonbuses.html>  
  
  
  
  
  
  
**33.** **Court rules Insurance Companies must cover Rehabilitation Costs (Pennsylvania)**

Kori Walter  
*Herald Standard*August 1, 2007

Pennsylvanians battling drug and alcohol addiction will not need a second opinion from their HMO before entering treatment programs, a state appeals court ruled.

In a unanimous decision released Thursday, Commonwealth Court ruled that group insurance companies and HMOs must cover drug and alcohol treatment costs for policy holders referred to detoxification, rehabilitation and outpatient programs by a doctor or psychologist.

The ruling will help about 15,000 state residents with private insurance who seek substance abuse treatment each year, said Deborah Beck, president of the Drug and Alcohol Service Providers Organization of Pennsylvania.

"It's a really important decision that I think gives power back to doctors and psychologists," said Beck, whose Harrisburg-based organization represents licensed treatment centers and school-run counseling programs. "Somebody at the end of an 800 number in another state...should never be making these decisions."

The case centered on a 1989 state law that required insurance companies to cover drug and alcohol treatment services.

Aetna, Independence Blue Cross, the Insurance Federation of Pennsylvania and other managed-care groups sued the state Insurance Department, arguing that insurers should be allowed to review drug and alcohol treatment referrals to keep costs down and make sure treatment is appropriate.

But the court sided with the Insurance Department's interpretation that substance abuse treatment prescribed by a doctor or psychologist must be covered, and no review by insurers was needed.

Samuel R. Marshall, Insurance Federation of Pennsylvania Inc. president and chief executive officer, said he was unsure if insurers would appeal the ruling to the state Supreme Court.

Marshall said state law allows insurers to review treatment in other areas of healthcare before paying for care and believed it was reasonable that drug and alcohol services be included.

The reviews would be conducted by physicians or psychologists, Marshall said.

"I think utilization review can help get better treatment," Marshall said. "Excess utilization and high utilization patterns drive up the cost of health care and, therefore, the cost of health insurance. The experience across the country is that when you don't have scrutiny over treatment patterns, you do get increased cost."

But Beck of the drug and alcohol providers organization said limiting obstacles to treatment is important when dealing with addicts.

"If you make it (getting treatment) complicated, the addict will disappear and die," Beck said. "This is a life-saving law upheld by the court."

<http://www.heraldstandard.com/site/news.cfm?newsid=18649181&BRD=2280&PAG=461&dept_id=480247&rfi=6>

grapes  
  
  
  
  
**34.** **Liquor Wholesalers agree to Settle Charges (Tennessee)**

*Associated Press*  
July 31, 2007

Nineteen Tennessee liquor wholesalers have agreed to pay $3,000 each to settle charges.

According to The Knoxville News Sentinel, the 19 will make the payments to resolve allegations that they engaged in the illegal practice of promoting sales with free gifts, trips and other bonuses for bars and liquor stores.

The state Alcoholic Beverage Commission says these business practices had become commonplace over the past 20 years.

The matter has been under investigation for about two years.

The commission says the companies cooperated in the probe.

grapes<http://www.wmcstations.com/Global/story.asp?S=6862663>  
  
  
  
  
  
  
**35.** **State Can't Ticket Bar Owners for Unruly Customers, Court Says (Virginia)**

*Virginian-Pilot*August 2, 2007

A federal judge today struck down Virginia's law regulating noisy, lewd and disorderly conduct at bars and restaurants.

In his ruling that the law and similar regulations are unconstitutional, U.S. District Judge Walter D. Kelley Jr. ordered an immediate injunction preventing state Alcohol and Beverage Control Board agents from ticketing establishment owners for such violations. The judge, however, left intact enforcement of "obscene" behavior.

Hailing the ruling were the owners of six nightclubs, four at the Virginia Beach Oceanfront and two in downtown Norfolk, who sued the ABC Board last month. Their attorney called it a "huge" win.

"I'd say it's a full win for us," said Andy Edwards, owner of Crazy Charlie's, Chicho's and Hammerheads at the Oceanfront  
  
<http://content.hamptonroads.com/story.cfm?story=129596&ran=6214>

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**36.** **Gateway Goes Tobacco Free (Wisconsin)**  
**Institution will be only second technical college in state to completely ban its use**

Paul Sloth  
*Journal Times*  
July 31, 2007

Gateway Technical College announced Tuesday that its campuses would be completely tobacco-free starting today.http://www.gtc.edu/tobaccofree, that offers information about the policy and provides online sources for helping students and employees to quit tobacco use will continue to expand.

The college will not allow the use of tobacco products anywhere on Gateway-owned grounds or in the college’s buildings.

Gateway is the first institution of higher learning in this area to extend its tobacco-free policy to grounds as well as buildings, according to Jayne Herring, Gateway’s marketing and communications director.

"Of the 16 (Wisconsin Technical College System) campuses in the state, we’re the second one to go completely tobacco free," Herring said.

The policy is designed to enhance Gateway’s goal to be a healthy place to learn and work, school officials said in a statement released Tuesday.

"Gateway Technical College is taking a big step toward establishing a healthier environment for its employees, students and visitors," said Bill Whyte, Gateway’s vice president of human resources.

The college’s Healthcare Benefits Taskforce introduced the tobacco-free policy and the college’s Executive Leadership Council approved it.

The task force presented workshops in the spring at each of the campus locations for students and employees to help decide whether they were ready to quit smoking.

A section of Gateway’s Web site,

The college is notifying registered students of the policy change in a mailing to their homes, signs on building entrances and signs that are being posted at the main drives into each campus or center.

Officials also are updating facility rental contracts to reflect the change in policy.

Students return for classes on Aug. 21, Herring said.

Gateway Technical College operates campuses in Racine, Kenosha and Walworth counties.

<http://www.journaltimes.com/articles/2007/08/01/local_news/doc46b00a235080a580913225.txt>

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