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| [*www.IowaABD.com*](http://www.IowaABD.com) | *Lynn M. Walding, Administrator* |

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| *September 28, 2007* | | |
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**I. NATIONAL NEWS**

**1.** **Why Feds will Review State's Alcohol Laws**

**The Federal Trade Commission is reviewing Oklahoma's alcoholic beverage laws to determine whether state requirements amount to a form of price-fixing on liquor sales.**

*News OK  
September 25, 2007*

The trade commission notified the state Alcoholic Beverage Laws Enforcement Commission in a Sept. 10 letter that it would review Oklahoma's policies. The FTC requested copies of the state's alcohol regulations.

The commission has until Oct. 10 to provide the requested documents, said Marta Patton, the commission's deputy director.

Patton said Oklahoma is one of several states being studied by the FTC as the result of a federal court ruling in Washington state that found that state's alcohol laws were in violation of federal antitrust laws.

"I think because of that case they are trying to see how other states are doing things," Patton said.

**In Oklahoma**

Oklahoma's laws were designed to guarantee wholesalers give retailers equal treatment, which federal regulators may view as a form of price-fixing that could ultimately lead to higher prices for consumers, Patton said.

Although no legal challenge has been filed against Oklahoma's pricing laws, federal regulators could ask the state to change the way it regulates the industry, Patton said.

**Background**

In the Washington case, retail giant Costco brought suit against that state's liquor board, arguing its laws were anti-competitive because they prohibited large retailers from buying at lower prices.

Washington, like Oklahoma, required beer and liquor producers and distributors to publish their prices monthly, allowing companies to find out whether their competitors were getting a better deal. Under Oklahoma law, liquor distributors must extend the same price to every potential buyer, Patton said.

Oklahoma also doesn't allow credit sales to retailers, another of Washington's provisions that were struck down by the judge.

Washington's liquor board argued it was given the authority to regulate alcohol sales by the 21st Amendment, which did away with federal prohibition and gave states control of alcohol distribution within their borders.

**What it means to consumers**

Patton said she is unsure whether the average consumer will see any direct result of such a change if the FTC decides against the state.

"The reality is, I don't know if it would change the prices we have now," Patton said. "Oklahomans are used to a certain price, and they know what they are willing to pay."

Patton said an inquiry about 20 years ago by the U.S. Justice Department found that Oklahoma's liquor pricing practices didn't drive up prices, but benefited the consumer.

<http://newsok.com/news>

**grapes**

**2.** **FTC Looking at State Laws, But Why?**

Harry Beernet

*Beer Business Daily*

September 25, 2007

Look out, the feds are at it again. The Federal Trade Commission, the federal agency charged with consumer protection and antitrust enforcement, is on the march to ferret out those states which have alcohol codes it deems to be anticompetitive, particularly in light of the recent Costco case and Granholm Supreme Court decision.

The components of state alcohol code that are of unique interest to the FTC seem to be price posting regulations, bans on credit, and bans on volume discounts, all of which were deemed unconstitutional under the Sherman Act by Judge Pechman in the Washington Costco case.

Oklahoma and at least three other state alcohol beverage commissions have been asked by the FTC to provide copies of their alcohol code for review. It is unclear which of the other states have been notified, although several other states have price posting laws, including Maine, NY, Idaho, and Maryland, and several others have bans on credit and bans on volume discounting.

What is unclear to the administrators in Oklahoma is whether the FTC is going to attempt to interfere in Oklahoma alcohol law, or whether they are simply making an investigation to issue a new report, which can then be referred to in future court cases. Remember, the Costco case ain't over, and there will undoubtedly be other cases.

FTC's IMPORTANT PLACE IN THREE-TIER LAW. You'll no doubt recall that the FTC issued a now-infamous report in July of 2003 which basically concluded that state three-tier laws increase prices, restrict selection, and are generally anticompetitive. This report was sourced extensively throughout the Granholm opinion and remains an important legal bullet in direct shippers' arsenals. However, at the same time, The 2003 report is a bit dated, and it would not surprise us if the FTC was looking to update the report.

Keep in mind that the FTC has a powerful distinction from the Justice Department in that it not only enforces antitrust law, but it can and does make policy. In fact, the FTC employs over 1,000 lawyers, economists, and other wine drinkers which one commish calls their "specialized shop" to help guide that policy. You may have seen the recent "We Don't Serve Teens" initiative which the FTC created with industry members, which is an example of a policy initiative.

Recall that the FTC was reportedly looking at Georgia's state beer franchise law and whether it created anticompetitive aspects.

The FTC is also active in promoting a deregulation agenda in the three-tier alcohol space which puts many state ABC administrators and control state execs on edge. One license state ABC exec who was contacted by the FTC testily told BBD yesterday, "they're lawyers, so they don't tell you anything, they only want answers...They referred to our state alcohol system as a 'regime'." A control state regulator complained to BBD several months ago that he views the FTC's actions as a federal "land grab" of what is the domain of the states.

But the FTC doesn't need to directly enforce regulation to encroach on state regulations: it can issue reports that direct shippers are very adept at citing in briefs and oral arguments, and indeed even provide cover for final opinions.

WHAT THEY THINK. In recent speeches by FTC commissioners, the alcohol beverage industry comes up often. Commish Deborah Platt Majoras told a crowd in Aspen last year:

"Government policies, too, can restrict or distort competition in ways that harm the market and consumers, and, indeed, government-imposed restrictions are among the most durable and effective restraints on competition. Take, for example, Internet wine sales...FTC staff rebutted state claims that their laws advanced legitimate purposes, such as shielding minors from ordering wine online. Last year, the Supreme Court in Granholm v. Heald cited the FTC report."

Earlier, FTC commissioner Jon Leibowitz gave a speech in Belgium (these feds travel to fancy places, don't they?) where he said:

"I would like to spend some time today talking about the FTC's efforts to address state regulations that impede competition... Most wine in the United States is distributed through a complicated distribution network.. This is, according to some, the most expensive distribution system of any U.S. packaged goods industry by far... The FTC took a close look at this issue and concluded in its Wine Report that bans on direct shipping of wine prevented consumers from saving as much as 21 percent."

That 21% happens to also be the average gross margin a distributor makes.

So, ironically, and you know I like to find the irony in everything, the FTC is promoting a "We Don't Serve Teens" POS program for retailers, who are regulated by the states, to require young consumers to present a photo ID to purchase alcohol, but simultaneously encourage opening Internet sales directly to the consumer, where a FedEx or UPS deliveryman is very unlikely and untrained to ask for an ID. Ahhh, so now we know why the NBWA didn't get involved in the "We Don't Serve Teens" program.

So we've got the state Attorneys General writing letters to the TTB, we've got the TTB looking at caffeinated RTD advertising and labeling, we've got Utah thinking of reclassifying RTDs as hard liquor, the Costco and Texas retailer cases pending (along with about 15 other direct shipping cases), and now the FTC looking at state alcohol codes.

grapes

**3.** **Spirits Industry: August US Spirits Volumes Good**

**US spirits volumes +4.89% for August y/y**

*UBS*

September 24, 2007

NABCA volumes (for Control States covering 24% of the US market) grew by 4.89% in August despite lapping strong growth of 5.45% in August 2006. Year to date growth has been 3.75%, only slightly below the 3.92% volume growth reported for 2006CY.

**Diageo sees market share gains**

Diageo grew volume in August at 5.05% (4.32% growth ytd). It gained share in Scotch, Canadian whiskey, gin, cordials and cocktails. It slightly lost share in vodka (+7.1% vs category +7.4%) and lost share in rum (+1.5% vs category +4.2%) and tequila (+0.8% vs category +6.8%).

Pernod and Brown-Forman lose share, Campari and Remy gain

Pernod's performance in August was weak at 0.93% (+2.96% ytd). It gained share in Scotch and rum, but lost share in gin, cordials and significantly in vodka (-1.8% vs category +7.4%) and brandy/Cognac (-30.5% vs category +4.4%) where Pernod is deemphasising Cognac VS growth. Brown-Forman lost share with 1.0% growth in August (-0.44% ytd). Both Campari and Remy gained share in the month.

Buy ratings on Diageo, Pernod and Brown-Forman

**grapes**We have Buy ratings on Diageo (1230p pt), Pernod (?177 pt) and Brown-Forman (US$84 pt). We remain upbeat about the US spirits market with volume growth expected at 2-3% and price/mix growth of 2-3%, with recent comments from Diageo management highlighting the economic resilience of premiumisation.  
  
  
  
  
  
  
**4.** **SABMiller Reports 11% Volume Increase In 5 Months Ended Aug 31**

*Dow Jones Newswires*

September 24, 2007

SABMiller PLC (SBMRY) said Monday that volume for its beers rose more than 11% in the five months ended Aug. 31, driven largely by sales in Africa, Asia and Latin America, along with Central and Eastern Europe.

In North America, Miller Brewing's domestic sales to retailers - an important industry metric - were up 1.3% on an organic basis, adjusting for one less selling day in this year's five-month period compared to the same period in 2006. Miller Lite's sales to retailers rose 1.7% while Miller Chill, a new lime-and-salt-flavored "chelada-style" light product moved almost 300,000 barrels in the period and is "well on its way to exceeding its target of 400,000 barrels for the year," the company said.

Further, it said it expects to see margin improvement "significantly in excess" of 50 basis points for the full year.

"Whilst operating leverage is not particularly strong in the beer business, (SABMiller) has generated an average of 80 basis points of margin improvement" a year, said Graham Mackay, chief executive, during a conference call.

Meanwhile, volume for premium import Peroni Nastro Azzurro and craft beer Leinenkugel's - brands on which the company has staked a big part of its U.S. future - were up by double-digit percentages.

In addition to market share and volume growth in both Europe and Latin America, the company noted that its joint venture in China has become that country's leading brewer with its SNOW brand grabbing a full 10% of the market. In India, SABMiller now has a 35% market share.

The company, Mackay noted, is benefiting mightily from a "category shift to beer in developing markets."

That stands in stark contrast to the U.S. and Western Europe, where beer has been steadily losing share to wine and distilled spirits. Between 2007 and 2010, the company projects volume in Asia, for instance, to grow at an incremental rate of 5% a year while Western Europe is expected to be flat and North America up slightly.

With revenue of $18.6 billion in its last fiscal year, SABMiller is the world's second-largest brewer by both volume and market cap.

grapes

**5.** **Anheuser Busch Executive Says Company Ended NASCAR Role to Invest More on Digital Space**

*Portfolio*

September 26, 2007

The Hollywood Reporter has offered explanation as to why Anheuser-Busch decided to end its title sponsorship of Nascar's Busch series and its role as the official beer of Nascar.

Tony Ponturo, vice president of global media and sports/entertainment marketing for Busch, said the company made the move to "invest more in entertainment and the digital space."

A-B will increase its online media spending from 10 percent of its overall media budget -- estimated at about $500 million -- to 12%-15% of its budget next year, Ponturo told the Online Media, Marketing & Advertising Conference & Expo, which is part of Advertising Week.

While Ponturo said A-B wanted to end its official NASCAR sponsorships so it could use funds elsewhere, industry sources have said the company didn't want to pay the higher sponsorship fees NASCAR was seeking.

Very interesting indeed, a company not willing to pony up to pay a league or sport any price.

Ponturo declined comment on how much A-B spent annually on of its official Nascar sponsorships, but it is believed to be in the $15 million range.

Coors Light will become the official beer of Nascar next year in a five-year deal estimated at $20 million.

Ponturo also said Busch will continue online entertainment network Bud.TV, in which the company already has invested between $20 million and $30 million.

**grapes**

**6.** **Brown and Out**

Joseph Gerth   
*Courier Journal*September 24, 2007

Outgoing Brown-Forman executive Owsley Brown II has been rumored to be considering a run for the U.S. Senate against Minority Leader Mitch McConnell ever since political junkies gathered in Fancy Farm, Ky., last month.

Brown, a Republican until last December, when he switched to become a Democrat, steps down as his family company's chairman at the end of the month and might be looking for a productive way to spend his retirement years.

And folks figure that if he's any kind of a candidate at all, with his megamillions of dollars in personal wealth, he might give McConnell a run for his money if the war in Iraq is still hanging like an albatross on the senior senator's neck.

When my colleague Alex Davis broached the subject with him last week, Brown gave a well-rehearsed non-denial denial to the rumor. "There is no end to the fanciful things that enter into people's heads who go to Fancy Farm," he said.

When Davis asked what the heck that meant, Brown said the speculation was "bloggers just using their imagination." But he never said specifically that he isn't running for the U.S. Senate.

Even if he doesn't run, he's already sounding like a politician.

grapes

**7.** **Miller sales up 1.3 Percent**

*Business Journal of Milwaukee*

September 24, 2007

SABMiller plc said Monday that Miller Brewing Co.'s domestic sales to retailer increased 1.3 percent over the first five months of its fiscal year, driven by a 1.7 percent increase in sales of Miller Lite.

The parent of Milwaukee-based Miller Brewing said Miller's strategy to grow Miller Lite in the mainstream light category and to migrate its brand portfolio to higher margin segments has contributed to an increase of 4 percent in domestic net revenue per barrel.

The company, which provided the update at an investor presentation in New York City Monday, did not disclose dollar figures.

Miller's new chelada-style beer, Miller Chill, sold nearly 300,000 barrels in the five-month period, three-quarters of the target of 400,000 barrels Miller expected to sell for the year. Volumes of the group's international brand Peroni Nastro Azzurro, and craft beer Leinenkugel's increased by "strong" double digit percentages, London-based SABMiller said.

Separately, Miller Brewing announced that Miller Lite will be the exclusive malt beverage sponsor of next year's Harley-Davidson 105th Anniversary Celebration. Miller Lite will feature a national summer promotion highlighting the affiliation with Milwaukee-based Harley-Davidson Inc., which will celebrate its 105th anniversary with a national motorcycle ride beginning from 105 starting points and culminating in the celebration Aug. 28-31 on Milwaukee's lakefront.

grapes<http://www.bizjournals.com/milwaukee/stories/2007/09/24/daily7.html?f=et68&ana=e_du>   
  
  
  
  
  
  
**8.** **Coors Light to Become the Official Beer of NASCAR**

**Coors Light will announce Tuesday a $20 million deal over five years to become the official beer of NASCAR starting in January.**

Theresa Howard

*USA Today*

September 25, 2007

Coors replaces Anheuser-Busch as the official sponsor. The new deal includes renaming the pole award to the Coors Light Pole Award from the Bud Pole Award.

For Coors, the NASCAR deal also replaces its sponsorship of the No. 40 Dodge in the Nextel Cup Series.

"Our deal was up with those guys, and this opportunity came up," says Andy England, chief marketer for Coors. "It feels like we are elevating our game."

For consumer product marketers, a league deal opens up greater opportunity for strong retail display - especially in and around cities when races occur.

"We'll follow the tour," England says. "This gives us great exposure in the 50 miles around the track. It means no matter who wins on the track, we win every week in stores."

Budweiser has been the official beer of NASCAR since 1998. It also has sponsored Dale Earnhardt Jr.'s No. 8 since he entered the Cup series in 1999.

The beer will remain in the top series next year as the sponsor of Kasey Kahne's No. 9 Dodge.

NASCAR still is looking for a title sponsor for its second-tier series, which Busch has sponsored since 1984.

<http://www.usatoday.com/money/advertising/2007-09-24-coors-sponsorship_N.htm>

grapes

**9.** **Beer Ad Banned by ASA**

Emma Eversham*OLN*

September 20, 2007

The Advertising Standards Authority has banned Miller Brands from showing a new TV ad for Miller Genuine Draft because it thought it would appeal to under-18s.

The ad, which features a man performing a series of stunts on roller skates, was ordered to be taken off the air by the ASA yesterday because it said it associated alcohol with daring behavior and would "appeal strongly to under-18s."

Miller said it had consulted The Broadcast Advertising Clearance Centre before showing the ad and had taken out scenes which it thought would have youth appeal, but agreed not to show it again.

The ASA decided to review the ad after it received complaints from viewers that it linked alcohol to sexual success and suggested that alcohol could increase someone's popularity and confidence.

Under the Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks drinks companies are not allowed to make their products appeal to under-18s, associate them with bravado, dangerous behavior or with sexual success.

InBev UK was also rapped by adjudicators at the ASA yesterday for producing a "misleading" print ad for the Artois brand.

The ASA told InBev it could not longer use the term "A family dedicated to brewing for six centuries" in its future advertising because it suggested that a family of common ancestry had been involved in the brewing for 600 years, which is not the case.

InBev said the word "family" was meant to refer to the family of beers it sells under the Artois brand.

grapes

**10.** **Is Alcohol Costing the Economy 2 Billion a Year?**

*Duport*September 20, 2007

Almost 40% of employers think that alcohol is fuelling absenteeism and low productivity amongst their staff, according to a survey by the Chartered Institute for Professional Development (CIPD).

"Clearly drug and alcohol misuse is an issue which needs to be taken seriously. Yet only a third of employers train managers in how to manage these sorts of issues at work," stated Ben Willmott, employer relations adviser at the CIPD.

A third of employers included in the survey admitted to dismissing an employee in the last two years as a result of alcohol problems, but only half offered counselling for drug or alcohol dependents.

Of the employers who did offer counseling, 60% of staff who entered rehabilitation went back to work with that company.

Government research suggests that workers take up to 14 million days off as a result of drinking alcohol, costing Britain's economy up to £2 billion every year.  
  
<http://www.duport.co.uk/news-centre/2007/September/20070903-Is%20alcohol%20costing%20the%20economy%20%C2%A32%20billion%20a%20year.htm>

grapes

**11.** **Time to Comment on New Label Rules**   
  
*Wines and Vines*

September 20, 2007

Washington, D.C. -- Wine industry members will have 90 more days to comment on one of their least favorite regulatory issues at the federal level --mandatory labeling of serving sizes, calorie and carbohydrate content. The Alcohol and Tobacco Tax and Trade Bureau (TTB) is extending the deadline to Jan. 27, 2008, for public comments on Notice No. 73 about these additional labeling and related advertising rules.

The proposed rules re-affirm that alcohol content by volume must be stated on wine labels, and also add a requirement that a Serving Facts panel must be added to labels. A Serving Facts panel (long required on food and non-alcohol beverage packages) would have to include the single serving size as a reference to make the other information relevant, the number of servings per container, the number of calories per serving, and the number of grams per serving of carbohydrates, fat and protein. The regulations will go into effect three years after they are approved.

A recent survey showed that new labeling regulations are almost universally opposed by California wine executives. This portion of the revised labeling rules process has been split off from the consideration of allergen labeling, which is proceeding on a different track. When the combined rule changes were first proposed in 2005 (Notice No. 41), the TTB received more than 18,000 comments.

A Serving Facts panel, In addition to being posted on the package, will also be required on any advertising that makes or implies claims about a wine's calorie or carbohydrate content.

<http://www.avenuevine.com/archives/003246.html>

**grapes**  
  
  
  
  
  
**12.** **Beer Mergers? All Hops, Few Hopes**

**Don't expect a flurry of big deals in the global beer industry anytime soon, despite all the rumors floated this year.**

*WSJ*

September 25, 2007

So says Graham Mackay, chief executive of SABMiller, the world's second-largest brewer by volume and market capitalization. Further industry consolation will occur "slowly over time," Mackay said in an interview in New York on Monday.

It has been about two years since the last round of large deals, which enabled a few players to gain major toeholds in new markets. "It's quite clear that the big rush of industry consolidation is over," Mackay said.

Although a handful of possible combinations have been rumored over the past year, from a tie-up between Anheuser-Busch and InBev (See a previous Deal Journal post on that here) to a merger of SABMiller and Molson Coors Brewing (Click here to see another related post), big obstacles stand in the way of major cross-border transactions. One is that many of the world's biggest brewers are controlled by families reluctant to relinquish control -- especially at prices that would get suitors excited. Another is industry economics. "The synergies to be had on cross-border M&A are pretty weak," said Mackay, whose company sells such brands as Pilsner Urquell and Miller Lite and operates on six continents. "Beer is a very local industry.and where you get substantial synergies is generally in individual countries."

The beer industry underwent significant consolidation in 2004 and 2005. Belgium's Interbrew bought Brazil's Companhia de Bebidas das Americas, or AmBev, in 2004, creating InBev, which is the world's largest beer maker. In 2005, Colorado's Adolph Coors combined with Canada's Molson, and SABMiller of London snapped up Colombia's Grupo Empresarial Bavaria.

SABMiller has thrived under Mackay by establishing strong positions in the world's fastest-growing beer markets, including Eastern Europe, Asia and Africa. That strategy has underpinned its approach to acquisitions recently - it has made small, regional deals such as buying Poland's Browar Belgia for about $89 million this year- and will continue to do so. "We have big positions in most of [the high-growth] territories," Mackay said. "We'd like to get bigger. That doesn't mean we don'tlook at propositions in other.

grapes

**13.** **Energy Drinks and Alcohol Do Not Mix**

**New research shows popular energy drinks and alcohol just don't mix.**

*Ivanhoe Newswire*

September 26, 2007.

Energy drinks, which include ingredients like caffeine, taurine and carbohydrates, have become increasingly popular in recent years. Many students and young adults mix energy drinks with alcohol. Researchers from the University of Messina in Italy report the practice of mixing these energy drinks with alcohol occurs at an alarming rate among students in Italy.

Researchers interviewed 500 medical school students in Italy about their use of energy drinks alone or in combination with alcohol. Nearly 60 percent of the students reported consuming energy drinks and nearly half of them reported mixing those energy drinks with alcohol. Researchers found 35.8 percent of those students had consumed energy drinks mixed with alcohol three times in the previous month.

Authors of the study write, "This means that roughly 27 percent of the total sample of students interviewed mixed energy drinks and alcohol." They say they're surprised by the popularity of energy drinks among students and even more surprised by how often the students mix energy drinks with alcohol. Mixing energy drinks with alcoholic drinks can reduce the adverse symptoms of alcohol consumption, including alcohol's depressive effects.

Researchers write, "The principal reason of utilization seems to be linked to a common sensation of pleasure." They continue, "As consequence, users of energy drinks and alcoholic beverages might not feel the signs of alcohol intoxication, thus increasing the probability of accidents and/or favoring the possibility of development of alcohol dependence."

**II. INTERNATIONAL NEWS**

**14.** **Heineken Head Goes Flat, Leaves (Illinois)**

Brand Week

Mike Beirne

September 21, 2007

 CHICAGO -- Heineken N.V. has named Don Blaustein president and CEO of its Heineken USA arm in White Plains, N.Y., effective Oct. 5. The move follows the surprise resignation today of company president Andy Thomas.

Blaustein has been with the company since 2005 and currently is svp-sales.

Thomas said in a company statement: "It has gradually become apparent that the company and I do not share exactly the same perspectives on the business. We have therefore mutually and amicably concluded that this is the best way forward."

Thomas was one of the early proponents of the Heineken Premium Light launch and negotiated a 10-year marketing and distribution agreement with Mexican brewer FEMSA that brought brands like Tecate and Dos Equis into the Heineken USA roster.

"Andy's decision was clearly not easy, but we both agree it is the right one," said Massimo von Wisner, regional president of Heineken Americas. "Over 12 years with Heineken, Andy has made a valuable contribution in each of his roles. . He leaves Heineken USA performing strongly and with a great platform for future growth."

grapeshttp://www.brandweek.com/bw/news/recent\_display.jsp?vnu\_content\_id=1003645145

**15.** **United Kingdom: PM 'May Reverse Licensing Laws**

**Gordon Brown has said he could overturn the recent changes to licensing laws - specifically those allowing pubs to open 24 hours a day.**

*MA*

September 24, 2007

The prime minister told BBC Radio 4's Today programme: "I will not hesitate to change policies if I think that we have got to make these changes."

Brown told Today there was an "issue" about 24-hour licensing.

He added: "That's why we are reviewing it. Where there are things that are wrong and where mistakes have been made, we will look at these and we will change these things.

"That's why on casinos we are looking again, on cannabis we are looking again and that's why on 24-hour drinking we are looking again."

Asked about the impact of longer licensing hours on behavior, he said: "I think we have got to learn. In most cases, it has not had any devastating effect.

"It is the same with cannabis. It is the message you send out.

"Why I want to upgrade cannabis and make it more a drug that people worry about is because we don't want to send out a message - just like with alcohol - to teenagers that we accept these things.

"Binge-drinking is unacceptable; bullying is unacceptable, bad behavior in classrooms is unacceptable.

"If it needs a reversal of policy, we will do it. Just as with gambling, we will review all the evidence and if a change needs to be made, I will not hesitate to make a change in the interests of the country."

A Home Office inquiry into the subject is expected to report by the end of the year.

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**16.** **Campari CEO sees Opportunities Arising from Auction of Absolute Vodka**

*Forbes*September 23, 2007

MILAN (Thomson Financial) - Italian beverage group Davide Campari SpA is not interested in bidding for Absolut vodka, but the sale could represent interesting opportunities if the buyer has to sell other brands or if they need a local distributor, said Campari CEO Bob Kunze-Concewitz to Saturday's edition of Corriere della Sera.

The Swedish government is likely to decide on either a trade sale or a privatisation of Vin & Sprit, which owns Absolut, by the end of this year.

When asked if interested in the auction, Kunze-Concewitz said: 'No, this is a deal for big players. But it could represent a great opportunity also for us. It shuffles the cards and different scenarios could emerge,' he said.

He noted that the big players could be forced by the antitrust to sell a brand, or they may need to sell brands in order to raise money or they may require local distributors. 'That is how we could enter the scene,' he added.

Campari has 600 mln eur that the group could use to finance investments, the daily said.

<http://www.forbes.com/fdc/welcome_mjx.shtml>

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**17.** **SABMiller Expands in Africa and Asia**

David Blackwell

*Financial Times*

September 25, 2007

The drinkers of Africa, Asia, Latin America and central and eastern Europe downed enough lager to boost SABMiller'

The world's second-biggest brewer told investors in New York that its Africa and Asia operations were expanding rapidly.

Its joint venture in China has become the country's leading brewer, with Snow - the main lager brand - taking a 10 per cent share of the market.

The group recently opened operations in Vietnam,and was looking for further opportunities in thatregion.

South Africa's favourable economic landscape was underpinning sales of both lager and soft drinks.

Following the success of Peroni Nastro Azzuro and the launch of Hansa Marzen Gold, the group would consider further product launches in the country.

In May, SABMiller reported a 22 per cent rise in total revenues to $18.6bn (£9.3bn) for the year to March, as strong sales in Latin America and Europe offset declines in North America.

Yesterday, the group said that domestic sales to retailers of its main Miller brand increased by 1.3 per cent and of Miller Lite by 1.7 percent.

In addition Miller Chill, its new "chelada-style" light beer, with a "hint of lime and salt", had sold almost 300,000 barrels and was well on the way to exceeding its target of 400,000 barrels for the year.

Shares in the group - which will give a first-half trading update on October 15 - closed down 6p at £14.16p yesterday.

**III. IOWA NEWS  
  
18.** **Court Avenue Passes Noise Check**

NIGEL DUARA

*Des Moines Register*

September 24, 2007

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| bilde?Site=D2&Date=20070924&Category=NEWS01&ArtNo=709240322&Ref=AR&maxw=264 |
| Police Officers Sgt. Stew Barnes, left, and Michael Dixon take a noise reading outside Tequila Tom's in Des Moines' Court Avenue district Saturday night. They were armed with a microphone attached to a decibel-measuring machine. The bar, and other areas in the district, registered within the legal noise limit during checks on Thursday, Friday and Saturday nights. |

Harleys growl, concerts thump, barflies holler, sports fans cheer. Oh, and then there's that train whistle.

Downtown Des Moines' bar and music district can be a noisy place. But based on findings from the Des Moines Police Department, it's not loud enough to be illegal.

Taxpayers spent about $550 in officers' salaries over the weekend to determine if businesses in the Court Avenue area are breaking the city's noise ordinance. The action came at the request of "neighborhood associations and concerned individuals," according to a release from the police department.

Armed with a noise meter, pairs of police officers went out for an hour and a half on Thursday, Friday and Saturday nights. They checked bars from sidewalks and even tested a few motorcycles. None broke the law, which says a sound source is illegal if it exceeds 100 decibels from 50 feet away.

Des Moines Councilwoman Christine Hensley, whose ward includes downtown, said she regularly fields complaints about weekend bar noise from downtown dwellers, especially residents of the Plaza Condominiums at 300 Walnut St., which is less than a block from the bar Tequila Tom's at Third Street and Court Avenue.

"What's happened is, you have more people living in the area, so you have to find a balance to that (noise)," Hensley said. "If (businesses are) within limits, there's not a whole lot we can do."

Plaza resident Phyllis Fellman said she's happy to see entertainment in the area, but she wishes that bar owners - in particular Tequila Tom's owner Larry Smithson - would keep down the ruckus.

"They're so flagrant with exceeding the decibel level," Fellman said. "Whenever that Smithson person has the disc jockey in the area, it's his screaming and yelling that's the problem."

The Des Moines Police Department has not planned any other noise patrols, but officers will continue to monitor sound in the area, according to the release.

Smithson said he has talked to several Plaza residents and hasn't heard any complaints. That could change today when Plaza resident Susan Brown is expected to speak at the Des Moines City Council meeting about noise near her condo.

"I'm willing to work with anybody," said Smithson. "But to be a good neighbor, everybody has to bend a little bit."

A petition signed by 25 percent of residents within 200 feet of an allegedly noisy location can lead to a hearing to prove that the location has an "adverse impact" on the area.

According to the city code, "the term 'adverse impact' shall mean such a state of facts as would lead a person of ordinary care and prudence to conclude that the economic, entertainment and philanthropic benefits to the community do not reasonably outweigh the quiet use and enjoyment of the affected property."

Hensley said that option "seems a little extreme," and said residents who move into the area and then complain about noise "don't have a lot to stand on."

On the books in Des Moines are special exceptions for the downtown area, designating property on or within 200 feet of Court Avenue or Fourth Street exempt from the city's 9 a.m.-to-11 p.m. noise limit. On Fridays and Saturdays, those businesses can play music until 12:30 a.m.

The law encourages nightlife in the area after the 1993 flood nearly wiped the district off the map, Hensley said.

In the last five years, the area has sprung back. With that resurgence came residential development - mostly apartments, lofts and condos - with about 6,500 people living downtown, according to a June report from the Downtown Neighborhood Association, and more projects in the works.

"What we'll have to do is continue the dialogue with Court Avenue business owners," Hensley said. "This (issue) goes away when cold weather comes."

grapes<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007709240322>   
  
  
  
  
  
  
**19.** **Teen Drinking Sobers Officials**

Clara Hogan

*Daily Iowan*

September 25, 2007

The binge-drinking rate among Iowa 12-17 year-olds is approximately 30 percent higher than the national rate, according to a report released this week by the Iowa Department of Public Health.

Binge drinking is defined as five or more alcoholic drinks once or twice a week.

This statistic was presented in the "State of Iowa Epidemiological Profile" - a compilation of the most recent substance-abuse statistics in Iowa.

"We've always known the problems, but when you see all the numbers in such a black and white way it seems more real," said DeAnn Decker, the chief of Public Health's Bureau of Substance Abuse Prevention and Treatment. "It has been helpful to prioritize and see where we need to focus our attention."

Decker chaired the group that gathered the information - the Iowa Epidemiological Outcome Workgroup - which was formed after the Public Health received a two-year, $200,000 grant from the U.S. Department of Health and Human Services.

This was the first time the department has done this kind of report.

"It really forces you to take a closer look at the most prevalent issues," Decker said.

Other alcohol statistics by the National Survey on Drug Use and Health, found that 54 percent of Iowans 12 years of age or older had used alcohol during the past month. Of these Iowans, officials estimated that more than one-half consumed five or more drinks on at least one occasion during the past month.

Shannon Wagner, a Iowa City MECCA prevention supervisor, was not surprised by the high rates, saying Iowa has constantly ranked in the top tier of the binge drinking list.

"Alcohol is in the culture of rural communities as well as college towns," she said. "And if you live in Iowa, you are most likely in one of these two categories."

Wagner also expressed concern about another fact in the recent report: Only around 33 percent of Iowans 12 or older thought binge drinking was a great risk, compared with 41 percent nationally.

"It just shows what is the norm in our culture compared with other states," she said.

Decker noted that the report has been helpful for many organizations that focus on substance abuse.

"I've had a lot of people come up to me and are very excited," she said. "It has made the numbers available right in front of them and is helping a lot of groups apply for grants to get the help they deserve."

<http://media.www.dailyiowan.com/media/storage/paper599/news/2007/09/25/Metro/Teen-Drinking.Sobers.Officials-2989325.shtml>

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**20.** **Faculty to Weigh Bar-Entrance Vote   
University of Iowa Faculty Senate will consider next month whether it should support a referendum that would raise Iowa City's bar admittance age to 21.**

Erin Jordan

*Register Iowa City Bureau*September 26, 2007

The U of I Faculty Council, a smaller group that leads the Senate, voted nearly unanimously Tuesday to take the controversial issue to the Senate at its next meeting, set for Oct. 23.

"It's our role and responsibility to address this issue," said Michael O'Hara, a psychology professor and vice president of the Senate.

Rick Dobyns, a family medicine doctor at U of I Hospitals, asked for the group's support for the Nov. 6 referendum, which would change Iowa City's ordinance allowing 19- and 20-year-olds into bars and nightclubs.

Nearly 70 percent of U of I students reported binge drinking, compared with 46 percent of students at colleges across the country, Dobyns said. Underage U of I students spend more than $2 million a year on alcohol, according to data taken from Harvard University's College Alcohol Study, Dobyns said.

"If we could make a difference between where we are and average, we could save thousands of students from having their lives organized around alcohol," he said.

Several council members said they support an age-21 ordinance.

Others said they had concerns about pushing drinking into house parties and the effect the change would have on the business community.

The council approved a resolution supporting a campuswide ban on smoking.

The resolution will be included with information that a smoking study group will pass along to U of I President Sally Mason by December.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070926/NEWS02/709260380/1001/NEWS>

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**21.** **D.M. Restaurant Enters National Beer Contest**

Karen Mracek

*Des Moines Register*

September 26, 2007

Court Avenue Restaurant & Brewing Co. will compete in the Great American Beer Festival on Oct. 11-13.

Head brew master Mike Gauthier and five staff memebers will go to Denver, Colo., to compete with staffers from breweries from around the nation.

Attendance at the festival is expected to exceed 41,000 people, with 1,789 beers on tap from 402 breweries.

Court Avenue Brewing Co. will be taking four crafted ales to the event.

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**22.** **Proposal Concerns Downtown Leaders  
Businesses worry limit would hurt profits, vibrant downtown life**

Rachel Gallegos

*Iowa City Press-Citizen*  
September 22, 2007

http://cmsimg.hawkcentral.com/apps/pbcsi.dll/bilde?Site=D5&Date=20070922&Category=NEWS01&ArtNo=709220310&Ref=AR&Profile=1079&maxw=280&border=1 Mickey's bartender Justin Ropp refills a pitcher for University of Iowa first year medical student Sean DeGrand, who was celebrating taking his first major test, Friday at Mickey's Irish Pub.

Downtown property owner Marc Moen, bar owners and business leaders say they are concerned what downtown might become if a proposed ordinance that would keep people younger than 21 out of the bars past 10 p.m. is approved.

They feel the odds are good that some downtown bars would close. They worry about the survivors launching more -- and more drastic -- drink specials as they compete for customers. And they fear the loss of downtown's popular, vibrant scene.

The issue will be decided on the Nov. 6 ballot, but there is no question that alcohol is big business in Johnson County, especially in downtown Iowa City.

The revenue the city receives from underage alcohol-related fines -- estimated at more than $200,000 annually -- goes straight into the city's general fund.

That money mostly is derived from citations for PAULA'S-- possession of alcohol under the legal age -- that are frequently written on Friday and Saturday nights in downtown Iowa City. According to city code, a person under the legal age who is found buying or trying to buy an alcoholic beverage could:

• be fined $200 for the first offense.

• be fined $500 for the second offense, plus the choice of either completing a substance abuse evaluation or driving suspension for up to a year.

• be fined $500 for third or subsequent offenses, plus driving suspension for up to one year. The court also can order the person to complete community service.

The city said it does not keep data for how much money it receives from PAULA fines. Since 2002, Iowa City police have written fewer PAULA citations each year than the year before.

In 2006, there were 1,286 PAULA citations. Of those, 220 were written at non-business locations, likely house or apartment parties. Four years earlier, Iowa City police wrote 2,273 PAULA citations, or 76.7 percent more. Out of those citations, 320 were from non-business locations.

So far in 2007, police have cited 502 underage people for possession of alcohol, with 77 of those outside of Iowa City's alcohol-serving businesses. In August alone, there were 77 PAULA citations written.

Although the city doesn't track how much revenue flows in from PAULA”S simple arithmetic shows that if the first offense fine of $200 was paid for each of the 1,286 PAULA citations in 2006 -- not considering that some of those citations could be for subsequent offenses -- the fines would total at least $257,200. Comparatively speaking, the city received $533,701 in parking fines and $203,926 in library fines and fees in 2006, according to the Iowa City fiscal year 2008 budget.

Iowa City Police Chief Sam Hargadine, a proponent of the proposed ordinance, said he would not expect a decrease in the number of PAULA citations even if the ordinance passes.

"I suspect it would be stable because potentially the PAULA'S would just revert to neighborhood parties," he said. "There's no way of knowing. How do you predict that?"

The shift would be, however, directing officers to different locations rather than focused downtown.

"We feel no (financial) implications whether there is one PAULA fine or 1,000," he said. "We're budget driven from the city.

"We'll adjust (patrols) accordingly to what's going on in the downtown area," he said. "We won't have to have an army down there like we do now."

The flow of alcoholic beverages to Johnson County has continued to increase over the years. According to Iowa Alcoholic Beverages Division data for Johnson County, the sales for distilled spirits have increased 32.9 percent from fiscal year 2003 to fiscal year 2006.

More than $9.96 million in distilled spirits were sold to Johnson County liquor retailers -- liquor and grocery stores that sell to bars, restaurants and straight to customers -- in fiscal year 2006, an 8.8 percent increase from fiscal year 2005, according to Iowa ABD data. That was more than 215,000 gallons of distilled spirits, a 7.2 percent increase from the previous year.

The state has control over the wholesale of all distilled spirits in Iowa. Beer and wine wholesale is done privately.

Statewide, for the fiscal year ending June 30, 2006, liquor sales totaled more than 82 million gallons -- more than 75.1 million gallons in beer sales, nearly 3.2 million gallons in wine sales and more than 3.7 million gallons in total spirits sales, according to the state agency.

**Unintended change?**

If 19- and 20-year-olds stop going downtown to hang out with friends, bars wouldn't be the only ones seeing a difference, downtown business owners said.

"It's a balance of a lot of things, and if you start screwing up that mix, you don't know what the consequences are going to be," Moen said. "I'm very concerned about changing the environment downtown."

But Jim Clayton, a proponent of the proposed ordinance, said stopping underage drinking should be the prime concern.

"We have too much alcohol available downtown, and it's too easy when people have access to it underage," said Clayton, who also is Iowa Alcoholic Beverages Commission vice chairman and executive committee chairman of the Stepping Up Coalition. "The research show that once they are in there, they are able to get alcohol."

Moen said he also is against the national and local drinking problem, but at the same time doesn't want to see a change from the vibrant downtown life that brings people to the area day and night.

In the buildings he owns, only one tenant, Et Cetera, which he inherited with the building, is a true bar. The other liquor license-holders, such as Devotay and Formosa, are what he calls "nice restaurants." And while others have pitched bringing bars to Moen-owned buildings, he said the Moen Group has not decided to do so because it doesn't fit in the plans he has for his buildings -- commercial space below with upscale housing above.

Brian Flynn owns Joe's Place and Donnelly's Pub downtown -- both 21-and-over locations. Flynn said he thinks that if the ordinance is approved, bar owners might need to make business adjustments, such as more drink specials or advertising to stay afloat.

"People are going to be fighting to stay open. People are going to be lowering prices," he said, giving the example of a bar charging $10 to get in but then serving drinks for a nickel all night.

Moen agreed, saying he also would expect increased competition between bars. He said some bars already have "ridiculous specials ... (but) that's going to look like child's play compared to what's going to go on."

Another concern is the already high cost of renting space downtown, Flynn said. Somewhere along the way, downtown business owners would need a break, but changing downtown rents or tax rates could have citywide financial effects, he said.

"It's going to have a lot of impact on everything, not just bars," he said, including the other businesses that serve the late-night crowd, taxis and bar employees.

Bars also have to consider their other competition -- the increasing number of restaurants and bars coming to North Liberty, Coralville and areas of Iowa City other than downtown.

"As things are getting more and more outside of downtown, it's hard enough to get people down here," Flynn said.

Jim Mondanaro owns the Saloon, Mickey's Irish Pub, Givanni's and Joseph's Steakhouse. Seventy percent of sales for the four locations come from food, so Mondanaro said he does not expect his restaurants to be in the mix of increased competition if the ordinance is approved.

"I think it's going to be more competitive for your big bars," such as The Union Bar and Brothers Bar & Grill, places that see hundreds of patrons at night and charge cover to those under the legal drinking age, Mondanaro said.

Brothers employees did not wish to comment Friday and a phone message left at The Union Bar was not returned.

Craig Gustaveson, president of the Downtown Association of Iowa City and manager of Austin Burke, said he expects a change in the business makeup of downtown if the ordinance is approved.

"I think you're going to see a lot less bars downtown," Gustaveson said. "That could be good or bad."

The good could be for retail, because as bar spaces open up, more shops could move in. Currently, there are only a small number of destination stores in the area, which makes it difficult to lure people downtown to shop, he said.

Clayton said he sees why bar and downtown property owners are against the ordinance -- the high rents help property owners and bar owners benefit from the number of people who come downtown to drink, revealing that the underage group is important to the economic base of downtown nightlife.

"They make money on that drink whether you drink it yourself, you give it to a friend or you stumble and spill it," Clayton said.

He also emphasized the example the downtown nightlife is setting for the children who grow up here.

"Are those really the businesses we want our children in Iowa City looking forward to growing up and getting into?" he asked.

Iowa City has a 69 percent binge drinking rate, compared with the 42 percent binge drinking rate in Ames -- where there is a 21-and-over ordinance.

"We are a big accident waiting to happen," Clayton said.

**Drinking deterred?**

Moen, however, likens the proposed ordinance to another era.

"Prohibition or anything similar to Prohibition doesn't work -- never has, never will," he said. "You don't change people's habits by forcibly trying to take something away from them."

Instead, Moen said he would like to see the money and attention directed toward an education program to encourage young people not to binge drink once there of age to do so.

"There's nothing cool about getting plastered," Moen said. "The (ordinance) is not going to magically change people's drinking habits."

Moen and Flynn said they both think that if the ordinance is approved, the chances of underage people trying to sneak into bars or find other places to drink would increase.

"You're not removing a problem from downtown, you're just creating problems somewhere else," Flynn said. "Not all these kids go into bars and drink."

On the other hand, he does recognize that there are people who go downtown and drink too much, even at Joe's Place, where only patrons 21 and over are allowed in.

"Nineteen- and 20-year-olds, if they want to drink, they're going to find a way to do it," Mondanaro said. "You should just let it be, and let it take care of itself.

grapes"Young people want to meet people, they want to be in the group," Mondanaro said. "I'd rather have them downtown than having them driving around and in the country."  
  
<http://www.hawkcentral.com/apps/pbcs.dll/article?AID=/20070922/NEWS01/709220310/1079/HAWKS>   
  
  
  
  
  
  
**23.** **Bootlegging Charges Filed  
Two Cedar Falls men were arrested Friday night and charged with bootlegging.**

WCF Courier  
September 23, 2007

Ian McNally, 21, and Benjamin Mulder, 21, are accused of selling alcohol without a license at a party in the 1900 block of College Street. No address was given for either man.

The Cedar Falls Police Department's Alcohol Enforcement Team seized almost $200 in illegal proceeds.

This is the fourth party the team has investigated for bootlegging since the start of the 2007-08 school year. Fourteen people have been charged with alcohol offenses stemming from those investigations, and about $1,500 in cash has been confiscated by authorities.

Bootlegging is a serious misdemeanor for people 21 years or older.

<http://www.wcfcourier.com/articles/2007/09/23/news/metro/df9b6a499f4cbc5c8625735e006db12d.txt>

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**24.** **Booze Lures Iowa Teens**Cindy Hadish  
*The Gazette Online*September 21. 2007

More than half of Iowans over age 12 use alcohol, and binge drinking among youths far exceeds rates in other states, according to a new report that reveals substance abuse improvements and challenges faced by Iowans.

The report also shows that youth marijuana use has declined statewide.

Information in the "State of Iowa Epidemiological Profile,'' issued this week by the Iowa Department of Public Health, can help the department and others prioritize prevention efforts, said Kathy Stone, director of the department's Division of Behavioral Health.

Binge drinking rates among 12- to 17-year-old Iowans is about 30 percent higher than national rates, the report stated.

The report showed marijuana is the illicit drug most frequently used in Iowa, followed by methamphetamine.

The report also shows that marijuana use by sixth, eighth and 11th graders has decreased significantly between 1999 and 2005.

Those marijuana rates have dropped from about 17 percent of 11th graders in 1999 to 13 percent in 2005. Eighth grader use dropped from 6 percent to 3 percent. Sixth grader use dropped from1 percent to about nothing.

Kara Johnson, prevention specialist at the Area Substance Abuse Council in Cedar Rapids, said ASAC and others have been trying to address alcohol abuse.

She pointed to efforts in Jones County that have reduced underage drinking from among the highest in the state to about 28 percent.

The longer a young person holds off from drinking, she said, the more likely that person will be a non-user or moderate user later in life.

Underage drinking is a statewide concern.

The report could be especially timely in Iowa City, where voters will decide Nov. 6 whether to ban people younger than 21 from being in alcohol-serving establishments after 10 p.m.

Binge drinking -- five or more drinks once or twice a week -- is viewed as less risky by Iowans than others in the United States.

Johnson said changing those social mind-sets is challenging.

"A lot of it does start at home,'' she said.

The report was funded by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Administration's Center for Substance Abuse Prevention.   
  
<http://www.gazetteonline.com/apps/pbcs.dll/article?AID=/20070921/NEWS/70921047/1006/NEWS>

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**25.** **Tobacco-Free School Campus Policy Likely**

**The Harlan Community Schools is moving ahead with a plan to make its entire campus smoke-free by the beginning of the second semester.**

*Harlan Tribune*

September 21, 2007

An initial draft of a policy amendment regarding smoking and tobacco products was presented this month to the school's board of education for review, and although there are some changes that need to be made, the consensus of the board was to proceed.

The first reading of a more finalized policy will be presented to the board at its October meeting.

The smoke-free campus initiative came before the board last spring. Members of a student group called JEL, or Just Eliminate Lies, approached the school board with the idea of a smoke-free campus as a positive model to students.

Although the buildings already are designated as smoke free, there are currently smoking areas outside at each school and at school functions.

The school board hopes to follow in the footsteps of Myrtue Medical Center, which has successfully been smoke-free since July 4, 2006.

Board members have reviewed an example tobacco policy which would make the HCS District and all school property tobacco-free 24 hours per day, 365 days per year.

This would include all days when school is not in session, all functions taking place on school grounds, including football games, on district property and in district vehicles. The use of tobacco products by all visitors to the school district property would be prohibited as well as advertising of tobacco products in school buildings, on school property, at school functions and in all school publications. Clothing worn by those at school functions would be included.

Although board members do not believe tobacco use is prevalent in our community, they believe the smoke free campus would help those affected to be in better health. They will be looking into the assistance of stop smoking programs for those needed.

Board members have sought public input on the proposal since last spring and have received positive feedback for such a move.

Superintendent of Schools Bill Decker said currently there are about 80-90 school districts in the state with a tobacco-free policy for its school campuses. He said by January he expects "it will be close to half" of all the school districts in Iowa.

<http://www.zwire.com/site/news.cfm?newsid=18840619&BRD=901&PAG=461&dept_id=130069&rfi=6>

**IV. OTHER STATE NEWS  
  
26.** **Sheffield City voters will decide Tuesday on Sunday sales (Alabama)**

**A “Vote yes” sign hangs at DP's in Sheffield for Sunday alcohol sales.**

Russ Corey  
*Times Daily*

September 23, 2007

"Should on-premises consumption of alcoholic beverages by the general public be permitted in the corporate limits of the city of Sheffield after noon on Sundays in hotels and restaurants properly licensed by both the ABC Board and the city of Sheffield?

Sheffield's hospitality industry sees Sunday alcohol sales as an economic issue, something that could enhance the city's prosperity.

Others, like Brad Mitchell, pastor at First Baptist Church in Sheffield, oppose Sunday sales on moral grounds.

On Tuesday, Sheffield voters will decide if they want to legalize the sale of alcohol on Sundays.

The referendum asks residents if the on-premises consumption of alcohol should be permitted inside the city limits after noon on Sundays at properly licensed motels and restaurants.

The referendum does not include the sale of alcoholic beverages for off-premises consumption.

Jim McDevitt, general manager of the 150-room Webster Hotel and Suites, said Sunday alcohol sales would be good for business.

McDevitt said his hotel is hurt by the fact that Sunday sales are legal just across the Tennessee River in Florence.

Florence also recently began allowing the sale of draft beer, which is not sold in any Colbert County municipality.

McDevitt said he constantly has out-of-town guests ask why there are no Sunday liquor sales or draft beer sold in Sheffield.

Sheffield residents supported a measure to legalize Sunday sales in a failed 2005 referendum in Colbert County.

The Sheffield City Council voted 5-1 in January to hold a referendum for Sunday sales.

A bill to allow draft beer in Sheffield was never brought up during the last state legislative session.

McDevitt said he hopes the Sheffield results will be the same this time around as they were in 2005.

"I know the local restaurants and two convention hotels are definitely hoping it gets passed," McDevitt said. "After that hopefully passes, we'll get draft beer on this side of the river. The lack of Sunday sales issue hit hard on New Year's Eve when it fell on a Sunday in 2006."

McDevitt said the hotel lost about $10,000 in revenue because of a lack of Sunday sales.

Linda Whitaker Campbell, general manager of the 205-room Holiday Inn, said the hotel recently sent a group of Irish tourists to a restaurant in Florence on a Sunday when she determined there was no legal way to serve them alcohol with their dinner.

"This area is really missing out on potential sales for all those type events," she said. "This side of the river, the Colbert County side, is losing revenue and it's going to (Florence)."

First Baptist's Mitchell said he does not know of an organized effort in opposition to legal Sunday sales, but ministers of various churches have discussed how they will approach the upcoming referendum.

"We have decided that what we are going to do is speak to the people in our churches," Mitchell said. "It is a moral issue, especially for a Sunday. I think six days is enough."

Mitchell said he opposes alcohol sales in general. He said he disagrees with the claim that Sunday sales will help place Sheffield's motels on a level playing field with Florence.

"You can't compete with the Marriott," he said.

He also noted that the Outback Steakhouse in Sheffield was "as busy as can be on Sunday" without liquor sales.

Mitchell contends that another day of alcohol sales would create a need for additional law enforcement.

"The logic doesn't stack up for me," he said. "We don't need more alcohol in our community. I'll certainly vote against it, and I will ask my people to do the same."

Linda Owens, secretary of Cox Boulevard Church of Christ, said the church marquee has a message urging Sheffield residents to vote against Sunday sales.

She pointed out, however, that the church has many members who are not Sheffield residents.

"Vote no" messages also have appeared on signs at churches in Muscle Shoals.

Sheffield Mayor Billy Don Anderson said he has worked hard to see that the legislation allowing the referendum was passed.

"I would hope that the people understand that this is an economic issue for Sheffield," Anderson said.

"It is vital to the hotels we have and our restaurants. It will be vital as we continue to recruit businesses and restaurants to our city."

Jack Watkins, owner of the Old Town Tavern, said being open another day would be beneficial to his business.

"It would help level the playing field with our competition (in Florence)," Watkins said.

He said he hopes the Legislature will eventually approve a bill that would allow draft beer sales in Sheffield.

"Draft beer in Florence has completely killed my business," Watkins said.

<http://www.timesdaily.com/article/20070923/NEWS/709230373/-1/COMMUNITIES>

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**27.** **Cities to Battle Underage Drinking (Kansas)**

*WIBW*

September 24, 2007

Underage drinking in Kansas could drop, if an $8.9 million dollar grant can slow down the problem. SRS announced the grant funding on Monday. The money's coming in from a substance abuse and mental health organization. Governor Sebelius says it's an issue that deserves lots of attention. SRS Secretary Don Jordan says his agency is "excited" about the opportunity to work with Kansas communities and put the grant money to work.

City leaders in Kansas can download an application to be granted a share of the funding, by logging on to the SRS agency website.

grapes

**28.** **Alcohol Control Chief Faces DUI Charge (Kentucky)**

**Kentucky's Alcoholic Beverage Control Director Faces DUI Charge After Being Pulled Over**

Associated Press  
September 24, 2007

The executive director of the state's Alcoholic Beverage Control faces a drunken driving charge after he was arrested during a traffic stop.

Chris Lilly was pulled over Saturday on U.S. 27 outside Nicholasville because his Ford Explorer was missing a headlight, and because he was weaving and driving slowly, police said.

Police said Lilly smelled of alcohol, lost his balance during a sobriety test and recorded a Breathalyzer reading of 0.181. The legal limit is 0.08.

Lilly posted $1,000 bail early Sunday, and was scheduled to appear in court on Oct. 18, Jessamine County Jailer Cecil Moss said.

"He has apologized to the agency, and has indicated he intends to resign effective yesterday," said Mark York, spokesman for the Kentucky Environmental and Public Protection Cabinet, which includes Alcoholic Beverage Control.

Messages left by The Associated Press at Lilly's home and office Monday were not immediately returned.

Gov. Ernie Fletcher appointed Lilly to the executive director position last year. Before that, Lilly was the commissioner of the state's Department of Public Protection and executive director for the Office Of Charitable Gaming.

grapes  
<http://www.cbsnews.com/stories/2007/09/24/ap/national/main3291360.shtml>  
  
  
  
  
  
  
**29.** **ABC Chief Quits After Arrest (Kentucky)**   
**Beverage Control's Lilly Accused of DUI**

Stephenie Steitzer  
*Courier-Journal*

September 25, 2007

The executive director of the state Alcoholic Beverage Control has resigned after a weekend arrest on a charge of driving under the influence.

Christopher Lilly, 51, of Nicholasville, submitted a one-sentence letter of resignation, effective last Sunday, from his $108,465-per-year position, said Mark York, spokesman for the Environmental and Public Protection Cabinet.

York said Lilly apoligized to Cabinet Secretary Teresa Hill on Sunday night.

Lilly was pulled over Saturday night on U.S. 27 in Jessamine County because his Ford Explorer was missing a headlight and he was weaving and driving slowly, a Nicholasville police citation said.

Lilly smelled of alcohol, lost his balance during a sobriety test and recorded a Breathalyzer reading of 0.181, the citation said. The legal limit in Kentucky is a reading of .08.

Lilly posted a $1,000 surety bond early Sunday at the Jessamine County jail and is scheduled to appear in district court Oct. 18.

York said the cabinet does not have a replacement for Lilly yet.

Lilly's driving record shows an unidentified citation in 2003.

The description of the May 2003 citation says "internal office use only." Transportation Cabinet spokesman Doug Hogan said he did not know what that meant.

Lilly was appointed to the executive director position in December 2006.

Before that, he was commissioner of the Department of Public Protection, executive director of the Office of Charitable Gaming and general counsel for the minority and majority leadership in the Kentucky Senate, according to his personnel file.

Lilly, who has worked in state government since 1983, is a graduate of Eastern Kentucky University and University of Kentucky's College of Law. He has been a member of the Kentucky Bar Association since 1982.

He could not be reached for comment.

<http://www.courier-journal.com/apps/pbcs.dll/article?AID=/20070925/NEWS01/709250394>

grapes

**30.** **6-8 Years for Drunken Driver (Massachusetts)**

**Marshfield Man has 12 OUI Convictions; Tried to Change Plea**  
*Patriot Ledger*  
September 20, 2007

 Robert Scheller of Marshfield is led by court officers into Brockton Superior Court Wed. morning before pleading guilty to two drunk driving offenses.

A repeat drunken driver with at least 12 convictions was sentenced to six to eight years in prison after he pleaded guilty to charges of driving under the influence in Pembroke and Marshfield.

But as he heard the judge’s sentence Wednesday, Robert Scheller’s attorney, David G. Nagle, asked that his client be allowed to withdraw that plea.

Superior Court Judge Elizabeth Donovan rejected Nagle’s motion.

Following his release, Scheller will be on probation for five years and will have to attend Alcoholics Anonymous meetings, submit to random alcohol testing and perform community service.

Nagle had asked the judge for two concurrent four-year sentences along with probation.

Assistant District Attorney Karen O’Sullivan recommended that Scheller serve two consecutive five-year terms and be on probation for five years.

Scheller, 57, of Marshfield, has been in jail since last September, when Marshfield police charged him drunken driving and his driver’s license was revoked for life.

A week earlier, he was involved in a car crash in a Stop & Shop parking lot in Pembroke. A Pembroke police officer chose not to charge him and instead turned him over to Marshfield police to be taken home.

A grand jury later indicted him on a drunken-driving charge in that case after hearing testimony from at least two eyewitnesses and the Pembroke officer, Gregory Burns.

According to an internal police investigation, Burns said he did not have enough evidence to prove that Scheller had been driving and said the only witness he spoke with left before he could get his name.

The witness, Philip J. Tortorella Jr., a retired special agent with the federal Bureau of Alcohol, Tobacco and Firearms, later told the police department that he told Burns he had watched Scheller crash into a pole.

Scheller said Wednesday that the facts were ‘‘mostly true.’’

‘‘Hitting the post and stuff - I never hit the post. There was no damage to my vehicle. All I did was hit a curb,’’ he said.

Scheller had pleaded innocent earlier to the Pembroke and Marshfield charges. On Wednesday, he changed his pleas.

‘‘I’m pleading guilty,’’ Scheller told Judge Donovan. ‘‘This is all my free-will decision. ... I was under the influence. ...I drank that day.’’

Scheller’s previous drunken-driving record is somewhat cloudy. In addition to a string of convictions in Massachusetts over 25 years, O’Sullivan, the assistant district attorney, said he had as many as six out of state convictions, although all of them could not be immediately confirmed.

His rap sheet does include convictions in five states. In 1983, Scheller, while drunk, crashed head-on into a car on Route 3A in Marshfield, sending a 22-year-old woman to the hospital with brain trauma.

‘‘The defendant clearly has an issue with alcohol,’’ O’Sullivan said. ‘‘The defendant has been given every opportunity to get his life back on track.’’

Scheller said he spent two years at UMass-Boston, where he studied psychology. Nagle said Scheller aspired to be a professional hockey player before becoming a cabinet maker.

Scheller said he has worked as a carpenter, installing custom kitchens, since 1967. He said he recently moved from Norwell to Marshfield.

His attorney said he was sober for a long time before last September’s incidents. He attended AA meetings and his ‘‘probation officer was his link to sobriety,’’ Nagle said

When his father died, he had a relapse, Nagle said.

‘‘He is a talented, intelligent, hard-working man,’’ Nagle said in court. ‘‘Alcohol had, quite frankly, devastated his life.’’

Scheller will receive credit for the time spent in custody. He has 10 days to appeal the sentence.

**Scheller’s rap sheet**

Nov. 10, 1977: Drunken driving, Scituate. Ordered to attend alcohol education

June 25, 1982: Surcharge able accident, Marshfield

Jan. 17, 1983: Drunken driving, Plymouth. Ordered to undergo alcohol treatment

Feb. 24, 1983: Drunken driving, Marshfield. Ordered to attend alcohol education

April 26, 1983: Indefinite revocation, drunken driving

Jan. 16, 1987: License reinstated

May 16, 1989: Drunken driving, Norwell

Dec. 15, 1989: Drunken driving, driving to endanger, Randolph

May 12, 1990: Speeding, Norwell

Feb. 14, 1995: Driving under the influence of alcohol or drugs. Out of state

May 17, 1997: Driving under the influence of alcohol or drugs, driving on a suspended license. Out of state

July 16, 1997: Habitual offender. Out of state

April 1, 1998: Indefinite revocation in Massachusetts on the out-of-state offenses

March 1, 2000: Drunken driving, driving to endanger, surcharge able accident, Norwell

April 7, 2000: License suspended

May 6, 2000: License suspended for 60 days for driving to endanger, one year for drunken driving, four years for habitual traffic offender.

May 8, 2002: Indefinite suspension

Nov. 17, 2003: May 2000 suspensions expire

Dec. 12, 2003: Immediate threat, indefinite revocation, Brockton. Based on out-of-state incident.

March 18, 2004: License reinstated

March 19, 2005: Surcharge able accident, Norwell

Dec. 22, 2005: Driving an unregistered vehicle, equipment violations, Norwell

Sept. 3, 2006: Crashes a van in a supermarket parking lot in Pembroke. Police say they can’t prove conclusively that he was driving and drive him home.

Sept. 12, 2006: Drunken driving arrest in a school zone in Marshfield. Immediate lifetime suspension.

December 2006: Indicted on drunken driving charges by a grand jury for the Sept. 3 accident  
  
<http://ledger.southofboston.com/articles/2007/09/20/news/news01.txt>

grapes

**31.** **No Booze or Bets if State Shuts Down (Michigan)**

*Wood 8*

September 27, 2007

Lawmakers in Lansing have until October 1 to come up with a new budget or the government will shut down.

Granholm said non-essential services will stop if a new budget is not in place. Among those services are state-licensed casino gaming in Detroit, sale of lottery tickets, distribution of packaged liquor, state parks, and welcome centers.

Whether it is the Daily 3, Daily 4, or scratch-off tickets, people pack East Gate Pharmacy to test their luck. They are purchase goods behind the counter.

Carmen Ejsmont says lottery and liquor make up 35 percent of their business at the store - 35 percent of business she says they cannot afford to lose.

"Our direction was going to be more with the party store, but we get slapped in the face with that if this happens," she told 24 Hour News 8.

The pharmacy's big customer base across the street, Metro Health, is moving. Add to that the state's budget problems.

"It's not fair at all...it hurts big time," said Ejsmont.

The fear of the shutdown could mean is hard for this mom-and-pop shop.

"I can see people coming in and buying just a bunch of booze to stock up, because they don't know how long it's going to take," says Ejsmont.

Some regulars of the store are already planning ahead.

"I've been buying extra tickets for the last few days so if they shut it down I'll just scratch off what I got at home," said James Thompson.

If there is a shutdown, a lottery spokesperson says they will still hold drawings the week of October 1 for tickets that have already been sold. No new tickets would be sold on that day and no prizes will be paid out on winning tickets until the shutdown ends.

Stopping ticket sales would cost the state about $2 million a day in lost lottery profits, which go to K-12 schools.

grapes

**32.** **Project Targets Teen Drinking** **(Nebraska)  
"We want you back."**Loretta Sorensen

*Sioux City Journal*

September 24, 2007

That's the message Project Extra Mile is bringing to counties in northeast Nebraska this fall to prevent underage drinking and the consequences that can follow.

Diane Riibe, director of the nonprofit organization, says research related to underage drinking demonstrates that parents and community leaders need to be involved with efforts to change the mindset of their communities in order for change to take place.

"We know that we have to be comprehensive," Riibe says. "Posters, pencils, brochures and those methods of prevention don't work. We have to say out loud that underage drinking is not only illegal, it's unhealthy and our actions and words have to say that it's unacceptable."

Lorraine and Keith Erdmann of Crofton, Neb., learned firsthand in April 2002 the devastation that can result from teens who drink and drive. Their daughter, Arianna, died when a teenage driver lost control of the vehicle she was riding in following a prom party.

Lorraine Erdmann has worked with the Nebraska State Patrol over the last five years in an effort to educate both teens and parents about what happens when people who have been drinking decide to drive.

"In the past year or so, we've tried to reach more adult audiences," Lorraine Erdmann says. "We've seen some positive changes, but it's really slow."

Riibe said most communities focus efforts on changing teen behavior. However, recent research on brain development and brain function confirms that adolescent reasoning skills needed to make calculated decisions such as those about using alcohol are not developed until the early to mid 20s.

Studies also have shown that teens who develop high-risk behaviors tend to maintain that pattern of behavior well into adulthood.

Research related to underage drinking patterns shows that, without the commitment of adults to change their own behavior and perceptions, teens will have little success in steering clear of drinking situations.

"That's especially true in a community that's saturated with a drinking culture," Riibe says. "It can be a long haul to make changes and it takes someone willing to be there 5, 10, 15 or 20 years saying it's just not right.

"We also know that the more businesses in a community that make liquor available, the more likely it is that teens will drink," Riibe says. "Violence and drinking and driving are behaviors that most people try hard to avoid. As policymakers, adults can have the vision and foresight to make decisions that help head off these kinds of problems."

Lorraine Erdmann says she is pleased that Project Extra Mile will be active in northeast Nebraska.

"It's always good to hear about anyone wanting to be involved in saving our youth," she says. "I'm not saying we have to ban alcohol completely, but our message is simple. When kids are better informed they can make better decisions. They're smarter than adults give them credit for. I think it all comes back to education and communication."

<http://www.siouxcityjournal.com/articles/2007/09/22/news/local/199eb46d4f0077b98625735e000d4551.txt>

grapes

**33.** **One Liquor Boss in N.H. (New Hampshire)**

**The state Liquor Commission is big business "and should be run as a business," said city attorney and state Rep. Paul McEachern.**

*Seacoast Online*September 21, 2007

By that McEachern means the commission should be managed by a single executive officer, not the current three-member oversight committee. To that end, he's proposing a bill that would eliminate the commission by phasing out commissions one by one as their terms expire.

"It would go to two, then one, and whether that commissioner is reappointed would be up to the governor," McEachern explained. "But it will be one person who does the job.

That model, said McEachern, would best serve the state's liquor department, which in fiscal year 2006 oversaw 8.4 million customers and $422.3 million in sales through 75 state liquor stores.

"It's not a Mom and Pop business," said McEachern. "You show me a business out there that's run by committee."

After reading recent Herald articles about state Rep. Lee Quandt's efforts on behalf of injured Liquor Enforcement Officer Tim Copeland, who was fired, McEachern called Quandt and asked him to co-sponsor his bill.

"I told him I'd be honored," said Quandt. "Over the years, that has been a political plum job."

Quandt wrote a Sept. 13 letter to Gov. John Lynch, asking for an investigation into what Copeland said was his termination for being too injured to work as an officer. His injuries were the result of a September 2005 crash while on a Stratham traffic stop, and the firing left him without insurance and pay until his retirement disability pay becomes effective within three months.

"Because of Tim Copeland's situation and the egregious behavior on the part of the Liquor Commission, we got involved," said Quandt. "You couldn't get two people with more differing political philosophies than Paul McEachern and I, so you know there are no politics involved."

Liquor Commissioner Patricia Russell told the Herald that cutting two of the three commissioners is "not a good idea at this time."

"For one person to make all the decisions would jeopardize the integrity of the vote and the management of three bureaus," said Russell.

The state Liquor Commissioner was established in 1933 and members have since been appointed by the governor, with approval from the Executive Council.

<http://www.seacoastonline.com/apps/pbcs.dll/article?AID=/20070921/NEWS/709210442/-1/rss02>

grapes

**34.** **Police: Manchester Bar Caught 'Funneling' Cheap Booze in Top-Label Bottles (New Jersey)**

Kristen Grieco

*Gloucester Times*

September 27, 2007

Patrons who ordered an Absolut martini at Al's Manchester-by-the-Sea Cafe may have unknowingly been drinking a Kappy's cocktail instead, an investigation by the state Alcoholic Beverages Control Commission found.

An ABCC inspector who visited the bar in July discovered two funnels in a storage area, along with an array of 1.75-liter bottles with labels for cheaper brands of liquor. At the bar itself, she noticed 1-liter bottles containing more expensive brands.

The bottles confiscated by the commission from the storage room included Allen's Peach Schnapps and Kappy's vodka, which typically sell for around $10 in 1.75-liter bottles. Bottles confiscated from the bar included Bacardi Superior and Absolut vodka.

Investigator Caroline Guarino-Wilichoski charged Al's with 15 counts of "tampering, diluting or changing the composition of alcoholic beverages," according to her memo to the commission's chief investigator.

Police who accompanied Guarino-Wilichoski when she visited Al's said the bar was funneling cheaper liquor into bottles with more expensive brand labels.

It's the second time Al's has faced such charges. The business at 26 Central St. lost its liquor license for 32 days for the same offense in 1997.

Guarino-Wilichoski's memo also accused owner Daniel Dillon of purchasing alcoholic beverages from a package store, not a licensed wholesaler as required by state law. In 1997, the bar was found to have purchased liquor at out-of-state package stores, according to the ABCC.

Dillon "admitted to sufficient facts" at a commission hearing on the latest charges on Tuesday, according to Ralph Sacramone, executive director of the commission. An admission of sufficient facts is not an admission of guilt but an acknowledgement that there is enough evidence for a conviction if the case should go to trial.

"I spoke to Mr. Dillon personally (in 1997) and he said he was going to clean the place up," said police Sgt. Kenneth Surkarski. "Obviously, he never did."

Sacramone said the penalty against Al's Cafe has not yet been determined. He added that penalties can range from a warning to suspension or revocation of a license. The commission will consider the bar's past history when deciding the penalty.

Selectmen, who issue licenses for local establishments, can impose additional penalties.

Town Administrator Wayne Melville said selectmen have received a notice from the commission on the Al's Cafe case and will likely hold a show-cause hearing, at which Dillon would need to appear and explain why he should not be penalized.

Dillon did not return a call for comment yesterday.

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**35.** **Hazing to Hard Partying (New York)  
Students Trade Life for Alcohol**

Peter M. Laffin

*New Paltz Oracle*

September 20, 2007

Pledge practices at the Rider University chapter of Phi Kappa Tau resemble many tactics employed by fraternities across the nation including, sadly, those used at our own school. After weeks of push-up and sit-up drills and scavenger hunts through the inner-city areas of New York and Philadelphia, pledge-masters at PKT felt it was time for their sniveling wannabes to prove their manhood by sitting together alone in the woods-a bunch of guys alone in the woods-and drink a full bottle of hard-liquor each.

Gary DeVercelly, Jr., 18, of Long Beach, CA, was a PKT pledge on the day the decision was made. He downed enough of his bottle to raise his blood-alcohol level to a horrifying 0.426, more than five times the legal driving limit. His parents suffered through a truly dreadful red-eye from California to New Jersey to spend time with their son in his final hours.

He was on life-support before they arrived. The decision was made to remove the ventilator the next morning at 10:50 a.m.

These stories dominate our perception of college alcoholism, like accounts of exploding car-bombs in Mesopotamia dominate our perception of war. They grab the headlines, so to speak and prevent us from devoting full attention to any related issue less sensational.

Are the veterans who escaped death being adequately cared for when they return home?

How did we fail to ask such an obvious question, one which could have possibly prevented the disaster of the Walter Reed Medical Center?

What happened to the other pledge in that hazing story, the one who made it home from the hospital?

The consequences of alcohol abuse short of fatality by poisoning are vast, various and in many cases, equally saddening. In certain instances, alcohol doesn't cause precipitous death, but hastens it considerably. Often, the results of debilitating alcohol abuse go unnoticed and untreated until it is too late.

How we define "debilitating alcohol abuse" determines our level of vigilance. For the common college-aged drinker, alcohol is perceived as a problem when it causes fist-fights or sends someone to the hospital. The problems for more experienced drinkers are harrowing, involving the inevitable long-term effects of alcohol abuse: liver disease (more than 2 million American suffer from alcohol-related liver disease), heart disease, different forms of cancer and alcoholic hepatitis.

The problems of alcohol abuse extended beyond physical ailments are also well-chronicled. Drinkers are more likely to: argue with and separate from significant others, encounter legal problems that would have otherwise been avoided, be the victim or perpetrator of violence, lose employment, etc.

Equally troubling are the unspoken consequences of alcohol abuse-consequences our society ignores because so many people suffer from them. Alcohol abuse prevents people from fulfilling their potential in life, from achieving the career goals they'd otherwise be fully capable of, from finding true love and happiness, from appreciating the glorious natural world, from early fishing trips with dad, from remembering our best friend's weddings, from listening carefully to loved ones and making a difference in their lives. Essentially, the drinker trades life's most precious gifts for hangovers.

If we, as a society, put the bottle down, would we more quickly find a cure for cancer and AIDS? Would our relationships be stronger? Our families more united? Our dreams fulfilled?

Put the bottle down in front of you and look at it closely. Is it worth it?

grapes<http://oracle.newpaltz.edu/article.cfm?id=3169>

**36.** **Absinthe Flows again, more Stylish than Ever (New York)**

Kelly Carter  
*USA TODAY*September 28, 2007

NEW YORK - Heads turned when a waiter brought a traditional absinthe fountain, filled with ice water, to a dining table here at the trendy Waverly Inn on a recent Friday night. Three stylish women in their 20s, sitting nearby, watched as the waiter placed a glass of Lucid-brand absinthe under the spigot, rested a perforated spoon on the rim of the glass, placed a sugar cube atop the spoon, then gently turned the spigot to allow the water to trickle onto the sugar cube and melt its content into the glass.

Curiosity got the best of the women, who summoned the waiter to their table, quizzed him on the concoction and ordered a round.

After the ritual had been repeated, one of the women picked up her glass, took a whiff of the 124-proof drink that smelled like black licorice and said, "Whoa!" She took a sip and exclaimed, "Perfect. Just what I need to top off the week."

Absinthe, also known as the "green fairy," is back and in vogue at fashionable bars and restaurants nationwide. Banned in the USA since 1912 because of its supposed hallucinogenic effects, authentic absinthe returned in legal forms this year.

"When someone orders one, it creates a trend for the evening," says Waverly Inn bartender Patrick Burlingham. "It becomes a big conversation piece. People are pleasantly surprised. It's not like rubbing alcohol."

Rubbing alcohol would be offended to have a reputation like absinthe. The dry, slightly bitter spirit, a favorite of Picasso, Oscar Wilde and other creative types, is rumored to have been behind Van Gogh's cutting off his ear in 1888. It also has been blamed for causing epilepsy and delusions.

None of it is true, but it added to the allure of the spirit born in the French-speaking part of Switzerland in the 1700s, distilled from herbs (including anise, fennel and wormwood) and associated with the Belle Époque of Parisian bohemia just before World War I.

"People see it and get enthusiastic," says Niles Peacock, a mixologist who created two absinthe cocktails for his menu at the Platinum Hotel and Spa in Las Vegas. "They say, 'I've heard these crazy stories about it. I want that.'

"People ask, 'Am I going to hallucinate from this?' I say, 'No. However, as a result of the transfer of the chemicals of the resin from the wormwood, you may have an experience from this drink that is different from .other alcohol.' "

Not everyone agrees.

"The number of times I've heard people say, 'Oh, my God, I feel so loopy. I'm starting to trip' after having any amount of absinthe or pastis, it's ridiculous," says Jeff Hollinger, manager of Absinthe Brasserie & Bar in San Francisco and co-author of The Art of the Bar.

Absinthe was banned in the USA because of a compound called thujone, which is toxic in excessive amounts. But T.A. Breaux, an absinthe historian and distiller who created the new Lucid Absinthe Supérieure brand, says that in 2000, he tested vintage bottles of absinthe and surprisingly found no significant amounts of thujone. "I was very shocked," Breaux says.

Absinthe's bad rap is said to have been cultivated by French winemakers, who lost business as the sale of cheap absinthe increased in the late 1800s, and by people against alcohol abuse and public drunkenness. Bans took effect in the USA and some European countries in the early 1900s. But its name was kept alive, thanks to travelers and pop culture. Some tourists were introduced to it while visiting the Czech Republic, which produced extremely harsh versions called absinth, and brought back bottles. Absinthe also showed up in films such as Moulin Rouge (2001), Alfie (2004), From Hell (2001) and Murder by Numbers (2002).

In the 1990s, the spirit experienced a resurgence in the United Kingdom, where it was never banned. U.S. importers wanted in once they realized the low levels of thujone would pass muster with the federal government.

"A person would die several times over from alcohol poisoning before they would feel the effects of thujone" in absinthe, Breaux says.

Four labels (Lucid, Green Moon and two from Kübler) have been approved by the Alcohol and Tobacco Tax and Trade Bureau this year. Each contains such an insignificant level of thujone that all are said to be thujone-free, which, by government regulations, amounts to 10 parts or less per million.

Lucid ($59.99 for a 750-milliliter bottle) - made with grande wormwood (Artemisia absinthium), distilled in France without dyes, artificial additives or oils like some of the faux brands sold in the USA - is one of the two labels now available.

Kübler, (106-proof, $49.99 for one liter), also made with grande wormwood and produced in the region where absinthe was invented and produced until a ban in the early 1900s, arrived this week. Green Moon, which calls itself absinthe but is really anise-flavored vodka made with southern wormwood and green coloring, makes its debut in October.

Absente, Absinthe Refined, another brand (110-proof, $35 for a 750-milliliter bottle) made with southern wormwood and available throughout North America, was approved by the bureau in 1999. However, experts say absinthe made with southern wormwood (Artemisia abrotanum), a less bitter cousin of grande wormwood and therefore more palatable for Americans' taste buds, is not genuine.

"We've always had to fight the stigma that it's not a real absinthe," says Jim Nikola, vice president of marketing for Crillon Importers, which imports Absente, Absinthe Refined. "We did the best we could to stick to the original formula. It's a modern absinthe."

Hollinger pours Absente, Absinthe Refined but is eagerly awaiting Lucid, which expands distribution next month.

"We get asked every single day, 'Do you guys carry absinthe? Can you sell absinthe?' " Hollinger says. "It would be nice to be able to say, 'Actually, we do have absinthe.' "

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**37.** **$5 Million Secondhand Smoke Campaign Underway (New York)  
New York State Department of Health has launched a $5 million fall media campaign warning of the dangers of secondhand smoke to children.**

*North Country Gazette*

September 18, 2007

The campaign coincides with the Sept. 18 release of a U.S. Surgeon General’s Report on the health consequences to children of exposure to tobacco smoke.

Featuring ads originally produced by England’s and Michigan’s tobacco control programs, New York’s campaign explains that if you smoke around children, it’s like they’re smoking, too. The campaign encourages parents and caregivers to provide smoke-free environments for children and to quit smoking.

The campaign will run until Nov. 5. Ads on television, radio, bus shelters, bus interiors, convenience stores and the Internet will urge parents who smoke to call the New York State Smokers’ Quit line for free help with quitting. A print ad with the same message will also run in parenting magazines delivered to New York subscribers. http://www.nyhealth.gov/publications/7629.pdf

“The Surgeon General is clear: there is no risk-free level of exposure to secondhand smoke,” said state Health Commissioner Richard F. Daines, M.D. “Children are particularly vulnerable because they are still developing and their smaller size means the dose of toxins is greater. To make matters worse, they have no choice about breathing the toxic smoke.”

Secondhand smoke is estimated to cause between 22,700 and 69,600 premature deaths from heart disease and about 3,000 lung cancer deaths each year among nonsmokers in the United States. Six of 10 children continue to be exposed to secondhand tobacco smoke, mostly in the home, and this exposure is responsible for 150,000–300,000 new cases of bronchitis and pneumonia each year in children aged less than 18 months, resulting in 7,500–15,000 hospitalizations, annually.

“Our children’s health is a priority,” said Dr. Daines. “As we seek to improve children’s access to quality health care here in New York and reduce our out-of-control health care costs, eliminating the illnesses and health care costs associated with secondhand smoke will be essential.”

Dr. Daines said alerting the public to the dangers children face from secondhand smoke is part of Governor Spitzer’s “Birth to Five” agenda, aimed at giving the youngest New Yorkers the educational opportunities and access to health care necessary to get a good start in life

“The solution to this problem is simple,” said Dr. Ursula Bauer, Director of the state’s Tobacco Control Program. “Never smoke around children and never smoke in places where children spend time, including homes and cars. Better yet, quit smoking altogether.”

The U.S. Surgeon General’s latest report, focusing exclusively on children, is an excerpt from the 2006 publication, The Health Consequences of Involuntary Exposure to Tobacco Smoke.

Because their bodies are developing, infants and young children are especially vulnerable to the poisons in secondhand smoke.

Both babies whose mothers smoke while pregnant and babies who are exposed to secondhand smoke after birth are more likely to die from sudden infant death syndrome (SIDS) than babies who are not exposed to cigarette smoke.

Mothers who are exposed to secondhand smoke while pregnant are more likely to have lower birth weight babies, which makes babies weaker and increases the risk for many health problems.

Babies whose mothers smoke while pregnant or who are exposed to secondhand smoke after birth have weaker lungs than other babies, which increases the risk for many health problems.

Secondhand smoke exposure causes acute lower respiratory infections such as bronchitis and pneumonia in infants and young children.

Secondhand smoke exposure causes children who already have asthma to experience more frequent and severe attacks.

Secondhand smoke exposure causes respiratory symptoms, including cough, phlegm, wheeze, and breathlessness, among school-aged children.

Children exposed to secondhand smoke are at increased risk for ear infections and are more likely to need an operation to insert ear tubes for drainage.

<http://www.northcountrygazette.org/news/2007/09/18/secondhand_smoke/>

**grapes**

**38.** **State Uncorks Law Limiting Wine Sales (Ohio)**

Aaron Marshall  
*Cleveland Plain Dealer*September 26, 2007

Jack West likes a nice bottle of California wine now and then. For the last few years, the Chagrin Falls man has belonged to the Merryvale Vineyards' wine club, which ships him four bottles every couple of months.

But beginning Monday, because of a new state law lobbied for by the state's powerful Wholesale Beer and Wine Association, West's shipments will stop. And so will deliveries for thousands of other Ohioans who order wine from out of state.

That's because a provision was slipped into the state budget without public debate that will ban direct shipping to Ohioans from wineries producing over 150,000 gallons a year - roughly 63,000 cases. The more than 100 Ohio wineries all fall under that threshold, according to the Ohio Wine Producers Association.

"We're talking about four bottles every two months," said West. "We're not bringing it in by the truckload; that's what makes the whole thing so ridiculous. Someone pulled a fast one here."

But one of the main architects of the budget said the ban, which was added in the Senate Finance Committee this spring, wasn't what he meant to do.

"It was not supposed to apply to consumers," Rep. Matthew Dolan, a Russell Township Republican and chairman of the House Finance Committee, said Tuesday. "When it came back from the Senate, I probably didn't read it as closely as I should have."

In 2005, the U.S. Supreme Court ruled in a Michigan case that in-state and out-of-state wine producers must be treated equally, which opened the door for Ohio consumers to receive direct shipments, a practice that had long been prohibited.

Indiana attorney Robert Epstein sued Ohio over its restrictions, and the state was forced to comply with the high court's ruling.

Epstein said Tuesday that the new ban "smacks of discrimination."

"They are discriminating against the large wineries," Epstein said. "I'm going to be taking a look at that."

Bob Tenenbaum, a spokesman for the Wholesale Beer and Wine Association, said the limit matches up with a federal tax exemption for small wineries, which is important to fend off Epstein and others.

"It was felt that the figure - because it came out of the federal tax code - had a chance of not being seen as arbitrary," he said. "The real issue here is what's best for the state of Ohio. There are myriad hazards to direct shipping and this eliminates them to some degree."

Some believe that direct shipping would make it easier for minors to obtain wine, he said.

The new rules will once again force consumers to adhere to the three-tier system for wine sales in Ohio if they want to buy from a large winery. That system allows wine wholesalers to mark up bottles at least 33.3 percent, before passing the wine to a store or restaurant, which adds at least another 50 percent.

A spokeswoman for the Wine Institute, a Napa Valley, Calif., industry trade group, said at least 100 California wineries would be banned from shipping directly to Ohio residents due to the limitation.

Dolan said he wants to reconsider the law and allow Ohio residents to buy wines directly from anyone.

"I believe we should revisit it," he said. "I think consumers should be able to buy from whomever and wherever," he said.

Ohio's Wholesale Beer and Wine Association is a big donor to the state's elected officials. During the first six months of 2007, the group's political action committee gave $91,350 to Ohio politicians, including $4,000 to Dolan, a candidate to become Ohio's next House speaker.

In 2006, the association was the top spender on parties for lawmakers, doling out $31,287 on receptions, according to the Joint Legislative Ethics Committee.

Donniella Winchell, executive director of the Ohio Wine Producers Association, which also pushed for the ban, said the bill protects Ohio's wine industry, allowing it to continue to grow.

"We viewed this somewhat as a jobs bill," she said.

Wholesale association spokesman Tenenbaum defended the ban, saying that wines from the big producers are already available in retail stores.

But Barbora Hawkins, Merryvale's wine club director, said West and the other 90 wine club members from the Buckeye State won't be able to buy the limited-edition bottles available just to club members.

**grapes**"If you can get the wines at the store down the street, then why belong to the club?" she said.

**39.** **Lawmakers Support Beer Sale in Stores (Pennsylvania)**

Alison Hawkes

*Herald Standard*

September 21, 2007

State lawmakers said they would allow convenience and grocery stores to sell beer but want to develop tighter regulations around the practice.

The comments at a joint House and Senate hearing on the matter Tuesday were in response to a brewing debate that bubbled up after an Altoona-based Sheets store, a gas station and convenience store, received a license to sell beer in 2004.

Despite the controversy, the two chairmen of the House and Senate liquor control committees said after the hearing they would not try to legislatively block other convenience and grocery stores from selling beer.

"I think we're looking at legislation to see what can be done to accommodate the consumers of Pennsylvania," said Montgomery County Sen. John Rafferty, the Republican chairman of the Senate Law and Justice Committee, which oversees liquor control matters.

However, alcohol awareness groups and the malt beverage industry, whose clients make a living from selling cases of beer, urged greater caution claiming that convenience and grocery stores would further the availability of alcohol and make it easier for minors to buy.

Mothers Against Drunk Driving called DUIs a "violent crime" that must be acknowledged when considering increased alcohol availability.

But lawmakers said the better way to go is to ensure that beer is sold responsibly. They urged strict partitions between beer and other consumables. Selling beer next to milk, as Sheetz initially did, is unacceptable, they said.

The House liquor control committee's chairman, Rep. Robert Donatucci, a Philadelphia Democrat, said his "No. 1 concern is underage drinking" and he doesn't want beer sales to get too out of control.

"We might want to prevent the Walmarts and Targets of the world" from getting licenses to sell beer, Donatucci said. "I'm a firm believer the cashier should not be selling crackers and beer at the same time."

The state's liquor code allows restaurants and "eating establishments" to sell up to two six-packs of beer if they serve prepared food, have seating areas, and separate cash registers from gasoline purchases.

Selling beer in such venues is not new, according to the Pennsylvania Liquor Control Board. The agency reported that "dozens if not hundreds" of licenses have gone out in the last 50 years for businesses with interior connections to gas stations, delicatessens, grocery and convenient stores and even department stores.

However, renewed attention to the issue arose when Sheetz Inc. applied for a license to sell beer in 2004 and was challenged in Commonwealth Court by the Malt Beverages Distributors Association, the trade group representing beer distributors.

The trade association successfully argued that Sheetz is required to sell beer for on-premise consumption because it's otherwise acting like a beer distributor. The liquor control board is appealing that decision to the state Supreme Court.

In the meantime, Sheetz opened the Altoona store to beer sales at the end of last month, further fanning concerns that similar businesses would follow, particularly with the expansion in the grocery store industry in recent years of in-store dining.

At Tuesday's hearing, Sheetz, Weis Markets, and Wegmans Food Markets - all of which have licenses or pending licenses to sell beer - argued strongly that the practice should continue. They said company surveys showed customers overwhelmingly wanted the convenience of buying beer in those types of locations.

Sheetz's vice president Mike Cortez said his company also shouldn't be forced to sell beer for in-store consumption because it doesn't want the responsibility of "policing" customers. About 8 percent of its inside sales in other states come from beer, Cortez said.

But Rep. Bernie O'Neill, a Bucks County Republican, countered that Sheetz is acting more like a "bottle shop" than an eating establishment selling alcohol.

The Malt Beverage Distributors Association argued that supermarkets and convenience stores would be more likely to sell to minors because of high turnover in staff and the fact that many employees selling beer are teens themselves.

State liquor law allows an employee to sell beer at age 18 and above.

"A clerk in a convenience store or supermarket, who will be gone in a matter of months, has nothing to lose by selling a six-pack to his underage friends," said David Shipula, president of the association.

He mentioned a Wegmans cafe in Warrington, which does not sell beer, but has become a teen hang-out.

Shipula said beer distributors are much less likely to sell to minors because losing a liquor license risks the loss of the entire business.

But Cortez countered that Sheetz has high compliance rates in not selling to minors in other states.

Whatever the outcome, Rep. Scott Petri, a Bucks County Republican, said a limited number of beer licenses would curb the proliferation of convenient and grocery stores selling beer.

There are currently 964 restaurant and eating establishment licenses to sell beer available in Pennsylvania, according to figures provided to him by the PLCB.

"I don't think it's as bad as everyone supposes," Petri said. "There are a finite number of licenses that can be issued."

<http://www.heraldstandard.com/site/news.cfm?newsid=18104604&BRD=2280&PAG=461&dept_id=480247&rfi=6>

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**40.** **Desire to Get Alcohol Drives Minors to Get Creative, Data Show (Pennsylvania)**

**Even if it’s difficult for underage partiers to get alcohol at clubs and bars, they’re able to get it elsewhere.**

*Times Leader*September 24, 2007

In 2006, the Pennsylvania State Police Bureau of Liquor Control Enforcement arrested 2,079 minors for underage drinking. Nearly 1,400 have been arrested through July of this year. Almost 800 liters of liquor have been seized this year so far, along with 250 liters of wine and more than 1,700 gallons of beer.

**So who’s supplying all that booze?**

Of-age relatives and acquaintances might be prime culprits, but statistics show that conventional methods, such as sidling up to a bar stool or walking into a liquor distributor, are also likely, particularly in this region.

For 2006, the most recent statistics available, the bureau’s top violation by liquor licensees was sales to minors. Of the 682 violations, the Wilkes-Barre regional office, one of nine throughout the state, generated 138. That’s second only to the 155 from the Philadelphia office.

Through July of this year, the local office made 130 compliance checks, during which state police send underage volunteers into licensed establishments to try to buy alcohol. Fifty-nine businesses passed; 71 didn’t.

And it’s not always that alcohol purveyors fail to check identification. As with many enduring clashes, the firepower has escalated. Fake IDs used to look good, but wouldn’t stand up to rigorous inspections, such as scanning the magnetic barcode on the back.

“Now they do,” said Mary Lou Hogan, the executive secretary counsel for the state Malt Beverage Distributors Association. “Now the false IDs have gotten so good that the only way to detect them is (to check the hologram) with a black light.”

“It’s through deception that most of these kids get it, in my opinion. … I’m surprised at the sophistication,” Wilkes-Barre police Chief Gerry Dessoye said.

“I don’t think any licensee wants to sell to anyone under 21,” Hogan said. “But it is a matter of how much time and effort you’re willing to put into it, and I think the distributors go the extra mile in that sense.”

Distributors’ responsibility ends when the product leaves the property, and the MBDA doesn’t support a keg registration plan that’s been legislated in other states, including New York and Maryland. Such plans generally require that the buyer of a keg of beer provide valid ID with a name and address, and that information is written on a tag affixed to the keg.

Hogan said that while such laws reduce keg sales, sales of cases increase, suggesting that offenders simply switch the product they’re supplying. “We’ve never seen it deter underage drinking,” she said.

Dessoye said he hasn’t seen any reports on the effectiveness of such laws, but he was concerned that it would create a daunting amount of legal red tape for law enforcement officers to produce convictions.

Though he said it wasn’t in reaction to any recognized “plague of underage drinkers,” this year, his department obtained an $11,500 Pennsylvania Liquor Control Board grant to create the Underage Drinking Deterrence Patrol. The money pays for off-duty officers to work overtime reconnoitering places suspected of underage drinking and busting the violators. The officers have prime targets identified, and “generally we concentrate on particular areas on a given night,” he said.

The patrol is already having an effect on partying habits of city college students. About two weeks ago, two of-age Wilkes University students were arrested on charges of selling or furnishing alcohol to minors, and students of both Wilkes and King’s College were among 54 people cited for underage drinking at two separate off-campus parties.

If the charges stand, the students will likely face sanctions from their school. Representatives for both institutions said off-campus charges trigger punishments from the school, including fines, probation and notification of guardians.

Despite education initiatives and enforcement crackdowns, Dessoye said the issue won’t be eliminated, but its effects can be minimized.

grapes“We’ve always faced problems with underage drinkers. I think any college town faces that,” he said. “As bad and as much as I discourage people from consuming alcohol underage, I am much more adamant in my warnings that if you do it, at least, please, please don’t drive. … You’re putting a lot of other people in jeopardy for a decision … which they have no choice to make.”  
  
<http://www.timesleader.com/news/20070923_23underage_sidebar_ART.html>  
  
  
  
  
  
  
**41.** **Bars Fine Puking Patrons (Pennsylvania)**

Jane C. Timm

*NYU News*

September 25, 2007

Drunken debauchery is costing Pennsylvania college students more than just nasty hangovers the next morning - restaurants and bars have started fining customers who vomit on or destroy property.

Management of El Azteca, a Mexican restaurant and bar near Pennsylvania University, now requires groups of six or more to sign a restrictive contract that lists a credit card number which can be used to pay for any damages incurred by inebriated clientele. For every puking customer, a $50 fine is charged to the credit card.

Patrick Meager of Professor Thom's, a bar in New York's East Village, said that establishments should serve responsibly, which would proactively deal with those problems. "If you're selling Jägermeister shots for a dollar apiece, there's going to be vomit on your floors," Meager said.

The mid-to-late-20s crowd that frequents Professor Thom's helps reduce the number of badly behaved drunks. "I mean we have those experiences - someone passes out on the toilet or throws up in the bathroom, but they're few and far between."

"It's ridiculous. The bars are serving the alcohol that gets the people drunk. They should just stop serving it before they're so drunk they start puking," said Ricky Perlman, an SCPS freshman.

Last year, NYU unveiled a "responsibility campaign" to cut down on underage drinking. Incoming freshmen were required to go through a "Drug and Alcohol Module" online before the school year began. The Module gives tips for safe drinking and uses scenarios to educate students on the dangers of drinking.

Martin Sheehan, a manager at local Village bar Josie Woods, said the idea of fining patrons was "strange." He said a strict ID policy cuts down on the number of belligerent young people.

"Do [vomiting patrons] still happen? Yes," Sheehan said. "If I find people misbehaving, I just say 'this isn't your bar.' But would I fine them? No."

<http://media.www.nyunews.com/media/storage/paper869/news/2007/09/25/Features/In.Pa.Bars.Fine.Puking.Patrons-2989810.shtml>

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**42.** **Underage Drinking Deterrent Makes Sense (Pennsylvania)**

**Phillipsburg Mayor Harry Wyant wants his town to adopt a keg tagging law to stop sales to underage drinkers and to catch the adult enablers who buy beer for them.**

*Pennlive*

September 25, 2007

But in order for this effort to work, it must to be expanded beyond Phillipsburg's borders.

If not, the kids involved in these parties -- and the adults who help them buy the alcohol -- would simply travel to the next town or across the Pennsylvania-New Jersey border.

Can you hear us, Easton Mayor Phil Mitman and City Council? Forks Township? Lopatcong? Palmer? Pohatcong? Wilson Borough, etc.?

**Are you listening, Trenton and Harrisburg?**

At least a dozen states and numerous communities across the country have adopted keg tagging laws, which require beer distributors to mark each suds-filled drum that is sold with the name, address and date of birth of the buyer.

The goal is three-fold: 1) eliminate sales to underage customers; 2) discourage adults from aiding and abetting these kids; and, when those efforts fail, 3) provide police with the information they need to track down and prosecute those who buy booze for underage drinking parties.

These laws aren't designed to penalize beer distributors. In fact, it's relatively easy for them to comply. Most distributors already collect identifying information from customers who buy kegs so tagging wouldn't involve much more paperwork.

Using hard-to-remove tags or indelible ink, the kegs would be marked with information that could be traced back to the buyers. The laws also include fines for removing the tags.

Information gleaned from the tags can prove invaluable, especially during police raids when underage drinkers typically scramble for cover.

Catching kids who attend these parties becomes even more difficult when they choose remote locations such as the woods.

Wyant expects to introduce a proposed ordinance soon.

When elected officials introduce new legislation this close to an election, it's tempting to dismiss it as an effort to grab headlines and curry votes.

But the problem of underage drinking is too serious not to give this ordinance serious consideration.

Statewide tagging bills -- in New Jersey and Pennsylvania -- would be more effective and easier to enforce.

But since lawmakers in Harrisburg and Trenton have yet to step up, a piecemeal approach is northwestern New Jersey and the Lehigh Valley may be the best we can get.

Tagging won't eliminate the problem of underage drinking. For example, some kids will opt for cases, even though they are more expensive than kegs.

But tagging can be a part of the solution. And we owe it to this community and its children to try.

<http://www.pennlive.com/editorials/expresstimes/index.ssf?/base/news-1/119069328999620.xml&coll=2>

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**43.** **R.I. Legislators Seek Fix for Social Host Law Loophole (Rhode Island)**

**Two local lawmakers are promising to try to plug a glaring loophole in the social host underage drinking law passed last year that appears to have undercut its enforcement.**Tom Killin Dalglish*East Bay Newspaper*September 24, 2007

The loophole limits application of the law to the host's "residence," precluding its use against underage drinking elsewhere on the host's property, such as in a backyard.

Representative Jan P. Malik (D-Dist. 67, Barrington and Warren), who along with Senator Walter S. Felag (D-Dist. 10, Bristol, Tiverton and Warren) co-sponsored the 2006 "social host" law, said "we are filling the gaps, to make the law a little stronger, to make it easier for law enforcement."

"This is supposed to be about the host who is holding the party and making alcohol available to underage kids," he said.

Right now, he said "if you hear the police are coming over, you just run into the back yard."

The loophole in the social host law was illustrated by an incident last July that only recently came to light. Just after midnight Friday, July 6 police were called to 6 Abby Road following complaints of a loud party. In the rear yard of the residence, police later reported, they found about 15 youths and evidence that alcohol (beer and possibly vodka, police said) was being consumed.

Most of the youths were underage, though a few were not. Kelley Stiness, the homeowner, was present and told police it was her daughter's 17th birthday. Three teenage girls in attendance (with home addresses in Bristol, Pawtucket, and Barrington) were issued District Court summons for underage possession, and all three refused to give statements to police or say where the alcoholic beverages had come from.

Ms. Stiness and her husband John lost their son Zach in a one-car accident on Nayatt Road in 2005 that also resulted in the death of Michael Neubauer and serious injuries to Brenden McGonagle, and that raised questions about underage drinking in the community.

However, according to a joint news release from Rep. Malik and Sen. Felag, the state Attorney General advised Barrington police that charges under the social host law arising out of the July incident could not be sustained against the Stinesses because the drinking occurred in the backyard, not inside the residence.

Barrington Police Chief John LaCross said the wording of the law has to be changed, to somehow refer to both the residence and the property on which the residence is located.

That is also the goal of Rep. Malik and Sen. Felag, who stated in their release that the bill they are working on "will extend the reach of the law to make adults liable for underage drinking anywhere on their property, not just within the confines of a house."

They said they plan to introduce their bill either in November, when early filing of proposed legislation is first permitted, or on Jan. 1, the first day of the new legislative session.

"Parents need to learn they cannot permit underage drinking in their home, their yard, or wherever," Sen. Felag said.

The effort to plug the loophole comes at a time when impatience, and suggestions for ways to deal with underage drinking, appear to be increasing. Rep. Malik, who owns a liquor store himself, asked "what're we doing, dancing here?"

By way of sanctions, he said, perhaps "we should find a way to take their drivers' license away for three years, put the fear in these kids."

Former Barrington Town Council member Mark Gillooly said that in 2000, while still a council member, he introduced a proposed ordinance that would have "cited the house" where underage drinking is taking place. It got nowhere, he said.

"I had minimal support from the parents in the community for this ordinance, and I received more flak and criticism for trying to do something to curb underage drinking than I did positive reinforcement," he said.

"It's my experience that parents continue to view underage drinking as a rite of passage, and believe that nothing is going to happen to their kids."

**The "social host" law**

In general: The 2006 law (Rhode Island General Law Sec. 3-8-11.1) prohibits the "furnishing" or "procurement" of alcoholic beverages to underage persons (i.e. under 21 years old), or "permitting" them to consume it.

**Definitions:**

\* "Furnish" is defined as "to provide with, supply, give or purchase."

\* "Procure" is defined as "to provide with, supply, give or purchase."

\* "Permit" means "to give permission for, approval of, possession or consumption of an alcoholic beverage by any form of conduct, that would cause a reasonable person to believe that permission or approval has been given."

**Conduct prohibited:**

1. Purchasing alcoholic beverages "for the sale, delivery, service of or giving away to" any underage person.

2. Purchasing alcoholic beverages "with the intent to cause or permit said alcoholic beverage to be sold, or given to" any underage person.

3. "To knowingly furnish any alcoholic beverage for the sale, delivery, service of or giving to" any underage person.

4. "To procure alcoholic beverages for the sale, delivery, service of or giving to" any underage person.

5. "To otherwise permit the consumption of alcohol by underaged persons in his or her residence."

**Exceptions:**

For religious purposes or for parents or guardians who engage in otherwise prohibited conduct with their own children or wards.

**Penalties:**

First and second violations are misdemeanors, with first time fines of between of between $350 and $1,000, and/or imprisonment up to six months; and second time fines of between $750 and $1,000, and/or imprisonment up to six months. Third offense is a felony, with fines up to $2,500 and/or imprisonment for up to one year.

<http://www.eastbayri.com/story/291707524921241.php>

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**44.** **Liquor License Limits Eyed (South Dakota)**

**Rules hurt city, county development, some state lawmakers say**

Terry Woster

September 24, 2007

A controversial measure to remove the limits on how many liquor licenses cities and counties may issue as part of an effort to remove what many see as a barrier to economic development is sure to surface in the 2008 Legislature.

Rep. Ed Olson, R-Mitchell, said he's seriously considering a bill to take the caps off the number of liquor licenses allowed. He'd let each local government set its own policy.

"Let them figure it out," Olson said at a recent meeting of a legislative committee reviewing operations of the state Revenue and Regulation Department.

"I would like to see the legislation, and I'll probably bring it myself ... that would open the licenses up but make it local option," he said.

Some discussion among the review committee members suggested several think license limits in state law hurt economic development.

There will be opposition, however.

Some panel members said existing licenses have a value that could be reduced if additional businesses were allowed to sell alcohol in a particular jurisdiction.

**To many already?**

A Sioux Falls Republican not on the review committee said he'd fight any attempt to increase the number of liquor licenses in South Dakota.

"We have the third-highest alcohol highway fatality rate in the nation," Sen. Gene Abdallah said. "You want to issue more licenses? You want to make it possible for more outlets to sell more liquor? You want to see it available at even more places for people? That doesn't make any sense. We have too many people dying of alcohol fatalities now."

Liquor licenses are a familiar, often contentious fight in the South Dakota Legislature. The current system uses population as a basis for capping the number of licenses available to any city. Over the years, though, various special licenses and exceptions to the caps have been passed, so some municipalities have more licenses in play than would be allowed by a strict application of the law.

The Legislature passed the law creating the limits. Local governments decide whether to issue a license, but the state signs off on the deal if the new license falls within the caps.

Limits on business

Those who want the cap eased or removed say it artificially limits business, especially in booming retail areas such as southwest Sioux Falls, where chain restaurants are prevalent and often consider opening only if they can serve liquor.

Yvonne Taylor of the South Dakota Municipal League said she thinks cities should manage their own liquor licensing.

"The current system is loophole-laden and has created a cap on our economy," Taylor said. "We've created a weird, weird little world where you have to get legislative authority to open a business."

She said the attractions that draw people to an area, and that create opportunities that could be enhanced by a liquor license, aren't based on population.

**Loss of value**

Those who defend the law say businesses that invest in liquor licenses hold something of value, and that value would be reduced if more licenses were made available.

Caren Assman of the Licensed Beverage Dealers of South Dakota said it would be unfair to current license holders to open the system to new businesses without some compensation.

"Our members purchased liquor licenses, which are regulated by population," Assman said. "They willingly purchased those as an established value knowing they'd be able to resell those at the same value in the future. If you remove the (cap), it devalues those licenses."

More than 1,100 establishments could be affected by a change in law, she said. Many of those business owners bought the licenses 20 or 30 years ago and intend to sell them as they near retirement.

"It's their investment," she said. "It has a value."

If lawmakers lift the limit and decide some form of payment is necessary for current license holders, the compensation should be decided locally, South Dakota Revenue Secretary Paul Kinsman said. He said the cap is a policy issue for the Legislature, not his department.

"We can do it either way," he said, adding that if the cap is raised, "it has to come down to where it is best decided what the compensation is, if there is any to be given, in a particularly locale, and those folks that live there are the ones closest to the decision."

Rep. Carol Pitts, R-Brookings, led the review committee. She said the discussion would prepare lawmakers for the coming session.

"As always, there will be proposed legislation, legislation thought about," she said. "Someone is going to fly something. I think having good information is essential."

<http://www.argusleader.com/apps/pbcs.dll/article?AID=/20070924/NEWS/709240319/1001>

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**45.** **Cigarette Surveillance Program Begins Today Motorists Bringing Large Numbers of Smokes into State will be Charged (Tennessee)**

Tom Humphrey   
*Knox News*

September 27, 2007

Starting today, state Department of Revenue agents will begin stopping Tennessee motorists spotted buying large quantities of cigarettes in border states, then charging them with a crime and, in some cases, seizing their cars.

Critics say the new "cigarette surveillance program" amounts to the use of "police state" tactics and wrongfully interferes with interstate commerce. But state Revenue Commissioner Reagan Farr says his department is simply doing its job, enforcing a valid state law while protecting Tennessee retailers who properly pay state taxes.

Agents have already been watching out-of-state stores that sell cigarettes near the Tennessee border to "get a feel where problem areas are," Farr said.

While declining to be specific, the commissioner said "problem areas"

are generally along interstate highways with exits near the Tennessee border.

The idea is for the monitoring agent to spot a person buying cigarettes in volume at an out-of-state market, then departing in a vehicle with Tennessee license tags. Starting today, monitoring agents spotting such a suspect will call an arresting agent who will stop the car when it enters Tennessee, he said.

The agents will work "in roving teams at random times," he said.

"This shows once again that Reagan Farr and the Department of Revenue are more interested in turning Tennessee into a police state than doing their job of collecting taxes," said Drew Johnson, president of the Tennessee Center for Policy Research.

Farr said the program is partly an "education initiative" to make people aware of tobacco tax provisions in state law and a response to complaints from Tennessee tobacco retailers about "streams of Tennessee license plates crossing the border" from out-of-state retailers.

"I don't think (Johnson) or anyone else wants to see the commissioner of revenue deciding which laws passed by the Tennessee Legislature to enforce and which not to enforce," Farr said. "If that were the case, they (legislators) could just tell the commissioner 'get me $11 billion'

wherever you think best."

Tennessee's cigarette tax went from 20 cents per pack to 62 cents per pack effective July 1. All eight states that border Tennessee have lower tax rates, meaning smokers can save up to 45 cents per pack - $4.50 for a 10-pack carton - by purchasing out of state.

The border states with the lowest cigarette taxes are Missouri with 17 cents and Mississippi at 18 cents. The highest is Arkansas with 59 cents.

Kentucky and Virginia both tax cigarettes at 30 cents a pack, North Carolina at 35 cents, Georgia at 37 cents and Alabama at 42.5 cents.

Under state law, bringing more than two cartons of cigarettes into the state without paying Tennessee taxes is a "Class B" misdemeanor, carrying punishment of up to six months in jail and/or a $500 fine.

Bringing 25 or more cartons is a "Class E" felony, with minimum penalty of one year in prison and a maximum of six years plus a fine of up to $3,000.

In addition, the specific state statute dealing with untaxed cigarettes provides that vehicles used to transport more than two cartons "are considered contraband and are subject to seizure," says a Department of Revenue statement.

Farr said that agents have been instructed to seize any vehicle carrying more than 25 cartons of cigarettes without Tennessee tax stamps. In cases where three to 24 cartons are involved, he said vehicle seizure is "at the officer's discretion."

Rep. Stacey Campfield, R-Knoxville, said he sees inconsistency in the enforcement program.

"This administration has been very willing to turn a blind eye to illegal aliens pouring into our state, yet, when a natural Tennessean brings a couple of cartons of smokes across the state line, they want to arrest them," Campfield said.

He and Johnson both said the program appears to involve the state in interstate commerce, an area where the federal government is granted sole authority by the U.S. Constitution. Johnson said he hopes an arrested motorist will file a lawsuit against the program, and further predicted the state would lose.

Farr said the program does not run afoul of federal restrictions on state interference with interstate commerce.

"We're not regulating the purchase of anything in another state," he said. "We're regulating the possession of contraband in Tennessee."

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**46.** **Grant Targets Underage Drinking (West Virginia)**

*Times West Virginian*  
September 20, 2007

County commission accepted a grant Wednesday to reimburse the sheriff’s department for its efforts to stop underage drinking.

The $9,500 Enforcing of Underage Drinking Grant was awarded through the Division of Criminal Justice. The grant will reimburse the department for compliance checks and other enforcement operations.

The grant is part of a national program, which assists states in developing comprehensive and coordinated initiatives to enforce state laws that prohibit the sale of alcoholic beverages to minors, according to a report released by the Office of Juvenile Justice and Delinquency Prevention.  
  
<http://www.timeswv.com/intodayspaper/local_story_263015809.html>

grapes

**47.** **Badgers Testing Some Fans for Alcohol before Games (Wisconsin)**

**Students who have been kicked out of games for disorderly conduct will face a Breathalyzer test before admittance to even**

*Associated Press*

September 23, 2007

Badgers' fans better listen up, and not drink up.

The University of Wisconsin-Madison is now using a Breathalyzer to test students who have been kicked out of games for disorderly conduct before admitting them to Camp Randall Stadium.

Testing begins Saturday with the Badgers' match up against Iowa.

The tests are administered through UW-Madison's Dean of Students Office near the student gate.

The new policy -- dubbed "show-and-blow" -- is part of the school's efforts to reduce the impact of alcohol on campus, said UW-Madison Assistant Dean of Students Kipp Cox.

"It's not just the students who are engaged in this behavior, but they're the ones that our office has the most control over," Cox said.

Cox said there were 36 students on the list for Saturday night's game.

The previous offenders who are 21 or older must test within the state's legal limit for drinking and driving, meaning a blood alcohol content of 0.08 percent or less. Underage students in that category must have no alcohol in their system and test 0.00.

Cox said using a Breathalyzer to convince students to show up at games more sober started about three years ago, but that was just with a few students.

The university decided to expand the program because of positive results, he said. Hopefully the tests will be a deterrent for bad behavior, he said, because the testing will be within view at the student gate and other incoming students.

"Hopefully they're going to think 'I don't want to be in that line.' We're hoping over time to change some of the culture around this," he said.

There's even more of an incentive for the students who have to be tested. Students on the Breathalyzer list that get tossed out of the stadium again could be suspended from the university, Cox said. Students on the list who sneak in without testing also risk punishment.

All attendees, not just students, face repercussions if they show up drunk to games, said Lt. Bill Larson of the UW-Madison Police Department.

"People who are obviously intoxicated at the gate will not be allowed into the stadium. A ticket is a revocable license," Larson said.

Night games are worse for drinking, he said. The last time the Badgers hosted a night game, against Michigan in 2005, 69 citations were issued and 58 were to UW-Madison students. Sixty people were arrested, all but two of them students. And there were 114 ejections, including 77 UW-Madison students.

Day games are a bit better, he said. At the afternoon game against Washington State on Sept. 1, there were 14 citations, including four to UW-Madison students. And there were 13 arrests, four of them students, and 26 ejections. Of that number, 14 were students.

Season ticket holders also risk losing their tickets for the rest of the season if they -- or anyone using their tickets -- engage in unruly or illegal conduct, including drug use, excessive drunkenness, and violent behavior or resisting arrest.

Last year, 145 people received letters of warning and 12 lost their season tickets over such violations.

UW-Madison spokesman John Lucas said more needs to be done.

"We're trying to think of ways to get our arms around that problem," he said.

<http://www.thonline.com/article.cfm?id=174174>

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**48.** **Bottomless Drink Ban Debated in Green Bay (Wisconsin)**

**City authorities say something must be done to stop deaths linked to alcohol**

*Associated Press*September 24, 2007

Drinkers and bartenders say a ban on bottomless drink specials won't stop binge drinking.

But city authorities, including ban proposes Mayor Jim Schmitt, say something must be done to stop alcohol-related deaths.

The Green Bay City Council recently approved a new ban on unlimited drink specials, which many bars offer. The promotions typically charge somewhere between $8 and $10 and in return give patrons a wristband and the right to unlimited drinks within a certain period, say for one night.

Schmitt proposed the ordinance after a recent spate of alcohol-related traffic deaths in the area.

The ordinance addresses only bottomless drink specials. But Schmitt has hinted other bans could follow.

The proposal gets one more public reading and vote at the next City Council meeting on Oct. 9 and then it will take effect.

J.P. Rhodes, who owns the bar Maloney's, has an unlimited-refill special on Thursday nights. He said the proposal was a bad decision and won't curb binge drinking or drunken driving.

No, it'll just drive them to the dorm rooms ... or they'll sit at home and drink a whole case of beer and leave for a buddy's house, where they could get into an accident just as easily," he said.

Bars, on the other hand, have bouncers who call for cabs for students too drunk to drive home, he said.

But others in the industry like Barry Fitzgerald say they like the ban. He manages St. Brendan's Inn & Pub and said he has nothing but contempt for bottomless drink specials and the bars that offer them.

"These all-you-can drink specials encourage people to get blind drunk, giving a bad name to the bars, to downtown and to businesses like ours that don't encourage that at all," he said.

But he doesn't think the ban will be effective and said bar owners could get around it by offering a certain number of drinks for a certain price, rather than unlimited.

Bill Hickey, owner of IQ's on University Avenue, said he was not troubled by the ban but he wondered how well it would work.

But he said, "If it saves one life in a drunken driving accident, it's worth it, and I can see that happening. I know when I was 21 or 22, I'd get a bottomless cup and do stupid things."

Sue Robinson, owner of bar Bourbon Street and president of the Brown County Tavern League, said the league supports the idea. She said a similar ban in De Pere did not put bars out of business.

<http://www.thonline.com/article.cfm?id=174224>

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**49.** **Game Farm Owners Face Charges of Selling Liquor without a License (Wisconsin)  
A Town of Spring Brook couple and their business partner have been charged with selling liquor without a license.**

LeAnn R. Ralph  
*Dunn County News*September 26, 2007

Bruce A. Olson, 55, and Theresa M. Olson, 43, appeared in Dunn County Circuit Court Tuesday on one count each of selling alcohol without a license in the Lookout Lounge at the Whispering Emerald Ridge Game Farm.

Michael Kettner, 44, who is listed as an owner of the Whispering Emerald Ridge as well, also has been charged with selling intoxicating liquor without a license.

The Town of Spring Brook is a “dry” township and does not issue alcoholic beverage licenses.

According to the criminal complaint, a deputy with the Dunn County Sheriff’s Department received a complaint in February 2006 that alcoholic beverages were being sold at Whispering Emerald Ridge Game Farm, located on 640th Street in the Town of Spring Brook.

The deputy contacted Special Agent Mike Krisik of the Wisconsin Department of Revenue, Alcohol and Tobacco Enforcement unit. A warning was issued to Whispering Emerald Ridge to cease selling alcohol.

In May, an informant notified the deputy that the informant had purchased several cans of beer and had witnessed other people purchasing and consuming beer and intoxicating liquors inside the Lookout Lounge at Whispering Emerald Ridge.

In June, Krisik visited the game farm’s Web site at www.whisperingemeraldridge.com and found recent photos showing people drinking beer and what the special agent believed were mixed liquor drinks.

Upon clicking on the link for the clubhouse Web page, Krisik discovered the statement, “After the hunt, eat at the Lookout Lounge and enjoy conversation and a cocktail.”

The deputy’s informant told Krisik that in addition to purchasing and consuming several beers, the informant had witnessed “all kinds” of beer and other liquors being sold and consumed and that Bruce Olson was bartending.

On July 5, Dunn County Sheriff’s Department investigators, along with Special Agent Roger Johnson of the Department of Revenue, executed a search warrant at Whispering Emerald Ridge.

During the search, investigators seized 633 cans and bottles of various brands of beer, 22 opened liquor bottles that were refilled with homemade wine, and a number of bar items, including a tip jar, napkin holders, plastic beer cups, a corkscrew, beer coasters, swizzle sticks and bar napkins.

During the seizure, Bruce Olson admitted to investigators that Whispering Emerald Ridge had sold beer and liquor without having the appropriate license.

The three Town of Spring Brook residents have been charged with a Class U misdemeanor that carries a fine of up to $10,000 and/or imprisonment for not more than nine months.

Bruce Olson, Theresa Olson and Kettner are scheduled to make a second appearance in Dunn County Circuit Court on Nov. 13. A final pretrial hearing is scheduled for Dec. 11.

<http://www.dunnconnect.com/articles/2007/09/24/news/news03.txt>