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| *July 7, 2006* |

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**1. Liquor Law Changes Up for Discussion (New Mexico)**

By Jose L. Medina - *Sun-News*

July 7, 2006

More than a hundred business owners, politicians and residents of southern New Mexico on both sides of possible changes to the state's liquor regulations made their voices heard at a meeting Thursday in Las Cruces.

Officials from the Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department were in town to gauge public reaction to proposed changes to the state's liquor regulations that could potentially make it easier to revoke the licenses of businesses that sell to minors and intoxicated individuals.

The Las Cruces meeting was the second of three that alcohol and gaming officials are planning. The first meeting Wednesday in Albuquerque drew a large crowd and lasted more than five hours.

Those who spoke out against the proposed regulations at the Las Cruces meeting said the changes would make it difficult to conduct business, shifting the burden of blame away from the consumer and placing more of it on the business owner.

"I was shocked, needless to say, when I got word of this meeting and the new regulations," said John Gutierrez, owner of My Brother's Place Restaurant.

Rene Salgado, of El Paso, speaks before state officials and the public at an open forum concerning New Mexico's alcohol laws at the Las Cruces Public School central office. (Sun-News photo by Shari Vialpando)

If the changes are enacted, it would reduce the number of violations required for the state to revoke a liquor license.

Currently, a business can lose its liquor license after five violations involving sales to minors within a 12-month period. The change would lower the number of violations to four and double the fine to $10,000.

For selling alcohol to intoxicated individuals, businesses can now accrue as many as five violations before a license is subject to revocation. Under the proposed regulation that number could be lowered to two and the fine would also be doubled to $10,000.

But perhaps the biggest point of contention among vendors is the proposed change in the regulations that deal with intoxicated individuals.

If an individual is found to have an alcohol content level of .14 or higher within two hours of the sale, service or consumption of alcohol, it will be considered evidence that the person was intoxicated at the time of the last sale, making the business subject to a violation for selling to intoxicated individuals.

That angered business owners with liquor licenses who said the measure of a person's alcohol content is likely to be higher as time passes and alcohol is absorbed into the blood stream. The current regulation limits the time frame to one hour.

Business owners also said they shouldn't be held responsible for what an individual does after leaving their establishment. They said there is no way to know if the person consumed more alcohol after leaving their business that puts them over the .14 limit.

Those opposed to the changes were also concerned as to how they could make an adequate determination of a person's sobriety.

"The fact is I'm not a drinker," said bar owner and state Sen. Mary Jane Garcia, D-Doña Ana. "I despise drinking, but I have to make a living."

Garcia told the crowd that the present regulations are tough enough and said she didn't think the proposed changes are enforceable.

"How is the state going to send someone to everywhere alcohol is served?" Garcia asked.

Those in favor of the change said that if business owners are responsible and abide by the law, the changes should not be a concern to them.

"I think if you are responsible you don't have to be afraid to have your license revoked," said Erica Ramos of Doña Ana, who lost her father to a drunken driver last year.

"You know the old saying, if it ain't broke don't try to fix it. But why not improve it?" Ramos asked the business owners.

"These regulations should not be concerning to them," New Mexico State Police Capt. Richard Williams said of law-abiding liquor vendors, "but concerning to problem establishments."

Williams said he favored the proposed changes which he considers necessary to combat drunken drivers.

According to Doña Ana County District Attorney Susana Martinez, there were more than 1,300 DWI's in the county in 2005 and more than 500 within the Las Cruces city limits for the same year.

The Alcohol and Gaming Division is planning to hold its third and final meeting Saturday in Santa Fe.

Jose Medina can be reached at jmedina@lcsun-news.com

Closer look

A sampling of the proposed changes to New Mexico liquor regulations:

Reduce from five to four the number of violations a business can accrue for selling to minors before its liquor license is revoked.

Reduce from five to two the number of violations a business can accrue for selling to intoxicated individuals before its liquor license is revoked

An individual that registers a .14 blood alcohol content level up to two hours after the sale, service or consumption of alcoholic beverages will be considered evidence that the individual was intoxicated at the time of the sale and the vendor could be held liable

For the full list of proposed changes visit www.rld.state.nm.us/agd

<http://lcsun-news.com/news/ci_4021744>

**2. Maryland Proposes Uniform Bartender Training Rules (Maryland)**

*The Associated Press*

July 7, 2006

HAGERSTOWN, Md. -- Groups offering state-mandated alcohol-awareness training to bartenders and liquor-store workers would have to provide at least three hours of instruction and give a state-approved test under rules proposed by the Maryland Comptroller of the Treasury.

The proposal would standardize requirements for programs offered by nearly 20 vendors and about 250 trainers following complaints that some have shortchanged students on training time. The courses are supposed teach servers about the legal and physical limits of alcohol consumption, mainly to prevent drunken driving.

The proposed rules, which are being aired for public comment through July 24, would be the first uniform regulations governing training required by a 1989 state law aimed at reducing alcohol-related traffic deaths. The comptroller's office currently certifies programs with varying characteristics and enforces the law based on whether a program delivers on its own promises.

The proposal incorporates suggestions from the Restaurant Association of Maryland, which offers a training program called Maryland's BEST. The association, with 3,000 members statewide, had sought a minimum of three hours of instruction- delivered either in a classroom or electronically- followed by a compulsory test. The proposed rules include all those elements.

The Maryland State Licensed Beverage Association sponsors a server training program called Maryland TAM, short for Techniques of Alcohol Management, that typically runs four hours. Executive Director Jane Springer said she had qualms about Internet training but that a proposed requirement for face-to-face testing may alleviate concerns about cheating.

"If we're going to have training, we want it to be legitimate, and it looks like that's what they're trying to do here," she said.

Maryland law requires every establishment that sells alcoholic beverages, including retail stores, to have at least one employee certified by a state-approved alcohol-awareness program. Five counties- Harford, Howard, Kent, Montgomery and Washington- and the city of Annapolis go further by requiring that a certified person be on the premises whenever alcohol is being sold or served.

At least 11 states require such training, according to the Centers for Disease Control and Prevention. A CDC task force has concluded that programs incorporating "well-executed, face-to-face training, accompanied by active management support" can reduce alcohol-impaired driving.

Alcohol-related traffic fatalities in Maryland have declined since the law was passed in 1989. Such deaths peaked at 407 in 1986 and reached a low of 215 in 1999, according to the National Highway Traffic Safety Administration. In 2004, the last report year available, there were 286 alcohol-related traffic deaths in the state, according to NHTSA.

<http://www.wboc.com/global/story.asp?s=5120387&ClientType=Printable>

**3. New Wine Law Hurting Small Wineries (Virginia)**

By Lindsay Puccio -  *WCAV*

July 5, 2006

A new law regulating the sale of Virginia wine has left some local winery owners with a bitter taste in their mouth.

Under the new law, Virginia wineries are no longer allowed to sell their products directly to customers. For the smaller vineyards, this new law means a decrease in profits that could possibly lead to many businesses going under.

The fresh grapes at Jefferson Vineyards has been used to make wine for the past 25 years, but starting this year it will be much harder to sell. The new law that started July1st does not allow wineries to sell their products directly to the local restaurants and retailers.

"It makes it very difficult to do business," said Chad Zakaib, the General Manager of Jefferson Vineyards.

The struggle started last year when the Supreme Court decided that the state law was not fair. It said only in-state wineries, not out-of-state wineries, can ship their products to customers.

So, to solve the problem this year the General Assembly chose to tighten the laws to bar all wineries from selling to customers. Wine makers are now being forced to go through distributors.

"Distributors in this state hold a state-mandated monopoly," said Zakaib.

The only way wineries can sell their wine directly to a customer is through their tasting rooms. For wineries like Jefferson Vineyards, this law means almost a 40 percent decrease in profit. However, for the less established wineries in Virginia, it could mean bankruptcy.

"For wineries that do not have a distributor relationship, the impact will be severe and the ability to grow your brand and to reach out to customers will be severely limited," said Zakaib.

This also means bad news for wine drinkers. By putting a distributor between the winery and its customers, the availability of the wines will go down while the price goes up.

A bottle that would normally cost $15 directly from the winery, will now cost about $7 more because the winery, the distributor and the retailer selling the product all need to make a profit.

The Newsplex tried to reach several distributors in the state for comment but the phone calls were not returned.

Next year the Virginia Winery Association will push legislation that would allow all wineries to distribute wine themselves.

<http://www.charlottesvillenewsplex.tv/news/headlines/3281831.html>

**4. Pernod Launches Premium Tequila**

***Just-drinks***

**July 3, 2006**

Pernod Ricard is combining with Young's Market Co. to roll out a premium Tequila in the US.

The company said that the brand, named Tevado, offered a "step up" in quality and versatility for retailers, on-premise accounts and consumers from today's big volume Tequilas.

Tevado, which joins the Olmeca and Viuda de Romero brands in Pernod's Tequila portfolio, launches in California this month, with a 750ml bottle retailing at US$19.99. At retail, Tevado will be available in a Margarita co-pack that includes a 750ml Tevado and a bottle of Finest Call Margarita Mix.

Pernod intends to follow up a summer launch programme with a fully integrated holiday push beginning in October.

Pernod Ricard USA western division marketing director Jeff Torres said: "Our new enhanced portfolio of premium brands allows Pernod Ricard to compete effectively in all key spirits segments with one exception - the dynamic premium tequila segment. Tevado Tequila is the missing piece of our puzzle on the west coast."

**5. PRESS RELEASE: Early Drinking Linked to Higher Lifetime Alcoholism Risk**

*The National Institute on Alcohol Abuse and Alcoholism*

July 3, 2006

Data from a survey of 43,000 U.S. adults heighten concerns that early alcohol use, independent of other risk factors, may contribute to the risk of developing future alcohol problems. Those who began drinking in their early teens were not only at greater risk of developing alcohol dependence at some point in their lives, they were also at greater risk of developing dependence more quickly and at younger ages, and of developing chronic, relapsing dependence. Among all respondents who developed alcoholism at some point, almost half (47 percent) met the diagnostic criteria for alcohol dependence (alcoholism) by age 21.

The associations between early drinking and later problems held even after investigators controlled for other risk factors for dependence, adding to concerns that drinking at a young age might raise the risk of future alcohol problems rather than being an identifying feature of young people predisposed to risky behavior. The study appears in the July issue of Archives of Pediatrics & Adolescent Medicine, Volume 160, pages 739-746.

Elias Zerhouni, M.D., director of the NIH, said, "This is a very good example of how insights gained from health research can inform public policy. Converging research suggests that youthful drinking is associated with an increased risk of long-term, not just acute, health consequences."

Scientists at the Boston University School of Public Health and Youth Alcohol Prevention Center, led by Dr. Ralph Hingson,\* carried out the analysis using data from the 2001-2002 National Epidemiologic Survey on Alcohol and Related Conditions (NESARC), a representative survey of the U.S. civilian noninstitutionalized population aged 18 years and older.

NESARC involved face to face interviews with adults ages 18 and older. The survey used questions based on diagnostic criteria for alcohol abuse and alcohol dependence from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders-Fourth Edition (DSM-IV). In the study, "starting to drink" meant the age when respondents first drank alcohol, not counting tastes or sips.

NIAAA Director Dr. Ting-Kai Li said "this work underscores the need for research to clarify how early drinking relates to the risk of lifetime alcohol problems. In particular, it is important to learn whether early alcohol use may affect the developing brain in ways that increase vulnerability to dependence."

In results that echo earlier studies, of those individuals who began drinking before age 14, 47 percent experienced dependence at some point, vs. 9 percent of those who began drinking at age 21 or older. In general, each additional year earlier than 21 that a respondent began to drink, the greater the odds that he or she would develop alcohol dependence at some point in life. While one quarter of all drinkers in the survey started drinking by age 16, nearly half (46 percent) of drinkers who developed alcohol dependence began drinking at age 16 or younger.

New findings showed that among all drinkers, early drinking was associated not only with a higher risk of developing alcoholism at some point, but also within 10 years of first starting to drink, before age 25, and within any year of adult life. Early drinking was also associated with increased risk of having multiple episodes of alcoholism. Further, among respondents who had had alcohol dependence at some point, those who began drinking young had episodes of longer duration and with a wider range of symptoms than those who started later.

Previous research has established the link between early onset of drinking and lifetime diagnosis of alcoholism. Key to understanding the relationship between early drinking and alcoholism risk is whether the act of drinking while young raises lifetime risk, or whether early drinking reflects an underlying predisposition for risky behavior in particular young people. In the latter case, early drinking would be considered a marker identifying individuals already at risk for developing alcoholism. In this study, investigators attempted to account for factors-such as family history of alcoholism, childhood antisocial behavior and depression, and smoking and drug use-known to be associated with higher risk. Even controlling for a number of risk factors and the effects of age differences among respondents, early drinking was associated with an increased risk of lifetime alcohol diagnosis.

In calculating the impact of early drinking on the risk of experiencing alcoholism, the study used statistical methods that account for the fact that older respondents have had a longer window of opportunity to develop alcoholism than younger respondents. The risk of those who began drinking before age 14 was multiplied by a factor (or "hazard ratio") of 1.78 relative to those who started drinking at age 21 or older.

The recently released 2005 Youth Risk Behavior Survey-conducted by the Centers for Disease Control and Prevention-found that among high school students nationwide, 26 percent had drunk alcohol (other than a few sips) for the first time before age 13.

The authors conclude that the results of both studies support the need to take measures to delay alcohol consumption by underage youth. Dr. Hingson said, "This analysis suggests that interventions that delay drinking onset may not only reduce the acute consequences of drinking among youth, but may help reduce alcohol dependence among adolescents and adults. It's an important public health issue for longitudinal research to resolve."

**6. US Trade Chief Says WTO Trade Talks at Impasse**

*Reuters*

July 1, 2006

GENEVA - United States Trade Representative Susan Schwab said on Saturday that the WTO's Doha round was at an impasse, although not yet dead, after two days of ministerial talks failed to produce a breakthrough.

Despite warnings by World Trade Organisation chief Pascal Lamy that the future of the WTO negotiations hung by a thread, top trading powers did not bridge their divisions over farm and industrial goods, which lie at the core of the free trade round.

"We have clearly reached something of an impasse here. But does that mean the round is dead? No. We have no intention of giving up hope," Schwab told a news conference.

The United States is resisting pressure to give ground on farm subsidies. Talk by the European Union that it could be more flexible on farm import tariffs was not enough for a deal.

Developing countries said concessions by the rich WTO states on farm trade are a condition for them to cut industrial tariffs, the other half of a hoped-for bargain in Geneva. But rich states' demands on manufacturing were excessive.

"The U.S. is not in a position to settle for some mediocre version of a trade round that doesn't deliver real market access and new trade flows," Schwab said.

The WTO must complete the round -- which also includes a host of other issues -- by the end of the year because special U.S. presidential powers to negotiate on trade will expire next year and Congress looks unlikely to renew them.

<http://today.reuters.co.uk/news/NewsArticle.aspx?type=topNews&storyID=2006-07-01T085109Z_01_L01393531_RTRUKOC_0_UK-TRADE-TALKS-SCHWAB.xml>



**7. Miller to Buy 'Energy Beer' Brands From McKenzie**

By Joseph T. Hallinan

July 3, 2006; Page A8

SABMiller PLC of London said it reached an agreement with McKenzie River Corp. to acquire its caffeine-laced "energy beer" Sparks and Steel Reserve brands for $215 million, in a move designed to lure young drinkers of Starbucks Corp.'s frappuccinos and energy drinks like Red Bull.

The move is almost certain to intensify the battle that is brewing over a small but growing part of the lackluster American beer market: energy beer. These beers, which often include caffeine and caffeine-like substances, have been surging in popularity. Sparks is a caffeinated alcohol malt beverage flavored with ginseng, guarana and taurine and has a citric taste. Steel Reserve is a lager beer.

Demand for energy beers appears strong. SABMiller's Miller Brewing Co. says the Sparks brand, for instance, had a compound annual growth rate of 107% between 2003 and 2005. Last year, it sold 270,000 barrels of the product. The acquisition from McKenzie River, San Francisco, expands Miller's portfolio of energy beers. It already markets Mickey's Stinger, a malt liquor that features more caffeine than a cup of coffee, and two caffeine-like substances: guarana and taurine. Malt liquors generally have more alcohol than beer. Mickey's, for instance, has 7% alcohol by volume, compared with 4.5% that is typical of most American beers. "Sparks and Steel Reserve will have an immediate positive impact on our growth profile," said Norman Adami, president and chief executive of Miller Brewing.

The companies plan to announce the deal today.

U.S. brewing titan Anheuser-Busch Cos. offers two different beers -- Tilt and B(e) -- with caffeine, ginseng and guarana. Anheuser is also test-marketing another caffeinated beer, Natty UP. The category has attracted a number of recent entrants. One new energy beer is Moonshot, produced by a small Boston company, New Century Brewing Co. Moonshot was introduced in 2004 and has since been reformulated, company CEO Rhonda Kallman said. "High-volume domestic beer drinkers are looking for a pick-me-up, particularly after drinking several. And...their preference is to stay in beer." So she reformulated Moonshot and added more caffeine. The total now is 69 milligrams, which she says is about equal to a cup of coffee.

Sparks and Steel Reserve are already brewed by Miller under an agreement with McKenzie River. Miller said completion of the transaction is subject to review by U.S. antitrust authorities. Miller also agreed to develop new products with McKenzie River founder and President Minott Wessinger.

Critics say energy beers simply serve to mask underlying intoxication. "I think it's just another clear way to keep people drinking more," says George Hacker, director of the alcohol policies project at the Center for Science in the Public Interest, a nonprofit advocacy organization.

**8. Absinthe, Potent Liquor of 1890s' Paris, Returns**

By Onell R. Soto, Staff Writer – *Union-Tribune*

July 2, 2006

TIJUANA - **U.S. officials are surprised to find that absinthe, a wormwood-laced liquor banned in the United States more than 90 years ago amid concerns about its drug-like effects, is resurfacing at the border.**

Young adults returning from Tijuana are bringing back bottles, say customs officials who are now on the lookout for the liquor renowned in its heyday among writers and artists in bohemian Paris.

Known as la fée verte - "the green fairy" - because of its color and the hallucinations it is said to produce, absinthe is legal in Mexico and has been legalized in much of Europe over the past 10 years.

At San Ysidro, border agents started seizing bottles about a month ago and have confiscated about 30 since then, a supervisor said last week.

"There was nothing a year ago," said Chief Christine Schneider of Customs and Border Protection, who is now training border inspectors to look for the liquor.

Absinthe's effects are legendary and formed part of the plot of the 2001 blockbuster film "Moulin Rouge." It was the rage in France 100 years ago.

Writers Ernest Hemingway, Edgar Allan Poe and Oscar Wilde sang the praises of the drink. Artists Henri Toulouse-Lautrec, Edouard Manet and Pablo Picasso considered it as essential as brushes and paint for the creation of their paintings.

Vincent van Gogh, it's said, cut his ear off while using the stuff.

Absinthe, or absinth, as it's spelled in Mexico and some parts of Europe, is highly alcoholic and made with a mixture of herbs.

Mexico never banned absinthe, but it disappeared because of bans in Europe, where it was made, a distributor said.

In the past few months, though, a Mexican-made version of the 110-proof liquor has reappeared in bars and liquor stores along Tijuana's Avenida Revolución, where posters featuring a voluptuous raven-haired green fairy promise: "Your fuel for tonight . . . "

For people who order the $8 cocktail, waiters place a sugar cube on a small strainer over a glass of ice, soak it with the green liquor, light it aflame and then mix it with cold water.

The cloudy, greenish blend tastes like anisette.

"It's a strong liquor," said Roberto Lopez, a waiter at El Torito Pub, one of the bars that carries absinthe. "With two or three shots, you get real relaxed."

The bar also sells 180 ml bottles at $25 each.

"People always ask if you can take it across the border," said waitress Minda Ayala.

She tells them it's illegal in the United States, and that may be part of the appeal for U.S. tourists.

"Since it's prohibited over there, they come here and buy it," she said.

Liquor store clerks up and down the tourist strip say people ask about absinthe daily.

One liquor store on Revolución featured a bright yellow sign touting absinthe to passers-by. Inside, eight small bottles lined a shelf underneath a poster saying, "Not sold in USA. Sold Here. OK for USA Customs Border crossing."

A clerk who did not want to give his name said he was surprised by news of the border seizures.

He said the store used to carry a European absinthe that sold for $145 a bottle, and buyers were curious.

"They would look at it," he said. "But they wouldn't buy it because of the price."

Juan Rubalcava, a Mexico City importer who markets Czech absinthe, said distribution is slowly picking up, but most of his sales - targeted at high-end drinkers - are in the country's capital, not border towns such as Tijuana.

He turns up his nose at the Mexican brands.

"It's awful quality. It's not absinthe," he said. "It's some concoction."

He claims those brands don't have thujone, the stimulant in wormwood that researchers - yes, it's been studied by scientists - say is responsible for absinthe's unique effects.

Thujone, in large quantities, can cause death and is linked to stomach problems, mood swings, convulsions and brain damage, a biochemist said in 1988, attributing van Gogh's erratic behavior, in part, to absinthe consumption.

Absinthe traces its roots to a rustic recipe - including wormwood, anise, fennel, mint and coriander - for an absinthe elixir that a French physician peddled in Switzerland in the late 1700s.

French distiller Henri-Louis Pernod commercialized the drink as Pernod in 1805, and over the following century it became wildly popular.

Other companies marketed their own versions, some of questionable quality.

Along with the ritual of dissolving the sugar and adding cold water came special slotted spoons and measured glasses.

But it was banned in much of Europe because claims that it was dangerous to health and society - and perhaps because of its damage to the French wine-making industry, which was losing customers to the popular drink.

The United States banned it in 1912, at a time when prohibitionists were pushing for a national alcohol ban, which was enacted in 1920.

When prohibition was repealed in 1933, absinthe remained illegal to distill, sell or import, but not to possess.

Pernod reformulated its flagship product to remove the wormwood, but continued to produce an absinthe in Spain.

And over the years, factories in the Czech Republic quietly continued to produce absinthe, as did bootleggers in Switzerland.

Then, in the 1990s, countries throughout Western Europe began legalizing absinthe while limiting the thujone content, and commercial production was resumed.

Czech producers, freed from Communist government control, began exporting their product.

And Pernod reintroduced its original formulation of absinthe, which is sold in Europe and Canada but not in the United States or Mexico.

It has become a chic drink in bars in London, where it was never banned, and it's now sold on the Internet, where some marketers say it's not hard to get past customs.

And, aside from the twin effects of alcohol and thujone, part of absinthe's allure over the centuries is the ritual of sweetening and diluting the bitter liquor, according to a 2002 article in Modern Drunkard magazine.

"There is a certain sense of superiority that goes along with the ritual," the magazine said. "While the peasants in the corner merely pour their booze in a glass and lap it down like wild animals, we, the smart people, the insiders in the know, are engaging in nothing less than alcoholic alchemy!"

**9. Caffeinated, Alcoholic Drinks Worry Some Doctors**

By Dr. Mallika Marshall

(CBS4) / Boston

BOSTON It's called "infused booze", alcohol enhanced with caffeine and other additives meant to keep drinkers from getting drowsy.

Nurses aide Kristen Kearns often feels like she needs coffee, not a cocktail, when she wants to go out at night.

She now drinks "Pink", a juiced vodka.

"We have built in flavorlessly, caffeine and guarana, into a beautiful super premium 80 proof vodka that comes from Holland," said David Mandell.

That's right -- liquor and beer now enhanced with stimulants.

Guarana is an herbal product which hasn't even been reviewed by the FDA.

Substance abuse specialists, like Dr. Maher Karam-Hage, don't like these combinations.

"People will actually feel like they are not drunk, they would think they can drink and drive . . .sometimes what is good you know about having the sleepiness from alcohol . . . you know you are drinking too much and you stop," said Karam-Hage.

These types of drinks can also lead to stimulant overload, with side effects like heart palpitations, insomnia, and dehydration.

"You're going to have the alcohol which is creating the diuretic effect, then you're going to have that caffeine which is going to create that diuretic effect then again . . . you get thirstier so you want to consume more," said Marilyn Tanner of the American Dietetic Association.

But web designer Matt Busby says he doesn't feel as tired when he consumes these types of drinks.

He says he also likes having an option other than using "Red Bull" as a mixer. The manufacturer of "Pink" says that moderation is the key, and that if the product is used responsibly, it is safe.

It is estimated that each shot of "Pink" vodka has as much caffeine as about three quarters cup of coffee, so it would take just a couple of drinks to feel the effect.

Most of these types of beers and malt liquors are widely available at bars and liquor stores. "Pink" vodka is only sold in a few states, but will be available nationwide later this year.

**10. Liquor Trade Group Challenges Smoking Ban (Illinois)**

*Associated Press*

SPRINGFIELD -- A trade group that represents liquor retailers is mounting a legal challenge to Springfield's new indoor smoking ban for public places.

The Illinois Licensed Beverage Association filed a lawsuit Wednesday in Sangamon County Circuit Court, seeking an injunction to prevent the ban from taking effect Sept. 17 in all indoor workplaces.

The association has also asked the court to nullify the sections of Springfield's Clean Indoor Air Ordinance that apply to bowling alleys and taverns, saying state law does not give the city the authority to include such establishments in its definition of "public places."

"We have been thinking about this for quite a while," said association executive director Steve Riedl.

The lawsuit contends that enforcement of the ordinance approved in January would cause "irreparable harm" to liquor-selling businesses in the form of lost patron revenue and goodwill.

But Springfield Alderman Bruce Strom, who sponsored the ordinance, dismissed the lawsuit as "frivolous."

"I think everybody who is knowledgeable with the state statute, including the governor and legislative leaders, believe the law does what everyone thinks it is intended to do, and that is to permit cities to regulate smoking in all places of employment," Strom said.

The only exemptions are for retail tobacco stores, nursing home rooms where all residents agree to have smoking, stage productions, hotel rooms, private vehicles and private homes not used for day care or as health facilities.

Under the Illinois Clean Indoor Air Act of 1990, only the 21 home-rule governments that had anti-smoking laws before October 1989 had the right to place greater restrictions on smoking than the state provided. The state requires only that public places have designated smoking and non-smoking areas.

Last summer, Gov. Rod Blagojevich signed a bill granting Springfield and all other home-rule communities the rights the 21 municipalities already had, including the right to ban smoking in bars and bowling alleys.

That bill's sponsor, Sen. John Cullerton, D-Chicago, said that while the original Illinois Clean Indoor Air Act excluded bowling alleys and bars from its definition of public places, that does not mean cities cannot regulate smoking within them.

This week, Blagojevich signed a bill that also gives counties the authority to ban smoking in unincorporated areas. Springfield Mayor Tim Davlin sought that legislation on behalf of city businesses concerned about losing customers to bars outside the city limits that allow smoking.

Sangamon County officials are expected to consider a possible smoking ban later in the summer.

But Riedl said that if the county proceeds with an anti-smoking ordinance similar to the city's, the association might challenge it as well.

**11. Booze Ban has Fans in Tacoma (Washington)**

By Jim Brunner, Staff Writer – *Seattle Times*

It isn't often that Seattle looks to Tacoma's historically troubled Hilltop neighborhood for inspiration.

But that's happening as city leaders look for ways to rid the streets of homeless alcoholics.

The state Liquor Control Board tonight will hold a public hearing on a request by Seattle to designate more than six square miles of the city a mandatory "alcohol-impact area" (AIA).

Within the AIA boundaries - including downtown, Belltown, Capitol Hill, the Chinatown International District, Central Area and University District - grocers would be prohibited from selling 34 brands of beer, malt liquor and fortified wines, from Olde English 800 and Pabst Ice to Night Train Express.

That mimics a strategy that Tacoma credits with rejuvenating its Hilltop neighborhood, which has long struggled with crime, drug dealing and an unsavory reputation.

But what exactly did the Hilltop AIA accomplish?

"Honestly, we ran some people out," said Tacoma Police Officer Greg Hopkins, a 27-year veteran who is the community liaison to the Hilltop neighborhood. Unable to get their usual drink, many homeless alcoholics - and others who used to drink on the streets - moved elsewhere.

The alcohol rules, imposed in 2002, were not the only reason Hilltop rebounded. Residents organized regular trash cleanups and set up card tables on street corners to play cribbage and ward off drug dealers.

The strategy brought some relief to Hilltop, but some of the problems with homeless encampments and public drinking migrated to Tacoma's Eastside. Neighbors there are talking about asking for their own AIA.

Hopkins says he knows anecdotally that some of his city's homeless alcoholics left town. While visiting Seattle last year, he recognized two panhandlers who used to live in Tacoma.

Citywide alcohol-related emergency calls declined for a couple years in Tacoma, but returned last year to pre-AIA levels. And the head of the city's sobering center estimates the number of chronic street alcoholics is unchanged.

Still, Hilltop leaders say the AIA was key to their neighborhood's revival. They'd never go back to the way things were before.

"Now there are not drunks on the street. You can walk into the convenience stores without somebody trying to bum money to buy beer," said James Collins, president of the advisory board for the Hilltop Action Coalition, who has lived in the neighborhood since 1979. "I remember a time when you could go out and pick up 40-ounce bottles off the street all day. We just had a spring cleanup and didn't find any beer bottles."

A 2003 report by Washington State University researchers generally praised the Hilltop AIA, noting a 61 percent reduction in calls to police for "liquor in the park" in the neighborhood in the year after the restrictions went into effect.

Seattle has tried similar tactics before, designating Pioneer Square an AIA in 2003. But the rules there are not as strict as in Tacoma. Although fortified wines are banned, stores can still sell the same brands of cheap, high-octane beer, just not in single containers and not between 6 and 9 a.m.

Soon after the Pioneer Square AIA was adopted, other Seattle neighborhoods - Capitol Hill in particular - began complaining that homeless alcoholics had simply relocated. Seattle officials now say Tacoma's approach was better.

"The Pioneer Square AIA was too small of a geographic area to really have an impact and we never had the banned-products list," said Jordan Royer, public-safety adviser to Seattle Mayor Greg Nickels. "We feel like we have a better chance of success with those rules."

The proposed ban on many beers and wines worries owners of small convenience stores, who fear they'll be driven out of business.

"I don't know what kind of products we are going to sell," said Elias Kemaw, who opened his market in the Central Area five years ago. "There is no way anyone comes to my convenience store and buys the rest of the stuff I have without this beer and wine."

But city officials say such concerns are outweighed by the complaints of neighborhoods with large numbers of homeless men and women drinking in public.

Seattle officials acknowledge the AIA could push some public drinking to other neighborhoods. But they believe no single neighborhood would be likely to attract a large concentration of homeless alcoholics.

The AIA is only a part of Seattle's strategy for dealing with homeless alcoholics. The city also has opened an apartment building at 1811 Eastlake Ave. for 75 of the most troubled street alcoholics. Residents are allowed to drink in their rooms but must follow rules banning disorderly conduct.

In Tacoma, the Hilltop neighborhood still sees some of the same street alcoholics that have been there for years. But they don't gather in big numbers, and when they stay inside the AIA, they don't get as drunk, said longtime Hilltop activist Jeanie Peterson.

"We ended up with the same drunks, but it was like a higher quality of drunks," Peterson said. "They'd buy a Bud instead of Olde English. Then they were pleasant instead of that sloppy, vomiting, slobbering."

Mary DeGruy, program director for Tacoma's sobering center, said she also sees a difference between alcoholics who stay inside the AIA and those who venture outside to buy more potent beers and wines.

Those who go outside are more likely to wind up in the emergency room, she said. Those who stay still drink, but they don't get quite as drunk. "Their behavior is more manageable," she said.

Overall, DeGruy said Tacoma still has roughly the same number of chronic street alcoholics as before the AIA. But she agreed with Hilltop activists that the AIA has been a success.

Without the attention the AIA brought to the plight of street alcoholics, the sobering center might never have opened. The small facility offers mats on the floor for inebriated homeless people to sleep it off. They also can seek treatment for their addiction.

"I think the AIA brought focus to a group of people who were not the focus before," said DeGruy.

**12. Liquor Industry Applauds Rhode Island Governor For Signing Into Law Tough Drunk Driving Legislation (Rhode Island)**

*U.S. Newswire*

July 5, 2006

PROVIDENCE, R.I. -- The Distilled Spirits Council today applauded Rhode Island Governor Don Carcieri for signing into law House Bill 6700, legislation that sharply increases the penalty for drunk drivers who refuse to submit to a chemical test.

Governor Carcieri, joined by Attorney General Patrick Lynch and H.B. 6700's primary sponsor -- Representative Patrick O’Neill -- signed the bill into law today during a ceremony at the State House. Other sponsors of the bill include Representatives Fausto Anguilla, Raymond Church, Peter Ginaitt, Russell Jackson, and Peter Kilmartin.

"We commend Governor Carcieri, Attorney General Lynch and the Rhode Island State Legislature for supporting legislation that comes down hard on repeat offenders by escalating penalties for multiple offenses," said Distilled Spirits Council Vice President Jay Hibbard, who also attended the bill signing this afternoon. "Laws such as this are tools that states can use to help reduce the occurrence of drunk driving in their communities."

H.B. 6700 increases the penalty for a drunk driver who refuses to submit to a chemical test and requires the attorney general to prepare an annual written report for the General Assembly on impaired driving, identifying cases involving drunk driving and chemical test refusal charges.

The new law took effect immediately upon passage.

Hibbard pointed out that the distilled spirits industry has a long history of working with communities nationwide to combat underage drinking and drunk driving. Hibbard cited as examples the work of The Century Council, a not-for-profit organization funded by America's leading distillers, which has programs available for communities and parents to reduce underage drinking and drunk driving.

<http://releases.usnewswire.com/GetRelease.asp?id=68808>


### 13. 10 Businesses Cited for Underage Alcohol Sales (Iowa)

### *Des Moines Register*

### July 7, 2006

Ten businesses were found to be noncompliant after West Des Moines police officers conducted alcohol compliance checks June 14, officials reported.

Officers used juveniles to go to establishments and try to buy alcohol. Twenty-four of the 34 establishments checked were compliant. Police said citations of $690 were issued to the 10 noncompliant businesses: Cafe Su, 225 Fifth St.; El Aguila Real No. 2, 1960 Grand Ave.; El Ray, 1714 Grand Ave.; 5th Street Pub, 128 Fifth St.; Hampton Inn, 7060 Lake Drive; Maddy's Place, 1306 Grand Ave., Maxie's Restaurant, 1311 Grand Ave.; Rock Bottom, 4508 University Ave.; Tandoor, 1221 Eighth St.; and Willow Creek Golf Course, 140 Army Post Road.

Seven of the 10 sold alcohol to a minor without checking identifications. Three checked ID but still sold the alcohol.

West Des Moines police routinely check the 141 businesses in their area for compliance.

**14. TABC Charges Four in Connection With Drunk Driving Death (Texas)**

By Shelton Green - *KVUE-TV News*

July 6, 2006

The Texas Alcoholic Beverage Commission (TABC) is charging four people with providing alcohol to minors in connection with a fatal accident involving a UT student who ran over a man with his car.

The driver had attended a  pre-law fraternity party were alcohol was served to underage drinkers.

The accident happened in the 1900 block of East Riverside on September 18th 2004.

<http://www.kvue.com/news/local/stories/070506cckrKvueTABC.2c73bdc3.html>

**15. Heineken: Aims For 20% Russian Mkt Share In 5 To 6 Yrs**

***Dow Jones Newswires***

July 5, 2006

MOSCOW (Dow Jones)--Dutch brewer Heineken NV (00916.AE) Wednesday said it is targeting a 20% market share in the Russian market and says it wants to achieve that share in five to six years.

The market share target will be reached organically, Heineken executives told journalists during a visit to some Russian operations, but the company will keep looking at possible takeover targets.

The Amsterdam-based brewer currently has a market share of 16% in Russia, one of the fast growing beer markets in the world, according to research firm AC Nielsen.

"Russia is the cornerstone for future development of the Heineken Group," Chief Executive Jean Francois van Boxmeer said.

Heineken is the world's fourth-largest brewer by volume after InBev SA (INTB.BT), Anheuser-Busch Cos. Inc. (BUD) and SABMiller PLC (SAB.JO). In Russia, Heineken is third, behind Baltic Beverages Holdings, a joint venture of Scottish & Newcastle PLC (SCTN.LN) and Copenhagen-based Carlsberg AS (CARL-A.KO) and Belgian InBev SA's (INB.BT) subsidiary Sun Interbrew.

Heineken has been criticized in the past for not moving quickly enough in the strong growing Russian market and when it did, paying a high price for the acquisitions it made.

"We were in time," said Van Boxmeer, who took over the helm at Heineken in October 2005. "We entered in Russia when we thought it was most appropriate. But first, we had to prove ourselves and put one toe in the water."

Heineken has expanded in Russia over the past few years, spending EUR1.2 billion on acquisitions. It bought six companies with a total of 10 breweries, which currently "don't contribute a lot" to the company's bottom line, Van Boxmeer said. "It will take another five years before we've reached the desired return on investment of 7-8%. However, most important is to accelerate top-line growth, sell more beer and gain market share," he said.

Russia's beer market expanded by around 5.5% last year to 89.3 million hectoliters, Heineken said. It expects that the market will grow to more than 100 million hectoliters in 2008. Analysts put growth over the coming years at 3-5%, which makes it one of the strongest growing markets, behind the Asia Pacific region.

Heineken is currently focusing on integrating its Russian buys. This process will be finished at the end of 2006. In the meantime, Heineken conducted a revaluation of its Russian product portfolio of 36 brands.

The Western-European beer market is mature and faces tough competition from wine and spirits. So brewers are looking to Russia and China for sales growth. "Beer in Russia is getting more affordable and there's room for growth," said Roland Pirmez, CEO of Heineken Russia. He added that Russians only consumed 62 liters of beer per capita in 2005, compared with around 100 liters per capita in western European countries. Heineken predicts that in 2008 Russians will drink 71 liters of beer per capita.

