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| *January 12, 2007* |

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

#

# 1. Chinese Liquor Stocks May Ease

# *The Wall Street Journal*

January 9, 2007; Page C6

**Thirst Seems Quenched In Short Term by '06 Surge**

During U.S. President Richard Nixon's 1972 landmark trip to Beijing, many people outside China learned about *maotai*, a fiery sorghum-based liquor that he and Chinese leaders drank for historic toasts.

Maotai is the best known brand of *baijiu* -- literally, "white liquor," which has long featured into Chinese history. And in the past year, makers of baijiu have been stars of China's stock market.

Their stocks were so hot in 2006 that many analysts now consider them overvalued, and suggest that investors cool their appetite for baijiu -- at least for now.

But the business is likely to keep growing. During the past 15 years, baijiu sale volumes have boomed, averaging 20% annual gains. Some analysts expect annual rises of 15% for the next five years.

The market has been particularly strong for high-end baijiu, in line with China's rapid economic growth and the increasingly sophisticated tastes of its consumers. Revenue in this part of the market rose to about 13 billion yuan ($1.66 billion) in 2005 from 3.5 billion yuan in 2000. By some estimates, sales could reach 40 billion yuan by 2010.

Growth, in turn, has pushed up share prices of the handful of baijiu companies that dominate the market. The biggest is Kweichow Moutai, maker of the maotai -- as the name is spelled in Beijing's official romanization -- that got international attention from the Nixon visit. It is widely considered China's national liquor.

During 2006, blocks of previously nontradable shares of state-run Moutai were made tradable, in a conversion process similar to what occurred in many Chinese companies. Adjusting for the company's share-overhaul plan -- which included issuance of new shares and cash dividends -- the share price of Moutai more than doubled in 2006.

In December alone, shares of Moutai rose 30%. On Dec. 19, the market capitalization of the company's Class A shares was 79.7 billion yuan, higher than that of all listed, major domestic auto makers combined.

Yesterday, Moutai shares fell 1.6% to close at 84.86 yuan. Shares of another producer, Luzhou Laojiao, also shot up in December -- by 35%. Analysts say the baijiu producers were lifted by general bullishness on Chinese shares, and sales of their liquor were aided by year-end gift-giving and celebrations, along with anticipation retail prices could rise in 2007.

While shares of all major baijiu makers did well in 2006, there are reasons not to be upbeat about this year. Li Feng, an analyst at Beijing-based Galaxy Securities, has advised investors that baijiu-industry shares in China are "much overvalued" compared with those in other industries. While he likes the industry and main players, he says shares could fall 30%, given the levels they reached at the end of 2006.

In the case of Moutai, Mr. Li says that in recent years its share price has increased at a rate far higher than gains in its income and profit. Meanwhile, he says, the stock's low turnover "adds risks" for investors.

Changing drinking habits could also lead to less spending on baijiu, some analysts believe. The China National Food Industry Association said that in the past four years, market demand for beer had increased 45%, while that for wine had risen 29%. Meantime, fermented wine, literally known as "yellow liquor" is gaining popularity.

Shanghai-based Orient Securities is neutral on baijiu shares, as it doesn't see a lot of room for those of the major brands to rise. Ren Meijiang, an analyst at the brokerage, says baijiu's outlook is dimmed by increasing health-related concerns about excessive drinking and the possibility the government might seek to curb sales of high-end baijiu -- often given as gifts -- as part of its campaign against corruption.

Another reason for concern: intensifying competition, as global companies get involved in the spirits business in China.

In December, Chengdu Yingsheng Investment Holding sold its 43% stake in Sichuan Chengdu Quanxing to the world's largest alcohol beverage manufacturer, [Diageo](http://online.wsj.com/quotes/main.html?type=djn&symbol=deo) PLC. Quanxing is the parent company of Sichuan Swellfun, which makes a baijiu that is at the luxury end of the market. There is speculation that more foreign companies will buy into the Chinese liquor sector this year. Despite short-term concerns, many analysts are bullish on the long term for baijiu stocks. Everbright Securities says that high-end baijiu that has been stored for years is still scarce and a hot commodity. The firm has a grade "A" ranking for three major high-end brands: Moutai, Wuliangye Yibin and Luzhou Laojiao.

"The current share price of Moutai is not overvalued, as it is a 'national liquor' brand which enjoys the highest loyalty and the widest recognition among Chinese consumers," said Peng Danxue, an analyst from Everbright.

Guotai Junan Securities maintains a "buy in" rating for Moutai and Luzhou Laojiao for this year. Guotou Securities continues to give a grade A ranking to Moutai, and sets an estimated share price between 90 yuan and 100 yuan this year.

Others aren't so sure "white liquor" has a rosy future. "The consumption of baijiu largely depends on cultural inheritance. However, it seems that this inheritance will possibly break up in today's younger generation in China," says Mr. Ren of Orient Securities.

<http://online.wsj.com/article_email/SB116828323495970428-lMyQjAxMDE3NjE4MDIxODAzWj.html>



2. Kohl's and Target Drop Drinking Games

By Donna Leinwand, *USA Today*

January 10, 2007

Two of the nation's largest retailers have halted sales of board games that encourage players to drink alcohol, less than a month after drug prevention groups launched letter-writing campaigns that accused the retailers of promoting binge drinking by selling *Drinko* and similar games.

Target spokeswoman Lena Michaud said in an e-mail Wednesday the chain had pulled *Drinko*— an adult version of the game *Plinko* on the *Price is Right* TV game show — from its stores and website.

Target's move came after letter campaigns by the Community Anti-Drug Coalitions of America and Join Together, a public health project at Boston University that says it has a mailing list of about 35,000 drug prevention activists.

Join Together arranged for more than 2,000 protest letters to be sent to Target.

Meanwhile, Kohl's stopped selling similar drinking games in its 817 stores and on its website before Christmas, says Kelli Ramey, spokeswoman for the Wisconsin-based chain. Kohl's was the first target of Join Together's campaign, and was sent more than 2,800 letters beginning Dec. 19, group spokesman Eric Helmuth says.

"The only point of these games is to encourage dangerous consumption," Helmuth says. "Why would a family retailer want to sell games that expressly encourage people to drink until you puke?"

The latest target of letter-writing campaigns is Linens-n-Things, which continues to sell *Shots and Ladders*, a drinking game based loosely on the children's game *Chutes and Ladders*. The game, which sells for $9.99, encourages players to "roll the dice, take a chance, take a shot" and comes with six shot glasses.

The Linens-n-Things website also offers a drinking game called *Keg Pong*.

Linens-n-Things executives did not return phone messages Tuesday and Wednesday.

*Shots and Ladders* and *Drinko* are made by Elements, a brand of Syratech, a company based in East Boston, Mass. The company did not respond to a request for comment Wednesday.

The board games, which have been sold for several years, contain no alcohol, and they may be bought by people of any age. It's unclear whether such games have been linked to any deaths or serious injuries, but the controversy over them comes as anti-abuse groups are stepping up efforts to reduce binge drinking, particularly among teens and young adults.

Rates for binge drinking — generally defined as the consumption of at least five drinks in one sitting — have declined slightly in recent years, according to a nationwide study by the University of Michigan. However, the Michigan study found last year that more than a quarter of high school seniors had engaged in binge drinking during the previous two weeks.

"Teen drinking is a huge problem in our country today," says Judy Mezey of Student Assistance Services, a group in Tarrytown, N.Y., involved in the letter-writing campaigns.

"Here we are trying to create an environment that supports young people and helps them make the right decisions. Products like these undermine the efforts of parents and communities."

<http://www.usatoday.com/news/nation/2007-01-10-drinkgames_x.htm>



**3. A Shining Light For Heineken**

Source: *BusinessWeek*

January 8, 2007

**Its Premium Light, while still a bit player, is drawing lots of attention from Joe Six-Pack**

The Chicago neighborhood Wrigleyville is best known as the home of its namesake, baseball stadium Wrigley Field. With nearly 100 bars packed into one square mile, it's also a concentrated microcosm of beer drinking. At bars like Sluggers, Casey Moran's, and Cubby Bear, two domestic light beers reign supreme with young professionals and baseball fans: Miller Lite and Bud Light.

Baseball and beer. Is anything more American? Not if Heineken (HINKY ) has anything to say about it. Last March, the Dutch brewer launched an assault on the hugely profitable $30 billion domestic light beer market with its new Premium Light brew. Ten months later, Heineken's light beer remains a pipsqueak next to Bud and Miller, but it's making a big impression. Anheuser-Busch Cos. (BUD ) partly attributed weak sales of its light brands in the latest quarter to the new entrant's strength. And beer drinkers are voting with their gullets. "Bud Light has a watered-down taste," says Andy Anderson, a 28-year-old Chicago business student and Cubs fan. "Heineken Light has more flavor."

What Heineken has done is come up with a beer that appeals to Joe Six-Pack without losing the brand's European cachet. Even better, it sells at a premium over domestic brews. At Dark Horse Tap & Grille in Wrigleyville, a 12-ounce bottle of Heineken Premium Light goes for $4.25, vs. $3.75 for Bud Light. Meanwhile, Heineken has managed not to cannibalize sales from its original brew, the No. 2 import after Corona (GPMCF ). In fact, the new beer appears to be giving the old one a lift.

One of the brewer's best moves may be the bottle. Its green glass and short neck are pure Heineken. And a slimmer, taller silhouette gives it a modern, minimalist look. "It's like a pretty girl you coveted," says Harry Schumacher of Beer Business Daily, "a little treasure you want in your refrigerator."

The brewer highlights the bottle on billboards and in ads, a departure from the sophomoric humor or sexy women typically used to attract the young males, aged 21 to 28, who quaff the bulk of light beers. Yes, the brewer's TV spots feature pop tunes like Don't Cha by the Pussycat Dolls. But you don't see the scantily clad singers; the bottle takes center stage. The approach is mirrored in the "Smooth Flight" promotion in bars, where "flight attendants" let barflies drinking competing brews "trade up to first class" with a free Premium Light.

Coming up with the right brew wasn't easy. Heineken had to appeal to the light drinker's palate. For example, Bud Light has a pale, amber color and a crisp taste. Still, Heineken knew it needed to play to the strengths of its core lager brand, which has a full flavor and rich, tawny color. Ultimately, finding the right balance took 15 months and 20 different versions. "We've been able to deliver a beer that plays in the light beer sandbox but is true to the Heineken brand," says Heineken USA'schief, Andy Thomas.

Although sales have been sluggish in recent years, light beer accounts for more than half of the overall beer market, up from 30% a decade ago. While more consumers have been drinking crafts and imports, which have been growing as much as 10% a year, imports make up just 2% of the light category, vs. roughly a quarter of full-calorie brews.

Heineken thinks it has hit the sudsy spot. It estimates it sold 510,000 barrels of Premium Light in 2006, up 50% from its original projection. There's little chance it will soon catch up to Bud Light, which sells more than 40 million barrels a year. But analysts figure that Heineken will easily double sales of its light brew to more than 1 million barrels by the end of 2007--remarkable for a newcomer. "[Heineken Premium Light] is taking share from domestic light beers as well as imports," says Charles Norton, co-manager of Vice Fund, which owns Heineken. "It's the best of both worlds."



**4. Costco Appeal Decision Likely This Year, But Radical Changes May Be the Big Legal News**

*Beverage News Daily*

January 9, 2007

The 9th Circuit Appeals Court is expected to hand down its decision in the Costco case by the end of 2007, but on a long-term basis, that may not be the most important development of alcohol beverage law this year, conversations with two leading bev/al law practitioners suggested.

If you’re looking for how the Costco case might be resolved, Marc Sorini, a partner in the Washington, DC, office of McDermott, Will & Emery, expects the appeals court to uphold the Commerce Clause:  “If you have direct-to-retail privileges in state, you have to allow it out of state.”  Price posting is out because of the 1980s Mid-Cal Aluminum decision.  Antitrust allegations are much more iffy.

Sorini said that elsewhere retailer lawsuits over direct shipping and face-to-face requirements are “percolating.”  How the cases turn out will depend upon the particular facts in each case, he added.

Richard Blau, who heads the bev/al practice at Gray Robinson in Tampa, told us he’s not sure that whatever decision the 9th Circuit hands down in Costco will be as important as radical changes – globalization, consolidation and technology transformation – will have on the industry.

“The advent of new products from around the world is diversifying the market place and driving demands in the U.S. to accommodate entrance by new players,” he said.  This is leading to pressure to reduce traditional barriers to entry.

“State regulation by its nature is inefficient and purposefully so, so it’s one of the first targets of globalization.  Even though pressures have been building since the turn of the century, the globalization issues are coming to head and will be more obvious this year than ever before,” Blau said.

“Consolidation will have a tremendous impact on the alcohol industry,” Blau said.  "For instance, Anheuser-Busch – historically a one-market, one-product company, has now acknowledged it has to diversify its portfolio.”  Another example: Southern Wine & Spirits has been breaking out of the narrow one-state or single-region wholesaler model into a nationwide distributor.  In 2007, you’ll see the gloves come off from wholesalers who want to expand beyond the role of intra-state distributors.”

Sorini noted that the courts have been looking askance at residence requirements for well over a decade “and the track record hasn’t been good for the states.  In this day and age when you can get Interpol reports, it’s hard to support residence requirements.  The original reason for residency requirements was probably that if you someone was from out-of-state, how would you know that person wasn’t an Al Capone buddy.  But these days, you can easily check on someone from another state.”

Both Blau and Sorini expect large retailers – especially big-box retailers – to flex their muscles.  “In 2007, it will become an issue of major focus from regulators and industry members, because retailers have decided the gloves come off for them, too.”

One way retailers may get into the business is through license agreements, which will allow retailers to get a revenue stream without saying they are producing beer, wine or spirits.  Blau also said retailers with multi-location venues are trying to figure out how to comply with the law while achieving their legitimate issues.  “This will come to the forefront this year.”

Blau expects changes in technology to allow the industry to better track its product.  Technology may lead to introduction of new players, who but for technology wouldn’t have been able to get into the business.



# 5. In Nancy Pelosi's House, It's No Ifs, Ands or Butts

By Brody Mullins – *The Wall Street Journal*

January 11, 2007; Page A4

WASHINGTON -- Democrats took control of Congress aiming to erase perceptions of lawmakers and lobbyists drafting legislation in smoke-filled rooms. Now they are targeting the smoke-filled room itself.

![[Nancy Pelosi]]()House Speaker Nancy Pelosi used her newly won powers to ban smoking in an anteroom off the House floor where lawmakers can relax and talk during floor debate. The so-called Speaker's Lobby was one of the few remaining havens where smokers could indulge their habit. But under the new Democratic Congress, that tradition is over.

The federal government banned smoking in federal buildings more than a decade ago. In the spring, the District of Columbia outlawed smoking in all workplaces and most indoor public areas. Starting this month, it became illegal to smoke in nearly all bars and restaurants in the nation's capital.

But Congress often exempts itself from the law. Unlike most other employers, members of Congress are exempt from laws governing maternity leave. They may also carry guns on the Capitol grounds, despite a District-wide ban.

In a similar vein, lawmakers were allowed to smoke in certain places on Capitol Hill, primarily in the Speaker's Lobby and in their own offices. The Lobby is an anteroom off the House floor -- behind the podium where the Speaker and the President stand during the State of the Union -- that may be used only by lawmakers, reporters and some congressional staff.

In the lobby, a group of mostly Republicans, led by Minority Leader John Boehner, of Ohio, used to lounge in a set of leather chairs and smoke. On Tuesday evening, the night before Ms. Pelosi issued the smoking ban, Rep. Tom Cole (R., Okla.) was among lawmakers who enjoyed a final cigar in the room.

Smokers say they will either step outside to smoke or light up in their offices, where smoking is permitted.

In the Senate, smoking is allowed only in senators' offices. The smell of cigar smoke often hangs in the air outside the Capitol office of Sen. Robert Byrd (D., W. Va.), while visitors can catch Sen. Barack Obama (D., Ill.) sneaking a few puffs outside the building.

The smoking ban, which is effective immediately, is a victory for California Democratic Rep. Henry Waxman's long-running campaign against smoking. Mr. Waxman, the new chairman of the Committee on Oversight and Government Reform, led the effort to ban smoking in the U.S. Capitol and the House's office buildings. Last year he prodded then-Speaker Dennis Hastert of Illinois to eliminate the smoking section in one House cafeteria. "The smoke didn't respect the old dividing line," he said.

Democrats had made headway in banishing smoking from Capitol Hill before they lost control of Congress in 1994. Former Democratic Speaker Thomas Foley banned smoking in most of the House side, though not the Speaker's Lobby. But when Republicans took control, tobacco-using leaders reversed course. Even Mr. Waxman's ban on smoking in his health and environment subcommittee was reversed by the panel's new chairman at the time, Rep. Tom Bliley, a pipe-smoker from Virginia.

The new ban didn't please all Democrats, several of whom are cigar-smokers. Rep. Barney Frank, the senior Massachusetts Democrat, said: "I'm not happy about it, but there's nothing I can do about it."



**6. Barley Prices May Push Cost of a Beer Up**

By Lauren Shepherd, Business Writer - *AP*

January 9, 2007

**Rising Barley Prices Could Mean More Bucks for Your Brew, Analysts Say**

NEW YORK (AP) -- Before making a beer run, lager-lovers may soon need to start searching suds-soaked sofas for a few more dollars and cents thanks, in part, to the rising cost of barley.

Production numbers are down and costs are up for the grain, one of several used to make beer. Combined with soaring energy costs and the high cost of other raw materials, like aluminum, analysts caution those extra dollars and cents may soon be passed along to consumers.

In fact, several breweries are already raising their prices due partially to raw material costs. Anheuser-Busch Cos. of St. Louis is planning a price increase for early this year, and earlier this month, Mexican brewing and bottling firm Femsa said it will raise beer prices to recover the higher costs of aluminum, glass bottles and barley and to keep up with inflation.

Those price increases aren't always felt in consumers' pocketbooks. Distributors and retailers frequently eat the costs themselves. But with prices shooting up quickly, that could soon change.

"Raw material costs have gone up so much in such a short period of time, it's unavoidable that you will see some price increases eventually," said Morningstar analyst Matthew Reilly.

Barley prices have steadily inched up each month, ending 2006 averaging $3.19 per bushel in December -- an increase of about 24 percent from December's average price of $2.57 in 2005. Meanwhile, production has fallen 15 percent to 180 million bushels, down from 211.9 million in 2005, mainly due to droughts in Australia and the Midwest and more farmers choosing to grow different crops like corn and soybeans.

Bernstein Research analyst Robert van Brugge forecast that this year's barley price increases will impact brewers' cost of goods sold -- or the cost of the raw materials used in production -- by 1 to 2 percent in 2007.

The analyst said he believes brewers will be forced to pass along some of that increase this year to consumers.

And, not surprisingly, consumers are not always happy to shell out more cash. A 1 percent increase in the cost of goods sold typically translates to 0.5 percent reduction in volume, meaning consumers typically buy less, van Brugge said.

Molson Coors Brewing Co. may be in more danger than competitor Anheuser-Busch since Molson will be faced with spiking aluminum costs. The Golden, Colo. company's aluminum price cap expires this year. Aluminum prices for Anheuser-Busch, meanwhile, are capped. Aluminum accounts for about 20 percent of brewers' cost of goods sold while barley makes up 8 to 12 percent typically.

The situation may improve later in the year -- a prospect smaller breweries are counting on to help with costs. Mark Stutrud, president and founder of Summit Brewery in St. Paul, Minn., said he's hoping prices fall somewhat in July and August.

"If there's an increase in the amount that cultivated, that would be good news," Stutrud said.

Summit Brewery is the third largest brewery in Minnesota and makes more than 60,000 barrels of beer a year, including an extra pale ale popular in the Twin Cities area. Its beers are available from distributors in 13 states in the Midwest and Great Plains.

Stutrud has had to increase costs modestly each year since early 2000 to keep up with price increases and inflation.

He said his customers haven't reacted too harshly to paying more for their brew. But Reilly said both small and large breweries know that rising prices don't typically make for happy customers.

"They are all very aware of the price pressures they're under," he said.



**7. Czech Brewer Strikes Deal Giving Import Rights in U.S.**

*The Wall Street Journal*, p. C7

January 9, 2007

Anheuser-Busch Cos. Said it forged an alliance with Czech brewer Budejovicky Budvar NP, under which Anheuser will become the U.S. importer of Czechvar Premium Czech Lager. Budvar has exported its lager to the U.S. under the name Czechvar since 2001. The agreement gives Czechvar, sold in 30 U.S. states, access to Anheuser’s marketing and sales expertise and U.S. distribution network. Anheuser gains another European import as part of its push into high-end beer categories.



**8. US is on Track to Top Wine Drinkers' League**

By: By Jenny Wiggins in London, *Financial Times*

January 11, 2007

Americans are on track to replace the French as the world's leading drinkers of wine.

Americans are forecast to drink 27.3m hectolitres of wine in 2010 - 12.3 per cent of total world consumption - putting them ahead of Italy and France, according to wine and spirits fair Vinexpo and the International Wine and Spirit Record.

The French currently drink more wine than other nationalities but consumption has fallen over the past decade amid tougher drink driving laws and new restrictions on alcohol advertising.

US wine producers Constellation Brands, Kendall-Jackson and E&J Gallo have created palatable wines at reasonable prices. This has encouraged Americans to drink more - although consumption lags behind countries such as France on a per capita basis.

In contrast, French wine producers have battled to adapt to a new generation of drinkers after New World wine producers introduced wines that are "soft, sweet, round, supple, strong and very charming", said Jean-Marie Chadronnier, chairman of Vinexpo.

"It took a long time for French producers to realise that's what a new generation of drinkers wanted," Mr Chadronnier said yesterday.

The forecast growth in US wine consumption will be welcomed by US producers. Constellation Brands, the US's biggest wine producer and owner of the Hardys and Arbor Mist brands, reported a modest increase in sales over the summer and a decline in sales in recent months. An oversupply of grapes in Australia has made it difficult for wine producers in the northern hemisphere to compete with cheap Australian imports.

In the US, consumption in the Midwest and south-east of the US is rising as wine drinkers from coasts migrate, and as the Hispanic population grows.

US wine consumption rose nearly 20 per cent between 2001 and 2005, and is forecast to increase by another 19 per cent between 2005 and 2010.

Russian and China are forecast to be the eighth and ninth biggest markets by 2010.



**9. Early-Age Drinkers Rely Later on Alcohol As a Stress Reliever**

*Washington Post*

January 11, 2007; A02

People who start drinking alcohol at a young age are more likely to drink a lot when they get older -- and to get into trouble with it. That's been known for a while and is not much of a surprise.

A new study, however, sheds important light on one reason that early drinkers often become heavy -- or dependent -- older drinkers.

It's because they are more likely to use alcohol as a "stress reducer" than do people who began drinking at an older age. Alcohol, it seems, becomes an overused tool for weathering the vicissitudes of adulthood if a person first uses it as a young teenager.

Deborah A. Dawson, of the federal government's National Institute on Alcohol Abuse and Alcoholism, analyzed the responses of nearly 27,000 people in a nationally representative survey of Americans and their drinking habits.

The respondents, average age 43, were asked when they started drinking, how much they drank now and whether they had experienced any of 12 stressful events in the previous year. The events include such things as death of a family member, financial crises, marital disruption and loss of a job.

Regardless of when people started drinking, alcohol use increased with the number of stressful events a person experienced. People who started drinking at 14 or younger and reported six or more "stressors" in the previous year consumed an average of six drinks a day -- five times the amount of similarly stressed people who started drinking at 18 or older.

The early drinkers increased their alcohol intake 19 percent with each additional stressful event they suffered, compared with only 3 percent by the later-starting drinkers.

The trend of youthful drinkers growing into adults who rely on alcohol to cope was evident even when the scientists considered only events that heavy drinking was not likely to have caused -- things such as the death or illness of a family member, a new living situation or a change in work hours.

The study is published in this month's Alcoholism: Clinical and Experimental Research.

 <http://www.washingtonpost.com/wp-dyn/content/article/2007/01/10/AR2007011002481.html>



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

**10. Stats Show Over 400 Die on Roadways**

By Stella Shaffer – *Radio Iowa*

January 8, 2007

About 440 Iowans died on the roadways last year. Department of Transportation Driver Safety Specialist Scott Falb keeps the figures and interprets them, and says the count won't be finalized till around the end of March, when every report has been sent in and anyone who died within 30 days of a crash has been added to the fatality count. But he already sees some trends.

The number of crashes involving a single vehicle is a "rising tide," he says. Fifty-sic-percent of fatal crashes on interstates, state highways and county roads last year involved only one car, that left the road, rolled over, hit a fixed object and proved deadly for Iowans. New design and road-building techniques have made the roads themselves safer, with fewer sharp curves and dead-ends.

Another factor's also helped, according to Falb. Since lowering the blood-alcohol level to point-oh-eight percent for legal intoxication, Iowa's seen the drunk-driving rate fall from over 120 a few years ago to around 80 in recent years, and it'll probably be that low in 2006 when those figures are complete. Drunk-driving used to make up a big part of the state's fatal crashes, and the figures improved so much, Falb says it "almost looked too good." So he looked at how many of the drivers in fatal wrecks are tested for alcohol.

In the mid 1990s the state tested many of the drivers involved in fatal crashes, and by 1999 was testing 49-percent of them for blood-alcohol. Then the number went down, however, and by 2004 only one-quarter of the drivers in fatal crashes were tested to see if they'd been drinking. "So we're testing fewer drivers and of course we're finding fewer," Falb says. "I've gotta wonder if part of it is that we're just not looking closely enough at our drivers to know if our alcohol numbers have really gone down as much as it appears they have."

He says it's clear there is less social acceptance for drunk drivers, and more public transportation, "drunk bus" programs and ways to see that if people have been drinking, they won't drive.

<http://www.radioiowa.com/gestalt/go.cfm?objectid=02C26FF0-92FB-89DB-C7E9C824F066877A>



**11. CFR Launches Teen Substance Abuse Program**

By John Molseed, Staff Writer - *The Messenger*

Teens talk to peers to kick habits

Fort Dodge, IA -- Teens who are struggling with alcohol or drugs will have a new place to get treatment and counseling.

Community and Family Resources is starting a juvenile substance abuse program in its new building at 1506 31st Ave. N.

On Monday, CFR will become the third area agency offering substance abuse evaluations and treatment for children 12 to 18 years old.

Alan Blair, a sub-supervisor for juvenile court services in the Second Judicial District, said that he’s glad another service will be available in Webster County for area families.

‘‘Anytime that someone is willing to bring something to the table to help the community and families, I welcome it,’’ he said

He hopes the service will give families and teens a resource to address substance abuse problems before they end up in his office or the courtroom.

Program coordinator Michelle De La Riva said that adolescents think and react in different ways than adults. They need programs designed for them that are more visual and hands-on, she said.

‘‘It’s like teaching in a high school,’’ De La Riva said. ‘‘You need to lay it out for them the same way.’’

The program is called APEX, a less-than-perfect acronym for attitude, power, endurance and excellence.

The room set aside for the program is decorated with large, soft, bean bag chairs and a leather couch.

‘‘I want kids to be comfortable here,’’ said De La Riva. ‘‘They can come in, unwind, sit in the big chairs and relax.’’

De La Riva has been running a similar program through CFR for about two years in Webster City. Space is limited there and its location makes it difficult for families to make the afternoon sessions when traveling from areas such as Pocahontas County. The Webster County location has more room and is more centralized for most of the people they serve.

‘‘It’s the same type of program, but the chairs are hard,’’ she joked.

The program offers out-patient treatment only. Those attending would go to the sessions in the evening and return home. Youth Shelter Care offers the the most intensive type of treatment with an in-patient residential program.

CFR doesn’t have the staff or facilities to offer such a program, but Blair says it will fill a niche that has been empty.

CFR has access to state grants that let the agency serve uninsured or under-insured families that don’t qualify for Title 19 federal assistance, he noted. That makes the program unique and also serves a segment of the area population that may not have had easy access to such a program, De La Riva said. Substance abuse evaluations for juveniles are $25, and fees for treatment are set on a sliding scale.Alcohol is the top substance that juveniles use, both Blair and De La Riva said.

De La Riva said that teens who use alcohol are more likely to become alcoholics and have substance abuse problems down the road. Part of the program will be to address misconceptions about underage use of alcohol. According to a 2005 Iowa Youth Survey, about 43 percent of 12- to 18-year-olds polled have used alcohol at least once.

‘‘Alcohol is not a rite of passage, especially for kids,’’ she said. ‘‘People seem to think it’s safer.’

Having counseling and treatment with peers who understand and experience the same problems is likely to make the program more effective, De La Riva and Blair both said.

Blair said issues that add stress to an adolescent’s life are different than what may contribute to substance abuse in adults. Those problems include how juveniles deal with pressure from peers, their relationships with their parents and how they deal with relationships, he added.

‘‘I think juveniles have a whole separate set of problems and needs than adults have,’’ he said. ‘‘They have the problems and issues of growing up.’’

<http://www.messengernews.net/News/articles.asp?articleID=6294>



**12. Nearman Sentenced**

Source: *Keoland.com*

January 4, 2007

It's been more than a year since he ran over and killed a man with a boat on Lake Okoboji and ran from the law.

But now 31-year-old Justin Nearman is going to prison.

The judge in Dickinson County, Iowa gave the Sioux Falls man a five-year sentence, but added that he would have preferred a longer one. That's the sentence both sides agreed to when Nearman pleaded guilty.

Nearman was drunk while driving the boat that killed 51-year-old Michael Brosnahan in August 2005. Both Nearman and Brosnahan's familes say their lives will never be the same.

KELOLAND NEWS: Justin, is this a fair sentence today [Thursday]?

Nearman: Yes, I believe it was.

Thirty-one-year-old Justin Nearman is married with four kids.

So was the man he killed in a boating accident on West Lake Okoboji. At his sentencing, Nearman got the chance to apologize to Michael Brosnahan's entire family.

"They're amazing people," Nearman says.

The courtroom in Spirit Lake was packed with people supporting both families.

Nearman said he's now in alcohol treatment and because of the accident, will never drink again.  Nearman, his wife, and several friends all testified about his remorse.

"He feels terrible that this happened. He knows that he's responsible for it. I think he's happy that it's over with and that he's able to take responsibility and do the right thing," says Nearman's lawyer Stan Muger says.

One of Brosnahan's daughters wrote to the judge that her dad normally would be helping her right now with her outside shot in basketball. Her life will never be the same.

But her mother Jill Brosnahan told the judge she's satisfied with Nearman serving five years in an Iowa prison. And when he gave that sentence, the judge called it a plea agreement motivated by charity.

Nearman says he hopes the punishment eases some of Jill Brosnahan's pain.

"I'm glad that it's done," Nearman says.

Jill Brosnahan didn't want to comment after the sentencing.

Nearman will report to prison next week.

This accident has prompted change in Iowa law. The boating hit-and-run laws are now more strict, and lawmakers are lobbying to lower the allowed blood alcohol level for drivers.

<http://www.keloland.com/News/NewsDetail6371.cfm?Id=0,53620>



**13. Iowa City Underage Drinking Rule**

*KWWL*
January 10, 2007

Walker Neudorff still has four years before he can legally drink alcohol, but that didn't stop him from testing his limits a few weeks ago. "On New Years I did almost get in trouble with that and it was in Coralville too, so it would have messed me up pretty bad," said Neudorff. And the new proposed ordinance would have gotten him even more trouble.

This week the Iowa City council unanimously approved the first of three readings required to hold underage drinkers to all state violations. Making offenses from other cities count in Iowa City. Iowa City mayor Ross Wilburn says, it's against state law to drink under 21 no matter what town you are in.  "If you live here and you have a second offense it shouldn't matter if you are from one of our neighboring cities and it's a second offense so it's public safety and it's a fairness question."

But some University of Iowa students aren't so sure larger fines are the answer. University of Iowa student Jackie Kaeding says, "A lot of times with problems like that they don't find solutions they just find ways to penalize and find ways to make more money."

"I really like the idea of being able to do something about it like taking a class or making an effort," said Samual Walker of Kalona. The ordinance is expected to easily pass, and take effect as soon as February.

<http://www.kwwl.com/Global/story.asp?S=5921426&nav=2Ifu>



[**III. OTHER STATE NEWS.**](#III)

**14. State Plan to Change ‘Alcopop' Classification May Generate a Windfall of Taxes, But it Will do Little to Stop Underage Abuse of Alcohol (California)**
By Matt L'Heureux ,Senior Staff Writer – *The Guardian*

January 9, 2007

Labeled as an effort to battle the government's archnemesis - teenage drinking - California lawmakers are now proposing to reclassify sugary alcoholic beverages as hard liquor, which would earn the state a windfall of tax dollars and force some retailers to pull the drinks from their shelves.

However, what these officials fail to realize - or what the dollar signs in their eyes help them to overlook - is that this reclassification will likely have little to no practical effect on the ability of teens to obtain or consume alcohol.

Drinks such as Bacardi Silver and Mike's Hard Lemonade - dubbed "alcopops" for their resemblance to cola and similar beverages - have long been placed in the same category as beer, taxed 20 cents per gallon by the state. However, if they were to be relabeled as "distilled spirits," the state would be able to levy $3.30 per gallon, raising an estimated $40 million a year in state revenue.

Can somebody say "motive"?

Before considering the question of whether or not this reclassification would be just, legislators must first decide whether or not alcopops are, by definition, distilled spirits.

According to former State Controller Steve Westly, these products should be classified as distilled spirits because they are flavored with spirits and marketed as spirits.

However, if you believe Smirnoff representative Gary Galanis, the drinks are classified as beer because they are first derived from a malt base - the distilled spirits are only added as flavor when the color and taste of the beer have been stripped away.

An interesting question raised during the debate was whether other states view these beverages as beer or as distilled spirits, and the answer was overwhelming - a whopping 49 states classify alcopops as beer, with the lone exception of Maine. Good old Maine, where state laws dictate that no man may step out of a plane in midair, and that shotguns must be taken to churches in the event of an American Indian attack.

Despite their vigilance, however, the National Highway Traffic Safety Administration statistics indicate that Maine and California were in the same bracket of alcohol-related fatalities per 1 million people in 2006. In this case, it seems like the numbers speak for themselves. But, it still raises the question - Why is a state tax board voting on what appears to be a largely social issue?

 The proposal comes after the state Board of Equalization received a petition from members of California Friday Night Live, a student group aiming to prevent drunk driving-related deaths and injuries. While the group's goals are certainly noble, the rationale for targeting alcopops over other types of alcohol is questionable at best.

Let's assume for a moment that a teenager wishing to purchase alcohol is looking for two things: low price and accessibility. If Dad's liquor cabinet is empty and an of-age acquaintance agrees to purchase the coveted goods, it's time for a trip to the store.

On average, alcopops cost around $5 more per 12-pack than the cheapest kinds of beer, even without this proposed tax hike. Beer can also be found in just about every convenience store, liquor store, supermarket, restaurant, mini-mart and gas station between the Pacific and the Atlantic. Cost? Check. Accessibility? Check.

So why are alcopops - a staggering 3 to 5 percent alcohol by volume - the prime target of this campaign?

According to a CFNL student interviewed by the Los Angeles Times, alcopops appeal mainly to girls, while "the guys drink the beer."

While the student may very well be right, aiming a campaign largely towards preventing women from underage drinking does not seem to be the most effective means of preventing drunk driving - according to the NHTSA, males are three times more likely to be involved in an alcohol-related traffic incident than females.

Even if the reclassification goes through, and alcopops are pulled from the shelves of some retailers, do members of the Equalization Board really believe that this will stop teens from obtaining these products on their own?

The simple fact of the matter is, if teenagers have the desire to drink and the connections to obtain alcohol illegally, there is really no practical way for the government to stop them. Mixers such as soda and fruit juice are sold everywhere, and to be frank, it's not that hard to figure out how to put a mixed drink together.

All a restriction on alcopops would accomplish is to push teenagers toward beer and hard alcohol instead - and with liquor's higher percentage of alcohol per volume than its sweeter counterparts, it's a potentially dangerous move for all involved.

 In the end, whether the motives behind the push to push these drinks out of sight are philanthropic or monetary, noble or simply greedy, they both amount to a largely ineffective campaign with the potential to worsen the problem it is trying to correct.

<http://ucsdguardian.org/viewarticle.php?story=opinion04&year=2007&month=01&day=08>

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**15. Oklahoma Group Working To Change State Liquor Laws (Oklahoma)**

*KOTV*

January 7, 2007

A change in liquor laws could boost Oklahoma's economy; at least that's what one group wants to convince lawmakers. Oklahomans for Modern Laws want wine and strong beer to be sold at grocery and convenience stores across the state.

They've started a petition and will need nearly a quarter million voters to sign it to get the issue on a statewide ballot.

Thirty-four other states already allow widespread wine sales.

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**16. Happy Hour Could Get Happier. Proposed State Law Could Expand Liquor Sales (Illinois)**

By Diana Roemer-*The Journal-Standard*

January 6, 2007

FREEPORT - A proposed state law that would make it easier for owners of restaurants and bars to sell entire bottles of hard liquor at their establishment is poised for consideration within the next few days in the Illinois House of Representatives.

The two associations behind the proposed bill, SB 948, are the Illinois Licensed Beverage Association and the Wine and Spirits Distributors of Illinois.

The purpose of the legislation, they say, is to clarify what is already legally on the books and to stop liquor-control officers from citing establishments that sell whole bottles of hard liquor to patrons.

The two proponents have even sued the state Liquor Control Commission, said Steve Reidel, executive director of the Illinois Licensed Beverage Association.

"There is a new practice of a group of people buying a bottle of spirits and splitting it (while at bars). It's not illegal. But the state has elected to interpret that the Illinois Liquor Control Act prohibits this," he said.

Inspiration to amend the law, contained in the state's so-called "happy hour prohibition," came as a result of ticketing by state liquor control officers recently in Chicago, he said.

"Just suddenly in Cook County, a liquor control officer started issuing tickets. This is a clarification of something that has been done for years," Reidel said.

Reidel said while his agency, along with others, filed the lawsuit against the Illinois Liquor Control Commission to interpret the Liquor Control Act's language on the issue, but then turned to changing the law, instead. If the law passes, he said, the lawsuit will be withdrawn.

Because the Illinois Liquor Control Act is silent on spirits, there is really no law on whether it's legal or illegal, he said, adding the "happy hour" law that contains the provision is poorly written.

As written, the law contains clauses that prevent two or more alcoholic beverages from being purchased per patron at a time, and prohibits selling unlimited drinks during a set period of time for a fixed price, except at private functions closed to the public.

Currently, patrons can easily order bottles of wine or pitchers of beer at tables, he said, but the law is murky on whether restaurant-goers may purchase, assuming the seller is willing, an entire bottle of, say, vodka for their table.

"We are currently trying to do with distilled spirits what is already allowed by law with wine and beer," he said, adding that the new law would not contain a provision allowing open containers from leaving the restaurant.

The state recently passed a law that allows patrons to remove partially consumed open bottles of wine from restaurants if the wine is packed in a specially sealed bag.

One woman is on a mission to stop the amendment.

Anita Bedell, executive director of the Illinois Church Action on Alcohol and Addiction Problems, said its passage would allow too much liquor consumption in one sitting, and could allow minors sitting at a table to easily get their hands on alcohol.

"What it does is encourages the overconsumption of alcohol. And we're concerned it will increase underage drinking and drinking and driving under the influence statewide," Bedell said.

While Freeport ordinances do not prohibit the sale of an entire bottle of liquor to restaurant or bar patrons, according to City Attorney Sarah Griffin, local bar owners say it's not likely to happen even if the bill passes.

Steve Marten, owner of Chicago Avenue's Mort's, said establishments would lose too much money doing that.

The pending legislation was first initiated in 2005, Reidel said. The bill passed through the state senate in mid-November 2006 by a vote of 46 to 5, with Sen. Todd Sieben, R-Geneseo, voting yes. Sieben said he does not consider the legislation to be controversial and said the bill's sponsor, Sen. John Cullerton, D-Chicago, is well-respected.

"John's not the kind of guy that would try to sneak something through that is not good policy. I considered the sponsor's statement that the legislation was merely a clarification of existing law. There appeared to be no organized opposition to the legislation," he said.

Aides in Cullerton's office referred the matter to senate spokeswoman Cindy Davidsmeyer, who said initial votes in the House in November saw the bill poised to fail. The bill passed through the House Executive Committee, but the representatives took one vote on it in the house and then postponed it, she said. It could come up for another vote anytime, she said.

According to State Board of Elections filings, Cullerton received funding from the alcoholic beverage industry in 2006, including $500 from the Wine and Spirits Distributors of Illinois, and $3,000 from the Associated Beer Distributors Political Action Committee, $200 from the Illinois Licensed Beverage Association, $500 from Anheuser-Busch Companies, and $250 from Fletcher Topol O'Brien & Kasper P.C., registered lobbyists working on the legislation.

In addition, he received $1,500 from Miller Brewing Company in 2005.

House sponsor state Rep. Robert Molero received $250 from Fletcher Topol O'Brien & Kasper P.C. in 2006 and $250 from the same group in 2005, and also in 2005 took $500 from Anheuser Busch.

Molero did not immediately return phone calls for comment.



**17. LCB Appointment to be Reviewd by Pa. Senate (Pennsylvania)**

By Tony Romeo - *KYW*

January 7, 2007

The chairman of the state Senate committee that oversees the Liquor Control Board says the panel will look into the hiring of a CEO to run the liquor agency which has resulted in the resignation of the LCB's chairman.

Suburban Republican John Rafferty is chairman of the Senate Law and Justice Committee. He says the committee normally opens a new session with hearings on the status of the Liquor Control Board. And when it does so later this month, it will examine the circumstances surrounding the hiring of former Bucks County State Senator Joe Conti to be the agency's Chief Executive Officer:

"We feel we have legislative oversight of the Liquor Control Board. And we're certainly an integral part of it because the governor's appointees have to have approval from the Senate of Pennsylvania. We had been equal and working partners on a number of liquor issues, and we were all taken aback by this sudden appointment made by the Governor."

This past week, Liquor Control Board Chairman Jonathan Newman resigned, saying Conti was hand-picked by Governor Rendell to be CEO without a process consistent with transparency in government.



**18. Ex-LCB Chief Unappreciated in Pa., But Options Abound (Pennsylvania)**

By Andrew Cassel, Columnist – *Inquirer*

January 7, 2007

Career counseling is something you do occasionally when you've been around as long as I have.

So when I heard Pennsylvania Liquor Control Board chairman Jonathan Newman was about to be out of a job, my instinct was to offer him some helpful advice.

Of course, the first thing anyone should do when forced to leave a job is examine what went wrong.

It's critical to try to be objective about your expectations, to avoid repeating the same mistakes next time.

In Newman's case, the problem was clear: After seven years in charge of the State Store system, he had come to believe he was running a liquor business, as opposed to a patronage farm for the pols in Harrisburg.

So when Gov. Rendell sent over former Bucks County State Sen. Joe Conti to assume a newly created, $150,000-a-year position as CEO of the LCB, Newman was taken aback. And said so, publicly.

Big mistake.

Now Newman is out. No longer will he give our creaky, costly state monopoly a veneer of sophistication and consumer friendliness. No more posing as the bargain-hunting wine connoisseur's friend.

Like Mikhail Gorbachev, who also tried to humanize a stupid, clunky socialist system, Newman has fallen by the wayside.

But he should take heart. Losing a job needn't be a setback, particularly if you learn from it.

Newman exits the LCB with solid skills and an impressive resume in a field that's exploding with new ideas and opportunities.

I'm only an interested consumer, but you don't have to look far to see how the wine business has become a hotbed of innovation.

All over New York and other major cities, for instance, specialty retailers are sprouting like daisies. There are shops that sell only Italian wine, or are strictly Burgundy, or specialize in finding obscure labels and vintages from traditional producers.

It's not just an urban phenomenon. Up in the North Jersey suburbs is a warehouse-style shop whose owner, Gary Vaynerchuk, promotes himself as a kind of blue-collar connoisseur. His Web site features videos of Vaynerchuk rapping maniacally about the wines he tastes and sells.

Elsewhere on the Internet is the Wineaccess network, where you can shop remotely and compare prices at scores of stores nationwide. They'll even keep track of your favorites and notify you when a bottle comes into inventory.

Wine has become a hot item for all kinds of mass marketers as well, from Total Wine to Costco to Trader Joe's, which made a splash with its famous "two-buck Chuck" a few years back.

Other entrepreneurs have given up brick-and-mortar retailing altogether. Sites such as Vinfolio.com, combine blogs, reviews and shopping all on one site. Consumers can literally scour the world for a particular bottle and have it arrive a few days later.

You don't even have to sell wine to be part of the booming industry. There are tasting guides, wine tours, wine auction houses, and on and on. One fellow I know operates a specialty self-storage facility for wine collectors who lack cellar space at home.

The point is that there are an endless number of ways that ex-chairman Newman could make good use of his smarts and expertise in the booze trade.

There's only one small caveat.

He won't be able to do it in Pennsylvania.

Our antediluvian government monopoly system prohibits most wine-related commerce, or regulates it in ways that make it economically impossible.

As hard as Newman and his successors might try to soften its edges, the LCB system absolutely guarantees that we'll never see the kind of innovation now sweeping the wine business elsewhere.

So my best career advice for the former chairman is this:

Take your credibility in the industry and among wine consumers and use it to help us get rid of the LCB - once and for all.

Either that, or find a state where they still believe in private enterprise.



**19. Poll: Let Voters Secide on Sunday Alcohol Sales (Georgia)**

By James Salzer – *AJC.com*

January 7, 2007

Georgians overwhelmingly want the power to decide if stores may sell beer and wine on Sunday, according to a new Atlanta Journal-Constitution poll.

The poll of 625 Georgians found 68 percent supported legislation this session giving voters the chance to consider Sunday beer and wine sales at grocery and convenience stores.

Support was particularly strong in metro Atlanta. About 80 percent of metro Atlanta respondents liked the idea, according to the poll by Mason-Dixon Polling & Research. More than half of those polled in South Georgia and North Georgia also backed the proposal. But support for Sunday beer and wine sales was only 45 percent in Middle Georgia, home of Gov. Sonny Perdue.

The telephone poll, taken last week, had a margin of error of plus or minus 4 percentage points.

Franc Isla, a retired advertising art director from Atlanta who responded to the poll, called the so-called blue laws that prohibit Sunday sales "a holdover from the 19th century. Or should it be the 17th century, or maybe prehistoric times?"

"I am all in favor of setting them aside," said Isla, 69. "I am tired of being told when and where I can have a drink."

Debora Feldman, 68, a Roswell housewife, called the laws against Sunday sales "archaic."

"There have been instances when I needed a bottle of wine for a dinner party and couldn't get it," she said. "If people want to drink on Sunday, they are going to find a way to drink on Sunday."

But Curtis Porter, 72, who retired from working at the General Motors Doraville plant, doesn't want Sunday alcohol sales.

"The Lord made heaven and earth in six days, and on the seventh he rested. He wanted us to rest, too," said Porter of Lula, a Baptist preacher. "You can't rest and go to church on Sunday if you're buying liquor."

The issue of Sunday beer and wine sales promises to be one of the hottest topics of the 2007 legislative session, which begins Monday.

Lobbyists decided to push the issue this year, figuring it had a shot because lawmakers aren't up for re-election. They want local referendums on the issue. Times have changed, lobbyists say, and Georgians want the chance to vote on the issue.

Jim Tudor, a lobbyist for the convenience store industry, said the AJC poll results "really reflect what other polls have shown. It's also reflective of the wishes of our customers, which is why we are seeking this initiative."

Still, no lawmaker has taken the lead on the issue, and supporters won't identify a sponsor for fear of riling religious conservatives.

Some lawmakers appear to be waiting to see how Perdue, a Christian conservative who doesn't drink, comes down on the issue. When asked about Sunday sales last month, all Perdue would say is, "It won't be part of my agenda."

Protestant preachers are gearing up to lead the opposition, arguing that beer and wine shouldn't be sold on the Lord's Day.

Some poll respondents said the Sunday sales ban amounts to a violation of the separation of church and state.

"The laws are because of the Christian faith, and they assume everyone is Christian," said Alice Reslie, 28, of Bonaire, a college study skills teacher. "It doesn't make sense to legislate things that are a religious matter."

Mimi Seibel, 55, of Dawsonville, who runs a photography business with her husband, said, "This is one of those buckle of the Bible Belt things where they say, 'I don't want to drink, so they shouldn't drink.' I am a Christian. But just because you believe it doesn't mean I have to believe it.

"I think local communities ought to be able to make decisions for themselves."

Under draft legislation being pushed by lobbyists, counties would be allowed to hold referendums to determine whether beer and wine should be sold in stores on Sunday.

With approval of local voters, restaurants already can sell alcoholic beverages on Sunday. The store-sales measure is being backed by the grocery and convenience store lobbies. It is opposed by the liquor store lobby. Liquor stores would have to open on Sunday to compete. Under state law, grocery and convenience stores can't sell hard liquor. The liquor store industry wants the proposed bill to include hard liquor if it passes.

The chairwoman of the Georgia Christian Alliance, Sadie Fields, also is an opponent. She said she wasn't surprised by the poll results.

"I think, unfortunately, Sunday has become just another day," Fields said. "What used to be the Sabbath has now become just Sunday, the seventh day of the week."

Sen. David Shafer (R-Duluth), who chairs the committee that considers liquor legislation, wasn't moved by the AJC poll results. He remains skeptical about the bill's chances of winning legislative approval.

"I have only heard from a couple of constituents, and they've all been sellers of alcohol, not buyers," Shafer said. "Certainly it will be considered. But at this point, the bill doesn't even have a sponsor."

All House Speaker Glenn Richardson (R-Hiram) would say is, "My position on this bill is this: I plan to allow the House of Representatives to vote on it."

Senate Minority Leader Robert Brown (D-Macon) said the Senate Democratic Caucus won't take a position on the issue. He said how lawmakers vote "will depend on each senator's and representative's local politics." If the power brokers in their town oppose it, they likely will oppose it, too, he said.

"I really don't think that [poll results] really move legislators one way or the other," Brown said.

But Myra Pierce, 69, a Lawrenceville retiree, said lawmakers ought to listen to their constituents on this one.

"It just makes no sense to me. Why should there be restrictions on Sunday sales?" she asked. "This is the church decreeing what the state should do."



# 20. Restaurant Owners Differ on Sunday Alcohol Sales (Georgia)

*Catoosa County News*

January 9, 2007

Michael Salina serves a margarita to a customer at Los Reyes during lunch on Thursday. (Catoosa News/Terry Pennington)

SOUNDOFF: Post your comments

Los Reyes is normally bustling, but on New Year’s Eve, the Ringgold restaurant was closed.

“We had to close,” manager Blanca Ochoa said. “Who is going to come to a restaurant on New Year’s Eve when you can’t even have one drink?”

Ochoa was among many restaurant managers in Georgia counties where Sunday alcohol sales are prohibited who was displeased with the lack of business at this New Year’s celebration. Yet, she said the so-called “blue laws” continue to be a problem throughout the year as her restaurant loses business on Sundays.

However, Don Lolos manager Juan Santiago said the lack of Sunday sales helps his business. He said his restaurant would lose customers if he sold on Sundays.

“I want the customers from church,” he said.

Gary Moore, pastor of Westside Baptist Church in Fort Oglethorpe, said the church would organize against any effort to establish Sunday sales.

“I definitely think that the church has had an influence in keeping Sunday alcohol sales away from Catoosa County,” he said. “Basically, we take a moral stance against alcohol period. We believe that it is detrimental to the community.”

While Sunday alcohol sales were recently approved in Dalton and are legal in Chattanooga, Catoosa County officials said there has never been a local push for the measure. Jim Clark, chairman of the Catoosa County Alcoholic Beverage Commission, said he doesn’t believe most people in Catoosa County would favor having Sunday alcohol sales.

“I just don’t think we would do that,” he said. “I wouldn’t venture an opinion on what the county commissioners might do in the future.”

The Catoosa County Board of Commissioners in December approved selling alcohol in the county at restaurants with more than 50 seats. Clark said 35 to 40 establishments sell packaged beer and wine but no heavier alcohol sales are allowed outside of Ringgold and Fort Oglethorpe.

Georgia law prohibits Sunday alcohol sales unless approved in a local referendum. Even then, sales are limited to certain locations and are only allowed after 12:30 p.m. on Sundays.

**Economic impact**

Some restaurant owners and developers argue that Sunday alcohol sales would bring more revenue to the area, through taxes and sales.

However, Portofino Pizza and Italian Restaurant owner Dimitris Agrafiotis said alcohol constitutes such a small portion of his total revenue that Sunday prohibitions have little impact.

“It doesn’t make a difference,” he said. “It’s not the majority of my sales. My sales are food.”

Agrafiotis said alcohol sales make up less than 3 percent of the restaurant’s revenue.

“There’s not a demand around here anyway,” he said. “There’s plenty of restaurants around here that sell alcohol if somebody wants it.”

That’s exactly what Ochoa said she wishes weren’t happening. Banning Sunday sales doesn’t stop people from drinking, she said; it just sends them to Chattanooga or elsewhere.

“It’s just five or 10 minutes away to Tennessee so we’re just sending all the revenue back there,” she said. “On Sundays after six o’clock (here), it goes dead.”

<http://news.mywebpal.com/news_tool_v2.cfm?pnpID=724&NewsID=774272&CategoryID=3418&show=localnews&om=0>



**21. Group Eyes Covering up Loophole in Alcohol Law (Nebraska)**

By Jim Osborn

January 7, 2007

COLUMBUS - A local coalition devoted to curbing underage drinking will work in the coming year to mend a loophole in the state law banning minors from consuming alcohol, members decided during Thursday's first meeting of 2007.

It would be good if Project Extra Mile could attack this problem with the minor in consumption and minor in possession law on a local level, said Kevin Stout, community services technician with the Columbus Police Department.

State law bans minors from consuming or possessing alcohol just about everywhere, bars, public streets or other public and private properties, with a couple of very specific exceptions.

Minors can consume or possess alcohol in their "permanent place of residence" or on the premises of place of religious worship where alcohol is a part of a religious rite, ritual or ceremony.

The loophole in the law arises when a police officer suspects a minor has consumed alcohol, but doesn't have evidence of where the alcohol was consumed. A minor can claim the alcohol was consumed at his or her home in an effort to skirt the minor in consumption law.

When confronted by an officer, a minor who might have consumed alcohol will sometimes say, " 'well, I was drinking at home,''' Stout said. The minor's claim can be difficult for an officer to refute without evidence.

Cass County last year became the first county to adopt a local ordinance to allow for the prosecution of minors who simply appear to be drunk or to have been drinking alcohol. Sufficient evidence for prosecution could be a minor simply having the odor of alcohol on their breath. Physical evidence, such as empty beer cans, would not be needed to prosecute.

The state's county attorneys association has not taken a position on the Cass County law while waiting to see if it will withstand a court challenge, Platte County Attorney Andrea Belgau said.

In another decision, the coalition agreed to continue its battle to prohibit alcohol in Gerrard and Pawnee parks during the next year.

A city ordinance currently allows alcohol at Gerrard and Pawnee parks with a special designated permit. The Columbus Board of Parks Commissioners voted 5-4 to allow the Columbus Softball Association to have a 2006 canned beer permit for Gerrard Park.

"Alcohol in the parks will be on our docket every year,'' coalition Chairman John Nelson said. "I saw recently that Omaha doesn't even allow sledding in parks, yet we're able to have alcohol."

The parks board vote cited the softball association's nearly spotless record of policing incidents of underage drinking in granting the 2006 permit. There has been only one citation issued for minor in possession of alcohol at the softball complex during the association's involvement with the park.



**22. Prohibition on Underage Bar Patrons Reconsidered (Florida)**

*Sun Herald*

January 7, 2007

Florida allows minors in bars and penalizes the liquor license holders who serve them. But communities are allowed to adopted more restrictive measures if they choose.

Regulations to prohibit bar patrons under the age of 21 have been dusted off by Sarasota County politicians who aren't sure whom they want to crack down on -- the patrons or the bar owners -- but have apparently decided it's time to do something.

Late last year, the County Commission unanimously agreed to hold a public hearing on the issue after a Criminal Justice Coordinating Council met to address enforcement issues. The hearing has been scheduled for Feb. 13.

"This is like taking a rifle shot at a problem when you need a shotgun to clean it up," Commissioner Paul Mercier said. "All I've heard is the outcry of one person who wants this. If we're serious -- and passing this makes everyone feel good -- enforcement is going to be a bear."

More than a year ago, County Attorney Steve DeMarsh released a report that described the Florida Beverage Law and spelled out what legal action could be taken by the Division of Alcohol and Tobacco if a business with a liquor license serves minors.

"Sarasota County is not pre-empted from adopting its own ordinance regulating underage patrons from accessing alcoholic beverage establishments," he stated. "Nothing in the Beverage Law shall be construed as impairing the rights or power of any county or city."

Lee County and Fort Myers currently have ordinances that prohibit bar and nightclub patrons under the age of 21. Manatee County is currently deliberating regulations, while Sarasota County has examined measures adopted in Miami Beach and Fort Lauderdale.

The city of Sarasota adopted an ordinance that prohibits bar patrons under the age of 21, unless they are either accompanied by a legal guardian or serving in the armed forces. DeMarsh has suggested county regulations should parallel the city's to avoid confusion.

Most of the county commission's focus has been on fines for bar owners if they are caught serving minors, and there has been some support for revoking the occupational business licenses for repeat offenders. But there has been no consensus.

"We've discussed this three times and it's been hanging around," Commissioner Shannon Staub said. "We've cut it down to eliminate restaurants. I'd like to try this with penalties (for the bar owner) and not deal with revocations."

Mercier said it was unreasonable to levy fines of only $250 on bar owners who serve minors. He persuaded a bare majority -- on a 3-2 vote -- to bump the fines up $1,000 for each offense. DeMarsh expressed reservations and said he would study the matter.

Problems involving minors in bars are mostly limited to handful of nightclubs in the city and county that provide live entertainment late at night. The county is considering a curfew of 9 p.m., 10 p.m. or possibly 11 p.m., for patrons under the age of 21.

While the commission unanimously agreed to advertise a public hearing on regulations that include a 9 p.m. curfew, Staub warned, "We've never heard from the public on this and have been fiddling with it for a year. People might tell us we don't need this."



**23. Bill Allows Patrons to Cork the Wine and Take it (North Dakota)**

By Crystal Reid - *BismarckTribune*

January 7, 2007

A Bismarck representative wants to let restaurant patrons drink their wine and keep it, too.

And that tickles the palates of some local restaurant owners.

"The benefit would be selling higher-end wines to complement a good dinner," said Scott Schafer, owner of the Bistro & American Cafe. "This is more of a fine dining issue. More of a dinner deal."

House Bill 1041, drafted by Rep. David Weiler, R-Bismarck, and Bette Grande, R-Fargo, would allow some restaurants to cork up patrons' unfinished bottles of wine to take home.

Thirty-four other states have legislation pending or have passed cork and carry laws, said Weiler. Some states call them Merlot-to-go laws. Other states allow wine doggy bags, where wine is sealed in a bag provided by the restaurant.

Weiler said it's a win-win situation. The restaurants can sell finer bottles of wine, and patrons don't have to worry about guzzling or wasting precious, expensive drops.



**24. Oregon District Liquor License Limit Debated (Oregon)**

*Dayton Daily News*

January 4, 2007

DAYTON — Members of the Oregon District Business Association want the Dayton City Commission to lift a policy that restricts to 17 the number of liquor licenses within their historic district.

On Wednesday, they presented a petition with about 300 signatures asking that the 17 rule be discontinued and that the commission rescind an informal resolution objecting to the liquor permit application for Fifth Street Wine and Deli, 416 E. Fifth St.

"We're going to talk about it," Mayor Rhine McLin said. "It's very important to me that the Oregon District have a strong, solid footing as we work on Ballpark Village."

Ballpark Village is a $230 million downtown waterfront development of shops, restaurants and housing proposed by a subsidiary of Mandalay Baseball Properties and Cincinnati-based Bear Creek Capital.

"I don't want anyone to believe the Oregon District will be lost to Ballpark Village," McLin said.

Deli partners Dustin Nealeigh, David Shields and Robert Strong opened the sandwich shop in June — minus the wine — because of the commission's objection to their application. The Oregon Historic District Inc., a neighborhood association, requested the objection saying the three-block area is already saturated with liquor permits.

The Ohio Division of Liquor Control is expected to hold a hearing Monday on whether to grant the license to the deli.

"We want to ensure that Oregon is able to compete successfully as economic development continues to occur in downtown Dayton," said Mike Martin, Oregon Business Association vice president and Oregon Historic District Inc. trustee.

The commission plans to decide on the request in several weeks.

<http://www.daytondailynews.com/n/content/oh/story/news/local/2007/01/04/ddn010407citcom.html>



**25. OUR VIEW: It's Time to Get Tougher With Alcohol-Related Enforcement (Wisconsin)**

By Tribune Editorial Board, *LaCrosse Tribune*

January 10, 2007

How much of a warning do we need about binge drinking before we engage in more serious enforcement steps? The city of La Crosse needs to take more action.

Monday's police press conference about three individuals who might have been the next drowning victims was truly eye-opening.

Police were busy searching for these three drunken people early Sunday. We're fortunate that there was not a public safety emergency at the same time.

Police Chief Ed Kondracki said, "Each case is an example of severe binge drinking and an intentional effort to become extremely intoxicated, if not incapacitated, by alcohol."

Police found a 21-year-old man on Copeland Avenue near the La Crosse River. He was taken to a hospital, and his blood-alcohol content was 0.23 percent. He started drinking at 1 p.m., and had between 20 and 30 beers before police found him.

Meanwhile, a 22-year-old woman was found barefoot and soaked with water in Festival Foods at 30 Copeland Ave. She had been drinking whiskey shots and tested out at 0.20 blood-alcohol content.

In the last incident, the entire third shift of police officers searched for a 21-year-old man who had been playing drinking games at a residence before going downtown.

He was so drunk that police said he was talking into his wallet as if it were a cell phone. Police found him the next morning, sleeping in a house he had forced his way into. His blood-alcohol level at the time was 0.13, and police estimated it would have been about 0.23 when he went missing.

These stories could have had tragic endings. We could have had another river drowning, and maybe more than one.

Mayor Mark Johnsrud suggested La Crosse enact a public intoxication ordinance, and we think that's a great idea. In fact, it's an idea that's way overdue.

The goal is not to harass people - but to ensure that those who are so drunk they can't function do not become the next statistic or jeopardize others.

We would go one step further and suggest that the city start making bartenders and the taverns they work in truly accountable for serving people who are obviously intoxicated.

Somebody served these three people. City officials should suspend the licenses of bars that violate the law by serving intoxicated people, and cite the bartenders involved.

We live in a city that is losing young people to alcohol abuse. Binge drinking also is contributing to domestic violence, drunken driving deaths and injuries, and other crimes - by people of all ages.

There is no one answer to La Crosse's alcohol problems - we need a multi-faceted approach that includes treatment, prevention and alternative activities to drinking, particularly for young people.

But we also need tougher laws and stepped-up enforcement. Getting tougher on servers as well as highly intoxicated people is a good step.



**26. Illinois Wine Industry Has Grown into $250 Million Business (Excerpt) (Illinois)**

By Blackwell Thomas, Bureau Writer - *H&R Springfield*

January 10, 2006

SPRINGFIELD - A study released Tuesday offers good news off the grapevine for the Illinois wine industry.

The study, which was conducted in 2005, shows that the state's wine industry has grown into a $250 million business with 68 wineries across the state producing 500,000 gallons annually.

"The study is kind of stunning," said Brad Genung, president of Owl Creek Vineyard in Cobden. "In the late '90s we were talking about $20 million direct impact for our industry."

The study shows that wine tourism alone generated $31 million in 2005.

Barbara Insel of MFK Research, which conducted the study, said it bodes well for the future of the industry in Illinois.



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# 27. City Officials Want More Control Over Liquor Licenses (South Dakota)

*Capital Journal*

January 09, 2007

PIERRE - With the city sitting at its liquor license cap for more years than Pierre Mayor Dennis Eisnach can remember, he and many others in the area are hoping the Legislature will look at giving municipalities more control over the license cap.

"The Legislature needs to consider things to give local government more control to attract new business, and this is one of the ways that can happen," Eisnach said. "A liquor license is pretty much a staple for many businesses that might come into Pierre."

Right now the number of liquor licenses that can be issued in an area is dictated by population, which for Pierre means 15 liquor licenses within city limits.

"The Legislature has been very reluctant to give local control on issues like this," Eisnach said. "I don't know why. To me it makes no sense at all."

According to Jim Protexter, executive director of the Pierre Economic Development Corporation, many business owners in the last few years have had their eye on Pierre but won't come because of their inability to get a liquor license.

"We've talked to various restaurants who will not even consider a community without the ability to provide a full range of service to their customers," Protexter said. "There are real barriers to attracting a national-type chain or even a regional chain, that was the last one we had discussions with."

Officials say the reluctance, and the challenge, is to keep the current value on the limited number of licenses that are already in existence.

"People now are bidding on the price, in Pierre you're talking $75,000 or $100,000 for an on-sale liquor license. These people have invested a lot of money in these licenses. They're an expensive commodity," said Rep. Tim Rounds, R-Pierre. "And if you take the cap off, what about these people who have invested all that money?"

Solving that issue is what Rounds said needs to happen if the discussion on liquor licenses makes its way to the legislative session again this year.

"I look forward to the discussion, it's something that needs to be talked about," he said.

And while he favors letting the free market dictate local business, he thinks there is a market specifically for liquor licenses being issued to non-smoking facilities.

During the 2006 legislative session Rep. Bob Faehn, R-Watertown, brought a bill to authorize first-class municipalities to issue non-smoking establishment on-sale licenses under certain conditions, which Rounds said was a close vote but was defeated.

"I think there is a market for that, and if someone in Pierre opens up a place where you can have dinner and watch a football game without the smoke, and the community supports it, then I have no problem with it. I think the final decision should be within the local communities," Rounds said.

Rounds said another issue that comes into play when looking at liquor licenses for non-smoking establishments is communities are then dictating what goes on in someone's business.

According to Eisnach and Fort Pierre Mayor Sam Tidball, the problem with the current liquor license cap snowballs when a business that has a license isn't fully utilizing it.

"It's a problem when you have someone with a license and it isn't necessarily an operating business, that keeps someone who may be operational from having one," said Tidball. "I just think it's time for the Legislature to look at either loosening the cap or making the rules more specific on someone's ability to retain a license."

Eisnach said that within the city of Pierre there are two liquor licenses that are somewhat inactive.

According to Michael Kenyon, director of property and special taxes with the state Department of Revenue and Regulation, someone can keep an unused license for two years if they're not conducting any business.

But if a business is selling only a small amount of alcohol yearly, statutes says the business can still retain a liquor license, Kenyon said.

<http://www.capjournal.com/main.asp?SectionID=2&SubSectionID=2&ArticleID=16534>



**28. Parents Of Teen In Court For Drunk Driving Deaths (Illinois)**

By Katie McCall - *CBS2*

January 10, 2007

**Teen Held Underage Drinking Party At Home With Parents' Knowledge**

*(CBS)* *WAUKEGAN, Ill.* Sarah and Jeffrey Hutsell sped away in a car to avoid cameras at the Lake County Courthouse.

CBS 2 North Suburban Bureau Chief Katie McCall reports the Deerfield couple is charged with five misdemeanors for allegedly allowing underage drinking at their home on Oct. 13.

That night, Ross Trace and Danny Bell, two 18-year-olds who police say drank at the party, crashed into a tree and died.

Bell, who was driving, had a blood alcohol level of nearly two times the legal limit.

Trace had marijuana in his system.

The Hutsells' friends say they are good people.

"Do I want to say how much we love them? How much they've done for the people around our community? Yes. But we don't have anything to say," said one neighbor and friend who declined to give her name.

Prosecutor Christen Bishop says this case should be a warning to all parents.

"This case is about underage drinking. There were underage kids who were allowed to be in the home who were allowed to drink. The parents were home. They knew about the party they failed to control that access," Bishop said.

The Hutsells also face two counts of attempt to obstruct justice for allegedly lying about where their son was that night, and hiding evidence.

"They were not forthcoming with the whereabouts of their son, his location, his activities in regard to the party, and the fact that there were beer cans or other items of evidence that were concealed or destroyed," Bishop said.

Flowers still sit at the base of the tree where the crash happened. Just a few feet away behind a wooded area stands the Hutsell home.

It is not the first time the Hutsell family has been in court for an underage drinking related offense

Jonathan Tyler Hutsell, 18, was charged with consumption of alcohol by a minor in June of 2006.

He received a month of supervision.

The Hutsells attorney did not return calls from CBS 2.

The family of one of the victims in the crash, Ross Trace, has hired an attorney who handles wrongful death lawsuits.

<http://cbs2chicago.com/northsuburbanbureau/local_story_010213548.html>



**29. New Recommendations Target DWI Dismissal Rates (New Mexico)**

By Michael Gisick - *The Albuquerque Tribune*

January 10, 2007

No one is to blame, but no one is blameless.

That was the catch phrase Tuesday as officials unveiled recommendations aimed at reducing the DWI dismissal rate at Metro Court, a rate that the state's top judge has called unsatisfactory.

Police officers who fail to show up for court hearings, overly burdensome and sometimes conflicting court schedules: There's plenty of blame to go around for the fact that nearly one-third of DWI cases filed at Metro Court wind up dismissed, officials said.

The recommendations are designed to streamline the process of prosecuting DWIs at Metro Court and require fewer appearances in court by police officers.

Large courts in other cities typically have a dismissal rate of less than 10 percent, well below Metro Court's 28 percent rate, said Richard Van Duizend, a consultant with the National Center for State Courts, the group that presented the recommendations.

"Right now, there's an expectation that if you're arrested for DWI, there's a significant chance the case will be dismissed," he said.

Mew Mexico Supreme Court Chief Justice Richard Bosson said DWI prosecution involves many complicated and overlapping processes. But that is not an excuse, he said.

"Other states do it better. That was made clear to us today," Bosson said.

Although officials scrapped a recommendation to publish the names of defendants and police officers who failed to appear for DWI court hearings, Bosson said he believed the rest of the recommendations were practical.

They include:

• Allow police officers to submit a sworn statement rather than requiring them to appear in court in person during license revocation hearings.

• Limit continuances of DWI trials.

• Assign a police officer to Metro Court as a liaison.

• "Stringently enforce" police department rules requiring officers to show up for their court hearings.

• Create a central scheduling system.

<http://www.abqtrib.com/news/2007/jan/10/new-court-rules-target-dwi-dismissal-rates/>



**30. YOUR VIEWS: Intoxication Law is a Bad Idea (Wisconsin)**

By Brad Johnson – *La Crosse Tribune*

January 10, 2007

La Crosse Mayor Mark Johnsrud’s suggestion of creating a public intoxication ordinance to curb binge drinking is a politically motivated reaction to a condition that has been around for decades, if not centuries. If Mayor Johnsrud and Police Chief Ed Kondracki expect a fine to reduce binge drinking they are either uneducated, ignorant or just plain stupid. To change society’s problems you need to be proactive not reactive.

Fining someone for public intoxication is the equivalent for fining someone for underage drinking, and that hasn’t deterred many young people under the age of 21 that I am aware of.

Our young people are raised with adults who show them to have a party or a good time alcohol must be involved. New Year’s Eve, birthdays, city and town festivals, parades, election and re-election parties, fundraisers, social gatherings, etc. ... in this country and particularly this area, all involve alcohol.

What happened during the weekend of Jan. 6 and 7 are unfortunate incidents, but without the phone calls to the police from concerned citizens and friends these incidents would never have been made public. Who knows what would have happened to these individuals? Maybe these phone calls to authorities saved their lives and maybe they didn’t. We will never know. I can almost guarantee that fewer friends would make that call if they knew it meant their friend or relative would be facing a stiff fine or penalty.

It is not government’s job to babysit the public. Babysitting is the parents’ responsibility and until parents understand the consequences of their action we will never curb alcohol problems in this area and country.

<http://www.lacrossetribune.com/articles/2007/01/11/opinion/letters/01letter11.txt>

