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| *June 1, 2007* |

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

1.** **How to Make Wine and Cookouts a Perfect Match**
**Going Beyond Beer At Summer Barbecues; Rule No. 1: Simplicity**

Dorothy J. Gaiter and John Brecher *Wall Street Journal*
May 25, 2007

Everybody into the pool!

It's finally time to get out of the house and into a big glass of refreshing, hot-weather wine. What wines are perfect with cookouts and other summertime entertaining? Here's a short list. But, first, let's talk a little about how to serve them.

Consider for a minute why so many people drink beer at summer events. It's refreshing and thirst-quenching, to be sure, but it's also easy and unfussy. Put the beer on ice, open the bottle or can, and drink. It's a beverage, not a talking point. There's no reason wine can't be enjoyed just as simply. More fine wines are being packaged with screw tops, so you might want to look for those when you are shopping (the aisle of New Zealand wines, for instance, is filled with them). Whether it's a red or a white, just put it on ice in the tub with the beer. If you'd like it warmer when you take it out, it will warm up quickly enough once it's poured. But you also might find that you like it with a little chill. And don't fret about the glasses. Yes, wine is better in real glasses, but we'd rather have a glass of wine in a plastic cup than no wine at all.

Wine columnists John Brecher and Dorothy J. Gaiter say the quality of American-made Sauvignon Blanc is improving and share their suggestions for summertime sipping.

We'd urge you to look at the alcohol content of any wine you buy for warm-weather entertaining. We don't know about you, but we find that alcohol and sun are a bad combination for us, and these days even the simplest Merlots and Chardonnays can sometimes have alcohol contents of 14% or more. But we'd avoid Merlot and Chardonnay anyway, because so many these days are ponderous and sweet, just what we don't want for summertime. What do we want? Here are some ideas:

**Malbec from Argentina**

What's a more popular summertime food than barbecued meat? And with barbecued meat -- ribs, burgers, steaks, you name it -- there are few tastier wines than Malbec. It's a red wine that tastes like ripe blackberries bursting with fruit, with some smoke and black pepper. Most important, the best have a bright acidity that keeps them from being too heavy for summer. Just a few good names to look for are Alamos (Bodega Catena Zapata), Altos Las Hormigas, Bodega Norton, Catena, Finca Flichman and Navarro Correas.

**Beaujolais**

One of the many great things about Beaujolais is that it pairs with just about any kind of food, so whether you're grilling salmon or serving spare ribs or barbecued chicken, it works. Beaujolais can also be served at all temperatures. Be sure to buy 2005 or 2006 Beaujolais (but not Nouveau), and we'd concentrate on the cru wines, from villages such as Fleurie. Also, see our recent column on Beaujolais.

**Riesling**

Finally, more and more people are discovering that Riesling isn't the sweet, simple wine of their youth, but is, instead, light, delightful, mouth-watering and oh-so-easy to drink. Germany is the classic home of Riesling -- look for Riesling Kabinett on the label and you'll be fine -- but more good Riesling is being made in the U.S., too, especially in northern states such as Michigan and New York. Riesling is also somewhat trendy at the moment, so serving this wine at your gathering will show your good taste. Pair it with curried chicken salad with grapes, fruit salads, veal or chicken or pork with cream sauces, Waldorf salad, pork chops, spicy foods like Thai cuisine or satés on skewers with peanut sauce.

**Sauvignon Blanc from Chile**

Good Sauvignon Blanc is coming from all over the world these days -- New Zealand is a good choice, too -- but it's hard to beat the value of Chile's crisp, lovely Sauvignon Blanc. In fact, when we were asked this month to provide the wine for a parents' event at our girls' high school, we brought a case of Concha y Toro "Casillero Del Diablo" Sauvignon Blanc that cost us just $6.63 a bottle (with a case discount). The parents loved it -- and, even though many of them are well-off, they loved it even more when they found out about the price (this is why rich people are rich, we figure). Among many other good names are Anakena, La Playa, Miguel Torres, Morandé and Santa Rita. Be sure to get 2005 or, ideally, 2006 if you see it. These pair well with grilled or fried seafood, pork chops, peel-and-eat shrimp and spicy dishes in general. If you prefer to stick with an American Sauvignon Blanc, check out our last column.

**Vinho Verde**

This wine from Portugal is especially good on sunny days because it's so refreshing. Vinho Verde is almost colorless, with some spritz that adds to the fun of it. It is very light, in taste and in alcohol, often around 9% compared with 12% for many wines. It has great acidity and hints of citrus, sometimes peaches and flowers. It's a food-friendly wine, good with three-cheese pizza and seafood prepared any way. Among good names to look for are Arca Nova, Casal Garcia, Fâmega, Gazela and Portal do Fidalgo.

**White Bordeaux**

There are some pretty serious gatherings during the summer, too, of course. If we were to throw a dinner party at our house in the Hamptons, for instance, we'd serve white Bordeaux (OK, we don't have a house in the Hamptons, but if we did). It's one of the world's more elegant white wines, made from Sauvignon Blanc and Sémillon. Look for Pessac-Léognan on the label (that's a particularly good region), and it will be hard to go wrong. This will likely be more expensive than the other wines on this list, but the wine has a stature that makes it worth the cost. These go well with chicken or veal or anything in a cream sauce; stuffed or grilled mushrooms; grilled, baked or fried seafood; even oysters on the half shell and chilled lobster.

We haven't included any sparkling wines on this list because some people might think they're too fussy and formal. But it might be fun to serve something bubbly. If you do, look for Cava from Spain or Prosecco from Italy, which is light and lovely and slightly spritzy. We have one more idea for warm weather, but it's such a hot topic that it requires an entire column, so check back next week.

Welcome to summer.

<http://online.wsj.com/services/article/SB118004008139713811-search.html?KEYWORDS=wine&COLLECTION=wsjie/6month>

**2.** **Why Absolut Said Bye-Bye to the Bottle
No Longer a Top-Shelf Brand, Giant Abandons 'Perfection' Campaign**

Jeremy Mullman
*AdAge.com*
May 28, 2007

Absolut vodka's iconic bottle ads were some of the most celebrated, sought-out and effective brand-building efforts in the history of alcohol marketing. Unfortunately they are also outdated -- based on the less-than-credible idea that Absolut is still a superpremium offering.

New work positions Absolut as 'ideal.'

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When the bottle campaign was introduced in 1979 with the now-legendary "Absolut Perfection" print ad, the brand was dripping with cachet. But today, thanks to the emergence of dozens if not hundreds of pricier (sometimes it seems there's an arms race of overcharging in the category), glitzier vodkas led by Bacardi's fast-growing Grey Goose, Absolut has instead become the Budweiser of vodkas: a midshelf brand whose overwhelming volume has made it ubiquitous.

Tim Murphy, VP-marketing for the Absolut Spirits Co. and the man behind the new campaign, put it this way: "When people think of vodka in the generic sense, they think of Absolut in a specific sense. One bartender told me that 'Absolut is vodka before the plastic surgery,' and that's the authenticity we're trying to convey."

Absolut had to try something. "With all the superpremiums, perfection as a proposition became a little bit unattainable," said Jamie Gallo, managing director of TBWA/Chiat/Day, New York, which has handled the brand since its inception.

**Second place**

That challenge manifested itself in market-share losses for Absolut, now the world's No. 2 vodka brand. It's lost considerable market share to Grey Goose, Ketel One, Belvedere and other upstart luxury brands during this decade, when vodkas in general have enjoyed unprecedented growth.

According to the spirits trade magazine Impact, Absolut's 4.9% annual growth rate between 2000 and 2005 was the slowest among the seven vodka brands that ranked in the top 60 overall spirit brands, including the No. 1 spirits brand, Diageo's Smirnoff (6.9%). And growth within the U.S. -- which accounts for about 50% of the brand's volume -- has been even more sluggish.

"They saw the superpremiums coming from a mile away, but they didn't do anything about it," said one beverage-marketing executive who asked not to be identified due to a relationship with Absolut. "The new campaign suggests they're finally waking up and smelling the vodka."

**Ideal, if not perfect**

The effort, titled "In an Absolut World," features scenes from a world where everything is as ideal as Absolut vodka allegedly is. Ads portray pregnant men and their beaming female spouses, Times Square as a fine-art gallery, and protesters and police settling differences with pillow fights.

All of this is intended to show Absolut as the ideal vodka in a landscape crowded with luxury upstarts.

So what's the big difference between "ideal" and the admittedly out-of-date perfection claims? Mr. Murphy thinks it's a better fit. "Our specific approach is to ask, 'What if everything were approached the same way we approached Absolut Vodka?' It's a more ideal, desirable view for all."

**Ignoring emerging media**

The superpremium-vodka craze isn't the only change that came during the bottle campaign's 25-plus-year run: Cable TV emerged as a major advertising medium for spirits, as did the internet, and Absolut has largely avoided both channels throughout its history.

Not anymore. Whereas print advertising used to occupy the brand's entire budget, it will get only 25% of Absolut's media spending going forward, with digital, outdoor and TV each getting between 20% and 30% of the spending pie as well. Absolut's media spending has fluctuated between $18 million and $38 million annually during the past five years, according to TNS Media Intelligence, but the campaign is expected to lead to heftier outlays.

Adding to the aura of change surrounding the brand is the prospect of a sale. While Absolut is not formally on the block, the Swedish government has indicated a desire to sell state-owned assets, including Absolut's parent, Vin & Spirit. Bacardi has reportedly expressed interest, and Beam Global Wine & Spirits -- which manages Absolut in the U.S. through a joint venture -- is also widely expected to pursue the brand. Ideally, that is.

<http://adage.com/article?article_id=116935>

**3.** **Europe to Grant Napa Valley Geographical Indicator Status**

*Beverage News Daily*
May 24, 2007

California's Napa Valley is making a name for itself in Europe with European Union officials set to announce today in San Francisco that wine bottles can't say “Napa” on the label if the grapes come from someplace else.

The EU’s decision to grant Napa Valley what is known as "geographic indicator" status, reached earlier this year and scheduled to be formally announced in San Francisco on Thursday, was hailed by vintners as a breakthrough.

"It's been a wild ride," said Doug Shafer, president of Shafer Vineyards, a Napa Valley producer of high-end wines. "The fact that we have this protection is wonderful."

The EU agreement is the first time the Napa name has been protected outside California, where a state law bans producers from slapping a Napa label on non-Napa grapes.

**4.** **Parents: Underage Drinking is Illegal, Even Under Your Roof**

Lis Wiehl
*Fox News*
May 29, 2007

It's almost summer. For teens, that means parties — celebrating everything from prom to graduation, to two months without school — and those parties usually involve alcohol. Many parents try to handle the dilemma of allowing their kids to have a good time without getting hurt by providing alcohol to teens at semi-supervised house parties. But is that really a good solution?

Consider a recent case in Westborough, Massachusetts. Police pulled over an 18-year-old whom they suspected had just injured a woman in a hit-and-run accident. They spotted a bottle of rum in his car and administered a sobriety test, which the teen failed. After they arrested him for drunk driving, the teen revealed that he had gotten the alcohol from his friend's parents, who had hosted an underage drinking party at their home.

Those parents were charged criminally with providing alcoholic beverages to persons under 21, and police in Westborough are vowing to crack down on parents who give alcohol to minors. This story, unfortunately, is not unique. It follows a disturbing national trend of parents hosting “drinking parties” for their children and their children’s friends.

Many parents swear they would not give their children alcohol. In fact, 99 percent of parents recently surveyed by Columbia University’s National Center of Addiction and Substance Abuse, say they are not willing to serve alcohol at their teen’s parties. However, that same survey found that 28 percent of teen partygoers have been to parties at a home where parents were present and teens were drinking.

The study also highlighted the disconnect between parents’ naïve perceptions and the harsh reality of what goes on at teenage parties. Parents are turning a blind eye to teenage drinking: the Columbia University study found that 80 percent of parents believe that neither alcohol nor marijuana is usually available at parties their teens attend. But, 50 percent of teen partygoers report attending parties where alcohol, drugs or both are available.

State laws are simply not strict enough on parents who provide alcohol to minors. Many states allow parents to provide alcohol to their children, and only one state, New Mexico, makes it a felony for any person to knowingly provide alcohol to minors. We need a concerted effort from state lawmakers to close loopholes that allow children to drink on private property.

Underage drinking is a persistent problem in the United States. According to the National Survey on Drug Use and Health, about 30 percent of children between ages 12-20 report current alcohol consumption. Teens who drink typically have their first alcohol experience early as age 12, accounting for 4.2 percent of the underage drinkers. From there, the drinking rate among teenagers doubles every year, with 40 percent of 17-year-old reporting using alcohol at least once a month.

And where are these teens getting the alcohol? Much emphasis is placed on bars and liquor stores that sell alcohol to minors, but state laws should also be looking to home. According to a recent study by the Century Council, 65 percent of underage drinkers get their alcohol from relatives or friends, with only 7 percent of teenagers reported obtaining alcohol from retailers.

Illinois and Louisiana, along with 29 other states, still maintain lax laws that allow minors to drink in a private residence as long as a parent or guardian is present. In 2005, South Dakota Gov. Mike Rounds vetoed legislation that would have allowed prosecutors to more easily convict adults who host parties attended by underage drinkers.

Some states are on the right track. Colorado, Florida, and Virginia have all passed laws that suspend the licenses of those who help underage drinkers obtain alcohol from 90 days, up to six months. A New Hampshire law particularly carves out a penalty for parents who hold graduation or post-prom drinking parties, and California recently passed a bill that would jail parents who provide alcohol to a minor who was subsequently involved in a car accident.

But more needs to be done. States should follow the example of New Mexico, which not only made it a felony to provide alcohol to minors, but also increased the jail time those who supply the alcohol could face. Parents need to know there are real consequences for their actions and not merely a slap on the wrist. All states should eliminate the loophole that allows underage consumption on private property.

Those who support parental supervision of teenage drinking point say it teaches children how to be responsible with alcohol in a safe environment. The idea is particularly popular in Europe, where teenage drinking rates are lower than the United States. In fact, a study from the Centre for Public Health at Liverpool John Moores University recommended that parents host drinking parties to teach teens how to drink in moderation.

But that argument doesn’t persuade me. First, most European countries have higher driving ages than the United States, so although teenagers may be allowed to drink earlier, drunk driving is not as great a concern. Second, children who begin drinking before the age of 15 are four times more likely to become alcoholic as an adult than those who begin at 21, according to the National Institute on Alcohol Abuse and Alcoholism.

Finally, there is no way to guarantee a completely safe environment when alcohol is involved. Parents may think taking away keys will do the trick, but drunk driving is only one of the concerns when teenagers get a hold of alcohol. What about alcohol poisoning, rape or serious injuries, all of which can result from drinking?

As parents, it is our responsibility to protect our children and teach them right from wrong. It is not cool or hip to host drinking parties for your children and their friends — it’s simply dangerous. While states need to recognize this danger and tighten underage drinking laws, it’s also up to us to cut off one source of alcohol for teenagers. So if your children ask, just say no.

# grapes[http://www.foxnews.com/story/0,2933,276178,00.html](http://www.foxnews.com/story/0%2C2933%2C276178%2C00.html)5. Anheuser Gives Web Channel Another Try

**Disappointing Response For Bud.TV Prompts Shifts in Site's Strategy**

Suzanne Vranica
*Wall Street Journal*
May 30, 2007

Despite earlier suggestions that it might scrap its struggling online entertainment channel, Anheuser-Busch has decided instead to revamp the Web site to make it edgier.

Just three months ago, the St. Louis brewer made a big splash in advertising circles with the launch of Bud.TV. The network, which includes 2,000 minutes of original programming, was aimed at getting the attention of beer-drinking young men, who are spending more of their time on the Web.

But traffic to the site has plummeted amid complaints from viewers that the content -- such as "What Girls Want," where three beautiful women give a geeky guy a makeover so that he's more dateable -- lacked luster.

![[Combo]]()The tepid interest in the site has been a blow for the brewer, which has a reputation as being one of the savviest consumer advertisers in the brick-and-mortar world, with ad hits such Louie the Lizard and the "Whassup?" commercials. The company's stumbles over Bud.TV speak to the difficulty that non-Web-based businesses -- even some of the biggest companies in the world -- have in driving traffic to their Web sites.

The changes to Bud.TV will include a variety of new features, such as a social-networking component and shorter videos -- about one minute each -- rather than the longer programs (usually about six minutes) that now dominate the site. Even the much-hyped "The Joe Buck Show," which shows the sports commentator interviewing celebrities in New York City cabs, will likely come to an end soon. The brewer say it has about 12 shows in the can and is considering other short-form formats for Mr. Buck to do.

While during the site's rollout Anheuser-Busch touted its slickly produced original content, Bud.TV will also now begin pulling videos and content from other sites. Its aim is to become an aggregator of cool information for beer drinkers. One idea the brewer is toying with: a "joke of the day." Anheuser-Busch is also hoping to have Bud.TV content appear on other sites such as YouTube and Yahoo as a way to drive traffic.

"You have to syndicate your videos across multiple sites," says Joe Laszlo, a senior analyst at Jupiter Research. "It's key if you want to grow an audience over time."

The new offerings will be "a little more edgy," says Tony Ponturo, vice president, global media and sports marketing at Anheuser-Busch, which makes Budweiser, Michelob and Bud Light, among other brands.

That push is already apparent. A small clip promoting Bud.TV, which began appearing for the first time on the site this week, shows a company where employees frequently use foul language and are forced to put a quarter in a jar as punishment. The catch: The jar collection will be used to buy a case of Bud Light.

Mr. Ponturo's plan is a major reversal from comments last week by August Busch IV, Anheuser-Busch's chief executive, who said the site would "fade" during the "back half of this year." Those remarks, during a call with investors, came after traffic to the site sank 40% in March to 152,000 from the month earlier, according to data from tracking service comScore. Traffic to the site in April was so low it didn't meet the threshold for measurability, according to data from comScore.

That's a far cry from the three million to five million unique monthly visitors the company estimated it would eventually attract to the site. The company also said that the age-verification system on Bud.TV -- used to make sure that everyone on the site is of drinking age -- was a turnoff to Web surfers.

Bud.TV's fate has been watched on Madison Avenue, mainly because it marks one of the most aggressive efforts by a nonentertainment company to create entertainment as a way to subtly promote products. The brewer has already put about $15 million into the site, almost a third of its annual Web-advertising budget.

For the past few weeks, Anheuser-Busch has been doing internal focus groups, calling on its employees between the ages of 21 and 26 to help brainstorm about ways to enliven the site. "It's clear to us that the consumer wants more interaction, more conversion and more of a social community," says Mr. Ponturo.

Advertisers are increasingly finding that generating traffic to their own Web sites or home-grown online channels is huge challenge, and many remain highly dependent on the major Web portals and popular online destinations. Procter & Gamble, for example, realized that it needed to work with a portal when it recently launched Capessa, a social-networking site for women to discuss subjects such as parenting, pregnancy and weight loss. Knowing it would be difficult to generate traffic to a standalone site, the consumer-products titan created the site on the health section of Yahoo.

Anheuser-Busch says it will ramp up its marketing efforts around Bud.TV, including a big push to get bloggers to talk about the programs the site offers. Still, it remains determined not to run traditional TV or print ads to promote the site.

<http://online.wsj.com/services/article/SB118048404453417894-search.html?KEYWORDS=anheuser&COLLECTION=wsjie/6month>

**6.** **MADD Believes Coupons Enable More Drinking**

David Guidi
*TCPalm*
May 29, 2007

When 21-year-old Andy Urban heads out to party with friends, he likes to drop by Wal-Mart, where he said the 24-packs of Budweiser are the cheapest.

"I drink as much as I can, as fast as I can, until I pass out," said Urban, a sophomore at Indian River Community College.

Eric Miller, community action site coordinator for the Martin and St. Lucie chapter of Mothers Against Drunk Driving, has worried for years that students like Urban, who drink more when they can buy more, are easy targets for large-scale coupon campaigns of marketers in the alcohol industry.

These marketing campaigns often use coupon "stacking," when manufacturers, distributors and stores all offer discounts on the same case of beer or wine. The discounts are often aimed at areas with colleges, where the demographic has a penchant to binge drink, Miller said.

"We've seen twelve packs for as little as $2 and $3 and cases of beer for less than $6," Miller said.

MADD wants state regulatory departments to prohibit "stacking" and campaigns targeted at college students. The organization will lobby for those changes when the Department of Business and Professional Regulation and its Division of Alcohol, Beverage and Tobacco meet in Martin County at the end of the month for a hearing on the state rules governing Florida's alcohol industry.

Martin and St. Lucie counties, though they are not college towns, still have a lot at stake, said Donna Hosang, facilitator for the Shared Services Network, a coalition of state and local school, community and law enforcement agencies in counties on the Treasure Coast.

Since 2000 - when Martin ranked second highest in youth drinking rates among 67 counties in the state and St. Lucie showed rates well above state norms - the network has worked to lower the rate of youth substance abuse, particularly alcohol use, among Treasure Coast teens.

But most of the manufacturers, distributors and retailers in the alcohol industry think the rules about discounts on alcohol sales work fine now, said Scott Dick, a lobbyist for the Retail Beverage Council, a statewide trade association that includes grocery stores like Publix and Albertsons and the liquor store chain ABC Fine Wine and Spirits.

Dick disputes the idea that coupon campaigns contribute to binge drinking and calls changes that would limit coupons "anti-consumer."

"To me, binge drinking is a much bigger problem than a discounted beverage," Dick said.

MADD representatives also want a more precise definition of what qualifies as a coupon.

Some methods of discounting like "scanbacks" - offers from manufacturers to reimburse retailers a fixed amount for every case of beer or bottle of liquor sold - can fall into a gray area of the current rules, Miller said. He said the rules allow companies to continue offering price reductions on top of other discounts, even if the rules are changed to prohibit coupon stacking, Miller said.

But Dick said the rules have worked well with few complaints and revisions for the past 20 years. More restrictions would mean less savings for consumers and more limits on marketers, Dick said.

Any new restrictions have been opposed by most of the other companies with a stake in Florida's alcohol industry. Anheuser-Busch and the Florida Beer Wholesaler's Association, which represents Anheuser-Busch distributors in the state, want the rules changed, too, but for different reasons from MADD's.

The rules as they are written have created confusion and provided a loophole for manufacturers and distributors to induce retailers to carry their products with rebate and coupon offers, said Mitch Rubin, executive director of the association. Rubin also said these sorts of practices might violate Florida law, which prohibits manufacturers and distributors from exerting control over retailers.

**If you want to Help**

What: A hearing conducted by state regulators on coupon usage and general advertising and promotional practices in Florida's alcohol industry.

Who: State officials, representatives from the Florida alcohol industry, local representatives from Mothers Against Drunk Driving and leaders of community youth programs will participate. The meeting is free and open to the public.

Where: Wolfe Technology Center, Indian River Community College, Stuart campus, 2400 S.E. Salerno Road

When: 9 a.m. Thursday

**How Rebates, Sales, Coupons can add Up**

Alcohol discounts take a lot of different forms, and typically run from $1 to $5. When two or three of these discounts combine, they can add up to even more cheap alcohol. Here are some of the forms these price discounts can take:

Scanbacks: Retailers receive money back for every case of beer or bottle of liquor they sell. Coors, for instance, might offer to reimburse Publix $2 for every 12-pack of Miller sold. Retailers reduce the sale price accordingly.

Paper and electronic coupons: Electronic coupons allow manufacturers to vary value based on demographic or geographic information. MADD objects to this practice because of the potential for targeting college students.

Mail-in rebates: People who purchase the products can send away to get some money refunded.

Sales: Stores reduce the price of the products.

[http://www.tcpalm.com/tcp/local\_news/article/0,2545,TCP\_16736\_5559631,00.html](http://www.tcpalm.com/tcp/local_news/article/0%2C2545%2CTCP_16736_5559631%2C00.html)

**7.** **Alcohol-Related Traffic Deaths rise for the First Time in 15 Years**

David Shepardson
*Detroit News Washington Bureau*
May 31st, 2007

Alcohol-related traffic deaths across the nation jumped to the highest level since 1992, while traffic fatalities remained virtually unchanged last year, according to preliminary statistics released today by the National Highway Traffic Safety Administration.

In 2006, alcohol-related fatalities rose to **17,941**, a 2.4 percent increase from 17,525 in 2005, according to NHTSA. Nationwide, road deaths dropped to 43,300 in 2006 from 43,443 in 2005 -- a 0.3 percent decline.

Advocates immediately called upon the government to do more to prevent alcohol-related traffic deaths, and federal officials urged motorists to wear safety belts to curtail fatalities.

"Mothers Against Drunk Driving is deeply saddened to learn that alcohol-related traffic deaths are at an all time high since 1992 and is asking the country to commit to the elimination of drunk driving," said Glynn R. Birch, MADD's national president.

In Michigan, traffic deaths fell 4 percent to 1,084 in 2006. Traffic-related injuries fell 9 percent from 90,510 in 2005 to 81,942 in 2006, NHTSA said.

Bucking a six-year trend, Michigan's alcohol- and drug-related traffic deaths rose to 440 in 2006, a nearly 8 percent jump from 408 in 2005. They account for about 40 percent of all state traffic deaths.

Federal officials called on motorists across the nation to wear seat belts.

"Bad things happen when people don't buckle up, and no one is immune from the damage and devastation that comes from not wearing a seat belt," U.S. Transportation Secretary Mary E. Peters said.

She praised New Jersey Gov. Jon Corzine for his work to educate both drivers and passengers to buckle up.

"Perhaps his pictures and his words about his crash will inspire people to buckle up every time they get in the car, no excuses," she said, referring to an April crash in which the governor was nearly killed. He was not wearing a seat belt. He has issued a public service announcement urging people to wear seat belts.

The preliminary data shows a 2006 fatality rate of 1.44 deaths per 100 million vehicle miles traveled, down from 1.45 in 2005. During the same period, injuries dropped 6 percent from 2.7 million in 2005 to 2.54 million in 2006.

In other categories, pedestrian deaths dropped slightly, from 4,881 to 4,768, and fatalities from large truck crashes dropped from 5,212 to 5,018, a 3.7 percent decline.

<http://www.detnews.com/apps/pbcs.dll/article?AID=/20070531/UPDATE/705310484/1396>

**8.** **NFL: No Alcohol for team Functions, Flights**

*NFL.com wire reports*
May 31, 2007

NFL clubs may no longer serve alcohol at team functions or on buses or flights, extending a ban that until now applied only in locker rooms.

NFL owners and executives were told by Commissioner Roger Goodell that the rule pertains not only to players but to owners, coaches and guests.

"I believe that no constructive purpose is served by clubs continuing to make alcoholic beverages available, and that doing so imposes significant and unnecessary risks to the league, its players and others," Goodell wrote to all 32 teams in a letter obtained by The Associated Press.

The commissioner's letter separates him from, among others, Major League Baseball commissioner Bud Selig. After St. Louis Cardinals pitcher Josh Hancock died a month ago in what was ruled an alcohol-related auto accident, Selig said a decision on banning beer in clubhouses was a team matter, not a league one.

Goodell's letter is in keeping with his policy of setting strict standards for behavior by players, coaches and officials after a year of numerous arrests, many of them for alcohol-related offenses. He has imposed strict suspensions on those who violated those policies, including a yearlong suspension for Tennessee's Adam "Pacman" Jones, which is currently under appeal.

The letter is addressed to chief executives, club presidents, general managers and head coaches.

"Effective immediately," it reads, "clubs are prohibited from providing alcoholic beverages, including beer, in any club setting, including in locker rooms, practice or office facilities, or while traveling, including on team buses or flights.

"This prohibition extends not only to players, but to all team personnel, as well as to other guests traveling with the team or who have access to club facilities."

The ban was sent with the approval of the NFL Players Association and the player advisory council, a group of veterans appointed in early April to advise Goodell on player issues.

That group includes union president Troy Vincent, currently a free agent; safety Donovin Darius of Jacksonville; fullback Tony Richardson of Minnesota; center Jeff Saturday of Indianapolis; linebacker Takeo Spikes of Philadelphia; and wide receiver James Thrash of Washington.

<http://www.sportingnews.com/yourturn/viewtopic.php?t=215762>

**[II. IOWA NEWS.](#II)****9. Court Ruling Pleases Okoboji Restaurateur**

Russ Oechslin
*Sioux City Journal*
May 29, 2007

After a three-year legal battle with the City of Okoboji, Butch Parks says he's pleased with Wednesday's appeals court ruling that will give him "the most expensive liquor license ever issued in the city of Okoboji."

That license will be for the O'Farrell Sisters Restaurant on Smith's Bay which seats about 50 patrons. Located on Lakeshore Drive since 1958, the family restaurant had a liquor license until 1994. Parks first applied for the license when he bought the facility in May 2004.

His application was turned down by the city on the basis the sale of alcohol constituted an expansion of a nonconforming use that had been discontinued for more than a year.

Parks' appeal to the Iowa Alcoholic Beverages Division affirmed the city's position. However, the decision also noted that if Parks were to prevail in a then-ongoing zoning issue in district court, the license should be issued.

Wednesday's appeals court ruling notes that the O'Farrell Sisters "would not become a cocktail lounge, night club or tavern ... or devoted primarily to the serving of spirituous liquors."

The ruling explains that serving "drinks in a restaurant setting is not unlike choosing to add a different line of food or drink at a grocery store. There is absolutely no indication the character of the O'Farrell Sisters Restaurant will in any substantial way change by again serving alcoholic beverages."

The appeals court ruling continues, "The district court found 'adding the sale of alcoholic beverages at O'Farrell Sisters would (not) have an adverse impact on the neighborhood or ... result in any changes to the structure of area actually used for the operation of the restaurant.' We believe that, under the city zoning ordinance, O'Farrell Sisters will retain its essential status as a 'restaurant.'"

The opinion continues, "We agree with the district court's finding that, given the small size of the restaurant itself and the lot on which it sits, it is unlikely that it could be transformed into a busy bar or tavern."

Okoboji City Attorney Mike Chozen was out of town and unavailable for comment Wednesday. Mayor Mary VanderWoude said she "was surprised" at the reversal, but would reserve comment until she was able to confer with Chozen.

<http://www.siouxcityjournal.com/articles/2007/05/24/news/local/f1b42acbf7fb9072862572e5001055d2.txt>

**10.** **Chase ends when car cuts gas line, Crashes into Home**

Tom Barton

*Des Moines Register*

May 27, 2007

It's hard to look on the bright side when a drunken driver has crashed into your home, damaging two new cars in the process, but Kevin Eklov of Des Moines is glad his house did not catch fire.

"It definitely could have gone up in flames," Eklov said Saturday afternoon, pointing to a new meter installed after an intoxicated driver severed the gas line to his house.

He, his wife, his 17-year-old daughter and the next-door neighbors had to evacuate their homes Saturday morning as they waited for MidAmerican Energy employees to turn off the gas.

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| http://cmsimg.desmoinesregister.com/apps/pbcsi.dll/bilde?Site=D2&Date=20070527&Category=NEWS&ArtNo=705270336&Ref=AR&maxw=264 |
| Kevin Eklov’s car was damaged when a car that was being pursued by police struck it and shoved it into Eklov’s daughter’s vehicle. The car that was being pursued also cut a gas line to the house and damaged the house. Eklov was relieved that his home did not catch on fire. “It definitely could have gone up in flames,” he said. |

Martin Gomez Jr., 20, of Des Moines led police officers on an early-morning high-speed chase through residential neighborhoods, reaching speed up to 90 mph before slamming his car into the side of Eklov's home in the 5700 block of Southeast Fifth Street.

Des Moines officers were dispatched to a Kum & Go at 101 Army Post Road at 2 a.m. on a report of an intoxicated driver.

Gomez had hit a pole in the gas station's parking lot before taking off northbound on South Union Street.

He fled from police after officers attempted to stop his car at South Union Street and Wall Avenue, reports said. Gomez headed east on Wall Avenue, missing the corner at Southeast Fifth Street and striking the house.

"He ripped up the siding, scratched the side of the house and hit my car in the driveway, shoving it into my daughter's car in the driveway," Eklov said. "He wrecked two new cars. I just finished detailing the one car yesterday."

Gomez and passenger Jose Hernandez were both taken to the Polk County Jail. Gomez is charged with operating while intoxicated, felony eluding, hit and run, operating a vehicle with a suspended license and failure to maintain control of his vehicle. He was also driving without insurance.

Tests showed Gomez registered more than double the legal limit of alcohol, .198, in his body at the time of the crash.

According to the police report, Gomez told officers he and Hernandez had been drinking at Okoboji Grill prior to driving, and repeatedly stated he was drunk.

"It upsets me to know he was driving uninsured with a suspended license, driving drunk and to boot he is underage," Eklov said. "And he won't remember nothing. Meantime, I'm stuck working on the house when we were supposed to be at graduations and my dad's birthday."

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070527/NEWS/705270336/-1/BUSINESS04>

**11.** **Officer cited for Drinking will be Suspended**

*Des Moines Register*
May 30, 2007

A 20-year-old Carlisle police officer cited for drinking underage at an Indianola bar earlier this month will be suspended for four days without pay, Carlisle police officials told the Carlisle City Council on Tuesday.

Officer Matt Koch was charged by Indianola officials with being a minor in possession of alcohol and being in a business that serves alcohol under the age of 21.

Koch pleaded guilty in Warren County District Court to the possession charge and received a deferred judgment on being in the bar under the legal drinking age.

The punishment was not stern enough for Carlisle Councilman Frank Schultz.

"I want him fired," he said at Tuesday's meeting.

The council did not take action on Koch's discipline Tuesday. Carlisle Mayor Ruth Randleman said the council would take up the issue at its June 11 meeting. The personnel matter would be in closed session if Koch requested it, Randleman said.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070530/NEWS/705300379/1001/NEWS>

**12.** **Pass Smoking bans, but also help Smokers Quit**

Natasha Kaiser-Brown

*Iowa View*

May 30, 2007

World No Tobacco Day, organized by the World Health Organization, is Thursday. It's designed to draw attention to the importance of not smoking. The theme for this year's day is smoke-free environments.

Iowa is not considered a smoke-free state. Our state government has not chosen to adopt a statewide ban on smoking in workplaces and public-gathering places such as restaurants and taverns, and local governments are prohibited from adopting more restrictive smoking bans in their jurisdictions. The Iowa Legislature considered legislation this year that would have allowed local governments to set their own smoke-free policies. I support making this change and hope the Legislature will bring it up again next year and finally pass it.

Having public places be smoke-free would not only protect non-smokers from secondhand smoke but also encourage more smokers to quit. That is why I also supported the cigarette-tax increase this year. Not smoking is an important part of leading a healthful life. Smoking is something that would have held me back as an athlete and certainly would have jeopardized my chances of winning an Olympic silver medal.

Smoke-free laws and tax increases aren't enough, however. Smokers need more help quitting. While the tax increase might motivate smokers to try to quit, many may need more support to overcome the addiction. The Centers for Disease Control and Prevention recommends that smokers have access to counseling and FDA-approved treatments to assist their efforts to quit.

There are two key avenues for getting this help to smokers who need it. The first is through employers. We spend a good amount of our lives at work. Employers can help smokers quit by sponsoring smoking-cessation programs at work. Employers also can encourage employees to quit by providing access to support groups, counseling, treatments and incentives.

The second avenue for getting smokers the appropriate help to quit is through Medicaid. Many of Iowa's smokers don't have health insurance or the means to get adequate support. The state should look for ways to help these low-income Iowans.

Even though I have never smoked, I know how hard it can be to quit. My mother smoked. She was able to quit twice in her lifetime, but the addictive nature of smoking caused her to start again. I was very close to my mom, and we shared a very special relationship. I wish she had been able to quit smoking permanently. I am sad to say that she passed away of lung cancer in 2001, after my second child was born.

Smoking is an addiction, and smokers like my mom need as much help as they can to quit. I hope that on World No Tobacco Day, many smokers will make the decision to quit - and I hope that they will get the support they need to be successful.

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070530/OPINION01/705300353/1035/OPINION>



**13.** **Driver Accepts plea Agreement in Crash that Killed Waverly Native**

*WCF Courier*
May 30, 2007

A vial of blood from a man initially facing multiple charges spent a month in a refrigerator in the sheriff's department.

Rudolph Huebner IV, 22, of Tabor, pleaded guilty last week to two counts of vehicular homicide by reckless driving. Sentencing is scheduled for July 9.

He had faced two counts of vehicular homicide by drunken driving and three counts of causing serious injury by vehicle. Those were dismissed as part of a plea agreement.

Authorities said Huebner was traveling 97 mph when his vehicle collided with a car carrying five college students. Brooke Walton of Cedar Falls, formerly of Waverly, and Mark McCloy, 21, of Carmel, Ind., died. Three others in the car were injured.

The students were on their way back from a ski trip in March 2006.

Assistant Pottawattmie County Attorney Christine Shockey said the sheriff's deputy who placed the vial in the refrigerator made "a significant error."

"I don't know why it ever happened," she said.

Sheriff Jeff Danker said the mistake also violated office procedure.

Blood samples are supposed to be sent to the state lab in Ankeny immediately or placed in a secured evidence locker until being mailed, he said.

Cpl. Chris Weber, a nine-year veteran of the sheriff's office, put a sealed box with the vial in the refrigerator. The evidence wasn't discovered until the sheriff's office called the state lab to check on results and learned the sample never arrived, Danker said.

The sheriff declined to say whether Weber faced disciplinary action.

Tests revealed Huebner had a blood alcohol level of 0.18 percent, more than twice the legal limit of 0.08 percent, Shockey said. She added, however, the case's outcome did not depend on the blood evidence alone and that speed was arguably the main factor in the fatal crash.

Joseph Hrvol, Huebner's attorney, noted the plea agreement showed speed was the "major cause of the accident."

<http://www.wcfcourier.com/articles/2007/05/30/news/regional/31d4ef1ca28f099f862572eb003f0345.txt>

**14.** **Newton Businesses face Penalties for Providing Alcohol to Underage Persons**

Mandi Lamb
*Newton Daily News*

May 31, 2007

Newton police recently charged nearly a dozen Newton business and restaurant employees for supplying alcohol to underage individuals after officers conducted alcohol compliance checks on May 11 and 24.

Eleven Newton workers face possible fines, and their employers face possible criminal or civil penalties, including liquor license suspension, according to a news release issued today by the Newton Police Department. Officials conducted the compliance checks as a follow-up to a similar investigation in December 2006, when 18 of 31 Newton businesses received warnings after employees were caught selling alcohol to underage persons.

The police department offered a training session in April for all alcohol retailers in Newton, presenting information on when and how to refuse an alcohol sale, how to evaluate an Iowa driver’s license and about laws and regulations governing alcohol sales in Iowa.

Those charged during this month’s compliance checks include the following Newton residents: Nicole Pollard, 20, employed by Wal-Mart; Malissa Wilson, 39, employed by Hy-Vee East; Kathy Doeden, 40, employed by the Hy-Vee Drugstore; Vickie Needham, 57, employed by Casey’s General Store at 1018 First Ave. E.; Becky Webster, 54, employed by Dezi’s Quick Shop; John Elliot, 29, employed by Stein’s; Chad Hollenbeck, 27, employed by Mariano’s; John Robson Jr., 58, employed by the Manhattan; Cara Winchell, 18, employed by Godfather’s Pizza; Stephan Spidle, 50, employed by Pizza Hut; and Liny Ling, 40, employed by Panda Garden.

The Newton Police Department will continue conducting periodic compliance checks with the goal of 100 percent compliance, according to a statement from the department.

<http://www.newtondailynews.com/articles/2007/05/31/news/local3.txt>

1. **OTHER STATE NEWS.**

**15. Petition Doesn't Sway Athens Alcohol Vote (Alabama)**

***Decatur Daily*
May 30, 2007**

**A petition with more than 600 names didn't keep a majority of City Council members from sticking to their alcohol ordinance and giving a grocery store permission to sell alcohol next door to a church.**

**At Tuesday's meeting, the council voted 4-1 to approve alcohol sales for L&S Food on Jefferson Street, which is next to Northside Church of Christ.**

**Congregation member Homer Pack gave the council a petition with 621 names of church members and Athens residents who are against L&S selling alcohol. Pack said the church contacted the Alabama Alcoholic Beverage Control Board in Huntsville, which told him to give the petition to the council. ABC will give the final approval for alcohol sales.**

**During a May public hearing on the alcohol request, church members said alcohol next door would increase crime and littering on church property.**

**Council members Ronnie Marks, Jimmy Gill, Johnny Crutcher and Milly Caudle said they had no choice but follow the city's ordinance, which exempts grocery stores from having to be 500 feet from a church or school.**

**Council President Harold Wales cast the lone vote against approval.**

**"I've wrestled with this for a month," Wales said. "I have a right to vote the way I feel. I've got to live with myself."**

<http://www.decaturdaily.com/decaturdaily/news/070530/vote.shtml>

******16. ABC & Friday Night Live Partnership Visit (California)
22 Roseville Locations in Minor Decoy Operation, Not One Store Sells to a Minor**

***California Department of Alcoholic Beverage Control*
May 24, 2007**

**Investigators of the California Department of Alcoholic Beverage Control (ABC) conducted a compliance check operation May 20, 2007, in which minors under the direct supervision of investigators, attempted to purchase alcohol from 22 retail licensees in the City of Roseville and not one store sold to a minor.**

**“This is the kind of compliance we like to see,” said ABC Sacramento District Administrator Jerry Meyer. “With the Memorial Day holiday weekend upon us, it is encouraging that 22 Roseville stores are checking identifications and refusing to sell to minors, this helps keep young people safe.”**

**ABC is conducting the compliance checks state-wide to reduce the availability of alcohol to minors. Statistics have shown that young people under the age of 21 have a higher rate of drunken driving fatalities than the general adult population.**

**Minor Decoy operations have been conducted by local law enforcement throughout the state since the 1980’s. When the program first began, the violation rate of retail establishments selling to minors was as high as 40 to 50 percent. When conducted on a routine basis, the rate has dropped in some cities as low as 10 percent or even below.**

**In 1994, the California Supreme Court ruled unanimously that use of underage decoys is a valid tool of law enforcement to ensure that licensees are complying with the law.**

**Funding for this operation was provided by a grant from the Office of Traffic Safety through the Business, Transportation and Housing Agency. ABC is administering the grant. ABC is a department of the Business, Transportation and Housing Agency under the direction of Secretary E. Dale Bonner, a member of the Governor’s Cabinet.****17. Lakers owner Arrested for Suspicion of DUI (California)**

***Associated Press*
May 30, 2007**

**Los Angeles Lakers owner Jerry Buss was arrested early Tuesday for investigation of driving under the influence of alcohol.**

**The 74-year-old Buss was taken into custody shortly before 1 a.m. after he drove his gold Mercedes-Benz station wagon the wrong way on a street in an unincorporated section of Carlsbad that has double yellow lines, California Highway Patrol Officer Tom Kerns said.**

**"Although I was driving only a short distance, it was a bad decision and I was wrong to do it," Buss said in a statement issued by the Lakers. "It was a mistake I will not make again."**

**A 23-year-old woman in the vehicle with Buss wasn't arrested, Kerns said.**

**He said Buss was "relatively cooperative" when placed under arrest, and was booked into the Vista jail for investigation of drunken driving and driving with a blood alcohol content of 0.08 or above.**

**Buss was released around 10:30 a.m., according to the San Diego County Sheriff's Department Web site. Kerns said the final results of Buss' blood alcohol test won't be available for about three weeks.**

**Highway Patrol officers Sal Gutierrez and Julie Cahill administered field sobriety tests using an alcohol screening device, Kerns said.**

**Lakers spokesman John Black said Buss was in the Carlsbad vicinity because he has a home in north San Diego County. Buss' primary residence is in the Los Angeles suburb of Playa del Rey.**

<http://www.ocala.com/apps/pbcs.dll/article?AID=/20070530/SPORTS/205300346/1368/googlesitemapnews>**18. Bill Would ban Open Containers of Alcohol in Vehicles (Connecticut)**

*Hartford-WTNH*
May 31, 2007

Wednesday night the state Senate unanimously approved the bill banning open alcoholic beverage containers in vehicles.

Right now it is illegal for drivers in the state to drink alcohol while behind the wheel, but it is okay for passengers to have alcohol.

Senator Donald DeFronzo (D-New Britain) sponsored the bill and said this ban will make the law more consistent.

"It's entirely permissible under current law for someone to be riding side by side with the driver of a motor vehicle with an open beer or other alcohol. It defies log," said DeFranzo. "We're only one of ten states that hasn't implemented such bill."

The bill would also affect restaurants. Currently, diners are allowed to take home an unfinished bottle of wine from a restaurant, but the new law would prohibit such action.

The bill heads to the House where it is expected to pass.

<http://www.wtnh.com/Global/story.asp?S=6594368>

******19. Liquor Store Sells Cups Of Ice To Go (Georgia)**
**Authorities Give Atlanta Liquor Store Warning**

*WSB TV*
May 24, 2007

An anti-drunken driving organization and a mother who lost a son to a drunk driver are livid after finding out Ben Hill Package Store, in southwest Atlanta, has been selling liquor and cups of ice through its drive-through, reported WSB-TV in Atlanta.

State regulations clearly show it is a state violation for package stores to sell anything but bags of ice. That means cups of ice are not allowed.

"To give somebody a cup of ice along with the sale of alcohol, there's something wrong about that," said Latresse Snead, Georgia's executive director of Mothers Against Drunk Driving.

Snead said it is clear customers plan to drink and drive when buying a cup of ice and alcohol, especially when purchasing cups at the drive-through.

"They don't know if that person that they just sold that alcohol to has kids in the car," said Snead.

Someone phoned Snead about the store selling cups of ice and liquor through the drive-through, and she told WSB-TV.

WSB-TV sent a television station employee through the drive-through and videotaped him buying a cup of ice for 15 cents and a bottle of liquor. The station showed the video to State Alcohol Enforcement Chief David Dyal.

"They can't do that, and then you have people drinking in the open, which is a violation of the open-container law," said Dyal.

Dyal sent agents to the store. After noticing an ice cooler for the to-go cups, the store was told to get rid of it and received a warning for the violation.

The store's owner said he had no idea he couldn't sell cups of ice. He said no one informed him.

The Georgia Alcohol Dealer's Association disputes the state's interpretation of the regulation banning cups of ice. It thinks stores can sell cups of ice as long as there are lids on the cups, which it thinks would make the cups packaged.

The Revenue Department said the Dealer's Association is wrong and only bags of ice can be sold.

An employee at Ben Hill Package Store told WSB that it is an American right for people to buy liquor and a cup of ice to drink on their way home.

Chris Melton said he is not happy state alcohol agents are forcing the store to stop selling cups of ice.

"These cats, they have a hard day at work, they come to the liquor store, buy a cup of ice," said Melton. "Most people -- I'm not saying all of them. Before they get home, they're gonna drink and drive."

He said a message on the store's cash register urges customers not to drink and drive, but he said the ice cup prohibition won't change his customers' habits.

"They're going to do it the American way and have a drink while they're driving," he said.

Donzella James was appalled to hear the store has sold liquor and cups of ice. James' 18-year-old son was killed not far from the liquor store by a five-time drunken-driving offender who had open containers in his truck.

James reacted to Melton's comments.

"I wish you had asked him, 'What if your child gets killed or your loved one gets killed because of somebody who buys a cup in here and has a drink in here on the way home?'" said James.

<http://www.wsbtv.com/news/13376255/detail.html>

**20.** **Alcohol Containing Energy Drinks Mistakenly Sold To Minors (Kentucky)**

*WKYT*May 25, 2007

Store clerks regularly mistake alcohol-containing energy drinks with similar non-alcoholic beverages and inadvertently, but illegally, sell them to minors, an investigation by the Kentucky Office of Alcoholic Beverage Control (ABC) has found.

Investigators from the ABC's Enforcement Division recently noted that store clerks, apparently confused by the similarities in packaging, often do not recognize that they are selling an alcohol-containing beverage when they ring up a purchase of the energy drinks.

The energy drinks, which are malt beverages, are packaged differently from typical alcoholic beverages, often with bright colors and graphics that make them appear like a non-alcoholic energy drink. Compounding the problem, these drinks often contain higher alcoholic content than most other malt beverages - as much as eight percent. The alcohol-containing energy drinks may be found in grocery stores and convenience markets - anywhere that beer can be sold.

"This new line of alcoholic beverage product is extremely similar in look and feel to the popular energy drinks that contain no alcohol," said ABC Executive Director Chris Lilly. "It is critical that servers, sellers, and consumers know and understand the difference.

"Our youth are at risk when clerks and retailers can not differentiate between non-alcoholic and alcoholic beverages being sold," he said

ABC enforcement director Jim Tipton said officers have observed clerks sell alcoholic energy drinks to minors without recognizing that they are selling a malt beverage to someone under the age of 21. That does not relieve them of responsibility, he said.

"It is the responsibility of the licensee to ensure that all employees are aware of the products they are selling, alcoholic or not.," Tipton said. "Citations and criminal or administrative penalties may be the consequence of these infractions. This is an issue our officers will continue to monitor closely."

ABC is adding information regarding energy drinks to its alcoholic beverage server training program known as STAR (Server Training in Alcohol Regulations). Businesses interested in receiving formal training on all alcohol sales and laws that relate should contact the ABC about the S.T.A.R. training, or visit the website, \http://abc.ky.gov/education.

ABC is an agency of the Department of Public Protection in the Environmental and Public Protection Cabinet. The mission of ABC is to protect the public welfare and interest by regulating the alcoholic beverage industry in the commonwealth through licensing, education and enforcement of pertinent laws and regulations.

<http://www.wkyt.com/wymtnews/headlines/7694822.html>

**21.** **Lawmakers pass on Smoking Ban (Nebraska)**

*Sioux City Journal*
May 30, 2007

Bars and restaurants across the state won't have to put up "no smoking" signs anytime soon.

State lawmakers had been faced with a final-round vote on a statewide ban on smoking in workplaces Tuesday, similar to a restrictive ban in Lincoln. But the senator who introduced the measure decided to pull it off the agenda with just two days left in the session, because he is concerned it could lead to a mishmash of local smoking laws.

Originally an all-out ban similar to the one in Lincoln, the bill (LB395) morphed into "one that will result in a patchwork of provisions and enforcement problems," said Sen. Joel Johnson of Kearney, a retired surgeon who introduced the bill. City councils and county boards, along with voters, would have been able to opt out of the ban or craft their own smoking laws.

The same day lawmakers were slated to vote on the bill, Attorney General Jon Bruning released a legal opinion of the measure supportive of its legality, saying that its opt-out provisions did not appear to pose constitutional problems.

Earlier this legislative session, Johnson had been comfortable with some local control but came to believe the bill went too far and changed his mind about the soundness of allowing cities and counties to opt out.

In explaining his changed position, Johnson recalled mistakenly getting on a plane bound for London instead of one bound for Baltimore, his destination.

"Now when I do something dumb it's a lot easier to say I did something dumb," he said.

Sen. Mick Mines of Blair, who fought the bill in its original form and was instrumental in changing it to include the opt-out provisions, expressed disappointment in Johnson's decision and said it will give lobbyists another year to push for an all-out ban.

"I don't believe the characterization it is an impossible bill to administer ... is accurate," Mines said.

The bill will be considered during the 2008 legislative session.

Anti-smoking groups including the American Cancer Society were opposed to the bill in its final form and hope the ban as originally envisioned by Johnson will pass.

"We're hoping something will pass next session, but it may take longer than that," said David Holmquist of the High Plains division of the American Cancer Society. "We feel like the will of the people is there."

<http://www.siouxcityjournal.com/articles/2007/05/30/news/nebraska/8ae367e954492237862572eb000d4585.txt>

**22.** **New Hampshire To Ban Smoking In Bars, Restaurants (New Hampshire)**

*Dow Jones Newswires*
May 31, 2007

New Hampshire will soon ban smoking in bars and restaurants, becoming the last state in New England to do so.

The House approved a bill Thursday imposing the ban after a similar bill died in the Senate last year. Gov. John Lynch has said he will sign it, and it will take effect 90 days after he signs it.

More than a dozen states and hundreds of cities and counties around the country ban smoking in restaurants, bars or both.

Supporters say the ban is needed to protect workers and customers from the health risks of secondhand smoke.

"Employees should not be forced to sign away their health to earn a living," said Rep. Tara Reardon, a Concord Democrat. "This bill is not antismoker. It is antismoke."

Opponents argued the state should instead educate the public about the dangers of smoking and secondhand smoke. They also said restaurant and bar owners should decide when or if to ban smoking, not the state.

"The last time I checked, it was a legal activity," said Rep. John Hunt, a Republican.

An amendment to ban smoking in social and religious organizations and another to exempt businesses with ventilated smoking rooms both failed.

New Hampshire already bans smoking in public places such as offices, schools and hospitals.

Also Thursday, legislators in Tennessee sent Gov. Phil Bredesen a bill that would ban smoking in most indoor workplaces, including restaurants but not bars. State Health Commissioner Susan Cooper said he planned to sign it.

<http://www.thebostonchannel.com/news/13421104/detail.html>

**23.** **High-Octane beer may be Coming to Stores in N.H. (New Hampshire)**

Kevin Landrigan
*Telegraph Staff*
May 31, 2007

Wholesalers say connoisseurs thirst for it.

Substance abuse prevention advocates warn underage drinkers could become too easily addicted to it. "It" is high-octane beer.

New Hampshire is joining a growing number of states whose lawmakers in recent years have grappled with whether to adjust their alcohol content laws to usher in new products.

Rep. John Hunt, R-Rindge, said the state should unleash market forces to permit these beers to be sold here and raise the legal alcohol level to 18 percent."Let's not get crazy to think that specialty beer is going to turn someone into an alcoholic. This is about choice," Hunt said

Two-thirds of the states do not have any limit on the alcohol content of beer sold to the public. Since 1998, New Hampshire's limit on beer has been 12 percent.

Supporters insist this gourmet beer is not for the casual drinker as it can cost $12 a six pack, twice the average cost of some beers.

Rep. James Martin, R-Sanbornville, said the state would be sending the wrong message if it approved a 50 percent increase of alcohol content in beer.

Martin said he doesn't fault beer wholesalers for pushing to introduce these products.

"Their motive is monetary, but the effects on young people could be devastating," Martin warned. "I don't think we should enable more irresponsible behavior."

The House Commerce Committee struggled to form an opinion on the issue last week. The panel voted, 8-7, initially to approve the bill but then by the same count decided to hold the bill back and regroup.

On Tuesday, however, a compromise was reached that gives the state Liquor Commission the power to approve the sale of so-called specialty beer above 12 percent on an individual basis.

"This allows the state of New Hampshire to maintain its proper scrutiny of the industry but at the same time achieve economic success in the alcohol selling business," said Eddie Edwards, law enforcement chief with the SLC.

Law enforcement and substance abuse advocates agreed to the deal because the House decided not to bump up the alcohol content of flavored malt beverages that don't taste like beer but are heavily marketed to children and especially young females.

"Flavored malt beverages mimic what children drink: sports and energy drinks, fruit juice and flavored teas," said John Bunker, president of New Futures, an anti-substance abuse group. "The edgy names, vivid packaging, flashy online advertising and price points of these products make them attractive to underage youth."

With little controversy, the Senate had added these fruity tasting drinks in with specialty beers allowing them to be sold with 14 percent alcohol.

Currently, such drinks can have no more than 6 percent alcohol.

The amended bill that won House committee approval would instead create a study into the sale and distribution of flavored malt beverages.

"This seemed to be enough of a compromise that people could live with it," said Rep. Lee Quandt, R-Exeter. "Frankly, I don't see what the fuss was all about. We actively promote the sale of alcohol on the one hand but won't support letting products sold elsewhere to be on the shelves here. It makes little sense to me."

Advocates for the bill point out that wine with an alcohol content of up to 24 percent is sold to consumers in supermarkets and convenience stores.

Clark Corson, a lobbyist for the New Hampshire Association of Beer Wholesalers, said the industry supports the compromise in part due to the recent naming of Mark Bodi to the three-member state Liquor Commission.

Before taking that seat, Bodi's advertising firm did work for the commission, and Corson believes the commission will have a "pro-marketing and pro-business" approach to this new business.

"We look forward to working with a very centrist state Liquor Commission," Corson said.

Joseph Bellavance of Bellavance Beverage of Nashua said the industry also agreed to add that any specialty beer above 12 percent must prominently label its alcohol content.

"We don't have any problem with that. It may have to be brought in line with federal regulations, but all the major sellers already label their products," Bellavance said.

If the House approves the compromise as expected, the Senate must follow suit.

"We're confident about favorable action in the Senate now that all parties have come together on this," Corson added.

<http://www.nashuatelegraph.com/apps/pbcs.dll/article?AID=/20070531/NEWS02/205310386/-1/STYLE>



**24.** **Albuquerque man, Arrested on 28th DWI Charge, pleads not Guilty (New Mexico)**

*Associated Press*
May 30, 2007

An Albuquerque man arrested for the 28th time on a drunken driving charge has pleaded not guilty.

Joseph Brill, 53, entered his plea Tuesday to charges of aggravated driving while intoxicated, driving on a suspended license and having an open container of alcohol in a vehicle.

Bernalillo County sheriff's deputies arrested Brill in an Albuquerque neighborhood on March 14. Deputies said they saw him park, then fall out of his pickup truck.

The deputies said they tried to give him a field sobriety test, but he could not complete it. They said he then refused a breath test.

A criminal complaint said Brill had 27 prior DWI offenses, with at least 14 convictions, before the arrest.

State District Judge Ernesto Romero set bond at $100,000.

"The probabilities are if you get behind the wheel, you're going to hurt or kill somebody," the judge said.

An attorney for Brill said the man had not been in any accidents.

<http://www.freenewmexican.com/news/62264.html>



**25.** **State cites US Airways after DWI Arrest** **(New Mexico)**

Wendy Brown
*The New Mexican*
May 23, 2007

The state Special Investigations Division issued an administrative citation to US Airways on Tuesday for serving liquor to an intoxicated person.

This is the airline's second citation in recent months, the first coming after the deadly drunken driving crash in Santa Fe in November that killed five members of a Las Vegas, N.M., family. Police say Dana Papst, 44, of Tesuque got off a US Airways flight from Phoenix after drinking and drove the wrong way on Interstate 25. His blood-alcohol content was .32 -- or four times the legal limit -- police said.

Investigators issued Tuesday's citation in connection with Friday's arrest of Ernest Wright, 49, of Albuquerque at a DWI checkpoint. Wright was charged with aggravated DWI, said Peter Olson, a spokesman for the state Department of Public Safety.

Wright told investigators he drank three shots of liquor in Reno, Nev., two shots of liquor at the Phoenix Sky Harbor International Airport and another two shots on his flight to Albuquerque International Sunport, Olson said.

Wright had a blood-alcohol content of .16 at the time of his arrest, according to Bernalillo County Sheriff Darren White, who assisted with Wright's arrest.

Edward Lopez, superintendent of the state Regulation & Licensing Department, said the department could not penalize US Airways after the Papst crash because, at the time, the airline did not have a liquor license in New Mexico. People who sell alcohol without a license are subject to criminal penalties, he said, but not administrative penalties.

Olson said the agency issued the citation after the Papst crash as a wake-up call to the airline and did not file criminal charges after the department determined it could not pursue the citation.

Instead, Lopez said, the department issued the airline a cease-and-desist order that forbade it to sell alcohol on its flights in and out of New Mexico.

The airline stopped selling alcohol and applied for a liquor license, said Bob Hagan, the department's spokesman. The department granted the airline a temporary license March 14, and that license is good until the department either approves or rejects the airline's application, he said.

The airline's temporary license makes the airline subject to the department's administrative penalties, Hagan said.

Lopez said he has to reserve judgment on the case until he sees the citation and police reports, but the citation could "seriously complicate" the airline's application for a liquor license.

<http://www.freenewmexican.com/news/61751.html>

**26.** **Crumpler offers beer-for-a-bag Campaign (New York)**

Dianna Dilworth
*DMNews*
May 30th, 2007

Handbag retailer Crumpler Bags is running a beer-for-a-bag campaign to draw customers into its stores in New York.

From June 9-17, customers can bring a six-pack of beer to either of Crumpler Bags’ two Manhattan locations and exchange it for a bag.

 “It’s a great way to build relationships with our customers,” said Lindsay Cousley, general manager of Crumpler USA.

A selection of the company's messenger, laptop and photo bags will be offered in exchange for specific varieties and quantities of beer giving customers about a 40 percent discount. One case of Coopers and four Foster’s large “oil cans” can be traded for a Barney Rustle Messenger bag, which normally retails at $95, or a Moderate Embarrassment laptop satchel, which normally retails at $80.

The sale has been running for five years across Australia where Crumpler is based. It was introduced to New York last year, when more than 1,000 customers exchanged beer for bags.

On the last day of the sale participants will be invited to a party to sample the collected beer. The remainder will be donated to art, charity and sporting events.

“Last year most of the customers spent about half an hour hanging out in the store during the promotion,” Mr. Cousley said. “Beer is a great common denominator.”

<http://www.dmnews.com/cms/dm-news/database-marketing/41263.html>



**27.** **State ups Drinking Penalties (North Carolina)**
**License revocation bill now awaiting Senate approval**

Dave Pearson
*Daily Tar Heel*
May 30, 2007

People who enable underage drinkers might soon have to figure in an additional cost for alcohol - cab fare.

The N.C. House recently passed legislation that will revoke a person's driver's license for violating ABC laws by providing or selling alcohol to minors.

N.C. Rep. Ty Harrell, D-Wake, primary sponsor of the bill, said the penalty for providing alcohol to minors needed to be more stringent so people would take the crime more seriously.

Harrell said car accidents involving underage drinkers are more frequent in spring and summer. He cited graduation, prom and spring break as occasions that carry with them a habit of underage drinking.

"Not only in my district, but across the state, this time of year brings about an exciting time for young people," Harrell said.

He said this legislation is a first step and will not end underage drinking.

The bill also states that allowing a minor to use one's license to obtain alcohol will result in a one-year revocation.

Harrell said young adults of legal drinking age who provide to underage friends were the target group for the legislation.

"When you're 21 years old, taking your driver's license away is a serious punishment," he said.

Harrell introduced the bill in late March and said he has received support from a large majority of fellow lawmakers, parents and sympathizers from out of state.

"It's something I've been thinking about for some time," Harrell said. "The spring semester provides a rite of passage for so many young people."

Harrell said one death per year involving an underage drinker had occurred in the past five consecutive years, and five occurred in the past year alone.

Since then, Harrell said parents, community groups and Diageo, a liquor distribution company, all have supported the measure.

The bill received opposition mainly in the form of various 'what if' situations presented by other members of the House. Harrell said the barrage of scenarios became almost humorous.

"In-home religious ceremonies are exempt," he said.

Harrell said it's already against the law in North Carolina for parents to provide alcohol to their children if the child is younger than 21. But he said that letting their children drink at home would be a decision parents have to make.

"I'm not trying to be the morality police," Harrell said, emphasizing that the bill is meant to prevent youths from getting hurt.

During the debate on the legislation, Harrell said one member of the House raised the issue of lowering the state's legal drinking age.

"The debate for lowering the drinking age is one worth having and one that is due in this country," Harrell said.

He also said the discussion of one bill was not the time to begin debating another.

The bill passed in the House 106 votes to six and moved to the state Senate for further hearings.

<http://media.www.dailytarheel.com/media/storage/paper885/news/2007/05/31/StateNational/State.Ups.Drinking.Penalties-2910291.shtml>



**28.** **Topsail will Again Allow Beer, Wine on Beach (North Carolina)**

Tyra M. Vaughn
*Star News Online*
May 26, 2007

Beer and beach lovers are once again welcome at Topsail Beach.

The town's board of commissioners reinstated a long-standing town policy Tuesday that allowed beer and unfortified wine to be consumed by adults on the beach.

Last September, the board amended a town ordinance dealing with the consumption of intoxicating liquor to allow alcohol to be served during the grand opening of Bush Marina, the town's public boat ramp.

The rewritten ordinance allowed beer and wine to be consumed on town property during special events, but in the process words were left out which changed the current law and made drinking those alcoholic beverages on the beach illegal, said Butch Parrish, Topsail Beach's mayor.

"It was simply an oversight by us," Parrish said. "We didn't even know the ordinance had changed until the police chief brought it to our attention a few weeks ago."

After Chief Rickey F. Smith brought the ordinance's wording to the town's attention, a special meeting of the board of commissioners was called to correct the error. The board voted to change the ordinance to allow beer and wine on the beach days before thousands of visitors flock to the town's beach for Memorial Day weekend.

"We didn't mean for this to happen and as far I know the previous ordinance wasn't enforced," Parrish said.

"We just wanted to get things right on the books."

But as Topsail Beach reinstates its policy many local beaches hold fast to their no-alcohol policy. In Brunswick, New Hanover and Pender counties about six towns have some type of regulation prohibiting alcohol on their beaches.

Wrightsville Beach in New Hanover County is one of those beaches. The town has had a no-open-container law since the 1970s, but began heavily enforcing the policy last summer.

"We had a huge problem with trash and drinking on the beach, and our residents were looking at us to do something," said Wrightsville Beach Town Manager Bob Simpson. "Our police began doing sweeps of the beach to check for alcohol. We're not the alcohol mafia so we like to educate people on the laws instead of citing them unless they are uncooperative. It's all about discretion."

But Parrish said Topsail Beach officials haven't had problems with alcohol on the beach in the past.

"We're a family beach first," he said.

"If alcohol became a problem on the beach, then the board may decide to take a look at changing the ordinance."

<http://www.starnewsonline.com/apps/pbcs.dll/article?AID=/20070526/NEWS/705260379/1004>

**29.** **Senate Bill Would Change Way Beer is Sold Throughout State (Pennsylvania)**

*Post-Gazette Harrisburg Bureau*
May 23, 2007

A state Senate committee is considering a bill that would change the way beer is sold in Pennsylvania, permitting distributors to sell half-cases of beer, also known as 12-packs, in addition to full cases of 24 or 30 cans or bottles that they've always been allowed to sell.

The bill also would let distributors sell different kinds of products that are available in other states, such as 15-packs and 18-packs of beer.

Another part of the bill, which senators called "a consumer-friendly measure,'' would liberalize the rules for those taverns, bars and restaurants that are licensed to sell beer. They are currently limited to selling one or two six-packs, but under Senate Bill 674, they could sell up to three six-packs at a time.

"This would be a change to the beer industry. Consumers want change and flexibility,'' said state Sen. Sean Logan, D-Monroeville, the sponsor of the bill and the minority chairman of the Senate Law and Justice Committee.

The committee, which debates beer and liquor issues, was supposed to vote on the bill yesterday, but the chairman, Sen. John Rafferty, D-Montgomery, delayed the vote until the week of June 4 to give all interested parties, such as beer distributors and tavern owners, one last chance to comment.

They are divided on the measure.

Critics say things have run well for decades under the current rules and things shouldn't change.

The bill would also affect groceries and convenience stores, such as Sheetz, Wegman's and Weis, which are seeking permission to sell beer.

Sheetz would like to sell beer at a store in Altoona but so far has been blocked by a court decision. Weis sells beer at one of its grocery stores in eastern Pennsylvania, while Wegman's would like to sell beer at its 11 grocery stores in Pennsylvania, including two in Erie and one in State College.

Randolph St. John, an official of the Pennsylvania Convenience Store Council, which represents groceries and convenience stores, said his group supports the bill.

Beer distributors are more divided, senate officials said, with some fearing greater competition from taverns or convenience stores if they are allowed to sell up to three six-packs.

Some tavern owners, on the other hand, aren't happy about distributors getting the right to sell a 12-pack, which now only taverns can do.

Mr. Logan thinks the bill will be approved by the committee the week of June 4, but he isn't sure what will happen in the full Senate.

<http://www.post-gazette.com/pg/07143/788174-85.stm>



**30.** **Citizens Rally Against Liquor By The Drink Referendum (Tennessee)**

Tommy Millsaps
*Monroe County Advocate*
May 25, 2007

With their heads bowed, more than 100 people gathered at the gazebo at noon Wednesday in downtown Sweetwater to pray and voice their opposition to legalizing liquor by the drink.

With early voting beginning Friday for the June 14 election and liquor referendum, members of Citizens Against Legalized Liquor (CALL) are rallying their forces to defeat the measure at the polls.

“We’ve got a problem that is trying to come to our town,” said Phil Roy, treasurer for CALL. “We just need to say no.” Supporters of legalized on-premise liquor sales in Sweetwater contend passage of the referendum is needed to attract restaurants that would help bring more economic growth to Sweetwater.

They say it is needed to bring more sales tax into the city to keep from constantly raising property taxes to provide the police, fire and other services citizens need.

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| http://monroe.xtn.net/common/engine/displayimage.php?imagefieldname=picture1&tablename=news&recno=140945 |
| Phil Roy speaks to more than 100 people who gathered in downtown Sweetwater Wednesday at noon to pray and voice their opposition to passage of liquor by the drink in Sweetwater. Early voting for the June 14 election begins today (May 25) at the Election Commission’s new office in Madisonville. |

City Commissioner Ralph Shelton was one of the driving forces behind getting the liquor by the drink referendum on the ballot.

Shelton said he prayed long and hard about what would be the right thing to do for Sweetwater and he always tries to use his moral compass.

“The needle always points to those who are trying to buy medicine and pay rent living on a fixed income,” he said. According to Shelton, only 29 percent of the city’s income comes from property taxes.

Shelton said it is sales tax revenue that will help Sweetwater grow and keep from having to raise property taxes on those who can’t afford it.

He and other supporters of liquor by the drink believe the city is losing revenue to places like Athens and Lenoir City, municipalities that have passed liquor by the drink in the last few years.

But on Wednesday Roy held up a recent article in The Daily Post-Athenian quoting Athens Police Chief Chuck Ziegler citing what he called an “ever-rising problem of overindulgence at establishments with liquor by the drink.” As a result, Ziegler is applying for a $5,000 grant from the Governor’s Highway Safety Office to pay overtime for officers to have specialized training on stopping establishments from over-serving bar patrons.

Ziegler said the close proximity of some of the restaurants, Applebee’s, Las Margaritas, Ruby Tuesday, Monterrey Mexican, Mexi-Wing II, creates a “drinking game” with patrons hopping from one establishment to the next.

The newspaper reported police responded 62 times to Applebee’s alone in 2006.

Of the 62 calls, records show eight were disturbances, three were alcohol-related and four were drug-related. A total of four arrests were made.

While police calls to the restaurants were numerous, Ziegler told The Advocate & Democrat the number of DUI arrests in the city after liquor by the drink was passed about six years ago still averages about 100 a year, the same number as before liquor by the drink was passed.

However, CALL members seized upon the more than 150 police calls to Athens restaurants last year that have liquor by the drink.

Roy said supporters of liquor by the drink say Sweetwater needs to be more like Athens.

“Do we really want to be like Athens?” Roy asked. “More towns need to be like us.”

Several ministers spoke and led prayers during the lunchtime rally.

“What are we trading the money for,” Pastor Phil Holmes asked, posing the question to those who say the referendum should be passed to grow the economy.

But one of the most passionate speakers was a Sweetwater man, Jody Schroeder, who detailed his battle with alcohol.

Schroeder said he last took a drink in 1989, but the urge to drink alcohol is with him every day.

He said he can even smell alcohol in restaurants when other people can’t.

“This has been a struggle for me,” Schroeder said. “This is not just some little drink in a restaurant. This is a major disaster waiting to happen.”

But proponents of passing the referendum like Carolyn Blair-Beatty, representing the Sweetwater Alliance for Smart Growth, said it is often economic hopelessness that causes family problems and alcohol abuse.

She pointed to her work helping victims of domestic violence and said, “I don’t believe having a Ruby Tuesday is the reason this is happening.”

Shelton said it is no sure thing liquor by the drink will pass.

“I feel like it is up to the people,” he said. “I believe they will speak on voting day.”

Leaders on both sides of the liquor by the drink question say they want a civil debate on the issue and want to remain friends no matter what the outcome is June 14.

Most of the early voting for the Sweetwater election will take place at the Monroe County Election Commission’s new office at 401 Main Street in Madisonville.

The last two days of early voting will take place in the basement of Sweetwater City Hall, June 8 and June 9 (Friday and Saturday).

Early voting hours are from 9 a.m. to 4 p.m. Monday- Friday but on Saturdays in Madisonville (May 26 and June 2) it is from 9 until noon.

June 8 and June 9 early voting hours are 9 a.m. to 4 p.m. in Sweetwater.

But there is more to the election than just liquor by the drink.

Incumbent Commissioners David Hall Jr., and Tommy Haun join challengers David Cleveland and Ronnie “Cotton” Upton squaring off for three commission seats up for grabs.

Three incumbent Sweetwater Board of Education members, Dr. John Fox, Letha Oggs and Richard Rowe, are running unopposed.

At 7 p.m, Thursday, May 31 at Sweetwater City Hall, The Advocate & Democrat will host a forum for the commission candidates and one speaker from each side of the liquor by the drink issue.

<http://monroe.xtn.net/index.php?table=news&template=news.view.subscriber&newsid=140945>



**31.** **Liquor Stores May Ask For Customers' Fingerprints (Texas)**

*NBC5i*May 23, 2007

Texas liquor stores may ask customers to hand over their fingerprints to verify their age.

Clerks at Centennial Fine Wine and Spirits will ask for identification from any customer who doesn't look at least 40.

"It's a $4,000 fine, and it takes a toll on the clerk cause that comes out of their pocket," store spokesman Larry Phillips said.

"It had happened the other day where they asked for my ID and, of course, I gave it willingly because, well, I'm a grandmother," customer Brenda Dyer-Pugh said.

Now, customers may be able to use their fingerprints to prove they are at least 21 years old and 18 years old for tobacco.

"It would be something that we would probably use in our stores. It would eliminate the doubt in the clerk's mind," Phillips said.

More than two-dozen states allow stores to use fingerprints, scanning them into an electronic verification system after a customer first shows proof of age with a legal identification card.

Now Texas lawmakers may allow retailers to set up their own systems.

"It would be like a check verification system that we already implement now where their fingerprint is on file, and if they're a regular customer, then we can always go back to that fingerprint," Phillips said.

"Sounds like a pretty good idea to me," customer Henry Reed said.

But customers are divided.

"That's Big Brother watching. You know, if you want to know my age, ask me, but having my fingerprint or my DNA or anything out there -- that's mine," customer Kelley Nicosia said.

<http://www.nbc5i.com/news/13372924/detail.html?subid=10101601>

**32.** **Lost Liquor License fees tap 400 bars, Restaurants (Texas)**
**Company that handled fees has closed, and DA may pursue case**

Steve McVicker
*Houston Chronicle*June 1, 2007

Close to 400 bars and restaurants have lost about $660,000 - and possibly more - after the recent closing of a long-established Houston company that specialized in handling state and local liquor fees, according to bankruptcy records.

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| photos |
| Bar owners Max McElroy, Valerie McElroy, Marty Hammer and Kent Marshall gather at Shay McElroy's Irish Pub in downtown Houston. They are among hundreds of area bar owners and restaurateurs affected by the closing of a licensing company. |

Most of the bars listed as creditors gave the company the money required for the licenses, but that money apparently did not get forwarded to the government agencies that collect them.

The number of establishments affected is significantly higher than the 80 that authorities originally estimated in October when Butera License Service filed for bankruptcy.

At the time, prosecutors thought the case was a matter for civil litigation. But the scope of the case has attracted renewed interest from the head of the major fraud division of the Harris County District Attorney's Office.

''We would be open to looking into that again," said Lester Blizzard, the major fraud division chief. Blizzard said he plans to contact each of the nearly 400 businesses listed as creditors in the bankruptcy documents filed by Butera last year.

Contacted at her home in Humble this week, a Butera owner declined to discuss the matter in detail.

Though no establishment is known to have permanently shut down because of the closure, the incident raises questions about oversight of such licensing companies. No such government oversight exists; however, state lawmakers have discussed the possibility.

Liquor-licensing companies such as Butera contract with bars and restaurants to handle the processing of alcoholic beverage permits and fees with state and local governments.

There about 12 such companies in the Houston area, and until the bankruptcy, Butera was one of the three largest, said a state official.

When news of the Butera bankruptcy surfaced last year, officials with the Texas Alcoholic Beverage Commission estimated that 80 establishments in the Houston area had been affected. How much money the businesses were out was anyone's guess.

Bankruptcy records show that Butera acknowledges owing its creditors $662,013. The actual amount owed could be higher since some bar owners claim the bankruptcy records do not accurately reflect all the money they are owed.

<http://www.chron.com/disp/story.mpl/front/4852985.html>



**33.** **Man Gets 18 Years For Alcohol Related Accident (Texas)**

Casey Knaupp
*Tyler Morning Telegraph*
May 30, 2007

No family should have to live the nightmare the Gimbles of Lindale went through last year, losing a son to drunken driving, Kalisa Gimble said on Tuesday.

The lives of Kalisa and Lynn Gimble turned into tragedy Sept. 9 when they learned their middle son, Cason, had been killed in a car accident. Less than a month away from his 20th birthday, the Lindale High School grad was attending Tyler Junior College, where he had just signed to play baseball.

Brandon Gerald Berry, who pleaded guilty to intoxicated manslaughter for causing the wreck that ended Gimble's life, was sentenced Friday to 18 years in prison and a $10,000 fine by a Smith County jury in 114th District Judge Cynthia Stevens Kent's court.
"If anything positive could result from our tragedy, it would be for other drivers to think before they drink and get behind the wheel," Mrs. Gimble said Tuesday. "No other family should have to live the nightmare we have."

She said the family was pleased with the sentence the jury imposed.

"We feel the District Attorney's Office fought and received justice for Cason," she said.

Mrs. Gimble said her family has been greatly supported by the Mothers Against Drunk Driving organization throughout the ordeal.

Berry, 20, Lindale, who faced up to 20 years in prison, had been sentenced by Judge Kent to 14 years, but rejected the punishment and requested a jury trial.

Throughout the trial on Thursday, Berry cried, often held his head in his hands and at one point as the jury exited the courtroom, began sobbing loudly.

On Friday, a recording of a telephone conversation made from Berry from the Smith County Jail to his family members Thursday evening was played for the jury. On the recording, Berry asked his father how he liked the "waterworks" show he displayed for the jurors. Berry also said he thought he may have gone too far at one point when he almost made himself hyperventilate.

Assistant Smith County District Attorney Jason Parrish said Berry was "laughing and carrying on" throughout the phone conversation.

Paul Gimble, 22, and Josh Gimble, 17, each testified about how they miss their brother and how their lives have changed since his death. They recalled playing catch with Cason, a left-handed pitcher, nearly every day.

Lynn Gimble described his son as very affectionate, loving and good-hearted. He said finding out he was dead was a horrifying, gut-wrenching experience.

"It's like living someone else's nightmare but you're in it," he said.

He said it still isn't easy to pass by his son's bedroom every day. He keeps the bedroom door open, because it makes him feel like he's still there, he said.

"I don't want to shut the door," he said.

**The Accident**

On Sept. 9, Berry, Gimble and his girlfriend Whitney Scott drank beer with two other friends before Berry's Ford Ranger pickup collided with a tree on County Road 4104 at 12:30 a.m.

Ms. Scott, 19, who had dated Gimble for two years, testified Berry began speeding and she and Gimble told him to slow down. Ms. Scott, who was in the backseat, said she felt the vehicle sliding before they hit a tree. She jumped out of the back broken window and flagged down an oncoming car, she said.

After Berry was helped out of the pickup, he ran into the woods, she said.

Ms. Scott said she tried to wake Gimble up and after a while he responded. She told him she loved him and everything would be OK. She said he moaned a lot and she could tell he was in a lot of pain.

Jurors watched a video of the accident scene, taken by Texas Department of Public Safety Trooper Robert Johnson. The mangled tan Ford Ranger pickup was wrapped around a tree and beer cans littered the vehicle.

DPS Trooper Chad Skidmore said Berry was taken to jail that night after someone brought him back to the accident scene. His blood alcohol content was .136 at 4:23 a.m., nearly four hours after the wreck. The legal limit of intoxication in Texas is .08.

Lindale firefighters testified that Gimble was pinned in the pickup, which had to be towed out of the tree before he could be extricated from the vehicle.

EMT James Alcock, who works for East Texas Medical Center, said when he and his partner arrived, Gimble did not have a pulse and was not breathing. He said the dash was pinned against the man's abdomen and his arms were wrapped around the tree. Alcock said they made no attempt to revive the man because his "multi-symptom trauma injuries" prevented it.

Berry has prior misdemeanor convictions, including racing on a highway, two counts of being a minor in possession of alcohol and two thefts.

Assistant DA Richard Vance also prosecuted the case, while Jeff Haas represented Berry.

<http://www.tylerpaper.com/apps/pbcs.dll/article?AID=/20070530/NEWS05/705300313>



**34.** **Liquor Supply Snags Keep Utah City Dry ... Literally (Utah)**

*Associated Press*
May 29, 2007

On Friday and Saturday nights, the line to get a bottle of wine at the liquor store in this southern Utah town can stretch out the back door. The storage area of the town's lone liquor store is often stacked so high and so wide with cases of alcohol it's tough to walk or push a dolly through. But it doesn't take long for the piles to shrink and for customers to start complaining the store is out of stock. "It's been this way probably for a good year and a half," said Lee Scarlet, who manages the store. "It gets worse and worse and worse."

There's a supply problem facing those who imbibe in this city of 126,000, where spectacular red rock scenery, sunny weather and affordable proximity to Las Vegas have contributed to a record population boom. St. George has a single state-run liquor outlet — on the city's west side — and its inventory is often depleted.

In Utah, liquor, wine and beer with an alcohol content over 3.2 percent by weight can only be purchased in state liquor stores. State law sets the number of liquor stores based on state, not local, populations. The law says the number of liquor stores can't exceed one per 48,000 people in the state.

"So all the liquor stores in the state could be in Salt Lake City," said Dennis Kellen, deputy director of operations for the Utah Department of Alcoholic Beverage Control.

But that's a problem here. A Census report released last month showed the population of St. George and its suburbs has grown by nearly 40 percent since 2000, transforming it from a southern Utah secret to the nation's fastest-growing metropolitan area.

Kellen said the department does its best to provide the stores where they are needed. For example, the estimated 8,000 population of the mountain resort town of Park City does not justify having two liquor stores. But the city is surrounded by three ski resorts, hosts the Sundance Film Festival and has thriving summer tourism, and so it has two outlets.

St. George "just got away from us," Kellen said.

The city is a seemingly odd place for rampant thirst given its ties to The Church of Jesus Christ of Latter-day Saints, which has a clear and widely observed ban on drinking alcohol. The city was founded by Mormon pioneers as a cotton town in 1861, and served as the winter home for Brigham Young, then the church's president and Utah's territorial governor.

But while LDS church members still live in St. George, its population has diversified and it is now also home to an eclectic mix of retirees and outdoor enthusiasts drawn to the surrounding red rock desert.

State officials are working to provide a second store, but it's a long process. The department began asking for money for a second store three years ago, and finding a location has posed an even tougher challenge.

The first site was nixed after the president of Dixie State College protested it was too close to campus despite meeting the state's laws on distance from schools, churches and parks. A second proposal was denied in March because city commissioners said it would be too near an area already congested by traffic.

The city doesn't have to sign off on a site, but the Department of Alcoholic Beverage Control has been responsive to objections. On Thursday, the department submitted a proposal for a 10,000-square-foot store, located in a commercial zone, to the St. George City Council for review, said city spokesman Marc Mortensen.

But for those seeking a quick fix, it may be awhile: Kellen estimates it could take until Christmas to get a second store up and running.

In the meantime, local residents and businesses are making do. The lone store supplies 52 restaurants in the area, and owners are finding out they need to be creative — and competitive — to keep their wine lists stocked.

"You have to put in an order and pick it up the same day, or they might not have it," said David Brown, the food and beverage manager for the clubhouse at the nearby Entrada Club.

When the clubhouse has its monthly specialty wine dinner, he said, they order from a Salt Lake City store and make the 600-mile round trip drive.

There's also another, sneakier option. Some residents drive a half hour south on Interstate 15 to Lee's Discount Liquors in Mesquite, Nev. Bringing alcohol into Utah from the state is against the law, punishable by six months in jail, a $1,000 fine and booze confiscation.

Still, on a recent afternoon, six of eight cars in the parking lot had Utah license plates.

One man, who didn't want his name printed because he planned to illegally transport liquor, said he went to the St. George liquor store a year ago and couldn't get what he wanted.

"They could open up 10 of them and I wouldn't go back," he said.

[http://www.foxnews.com/story/0,2933,276055,00.html](http://www.foxnews.com/story/0%2C2933%2C276055%2C00.html)

**35.** **State's Liquor Control Director Retiring after Nearly 30 Years (Utah)**

Lisa Riley Roche
*Deseret Morning News*May 31, 2007

After heading the state's liquor control department for nearly three decades, Ken Wynn is stepping down.

"Ken's been there almost 30 years, and I think with the new change in the commission, he thinks it's probably time," said Larry Lunt, chairman of the five-member Utah Department of Alcoholic Beverage Control Commission that oversees liquor sales in the state.

Last week, Gov. Jon Huntsman Jr. announced he would not reappoint the three commissioners whose terms expire June 30, including Lunt. The governor's office downplayed the decision, noting the three had already served multiple terms.

Wynn, 71, had been thinking of retiring for some time, Lunt said, but the governor's new appointments prompted him to take action. Wynn is in Alaska on a long-planned fishing trip but has committed to staying on as director until his replacement is named, Lunt said.

Commissioners had been expected to consider choosing a new director at their Wednesday meeting. But they had to put off that decision until next month because only three commissioners attended and four votes are needed to approve a new director, Lunt said.

It may be operations director Dennis Kellen, who has spent even longer at the department than Wynn. Kellen started with the department some 32 years ago, while Wynn would have marked his 30-year anniversary as director in October.

The governor has final approval over the board's choice to head the department and Kellen appears to be his choice. "Gov. Huntsman has enjoyed working with him and appreciates he is recognized nationally as an expert in his field," Huntsman's spokesman, Mike Mower, said.

Mower said the governor appreciated Wynn's years of service and the "contribution he has made to this agency. ... In addition to regulatory oversight, DABC is a business and it takes a person with a skill set in both those areas" to run the department.

Wynn leaves "big shoes to fill," said Sharon Mackay, his administrative assistant and the department's spokeswoman. "He's just really beloved by everybody in the department and we're really going to miss him."

Before moving to Utah to become the department's director under the state's last Democratic governor, the late Scott Matheson, Wynn held a similar position in Montana, Mackay said.

"Ken goes out with everybody feeling good about him," Lunt said, praising him for presiding over considerable growth in liquor sales while avoiding controversy. "In this business, sometimes no news is good news."

Huntsman has said he wants to see the state ease up on regulating private clubs by allowing what is Utah's version of a bar to do away with memberships. The governor told reporters last week to avoid "reading too much into" the changes.

The new appointments, Huntsman said are important to what he called "an ongoing iterative process" to look at what needs to be done to make liquor laws more tourist friendly.

Lunt said the changes won't affect how the state regulates liquor. "I can't see why it would," he said. "The reality of it is the commission applies the law but the Legislature makes the law. A new commission isn't going to be able to make the law."

The former lawmaker said the commission's main function is to issue licenses to sell alcoholic beverage and sanction liquor law violators.

"Some people get the idea, and this is my opinion, that the commission has more influence on liquor law and liquor policy than we really do," Lunt said. However, the commission can make recommendations to lawmakers.

One of the governor's new appointments to the commission, Gordon Strachan, has already made recommendations, as part of a group in Huntsman's transition team assigned to to look at the department.

The group's recommendations included eliminating private clubs and allowing wine to be sold in supermarkets. Strachan, who, along with the other new appointees, has yet to be confirmed by the state Senate, declined to comment.



**36.** **Alcohol a likely Factor in Deadly I-90 Crash (Washington)**

Casey McNerthney
*Seattle PI*May 27, 2007

Police believe the driver of a pickup truck was drunk when he caused a crash Friday on Interstate 90, killing himself and two other people, including his son.

Lynnwood resident Nicholas A. Curtis, 30, and his 2-year-old son died Friday after his Toyota truck struck a Chevrolet Lumina while traveling east over Snoqualmie Pass in the westbound lanes, State Patrol spokesman Jeff Merrill said.

The Lumina's 26-year-old driver, Christina R. Grimsley of Yakima, also died at the scene.

Two passengers in the Lumina -- Ephrata resident Sean Heldt and an infant girl -- were airlifted to Harborview Medical Center on Friday. Heldt, 24, was listed in serious condition Sunday and the girl, whose collarbone was broken, was released from the hospital Saturday.

The State Patrol started receiving calls about 8:30 p.m. Friday to alert them that a truck was headed in the wrong direction on I-90, Merrill said.

"A trooper traveling westbound on I-90 from the summit observed the truck traveling the wrong way in the fast lane, and the truck missed him by about a foot."

The pickup was headed east in the westbound lanes when it narrowly missed the trooper; another vehicle swerved to avoid the pickup, lost control and rolled over, leaving three with minor injuries, Merrill said.

Troopers said Curtis' vehicle missed another car by inches before hitting Grimsley's car head-on near Milepost 53.

"There were no pre-impact skid marks, and no indication that she saw the pickup coming," said Merrill, who estimated the vehicles were traveling about 70 mph.

"Anytime you have children in a collision, it's awful, and this is as bad as it gets," he said.

Troopers found a bottle of Wild Turkey Bourbon in Curtis' truck near other alcohol containers, he said.

"Now we're waiting for results of a blood level test from the Kittitas County medical examiner to determine the level of impairment," Merrill said.

<http://seattlepi.nwsource.com/local/317522_fatal28.html>

