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

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| *August 10, 2007* |

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

**1. Industry Slammed for Alcoholic Energy Drink Marketing**

*Just-Drinks.com*
August 3, 2007

The drinks industry has come under attack in the US for supposedly using energy drinks to mask the effect of alcohol.

Anti-alcohol activist organisation the Marin Institute has released a report claiming the alcohol industry in the US is targeting young drinkers in its marketing of alcoholic energy drinks. The report, issued yesterday (2 August), claims that adding alcohol to energy drinks presents a serious danger for young people.

"The alcohol industry is irresponsibly marketing alcoholic energy drinks to youth," said Michele Simon, research and policy director at the institute and co-author of the report. "They boast that their products will enhance energy and alertness, but fail to warn users of the potential for misjudging one's level of intoxication."

The report suggests that young drinkers are more vulnerable to increased problems from consuming alcoholic energy drinks. "They are more likely to take risks than adults and suffer from higher rates of alcohol problems, including alcohol-related traffic accidents, violence, sexual assault, and suicide," the institute said.

"We strongly urge the makers of alcoholic energy drinks, including Miller and Anheuser-Busch, to stop making these products until further research demonstrates they are safe, particularly for young people," Simon said.

"Our report also recommends that the federal government conduct research to determine any link to both short and long-term health problems, and initiate a public information campaign to alert consumers, parents, and law enforcement to the risks associated with mixing alcohol and energy drinks."

<http://www.just-drinks.com/article.aspx?id=91124>



**2.** **Enforce, Preserve 21 as Minimum age to Drink**

James C. Fell
*Orlando Sentinel*
August 2, 2007

Once again, the minimum drinking-age law of 21 is under attack. Several states are considering lowering their drinking age, and leading critics are on the march. Rather than repealing a law that saves hundreds of lives each year, we need to focus on enforcing the law along with encouraging responsible behavior by the alcohol industry and adults who think it's OK to provide alcohol to underage drinkers.

Without a doubt, the minimum legal drinking age of 21 saves lives. The National Highway Traffic Safety Administration estimates that this law has saved more than 24,000 lives since 1975, which is about 900 lives a year. Several independent studies of drinking-age-21 laws have shown reductions in underage-drinking-driver fatal crashes on the order of 10 percent to 20 percent associated with the age increase.

With that in mind, this week in Orlando, local and statewide law-enforcement officials will join more than 1,500 participants from around the country in an underage-drinking-prevention conference sponsored by the federal government. Community coalitions and youth groups will hear the latest findings from alcohol-policy researchers on why the minimum age needs to be maintained.

There is evidence that lowering the drinking age increases traffic fatalities. States that lowered their drinking age in the early 1970s showed significant increases in alcohol-related crashes involving people age 18 to 20. A recent study in New Zealand found that after the country lowered its drinking age, traffic crashes among youth significantly increased, relative to adult drivers.

Critics of the 21-year-old minimum believe that by lowering the drinking age, young people will learn to drink more responsibly and thereby reduce problem drinking. Some think that alcohol will not be the "forbidden fruit" that it is now if the drinking age is lowered. Yet in many European countries, where the drinking age is lower and more liberal drinking laws exist, there are higher levels of adolescent binge drinking and intoxication than in the United States. Binge drinking, or consuming five or more drinks in one setting, is linked to a host of personal and social problems such as traffic fatalities, sexual assaults and teen suicide.

While the minimum drinking-age law is often violated, its shortcomings are not within the law itself, but rather its enforcement. The law works only as well as retailers, bars, and local law-enforcement officers enforce it. Research shows that when owners and managers of alcohol outlets are convinced that the drinking age is actively enforced, they tighten up on age checking and substantially reduce alcohol availability to youth.

Along with better enforcement, the alcohol industry and all adults need to do a better job preventing underage drinking. The alcohol industry should stop advertising and marketing its products to young people. Simple changes to self-imposed advertising standards would limit TV commercials and other ads in youth-oriented media and programming. People ages 12 to 20 see far more beer and distilled-spirits advertising on a per capita basis than adults, according to the Center for Alcohol Marketing and Youth.

In addition, parents and other adults must accept their share of responsibility in preventing underage drinking. A number of communities are passing social-hosting laws intended to prevent adults from hosting underage-drinking parties. Regardless of whether you take away their car keys, all adults, not just parents, need to understand that there is no "safe" place for youth drinking.

Lowering the drinking age would serve only to make the problems associated with underage drinking worse by encouraging rather than discouraging problem drinking. It isn't too difficult to imagine that by lowering the drinking age, teenagers will drink more alcohol as a result of increased access, along with the alcohol advertising and marketing directly aimed at a younger population. Lowering it also will lower the age at which young people begin to drink. Research shows that the earlier youth begin to drink, the greater the odds of alcohol-related problems in the future -- including addiction.

A much wiser course of action would be to focus attention on improving enforcement efforts along with encouraging responsible behavior by the alcohol industry and all adults.

James C. Fell is senior program director at PIRE (Pacific Institute for Research & Evaluation). He has managed programs for the Insurance Institute for Highway Safety, the National Highway Traffic Safety Administration and the National Institute on Alcoholism and Alcohol Abuse. He wrote this commentary for the Orlando Sentinel.

[http://www.orlandosentinel.com/news/opinion/views/orl-drink0207aug02,0,951054.story](http://www.orlandosentinel.com/news/opinion/views/orl-drink0207aug02%2C0%2C951054.story)

**3.** **Almost Two-Thirds of U.S. Adults Are Drinkers, Alcohol Consumption Poll Shows**

Miranda Hitti
*WebMD Medical News*
July 31, 2007

About two-thirds of U.S. adults drink alcohol – and most usually drink beer, according to a new Gallup poll on alcohol consumption.

About 1,000 U.S. adults aged 18 and older participated in the poll, which was conducted by phone earlier this month. The poll's margin of error is plus or minus 3%.

Participants answered questions about their drinking habits. A total of 64% indicated that they drink alcohol. The remaining 36% called themselves "total abstainers" from alcohol.

Participants who reported drinking alcohol were asked whether they usually drink beer, wine, or alcohol.

The majority -- 40% -- indicated that they usually drink beer. About 34% favored wine and 22% preferred liquor. The remaining 4% liked beer, wine, and liquor equally.

Men and younger drinkers were more likely to favor beer. Women and older drinkers ended to favor wine.

Most drinkers -- 65% -- noted that they'd had a drink within the past week.

Less than a quarter of the drinkers -- 22% -- reported sometimes drinking more than they think they should. Among all participants -- drinkers and teetotalers alike -- 35% indicated that drinking had ever been a cause of trouble in their family.

The poll also included this question, "Do you, personally, think drinking in moderation -- that is, one or two drinks a day -- is good for your health, makes no difference, or is bad for your health?"

All of the participants were asked that question, whether or not they drank alcohol.

Nearly half of the group -- 49% -- chose "makes no difference" as their answer. Another 22% voiced the belief that moderate drinking is good for health; 25% said drinking was "bad" for health, and 4% had no opinion on the topic.

<http://www.medicinenet.com/script/main/art.asp?articlekey=82966>

**4.** **As Cigarette Sales dip, new Products Raise Concerns**
**Spit-free, smokeless tobacco represents latest marketing strategy to come under fire**

Wendy Koch
*USA Today*August 7, 2007

The Marlboro Man, that cigarette-smoking icon of the tobacco industry, is more than a half-century old.

If he were conceived today, there might not be just a cigarette dangling from his mouth. He might also have, tucked into his pocket, a cellphone-size container holding a dozen pouches of snus.

**Snus?**

It rhymes with "goose," (cynics might say "noose"), and is a Swedish type of smokeless tobacco that's not your grandfather's dip or chew. Snus comes in teabag-like pouches that a user sticks between the upper lip and gum, leaves there for up to 30 minutes and discards without spitting.

As no-smoking laws sweep the nation and cigarette sales continue to fall, Big Tobacco is alarming the public health community by devising other ways to try to make tobacco appealing. With smokeless products representing the only booming part of the U.S. tobacco market, snus is an effort to boost sales with a product that — unlike most smokeless ones — doesn't require users to spit out the residue.

Snus also represents something more: an attempt to move smokeless tobacco beyond stereotypical users such as baseball players and rodeo cowboys, and into offices or restaurants where people want a nicotine fix but can't light up.

"This is a growth strategy for us," says Bill Phelps, spokesman for Philip Morris USA, the nation's biggest tobacco company and maker of Marlboro, the top-selling cigarette. In Dallas this month, Philip Morris is launching its first smokeless product with a cigarette brand name: Marlboro Snus.

R.J. Reynolds, second in U.S. tobacco sales, is expanding tests of its Camel Snus from two cities to eight, which will include Dallas this month. Its ads have a "pleasure for wherever" tagline and a playful tone. Its "abridged guide to snusing" says, "Picture yourself stuck in the center seat 44B of an airplane: You can mope, or you can Snus."

**Public health advocates aren't smiling.**

Although some say smokeless tobacco poses fewer health risks than cigarettes, they note that it has been linked to various types of cancer and warn against using any tobacco product.

"What on the surface looks promising could turn out to be a public health disaster," says Gregory Connolly, director of tobacco-control research at Harvard School of Public Health.

He says the products are still addictive, and unless the Food and Drug Administration can regulate tobacco, consumers won't know what's truly in snus. A bill that would give the FDA such authority passed a U.S. Senate panel Wednesday and is gaining co-sponsors in the U.S. House.

Under laws in every state, snus and other tobacco products may not be sold to anyone younger than 18. But many health advocates see the new smokeless alternatives as an attempt to create a new generation of tobacco users.

Snus will "increase the number of people who use tobacco," says Matthew Myers, president of the Campaign for Tobacco-Free Kids. "It's market protection. This way, the big companies win no matter what tobacco products people use."

Cigarette sales in the USA have fallen steadily for two decades as tobacco taxes have risen, studies have warned of health risks and laws have expanded smoke-free zones from indoor spaces to outdoor areas such as parks.

Government figures indicate 44.5 million Americans smoke, down from a peak of 53.5 million in 1983.

The only part of the tobacco market in which sales are soaring is "moist snuff" such as Skoal and Copenhagen, which are placed between the lower lip and gum but not chewed. Other types of smokeless tobacco, including chewing tobacco and "dry snuff," have fallen in popularity. Snus is akin to moist snuff.

Sales of moist snuff in the USA more than doubled in volume from 1986 to 2005, according to a report this year by the Federal Trade Commission. Tobacco companies' spending on promoting such products rose more than five-fold.

Nik Modi, a tobacco industry analyst at UBS, a financial services firm, projects that the sales volume of moist snuff will rise 6% to 8% a year through 2010.

"It's becoming more socially acceptable," says Dan Butler, president of the U.S. Smokeless Tobacco, the nation's biggest seller of smokeless products, including Skoal and Copenhagen.

He says 6.1 million Americans used moist snuff in 2006, up from 4.7 million in 2001. He says most of the new users are smokers, some of whom still light up.

The new smokeless, spit-free products are "an effort to create a different tobacco category in the United States," says Tommy Payne, executive vice president for public affairs at Reynolds American, parent company of R.J. Reynolds.

He believes snus will gain acceptance because it's convenient and discreet. Payne adds that scientific studies show that smokeless products pose fewer health risks than cigarettes, largely because the tobacco is not burned and inhaled into the lungs.

"It's the smoke, stupid," he says.

Even so, the major tobacco companies are careful not to make any advertising claims that their smokeless products have fewer health risks.

Snus containers carry one of three required warning labels that say the product is either "not a safe alternative to cigarettes," "may cause mouth cancer" or "may cause gum disease and tooth loss."

The American Cancer Society, in a study of 116,000 men published in February, says male smokers who gave up cigarettes for smokeless tobacco still had higher death rates from lung cancer, heart disease and strokes than men who quit all tobacco or never smoked.

Several studies that compare smokeless tobacco to cigarettes, however, find smokeless less harmful. A study published in May in The Lancet, a British medical journal, tracked nearly 280,000 Swedish construction workers from 1978-92 and found that smokers were at least 10 times more likely to get lung cancer than snus users.

The study, done by an international team of public health researchers, and funded by the Swedish Cancer Society, said snus users were not at increased risk for oral cancer. It found that they were twice as likely to get pancreatic cancer as those who never used tobacco, but their risks were lower than those for smokers.

Smokers should be encouraged to quit tobacco entirely, but they also should be told that smokeless products have fewer risks than cigarettes, says Jonathan Foulds, director of the tobacco dependence program at the University of Medicine and Dentistry of New Jersey.

Foulds says Swedes' widespread use of snus has helped lower the adult male smoking rate there to among the lowest in Europe. Snus, though legal in Sweden, has been banned in most of Europe as cancer-causing and a gateway to smoking for young people. Cigarettes, however, are legal.

Snus use alone did not cause Sweden's smoking rate to fall, Harvard's Connolly says. He says high cigarette prices along with bans on cigarette advertising and indoor smoking played a greater role.

"All forms of tobacco are bad," he says, adding that the new smokeless products won't help American smokers kick the habit. "It's like setting up a methadone program next to a drug house and keeping your fingers crossed and hoping it all works out."

Snus products have varying levels of nicotine. Connolly says Taboka, Philip Morris' first smokeless offering, actually creates a craving for a cigarette.

Foulds says Taboka delivers almost no nicotine. He likens it to Ford or GM building a car with four wheels but no gas. In Sweden, he says snus products have enough nicotine to help smokers get off cigarettes.

Philip Morris' Phelps says a pouch of Taboka contains slightly more nicotine than a pouch of any of the four flavors of Marlboro Snus.

He says he cannot compare the nicotine of a snus packet to that of a cigarette because nicotine is measured differently in the products.

Bonnie Herzog, a tobacco industry analyst at Citigroup, says in a July survey of tobacco wholesalers and retailers that most respondents do not believe snus will prompt smokers to quit. Instead, they say smokers will use snus in addition to cigarettes.

Health concerns aside, such products could be a tough sell for tobacco companies.

"There's such a stigma attached to smokeless products," says Kylie Meiner, tobacco-prevention coordinator for the health department in Multnomah County, which includes Portland, Ore., a test market for Camel Snus. She says such products generally do not appeal to well-educated people.

The challenge is getting a smoker "to create a new behavior," says Butler of U.S. Smokeless Tobacco Co. He says its first spit-free product, Revel, was launched in two markets several years ago and "failed to achieve a breakthrough."

Other new smokeless products also have struggled or failed.

"It has been slow going," says Sara Troy Machir, a spokeswoman for Star Scientific, a small Virginia company that makes dissolvable tobacco lozenges known as Arriva and Stonewall. She says awareness of the products is increasing, however.

"It's going to take some time for these products to take off," says Modi, the tobacco industry analyst. For that to happen, he says, they have to work. In other words, they have to give people a nicotine buzz.

So far, Taboka hasn't been "lighting the world on fire, no pun intended," Modi says.

A USA TODAY visit to a dozen convenience, tobacco and Wal-Mart stores in Indianapolis found Taboka widely available, often in dispensers displayed near Marlboro cigarettes and priced at $1.20 to $3.80 per pack. Retailers say consumers have shown little interest.

"I haven't sold any at all," says Pat Bowman at The Tobacco Shop. He says even people who had coupons for free samples didn't want Taboka once they knew what it was. "I couldn't give it away."

R.J. Reynolds' Payne says one pouch of Camel Snus offers about as much nicotine as a cigarette.

In Wake County, N.C., where Camel Snus was launched last month, several smokers gave it a thumbs-down, says Gibbie Harris, the county's health director. Ten smokers in her agency tried it. She says "the women didn't like it at all," partly because they found it wasn't entirely spit-free.

Payne says if used correctly — placed between the upper lip and gum, not the lower lip — snus should not require spitting, because there's less saliva in the upper lip.

The marketing savvy of big tobacco companies worries public health advocates such as Harvard's Connolly. "If anyone can get the taste and nicotine right, it's Philip Morris," he says, noting the allure of the Marlboro brand name.

Connolly says the health community should play no part in helping the industry expand tobacco sales share by acknowledging snus as a safer product.

"We shouldn't be out there promoting harm," Connolly says, "even reduced harm."

<http://www.usatoday.com/printedition/news/20070807/1a_cover07.art.htm>

**5.** **Fine as North Dakota Wine**
**Cornell study shows wine labels can ruin a restaurant meal**

Sandra Cueller *EurekAlert*
August 6, 2007

Changing the label on a wine changed diners' opinions of their wine, opinions of their meal, and their repatronage of the restaurant, according to a Cornell University study.

Forty-one diners at the Spice Box restaurant in Urbana, Illinois were given a free glass of Cabernet Sauvignon to accompany a $24 prix-fixe French meal. Half the bottles claimed to be from Noah's Winery in California. The labels on the other half claimed to be from Noah's Winery in North Dakota. In both cases, the wine was an inexpensive Charles Shaw wine.

Those drinking what they thought was California wine, rated the wine and food as tasting better, and ate 11% more of their food. They were also more likely to make return reservations.

It comes down to expectations. If you think a wine will taste good, it will taste better than if you think it will taste bad. People didn't believe North Dakota wine would taste good, so it had a double curse - it hurt both the wine and the entire meal. "Wine labels can throw both a halo or a shadow over the entire dining experience," according to Cornell Professor Brian Wansink (Ph.D.), author of the book Mindless Eating: Why We Eat More Than We Think (Bantam 2006).

To confirm this, a similar study was conducted with 49 MBA students at a wine and cheese reception. Again, those given wine labeled from California rated the wine as 85% higher and the cheese as 50% higher.

"Small cues such as origin or a wine or whether the label or name catches your eye often trick even serious Foodies," said co-author Dr. Collin Payne. "He (Wansink) has even conducted demonstrations of this at at Le Cordon Bleu in Paris and Apicious Culinery Institute in Florence."

For restaurants and wineries, it's important to keep a keen eye on the possible halo or shadow of wine labels. Diners, on the other hand, should be careful to not overpay for a pretty bottle.

The study, published this summer in Physiology & Behavior, is one of the few to have investigated the chain-effect of sensory expectations.

<http://www.eurekalert.org/pub_releases/2007-08/cfb-fan080607.php>

**6.** **Adult Binge Drinkers Prefer Beer**

Mike Stobbe
*Associated Press*
August 7, 2007

Binge drinkers are more likely to have a beer can in hand than a shot glass, new research shows.

Unless you're talking about teens. They prefer the hard stuff.

The stereotype-shattering findings are reported in two studies by the U.S. Centers for Disease Control and Prevention.

Access may play a major role in the choices of the two age groups, experts suggested.

For adults, beer is cheaper and easy to find, sold in gas stations and grocery stores. However, for teens, it may be easier to filch free booze from their parents' liquor cupboards, one of the researchers said.

Binge drinking \_ no matter which type of alcohol \_ is bad for your health. Excessive alcohol is acutely dangerous because of its role in car crashes, violence and other traumatic injury, and is blamed for 75,000 deaths annually.

The study of adult binge drinkers found that nearly 75 percent mainly or exclusively drank beer, 17 percent focused on liquor, and 9 percent were wine drinkers. A binge drinker was defined as someone who had five or more alcoholic drinks on at least one occasion in the last 30 days.

About 15 percent of U.S. adults fit that profile, and most are men, according to federal statistics.

"This is behavior that is common," said the CDC's Dr. Timothy Naimi, lead author of a study of 14,000 adult binge drinkers. "It boils down to drinking to get drunk."

Researchers also looked at bingers who drank a variety of beverages \_ for example, a few after-work beers, a cocktail before dinner and wine with dinner. That research showed beer accounted for 67 percent of binge drinks consumed, liquor for 22 percent and wine for 11 percent.

Beer was expected to be high on the list: It accounts for about 55 percent of the alcohol sold in the United States, as measured by the gallon, according to sales tax statistics.

But the fact that beer is such an overwhelming favorite of binge drinkers contradicts a Hollywood stereotype of hard drinkers clutching a bottle instead of a six-pack.

That perception may help explain why beer is No. 1, Naimi said. Because of a governmental focus on the dangers of liquor, beer is generally less expensive, and easier to get.

The volume of beer advertising on television is also a factor, said Gail DiSabatino, vice president for student affairs at Clemson University.

"If you watch a commercial during any NCAA championship, or the big sporting events, beer is promoted heavily," she said.

In a separate study, a different team of researchers looked at 2005 survey data for public high school students in Arkansas, Nebraska, New Mexico and Wyoming. The survey was anonymous. Results were based on about 4,000 responses.

The pilot study found that liquor was the most commonly consumed alcoholic beverage among teens who reported binge drinking. In Arkansas, liquor accounted for 49 percent of binge drinks, with beer, malt beverages, wine and wine coolers making up the rest. The hard stuff also was clearly ahead in Wyoming and New Mexico. In Nebraska, liquor and beer consumption were virtually tied.

Because the study was smaller and more geographically limited, it's difficult to equate it with the national study of adults, DiSabatino observed.

Asked why high school binge drinkers might prefer liquor, DiSabatino noted studies that show many youths get their alcohol from home.

It may be easier to snatch drinks from a liquor cabinet than beers from the fridge. "It might not be as noticed," DiSabatino said.

There are other motivations for teens, said Jennifer Cremeens, a former CDC epidemiologist who co-authored the high school study.

Liquor can be easier to conceal from parents, mixed in a cup with juice or soda. It's also more potent. "Liquor's quicker," Cremeens said.

The study of adult bingers was published for release Tuesday in the American Journal of Preventive Medicine, and was based on data from a national random-digit-dial survey done in 2003 and 2004.

The study of teen drinkers was published recently in the CDC's Morbidity and Mortality Weekly Report.

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<http://www.wtop.com/?nid=106&pid=0&sid=1088389&page=1>

**7.** **Shuttle Commander: Alcohol Report Lacks Facts**

Miles O'Brien
*CNN*
August 8, 2007

Astronaut Scott Kelly is never one to mince words, and there is no doubt he is not very happy about the rumors that NASA astronauts have mixed alcohol and rocket fuel, so to speak.

Shuttle commander Scott Kelly was outraged by the report that said astronauts were drunk on the shuttle.

The shuttle Endeavour commander called CNN Space Correspondent Miles O'Brien on Monday from the astronaut crew quarters here at the Cape.

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| art.commander.kelly.ap.jpg |
| Shuttle commander Scott Kelly was outraged by the report that said astronauts were drunk on the shuttle. |

He had just penned a scathing letter to the editor responding to that bombshell report last week that implied astronauts on three occasions violated the so called "bottle-to-throttle" rule.

In short, astronauts had flown on the shuttle, on T-38 jets and a Russian Soyuz rocket either drunk or at least hung over.

"To imply that my crew or I would ever consider launching on our mission in anything but the best possible condition is utterly ridiculous," Kelly penned in the letter. "It is beyond my comprehension that anyone in the astronaut office would consider doing what is suggested in this report."

So what was reaction inside the Astronaut Office?

"I think it was just shock," said Kelly who finds the unverified stories hard to believe. Would these type A-plus overachievers -- so focused on realizing their lifelong dream of spaceflight -- really risk it all for one last tall boy after last call?

The report says "alcohol is freely used in crew quarters."

"What the hell does that mean?" said Kelly. "It depends on the person's opinion. If you don't drink any alcohol at all, having a beer a month before the flight might be someone's definition of wrong, I don't know."

"It makes us sound like some sort of frat house," said Kelly. "I have never seen that."

The report does not offer any facts to substantiate the claims. The committee was charged simply with looking into how well NASA cares for the mental health of its astronauts after the arrest of now former astronaut Lisa Nowak. She was ­charged with assaulting a romantic rival after a bizarre sprint halfway across the country.

Kelly said he is "shocked that a report like this was released without any facts. I mean, it is hard to believe."

NASA Chief Safety and Mission Assurance Officer Bryan O'Connor, a former astronaut, did talk to Kelly about the report.

According to Kelly, it went something like this: "He said, 'So you understand what the policy is? "And I go, 'Yeah, I understood it the past 11 years. "And that was about it.' "

The policy is no secret. Astronauts are supposed to put 12 hours between their last drink ­and the next flight. Simple as that. Everyone knows the rules.

And if an astronaut were determined to violate those rules on the day of a shuttle launch, he or she would be hard pressed ­as shuttle crews launch to space at the end of their day. Kelly and his crew awoke at 8 a.m. ET this morning ­and their launch is slated for 6:36 p.m. ET. So to break the rules, they would have to be swilling booze at breakfast. Learn about the mission »

As for the rest of their day, well, let's just say on launch day astronauts do not get much privacy.

"You have these cameras all over that you would think would see something, somebody would notice something," said Kelly. "Not to mention the fact that we are actually professionals and we wouldn't do that."

<http://www.cnn.com/2007/TECH/space/08/08/shuttle.commander/index.html>

**8.** **Success Brings Problems with it: Boston Beer runs into Production Woes**

Jon Chesto
*Patriot Ledger*August 9, 2007

The rising demand for Samuel Adams beers has provided a major boost in sales for The Boston Beer Co. and has helped lift its stock price by more than 30 percent in the past three months.

But the growth has its downside: The South Boston-based company disclosed on Tuesday that it has run into production problems at its Cincinnati plant, which has been running around the clock this summer. The company plans to make upgrades to the plant during periodic shutdowns, and will rely more heavily on the former Rolling Rock brewery in Latrobe, Pa., to give it flexibility while work is done in Cincinnati.

''Having run the brewery 24/7 for quite a long time in support of our business, it's time to spread that capacity around a little bit and make sure we make the needed upgrades in Cincinnati,'' Boston Beer CEO Martin Roper said during a conference call with analysts.

The company said that the production problems have added costs, presented maintenance issues and, in some cases, required the company to hold or destroy products that didn't meet its quality standards.

The company also reported that its net income for the quarter that ended on June 30 fell to $6.8 million from $8 million in the same period a year ago, largely due to a $3.4 million write-off for costs associated with exploring a site in Freetown for development as a brewery.

Boston Beer still had plenty of good cheer for its investors on Tuesday, when it reported that its sales rose by 17 percent to $102 million in the second quarter. The company also said it may beat its previously stated earnings goals for the year because of sales gains. The company said it now expects to earn $1.42 a share to $1.70 a share this year, up from the range of $1.42 a share to $1.55 a share that it projected in May.

This is a busy time for Boston Beer as it seeks to reduce its reliance on outside contractors and fix its newly disclosed problems at its Cincinnati plant, which typically produces the majority of the company's beer.

-Boston Beer said last week that it had reached a preliminary deal to buy a brewery just outside of Allentown, Pa., from Diageo North America for $55 million. The company said on Tuesday that renovations to the brewery could cost Boston Beer from $30 million to $75 million. The company plans to study the project more closely before making a final decision about the purchase.

-The deal with Diageo means that Boston Beer's plans to build a brewery off Route 24 in Freetown are on the back burner - if not off the table completely. Boston Beer's decision to write off the planning costs shows that it is preparing to move forward with the Diageo deal and scrap the construction project in Freetown, which probably would have cost more than $200 million. But Boston Beer plans to hold on to the option to buy the Freetown site - and may actually move forward with purchasing the site - so that it has a back-up option in case the Diageo transaction isn't completed.

-Boston Beer also plans to invest $3 million to $7 million into improvements in the Latrobe, Pa., plant owned by City Brewing Co. so the plant can accommodate the brewing of Sam Adams beers. Boston Beer is talking with City Brewing about buying an equity stake in the brewery. The first barrels of Sam Adams beers started rolling out of that plant in May.

# grapes<http://ledger.southofboston.com/articles/2007/08/08/business/biz02.txt>9. Cleaning Out the Cellar

**High-End Wine Lovers Whittle Collections; A Story for Each Bottle**

Hannah Karp
*Wall Street Journal*August 10, 2007

For many people, wrinkles, arthritis and memory loss are the most painful reminders that they're growing old. For Thomas O. Ryder, it was the realization that he would never be able to drink all the wine in his cellar.

"The idea of mortality was gradually growing on me," says Mr. Ryder, founder of Aspen's 25-year-old Food & Wine Classic, who decided shortly after retiring as chairman of the Reader's Digest Association in March to auction off nearly half of his collection in September for an estimated $1.5 million. "My cellar kept getting bigger and I kept getting older," says the 63-year-old.

Mr. Ryder's will mark Sotheby's 10th single-owner wine sale since the auction house started selling wine in 1994, and two more are lined up for later this year. Christie's, which has also seen a proliferation of single-owner collections on the market of late, has two scheduled for October. Richard Brierley, Christie's director of North American wine sales, says the hot wine market is driving this. But the growth in these sales is also a function of the number of baby boomers who started collecting in the 1960s and 1970s and are just now starting to move to warmer climates and scale down their homes. Because wine only improves with age for so long before beginning to deteriorate, many boomers feel an urgency to clean out their cellars. "It's best to let someone else enjoy them rather than letting them get over the hill," says Jamie Ritchie, senior vice president of wine sales at Sotheby's.

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| [Photo] |
| Sotheby's will auction off these bottles from Thomas O. Ryder's collection in September. |

The spike in single-owner sales is welcome news to some young oenophiles. Since the individuals who are now selling their collections bought most of their wine directly from vintners as it was released and have generally been fastidious about storage, it's easier to trust the provenance and condition. The personality of the owner and stories behind the bottles can also boost their auction prices. Mr. Ryder's collection may be interesting to foodies: During his seven years as president and publisher of American Express Publishing Corp., he bought Food & Wine magazine, founded Departures and in 1985, turned a small Colorado wine festival into the Food & Wine Classic in Aspen, which has become an important international event for many chefs and sommeliers and has helped foster a growth in culinary festivals across the country.

**All But the Last 10,000**

While Sotheby's expects the sale to generate between $1 million and $1.5 million, it represents less than half of Mr. Ryder's cellar. There are some 10,000 bottles with which he cannot bear to part. Among those he's keeping for himself are 35 bottles of a Spanish Cabernet that critic Robert Parker pronounced to be better than 10 bottles of '78 Bordeaux he tried during a tasting in Aspen 22 years ago. Mr. Ryder, who hired Mr. Parker to be Food & Wine's staff wine columnist, had thrown in the 1978 Torres Gran Coronas Black Label from Spain's Penedès region as a ringer in the Bordeaux tasting. Mr. Ryder is also saving his Brunellos (his wife's favorites), his Burgundies, which he says he has yet to master, and some bottles from 1964, 1968, 1970 and 1980 -- the vintages when his four children were born. "I like to save those for their birthdays," says Mr. Ryder.

Some of Mr. Ryder's favorite wines -- and the ones he will have the hardest time selling -- are the California labels he accrued shortly after moving to the state in 1972 to start a small publishing company in Palo Alto. He recalls tasting Heitz Cellars' 1974 "Martha's Vineyard" Cabernet Sauvignon several times with the late winemaker Joe Heitz before it hit the market in 1976 and became nearly impossible to find. Luckily, Mr. Ryder says he spotted six magnum bottles in a wine store during a trip to New York, bought them for $49 each and carried them back on the plane in his lap. He drank two bottles, but four of them are on auction this fall for $5,000 each.

**A Thirsty Market**

Before the state of New York legalized the reselling of wine in 1993, auction buyers were mostly merchants or wine professionals. Now more wealthy amateurs from across the world are bidding up the value of wine and attracting investors. Most buyers now range in age from 25 to 40, down from about 60 a decade ago. Last year U.S. wine auction sales totaled about $165 million, with New York raking in more than any other city in the world.

As these auctions grow, houses have started trying to draw larger crowds by offering gourmet buffets and by swapping the classroom-like configuration of most art auctions for restaurant-style seating. Zachy's began holding its wine auctions at Daniel restaurant in New York five years ago, while last year Christie's introduced evening wine auctions with champagne and hors d'oeuvres. (On the menu for Mr. Ryder's coming sale at Sotheby's: coffee-rubbed beef sirloin.)

Back in April, when Mr. Ryder says he decided to clean out his cellar, he invited several New York auction houses to bid on his collection. Sotheby's made him the highest offer, although he believes the house undervalued some of his off-year Bordeauxs and California wines from the '70s and '80s. "People do not know those wines well enough so there's not enough snob appeal," he says.

After inspecting the collection this July, the Sotheby's staff hauled the wine from Mr. Ryder's home in New Canaan, Conn., to a temperature- and humidity-controlled warehouse in New York. Mr. Ryder says his cellar, which can hold 30,000 bottles, is now a "lonely place." And he's already back in the game -- on Tuesday he says, he came home with four cases of German Riesling from a local wine store.

Mr. Ryder won't be present at the Sept. 7 auction: He says he accidentally scheduled the sale for the night before his daughter's wedding and that he'll be expected at the rehearsal dinner. Just as well, he says, it would have been excruciating to watch people taking home some of his most beloved wines at prices he says will likely be "ridiculous" bargains. "It's a bit like selling my children," he says.

<http://online.wsj.com/services/article/SB118670171813793624-search.html?KEYWORDS=cleaning+out+the+cellar&COLLECTION=wsjie/6month>

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

**10. Britain at Risk of Cirrhosis Epidemic**

*Associated Press*August 7, 2007

Last call at any British pub can be like a contact sport, with a crush of drunken customers suddenly heaving toward the bar in search of one last round.

It's a hallowed British tradition, and doctors say an increasingly dangerous one.

Britain's taste for binge drinking, driven by a pub culture in which a good night out means packing in as many pints as possible before the traditional 11 p.m. closing time, could lead to a liver disease epidemic within two decades unless Britons learn to drink more responsibly, experts warn.

''There's been a frightening increase in alcoholic liver disease in recent years,'' said Dr. Ian Gilmore, president of the Royal College of Physicians.

Deaths from cirrhosis in Britain increased dramatically over the past two decades, while they fell steadily everywhere else in the Western world, according to government statistics.

In England and Wales, 17.5 deaths of every 100,000 men were due to cirrhosis in 2002, up from 8.3 in 1987. And in Scotland, the increase was even more dramatic: 16.9 cirrhosis deaths per every 100,000 men in 1987 to 45.2 per 100,000 in 2002. In the U.S., every nine per 100,000 in 2004 was attributable to cirrhosis.

By comparison, the overall U.S. cirrhosis rate has fallen from 15 deaths per 100,000 in 1973 to nine per 100,000 in 2004. In the European Union, the rate in the early 1980s was about 20 per 100,000 deaths; by 2004, it had fallen to 13 per 100,000. Neither the U.S. nor the EU provided a breakdown between men and women.

''Deaths from cirrhosis (in Britain) are increasing out of proportion with anywhere else in the world,'' said Dr. Rajiv Jalan, a consultant hepatologist at London's University College Hospital.

**Cheaper, more accessible alcohol are partly to blame.**

Binge drinking in the European Union is highest in Ireland, Finland, Britain and Denmark, according to an EU survey published in March. The survey also found that almost one in five Europeans between the ages of 15 and 24 drink more than five alcoholic drinks in one sitting.

While other European countries also consume large amounts of alcohol, cultural differences might explain why the British pay such a high toll.

''We need to understand what drives our particular drinking culture,'' said Gilmore. ''Here, it tends to be more binge drinking, which can be very dangerous.''

Nearly one-third of 15- to 16-year-old British students reported having gone binge drinking at least three times during the last month, according to a 2003 European-wide alcohol survey. The legal drinking age in Britain is 18.

The British custom of buying rounds creates lots of social pressure to drink plenty: With everyone taking a turn at buying, being out with a dozen friends can mean downing at least a dozen pints.

And unlike other European countries such as France, Spain or Italy -- where alcohol is the accompaniment to a meal -- many Britons are unlikely to eat anything more substantial than a few packets of chips alongside their lagers.

While other major causes of death like cancer and heart disease are dropping, liver disease -- the fifth leading cause of death in Britain -- is rising steadily.

''What is happening in Britain is clearly an anomaly in Europe,'' said Gilmore.

Attempts to curb binge drinking, including 2005 legislation allowing round the clock alcohol sales, might have worsened the situation. At one London hospital, doctors noticed that since the alcohol licensing law changed, alcohol-related overnight trips to emergency rooms tripled. The law's effect, however, has been limited because most pubs did not to apply for an all-night license.

In the past decade, hospital admissions across Britain related to excessive drinking doubled. In 1995-1996, 89,000 people were admitted for alcohol-related conditions; by 2005-2006, the figure was 187,000 people.

And unlike the most of the rest of Europe, Britons are drinking more every year.

Total alcohol consumption in Britain doubled between 1960 and 2004, from about 1.5 gallons per person over 14 years old to 3 gallons per person. In contrast, other European countries, particularly in the south, recorded drops in consumption.

Cirrhosis used to mostly affect men in their 60s. Now, doctors treat patients of both genders in their 20s and 30s. Because symptoms can be nonspecific, including fatigue and sexual problems, many people may not realize they have liver problems until damage is irreversible.

Chronic alcoholism and the hepatitis C virus are the main causes of cirrhosis, but it can also be triggered by other hepatitis types, genetic diseases, other infections, autoimmune disorders, or a bad reactions to drugs.

Excessive alcohol intake kills healthy liver cells, leaving scar tissue that cannot regenerate itself. Once the liver starts to fail, a domino-like chain reaction in the body is set off, often leading to kidney, heart and circulatory failure.

''If the disease goes undiagnosed, you can go from being entirely well to being in the intensive care unit with multiple organ failure in six to eight weeks,'' Jalan said.

At a June meeting of the British Medical Association, doctors called for several measures to address the growing drinking problem in the country, including a ban on public drinking in the streets, higher alcohol taxes, and a lower threshold for drunk-driving.

The British government last year started an awareness campaign to alert young people to the dangers of binge drinking.

<http://www.nytimes.com/aponline/world/AP-Boozy-Britain.html?_r=2&oref=slogin&oref=slogin>

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11. Heineken Gets Green Light to Buy Czech Brewer**

*Associated Press*
August 7, 2007

Heineken received approval to take over one of the oldest Czech beer brands, the Royal Brewery of Krusovice, a statement from the antitrust office said Tuesday.

The Dutch brewer currently operates in the Czech market through its Austrian subsidiary Brau-Union AG and is buying Krusovice from Germany's Radeberger Gruppe KG.

Krusovice, founded in 1517, accounts for about 3 percent of domestic beer sales and brews some of the oldest Czech brands such as Krusovice light and dark lagers.

Heineken will boost its total market share of the Czech market to 8 percent. No financial details of the transaction were released.

<http://www.msnbc.msn.com/id/20158120/>

**12.** **Chinese Drinkers Downed $59.5 Billion Worth of Alcohol in 2006**

Claire Leow
*Bloomberg*
August 9, 2007

Drinkers in China slaked their thirsts with $59.5 billion worth of alcohol last year, favoring beer for affordability and spirits for prestige, the U.S. Foreign Agricultural Service said in a report.

In sales value, liquor represented 43 percent of the total market, although in volume it was only 9.8 percent of alcohol consumed, it said. The most-consumed liquor is the traditional liquor ‘baijiu,' made from grains such as sorghum, rice and unhusked barley. It is also known as Chinese vodka.

China is the world's largest drinker of spirits by volume, consuming more than 3.6 billion liters yearly, it added. Drinking habits would change with greater economic wealth and rising incomes, it said. China this decade became the world's fourth-largest economy and the fastest-expanding major economy.

“With greater affluence and health and awareness, Chinese are increasingly interested in drinking better rather than drinking more,'' the report said. “The market is ripe for healthier spirits alternatives to baijiu.''

China represents 20 percent of global alcohol consumption by volume, and 8 percent by sales, the agency said.

Foreign brands accounted for 10 percent of China's total spirits market in 2006, with Scottish whisky valued at $94.8 million and French grape brandy, including cognac, valued at $233 million, it said.

With changing tastes and urbanization, “the beneficiaries have been red wines and to a lesser extent, traditional rice wines, light beers and non-alcoholic drinks,'' the report said. “Chinese herbal spirits have benefited too.''

The Foreign Agricultural Service is a unit of the U.S. Department of Agriculture that tracks consumption habits and supply patterns in overseas markets. China and Hong Kong are the largest Asian export markets for U.S. liquor after Japan, it said.

<http://www.bloomberg.com/apps/news?pid=20601080&sid=adNkUaRPghdU>

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

**13. Colorful Mural on 18 wheels Hypes State's art and Culture**

Michael Morain
*Des Moines Register*August 7, 2007

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| http://cmsimg.desmoinesregister.com/apps/pbcsi.dll/bilde?Site=D2&Date=20070807&Category=ENT01&ArtNo=708070362&Ref=AR&Profile=1046&maxw=490 |
| A state-owned alcohol delivery truck sports a mural that reads “Buy Iowa Art,” while making a delivery at Ingersoll Wine and Spirits, 3500 Ingersoll Ave. in Des Moines. |

The Iowa Department of Cultural Affairs and the Iowa Alcoholic Beverages Division unveiled an alcohol delivery truck last week that promotes artwork created by Iowans.

Both sides of the truck feature images of books, music, photography and crafts available for sale online at <www.buyiowaart.com>.

The Iowa Arts Council, a division of the Department of Cultural Affairs, launched the Web site in June 2005 as a way to help Iowan artists market their work online.

To create the design, photographer Bill Nellans took photos of existing artwork by Marcia Joffe Bouska, Sara Jayne Cole, Pam Dennis, Jan Gipple, Janet Heinicke, Peggy Johnston and CD covers for music by Mark Rushton and the Des Moines-based group World Port. Graphic artist Annabel Wimer arranged the images into a design that was eventually transferred onto two 45-foot vinyl panels that were then glued onto each side of the truck.

Because the truck racks up 46,000 miles annually on its weekly route between Burlington, Ames and Iowa City, the project's organizers hope it will help boost business for artists throughout the state.

"The project brings together cocktails and culture on 18 wheels," Iowa Alcoholic Beverages Division administrator Lynn Walding said in a prepared statement.

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070807/ENT01/708070362/1046/archive>

**14.** **Florida Woman Charged with intox, Assault at Fair**

Nigel Duara
*Des Moines Register*
August 9, 2007

A Florida woman created quite a stir at the Iowa State Fair late Tuesday night.

Tiffany Van Hull, 26, of Fort Pierce, Fla., was charged with public intoxication and assault after police said she struck an officer who was escorting her to her temporary home on the fairgrounds.

The incident began at about 11:30 p.m. Tuesday, when Iowa State Fair Patrol officer Derrick Spoerry noticed Van Hull urinating in public, according to a police report.

Assisted by other officers, Spoerry was walking Van Hull back to her home when she became belligerent, according to the report, and had to be restrained.

“Officers then took Van Hull to an area near her temporary home and were going to release her,” according to the report. “When Spoerry released Van Hull, Van Hull attempted to kick Spoerry.”

Then she took a swing at him, connecting with his right shoulder. She was “taken to the ground” and handcuffed, according to the report.

During the struggle, Van Hull suffered a cut above her left eye. When Des Moines police showed up, Van Hull admitted to having at least five drinks, according to the report, and had “a strong odor of alcohol.”

She was taken to Iowa Lutheran Hospital by ambulance for stitches before police took her to the Polk County Jail.

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070809/NEWS/70809007/1001/NEWS>

**15.** **Review of Razamatazz Ruling Ordered**

Tom Barton
*Des Moines Register*
August 9, 2007

The Iowa Alcoholic Beverage Division has ordered a review of an administrative law judge’s ruling calling for the suspension of an Urbandale bar’s liquor license.

Iowa Administrative Law Judge Margaret LaMarche ordered on Wednesday that Razamatazz Grill & Bar, 2301 Rocklyn Drive, have its liquor license suspended for 21 days following a hearing over whether the bar’s management instructed security personnel on Feb. 18 to allow more people in the bar than the fire capacity permits.

Lynn Walding, administrator with the Iowa Alcoholic Beverages Division, is asking for a review of the decision. He said the normal sanction is typically a 30-day suspension of an establishment’s license.

“We want to see whether the proper sanction was given out and to see if it is consistent with agency precedent for similar violations of this type,” Walding said.

Representatives for Razamatazz were not available for comment Thursday. They have 30 days to appeal the decision. The suspension would take effect Oct. 1.

Urbandale police and fire department officials testified they counted 233 people exiting Razamatazz on Feb. 18, more than 70 in excess of the posted fire code of 160.

The judge ruled Twaddle and other employees “knowingly permitted criminal activity” to occur by exceeding the building’s occupancy limit, based on the evidence submitted.

Records show the bar’s management has been cited for overcrowding four times since January 2006.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=200770809042>

**IV.** **OTHER STATE NEWS****16. Alcohol tax may make it onto Anchorage Ballot (Alaska)**
**10 PERCENT: The goal of levy is to curb public drunkenness while raising funds to fight it.**

Kyle Hopkins
*Anchorage Daily News*
August 7, 2007

With the city trying to figure out what to do about its public drunks, a group of activists hopes to launch a new liquor tax in Anchorage.

The plan is to put a 10 percent wholesale alcohol tax before voters in the next citywide election. The mayor and a Downtown assemblyman support the idea, which would almost certainly increase the cost of booze across the city.

To make it happen, a group led by an ex-prosecutor and former head of Anchorage's MADD chapter applied Friday for a voter initiative.

"Right now the city has a significant problem with public inebriates, and this tax will provide some funding for additional police officers," said Allen Bailey, who has worked on efforts to limit bar hours and tax alcohol in the past.

If passed, Bailey expects the tax to raise $10 million to $12 million a year. He said the initiative backers also want to see the money used for programs to help people with alcohol problems.

Berni Bradley owns the Bradley House bar and restaurant in South Anchorage, and is president of the local Cabaret, Hotel, Restaurant and Retailers Association.

Ten percent is steep for a new tax and will be opposed by alcohol distributors and retailers, she said. "The alcohol industry has been trying really hard to work with the community and participate in the community, and, you know, this is actually punishment."

Bradley cited a two-year old program that gives people a free ride -- and delivers their car to their home -- if they're too drunk to drive as one of the industry's successes.

Police, meantime, say half of Anchorage assaults are alcohol-related and they spend too much time ferrying drunks to the sleep-off facility instead of patrolling the city.

**New Tax, Old Idea**

Local voters rejected an 8 percent sales tax on alcohol in 1994 and 1995. In 2002, the state increased the liquor tax to about 10 cents per drink, a push championed by then-state Rep. Lisa Murkowski.

Bailey tried to put an 8 percent sales tax on alcohol before voters in 2004, but fell 37 names short of the required number of signatures, he said.

This latest tax proposal would apply to wholesale liquor sales, meaning retailers would pay the tax to alcohol distributors when they buy, say, a keg of beer or case of wine.

Such taxes usually raise the cost of goods, meaning the price of alcohol would go up in Anchorage.

To Bailey, that's part of the point.

"Certainly if you don't have the money, that deters you from buying," he said.

Mayor Mark Begich said he's not familiar with all the details of the initiative but has met with alcohol wholesalers and retailers to talk about the idea in the past six months. He said he supports the concept of a wholesale liquor tax.

Downtown Assemblyman Allen Tesche said he helped write the initiative. If the city clerk certifies the proposal, sponsors will have 90 days to collect about 7,100 signatures in order to get the question on the April 2008, ballot.

Anchorage businesses are already wary of a city task force that the mayor and Assembly chair Dan Coffey have asked to explore new business taxes.

Begich has said any new business tax would be used to lower property taxes, but the proposed alcohol tax would not.

It's written to encourage the Assembly to spend at least 60 percent of the tax revenue on law enforcement and use the rest for programs to help Anchorage's problem drunks; ultimately, the state constitution says voters don't get to decide exactly how the city spends tax money.

**Where the Money Goes**

It was unclear Monday how big a vote the initiative would need to pass. Tesche said 50 percent of voters would have to approve it. But it creates a new tax, which can require 60 percent of the vote, and city attorney Jim Reeves said the city is reviewing the proposal to see how it would work.

At a meeting with Assembly members in July, Anchorage Police Chief Rob Heun said Anchorage needs to try something different when it comes to dealing with drunks, and talked about resurrecting the old idea of an "honor farm" or prison farm where people go to work and dry out for a few weeks.

C.W. Floyd, a policy planner for the city health department who also met with the initiative group, according to Bailey, said another option is building what's called a "wet house." That's housing where inebriates can stay -- and drink -- while people try to help them.

Begich said Monday he doesn't want a wet house but is interested in the work farm concept, and said an alcohol tax could help pay for it.

Bradley, the CHARR president, said there are four major alcohol distributors in Anchorage. At each of the businesses she named -- K&L Distributors, Odom Corp., Alaska Distributors, and Specialty Imports -- officials declined to comment or couldn't be reached for an interview Monday.<http://www.adn.com/news/alaska/anchorage/story/9199840p-9116280c.html>

**17. Alcohol Sales Face Opposite Futures in 2 Alabama Cities (Alabama)**

Kent Faulk
*Birmingham News*
August 6, 2007

Voters in Athens and Thomasville go to the polls next week to decide whether alcohol should be sold in their cities. But the results of the Aug. 14 votes could mean different things for each.

Athens, in north Alabama, allows alcohol sales now and a vote against it would mean pulling beer, wine and liquor from restaurants and store shelves. Thomasville, at the southern end of the state, does not allow alcohol sales, and a vote for it would clear the way for alcoholic beverages in stores and restaurants.

Issues of morality versus economic growth being debated in those towns are the same themes argued during alcohol votes in recent years in dozens of Alabama cities and towns. Some such as Jackson in Clarke County went wet; others such as the city of Cullman stayed dry.

Those against alcohol sales say it ruins the family atmosphere of a community, leads to abuse and other problems within families, and preys on weaknesses to get revenue for city services.

The Rev. Mike Westmoreland, who is with the Athens-Limestone Quality of Life Committee, said people drink more if alcohol is easily available, and that can lead to lost jobs and abuse within families. "Our first and primary concerns are of a moral nature," he said.

**Pumps money into cities:**

Those who favor alcohol sales say it pumps money into cities for services and helps lure hotels, restaurants and industries.

Supporters of alcohol sales in Athens and Thomasville also said alcohol already is available in nearby counties in towns.

"I'm not endorsing the use of alcohol; I'm endorsing the economic development in the community," said Thomasville Mayor Sheldon Day, who came out in support of alcohol sales in his city last week. Day said he believes alcohol sales could bring in as much as $1 million in city revenue each year.

City sales taxes in Athens brought in $1.6 million more in the last fiscal year than they did before the city went wet in 2003. Alcohol sales supporters argue that much of that money was due to alcohol sales.

But opponents contend alcohol isn't needed for a community to grow.

Thomasville has grown from just fewer than 5,000 population seven years ago to just fewer than 6,000 now and has millions of dollars in development in the works. "And it all has been done without alcohol," said Rob Moore, chairman of the Citizens Against Alcohol Sales in Thomasville.

Economic development also was the driving force for getting a referendum set for Sept. 25 in Sheffield to see if residents will allow Sunday sales of alcohol at restaurants and hotels.

Sheffield Mayor Billy Don Anderson said the effort is to give hotels and restaurants a level playing field with those just across the Tennessee River in Florence. "It's an issue of economics and for the well-being of our hotels and restaurants," he said.
Sheffield is in Colbert County, which is among Alabama's 41 wet counties - those that allow alcohol sales.

Thomasville and Athens are in two of the 26 other counties that are dry and don't allow alcohol sales.

Since the state Legislature more than two decades ago allowed cities over a certain size within dry counties to hold wet-dry referendums, 16 cities have elected to go wet. A half dozen counties, including Jefferson County, and about the same number of cities have voted to allow Sunday sales.

**Drier in north:**

Most dry counties can be found in the northern tier of the state.

Jess Brown, a political scientist at Athens State University, said that, after prohibition ended in the 1930s, Congress kicked the responsibility for deciding whether communities could allow alcohol sales back to the states. Alabama's Legislature then kicked the responsibility to the counties and later allowed the exceptions for cities in dry counties, he said.

The wet-dry referendums, however, hold a special place in Alabama law, Brown said.

With most other issues involving law, changes must be made by legislators who propose and enact a bill, Brown said.

With wet-dry referendums, the only thing required to call for a vote is getting enough names on a petition and submitting it to the local probate judge's office to verify the names, he said.

"This is the only example of pure democracy or citizen-driven democracy in Alabama's lawmaking process," Brown said.

<http://www.al.com/news/birminghamnews/index.ssf?/base/news/1186388820160430.xml&coll=2&thispage=2>



**18. Does Availability = Abuse? (Alabama)**

Kelly Kazek
*News Courier*August 8, 2007

As Shirley Coffman watched her adult son relearn simple skills such as walking and eating after his car was struck by a drunk driver’s in 1990, she knew she had to tell others about the dangers of alcohol abuse.

For 10 years, the Athens resident was a member and officer of the local chapter of Mothers Against Drunk Driving, offering to show statistics to anyone who would listen.

Those statistics, she believes, show that people are more likely to abuse alcohol when it is easily accessible.

“If we continue to make alcohol so readily available, we can only expect to join the statistics,” Coffman said. “We are, as a city, making alcohol so available to present and future generations to come.”

She wants alcohol sales repealed in Athens, though she cannot say with certainty people won’t drive the 10 miles or so to the county line to buy it.

“Are they going to drive to other counties to get it? I don’t know,” she said.

City residents will vote Tuesday on whether or not to continue sales, which were legalized in a vote in 2003.

Coffman’s statistics show the impact of alcohol abuse, including those on drinking and driving, alcohol-related fatalities and underage drinking.

Many families suffer because someone in their household abuses alcohol, she said.

“One family in particular, I remember the husband always kept alcohol,” she said. “They had a hard time paying their bills. I saw children sick and not able to go to the doctor for lack of money. It was a very bad situation. His children went without the clothes that were really needed. I really felt for this family.”

Proponents of keeping alcohol sales say there is a difference in abuse and drinking in moderation and that availability does not lead to abuse.

**Availability = abuse?**

Alcohol has long been sold in portions of Limestone County annexed by Madison, Huntsville and Decatur and before a vote legalized sales in Athens, illegal sales kept authorities busy. Sheriff Mike Blakely and Police Chief Wayne Harper say shot houses, residences used as “clubs” where people could buy and consume alcohol, did booming business before sales were legalized.

“We had plenty of liquor in this city and county when it was dry,” Harper has said.

Alcohol opponent Eddie Gooch, pastor of Isom’s Chapel United Methodist Church and leader of the group Athens-Limestone Quality of Life Committee, said he wants to make it “more difficult” for people to get alcohol.

Proponents, though, have said they believe people will continue to drive to other counties to get alcohol, which puts them on the road for more time, possibly after drinking.

David Hanson, professor emeritus of sociology at The State University of New York in Potsdam, agrees making people drive a few miles to get alcohol is no deterrent.

Hanson has studied alcohol, its abuse and its affect on society for 40 years and for 10 years has maintained the Web site Alcohol Problems and Solutions at www2.potsdam.edu/hansondj/, which frequently is quoted and used for research.

“One of the things we know about dry counties, wherever they’ve been studied, is that dry counties tend to have a higher alcohol-related traffic fatality rate than do wet counties. When you think about it, it makes all the sense in the world,” he said.

“When people in dry counties go to a wet county to drink and buy alcohol to take home, they drive home through the county and are at risk for a longer period of time. They are more likely to get in a traffic accident. You’ve made it really more dangerous when you have dry area.”

The city or county loses in another way, he said: “The county loses all that revenue and economic stimulation.”

Sarah Tracy, author and associate professor of history of medicine at the University of Oklahoma Honors College, disagreed.

“Accessibility is key in any addiction,” she said. “That’s one reason why addiction is so common among physicians, for example, because they have ready access to drugs of all varieties.”

She added: “That said, if you’re carding people and have a distribution and marketing system for alcohol that is conservative and tightly run, generally that works. Any system of distribution and regulation is only as good as the people who manage it.”

Hanson says there is anecdotal evidence, such as an increase in bootlegging when legal sales are prohibited, to show that people will find a way to drink. The fact that a beverage store on U.S. 72 in Madison County, less than half a mile from the Limestone County line, went out of business soon after Athens began legal sales is one type of anecdotal evidence, he said, that shows Athenians had been buying alcohol all along, just not locally.

Jason Doss of Athens said he has watched relatives battle alcoholism and has witnessed its adverse affects, including the impact on one family member with multiple arrests for driving under the influence who has had no license for 20 years.

“That hasn’t stopped him from driving,” he said. “And it hasn’t stopped him from drinking. He still does both.”

Doss said he feels people will make the decision whether or not to drink, it’s just a matter of where they buy the alcohol.

“The way I look at it is the people out there who have that biggest problem with alcohol, they’re going to get it no matter whether they sell it in Limestone County or not,” he said. “The ones affected (if sales are repealed) are people who never had a problem with alcohol to begin with, who are just occasional drinkers. The ones who abuse it will definitely cross the county line to get it and bring it back. There’s no telling how many of those people will crack one of those beers open while they’re driving.”

**In everything, moderation**

For years, researchers have been studying what they believed to be a pattern in which people were more likely to abuse alcohol if they began drinking at an early age.

“Looking at preschoolers 5 years old, they can identify patterns of behavior and rather accurately predict who would have drinking problems,” Hanson said. Personality traits such as a need for immediate gratification were used to pinpoint which kids were likely to grow up to abuse alcohol.

“What appears to be happening is thrill-seeking, sensation-seeking people are more likely to begin drinking at an early age and are more likely to have drinking problems— and drive at unsafe speeds and engage in unprotected sex, gamble,” he said. “I think you’d have to be pretty foolish to think you could stop people from having drinking problems if you could stop them from drinking at an early age or limit accessibility.”

Hanson said people are more prone to abuse alcohol during certain periods in history or transitional periods in a person’s life.

“In national prohibition, we had very low availability,” he said. “Those who did drink were more likely to get into problems. People didn’t go to speak-easys to have a beer. They went there to get drunk,” he said. “People in college and in the military are more likely to drink to excess than those who go off and get a job. When they go out in the real world, they have to get up at 8 a.m.”

Hanson said drinking levels among those in their 20s drop after college graduation for that reason.

Coffman, though, says statistics from the National Center on Addiction and Abuse at Columbia University show that each day 13,000 children and teens take their first drink, and 1,400 college students die each year from inadvertent alcohol-related accidents.

“With statistics showing the numbers of abuse by having alcohol so readily available, do we want this for our children’s future as they grow into adults?” she asked.

When not abused, alcohol has a positive impact, Hanson said.

“I don’t know of any situation in which smoking tobacco in any amount is beneficial,” he said. “We do know — there is overwhelming evidence — that, if you’re not pregnant or an alcoholic or on medication, drinking alcohol in moderation clearly leads to better health. There’s not much debate any more about that.”

Studies show moderate drinking is more healthful than abstaining or drinking heavily, he said, and can have such effects as reducing incidence of stroke and heart attack.

In addition, Hanson said researchers in one study compared the number of deaths attributed to alcohol abuse and the number of lives saved by moderate consumption.

“Moderate drinking has led to saving more lives than alcohol abuse has caused,” he said.

<http://www.enewscourier.com/cnhi/enewscourier/homepage/local_story_220222858.html?keyword=leadpicturestory>



**19. Mountains Still Home to Many a Moonshiner (Georgia)**

*Atlanta Journal-Constitution*
August 8, 2007

One of the men charged in a federal moonshine bust said Saturday he's quit drinking the high-octane, illegal liquor known as "white lightning." But when he was a steady customer for more than 50 years, he preferred moonshine made in Georgia over the kind made in his native South Carolina.

"It's the water in Georgia, just makes it better," said Kelly Standridge, 65, of Westminster, S.C.

Standridge and three other men were arraigned Friday in federal court in Gainesville on charges of unlawful manufacture, possession, transportation and transfer of liquor, plus related counts of tax evasion. Brett Jarrard, 46, and Max Moss, 69, both of Clayton, are accused of making the moonshine in a still they operated on federal property in the Chattahoochee National Forest in Rabun County.

Standridge, Jarrard and Terry Singleton, 63, of Clayton, are accused of buying the moonshine and face a charge of "unlawful receipt of untaxed liquor," which carries a maximum sentence of five years in prison and a fine up to $10,000. Vanessa McLemore, the Bureau of Alcohol, Tobacco, Firearms and Explosives special agent in charge of the case, said moonshine busts are "not as common as they once were ... [but] far from trivial."

Moonshiners "deny the government revenue, encroach on a legitimate industry and post a significant health risk," McLemore said in a statement. According to the government, samples of the moonshine the men made and bought had levels of lead contamination more than 100 times higher than what is considered safe in drinking water.

The government said the operation wasn't small-time. The moonshine was bottled, crated and sold to individuals throughout the area. Agents staked out the still for two months, from December 2005 to January 2006, before they made the bust, according to an affidavit filed in a civil case, The Associated Press reported.

Standridge said he never considering drinking moonshine dangerous and he preferred the taste of it to legal alcohol, such as whiskey or vodka. He said he bought the moonshine he was arrested for almost two years ago.

"Why did they wait two years to bring this up now?" he said. "I don't even drink it anymore because I'm diabetic."

He said he paid $30 a gallon for the six gallons he bought. He was caught on a surveillance camera making the purchase in a chicken house. But most of it, he didn't drink. He said he used it to make cough syrup for friends.

"You just mix in a little lemon and honey and it'll sure knock out a cough," he said.

The town of Clayton, in the mountains about 110 miles northeast of downtown Atlanta, is well-known for moonshine production. Lately, the federal government has shown signs of forgiveness for the old-timers who once cooked up the stuff in stills hidden in backwoods hollows and outran federal agents in souped-up cars.

Last year, President George Bush pardoned Clayton resident Randall Leece Deal, 67, who was busted twice for moonshining in the 1960s. In 2003, Bush pardoned Tennessee moonshiner Kenneth Copley. In any case, said Standbridge, moonshining isn't as quaint and long ago as some might think.

"If you wanted some moonshine right now, I could tell you where to buy it," he said. "There's places that sell it not too far from downtown Atlanta."

<http://www.beverageworld.com/content/view/33513/>

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 **20. Committee Looking at Changes to Idaho Liquor Laws (Idaho)**

*Associated Press*August 4, 2007

A state official who leads a committee appointed by Governor C.L. "Butch" Otter to examine Idaho's alcohol laws says some laws might be completely rewritten.

Bob Wells says one change could be ending the practice of only allowing a single liquor license for every 1,500 people within city limits.

Wells is a member of a committee appointed by Otter in February whose mission is to analyze the state's Alcohol Beverage Control division, that agency's administration, and how the state enforces laws and grants liquor licenses.

The committee is made up of lobbyists, lawmakers and other state officials.

It has met three times so far and is scheduled to meet again on August 14th.

The meetings are not open to the public.

<http://www.krem.com/news/local/stories/KREM2_080407_idaholiquor.661540.html>

**21. Not all saying Cheers! to Wine Deal (Illinois)**
**Lynfred Winery, Galena Cellars oppose state plan**

John Patterson
*Daily Herald*
August 08, 2007

How wine is bought and sold in Illinois could change under a proposal lawmakers approved Tuesday and sent to Gov. Rod Blagojevich.

And while most Illinois wine makers appear to welcome the changes, some suburban wineries fear the changes could price them out of business.

The proposed law would limit to 12 cases a year the amount of wine someone could buy directly from a winery, whether the winery is in Illinois, California or anywhere else. The limit had been two cases per person per year.

And the law would prohibit wine purchases from out-of-state wine retailers, something critics said will restrict what wines Illinoisans have access to and likely result in higher prices.

Tom Wark, executive director of the California-based Specialty Wine Retailers Association, predicted the law will ultimately be declared unconstitutional and struck down.

The proposal is in response to a U.S. Supreme Court ruling that said states must treat out-of-state and in-state wineries the same.

The deal that cleared the Senate on Tuesday was viewed as preserving Illinois' unique system of wine maker, distributor and retailer.

Some supporters said Illinois could ultimately see more wine business if out-of-state wine retailers decide to set up shop in Illinois to avoid the proposed law's restrictions.

But some lawmakers said successful Illinois wineries would suffer as well and the new regulations would punish them for growing. As proposed, the largest Illinois wine producers would lose the ability to sell directly to restaurants and retailers and instead would have to enter into agreements with distributors.

Local wineries such as Galena Cellars in Geneva and Lynfred Winery in Roselle have said signing agreements with distributors could make their wines too expensive for the common connoisseur.

Distributors want a piece of the profit in exchange for carrying the relatively few bottles of wine small wineries create. That could ratchet wine prices up to $30 a bottle for companies like Galena Cellars and Lynfred Winery.

Both companies have about a year to strike a deal with a distributor to continue direct sales of their wines.

Fred Koehler, owner of Lynfred Winery, could not be reached for comment Tuesday, but he previously decried such severe direct shipping limits on his business as a possible kiss of death.

"It'd put us out of business," Koehler said when such changes were first proposed in 2005. "That's how serious it is. Why does the state want to put up more challenges for businesses when we're an industry that's trying to grow?"

Supporters said such provisions were necessary to show the proposed law didn't unfairly target only out-of-state wineries.

There are nearly 70 wineries in Illinois. Most are represented by the Illinois Grape Growers and Vinters Association, which called the new law a victory for 95 percent of Illinois' grape gurus.

David Stricklin, a consultant for the organization, said the vast majority of wineries in the state are much smaller than the Galena Cellars or Lynfred Winery operations. While those companies produce in excess of 85,000 gallons of wine a year, most other local growers fall below the 25,000-gallon mark.

That is now the threshold that triggers mandatory agreements with distributors to continue direct shipments of wine.

"This is a good bill for consumers, and will be a bill that furthers the dynamic growth in our industry," Stricklin said. "For the bulk of wineries in Illinois, this is an extremely good result."

<http://www.dailyherald.com/news/illinoisstory.asp?id=338372>

**22. Flight Attendant was Drunk, told Pilot 'You're dead,' Records Say (Kentucky)**

*CNN*
August 6, 2007

A flight attendant appeared in court Monday to answer charges she was drinking alcohol on the job and told a captain "You're dead" as she was removed from the plane.

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| art.mills.ap.jpg |
| Flight attendant Sarah Mills faces charges she was drunk and threatened a pilot. |

Flight attendant Sarah Mills faces charges she was drunk and threatened a pilot.

Public safety officers at Blue Grass Airport reported Sarah Mills, 26, threatened the Delta captain Sunday afternoon. Court documents said she smelled heavily of alcohol and admitted drinking whiskey onboard.

Mills' driver's license lists her residence as Union, Missouri, though she told officers she now lives in Atlanta.

She was being held Monday at Fayette County Detention Center on a $350 bond following her arraignment on terroristic threatening and public alcohol intoxication. She pleaded not guilty to the charges.

Court records say a breath test found her blood alcohol level was .032 -- lower than Kentucky's legal limit of .08 to operate a motor vehicle. She refused blood and urine tests, the court records said.

It was not immediately clear whether Mills had an attorney.

Besides the criminal charges, Mills faces a civil review by the Federal Aviation Administration on charges of being a crew member of an airplane while drunk. Kathleen Bergen, public affairs manager for the FAA's Southern region, said she could not be jailed on that charge but that the agency is reviewing the matter.

"We're investigating to determine what the circumstances were and whether any of the federal aviation regulations were violated," Bergen said.

Delta officials canceled the Sunday flight to Atlanta because there weren't enough crew members, but passengers were given the option to board other flights, said Kate Modolo, spokeswoman for Atlantic Southeast Airlines, the carrier operating the Delta flight.

"We haven't encountered this particular situation before," Modolo said. "Fortunately, we have more than 900 flight attendants who perform their duties at an extremely high level every day with the safety and best interest of passengers at the top of their mind."

<http://www.cnn.com/2007/US/law/08/06/drunk.flightattendant.ap/index.html?iref=newssearch>

**23. Take vow, Discourage Drug and Alcohol Use (Maryland)**
**Keep in step with teens**

Mike Fila
*Owings Mills Times*
August 9, 2007

It’s a familiar scene that gets played out weekly during the school year.

A teen is throwing a party. Word spreads quickly in the school hallways. Or by cell phone. Or by e-mail.

Before you know it, dozens of teens are in on the action ahead.

Now, however, parents in the Owings Mills area might have a tool that helps level the information playing field.

A committee of the Owings Mills High School PTSA is compiling an online directory of parents who have signed a "safe homes parent pledge" to combat domestic teen drug and alcohol use.

The directory will offer parents a network of neighbors with whom they can communicate to deter illegal activities in their homes.

For parents worried about where their kids are hanging out, the network also can let anyone who signed up know about local parties.

In addition, Barbara Korenblit, chairwoman of the PTSA's Safe Homes Committee, hopes to hold regular meetings for parents.

All parents with students enrolled in area high schools are welcome to sign the pledge.

Korenblit said she became alarmed after attending a March 2007 teen panel organized by New Town, Owings Mills, Pikesville and Franklin high schools. The panel included 10 students who detailed their perception of drug and alcohol use among local high school students.

Korenblit was surprised to hear that alcohol consumption and drug use, primarily marijuana, at parties had become commonplace and that some parents knowingly allow these activities to go on in their homes. Her conclusions are echoed on the PTSA's Web site, www.omhsptsa.org.

"That panel discussion really galvanized parents," Korenblit said. "It seems that the use of drugs and alcohol is rampant, with severe implications on our students." Her son is entering his junior year at Owings Mills High.

By signing the "safe homes" pledge, parents commit to four key points:

\*An adult chaperone will be present at any party in their home;

\*No student will be allowed to consume alcohol or drugs while in their home or under their supervision;

\*Parties won't be allowed when parents aren't present;

\*The parents' names will appear in the safe homes online directory.

A few dozen parents have signed the pledge since Korenblit started the initiative in the spring, she said.

"We want to bring parents together and make them feel less isolated. Other parents are having to face these challenges with their children, too," she said. "By allowing this to happen or turning a blind eye, it's like we're condoning the behavior when what we need to be doing is creating a new norm for our children."

Korenblit devised the safe homes pledge based on the efforts of similar groups across the country. She also gained insight and information from Mary Viggiani, prevention coordinator of the Baltimore County Bureau of Substance Abuse.

Viggiani said the statistics she sees are alarming. She pointed to the Maryland Adolescent Survey, last administered in 2004 to sixth-, eighth-, 10th- and 12th-grade students.

According to survey results for Baltimore County, nearly 30 percent of 10th-grade and 42 percent of 12th-grade students have tried marijuana; with 57 percent and 73 percent, respectively, trying beer or wine. Also, 52 percent of 10th-graders and 67 percent of seniors have tried hard liquor, the survey said.

"It is absolutely crucial to get parents on board," Viggiani said. "Of course, prevention education is important, but parents are still the biggest influence in a youth's life."

Baltimore County's Bureau of Substance Abuse started Parents Who Host Lose the Most Campaign in spring 2006 to educate parents about the consequences of holding teen parties in their homes.

Maryland law prohibits adults from serving alcohol to people under 21, except their own children or for religious purposes.

An adult in violation faces a $1,000 fine per child for the first offense and a $1,500 fine per child for every offense thereafter.

Parents can be held liable if they provide alcohol to a minor who is injured or injures others or damages property in, say, a car crash after leaving a party.

Owings Mills PTSA member Helen Glazier Marcus signed the pledge after researching statistical information on the Internet and attending the 2007 teen panel.

She said parents will benefit from the network, both for information and as a source of support as they broach the subject of drug and alcohol use with their children.

"None of us really know how, or even if, this program will work," she said.

"But if we can get a larger community of parents to say these are the boundaries, it's better than going it alone."

<http://news.mywebpal.com/news_tool_v2.cfm?pnpID=809&NewsID=828540&CategoryID=5830&show=localnews&om=1>



**24. Drunken Drivers who kill and flee still get Loophole (Nebraska)**

Todd Cooper
*World-Herald*
August 5, 2007

The Nebraska Legislature closed one loophole in the law regarding intoxicated drivers, but another remains: A drunken driver who causes a fatal crash faces up to 20 years in prison, but one who leaves the scene of a fatal crash faces a maximum of 10 years.

That gap was glaring last week as a man was sentenced to seven to eight years in prison for the November death of Dawn Rice — and a judge openly wished he could have sentenced him to more for motor vehicle homicide.

Advocates say state law is better after the Legislature last year passed an amendment that increased the penalty for leaving the scene of an accident from a misdemeanor punishable by a year in jail to a felony punishable by up to five years in prison.

But the bottom line, they say, is that the law still benefits drunken drivers who flee the scene of a deadly crash.

Omaha resident Bob Schmill lobbied the Legislature for last year's amendment. He did so after the driver who killed his son, Matt, fled the scene — leaving investigators unable to prove her intoxication and the woman facing just a year in jail.

Last week, Schmill sat in the courtroom for Gaudencio "Luis" Cortez's sentencing — and realized the new five-year penalty may not be enough.

"We're going to look at it some more," Schmill said. "We wanted to test it in court a few times. It's much better than it was. But now maybe we can step back and say, 'Here's where that loophole is.'"

Cortez, a Mexican national who had been ticketed several times for driving without a valid license, told police he drank four beers before he ran a red light and crashed into Rice at 85th and Blondo Streets.

Cortez got out of his pickup, saw that Rice was dead, hopped into another pickup and fled the scene.

He then hid for a week before being arrested.

After witnesses told of Cortez's erratic driving, prosecutors had enough evidence to establish the charge of motor vehicle homicide by reckless driving.

But because he fled, prosecutors could not get a blood sample to establish whether he was intoxicated at the time of the crash.

As a result, Cortez faced a maximum of 10 years — five years on the reckless driving homicide charge and five years for leaving the scene.

He would have faced 20 years in prison if prosecutors could have proved he was drunk.

Authorities say there are ways to close that gap:

• Make all felony motor vehicle homicide charges punishable by up to 20 years in prison. Currently, state law divides felony motor vehicle homicide into two penalties.

Those who are convicted of felony motor vehicle homicide by drunken driving face up to 20 years in prison. Those who are convicted of felony motor vehicle homicide by reckless driving — as Cortez was — face up to five years.

Douglas County District Judge J. Michael Coffey sentenced Cortez to the maximum, but he called it "unfortunate that this penalty is not more severe."

• Elevate the charge of leaving the scene of an injury accident to a felony punishable by up to 20 years in prison.

• Charge those who cause fatalities — whether they're drunken or reckless drivers — with manslaughter, a felony punishable by up to 20 years.

Simera Reynolds, executive director of MADD Nebraska, said the manslaughter charge puts the focus on the life lost instead of the sometimes-complicated charge of motor vehicle homicide.

She noted that Lancaster County almost always charges such drivers with manslaughter.

Lancaster County Attorney Gary Lacey has said manslaughter is less cumbersome to prove than motor vehicle homicide.

Reynolds said MADD may approach state senators to try to persuade state senators to equalize all of those maximum sentences at 20 years.

"When people commit a crime, they need to be held accountable," Reynolds said. "They should not benefit in any way from leaving the scene."

People need to realize that they're leaving behind a life, not just a crime they're trying to cover up, said Rice's parents, Dale and Delores Rice of Mitchell, S.D. Cortez left for dead on Blondo Street a smart, loving and independent woman, Delores Rice said.

Dawn Rice graduated from the University of Texas at Dallas with honors. She had moved to Omaha and was waiting tables while mulling her career options, her mother said.

She was considering moving back to her hometown of Mitchell to go into nursing. Instead, she left behind her parents, three sisters and a brother.

"She was extremely bright," Delores Rice said. "A voracious reader.

"She could have done about anything she wanted."

Thanked Schmill and prosecutor Matt Kuhse for their work in convincing the Legislature to increase the leaving-the-scene charge from a misdemeanor

Delores Rice said she believes Cortez was sincere in his sorrow over her daughter's death.

Cortez had his attorney read a statement in which he prayed to Dawn Rice that she would forgive him and "rest in peace."

But there's one thing Delores Rice can't get past.

"I do (forgive him)," she said. "He realizes he made a mistake. But I don't forgive him for leaving the scene, for leaving her there."

<http://www.omaha.com/index.php?u_page=2798&u_sid=10096130>

**25. Man Cited With DUI At Drive-Through (Nebraska)**
**Officer's Actions Questioned In Court**

*Associated Press*
August 3, 2007

A Lincoln police officer's actions are under scrutiny after he staked out a fast-food drive-through and arrested a suspected drunken driver.

Officer Ken Morrow once patrolled inside a McDonald's, where police said they have responded to 25 calls this year. Six of the calls were for drunken drivers, so the officer got the green light from a McDonald's manager to do an unusual undercover sting, police said.

Defense attorney Mark Rappl said that on March 20, his client, Cody Schaaf, was in the drive-through, ordering four cheeseburgers and some fries. Instead, he got Morrow.

 "He got a DUI driving through McDonald's drive-through," Rappl said.

Rappl said Schaaf reported that Morrow was undercover inside the restaurant with a dark jacket over his uniform.

"His observations, from 7 feet away, were that my client possessed slurred speech, bloodshot, watery eyes and an odor of alcoholic beverage," Rappl said.

An employee told Schaaf to wait in the parking lot for his order, but it wasn't a worker who brought it out. Morrow took Schaaf 's order out to him and administered a sobriety test, which Schaaf did not pass, Morrow's police report showed.

Lincoln Police Chief Tom Casady said Shaff's blood-alcohol content was measured at twice the legal limit of 0.08 percent.

"Did the officer trick him? Yes. We trick people all the time," Casady said. "This was a fairly clever way of an officer catching a drunk driver."

Casady said his officer wasn't breaking any rules.

"I like it when police officers are using initiative and thinking outside the box and attacking problems in a different way," the chief said.

Rappl said he wants the judge to throw out the case. He said Morrow didn't have enough evidence to arrest his client for DUI, and there's no way the officer could have smelled alcohol while he was standing beside the fryer.

A decision is expected as early as Monday after a hearing was held a few weeks ago.

McDonald's corporate headquarters did not return calls seeking comment.

<http://www.kcci.com/news/13813829/detail.html>



**26. College Officials, Students Indicted in Binge Death (New Jersey)**

Chris Newmarker
*Associated Press*

Two Rider University officials, including the dean of students, and three students have been indicted in the death of a freshman after a drinking binge at a campus fraternity house.

The school dissolved the Phi Kappa Tau chapter Friday, and authorities said the aggravated hazing charges should send a message to students and administrators alike.

"The standards of college life, when it relates to alcohol, need to be policed carefully," prosecutor Joseph Bocchini Jr. said.

Gary DeVercelly Jr., of Long Beach, Calif., had a blood-alcohol level of 0.426 percent, more than five times New Jersey's legal limit for driving, when he was pronounced dead March 30 at a Trenton hospital, authorities said. He died the day after drinking at the Phi Kappa Tau house on the private school's campus in central New Jersey.

Further action related to the officials and students involved is to be decided this week, university spokesman Earle Rommel said.

"This has been a very painful time for the university family and the university," he said. "We recognize that alcohol abuse by college students is a national challenge."

Friends of the freshman said DeVercelly, 18, told them he would be drinking vodka during pledge initiation at the fraternity house, The Times of Trenton has reported.

The five officials and students charged were Ada Badgley, 31, the university's director of Greek life; Anthony Campbell, 51, the dean of students; Adriano DiDonato, 22, a student who was also the residence director and house master of the Phi Kappa Tau fraternity house; Dominic Olsen, 21, pledge master of Spring 2007 Phi Kappa Tau pledge class; and Michael J. Torney, 21, the chapter president.

If convicted, the officials and fraternity members would face a maximum penalty of 18 months in prison and a fine of up to $10,000.

Bocchini wouldn't discuss evidence in detail, but he has said previously that the investigation revealed some of the pledges drank entire bottles of hard liquor in under an hour.

There were also charges at the municipal level against 15 people accused of providing alcohol to minors, with another 23 charged with underage drinking. Three students also face drug charges after a search of the fraternity house, Bocchini said.

Speaking from his home in California, Gary DeVercelly Jr.'s father, Gary DeVercelly Sr., said the family was grateful for the indictments but still devastated over the death.

"We find it terribly disturbing that the university and its officials were apparently directly involved in the circumstances leading to our son's death," DeVercelly Sr. said.

The indictments mark one of the first times that university officials have been criminally charged in a suspected hazing death, said Doug Fierberg, a lawyer who has represented hazing victims since the mid-1990s.

Fierberg, who has been retained by the DeVercellys, said the family hasn't yet decided whether to file a lawsuit.

Paul Norris, a lawyer for DiDonato, said he couldn't understand why his client was facing charges over a part-time university job. DiDonato was in the fraternity house but wasn't present at the late March party, Norris said.

"He thought he was taking on a job as an informal mediator. But he didn't expect to be in this role that he's somehow responsible as a police officer," Norris said.

Olsen's lawyer, Tim Donohue, said his client was still grieving DeVercelly's death and was so shocked to hear about the indictment that he couldn't speak.

"He was so choked up," Donohue said.

The national council of Oxford, Ohio-based Phi Kappa Tau voted July 22 to suspend the Rider University chapter's charter, said the fraternity's chief executive, Steve Hartman.

[http://deseretnews.com/dn/view/0,1249,695198007,00.html](http://deseretnews.com/dn/view/0%2C1249%2C695198007%2C00.html)

**27.** **Students, alum Express Outrage at Charges Against Administrators (New Jersey)**

Darryl R. Isherwood
*New Jersey Times*
August 6, 2007

More than 500 current and former students have banded together on an Internet social networking site in support of two Rider University administrators indicted Friday in the alcohol poisoning death of freshman Gary DeVercelly.

Dean of Students Anthony Campbell and Director of Greek Life Ada Badgley were among five people indicted by a Mercer County grand jury. Charged with aggravated hazing, the five could face up to 18 months in prison and a $10,000 fine.

The Facebook Web site was started by Rider University graduate Cathleen Ziegler who received her degree last year. The site, called "Support Dean Campbell/Ada at Rider" asks members to write a letter in support of the two faculty members and also mentions a possible protest in front of the Mercer County Prosecutor's Office on Friday.

Reached yesterday, Ziegler said she formed the Internet group to show the two administrators that they were not alone and that they have the support of their students, both past and present.

"I felt so bad because of the relationship I have with Dean Campbell," she said. "He is such a caring and sincere person, so I wanted to show my support for him because I don't know what the ramifications will be on his personal or professional life."

In a letter posted to the site from "The Rider University Student Body, Both Past and Present," students state their support for the two administrators, saying both have touched the lives of hundreds of students.

"We, the students and alumni of Rider University, express our support for Dean Anthony Campbell and Ada Badgley in the wake of their recent indictments," the letter said. "As a result of their careers and personal attributes, both Dean Campbell and Ada have touched the world of so many students, many of whom would not be who they are today without their advice and support."

By 7 p.m. yesterday the group had 514 members, up nearly 100 from the start of the day.

Campbell is a popular member of the administration and legal experts have said he and Badgley may be the only university administrators in the country ever charged in a hazing case. It is not clear what evidence the grand jury found to indict Campbell and Badgley, but both university and Mercer County Prosecutor's Office officials have said neither was present when DeVercelly, 18, was hazed.

DeVercelly died March 30 after a night of drinking at the Phi Kappa Tau fraternity house. The Long Beach, Calif., native had been taking part in a fraternity ceremony called "Big Little Night" and reportedly drank more than half of a bottle of vodka before losing consciousness. He was later rushed to a Trenton hospital, where he died the following day.

In addition to the five indictments for aggravated hazing, 15 students were charged with providing alcohol to an underage person and 23 were cited for underage drinking. Three students were charged with drug offenses after police found marijuana and drug paraphernalia during a search of the fraternity house.

The messages posted on the Facebook page range from sympathetic to angry in their expressions of student and alumni support of the two administrators.

"Dean Campbell is an amazing person and mentor, always helpful and understanding, and he and Ada have my full support, and I'm sure, the support of the entire Rider student body!" one posting read.

Other postings compared Mercer County Prosecutor Joseph Bocchini to Mike Nifong, the disgraced North Carolina prosecutor who was disbarred over his handling of an alleged rape by members of the Duke University lacrosse team.

Nifong has been accused of overzealousness in his prosecution in an effort to gain publicity. Charges were dropped against all three Duke students.

But in an interview Friday after the Rider indictments were announced, Bocchini stressed that the grand jury was independent and members had made their own decision on who to charge.

"The grand jury is an independent body," Bocchini said Friday. "They hear testimony, they are given the law and they make their own determination."

A spokeswoman for Bocchini called comparisons to Nifong an "uninformed opinion."

Our office is not the charging body in this case and the police department is not the charging body in this case," said spokeswoman Casey DeBlasio. "The grand jury has chosen to charge and we are now tasked with following through with that."

Some members of the Facebook site also were planning a protest outside Bocchini's office Friday, asking other students to stop by to express their outrage.

"Charging two people that had nothing to do with this tragedy is absurd and simply wrong, and there's no way I'm sitting idly," the posting read.

Ziegler said yesterday she doesn't think at this point the protest is the way to go, but added that she would not tell people how to express their support.

"I think having students step in is a little rash at this point," she said. "I personally don't want to do anything that will interfere with what Dean Campbell and Ada are going through."

DeBlasio said she had no comment on the possible protest.

Campbell and Badgley along with the three students indicted are expected to be arraigned this week.

<http://www.nj.com/news/times/index.ssf?/base/news-3/1186373114236590.xml&coll=5&thispage=1>



**28.** **Driver data would track Drugs, Booze (Ohio)**

Angela Greiling Keane
*Bloomberg*
August 2, 2007

A U.S. trucking industry trade group is asking Congress to create a database that companies can use to determine whether the drivers they hire have tested positive for drugs or alcohol.

Having the information might cut the rate of positive drug tests, which has been at 2 percent to 2.5 percent for the past decade, the American Trucking Associations said Wednesday. With 3.4 million drivers in the U.S, that means tests indicate drug use by 68,000 to 85,000.

A national effort is needed because ''state-by-state action will result in a patchwork quilt of differing reporting requirements by different people, with different commercial driver licensing actions or outcomes for truck drivers,'' said trade association president Bill Graves in a statement.

The U.S. government began requiring drivers of commercial trucks to be tested in 1995. Graves said it's still hard for his association's members to ensure they get timely and complete data when hiring drivers.

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<http://www.ohio.com/business/8868557.html>

**29. 46 South Dakota Counties join Alcohol, Drug Project (South Dakota)**

Joe Kafka *Associated Press*August 5, 2007

More than two-thirds of South Dakota counties have embraced an initiative by Attorney General Larry Long to keep chronic drunken drivers off the road.

Judges in those counties can order repeat drunken drivers to report to sheriffs offices twice a day for breath testing or other means of detecting alcohol consumption.

People are taken immediately to jail if tests show that they've been drinking alcohol.

Those who miss appointments are tracked down and locked up.

The effort began two years ago as a pilot project in 14 counties. It worked so well that Long persuaded this year's Legislature to expand it statewide.

The law went into effect July first, and 46 of the state's 66 counties are now signed up.

<http://www.kpth.com/news/8926767.html>

**30. Beam Global Spirits & Wine, Inc. and the National Center for DWI Courts Applaud the State of Texas for Enacting Life-Saving Legislation (Texas)**
**Legislation Supporting DWI Courts Signed into Law**

*Business Wire*
August 8, 2007

Beam Global Spirits & Wine, Inc. (Fortune Brands, Inc. (NYSE:FO - News)), a global leader in premium spirits and wine, and the National Center for DWI Courts (NCDC) praise the passing of HB 530, Texas legislation that supports and funds DWI Courts in addition to courts that deal with drug offenses. Legislation enacting this court system and treatment program for repeat DWI offenders in Texas was signed into law on June 15. DWI courts deal with hard core and repeat drunk driving offenders by providing long-term, ongoing accountability and rehabilitation in addition to conviction.

"Beam Global Spirits & Wine thanks Texas lawmakers including Representative Jerry Madden, Senator Kel Seliger and Governor Rick Perry for enacting and signing this important legislation into law," said Chris Swonger, senior vice president of corporate affairs, Beam Global Spirits & Wine. "We continue to support programs that offer solutions that work when it comes to dealing with the issue of hard core drunk driving and are committed to working with states to enact these programs to eliminate drunk driving. We encourage other states to follow Texas' lead in providing these court systems in their communities."

"We are pleased that Texas has recognized the need for more DWI Courts to tackle the issue of hard core drunk drivers," stated West Huddleston, executive director of the National Center for DWI Courts and the chief executive officer of the National Association of Drug Court Professionals. "Through DWI Court programs already established throughout the country, we have proven that blending long-term treatment with the accountability, immediacy and certainty of court response works more effectively than punishment alone. We hope other states will adopt DWI Courts and offer this life-saving court system to their communities."

Beam Global and the National Association of Drug Court Professionals (NADCP) partnered in May to launch the National Center for DWI Courts, which focuses solely on hard core and repeat drunk driving offenders. NCDC raises awareness about the effectiveness of DWI Courts and provides training and research to court personnel as DWI Courts are launched throughout the country.

<http://biz.yahoo.com/bw/070808/20070808005559.html?.v=1>

**31. Cold front Produces a Sweet Result: Ice Wine (Virginia)**

*Associated Press*August 4, 2007

A cold front has produced a rare, pricey Virginia vintage: ice wine.

Last month, AmRhein Wine Cellars started marketing the sweet dessert wine in half bottles at $45 a bottle.

The price reflects a rare vintage for Virginia: a wine pressed while the grapes are still frozen.

"Every year we hope for a cold front to come through before the grapes fall off and hit the ground," said Russ Amrhein, owner of the vineyard.

An unexpected cold front swept over the Roanoke Valley in November and turned the grapes at AmRhein "hard as marbles."

Ice wines are typically made in the cooler climate regions of the Northeast and Canada, and are harvested in the late fall to early winter. For them to be produced as far south as Virginia is a bit of an anomaly, wine experts say.

"I've never heard of it at this latitude," said Bruce Schoenfeld, wine and spirits editor for Travel & Leisure magazine. Typically, the grapes have to be left on the vine long enough for them to begin to shrivel and then picked after the first frost.

Because of the conditions required for the grape and the added labor, ice wines tend to be pricier.

The below-freezing temperatures help concentrate the natural sweetness and acidity of the grape, while the longer period on the vine allows for more mature flavors. In Canada, the standard freezing temperature for ice wine is 17 degrees or lower.

It takes about three times as many grapes to make ice wine, Amrhein said. The fermentation time for ice wines is also longer, usually two to three months compared with a week or 10 days. That's because the high sugar content is hard to digest with yeast.

Of the 3 tons of grapes harvested this year for the vintage, Amrhein plans to sell about 56 cases of 12 bottles of ice wine--a first for the winery.

The 2006 harvest will be sold on location at the winery and in Amrhein's two jewelry stores in Roanoke and Salem.

[http://www.dailypress.com/news/local/virginia/dp-va--icewine0804aug04,0,2822867.story](http://www.dailypress.com/news/local/virginia/dp-va--icewine0804aug04%2C0%2C2822867.story)

**32. Plenty of Booze sold to 19-Year-Old (Wisconsin)**

Brittany Schoepp
*Wisconsin State Journal*
August 7, 2007

For the second time in recent weeks, area businesses flunked a quiz administered by law enforcement -- after being warned it might be coming.

Alcohol compliance checks at 27 bars, restaurants and convenience stores in Middleton on July 18 and 24 turned up 18 businesses that sold alcohol to an underage person.

The compliance checks were conducted by Middleton police with the help of a 19-year-old volunteer who used his own driver’s license for identification.

**7 Taverns Caught In Underage Sting**

During five of the checks, police said, clerks asked for identification and were shown the 19-year-old’s legitimate driver’s license but still sold him alcohol.

Sgt. Troy Hellenbrand said the detectives working on the checks select businesses at random. He said 18 violations is a bit higher than checks in the last few years, mainly because police were able to stop at more businesses this year.

A first violation comes with a $289 fine, which is issued to the clerk or server, not the business owner. However, if a business fails a subsequent check, the business owner is cited and their liquor license is suspended.

Hellenbrand said none of the businesses caught this year checks had been cited in recent years.

All Middleton businesses with liquor licenses were sent letters in May that told them compliance checks were coming.

The businesses cited were The Garden, Neil 's Liquor, La Tiendita, Bowling Green, Paul 's Neighborhood Bar, Bristled Boar, Club Tavern, Hody Bar and Grill, Middleton Sport Bowl, The Nitty Gritty, Boston 's Pizza, T.G.I. Friday 's, Cheeseburger in Paradise, Citgo, two Cenex stations and two PDQ stations.

Nine businesses passed the check: Branch Street Retreat, Village Green, Applebee’s, Claddagh Irish Pub, Petro Express, Kelley’s Market, Tobacco Outlet and two other PDQ stations.

During similar alcohol compliance checks conducted by the Dane County Sheriff 's Office last week, seven of eight taverns in the southeastern part of the county served alcohol to an underage volunteer working with officers.

<http://www.madison.com/wsj/home/local/index.php?ntid=204465&ntpid=1>

