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

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| *October 5, 2007* | | |

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 **I. National News**

**1.** **Ahead of the Bell: Tobacco Regulation  
At a House subcommittee hearing set for Wednesday, federal lawmakers will debate initiating federal regulatory control over what goes into cigarettes.***Associated Press*October 3, 2007

The legislation, which has already cleared a key Senate committee, would allow the Food and Drug Administration to regulate the levels of tar, nicotine and the other 4,000 cigarette ingredients, of which 40 are known to cause cancer.

The 10 a.m. EDT hearing in the House Energy and Commerce subcommittee will take up the bill, which also would give the FDA the ability to restrict the advertising and marketing of cigarette products.

Similar efforts have failed to pass Congress in recent years, although analysts say a Democratic majority may be more willing to expand the FDA's authority. The House bill is co-sponsored by nearly 200 representatives.

The effort toward more regulation has the support of Philip Morris, a unit of Altria Group Inc. that sells the most cigarettes in the U.S.

Philip Morris rivals, such as the Vector Group Ltd. and Reynolds American Inc., argue that the bill would give Philip Morris the opportunity to maintain market dominance because it can spend more on lobbying than most competitors.

The company also would have a bigger budget to fund scientific studies of reduced-risk cigarettes, which would undergo FDA review if the pending bill becomes law.

Witnesses from academia, the Institute of Medicine and the National Association of Convenience Stores are scheduled to appear at the hearing.

grapes<http://www.businessweek.com/ap/financialnews/D8S1N3G00.htm>   
  
  
  
  
  
  
**2.** **LEGISLATIVE PUSH: Two Calif. Cities to Vote on Banning Smoking in Apartments  
Welcome to Smoking Wars 2007. As tens of thousands of apartments and condos go smoke-free, a new battle is opening in the nation's decades-long fight over tobacco. Smoking bans have spread from workplaces to restaurants, bars, parks, ATM lines, cars with kids and now private residences.**  
  
Wendy Koch  
*USA Today*October 3, 2007

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| [Rodger and Colleen Sauve lost a court battle over smoking in their condo. "I couldn't smoke in the driveway, on the patio, anywhere, including the unit I owned," Colleen Sauve says.](javascript:;) |

Two city councils in California are moving toward making it illegal to smoke in apartments and condos, but most of this growing movement comes from landlords and condo associations acting on their own.

"It's a sign of the times," says Jim Wiard, portfolio manager of Guardian Management in Portland, Ore. His company began a smoke-free policy last month in 8,000 rental units in the Northwest, giving smokers until January to quit or move. He says more companies will follow because tenants are demanding clean air.

"We're advertising that we're smoke-free," Wiard says. "It's a sought-after amenity."

The number of smoke-free apartments and condos has risen quickly in recent years, says Jim Bergman, director of the Smoke-Free Environments Law Project, a Michigan effort launched three years ago partly with state funding. In Michigan, he says, more than 600 buildings with at least 6,000 units ban smoking, up from no buildings four years ago.

Bergman says 48 public housing authorities nationwide have adopted no-smoking policies, but there is no national tally of the number of smoke-free units.

In Maine, 37% of landlords have smoke-free policies in at least one building and few hear complaints, says Amy Olfene, project director of the Smoke-Free Housing Coalition in Maine. Her group lists 1,631 smoke-free units on its website.

**Bergman says smoke-free housing is a win-win for the rental industry, because landlords can reduce fire risks and cleaning costs while pleasing the approximately 80% of American adults who don't smoke.**

"There's a huge market need," says Kylie Meiner, tobacco prevention project coordinator of Oregon's Multnomah County Health Department. She says a 2006 survey of 400 renters in the Northwest, funded partly by her department, found 76% of renters prefer a smoke-free unit but only 20% live in one.

"The big thing is the turnover costs," says Robert Couch, president of Virginia-based Centrum Management. He says a smoker's unit costs $800 to $2,000 more to clean when the tenant vacates. In September 2006, his company banned smoking in more than 5,000 units in six states. Couch says his company has had no problems enforcing the policy.

**Some neighbors, however, have fought over smoke.**

In Baltimore in May, newspaper editor Frank J. Keegan was arrested after allegedly pointing a gun at his neighbors during a dispute over his smoking. A police report said David Ayers complained that cigarette smoke from Keegan's row house caused his 3-year-old daughter to have trouble breathing.

At least 27 lawsuits over smoking in multi-unit housing have been filed since 1991, some by smokers and others by irritated neighbors, says Edward Sweda, attorney at Northeastern University School of Law's Tobacco Control Resource Center. He says judges side more with non-smokers, ruling smoke a "nuisance" akin to loud noise.

"There is no constitutional right to smoke," says Brian E. Martin, the attorney who represented the condo association against the Sauves. "The smell of smoke alone is obnoxious. The court agreed."

Landlords have a right to ban smoking in their rentals, but private property owners should be able to do what they want in their homes, says Gary Nolan of the Citizens Freedom Alliance and its Smoker's Club. Nolan says no research proves smoke from one unit can harm someone in another unit.

The Surgeon General's report last year said no level of secondhand smoke is safe. However, no major study in an apartment building has shown the extent of smoke drift from unit to unit, says Andy Hyland, epidemiologist at the Roswell Park Cancer Institute. He says smaller studies in single-family homes show an unhealthy amount of smoke wafts from room to room.

Marvin Freedenberg, 79, says he's glad his 200-condo building in Silver Spring, Md., began two months ago to bar smoking if it bothers others. Before that, he says, "you couldn't walk down the hall without being disturbed." He says he didn't complain about his neighbors' smoking for a long time because they're nice people and "you don't like to infringe on others."

grapes<http://www.usatoday.com/news/nation/2007-10-02-nosmoke_N.htm>   
  
  
  
  
  
  
**3.** **Court Rejects Tobacco Case**  
Local News Watch  
October 1, 2007

WASHINGTON - The Supreme Court on Monday rejected a request by tobacco companies to consider making it harder for smokers to prove they were misled by the industry.

In July 2006, the Florida Supreme Court dismissed a $145 billion punitive damage award against the tobacco companies for injuring smokers, saying that recognizing the huge class of victims was inappropriate.

The companies say that approach is unfair to them because the state court‘s conclusions were too general.

grapes<http://www.localnewswatch.com/benton/stories1/index.php?action=fullnews&id=67929>   
  
  
  
  
  
  
**4.** **Bush Veto Gives Victory to Tobacco Industry***Triangle Business Journal*October 3, 2007

The tobacco industry scored a win Wednesday when President Bush vetoed a bill that would have expanded federal funding for children's health insurance through a big boost in cigarette taxes.

The State Children's Health Insurance Program helps pay for health insurance for children whose families aren't poor enough for Medicaid, but who still don't have health insurance. The proposal would have increased spending on the program by $35 billion over five years, with the idea of adding another 4 million children to the program, which now subsidizes coverage for about 6.6 million.

But the president had vowed to veto the bill, arguing that in many states, the SCHIP program has been extended to provide benefits to families who didn't need the aid. He also claims that such a major expansion of the program would amount to a step toward socialized medicine.

The tobacco tie-in to the legislation is simple: The SCHIP expansion would have been paid for by raising the federal excise tax on cigarettes by 61 cents a pack to $1. Tobacco companies lobbied strenuously against the proposal.

North Carolina's politicians were largely split on the issue, with Democratic Gov. Mike Easley supporting the bill even as the state's two Republican senators, Elizabeth Dole and Richard Burr, voted against it.

According to Easley's office, which cited the Congressional Research Service, the bill as passed by the House and Senate would have increased North Carolina's allocation of SCHIP money to $334 million from a previously expected $148 million. The governor argues that, at least in North Carolina, that money would be used not to expand the program to families who don't need it but to make sure that poor children get the insurance they need.

Dole and Burr have said they support the current SCHIP program and think the funding formula should be tweaked to make up for shortfalls the state now faces in funding it. But an expansion, they said in a joint statement Sept. 27, would be government largesse. And the tobacco tax increase, they said, would disproportionately harm the state's economy.

grapes<http://www.bizjournals.com/triangle/stories/2007/10/01/daily24.html>   
  
  
  
  
  
  
**5.** **Why Price Increases Are Brewing for Craft Beers  
That six pack of high-brow beer is about to come at a higher price, thanks to the sharpest surge in decades in the cost of the hops and barley that give each brew its distinctive taste.**

David Kesmodel  
*WSJ*October 5, 2007

Consumers could pay 50 cents to $1 per six pack more in the coming months for many small-batch "craft beers," as brewers pass on rising hops and barley costs from an unpalatable brew of poor harvests, the weak dollar and farmers' shift to more profitable crops. Other makers of craft beers, the fastest-growing segment of the U.S. brewing industry, say they may eat the higher ingredient costs, which will pare their profits.

"The hops are to Samuel Adams what grapes are to wine," says Jim Koch, founder of Boston Beer Co., maker of Samuel Adams Boston Lager, one of America's fastest-growing beers. The company has raised its prices just over 3% this year to help offset the hops and barley costs. Mr. Koch says that for next year, the company is "probably looking at the same or maybe more."

"The cost increases have been the largest we've ever faced, both in barley and in hops," says Mr. Koch, who founded the company in 1984. The company only buys hops that are grown on several thousand acres in Bavaria, and the crop has been smaller in the past two years, making them more expensive, Mr. Koch says.

The cost pressures could slow the expansion of American craft brewers, which account for about 5% of U.S. beer revenue, and even put some smaller ones out of business. Craft-beer makers also are battling other cost increases, including higher prices for glass, cardboard, gasoline and the stainless steel used to make beer kegs. "People are very concerned," says Kim Jordan, co-founder of Colorado's New Belgium Brewing Co., which makes Fat Tire Amber Ale, a top-selling craft beer. "It significantly affects profitability."

Big American brewers like Anheuser-Busch Cos. and SABMiller PLC's Miller Brewing Co. also face cost increases, but the impact isn't nearly as great for them. They use much less hops and barley in most of their beers, which is why they are lighter in taste and calories. A barrel of craft brew Sierra Nevada Pale Ale, for example, has about twice the malt and as many as five times the hops of a mass-market brew, like Budweiser or Miller High Life.

Large beer makers are also better able to secure long-term contracts to mitigate the impact of rising ingredient costs. Most spirits makers, such as Diageo PLC and Fortune Brands Inc., also face a relatively limited impact from global increases in the cost of grains such as corn.

The craft-beer segment has been among the few bright spots in the slow-growing U.S. beer industry. The number of barrels of craft beers sold rose 11% in the first half of this year against year-earlier levels, according to the Brewers Association, a craft-beer trade group in Boulder, Colo. Meanwhile, the Beer Institute, a Washington-based industry group, projects total U.S. beer sales, by barrel, will rise 1.5% this year. The boom in craft beers reflects heightened awareness of their brands and a willingness by American beer drinkers to pay an extra $2 or $3 per six pack to get a premium product.

Craft beer makers have faced escalating costs over the past year. Prices for malting barley, which accounts for a beer's color and sweetness, have jumped as farmers increasingly shifted to planting corn, which has been bringing higher prices because of high demand from makers of biofuels, like ethanol. The weak dollar also has made it more expensive for U.S. brewers to buy commodities from Europe.

The news worsened for craft brewers significantly in recent weeks. Firms that turn barley into brewing malt informed craft brewers of price increases ranging from 40% to 80%, and hops suppliers announced increases ranging from 20% to 100%, depending on the variety of hops.

The price of hops -- which give beers their bitterness and aroma -- has risen because of shortages across the globe, due in part to poor crops in Europe. Some European brewers are competing with American brewers for hops grown in the Pacific Northwest.

For years, hops were cheap due to a glut. That prompted growers over the past decade to replace hops with other crops, such as apples. Now, the amount of hops acres world-wide is about half the total of 12 years ago, says Ralph Olson, a hops dealer with Hopunion CBS LLC in Yakima, Wash. That's caused some hops varieties to quadruple in price over the past year, he says.

To cope with higher malt and hops prices, smaller brewers are trying to secure longer-term contracts for the ingredients. And, in some cases, they're tweaking their recipes.

At Bell's Brewery Inc. in Comstock, Mich., founder Larry Bell says he is substituting other varieties of hops into the brewer's Bell's Oberon Ale and Bell's Lager because he could only secure 60% of a Czech Saaz hops that he normally uses in the beer.

Mr. Bell says employees who test beers at his company haven't been able to detect a change with the new hops and that he won't make any changes that will compromise quality. Starting next year, he anticipates he will raise the price he charges beer wholesalers by 50 cents to 60 cents per case. Customers may see an even higher price increase because retailers typically mark up beer even further.

"I am concerned that there could be some small players out there that will fail because of this," says Mr. Bell, whose brewery sold its first beer in 1985.

Boston Beer has inked long-term contracts for some of its ingredient needs. But many smaller brewers, such as Allagash Brewing Co. in Portland, Maine, buy hops and malt on the open market, exposing them to huge price swings. Rob Tod, president of Allagash, says the company expects to absorb some of the recent cost increases. But it will likely impose some price increases, resulting in a four-pack of its Allagash White costing about $9 at retailers in the Northeast, up about 50 cents. "We're getting hit on all sides," Mr. Tod says.

Ken Grossman, the founder of Sierra Nevada Brewing Co. in Chico, Calif., says the brewer plans some price increases, but it's better positioned than others because a price spike for hops in the early 1980s prompted him to sign long-term contracts. "I've gotten calls of panic from other brewers," he says.

Dogfish Head Craft Brewery Inc. in Milton, Del., is coping by trying to make its operations more efficient, locking in commodity contracts as early as possible and weighing a price increase, says brewmaster Andy Tveekrem, whose company is known for "hoppy" beers like 60 Minute IPA, or India pale ale.

grapes"I think there's going to be some brewers out there," Mr. Tveekrem says, "if they haven't looked that far ahead, that actually might run out of malt or hops, which would be a catastrophe."  
  
  
  
  
  
  
**6.** **Pernod Ricard Eyes U.S. Buys - Executive**

*Reuters*September 28, 2007

French wine and spirits group Pernod Ricard, which plans to bid for Absolut vodka maker Vin & Sprit, would also like to own another winery, or buy a tequila or rum brand to expand its portfolio of offerings in the United States, a senior executive said Friday.

Pernod, which owns Chivas Regal Scotch whisky and Martell cognac, is the world's No. 2 spirits company, with nearly a fifth of the global market, behind Smirnoff vodka maker Diageo PLC .

But in the growing U.S. market, Pernod ranks third with an 8 percent share eclipsed by Caribbean rum maker Bacardi USA.

"It's not that we feel we are weak in the U.S.," Managing Director Pierre Pringuet said in an interview. "But if you compare it to where we are in the rest of the world, I would rather be in that 20 percent (range) where we are worldwide."

"Anything that could strengthen our position in the U.S. would be welcome," said Pringuet. He has been tipped to succeed Chief Executive Patrick Ricard, who is expected to retire next year.

Pernod's first priority is spirits, but that wine brands to complement the Jacob's Creek and Montana labels it already owns could be interesting.

"A good brand from California could very well fit into our portfolio," Pringuet said.

The company, which will introduce a 25-year-old, $299 a bottle Chivas Regal whisky in the United States on Monday adding to its portfolio of premium brands. Those include: Jamesons Irish whiskey, Perrier Jouet Champagne, Stolichnaya vodka as well as Beefeaters Gin.

Pringuet said this focus on expensive drinks helps insulate the company against economic swings.

"We're certainly not immune from the economy, but luxury goods in general are less sensitive than general consumer goods, possibly because rich people suffer less," Pringuet said.

grapes"The start of this (fiscal) year, all in all, was very good. So far we haven't seen any impact at all from the financial crisis in the markets," Pringuet said. He declined to give a forecast for the year-end holiday season, which generally accounts for about a third of annual sales, except to say that he felt confident.  
  
  
  
  
  
 **7.** **Drivers Ages 21 to 34 Disproportionately Involved in Drunk-Driving Fatal Crashes***Join Together*October 1, 2007

Drivers ages 21 to 34 comprise a disproportionate share of fatal motor vehicle crashes in which at least one of the drivers was legally intoxicated (had a BAC of .08 or greater), according to data from the National Highway Traffic Safety Administration (NHTSA).

Although drivers ages 21 to 34 were involved in 31% of all fatal crashes in 2006, they were involved in 43% of all fatal crashes in which at least one driver was intoxicated.

On the other hand, drivers ages 45 or older were involved in 36% of all fatal crashes, but just 23% of drunk-driving fatal crashes.

These findings suggest that prevention efforts may be most effective if they focus on educating young adult drivers about the dangers of driving while intoxicated.  
  
  
  
  
**II. International News**  
**8.** **Italian Wine Production at 50-Year Low**  
**Time-honored traditions of Italian winemaking have been thrown out of rhythm by the earliest harvest on record in 70 years.**

*Associated Press*September 26, 2007



There was little autumn picking this year. In some wine regions, growers began to harvest grapes during the first 10 days of August. In Soave, renowned for its white wines, the harvest started a month early-Sept. 1 for the traditional wines made from a crush of Garganega grapes, and earlier for grapes to make bubbly Spumante.

It has been a year of inversions: While the north basked in a July heat wave, the south suffered an unusual rainy season, meaning a northern boom of succulent early grapes has been offset by a bust of sorts in the south, where a deadly fungus spread through vineyards, cutting yields in wine-rich Sicily-one of Italy's top four wine regions-by 30 percent.

Consequently, Italian wine producers are forecasting their lowest production in 50 years: 1.14 billion gallons, down 13 percent from a year ago, along with an increase in prices of up to 30 percent, said Giancarlo Prevarin, president of the Italian Winemakers Association.

This year's crop of Soave Garganega grapes, grown on reddish volcanic turf deposited east of Verona millennia ago, have been declared unusually robust. Even a late hailstorm in August-the type of threat that can wipe out a season's work in a flash-caused little damage because of the advanced stage of maturity.

"It will be a southern wine, less flowery, more fruity" pronounced Aldo Lorenzoni, director of the Soave consortium of winegrowers-some 3,000 growers who produce 80 percent of the wine bearing the name Soave.

Most Soave growers work modest vineyards averaging around five acres and the vast majority, 2,800, contribute their pick to wines produced by a handful of local cooperatives, which have been working to improve their viniculture with experts at the University of Verona.

Lorenzoni says they will try to hold their prices steady-noting every price spike in the last 30 years has been followed by a steep decline, difficult for small growers to manage.

This year's bumper crop comes at a moment of renaissance for Italian wines, which eclipsed French wines in US sales in 2002, according to the Italian Winegrowers Association. Soave growers also note that white wines have found favor among diners seeking lighter fare-a turnaround from the era they refer to as the "French paradox" when reports on the health benefits of red wines crashed the white wine market.

This early harvest wasn't just the result of the hot summer; 2003 was even hotter, wine growers point out. It was the exceptionally mild winter-not unlike another early harvest easily recalled, 1945, the end of World War II.

Elderly residents recount fondly a spring so early that the cherries were already ripe and ready to eat when American soldiers arrived on April 25, Italy's liberation day.

This year, cherries were equally early. And by the time of Soave's annual Grape Festival at the end of September, which usually announces the start of the harvest, the vines surrounding this medieval town were nearly picked clean.

"Nature woke up early this year," said Giuseppe Coffele, who has more than 35 years experience making wine in Soave.

While there have always been incidents of exceptionally early harvests-like in 1945 and 1972-Coffele says the tendency over the last two decades has been toward an ever-earlier picking time.

He has been keeping records of temperatures and precipitation on his hillside vineyards in the hamlet of Castelcerino above Soave for more than three decades, and notes that two decades ago grapes were generally picked in October into early November. Now that has become mid-September into October.

Prevarin, who himself is director of the Colli Berici cellars in nearby Lonigo, said the early harvest makes little difference to the final product: The point is to pick the grape when it is ripe-be it August, September or October.

# grapes"The big difference is that we used to go on vacation in August," Prevarin said, "and now we need to work." <http://ap.google.com/article/ALeqM5i-ci5bAA_w2vr19EFcjoRSoNYFog> 9. China: Anheuser-Busch Marches into Chinese Third-Tier Market The world-renowned brewer Anheuser-Busch, the name behind Budweiser, plans to expand to China's county-level markets this year, an insider disclosed. *SINO Cast* September 27, 2007

# Thanks to an 11-year wide penetration and constant investment in China, Budweiser has captured a share of 45 percent to 50 percent in high-end beer markets in first- and second-tier cities, while having extended to 100 Chinese cities.

# China is the largest beer consumer in the world as well as the largest overseas market for Anheuser-Busch. Despite the annual two-digit growing pace in the Chinese beer market, per capita beer consumption in the nation has been fairly low. Consequently, Anheuser-Busch plans to double the covering areas of Budweiser in China as well as per capita beer consumption in the following years.

# grapesHarbin Beer, which was acquired by Anheuser-Busch in 2004, had expanded to 13 cities in 2006 and will set foot in 33 this year. Besides, Anheuser-Busch will release several new products, which are custom developed for Chinese consumers, this year. 10. Heineken Sued Over Dutch Beer Cartel An industry group representing Dutch bars sued Heineken NV and two other brewers on Monday, seeking damages for alleged price fixing that the EU says kept beer prices artificially high for years.

# Toby Sterling *Associated Press* October 1, 2007

# Spokesman Anthony van der Klis of the Horeca association \_ which also represents hotels, restaurants and caterers \_ declined to say whether it would seek more or less than the 219 million euros ($310 million) that Heineken was forced to pay the EU in April. Heineken denies price-fixing and is appealing the fine.

# The suit also names Grolsch NV and Bavaria NV, which were fined smaller amounts by the EU and are also appealing.

# "We tried to reach a settlement before moving to a lawsuit, but (the brewers) didn't want to talk seriously to us," Van der Klis said.

# A fourth brewer, InBev SA, was exempted from EU fines because it blew the whistle on several European beer cartels after regulators caught it fixing prices in Belgium. Klis said the Dutch association was in talks with InBev over a settlement.

# Heineken spokeswoman Vivi Hollert said it was company policy not to comment. The suit had been widely expected: EU Competition Commissioner Neelie Kroes directly invited the association to seek damages at the time she levied the fines.

# "The management of these companies at the very highest level participated in this cartel ... knowing that this behavior was illegal," Kroes said then. "Instead of respecting the law, they instead covered their tracks."

# The companies coordinated prices for beer that customers buy in bars and the beer they buy from supermarkets, even for cheaper "no brand" private label beers, the EU's executive arm said in the April decision.

# Executives used code names to refer to secret meetings held in hotels and restaurants, the EU said. Under European law, executives are not personally liable for taking part in a cartel.

# Heineken's first half earnings fell by 30 percent to 302 million euros ($413 million) due to the fine. Chief Executive Jean-Francois van Boxmeer \_ who did not lead the company at the time the alleged price-fixing occurred in 1996-1999 \_ acknowledged in August that the company had held meetings with its competitors.

# "But we contest that led to any pricing agreements," he said. III. Iowa News 11. Sales Drop Follows Cigarette Tax Increase

# Rod Boshart *The Gazette Online* October 3, 2007

# Iowa's $1-a-pack cigarette tax increase has cut sales by up to 30 percent and has tripled the volume of calls from smokers trying to kick the habit since the price spike took effect more than six months ago, state officials said Wednesday.

# “All the information we've gotten is that virtually everything that we thought would happen has happened,'' said Chuck Reed of the American Cancer Society's Iowa chapter. “I think that just shows that people do want to quit smoking, and the tax has brought about a lot of that because it's very expensive now to buy a carton of cigarettes.''

# Mike Lipsman of the state Department of Revenue said the number of packs of cigarettes sold in the last three months has declined by an average of about 30 percent, with much of that attributed to a drop in demand but also some slippage caused by people buying cheaper products in bordering states or via the Internet.

# “That's about what we estimated,'' said Lipsman, who noted that 246.3 million packs of cigarettes were sold in Iowa last year, a figure that is projected to drop to 190.5 million this year and to 186.6 million in 2008.

# State receipts from the $1.36 tax on a pack of cigarettes that has been collected since March 16 have jumped dramatically, with the first three months of the fiscal year that started July 1 posting a 157 percent upward spike.

# Also, calls to the “quitline'' operated by the Iowa Tobacco Research Center at the University of Iowa have increased from 1,515 during the March-to-August period of 2006 to 5,050 for the same six-month period this year. That's a monthly average increase that's gone from 252 to 842.

# “We're pleased to see that,'' said Aaron Swanson of the state Department of Public Health.

# “That shows people are interested in quitting.''

# Iowa Gov. Chet Culver, who campaigned hard to raise Iowa's 36-cent-per-pack cigarette tax by $1, said he was “thrilled'' by the prospects that up to 20,000 Iowans could quit using tobacco products as a result of the Legislature's action and his signature.

# “If people quit smoking entirely, that would be a great thing,'' he said.

# He said Wednesday he would like to see the debate shift to further restricting smoking in public places to address harmful effects of breathing secondhand smoke.

# “I do believe that we will have a spirited debate and discussion about either local control and/or a state ban'' during the 2008 legislative session, Culver said.

# "I think getting the tobacco tax in place, finding the money for smoking cessation programs was really the first step and I expect this will be revisited next session and I look forward to getting something done related to some sort of smoking ordinance," he said. "I've been for local control all along and I think that's certainly a good place to start."

# Debbie Schnyder, the Iowa supervisor of Cigarette Outlet stores, said because Cedar Rapids is in the center of the state, that store's sales aren't down like shops on the fringes of Iowa. “Everyone who came to our state (to buy tobacco) have all gone back to their own state, and everyone on the border in Iowa is now going to other states,'' she said.

# But stores in Iowa City said the increased tax has driven away customers.

# “I just don't think people want to spend the money,'' said Michelle Haigh, the manager of Johncy's Convenience Store. “A lot of people can't afford it.''

# At John's Grocery in Iowa City, store manager Doug Alberhasky said tobacco purchases are down 7 percent this quarter. The store, though, brought in 12 percent more money from tobacco for the quarter, he said.

# “Basically, we are selling higher-priced tobacco, and we are selling less of it,'' Alberhasky said. “Whenever (lawmakers) monkey around with taxes, that usually is the case.''

# grapes<http://www.gazetteonline.com/apps/pbcs.dll/article?AID=/20071003/NEWS/71003049/1006/NEWS> 12. Alcohol Tickets Pour In *Daily Iowan* October 1, 2007

# Fines for drinking and other UI Homecoming excesses crept to more than $11,000 last weekend, a far cry from the nearly $20,000 in tickets issued during last year’s festivities.

# Although football fans at Homecoming had around eight fewer hours to drink than before the Sept 8th game against Syracuse, they accumulated only around $2,000 less in citations.

# The UI police have not yet filed their citations.

# Tickets for drinking offenses were down from the last Hawkeye home game – some by nearly half – but the number cited for public intoxication rose from 25 on Sept 8 to 42 on Sept 29.

# The citations break down as follows:

# The Indiana game saw 17 citations for PAULA, five tickets for open containers, five OWIs, three for disorderly house, three for being in a bar under the age of 19, two fake ID charges, and two tickets for possession of marijuana.

# “Many times we see a drop off in activity after the game,” said Sgt. Bill Campbell of the Iowa City police, who said he typically works from around 2pm to midnight on Saturdays. He said people often drink for a couple of hours after the game and then things get quiet around 5pm.

# On Sept 29, Campbell said, the department was busy all day.

# Campbell said the rise in public-intoxication citations may have been due to Saturday’s warm weather or the comparatively small number of Hawkeye home games this season.

# “Typically, we’ve had a couple of home games by now,” he said. “Maybe people were excited to go out and party.”

# grapes<http://media.www.dailyiowan.com/media/storage/paper599/news/2007/10/01/Metro/Alcohol.Tickets.Pour.In-3002882.shtml> 13. Battle over the Bars has Begun Backers say raising it to 21 will cap underage drinking; opponents say that's a frothy claim. The public votes Nov. 6. Erin Jordan *Register Iowa City Bureau* October 1, 2007

# The battle over the bars has begun.

# Iowa City residents will vote Nov. 6 on an ordinance that would block entry to the city's bars for those under age 21. Police Chief Sam Hargadine said the outcome of the vote is likely to settle the issue, which has pitted bar owners and underage students against others in Iowa City.

# Opponents of the ordinance that allows 19- to 20-year-olds in bars gathered 3,500 signatures on a petition to establish a referendum that could repeal the ordinance. These opponents believe cutting access to alcohol would reduce the amount of underage and binge drinking in a community that's home to the University of Iowa, a nationally known party school.

# On the other side are U of I students and bar owners who don't want to change Iowa City's thriving night life - which brings millions of dollars into the city's downtown - and who predict a so-called "21 ordinance" would shift drinking to house parties, which they say can be more dangerous.

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| bilde?Site=D2&Date=20071001&Category=NEWS&ArtNo=710010331&Ref=AR&Profile=1001&maxw=264 |
| Brian Kamber, 22, a doorman at Bo-James in Iowa City, checks the identification of Merriah Meisner, 23, on an evening in late September. |

# The outcome of the vote may depend upon how many of the U of I's 30,000 students turn out.

# "I would probably vote against it," said Meredith Holm, 19, a pre-pharmacy student from Sigourney.

# Parents 'send us their children to grow'

# Dr. Rick Dobyns says he doesn't know how he became the spokesman for a group that supports raising the bar entry age. He's a geriatrician and never sees the young people who come to University of Iowa Hospitals' Emergency Treatment Center with alcohol poisoning.

# But he's convinced a 21 ordinance would help counteract an alcohol culture that causes some students to flunk out of college, have unwanted sex and leave town with arrest records.

# "We have people all over the Midwest send us their children to grow," Dobyns said. "We should provide them an environment to do so."

# He used these statistics to try to persuade the U of I Faculty Council, a smaller group that leads the Faculty Senate, to endorse the referendum.

# Nearly 70 percent of U of I students report recent binge drinking, compared with 46 percent of college students nationwide, according to the most recent Harvard University College Alcohol Study.

# The number of liquor licenses in downtown Iowa City has risen from 17 in 1981 to 50 today.

# Underage U of I students spend more than $2 million a year on alcohol. This statistic comes from the number of reported outings, number of drinks consumed and the average price of a drink, he said.

# The Faculty Council decided last week to take the issue to the full Faculty Senate on Oct. 23.

# Raising bar-entry age would 'do nothing'

# Bar owners have launched an opposition Web site, www.bloc21.com, intended to debunk the idea that raising the bar entry age would control problem drinking.

# "We feel there is a problem with excessive drinking, and (raising the bar entry age to) 21 is going to do nothing to prevent that," said Leah Cohen, owner of Bo-James restaurant and bar in downtown Iowa City.

# Bar owners also say the downtown Pedestrian Mall would suffer if bars wind up closing.

# "We have estimated there will probably be 10 to 12 open buildings within a year and a loss of 500 to 600 jobs," Cohen said. "Within three years, the rents will be down a little, as well as the building values and taxes. It will probably change the flavor and mix of downtown."

# Mike Porter, who owns the Summit, a nightclub and restaurant across from the Old Capitol building, said his business relies on the cover charges paid by underage patrons. Bars competing for a smaller pool of patrons are likely to offer cheap drinks, which could spur excessive drinking, he said.

# Student groups have not yet started heavy lobbying against the referendum, but "October will be a busy month," said Atul Nakhasi, a leader of the anti-21-ordinance student movement.

# Prohibiting 19- and 20-year-olds from Iowa City bars would push thousands of underage people into off-campus parties that are harder to police, said Nakhasi, a U of I junior from Waterloo.

# Iowa City police issued 67 citations for "disorderly house" from Jan. 1 through July 31, police records show. Such citations are usually for house parties that get out of control.

# Hargadine, the police chief, said that he does not expect more house parties if the ordinance is repealed, but that parties may be larger. He favors a 21 ordinance because it's in line with Iowa law, he said.

# "If selling to people under age 21 is your main business plan, I have a problem with that," Hargadine said.

# The Student Government cannot use student fees to support or oppose a public referendum, but the group is considering an online student survey and a get-out-the-vote campaign, said Student Government President Barrett Anderson.

# Holm, the pre-pharmacy student, said students go to the bars to meet new people, dance and play pool, not just to drink. Students drinking downtown "might not have as much alcohol because they are dancing and talking," she said.

# Brett Bevis, 18, a political-science student from Oviedo, Fla., isn't old enough to enter Iowa City bars after 10 p.m. But he finds other entertainment, such as sporting events. "I think there's plenty to do besides the bars," he said.

# Adding a new wrinkle to the debate are 35 reported assaults on women in Iowa City over the past year. Both sides said women would be safer with their plans, but police and a rape victims' advocate said neither bars nor house parties protect women from assaults.

# "I don't come down on either side," said Karla Miller, director of the Rape Victim Advocacy Program. "We've had assaults in bars. We've had assaults everywhere."

# grapes<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20071001/NEWS/710010331/1001/OPINION01> 14. Ames Coach Arrested for Third DWI The status of Ames High School wrestling coach and educational assistant Chad Allen Latch has been undisclosed after his third arrest for drunk driving last week.

# Dan McCool *Des Moines Register* September 30, 2007

# The status of Ames High School wrestling coach and educational assistant Chad Allen Latch has been undisclosed after his third arrest for drunk driving last week.

# "It's a personnel matter and I can't comment," Ames athletic director Judge Johnston said.

# Latch, 34, of Story City was charged with third-offense operating a vehicle while under the influence of an intoxicant by the Story County Sheriff's Department on Monday.

# The charge is a Class D felony, punishable by up to five years in prison and as much as a $7,500 fine.

# Latch was charged with DWI on Dec. 27, 1996, in Floyd County and July 5, 1998, in Clay County.

# A search of online court records showed 24 court cases in Latch's name dealing with instances that include fifth-degree theft, rioting and making a false report to law enforcement as well as eight alcohol-related charges.

# Latch, who was released Tuesday, is scheduled to appear in Story County District Court for a preliminary hearing at 1 p.m. Oct. 8.

# On Saturday, a telephone number for Latch's address played a recorded message that the phone had been disconnected.

# Latch has been coach at Ames for four seasons.

# grapes<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070930/SPORTS0810/709300356/-1/NEWS04> 15. Car Hit Camper at 87 mph, Troopers Say The State Patrol says alcohol also factored into the crash on I-35 that killed four after the Iowa-ISU football game.

# William Petroski *Des Moines Register* September 28, 2007

# A traffic crash that killed four people south of Ames on Sept. 15 shortly before the end of the Iowa-Iowa State football game was linked to alcohol and speeding, the Iowa State Patrol said Thursday.

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| bilde?Site=D2&Date=20070928&Category=NEWS01&ArtNo=709280369&Ref=H5&maxw=250 |
| This video image from WHO-TV's news helicopter shows the scene of the fatal crash Sept. 15 on Interstate Highway 35 south of Ames. |

# Troopers investigating the crash determined that the 2001 Mitsubishi Galant car carrying five people was traveling about 87 mph when it veered off Interstate Highway 35 and struck the rear of a motor home legally parked on the shoulder of I-35, the State Patrol said in a statement.

# The Mitsubishi was southbound between Ames and Des Moines when the car swerved and struck the motor home that had broken down, troopers said.

# The crash killed the Mitsubishi driver, Zackry Thomas, 21, of Ottumwa.

# Three passengers — Gavin Granneman, 29, of Clive; Steven Atchison, 27, of Des Moines; and Karli Manker, 22, of Iowa City — also died of their injuries.

# Another passenger, Eric Hartung, 26, of Johnston, was seriously hurt. Four occupants of the motor home suffered minor injuries.

# State Patrol investigators said tests showed that Thomas had been drinking before the accident, although his blood-alcohol level was below .08, the point at which a person is deemed to be legally intoxicated.

# "An examination of all of the evidence surrounding this crash has led ... investigators to conclude that alcohol and speed were key factors contributing to the cause and severity of the crash," the State Patrol statement said.

# The speed limit on that portion of I-35 is 70 mph.

# Because Thomas was killed in the crash, no criminal charges will be filed, the patrol said.

# The motor home, which was occupied by an Urbandale couple and two of their grandchildren, had been waiting for a towing service.

# Investigators said a dispatcher received a 911 call reporting the crash at 2:44 p.m. Troopers who responded said the impact of the crash had flipped the 1991 Tioga motor home onto its right side, with the vehicle blocking the west lane of southbound I-35 once it came to rest. The Mitsubishi wreckage was found in the west ditch.

# The crash closed a stretch of the southbound lanes of I-35 south of Ames for nearly three hours. Football fans leaving Jack Trice Stadium were directed to alternate routes.

# Friends of Hartung said earlier this week they are trying to raise money for their friend, who has no health insurance. He suffered severe chest injuries in the crash.

# The Eric Hartung Benefit Fund has been created at Community State Bank, P.O. Box 127, Ankeny, IA 50021.

# grapes<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070928/NEWS01/709280369/-1/ENT05> 16. People Unhappy with 'Beer Garden' Ad Owner, publisher blame it on error

# Brian Morelli *Iowa City Press-Citizen* September 25, 2007

# The restaurateur who bought an ad that has some people fuming said promoting the seating area outside his restaurant as a beer garden was an inadvertent mistake.

# The Downtown Association and at least one Iowa City Council member are looking into an ad in OnCampus 319 magazine for the Saloon, a restaurant and bar at 112 E. College St., which says "check out the newest beer garden in town ... right in the pedmall."

# "It is an inadvertent mistake," Saloon owner Jim Mondanaro said Monday. "We had something that happened without us knowing. I read them the riot act. I was so livid over the thing."

# Mondanaro said the ad was completed shortly before production, and he was not able to see the proofs. He said people who are aware of the seating area would not mistake it as a beer garden.

# The problem is that Mondanaro was adamant that the seating area would not be a beer garden when he sought and received special permission from the council nearly two months ago to repurpose a raised planter in the middle of the downtown pedestrian mall for seating.

# The request drew mixed response at the time, but many people's concerns were laid to rest when they saw the design and heard Mondanaro vow it would not be a beer garden.

# "Personally, I am unhappy," City Council member Bob Elliott said. "There was a forum just to get the word out about what the owner operator was planning to do. The individual said this is not a beer garden.

# "Now we have a full page, full color ad that says this is a beer garden. I am not sure what message this sends to other people, but I am not happy."

# The magazine is distributed free downtown and targets the University of Iowa student audience. Elliott said the ad was especially inappropriate given the binge drinking problem, particularly among students in Iowa City.

# Craig Gustaveson, president of the Downtown Association, said he received some complaints about the ad and that his association would look into it. He said he expected the association to draft a letter to Mondanaro and send copies of the magazine to the seven council members.

# Gustaveson said he has been pleased by the way the seating area turned out, calling it "beautiful," and he has not received any complaints about the area itself. However, he was not pleased to see the ad.

# "It kind of put egg on our face," Gustaveson said, noting that the association hosted a public forum on the issue where Mondanaro said it would not be a beer garden.

# Kane Johnson, publisher and CEO of the magazine, said it was an error and would be corrected in the next issue.

# "It's fixed. It says patio for the next issue," Johnson said. "I was unaware it was a patio, not a beer garden. I was unable to get him a proof before it went to print."

# grapes<http://www.press-citizen.com/apps/pbcs.dll/article?AID=/20070925/NEWS01/709250312/1079> 17. IHP Liquor Sting Iowa Highway Patrol officers swept 35 establishments in seven counties during a two-night liquor compliance check last Friday and Saturday evening. *Zwire* October 04, 2007

# Eight citations -- five in Carroll County including one in Coon Rapids and one in Bayard in Guthrie County -- were issued. In addition, several underage employees in convenience stores were referred to juvenile court, said Iowa Highway Patrol Officer Dan Schaffer of Denison.

# "Earlier this year when we started to do these checks, we had 17 out of 32 establishments found to be non-compliant, so it was much better this time," said Schaffer.

# The liquor compliance checks involve an underage cooperative individual accompanied by an adult male, who enters a liquor establishment and attempts to purchase alcohol.

# "If there's no sale of liquor to our underage individual, the establishment is probably not even aware that we've been there," said Schaffer.

# Northside Recreational Parlor in Coon Rapids and Sparky's Convenience store in Bayard were among those establishments who were issued citations.

# grapes<http://www.zwire.com/site/news.cfm?newsid=18883333&BRD=2020&PAG=461&dept_id=231738&rfi=6> IV. Other State News

**18.** **Becomes Largest Beer Producing State in the Nation (Colorado)  
Beer Industry Contributes $12.4 Billion Annually to State's Economy**

*PR Newswire*September 27, 2007

In 2006, the state of Colorado officially became the largest beer producing state in the country, according to newly released data from the Beer Institute. The Colorado brewing industry produced over 23.3 million barrels or 724.5 million gallons of beer. This makes the state tops in production, edging out second place California and other large states such as Texas and New York.

A recent study commissioned by the Beer Institute and the National Beer Wholesalers Association (NBWA) also found that the beer industry, made up of brewers, beer importers, beer distributors, brewer suppliers, and retailers, directly and indirectly contributes $12.4 billion annually to Colorado's economy. The industry's economic impact includes 67,918 jobs - paying $3 billion in wages - as well as $1.6 billion in federal, state, and local taxes.

"Colorado is tremendously important to the beer industry and produces a number of high quality brews enjoyed by adults around the country," said Jeff Becker, president of the Beer Institute. "With a strong beer culture and a rich brewing history, it's no surprise the state has become number one."

"The beer industry has been a positive force in our state for many years, providing a number of important economic benefits including good jobs and a steady source of revenue for our local communities," said United States Senator Ken Salazar. "We're extremely proud to be the nation's leader in beer production and share this great product with the rest of the country."

"As a state widely recognized around the country for our natural beauty, rich history, and extensive cultural attractions, we're pleased to now also be known as the beer brewing capitol of the United States," added Colorado Governor Bill Ritter. "Colorado breweries are also increasingly using and producing renewable energy, which is good for the industry, good for the environment, and good for developing more home-grown sources of energy."

Colorado is also home to other major industry trade groups such as the Brewers Association, based in Boulder, representing America's small brewers since 1942. The state also plays host to the annual "Great American Beer Festival" in Denver.

"In addition to housing many long established large brewers, Colorado is also leading the way among small, independent craft brewers," said Charlie Papazian, founder and president of the Brewers Association. "We invite beer lovers from every state to visit us and sample firsthand some of the many fine varieties of craft beer produced here."

The state's wholesalers also serve an important role delivering product to communities far and wide. "Colorado's beer distributors are local, independent family businesses that help provide a wide selection of fresh, quality beer to retailers ensuring consumers enjoy a great beer experience," added Steve Findley, president of the Colorado Beer Distributors Association.

The brewing industry also takes its role as good neighbor seriously in the towns and communities across the Rocky Mountain state, playing a significant role in promoting responsible consumption of its products and protecting and improving our natural environment. Brewers, importers, and independent beer distributors have invested hundreds of millions of dollars in communities across the country to develop and implement numerous programs to promote responsibility and help fight alcohol abuse. These efforts, along with those of parents, law enforcement, federal and state alcohol beverage regulators, educators, and other community groups, have all contributed to declines in illegal underage drinking and drunk driving over the past two decades, according to a variety of independent and government data.

grapesBrewers and beer importers have also devoted great resources towards the development of energy and water conservation techniques, reusing byproducts and waste, reducing greenhouse gas emissions, establishing comprehensive recycling programs, and supporting environmental organizations around the country.  
  
<http://www.denverpost.com/coloradocorporatestatements/ci_7016270>   
  
  
  
  
  
  
**19.** **Couple Sentenced in Teen Drinking Case (Illinois)**  
*Local News Watch*September 27, 2007

A judge sentenced a man to 14 days in jail and his wife to community service for letting a group of teenagers drink alcohol the night of a crash that killed two of them.

Prosecutors say the couple allowed their teenage son to have a party in their basement on Oct. 13 with beer and rum. Two 18-year-olds who attended the party, Daniel Bell and Ross Trace, later died in a car crash. An autopsy showed that Bell, who was driving, had a high blood-alcohol level.

In addition to jail time, the judge sentenced the Hutsells on Wednesday to 18 months of probation each and ordered them to contribute $4,000 to anti-drinking programs and perform community service

Inspired in part by the Hutsell case, a law signed last month increased penalties for adults who knowingly allow underage drinking in their homes. Under the new law, adults could get one to three years in prison and a fine of up to $125,000 if they let teens drink and it leads to serious injury or death.

grapes<http://www.localnewswatch.com/benton/stories1/index.php?action=fullnews&id=66466>   
  
  
  
  
  
  
**20.** **Wine Shipping Bill Signed by the Governor (Illinois)  
New Law Brings Illinois in Compliance With U.S. Supreme Court Decision While Maintaining the Direct Sale of Wine to Consumers***MPAG*  
October 3, 2007

Wineries in Illinois and throughout the country will be able to sell their products to consumers more easily under legislation signed by Gov. Rod Blagojevich today.

The wine shipping law upholds Illinois' ability to regulate shipments of wine from both in-state and out-of-state wineries, and preserves the state's control of alcohol entering the state.

Under HB 429, in and out of state wineries may now ship up to 12 cases of wine per year directly to a consumer. Wineries must obtain a winery shipper's permit from the Illinois Liquor Control Commission, which enables the Commission to more easily collect the appropriate taxes. The law also includes safeguards to prevent shipments to underage individuals and gives the Liquor Control Commission the power to conduct Internet stings and revoke the license of violators.

HB 429 permits wineries that produce less than 25,000 gallons of wine per year to sell up to 5,000 cases annually directly to retailers. HB 429 is being hailed as a law that is good for consumers, wineries and Illinois businesses.

"The intent of this provision is to permit small wineries to sell their wines directly to retailers," Illinois Grape Growers and Vintners Association President Paul Renzaglia says. "By signing HB 429, the governor has given our young industry the ability to grow and prosper."

HB 429, which was overwhelmingly approved by the Illinois General Assembly earlier this year, goes into effect June 1, 2008. The newly signed law brings Illinois into compliance with a 2005 Supreme Court decision, Granholm v. Heald, which provides that no state may "ban or severely limit the direct shipment of out-of-state wine while simultaneously authorizing direct shipments by in-state producers." HB 429 complies with Granholm v. Heald by treating in-state and out-of-state wine producers equally and evenhandedly.

"This legislation reaches our objective of bringing Illinois into compliance with the Supreme Court's Granholm decision," Jerry Rosen, executive director of the Beverage Retailers Alliance of Illinois says. "I would like to commend everyone for their time and efforts in accomplishing this goal."

"Illinois wineries produce high quality products that can compete with the wines from other states," said Paul Jenkins, Executive Director of the Wine and Spirits Distributors of Illinois. "We are proud to work with Illinois wineries to help market and distribute their products."

HB 429 is compromise legislation supported by a coalition representing Illinois' alcoholic beverage industry, including the Illinois Grape Growers and Vintners Association (IGGVA), Associated Beer Distributors of Illinois (ABDI), Wine Institute, Wine and Spirit Distributors of Illinois (WSDI), and Beverage Retailers Alliance of Illinois (BRAI). The industry recognized the need to comply with the Granholm v. Heald decision while maintaining Illinois' ability to regulate and control the importation of alcoholic beverages into the State.

"Today's bill signing caps years of work and great compromise between many stakeholders," Bill Olson, president of the Associated Beer Distributors of Illinois, says. "By enacting HB 429, the governor has ensured a safe and competitive marketplace for consumers, wineries and Illinois retailers."

grapesThe Illinois House approved HB 429 in June with 92 voting yes, 6 voting no and 2 voting present. The Illinois State Senate acted two months later, approving the measure with 49 voting yes, 5 voting no and 2 voting present.  
  
  
  
  
  
  
**21.** **State to Receive Grant to Curb Underage Drinking (Kansas)**

*Garden City Telegram*October 2, 2007

A grant of almost $10.5 million for the next five years to the state of Kansas will enable some cities and towns in the state to plan projects they hope will curb underage drinking in their communities, according to the Kansas Social and Rehabilitative Services.

Kansas SRS is requesting applications from communities for planning grants through the Kansas Strategic Prevention Framework Grant to Reduce Underage Drinking. At least 85 percent of the state's funds must go directly to communities to develop and carry out prevention plans.

After awarding six to 10 planning grants of about $40,000 each, the communities that develop their plans will be eligible for a portion of the state's remaining grant funds, about $8.4 million, to implement the programs, according to SRS.

There are many possibilities for use of the funding, said John Calbeck, director of the Southwest Kansas Regional Prevention Center. The prevention centers are charged with helping communities in their areas to develop plans, he said. His center covers 25 counties in the southwest corner of the state.

Some possibilities include enhancing local policies on underage drinking, emphasizing retailers' consequences for selling to minors with marketing, implementing school programs or identifying high-risk portions of a community's population.

Becky Thomas, a community prevention consultant at the prevention center, said the funds allow for an "exciting opportunity" for many sectors of the community, from law enforcement to educators to faith leaders, to work together toward a common goal of prevention.

In Finney County, the community health coalition already has collaborated with other agencies in town during the past year in some efforts to address underage drinking, according to Lois Limes, community prevention consultant with the prevention center.

The coalition and agencies presented several panel discussions with representatives from law enforcement, schools, Youth Services, Finney County Jail, and alcohol and drug assessment services, Limes said.

A community-based approach to prevention of underage drinking often has proven to be more effective than efforts that come down from the federal or state level, according to Calbeck.

Another benefit of the grant is the opportunity to track data over the period it is administered, which gives feedback to local leaders, along with federal grant administrators, Thomas said. She said she hopes the data shows that the programs implemented are effective.

"It would go a long way to justify funding toward prevention programs," she said.

The Center for Substance Abuse Prevention has awarded 37 grants to states to spur community prevention programs, according to the center's Web site.

grapesPre-applications are due to Kansas SRS from communities by Oct. 19, and by Oct. 29 the SRS will invite selected communities to submit full grant applications. Communities are chosen based on the prevalence of underage drinking in their area and their readiness and capacity to commit to the planning process, according to SRS.  
  
  
  
  
  
  
**22.** **Wet-Dry Issue Gets Hot Quickly in 3rd District (Kentucky)  
Councilwoman, Alcohol Supporters Clash at meeting**Sheryl Edelen  
*The Courier-Journal*October 3, 2007

Serious discussion of a wet-dry vote in Louisville Metro Council District 3 has just begun, but the issue already became heated tonight as those on each side clashed publicly for the first time.

Within the first half hour of a public meeting to discuss several community issues, including the wet-dry voting procedure, alcohol supporters and Metro Councilwoman Mary Woolridge butted heads after the crowd was told there would be no opportunity for public input.

"I do live in her district, I do vote and I voted for her, but I won't be voting for her again," Neumann said.

Algonquin Parkway resident Marsha Bailey agreed, saying the idea of an alcohol ban just didn't make sense to her.

"There's crime in dry areas as well; there's crime everywhere," she said. "If it's a problem, then the whole county should be dry."

Woolridge told those remaining at tonight's meeting that she's heard constant resident complaints about crime in her district, which includes Shively and parts of the Algonquin, Hallmark, Park Hill and Park DuValle neighborhoods.

She quoted police statistics on rape, murder, assault and theft that occurred this year within a half-mile of Wilson Avenue and Dixie Highway.

"It just goes on and on and on," she said. "As they said in District 5, enough is enough is enough."

Tonight's meeting came three weeks after voters in four precincts in District 5 chose to ban alcohol sales there. Residents of those precincts, which consist of a large swath of Shawnee and a sliver of Portland, said the stores were attracting crime.

Store owners disagreed, saying their businesses were a benefit to the community.

According to the Metro Department of Inspections, Permits & Licenses, 62 businesses hold alcohol licenses within 13 of District 3's 20 precincts. Seven do not have any liquor license holders.

If a wet-dry vote passes in any of those precincts, no alcohol could be sold there for at least three years, when the status could be challenged again.

Woolridge said an alcohol ban would not include Shively because, as a separate municipality, its city officials are well-equipped to handle the issue themselves. Forty-nine of the district's license holders operate within Shively.

Shively Mayor Sherry Conner attended tonight's meeting, saying she remains concerned about the issue even if Shively remains wet.

"I'm just concerned about the possibility of those problems moving our way," she said.

Whatever happens, license holders in the district such as Joe Siemens and Jim Martin, co-owners of White Owl Liquors at 1318 Dixie Highway, want to be ready. They were among several license holders at tonight's meeting.

Siemens said the idea of a ban has "a lot of flaws."

Martin, 79, said his family has owned and operated the business since 1958 and that the store has played host to both mayors and governors over the years.

"It's unconstitutional for them to do that." said Martin. "If you're against drinking and hate the people involved, that's not right," he said. "Licenses are legal."

Bishop Walter Smith Jr., pastor of the New Horizon Full Gospel Baptist Church, said before the meeting that alcohol sales have hurt the community far more than they've helped it.

Since moving to the church's current location at 2202 Dixie Highway in 2000, members have become accustomed to seeing beer and liquor bottles around a nearby basketball court where teens regularly play, Smith said.

They also have gathered signatures to fight a series of applications for liquor stores in the area.

"It seems like every vacant building that comes open in the neighborhood that somebody wants to put in a liquor store, and it's wreaking havoc on our community," Smith said. "We're trying to preserve our community."

In the District 5 precincts that voted to go dry last month, state law gives the five affected businesses 30 days to appeal the decision through a lawsuit filed against the county in Jefferson Circuit Court. If no appeal is filed, they will be required to stop selling alcohol by Nov. 10.

Jimmy Mohammed, who owns F&Y Market at 3801 W. Market St., said his attorneys have been examining aspects of the election and how it was conducted.

Under state law, owners of package liquor stores are allowed to sell their inventories to other licensees after their licenses expire.

Mohammed said the businesses are scapegoats for larger neighborhood ills.

"They're too scared to go up against the drug dealers in the area, and they're the ones putting drugs in their kids' hands," Mohammed said. "I'm not putting alcohol in their kids' hands. We're going to support the owners in that area, like they supported us."

Woolridge said there will be other public meetings on the issue and that she'll follow the will of her constituents.

grapes"They seem to want to take some areas dry," she said.   
  
  
  
  
  
  
**23.** **Commercials Target Underage Drinking Problems (Massachusetts)  
Parents of Berkshire County teenagers have a new resource to help curb risky and unhealthy behaviors in their children.**

*Iberkshires*

September 26, 2007

Thanks to collaboration among law enforcement and several social and health agencies throughout the county, a series of commercials have been created with the intention of educating parents about the best ways to talk to their children about underage drinking.

"It's not simply illegal; it's unhealthy and dangerous," said District Attorney David F. Capeless. "What we're trying to do is express to adults that they need to set an example. In the community, we're talking the talk but not walking the walk."

The commercials will run 51 times per week on select Time Warner Cable channels, including Comedy Central, the Discovery Channel, ESPN and during Boston Red Sox baseball games and Monday Night Football through the end of the year and into January.

Partners used data from the 2006 Berkshire County Prevention Needs Assessment Survey, which surveyed more than 2,800 eighth, 10th and 12th graders in the county about their participation in substance abuse and anti-social behavior and the risk and protective factors that predict those problem behaviors.

From that survey, officials at the Northern Berkshire Community Coalition, Berkshire Health Systems, the Berkshire United Way, and the South Berkshire Youth Coalition determined two major concerns of school-aged children - "that outside of the school environment, teenagers don't feel appreciated by adults for their positive qualities and that teens don't believe their parents consider underage drinking to be a serious problem."

"We found some pretty startling statistics, some pretty startling data, that gave us pause," said Alan Bashevkin, the executive director of NBCC.

The two commercials - titled "Bringing Up Bobby" and "Talk to Them" - address the issues outlined in the survey and feature Capeless in a public service announcement format. On the air since the beginning of September, the informational commercials educate parents on the concerns of Berkshire youth and provide them with an opportunity to get more information.

"The vast majority of kids are making the right decisions and we want to promote that. It's just that we need a common message that goes across the whole county and we'll be much stronger," said Ruth Blodgett, the senior vice president of Berkshire Health Systems.

grapes"The publicity of alcohol is pervasive in our society, but you have to begin somewhere," said Eric Bruun, a steering committee member of SBYC. "Commercials are the most cost-effective way to reach the most people."  
  
<http://www.iberkshires.com/story/24577/Commercials-Target-Underage-Drinking-Problems.html>   
  
  
  
  
  
  
**24.** **Democrats’ Refusal to Pass Temporary Budget May Shutter Michigan Government, Prevent Restocking Liquor Stores (Michigan)**

*Beverage News Daily*September 27, 2007

The Michigan Legislature adjourned Wednesday without a deal on a temporary budget, increasing the likelihood that the state government would shut down next week, shuttering parks, preventing liquor stores from getting new supplies and threatening Detroit's casinos.

The state faces a projected $1.75 billion budget shortfall.

The Republican-controlled Senate already has passed a 30-day temporary budget extension, but the Democratic-run House hasn't acted on it because that party wants assurances a higher income tax will be part of the deal.

"In the event the Legislature forces us into a partial government shutdown, it is our intention to continue the most vital services until a budget resolution is reached," Gov. Jennifer Granholm, a Democrat, said in a statement.

The state stands to lose about $450,000 a day in taxes if the Detroit casinos close, and the city of Detroit would lose about $440,000 a day, casino spokesman Roger Martin said.

"It's absolutely shameful. It's all politics. That's what this is all about," said Mel Grieshaber, executive director of the Michigan Corrections Organization, a union representing more than 10,000 prison guards and correctional officers.

"Citizens must understand, a shutdown of government will have drastic consequences, and there will be nothing partial about it," spokesman Matt Marsden said.

grapesHouse Majority Floor Leader Steve Tobocman, a Democrat from Detroit, said his party's negotiators want to avoid a shutdown. But he was adamant that a tax increase should be included in the plan.  
  
  
  
  
  
  
**25.** **Judge Strikes Down Breath Tests for Pedestrians (Michigan)**

*Associated Press*September 26, 2007

A federal judge in Michigan says it's unconstitutional to force pedestrians to take breath tests without a search warrant.

U.S. District Judge David Lawson issued an injunction today blocking enforcement of a state law that penalizes pedestrians under 21 who refuse such tests.

The American Civil Liberties Union says Michigan is the only state in the country that requires non-drivers to submit to breath tests without a warrant.

The ACLU filed suit on behalf of 4 college students who said they had to blow into portable breath testers after a 2003 post-prom party. 1 of the students was issued a citation accusing him of being a minor in possession of alcohol.

<http://www.woi-tv.com/Global/story.asp?S=7133892&nav=1LFX>   
  
  
  
  
  
 **26.** **High School T-Shirts Cause Controversy (New Hampshire)  
Parents, Students Angry About T-Shirt Design***WMUR News*September 28, 2007

Some parents and students are angry about Oyster River High School's senior T-shirts.

The front said Oyster River High School seniors. The back said 08 Pushing The Limit, with a little paw print that resembled a decimal point before the numbers.

Students said the .08 is a reference to the blood alcohol limit.

It is not clear who created the shirts, but students said they were paid for by the senior class.

The school's superintendent said he will investigate who designed the shirts and who approved them. High school officials would not comment on the controversy.

The shirts have not been banned, but a letter was sent home urging parents not to let their children wear them to school.

grapes<http://www.wmur.com/news/14232244/detail.html>  
  
  
  
  
  
  
**27.** **Liquor Chief Takes a Tough Approach (New Hampshire)**

Mark Hayward  
*New Hampshire Union Leader*October 1, 2007

On June 8, 2005, Eddie Edwards took over the job of enforcing liquor laws in the state of New Hampshire. About a month later, a man fired four shots into the Omega nightclub in downtown Manchester, and bar owners across the state learned that a new sheriff was in town.

Within six months, Omega lost its license to sell alcohol in New Hampshire. Others in Manchester quickly followed. Envy, Electra, Flo's Bar and Grill and Aborigen Restaurant and Bar either lost their license, surrendered it or dropped plans in the face of community opposition.

The change in enforcement was stark. For years, state liquor law enforcement officers did little, other than run stings on underage sales and visit bars and restaurants, said Patricia Russell, a commissioner of the New Hampshire Liquor Commission. But Edwards has a by-the-book approach to liquor law enforcement that is tougher than that of his predecessor, Aidan Moore, Russell said.

She added that Edwards, chief of the State Liquor Commission's Bureau of Enforcement and Licensing, has the commission's complete support.

"There's more bars, more drinking. We have to be vigilant, and Eddie is very vigilant," Russell said.

For his part, Edwards said he emphasizes education as much as fines or suspensions. When Omega became an issue, the first thing Edwards did was to meet with Manchester club owners to review liquor laws and encourage them to train their workers, he said.

"All across the country now, there's an energy toward addressing serious alcohol incidents," Edwards said. "This is a tone not that New Hampshire's taking, but that the country's taking."

That tone is evident in the increase in fines and suspensions under Edwards. During the 12 months before Edwards took office, the Enforcement Bureau issued 40 suspensions with fines.

In Edwards' first year, that number nearly quadrupled, to 151. Edwards' second year saw 91 suspension-fines, a drop that Edwards attributes to the success of the bureau's efforts.

Also, the Liquor Commission has toughened its penalties. Before Edwards, the fine for selling to an underage or intoxicated customer was $250. Now, it is $500, plus a three-day license suspension.

"The violations are pretty scary now," said Sandy Rozek, the director of wine and spirits for the 14 Common Man-owned restaurants and a board member with New Hampshire Lodging and Restaurant Association.

The industry has appointed a Liquor Alliance task force and is publishing a manual on how to stay out of trouble, she said.

Also, members are enrolling their employees in training classes, checking IDs carefully and counting the number of drinks that customers order.

grapes"We definitely caution after two," Rozek said about the Common Man.  
  
  
  
  
  
  
**28.** **Two Charged in Rider Alcohol Death Enter Program, Avoid Prison (New Jersey)**

*NJ.COM*October 01, 2007

Two of the three Rider University students charged with aggravated hazing in the binge-drinking death of an 18-year-old fraternity pledge today were accepted into a pretrial program that will enable them to avoid a trial and the risk of prison time.

Dominic Olsen, 21, of Kenilworth, who was the pledge master for the now-defunct Phi Kappa Tau fraternity, and Adriano DiDonato, 22, of Princeton, who was the fraternity's student residence director, were granted entry into the program by Superior Court Judge Mitchell Ostrer at a hearing in Trenton.

They received three years probation, 100 hours of community service, mandatory alcohol counseling and fines and penalties of about $200 each.

Michael Torney, 21, of Randolph were, who was also charged in the case, isn't eligible for the pretrial program and turned down an offer of a plea bargain. A hearing in his case was set for Nov. 27.

The pretrial intervention program enables a first-time offender to avoid trial without pleading guilty. If Olsen and DiDonato avoid additional problems with authorities, the charges will be dismissed at the conclusion of the PTI term. If a person taking part in PTI violates the terms of the arrangement, the individual would again face trial.

Olsen, DiDonato and Torney were indicted on charges of fourth-degree aggravated hazing in the death of Gary DeVercelly of Long Beach, Calif. The three maintain they were not in the room where DeVercelly was drinking and pleaded not guilty to the hazing charges. DeVercelly died March 30, two days after he attended a Phi Kappa Tau party on Rider's Lawrence Township campus where prospective members were told to drink large quantities of liquor.

Authorities said DeVercelly drank approximately one shot of vodka every minute to two minutes for 25 minutes, or three-quarters of a bottle, which led to alcohol poisoning. He later went into cardiac arrest and died.

Olsen and DiDonato have returned to Rider for their senior year. Torney has transferred to Franklin & Marshall University in Lancaster, Pa.

On Aug. 28, a Superior Court judge, acting at the request of the prosecutor's office, dismissed aggravated hazing charges against Anthony Campbell, 51, of Lawrence, the Rider dean of students, and Ada Badgley, 31, also of Lawrence, the director of fraternity life. The indictment of the two marked the first time in the United States that college officials had been formally accused of playing a role in a hazing death.

grapes<http://www.nj.com/news/index.ssf/2007/10/two_charged_in_rider_alcohol_d.html>   
  
  
  
  
  
  
**29.** **WSWA Hails New York Decision Upholding State-Bases Alcohol Regulation (New York)**  
*WSWA*October 2, 2007

The Wine & Spirits Wholesalers of America (WSWA) on Tuesday heralded a New York federal court decision that strongly affirmed the validity of the three-tier system for the distribution of alcohol and the right of states to prevent unregulated interstate sales and deliveries.

"The judge's opinion clearly and forcefully reinforces WSWA's view that the landmark 2005 Supreme Court decision in Granholm v. Heald preserved a state's right to protect its essential ability to control the distribution of alcohol. States not only have the right, but also the responsibility, to require that all alcohol be distributed through a controlled and regulated system designed to prevent underage access and ensure product integrity," WSWA President and CEO Craig Wolf said. "This decision in New York is a strong affirmation of state power under the 21st Amendment and will cast a long shadow over other pending cases."

The lawsuit arose from a complaint against New York's Alcoholic Beverage Control Law, in which the complainants sought to remove restrictions on direct shipments of wine by out-of-state retailers to consumers. In striking down the complaint, the deciding judge referred over and over again to the language in Granholm, which characterized the three-tiered system for the distribution of alcohol as "unquestionably legitimate."

"Because in-state retailers are the last tier in the state's three-tier system, plaintiffs' challenge to the ABC Law's provisions.is clearly an attack on the three-tier system itself," the decision said. "However, the Supreme Court reaffirmed the constitutionality of the three-tier system in Granholm, and therefore the plaintiffs' challenge must fail."

This decision comes on the heels of a series of court decisions in Maine, Tennessee, Delaware, Kentucky and Indiana which largely upheld state efforts to ensure the safe distribution of alcohol. It will likely influence judges deciding appeals arising from those cases, as well as other judges ruling on similar challenges in Texas, Michigan, California, New Jersey and Arkansas.

grapes"You have to wonder how long it will take before those bringing these lawsuits recognize, as the courts increasingly have, that alcohol is different, and should not be treated like other consumer products such as books, CDs and clothing," Wolf said.  
  
  
  
  
  
  
**30.** **Bill would Ban Alcohol Ads on Buses, Subways (New York)   
Subways and buses could soon become an alcohol-free ad zone if Assemblyman Felix Ortiz of Brooklyn gets his way.**Joe Mahoney  
*NY Daily News*October 4, 2007

Ortiz, the Sunset Park Democrat who authored the nation's first state law banning the use of hand-held cell phones by drivers, now is targeting public transit advertising beckoning riders to imbibe liquor, wine and beer.

It's not that Ortiz, chairman of the Assembly Committee on Alcoholism, is a modern-day prohibitionist. Far from it. In fact, he'd like to lower the legal drinking age in New York from 21 to 18.

It's just that he thinks the subways provide a captive audience of too many people who shouldn't be getting the message that alcoholic drinks are an essential ingredient for lusty romance and fun in the surf.

"We have so many problems in our society with underage drinking that we don't need this kind of advertising in our public transit systems," said Ortiz. He charged the industry is targeting a "vulnerable population."

"They are spending all this money on advertising featuring beautiful young women and handsome young men because they want us to believe that if you drink, that's what you're going to look like," he said. "But if we can pass this in New York, I think the whole nation will pay attention."

The Metropolitan Transportation Authority has "no position" on the legislation, spokesman Jeremy Soffin said. Alcohol accounts for $3 million to $5 million of the agency's total ad revenue of about $100 million a year.

Frank Coleman, spokesman for the Distilled Spirits Council in Washington, a lobbying group, argued, "Blanket bans are not effective."

Coleman said the booze industry has adopted an advertising code that is a "model of social responsibility."

But Ortiz's idea drew quick support from the state Office of Alcohol and Substance Abuse Services, with spokesman Joe Morrissey saying such a ban would be "consistent with our strategy of preventing alcoholism across the state."

The bill would even ban transit-ad pitches by alcohol makers aimed at getting people to refrain from drinking too much.

grapes"We don't need Captain Morgan and Anheuser-Busch to tell us to drink responsibly," the assemblyman said.  
  
  
  
  
  
  
  
**31.** **Ohio's Restrictions on Out-of-State Wine Shipments Begin (Ohio)  
A law limiting shipments from large out-of-state wineries directly to Ohioans likely means consumers will have to pay higher prices and go back to buying from local stores.**

*Associated Press   
Oc*tober 2, 2007

The law, added as an amendment to the state budget in June and backed by a lobbying effort from Ohio wineries and the state's powerful Wholesale Beer and Wine Association, is drawing the ire of a watchdog group that says the measure was passed with little or no public debate.

The ban, which went into effect Monday, stops wineries that make more than 150,000 gallons of wine a year, or about 63,000 cases, from directly shipping to Ohio consumers a practice that began after a 2005 U.S. Supreme Court ruling said in-state and out-of-state wine producers must be treated equally.

More than 100 Ohio wineries fall under that limit and are unaffected, according to the Ohio Wine Producers Association.

But the ban will affect thousands of Ohioans who have wine shipped from California and other places. It also means that Ohio wine drinkers will likely have to pay higher prices in stores, as well as miss out on limited-edition wines available only from out-of-state wineries.

State senators have said they were trying to protect Ohio's wine industry by including the ban in the budget.

''For me it was an economic-development issue dealing with the overall interest of promoting Ohio wineries,'' said state Sen. Tim Grendell, a Republican whose district covers Geauga County and is home to several wineries.

Grendell and state Sen. Jeff Jacobson, a Dayton-area Republican, teamed up to get the ban added in a June 12 amendment in the Senate Finance Committee. It was one of dozens of minor changes to the budget bill before it left the committee.

Grendell acknowledged that the Wholesale Beer and Wine Association, whose political action committee has given him $8,000 since 2004, pushed for the language.

''But it was the legislature and the legislators that decided the right way to go,'' he said.

Watchdog group Ohio Citizen Action said the ban should have been publicly debated before lawmakers voted.

''What we're talking about is not just access, it's cutting a deal that no one actually knows about until it's over,'' said Catherine Turcer, the group's legislative director.

But Jacobson said the matter was thoroughly discussed among lawmakers in June. He said he even spoke with a lobbyist for the large out-of-state wineries.

''This had plenty of discussion within the Senate," Jacobson said. ''It would be impossible for every issue in every budget bill to be one that people spend hours and hours talking in a public meeting about.''

One of the main architects of the state budget Republican state Rep. Matthew Dolan of suburban Cleveland said last week that he thought the ban would affect just retailers, not consumers. Dolan, the chairman of the House Finance Committee, said he'll seek to overturn the ban.

State Rep. Bill Seitz, a Cincinnati Republican, said he tried to raise the gallon cap from 150,000 to 250,000 before the budget reached a joint House-Senate conference committee, but Dolan turned him down.

Seitz said he thought Dolan didn't fully understand the meaning of the measure.

''It's understandable because he was chairman of finance and had a million things on his plate,'' Seitz said.

COLUMBUS: A law limiting shipments from large out-of-state wineries directly to Ohioans likely means consumers will have to pay higher prices and go back to buying from local stores.

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grapes<http://www.ohio.com/news/break_news/10176946.html>   
  
  
  
  
  
  
**32.** **Parents Being Warned of Look-Alike Alcohol Energy Drinks: Youth May be Target (Oregon)**

*Creswell Chronicle*October 1, 2007

Caffeine-based energy drinks such as Rock Star, Sparks and Tilt have been a hit with young people for several years, but a new wrinkle has officials, prevention groups and parents worried - alcohol-based energy drinks in similar-looking containers that may become the latest alcohol craze for minors.

According to the Marin Institute, 31 percent of 12- to 17-year-olds and 34 percent of 18- to 24-year-olds regularly consume energy beverages. Producers of alcohol energy drinks are capitalizing on this popularity in their marketing strategies - including using look-alike cans, says the Institute. For instance, the Rock Star brand has both non-alcohol and alcohol-based energy drinks in cans which are very similar in appearance.

With guidance from Executive Director Steve Pharo and Enforcement and Field Operations Director Linda Ignowski, the OLCC is approaching this problem on several levels. We will be alerting licensees and parents through a public information campaign to help ensure that these alcohol energy drinks aren't winding up in the wrong hands. Also, our minor decoys will be taking these alcohol energy drinks to the counter during routine compliance checks - to see if clerks are checking ID on these products.

"Alcohol energy beverages are legal for adults, but some of the packaging can be confusing and that's what bothers us," Pharo said. "Parents can't easily tell the difference between regular and alcohol energy drinks, and some store clerks have even placed the products alongside their non-alcoholic counterparts."

This was demonstrated recently when an OLCC inspector counted nine different energy drinks in the beer cooler of a Portland-area convenience store, with alcohol content ranging from six to eight percent.

"The cans closely resemble the typical energy drink cans," he said. "An employee told me he had mistakenly inventoried the drinks as (non-alcohol) energy drinks. This means they didn't ring up as alcohol at the cash register. Consequently, the age verification equipment software didn't ask the cashier to input a date of birth at time of purchase."

There are also health concerns about young people and the high doses of caffeine bringing on anxiety and panic attacks, increasing blood pressure - and masking the intoxicating effects of alcohol, which may increase risk-taking.

**Examples of some brands containing alcohol:**

Sparks (8.0% alc.)

Sparks Plus (7.0% alc.)

Sparks Light (8.0% alc.)

Tilt (8.0% alc.)

Tilt Light (6.6% alc.)

Liquid Core (6.9% alc.)

Liquid Charge (6.9% alc.)

Rock Star 21: green label (6.0% alc.)

grapesRock Star 21: yellow label (6.0% alc.)  
  
  
  
  
  
  
**33.** **Supreme Court wont Hear Appeal of Rhode Island's Franchise Liquor Store Law (Rhode Island)  
The U.S. Supreme Court rejects an appeal challenging a Rhode Island law that bans liquor sales by franchise stores.**

*Associated Press*October 1, 2007

Wine and Spirits Retailers sued over the law in 2004, arguing that it was unconstitutional and violated its free speech rights.

The company had franchise agreements with several stores in the state.

Though state authorities enacted the law in 2004, they delayed enforcing it for two years while a legal challenge was pending.

grapesThe law prevents business owners from using names that suggest their store is part of a franchise. Richard Berstein, a lawyer for the state Department of Business Regulation, says the court's decision means the department will continue enforcing the law.  
  
  
  
  
  
  
**34.** **Supreme Court Upholds Former Police Chief's Conviction (South Dakota)**

*Sioux City Journal*September 28, 2007

The South Dakota Supreme Court has upheld former Centerville Police Chief Rayne Adamson's convictions for witness tampering and furnishing alcohol to underage girls while he was in private business.

Prosecutors presented enough evidence to support Adamson's conviction for witness tampering, the high court said Thursday in a 4-1 ruling.

Several years after resigning as police chief, Adamson was accused of statutory rape for having sex with a 14-year-old girl in August 2005. Prosecutors also alleged that he influenced the testimony of the girl and her mother by providing $500 to help hire a lawyer to represent the girl.

A jury last year acquitted Adamson, co-owner of a Centerville bar, on charges he had sex with the 14-year-old girl. But jurors convicted him of two counts of witness tampering and two counts of furnishing alcohol to people under the legal drinking age of 21.

Adamson was sentenced to eight years in prison.

Adamson resigned as police chief in 2002. That year, his wife was found dead in their home with a single gunshot wound to the head. Officials earlier this year said that case is still open and it was never determined if the death was suicide or homicide.

"It's still a pending investigation," Turner County State's Attorney Tiffani Landeen-Hoeke said Thursday.

In September 2005, a grand jury indicted Adamson on 12 counts relating to accusations he had sex with the 14-year-old girl, had illegally tampered with witnesses and had furnished alcohol to underage drinkers.

Many of the charges were later dismissed, and the jury convicted Adamson only for witness tampering and furnishing alcohol to young people.

The 14-year-old girl's mother talked with Adamson at least three times between the time accusations were made and the indictments were issued by a grand jury. The mother said she told Adamson she was afraid her daughter could get in trouble for filing a false report.

Evidence indicated that Adamson advised the woman to get a lawyer for her daughter and gave her $500 because the woman did not have enough money to pay the lawyer a retainer.

Prosecutors said phone records showed Adamson had talked frequently with the girl or other witnesses, and Adamson paid for the girl's lawyer so she would change her story.

Adamson argued that the girl changed her story and said nothing happened three weeks before he helped find a lawyer for her.

The Supreme Court said the jury had substantial evidence to support Adamson's conviction for witness tampering because his actions indicate an attempt to get them to lie or withhold evidence. A witness said Adamson asked her to tell the 14-year-old girl to lie, and Adamson gave a benefit to the girl and her mother when he helped find the girl a lawyer and provided a loan to help pay for the lawyer, the justices said.

Adamson also argued he was denied a fair trial when the state used some of his telephone records as evidence but did not provide those records to him until a week before the trial. The Supreme Court said Adamson had adequate notice because the prosecution notified him five months earlier of its intention to use phone records as evidence.

Justice Judith Meierhenry dissented, saying she would find there was insufficient evidence to support the witness tampering conviction. Meierhenry said she also believes the phone records should not have been used as evidence or the trial should have been delayed to give Adamson more time to review the records.

grapes<http://www.siouxcityjournal.com/articles/2007/09/28/news/south_dakota/0c44b837f2368f2286257364000d7c2b.txt>   
  
  
  
  
  
  
**35.** **Liquor Store Employees Accused of Bootlegging Alcohol (Texas)  
Investigators say the employees took more than $250,000 in liquor and beer from the business over two years.**

*American Statesman*October 02, 2007

Texas Alcoholic Beverage Commission agents have accused nine Twin Liquors employees of taking hundreds of thousands of dollars' worth of liquor and beer from the business and selling it.

All nine men were indicted by a Travis County grand jury Friday and charged with engaging in organized crime, a first-degree felony. Bail was set at $50,000 for each.

Commission officials say the employees took more than $250,000 in liquor from two Twin Liquor warehouses where they worked, one on Seventh Street and another on Stassney Lane, over the past two years.

Twin Liquors President David Jabour would not discuss details of the case Monday night.

Jabour said Twin Liquors opened its first store in Austin 70 years ago and has grown to 53 stores in Central Texas.

Commission spokeswoman Carolyn Beck said Twin Liquors management came to commission officials in late June after they noticed discrepancies in their inventory. She said investigators are not sure to whom the liquor was sold.

"They could have been going anywhere," Beck said. "They could have been going to minors; we just don't know."

grapesThose indicted are: Pedro Arredondo, 36; Victor Diaz, 24; Alfonso Gonzalez, 44; Sean Hills, 34; Frank Martinez, 41; Francisco Perez, 31; Jesse Serrano, 38; Roberto Saldaña, 46; and Enrique Zepeda, 36.   
  
  
  
  
  
  
**36.** **Alcoholic Drinks May Be Pulled from Utah Stores (Utah)***Associated Press*October 1, 2007

Utah regulators will try and remove alcoholic beverages from grocery stores and make them available only in state-operated liquor stores. (AFP) SALT LAKE CITY - Utah's liquor regulators are moving to pull flavored malt beverages from grocery and convenience store shelves.

The Alcoholic Beverage Control Commission voted 5-0 on Friday to direct staff members to prepare a regulation that allows only state liquor stores to stock the alcoholic drinks.

Attorney General Mark Shurtleff had urged Utah legislators to crack down, but liquor commissioners said they can do it on their own.

“The rule is within our authority to make,'' Commissioner Bobbie Coray said. “We don't need to run to the Legislature for every little thing.''

Commissioner Kathryn Balmforth called the Legislature “a meat grinder'' easily influenced by the liquor industry, and said there was no guarantee lawmakers would act.

Shurtleff says the drinks are flavored and packaged to appeal to minors, who can't buy them. Yet Shurtleff insisted minors were the main consumers of malt drinks, which have the same amount of alcohol as store-bought beer in Utah.

“I'm grateful that the DABC recognizes the concern of youth access to 'alcopops,”' Shurtleff said in a statement. “These drinks are not beer and should not be sold like beer.''

The liquor commission is moving to classify the beverages as hard liquor that can be sold only at the 38 state liquor stores and 100 rural package agencies across Utah.

Allen Whittle, vice president of the Utah Hospitality Association, said the crackdown will worsen Utah's image as a place where it can be hard to find a drink. Wine and hard liquor can be served only at some restaurants and at members-only private clubs. Jim Olsen, president of the Utah Food Industry Association, said the new regulation was unnecessary.

grapes“Obviously, we want to keep it the way it is,'' Olsen said. “We don't think the consumers are all that confused.''  
  
  
  
  
  
  
**37.** **UW-Madison Introduces New Football Game Drinking Policy (Wisconsin)  
Previously ejected students must take breathalyzer test before events**

Ashley Niedringhaus  
*Marquette Tribune*  
September 27, 2007

College sporting events are known for their pre-game drinking traditions, but the new "Show and Blow" program at UW-Madison may put a damper on the drinking before football games for some students.

The program, proposed by the Assistant Dean of Students Ervin Cox, was launched at last Saturday's Big Ten opener against Iowa. Students who were previously ejected from or received drinking citations at Badger games are required to blow into a Portable Breathalyzer Test to prove their sobriety.

John Lucas, a UW spokesman, said students who are of legal drinking age must blow a 0.08 and those under 21 must be completely sober and blow a 0.00.

Only 38 people signed up to be tested and it is unknown how many people actually complied, said Lucas. The program is being enforced on an "honor system," but if the administration finds out that a student was supposed to be tested and did not go, they will face other consequences, he said.

Lucas said the breathalyzers were implemented because the campus alcohol problem seemed to be enhanced by home football games - especially the night games.

"This is one way we have tried to address that problem," Lucas said.

The program will not be enforced at every game, and it only applies to students who have been ejected from games in the past.

"We're saying it's a privilege to come inside the Badgers' stadium," Lucas said.

He said he was unsure if the breathalyzing would continue at other home games. He said alcohol is not a big issue at basketball games, but is at hockey home games.

A UW-Madison senior and football season ticket holder, Katie Zignego, said students are not changing their pre-game rituals.

"Everyone I know still drinks just as much before the games as before the rules. As long as you're in control and steer clear of the cops it is not a big deal," Zignego said. "Drinking is definitely a big part of the game experience."

But at Marquette, students have a different relationship with the big-ticket home games since the Bradley Center is not university owned, said Department of Public Safety Lt. Paul Mascari.

But, according to the university handbook, because the games are a school event, the university alcohol policy still applies.

The Marquette University alcohol policy states that "members of the university community are subject to all state, county and municipal laws or ordinances regarding the sale and use of alcoholic beverages."

According to Mascari, the university alcohol policy would apply for Marquette home games at the Bradley Center and any decisions to eject or cite students for alcohol abuse is the Bradley Center's decision.

Additionally the university policy states, "a person is responsible for his or her own actions at all times."

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**38.** **Man Drowns in La Crosse During Oktoberfest Celebration (Wisconsin)  
Police Say Alcohol Was a Factor**Associated Press  
October 2, 2007

Alcohol was apparently a factor in the death of a man who plunged from a bridge in La Crosse into the Mississippi River during the weekend.

The La Crosse County medical examiner said Christopher Melancon, 24, of Milwaukee, had a blood-alcohol level of 0.24 percent when he died. That's three times the state's legal limit for intoxication.

Eyewitness accounts conflict on whether the Bloomington, Minn. native jumped from the bridge or fell.

The incident marked the second straight year that a drowning occurred during the city's initial Oktoberfest weekend.

Exactly one year ago Sunday, University of Wisconsin-La Crosse student Luke Homan drowned in the Mississippi River after a night of drinking. Homan was the eighth college-age man since 1997 to turn up dead in a river after going missing from a tavern.

Police initially described Melancon as a college student in the Twin Cities area, but his mother said that she doesn't believe he was enrolled in school, although he had been living in Bloomington.

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**39.** **High Court Hears Case against Madison Bar Owners (Wisconsin)  
Drinkers in Madison were wrongly cut off from 2-for-1 beer deals and cheap shots of liquor by bar owners who fixed their prices, a lawyer told the Wisconsin Supreme Court on Wednesday.**

Ryan J Foley  
*Associated Press*October 3, 2007

Lawyer Kay Hunt asked the justices to reinstate a lawsuit claiming a 2002 agreement by 20 bars to ban drink specials on weekend nights was an illegal price-fixing conspiracy. Her Minneapolis law firm represents drinkers who claim they were overcharged as a result of the ban.

"Here you have a group of competitors that bound together to eliminate drink specials," she said. Their deal, she said, "constituted an unreasonable restraint of trade."

The court, which heard about 75 minutes of oral arguments on Wednesday, will decide whether to uphold lower courts' dismissal of the case or to reinstate it.

The bars, about half of those near the UW-Madison campus, announced in September 2002 they would voluntarily ban drink specials on Friday and Saturday nights after 8 p.m.

At the time, some city officials were threatening to ban drink specials altogether and university officials were pressuring bar owners to help reduce binge drinking among students.

Hunt's firm filed the suit in 2004 on behalf of UW-Madison students and other customers who sought "tens of millions of dollars" in damages for being forced to pay too much for their booze.

The bars withdrew the ban after the lawsuit was filed. A university-sponsored study showed that serious alcohol-related crime continued to go up despite the policy.

A judge dismissed the case in 2005 and an appeals court upheld the decision last year. Both courts said the bars' action was exempt from antitrust laws because they were reacting to regulatory pressure from the city, a position argued by the bars' attorney.

"This wasn't some secret meeting of the bar owners," said Kevin O'Connor, a lawyer representing the bars and the Dane County Tavern League. "This was all initiated by the city."

O'Connor said the case, if allowed to move forward, would make it difficult for cities to regulate alcohol. Bar owners will not work with regulators if they fear being hit with an antitrust lawsuit, he said.

Eric Wilson, a state lawyer representing UW-Madison, backed up that argument. He said the case was not about price fixing but about trying to combat dangerous drinking among college students.

"The bars tried to work with the city and the university to be part of the solution, rather than part of the problem," he said.

Justices did not indicate how they intend to rule and had tough questions for both sides. Chief Justice Shirley Abrahamson called the case "very difficult."

Bar owners should be applauded for helping the city with a major problem, she said. But government officials should not be allowed to "bully individuals or businesses to do things that are contrary to the law," she said.

Justices N. Patrick Crooks and Ann Walsh Bradley removed themselves from the case for unspecified reasons.

<http://www.madison.com/wsj/home/local/index.php?ntid=249258&ntpid=4>