

**STATEMENT OF COMMISSIONER PAMELA JONES HARBOUR
CONCURRING IN PART AND DISSENTING IN PART**

Regarding the 2008 Report on Self-Regulation in the Alcohol Industry

File No. P064505

Today the Commission issues its third report on self-regulation in the alcohol industry. This report reflects excellent work by Commission staff, and I concur in the Commission's decision to release it. I dissent in part, however, because I would prefer that the Commission take a tougher stance against alcohol advertising to underage audiences. Specifically, I disagree with the Commission's recommendation that the industry maintain the current 70 percent baseline standard for alcohol advertising.

Underage drinking is a serious public health and safety issue in the United States. Alcohol consumption is the leading drug problem among our youth. According to *The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking*, approximately 50 percent of young people have had an alcoholic drink by age 15, and approximately 90 percent have done so by age 21.¹ Harsh statistics quickly shatter the myth that alcohol is a "safe" drug for young people. Each year, more than 5,000 youths die of alcohol-related injuries involving underage drinking.² Beyond this startling death toll, underage drinking also is associated with an increased risk of physical and sexual assault, academic failure, and illicit use of other drugs.³ The consequences of underage drinking can be devastating for young people, their parents, and their communities.

Popular culture – especially consumer advertising – idealizes the effects of alcohol and increases the pressure on young people to engage in underage drinking. To counteract this powerful influence, the alcohol industry must shoulder some responsibility for reducing youth exposure to alcohol advertising.

The industry has taken important steps in the right direction. In 2003, at the Commission's recommendation, the three major alcohol industry trade associations adopted improved self-regulatory standards for the placement of alcohol advertising in print, radio, and television media. According to these standards, at least 70 percent of the audience for each advertisement must consist of adults of legal drinking age. Since 2003, Commission staff has actively monitored alcohol advertising, working with industry trade associations as well as individual companies, to facilitate compliance with the 70 percent standard.

Today's report identifies practices that may improve the management of alcohol advertising placements and thus increase the industry's compliance with the 70 percent standard. At this time, the Commission does not recommend a change in the baseline standard itself. The report

¹ U.S. DEP'T OF HEALTH AND HUMAN SERVS., *THE SURGEON GENERAL'S CALL TO ACTION TO PREVENT AND REDUCE UNDERAGE DRINKING 3* (2007), *available at* <http://www.surgeongeneral.gov/topics/underagedrinking/calltoaction.pdf>.

² *Id.* at 10.

³ *Id.* at 10-11.

recognizes, however, that alternative standards have been proposed. For example, the National Association of Attorneys General and the Center on Alcohol Marketing and Youth at Georgetown University each have proposed a standard that would limit alcohol advertising placements to media where 85 percent of audience members twelve and older are above the legal drinking age. Other organizations have proposed a 75 percent baseline standard.

The alcohol industry should enhance its current self-regulatory guidelines by raising the baseline standard for alcohol advertisements to 75 percent, as at least one alcoholic beverage company already has done. Today, our young people are tempted by a “‘Mardi Gras culture’ that equates heavy drinking, sexual exhibitionism and fun.”⁴ A more stringent standard would further limit tween and teen exposure to “images of sassy promiscuity”⁵ contained in alcohol advertising, which would help to curb the dangerous health and safety effects of underage drinking.

⁴ Janet Maslin, *Between Drinks, A Coming of Age*, N.Y. TIMES, Feb. 7, 2005, at E1 (quoting KOREN ZAILCKAS, *SMASHED: STORY OF A DRUNKEN GIRLHOOD* (2005)), available at 2005 WLNR 1682157.

⁵ *Id.*