

**TESTIMONY OF DAVID H. JERNIGAN PH.D.**

**TO THE**

**ASSEMBLY STANDING COMMITTEE ON ALCOHOLISM AND DRUG ABUSE  
ASSEMBLY COMMITTEE ON CONSUMER AFFAIRS AND PROTECTION  
NEW YORK CITY, OCTOBER 22, 2002**

My name is David Jernigan, and I am the Research Director of the Center on Alcohol Marketing and Youth at Georgetown University in Washington, D.C. In my remarks today, I will begin by setting the context for alcohol advertising and promotion to youth through a brief description of the profile and toll of youth alcohol use. I will then take a look at alcohol industry voluntary standards and efforts at self-regulation, and finally I will provide some results from our Center's efforts to monitor alcohol advertising exposure to youth audiences.

The consequences of youth alcohol use are real and tragic. Alcohol plays a substantial role in the three leading causes of death among young people: unintentional injuries such as motor vehicle crashes, falls and drownings; as well as suicides and homicides. Young people who begin drinking prior to the age of 15 are four times as likely to develop alcohol dependence as those who wait until they are 21 to drink. Yet the numbers of teens 12 to 17 who report having started drinking seems to be growing significantly, from 2.2 million in 1995 to 3.1 million in 1999. Monitoring the Future, the federal government's annual survey of drug use among schoolchildren, recently found that 16.6 percent of eighth graders reported having been drunk at least once in the past year. By the tenth grade, that number has increased to nearly 40 percent. Heavy drinking (alcohol consumed at the level of five or more drinks on a single occasion) accounts for nearly all of the alcohol consumed by teenagers.

Self-regulation in the alcohol industry is based on codes adopted by trade associations and the companies themselves. Because beer and distilled spirits are the largest alcohol marketers, I will focus on their codes in my brief remarks today. I will pair statements from the codes with examples of current advertising. The Beer Institute code says that "Beer advertising should not suggest directly or indirectly that any of the laws applicable to the sale and consumption of beer should not be complied with." Yet an advertisement for Sam Adams Light Beer showed a young man hiding his beer behind his back when a law enforcement officer came to the door of his apartment. Offended by the ad's apparent mockery of law enforcement, the National Liquor Law Enforcement Association endeavored for four months to get the company to pull the ad, and only succeeded after taking the story to the *Boston Globe*.

The Beer Institute code also states, "No beer identification, including logos, trademarks, or names should be used on clothing, toys, games or game equipment, or other materials intended for use primarily by persons below the legal purchase age." Yet a Heineken magazine ad depicts a Nintendo video game controller with two beer bottles taped to it,

and the tag line, “Add two more features to your controller.” The code says, “Beer advertising and marketing should not contain any lewd or indecent language or images,” a provision flaunted by numerous beer ads. The code stipulates, “Beer advertising and marketing materials should reflect generally accepted contemporary standards of good taste,” and “beer advertising and marketing materials should not portray persons in a state of intoxication or in any way suggest that intoxication is acceptable conduct.” Yet a current series of Coors television ads shows young people and young adults engaged in activities of questionable taste and exuberance suggesting intoxication, answering the question of why they are doing these things with the words, “Because we can.”

When asked about enforcing the code during the Sam Adams controversy, Beer Institute general counsel Arthur Decelle told the *Boston Globe* that enforcing the code “is not our job. The code is not going to work if we become the judge.”

On the distilled spirits side, the Distilled Spirits Council of the United States (DISCUS) code states that, “No distilled spirits advertising or marketing materials should contain advertising copy or an illustration unless it is dignified, modest, and in good taste.” Yet distilled spirits advertising regularly features scantily-clad models in suggestive poses. The DISCUS code is based on two general principles. The first is “to ensure responsible, tasteful, and dignified advertising and marketing of distilled spirits to adults who choose to drink.” Many would conclude that the recent magazine ad for Bacardi rum, showing a man licking a woman’s stomach, failed to live up to this standard. The current campaign for Cutty Sark whisky, including sexually explicit internet downloads available to any who are able to click “enter” to get into the site, is also lacking in this regard.

The second DISCUS principle is “to avoid targeting advertising and marketing of distilled spirits to individuals below the legal purchase age.” A recent study of alcohol advertising in magazines reported that distilled spirits producers accounted for 82.7 percent of all alcoholic beverage advertising in magazines in 2001, spending approximately \$332.7 million. More than half of the money alcohol producers spent on alcohol magazine advertising was in 24 magazines with youth audiences that exceed 15.8 percent - the proportion of youth ages 12-20 in the general population age 12 and over. I will return to this study shortly.

In 1999, in response to requests from Congress beginning in 1997, the Federal Trade Commission issued a report titled, “Self-regulation in the Alcohol Industry: a review of industry efforts to avoid promoting alcohol to underage consumers.” Based on reports from eight industry members, who collectively accounted for 80 percent of alcohol advertising expenditures at that time, the report found that of eight companies reporting, two had no demographic data on whether their advertising was playing to majority underage audiences, two others were playing advertising to majority underage audiences, one was showing 25 percent of its TV ads were to majority underage audiences, and one aired 11 percent of its radio ads to majority underage audiences. However, the report concluded that “...for the most part, members of the industry comply with the current standards set by the voluntary advertising codes” although “...improvements are needed in both code standards and implementation...”

Included in the report's recommendations were requests that the industry create independent external review boards with responsibility and authority to address complaints, and that it bar placement on TV series and in other media with the largest underage audiences, and conduct regular audits of previous placements. To date only one company, Coors Brewing, has established an external review board, and there is no evidence that this process has influenced the content of its current advertising campaigns.

There have also been no public audits of any kind, which leads to the work of the Center on Alcohol Marketing and Youth. Established with support from The Pew Charitable Trusts and The Robert Wood Johnson Foundation, the Center's mission is to monitor the marketing practices of the alcohol industry to focus attention and action on industry practices that jeopardize the health and safety of America's youth. Reducing high rates of underage alcohol consumption and the suffering caused by alcohol-related injuries and deaths among youth requires using the public health strategies of limiting access to and the appeal of alcohol to underage persons. The Center does this by "reverse engineering" the marketing campaigns of the alcohol industry. Working with a media planning firm with 25 years of market research experience, and using the same market research databases and methodologies employed by the industry, the Center's analysis exposes information that was available to the industry when it made decisions about where and how to spend its advertising dollars.

The Center is looking at exposure in each of the principal categories of measured media. We released our first report last month, on alcohol advertising in magazines in 2001. What we found is that total youth exposure to beer and distilled spirits advertising in magazines is systematic and pervasive. In 2001, Youth ages 12-20 saw more beer and distilled spirits ads than adults 21 and over: 45 percent more beer ads and 27 percent more distilled spirit ads; more malternative ads – 60 percent more ads for the new sweet and fizzy beverages such as Smirnoff Ice; and *fewer* wine ads – 58 percent fewer than adults. Nearly a third of all alcoholic beverage advertising was placed in ten magazines with youth audience compositions of 25 percent or greater, while 25 brands placed their ads solely in magazines delivering disproportionately high numbers of young readers relative to the presence of young people in the general population 12 and above.

More specifically, we found that nine of the ten beer brands with the largest youth magazine audience exposed youth to more alcohol ads than adults. The top four beer brands had youth exposure that was more than 70 percent higher than adult ad exposure. Miller Lite had the most beer advertising delivered to youth, and 76 percent more exposure to youth than adults.

In addition to our analysis of youth under 21 and adults, we also looked at young adults 21-34, the group targeted most often by alcohol advertisers. The two leading beer brands, Miller Lite and Heineken, still more effectively exposed their advertising to young people than either of the other two demographic groups. The overall picture is that while young adults 21-34 saw slightly more ads – 16 percent more – than underage youth, youth saw 95 percent more beer advertising than adults over 35, the demographic group

that is roughly the age of parents of young people 12-20, suggesting that this really is advertising that flies under the parental radar.

Looking at distilled spirits advertising, which represents the vast majority of alcohol magazine advertising, nine out of the ten most advertised brands exposed youth to more ads than adults, some by as much as 60 percent. Young adults – ages 21-34 – saw 26 percent more distilled spirits ads than youth, but youth saw 63 percent more than adults 35 and over.

As I have mentioned, wine was the exception and, as a rule, exposed adults to more advertising than youth. When we added the 21-34 demographic to the analysis, overall we found that those aged 21-34 saw 126 percent more wine ads than youth, while adults over 35 saw 144 percent more wine ads than underage youth. This ability of wine advertisers to reach an adult audience while minimizing reach to the underage audience is an example of how audience screening can reach a target audience without overexposing underage youth.

Regarding “malternatives,” the products that taste like soda pop or lemonade and may be particularly attractive to young people who don’t like the taste of alcohol, most notable about this category is the recent and phenomenal growth in ad dollars spent promoting them – total advertising in the first six months of 2002 increased 241 percent from the first six months of 2001. All seven brands of malternatives advertising in magazines delivered more ads to youth than adult audiences. Repeating the analysis with the 21-34 demographic broken out, young adults saw 20 percent more than underage youth, but youth saw 144% more malternative ads than adults over 35.

Looking at six popular magazines – *Sports Illustrated*, *Maxim*, *Rolling Stone*, *In Style*, *Vibe* and *Spin* – all of which had at least \$3 million worth of alcohol advertising in 2001, we found youth audiences heavily over-represented when viewed in terms of population indexes, a measure used in the advertising field to assess how well a group is represented within an overall audience.

Clearly there is a need for stronger standards for alcohol advertising exposure to youth. In its review of alcohol industry advertising practices in 1999, the Federal Trade Commission called on the industry to “raise the current standard to reduce underage alcohol ad exposure.” On the tobacco side, Phillip Morris has adopted a policy of not advertising its tobacco products in magazines where the audience composition of youth under age 18 is 15 percent or more of the total audience or 2 million youth readers. Mothers Against Drunk Driving has called for restricting the placement of alcohol ads on TV to programs where the underage audience is 10 percent or less.

It is extremely heartening that New York and other states are beginning to examine this important public health issue. The Center on Alcohol Marketing and Youth will continue its analyses, moving on in the coming months to other measured media such as television and radio, as well as to more ephemeral media such as the internet and product placements in film and entertainment television. We hope to assist the public, including

parents, policy makers, and the press, to raise our awareness of the alcohol industry's marketing practices. This is a central goal of the Center on Alcohol Marketing and Youth, so that findings like those we have shown today do not fly under our collective radar. It is our belief that the ensuing policy discussions will lead to clear and enforceable standards for alcoholic beverage advertising that allow for legitimate business activity while protecting our children from predatory marketing practices.

Thank you very much.