

ALCOHOL ADVERTISING RESTRICTIONS

What are alcohol advertising restrictions and how do they work?

Restrictions on alcohol advertising include any policies that limit advertising of alcoholic beverages, particularly advertising that exposes young people to alcohol messages. Restrictions can be in the form of a local ordinance or state law, or can be implemented voluntarily by a business, event or organization and can include:

- Banning ads on buses, trains, kiosks, billboards and supermarket carts, and in bus shelters, schools, and theme parks.
- Banning or limiting advertising and sponsorship at community events such as festivals, parties, rodeos, concerts, and sporting events. 1
- Banning advertising in areas surrounding schools, residential areas, faith organizations, etc. 2
- Restricting or banning TV and/or radio alcohol commercials. 1
- Restricting alcohol advertising in newspapers and/or on the Internet.
- Countering alcohol ads with public service announcements. 1
- Restricting the size and placement of window advertisements in liquor and convenience stores. 2
- Requiring all alcohol ads in the local media to include warnings about the health risks of alcohol consumption. 1
- Setting a maximum for the percentage of total advertising space that alcohol ads can cover.
- Reducing the disproportionately high number of alcohol billboards in low-income neighborhoods. 3
- Prohibit images and statements that portray or encourage intoxication. 2
- Enforcing existing restrictions on alcohol advertising.

Why alcohol advertising restrictions are important for your community

- **Alcohol advertisements often portray alcohol as enhancing economic success, fun, attractiveness to the opposite sex, athletic skill, and social popularity.** 1 Such messages are misleading and fail to mention the risks associated with alcohol use. Alcohol ad restrictions reduce the exposure of children and adolescents to alcohol ads promoting unrealistic messages about alcohol use.
- **Parents can to some extent control their children's exposure to alcohol ads within their home but a large amount of advertising occurs in public spaces.** Restrictions on alcohol advertising in public areas allows communities to have some control over young people's exposure to alcohol messages outside the home.
- **Communities that restrict alcohol advertisers send a message to young people that underage alcohol use is not tolerated by the community.** Restricting alcohol advertising in public places may help change community norms regarding alcohol use.

Considerations for passing this ordinance in your community

ISSUE: The alcohol industry may bring lawsuits in response to ad bans or restrictions, arguing that the restrictions violate the First Amendment right to free speech.

RESPONSE: *To overcome this constitutional barrier, communities must show that the potential harm to the public's health or welfare from alcohol is serious enough to justify the content regulation of speech. This can be a heavy burden but courts have recognized that alcohol, although legal, is a legitimate subject of this type of speech regulation. [4](#) In addition, several research studies have shown that restrictions on alcohol advertising are associated with a decrease in consumption and drunk driving. [5,6](#)*

ISSUE: Community members may not care about the level of alcohol advertising in their community.

RESPONSE: *A national survey of adults showed that 63% favored a total ban on alcohol billboards, and 66% supported a total ban on liquor advertising on TV. [7](#) In addition, in 2002, NBC reversed its decision to end its 50-year voluntary ban on liquor ads on TV due to public and political opposition. [8](#)*

Note: Community members are urged to consult with a local attorney to take into account state law requirements before attempting to pass a local ordinance.

How alcohol advertising restrictions fit into the larger context

Passing ordinances that ban or restrict alcohol advertising may help reduce exposure to alcohol advertising but these policies alone are not enough to reduce a community's drinking problems. Other alcohol control policies are also needed, such as:

- Compliance checks that help ensure that employees of alcohol establishments refuse to sell to underage youth. (see [compliance checks](#))
- Keg registration policies that identify and penalize adults and youth who purchase kegs for parties and allow underage youth to consume the alcohol. (see [beer keg registration](#)).
- Alcohol restrictions in public places that control the use of alcohol in parks, beaches, and other unsupervised places. (see [alcohol restrictions on public property](#)).

What other communities have done

In 1998, Oakland, California adopted a strict ordinance prohibiting alcohol ads on billboards in residential areas and near schools. The ordinance also banned alcohol advertising within three blocks of recreation centers, churches, and licensed day care facilities. According to an attorney for one of the billboard firms that challenged the ordinance, the measure left only 70 of the city's 1,450 billboards available for such ads. On December 7, 2000, a federal district court determined that the ordinance was a reasonable fit with the goal of decreasing youth demand for alcoholic beverages and that the ordinance was therefore constitutional. [9](#)

References

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2. Center on Alcohol Marketing and Youth. State alcohol advertising laws: Current status and model policies. Washington, D.C.: Georgetown University, 2003 Apr.
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5. Tremblay VJ, Okuyama K. Advertising restrictions, competition, and alcohol consumption. *Contemporary Economic Policy*, 19(3):313-21, 2001
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8. de Moraes, L. NBC Puts Hard-Liquor Commercials on Ice. *Washington Post*, March 21, 2002.
9. Scenic America. *Alcohol billboards: Assistance for communities in adopting ordinances*. Accessed online on 9/9/02 at: <http://www.scenic.org/fact11.htm>

ALCOHOL SPONSORSHIP RESTRICTIONS

What are alcohol sponsorship restrictions and how do they work?

Restrictions on alcohol sponsorship refer to the control of alcohol-related sponsors at community events. Sponsors can include large alcohol producers, local breweries/wineries, or retailers such as bars or restaurants. Sponsors provide financial support for the event in return for promotions and advertisements at the event. Sponsorship may take different forms, including: (1) use of the sponsor's name in conjunction with the event; and/or (2) promotional items (such as t-shirts, flashlights, etc.) with the sponsor's logo.

Restrictions on sponsorship can be instituted through a local ordinance or state law, or can be implemented voluntarily by a business, event or organization. Examples include:

- Prohibiting alcohol sponsorship of auto races, sporting events, and cultural festivals.
- Prohibiting the distribution of alcohol promotional items.
- Prohibiting an alcohol producer's or retailer's name from being associated with an event, particularly if youth are in attendance.
- Prohibiting signs with an alcohol sponsor's name from being displayed at an event, particularly if youth are in attendance.

Why alcohol sponsorship restrictions are important for your community

- **Alcohol promotions at concerts, community festivals or sporting events may send the message that alcohol is needed to have fun or to excel in athletics.** Restrictions on alcohol sponsorship send the message that people don't need alcohol to have a good time or to be a better athlete.
- **Large alcohol producers often sponsor activities such as bike and auto races, large rock concerts and community festivals — activities that, when combined with drinking alcohol, can lead to serious problems.** Restrictions on sponsorship can prevent alcohol from being inappropriately associated with these types of events. 1

Considerations for passing this ordinance in your community

ISSUE: The alcohol industry will likely fight such an ordinance, claiming that their companies have a right to promote alcohol because it is a legal substance.

RESPONSE: *Event organizers have a right to choose their sponsorship and negotiate the amount of prominence a product will receive at their events.*

ISSUE: If alcohol sponsorship is completely banned, it may be difficult for a community to find alternative sponsorship, particularly in small communities where there are few businesses.

RESPONSE: *In smaller communities, if completely eliminating alcohol sponsorship of events is not feasible, alcohol can at least be controlled at youth-specific activities, such as prohibiting the display of alcohol sponsors on little league T-shirts. In large communities, event organizers may need to contact a wide variety of non-alcohol-related sponsors, use multiple non-alcohol sponsors, or consider restricting the prominence of alcohol at an event, rather than completely banning alcohol sponsorship.*

Note: Community members are strongly urged to consult with a local attorney to learn about state law requirements before attempting to pass a local ordinance to restrict alcohol sponsorship.

How alcohol sponsorship restrictions fit into a larger context

Restrictions on alcohol sponsorship provide a clear message that alcohol at community events is not a necessity. In addition, policies that reduce social sources of alcohol among youth, such as keg registration (see [keg registration](#)) and policies that reduce commercial sources of alcohol such as compliance checks (see [compliance checks](#)), are needed in communities.

What other communities have done

In Oakland, California, citizens became angered by the alcohol industry sponsorship of their annual Cinco de Mayo festival. Historically, this holiday was not associated with drinking but alcohol companies began promoting the holiday with an onslaught of nationwide advertising in the 1980s. In 1990, a group in Oakland called Hispanos Unidos organized people in the community to find non-alcohol sponsors for their Cinco de Mayo festival. The group was successful, and the event was as well-attended in 1990 as in previous years. Since this success, similar efforts to stop alcohol sponsorship of Cinco de Mayo festivities have occurred throughout the U.S. 1,2

References:

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2. Gallegos B. Our culture is not for sale! A campaign to reclaim Cinco de Mayo from the alcohol industry. In, *Case Histories in Alcohol Policy*, J. Streiker, ed. San Francisco, CA: The Trauma Foundation. 2002.