

105TH CONGRESS
1ST SESSION

H. R. 1982

To carry out a comprehensive program dealing with alcohol and alcohol abuse.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1997

Mr. KENNEDY of Massachusetts introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To carry out a comprehensive program dealing with alcohol and alcohol abuse.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Comprehensive Alcohol
5 Abuse Prevention Act of 1997”.

TITLE I—CHILDREN AND ALCOHOL ADVERTISING

SEC. 101. SHORT TITLE.

This title may be cited as the “Children’s Protection from Alcohol Advertising Act of 1996”.

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) In 1995, the Department of Health and Human Services found that there is a significant underage drinking problem and estimated that there are 11 million drinkers of alcoholic beverages who are under the age of 21. Of that number, 2 million are heavy drinkers of such beverages.

(2) In 1996, the proportion of students having 5 or more drinks in a row during the 2 week period preceding the Monitoring the Future Survey were 16 percent for 8th graders, 25 percent for 10th graders, and 30 percent for 12th graders.

(3) The median age at which children begin drinking alcoholic beverages is just over 13 years. 55 percent of students in the 8th grade have tried an alcoholic beverage.

(4) A 1995 survey found that 50 percent of the teenagers who were asked said that alcohol is a more

1 serious problem among today's youth than illicit
2 drugs.

3 (5) In 1993, nearly 10 percent (over 110,000)
4 of the clients admitted to State-funded alcohol treat-
5 ment programs were under the age of 21.

6 (6) Alcoholic beverage companies spent \$2 bil-
7 lion to advertise and promote their products in
8 1995. The budget of the National Institute on Alco-
9 hol Abuse and Alcoholism for the same year was
10 \$176 million.

11 (7) According to a study published in the Amer-
12 ican Journal of Public Health, viewing beer ads on
13 television may predispose young people to drinking
14 beer. Children who are more aware of beer advertise-
15 ments hold more favorable beliefs about drinking
16 beer and intend to drink beer more frequently as
17 adults.

18 (8) Almost half of all adults think that alcohol
19 industry advertising greatly influences underage
20 youth to drink alcoholic beverages, another one-third
21 think industry advertising has some influence.

22 **SEC. 103. ADVERTISING REQUIREMENTS.**

23 (a) PROHIBITIONS.—

24 (1) GENERAL RULE.—Except as provided in
25 paragraph (2), no alcoholic beverage may be adver-

1 tised or promoted on any audio tape, audio disc, vid-
2 eotape, video arcade game, computer game or in
3 film. No outdoor advertising of alcoholic beverages
4 may be located within 1000 feet of any school, play-
5 ground, or other public facility where individuals
6 under the age of 21 are reasonably expected to con-
7 vene.

8 (2) EXCEPTION.—Paragraph (1) does not apply
9 to any manufacturing or selling alcohol beverages if
10 such videotape is to be viewed only by other persons
11 engaged in such business.

12 (b) PRINT ADVERTISING.—In publications with an
13 under the age of 21 readership of 15 percent or more than
14 2 million, whichever is less, alcohol advertising shall be
15 restricted to text only advertising in black and white print.

16 (c) BROADCAST ADVERTISING.—Any advertising of
17 an alcoholic beverage in a television broadcast shall, dur-
18 ing the hours between 7 A.M. and 10 P.M., be limited
19 to only a picture of the beverage with factual, objective
20 audio information about the beverage.

21 (d) SPONSORSHIP.—An event may be sponsored by
22 an alcohol beverage manufacturer in the corporate name
23 only and not in the brand name of the alcoholic beverage.

24 (e) PROMOTIONAL ITEMS.—

1 (1) GENERAL RULE.—No person may manufac-
2 ture or distribute a product which is a non-beverage
3 product with an identifiable brand of an alcoholic
4 beverage manufacturer. Such a product shall bear
5 the corporate name of the alcoholic beverage manu-
6 facturer.

7 (2) EXCEPTION.—Paragraph (1) does not apply
8 to any product prepared by a person engaged in the
9 business of manufacturing or selling alcohol bev-
10 erages if such product is to be made available only
11 to other persons engaged in such business.

12 (f) ENFORCEMENT.—

13 (1) CRIMINAL PENALTY.—Any person who vio-
14 lates the restrictions prescribed by subsection (a),
15 (b), or (c) shall be guilty of a misdemeanor and shall
16 on conviction thereof be subject to a fine of not more
17 than \$10,000.

18 (2) INJUNCTION.—The district courts of the
19 United States shall have jurisdiction, for cause
20 shown, to prevent and restrain violation of restric-
21 tions prescribed by subsection (a), (b), or (c) upon
22 application of the Attorney General of the United
23 States acting through the United States attorneys in
24 their districts.

1 **TITLE II—HIGHER EDUCATION**
2 **AND ALCOHOL ABUSE PRE-**
3 **VENTION**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “College Campus Alco-
6 hol Abuse Prevention and Education Act”.

7 **SEC. 202. HIGHER EDUCATION AND DRUG AND ALCOHOL**
8 **ABUSE PREVENTION.**

9 (a) SPECIFIC PROGRAMS.—Section 1213 of the High-
10 er Education Act of 1965 (20 U.S.C. 1145g) is amend-
11 ed—

12 (1) in subsection (a), by striking “and” at the
13 end of paragraph (1)(D), by redesignating para-
14 graph (1)(E) as paragraph (1)(I), and by inserting
15 after paragraph (1)(D) the following:

16 “(E) a prohibition on the distribution of
17 any promotional material that encourages the
18 consumption of alcoholic beverages on campus;

19 “(F) a prohibition of the distribution of
20 free alcoholic beverages for promotional pur-
21 poses on the campus;

22 “(G) a prohibition on sponsorship or public
23 support of any on-campus athletic, musical, cul-
24 tural, or social program, event, or competition

1 by any alcoholic beverage company or by any
 2 group of such companies;

3 “(H) limiting alcoholic beverage advertise-
 4 ments in the institution of higher education’s
 5 newspapers and other publications to price and
 6 product identification; and”;

7 (2) in subsection (a), by inserting after and
 8 below paragraph (2)(B) the following: “Identifica-
 9 tion, referral, or treatment of students and employ-
 10 ees shall not jeopardize the matriculation status of
 11 the students or the employment of the employees.”;
 12 and

13 (3) in subsection (c)(2), by striking “(a)(1)(E)”
 14 and inserting “(a)(1)(I)”.

15 (b) STUDENT AND EMPLOYEE INVOLVEMENT.—Sec-
 16 tion 1213(b) of the Higher Education Act of 1965 (20
 17 U.S.C. 1145g(b)) is amended by adding at the end the
 18 following: “Such items shall be developed and adopted
 19 with student and employee participation.”.

20 (c) WAIVER OF SANCTIONS.—Section 1213(c) of the
 21 Higher Education Act of 1965 (20 U.S.C. 1145g(c)) is
 22 amended by adding at the end the following:

23 “(3) Upon application by an institution of higher edu-
 24 cation, the Secretary shall grant a waiver of sanctions au-
 25 thorized by subsection (a)(1)(I) to any institution of high-

1 er education which demonstrates that it is in the process
2 of developing and implementing a plan required by sub-
3 section (a) for up to one year from the date of the enact-
4 ment of this paragraph.”.

5 **SEC. 203. GRANTS AND CONTRACTS.**

6 (a) GRANT AND CONTRACT AUTHORITY.—Section
7 1213 of the Higher Education Act of 1965 (20 U.S.C.
8 1145g) is amended by adding at the end the following:
9 “(e)(1) The Secretary may make grants to institu-
10 tions of higher education or consortia of such institutions
11 and contracts with such institutions and other organiza-
12 tions to develop, implement, operate, improve, and dis-
13 seminate programs of prevention, and education (includ-
14 ing treatment-referral) to reduce and eliminate the illegal
15 use of drugs and alcohol and their associated violence.
16 Such contracts may also be used for the support of a high-
17 er education center for alcohol and drug abuse prevention
18 which will provide training, technical assistance, evalua-
19 tion, dissemination and associated services and assistance
20 to the higher education community as defined by the Sec-
21 retary and the institutions of higher education.

22 “(2) Grants and contracts shall be made available
23 under paragraph (1) on a competitive basis. An institution
24 of higher education, a consortium of such institutions, or
25 other organizations which desire to receive a grant or con-

1 tract under paragraph (1) shall submit an application to
 2 the Secretary at such time, in such manner, and contain-
 3 ing or accompanied by such information as the Secretary
 4 may reasonably require by regulation.

5 “(3) The Secretary shall make every effort to en-
 6 sure—

7 “(A) the equitable participation of private and
 8 public institutions of higher education (including
 9 community and junior colleges), and

10 “(B) the equitable geographic participation of
 11 such institutions,

12 in grants and contracts under paragraph (1). In the award
 13 of such grants and contracts, the Secretary shall give ap-
 14 propriate consideration to institutions of higher education
 15 with limited enrollment.”.

16 (b) REPEAL.—Section 4122 of the Elementary and
 17 Secondary Education Act of 1965 (20 U.S.C. 7132) is re-
 18 pealed.

19 **SEC. 204. NATIONAL RECOGNITION AWARDS.**

20 (a) AWARDS.—For the purpose of providing models
 21 of alcohol and drug abuse prevention and education (in-
 22 cluding treatment-referral) programs in higher education
 23 and to focus national attention on exemplary alcohol and
 24 drug abuse prevention efforts, the Secretary of Education
 25 shall, on an annual basis, make 10 National Recognition

1 Awards to institutions of higher education that have devel-
2 oped and implemented effective alcohol and drug abuse
3 prevention and education programs. Such awards shall be
4 made at a ceremony in Washington, D.C. and a document
5 describing the programs of those who receive the awards
6 shall be distributed nationally.

7 (b) APPLICATION.—

8 (1) IN GENERAL.—A national recognition
9 award shall be made under subsection (a) to institu-
10 tions of higher education which have applied for
11 such award. Such an application shall contain—

12 (A) a clear description of the goals and ob-
13 jectives of the alcohol and drug abuse programs
14 of the institution applying,

15 (B) a description of program activities that
16 focus on alcohol and other drug policy issues,
17 policy development, modification, or refinement,
18 policy dissemination and implementation, and
19 policy enforcement;

20 (C) a description of activities that encour-
21 age student and employee participation and in-
22 volvement in both activity development and im-
23 plementation;

24 (D) the objective criteria used to determine
25 the effectiveness of the methods used in such

1 programs and the means used to evaluate and
2 improve the program efforts,

3 (E) a description of special initiatives used
4 to reduce high-risk behavior or increase low risk
5 behavior, or both, and

6 (F) a description of coordination and
7 networking efforts that exist in the community
8 in which the institution is located for purposes
9 of such programs.

10 (2) ELIGIBILITY CRITERIA.—All institutions of
11 higher education which are two- and four-year col-
12 leges and universities that have established a drug
13 and alcohol prevention and education program are
14 eligible to apply for a National Recognition Award.
15 To receive such an Award an institution of higher
16 education must be nominated to receive it. An insti-
17 tution of higher education may nominate itself or be
18 nominated by others such as professional associa-
19 tions or student organizations.

20 (3) APPLICATION REVIEW.—The Secretary of
21 Education shall appoint a committee to review appli-
22 cations submitted under paragraph (1). The commit-
23 tee may include representatives of Federal depart-
24 ments or agencies whose programs include alcohol
25 and drug abuse prevention and education efforts, di-

1 rectors or heads (or their representatives) of profes-
2 sional associations that focus on prevention efforts,
3 and non-Federal scientists who have backgrounds in
4 social science evaluation and research methodology
5 and in education. Decisions of the committee shall
6 be made directly to the Secretary without review by
7 any other entity in the Department of Education.

8 (4) REVIEW CRITERIA.—Specific review criteria
9 shall be developed by the Secretary in conjunction
10 with the appropriate experts. In reviewing applica-
11 tions under paragraph (3) the committee shall con-
12 sider—

13 (A) measures of effectiveness of the pro-
14 gram of the applicant that should include
15 changes in the campus alcohol and other drug
16 environment or climate and changes in alcohol
17 and other drug use before and after the initi-
18 ation of the program; and

19 (B) measures of program institutionaliza-
20 tion, including an assessment of needs of the
21 institution, the institution's alcohol and drug
22 policies, staff and faculty development activities,
23 drug prevention criteria, student, faculty, and
24 campus community involvement, and a continu-

1 ation of the program after the cessation of ex-
2 ternal funding.

3 (c) AUTHORIZATION.—For the implementation of the
4 awards program under this section, there are authorized
5 to be appropriated \$25,000 for fiscal year 1996, \$66,000
6 for each of the fiscal years 1997 and 1998, and \$72,000
7 for each of the fiscal years 1999, 2000, 2001, and 2002.

8 **TITLE III—DEDUCTIONS FOR AL-**
9 **COHOL ADVERTISING OR**
10 **PROMOTION**

11 **SEC. 301. SHORT TITLE.**

12 This title may be cited as the “The Alcohol Pro-
13 motion and Advertising Tax Fairness Act”.

14 **SEC. 302. DISALLOWANCE OF DEDUCTION FOR ADVERTIS-**
15 **ING AND GOODWILL EXPENSES RELATING TO**
16 **ALCOHOLIC BEVERAGES.**

17 (a) IN GENERAL.—Part IX of subchapter B of chap-
18 ter 1 of the Internal Revenue Code of 1986 (relating to
19 items not deductible) is amended by adding at the end
20 the following new section:

21 **“SEC. 280I. ADVERTISING AND GOODWILL EXPENDITURES**
22 **RELATING TO ALCOHOLIC BEVERAGES.**

23 “(a) IN GENERAL.—No deduction otherwise allow-
24 able under this chapter shall be allowed for any amount
25 paid or incurred to advertise (by means of television,

1 radio, other electronic means, newspaper or other periodi-
 2 cal, billboard, or any other means), or promote goodwill
 3 regarding, any alcoholic beverage.

4 “(b) ALCOHOLIC BEVERAGE.—For purposes of this
 5 section, the term ‘alcoholic beverage’ means any item
 6 which is subject to tax under subpart A, C, or D of part
 7 I of subchapter A of chapter 51 (relating to taxes on dis-
 8 tilled spirits, wines, and beer).”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 for part IX of subchapter B of chapter 1 of such Code
 11 is amended by adding at the end the following new item:

“Sec. 280I. Advertising and goodwill expenditures relating to alco-
 holic beverages.”.

12 (c) EFFECTIVE DATE.—The amendments made by
 13 this section shall apply to amounts paid or incurred after
 14 the date of the enactment of this Act.

15 **TITLE IV—PROMOTION OF** 16 **ALCOHOLIC BEVERAGES**

17 **SEC. 401. SHORT TITLE.**

18 This title may be cited as the “End Taxpayer Pro-
 19 motion of Alcohol Overseas Act”.

20 **SEC. 402. PROHIBITION ON PROMOTION OF ALCOHOLIC** 21 **BEVERAGES.**

22 Section 203 of the Agricultural Trade Act of 1978
 23 (7 U.S.C. 5623) is amended by adding at the end the fol-
 24 lowing:

1 “(h) PROHIBITION ON PROMOTION OF ALCOHOLIC
2 BEVERAGES.—None of the funds appropriated or other-
3 wise made available to carry out this section may be used
4 to promote the sale or export of alcohol or alcoholic bev-
5 erages.”.

6 **TITLE V—ALCOHOL** 7 **ADVERTISING**

8 **SEC. 501. SHORT TITLE.**

9 This title may be cited as the “Alcohol Advertising
10 Accountability Act of 1996”.

11 **SEC. 502. REPORT OF FEDERAL TRADE COMMISSION ON AL-** 12 **COHOL ADVERTISING.**

13 (a) ACTION BY THE FEDERAL TRADE COMMIS-
14 SION.—The Federal Trade Commission shall report annu-
15 ally to the Congress on alcohol advertising, its profile and
16 its effects.

17 (b) REVIEW.—The Federal Trade Commission shall
18 review alcohol advertising in all media, including broadcast
19 and cable television, other electronic means, and print and
20 outdoor advertising and review promotional activities un-
21 dertaken to promote the sale of alcoholic beverages.

22 (c) REPORT CONTENT.—The report of Federal Trade
23 Commission shall include—

24 (1) an identification of—

1 (A) the extent to which underage persons
2 are exposed to alcohol advertising in the broad-
3 cast media,

4 (B) the total expenditures for alcoholic
5 beverage advertising in each medium and in
6 promotions,

7 (C) the extent to which media program au-
8 diences are under the age of 21 and the propor-
9 tion of all underage persons in the potential
10 viewing audience,

11 (D) the number of television and cable al-
12 cohol beverage advertisements that appear dur-
13 ing each broadcast hour and the proportion of
14 such advertisements to all advertisements dur-
15 ing each such hour,

16 (E) an identification of the types and
17 themes of alcohol advertising in all media (espe-
18 cially in broadcast) and other electronic means,

19 (F) any graphics, slogans, and characters,
20 including music and sound effects, and tech-
21 niques that are used in alcohol beverage adver-
22 tising, and

23 (G) the extent to which other promotional
24 efforts used to market alcoholic beverages which
25 appear in clothing, sporting events, contests,

1 and concerts appeal to individuals under the
2 age of 21;

3 (2) a determination of the extent to which
4 young people are exposed to alcohol advertising and
5 promotions of alcoholic beverages;

6 (3) an evaluation of the relationship between al-
7 cohol advertising practices and underage drinking,
8 drunk driving, and related public health problems;
9 and

10 (4) an evaluation of alcohol industry sponsored
11 campaigns addressing public service and prevention
12 messages for underage drinking, drunk driving, and
13 other alcohol-related topics.

14 (d) RECOMMENDATIONS.—The report of the Federal
15 Trade Commission under subsection (a) shall also include
16 such recommendations for legislation as the Commission
17 determines are appropriate.

18 **TITLE VI—HEALTH WARNINGS**

19 **SEC. 601. SHORT TITLE.**

20 This title may be cited as the “Sensible Advertising
21 and Family Education Act”.

22 **SEC. 602. FINDINGS.**

23 Congress makes the following findings:

24 (1) Alcohol is by far the drug most widely used
25 and abused by young people in the United States

1 today, even though it is illegal for youths under the
2 age of 21 to purchase alcohol in all 50 of the States
3 and the District of Columbia.

4 (2) According to the National Institute on Alco-
5 hol Abuse and Alcoholism, an estimated 18,000,000
6 persons in the United States who are 18 or older
7 currently experience problems as a result of alcohol
8 use. An estimated 4,500,000 young people are de-
9 pendent on alcohol or are problem drinkers.

10 (3) According to the 1996 National Institute on
11 Drug Abuse survey of high school students and
12 young adults (entitled “Monitoring the Future”), 79
13 percent of high school seniors, 72 percent of tenth
14 graders, and 55 percent of eighth graders had used
15 alcohol at least once. Thirty percent of high school
16 seniors, 25 percent of tenth graders, and 16 percent
17 of eighth graders had experienced a “binge” of 5 or
18 more drinks in a row within the past 2 weeks.
19 Among college students, 88 percent reported having
20 used alcohol and 40 percent reported occasions of
21 binge drinking, including 31 percent of the females
22 and 52 percent of the males.

23 (4) The average age at which young people
24 begin drinking is 13. By age 13, approximately 30
25 percent of boys and 22 percent of girls classify

1 themselves as drinkers. According to the 1996
2 “Monitoring the Future” survey, 27 percent re-
3 ported having been drunk by eighth grade, 49 per-
4 cent by tenth grade, and 62 percent by twelfth
5 grade. Studies demonstrate that the use of alcohol
6 before the age of 15 appears to be one of the predic-
7 tors of later heavy alcohol and other drug use.

8 (5) According to a national survey on youth and
9 alcohol (Inspector General of the Department of
10 Health and Human Services, 1991), the average
11 binge drinker is a 16 year-old male in the tenth
12 grade who was 12 years old when he took his first
13 drink.

14 (6) Young people are not well informed about
15 the hazards of alcohol use. More than one quarter
16 of high school seniors do not view taking one or two
17 drinks nearly every day as entailing great risk. Ap-
18 proximately 45 percent of eighth graders, 47 percent
19 of tenth graders, and 53 percent of twelfth graders
20 do not perceive having 5 or more drinks once or
21 twice a weekend as entailing a great risk (1995
22 “Monitoring the Future” survey). More than 2.6
23 million students do not know a person can die from
24 an overdose of alcohol. A projected 259,000 students
25 think that wine coolers or beer cannot get a person

1 drunk, make a person sick, or do as much harm as
2 other alcoholic beverages (Inspector General of the
3 Department of Health and Human Services, 1991).

4 (7) According to Healthy People 2000, the Na-
5 tional Health Promotion and Disease Prevention Ob-
6 jectives—

7 (A) nearly one-half of all deaths from
8 motor vehicle crashes are alcohol-related;

9 (B) alcohol is implicated in nearly one-half
10 of all fatal intentional injuries such as suicides
11 and homicides; and

12 (C) victims are intoxicated in approxi-
13 mately one-third of all homicides, drownings,
14 and boating deaths.

15 (8) An estimated 25 percent of all hospitalized
16 persons have alcohol-related problems.

17 (9) Alcohol in combination with other drugs is
18 the leading cause of emergency room drug abuse epi-
19 sodes.

20 (10) In 1995, chronic liver disease, including
21 cirrhosis, was the 11th leading cause of death in the
22 United States. Of 41,000 deaths attributed to liver
23 disease in the United States, 46 percent diagnosti-
24 cally were associated with alcohol. Heavy alcohol use
25 is considered the most important risk factor for

1 chronic liver disease. Even among liver disease
2 deaths not coded as alcohol-related, approximately
3 50 percent are thought to be due to alcohol use.

4 (11) Between 5 and 24 percent of hypertension
5 cases are associated with alcohol. Many cases diag-
6 nosed as essential hypertension (high blood pressure
7 having no known causes) may actually have chronic
8 alcohol ingestion as their cause.

9 (12) Alcohol abuse is strongly associated with
10 increased risk of cancer, especially cancer of the
11 liver, esophagus, nasopharynx, and larynx. Alcohol is
12 also associated with dietary deficiency that may in-
13 crease cancer risk.

14 (13) Treatment costs for fetal alcohol syndrome
15 (referred to in this paragraph as “FAS”) and other
16 alcohol-related birth defects in the United States are
17 estimated at nearly a third of a billion dollars. FAS
18 is one of the top 3 known causes of birth defects
19 with accompanying mental retardation and the only
20 known preventable cause among the top three.
21 Among children born to women who drink heavily,
22 the incidence of FAS may be as high as 25 per
23 1,000 live births. Among children born to other
24 women, the FAS incidence is between 1 to 3 infants
25 with the syndrome per 1,000 live births. The inci-

1 dence of other alcohol-related birth defects is esti-
2 mated to be 3 times greater than that of FAS.

3 (14) The alcoholic-beverage industry spends ap-
4 proximately \$2,000,000,000 each year on advertising
5 and promotions in the United States.

6 (15) Alcohol advertising, especially in the
7 broadcast media, represents the single greatest
8 source of alcohol education for persons in the United
9 States. According to a 1990 study of 10 to 13 year-
10 olds, funded by the American Automobile Associa-
11 tion Foundation for Traffic Safety, there is a rela-
12 tionship between exposure and attention by an indi-
13 vidual to beer advertising and expectations that the
14 individual drink as an adult.

15 (16) A major 1981 federally funded study
16 found a significant relationship between—

17 (A) exposure of individuals to alcoholic-
18 beverage advertising as youth; and

19 (B) drinking behaviors and attitudes of the
20 individuals that can lead to certain forms of
21 problem drinking.

22 (17) According to the Department of Health
23 and Human Services, sponsorships and promotions
24 on college campuses by alcohol producers and the

1 use of celebrities and youth-oriented musical groups
2 in advertising create a pro-drinking environment.

3 (18) Over 80 percent of 2,000 adults surveyed
4 in 1988 for the Bureau of Alcohol, Tobacco, and
5 Firearms by the Opinion Research Corporation be-
6 lieve that alcohol advertising influences underage
7 youth to drink alcoholic beverages. The survey also
8 found that the general public feels that the young
9 people of the United States constitute the group that
10 is most at risk from drinking alcoholic beverages.

11 (19) The 1988 Surgeon General's Workshop on
12 Drunk Driving has recommended—

13 (A) that the level of alcoholic-beverage ad-
14 vertising be matched with an equal number of
15 pro-health and pro-safety messages; and

16 (B) the inclusion of health warning mes-
17 sages in all alcohol advertising.

18 (20) The National Commission on Drug-Free
19 Schools' September 1990 Final Report, "Toward a
20 Drug-Free Generation: A Nation's Responsibility"
21 recommends that Congress—

22 (A) require additional health and safety
23 messages on all alcohol products and advertis-
24 ing for the products; and

1 (B) consider enacting a ban on advertising
2 and promotion of alcohol if alcohol advertising
3 still targets youth and glamorizes alcohol use
4 two years following the publication of the re-
5 port.

6 (21) Over two-thirds of persons surveyed
7 in a 1989 Wall Street Journal poll favor requir-
8 ing warnings about the dangers of drinking
9 both on alcoholic-beverage containers and in al-
10 cohol advertisements. Nearly three-fourths of
11 persons surveyed in a 1990 Gallup Poll favor
12 requiring health warning messages in alcohol
13 advertising.

14 **SEC. 603. HEALTH WARNINGS.**

15 (a) IN GENERAL.—On and after the expiration of the
16 6-month period following the date of enactment of this
17 Act, it shall be an unfair or deceptive act or practice under
18 section 6 of the Federal Trade Commission Act for any
19 person to—

20 (1) advertise or cause to be advertised through
21 magazines, newspapers, brochures, and promotional
22 displays within the United States any alcoholic bev-
23 erage unless the advertising bears, in accordance
24 with requirements of section 703(a), one of the fol-
25 lowing health warnings:

1 SURGEON GENERAL'S WARNING: If you
2 are pregnant, don't drink. Drinking alcohol
3 during pregnancy may cause mental retardation
4 and other birth defects. If you are pregnant and
5 can't stop drinking, call [insert appropriate toll
6 free number].

7 SURGEON GENERAL'S WARNING: Alcohol
8 is a drug and may be addictive. If you know
9 someone who has an alcohol or other drug prob-
10 lem or has trouble controlling their drinking,
11 call [insert appropriate toll free number].

12 SURGEON GENERAL'S WARNING: Drive
13 sober. If you don't, you could lose your driver's
14 license or even your life. Alcohol impairs your
15 ability to drive a car or operate machinery. If
16 you or people you love drink and drive, call [in-
17 sert appropriate toll free number].

18 SURGEON GENERAL'S WARNING: Don't
19 mix alcohol with over-the-counter, prescription,
20 or illicit drugs. For more information call [in-
21 sert appropriate toll free number].

22 SURGEON GENERAL'S WARNING: If you
23 drink too much alcohol too fast, you can die
24 from alcohol poisoning. To find out more about

1 alcohol poisoning call [insert appropriate toll
2 free number].

3 SURGEON GENERAL'S WARNING: Drink-
4 ing increases your risks of high blood pressure,
5 liver disease, and cancer. The more you drink,
6 the more likely it is that you will have such
7 health problems. To find out how to prevent
8 getting such health problems call [insert appro-
9 priate toll free number]., or

10 (2) advertise or cause to be advertised through
11 radio, television broadcasting (including cable broad-
12 casting and paid per view or subscription television),
13 or other electronic means any alcoholic beverage un-
14 less the advertising includes, in accordance with re-
15 quirements of section 703(b), one of the following
16 health warnings:

17 SURGEON GENERAL'S WARNING: If you
18 are pregnant, don't drink alcohol. Alcohol may
19 cause mental retardation and other birth de-
20 fects.

21 SURGEON GENERAL'S WARNING: Alcohol
22 is a drug and may be addictive.

23 SURGEON GENERAL'S WARNING: Drive
24 sober. If you don't, you could lose your driver's
25 license or even your life.

1 SURGEON GENERAL’S WARNING: Don’t
2 mix alcohol with over-the-counter, prescription,
3 or illicit drugs.

4 SURGEON GENERAL’S WARNING: If you
5 drink too much alcohol too fast, you can die of
6 alcohol poisoning.

7 SURGEON GENERAL’S WARNING: Drink-
8 ing too much alcohol increases your risk of high
9 blood pressure, liver disease, and cancer.

10 (b) TOLL FREE NUMBERS.—The Secretary of Health
11 and Human Services shall be responsible for establishing
12 and maintaining the toll free numbers referred to in the
13 health warnings required by subsection (a)(1). The Sec-
14 retary shall report to Congress annually on the number
15 of calls received using those numbers.

16 **SEC. 604. REQUIREMENTS.**

17 (a) IN GENERAL.—The health warnings required for
18 alcoholic beverage advertisements by section 703(a)(1)
19 shall—

20 (1) be located in a conspicuous and prominent
21 place on each such advertisement, as determined by
22 the Secretary of Health and Human Services in reg-
23 ulations to take effect no later than 6 months after
24 the date of the enactment of this Act,

1 (2) shall require that all the regulations issued
2 by the Secretary under paragraph (1) shall require
3 that all letters in such health warnings appear in
4 conspicuous and legible type that is not script or
5 italic and that such health warnings be in contrast
6 by typography, layout, and color with all other print-
7 ed material in the advertisement, be surrounded by
8 typographic lines that form a box, and, on an appro-
9 priate visual medium, appear on the front of an ad-
10 vertisement as indicated by labeling of the manufac-
11 turer or importer, and

12 (3) be rotated in an alternating sequence on
13 each advertisement of a brand style in accordance
14 with a plan submitted by such manufacturer or im-
15 porter to the Secretary.

16 The Secretary shall approve a plan submitted under para-
17 graph (3) by a manufacturer or importer that assures that
18 each sequence of the same or substantially similar adver-
19 tisement for a brand style has displayed upon it an equal
20 distribution of each health warning at the same time. If
21 an application is approved by the Secretary, the rotation
22 shall apply with respect to the applicant during the one-
23 year period beginning on the date of the application ap-
24 proval.

25 (b) RADIO AND TELEVISION.—

1 (1) WARNINGS.—The health warnings required
2 for alcoholic beverage advertisements placed on radio
3 or television broadcasting by section 702(a)(2)
4 shall—

5 (A) be included in a conspicuous and
6 prominent manner in such advertisement, as
7 determined by the Secretary of Health and
8 Human Services in regulations to take effect
9 not later than 6 months after the date of the
10 enactment of this Act, and

11 (B) be rotated in an alternating sequence
12 on each such advertisement of a brand style in
13 accordance with a plan submitted by such man-
14 ufacturer or importer to the Secretary.

15 The Secretary shall approve a plan submitted under
16 subparagraph (B) by a manufacturer or importer
17 that assures that an equal distribution of each of the
18 health warnings is displayed on each sequence of the
19 same or substantially similar advertisement for a
20 brand style at the same time. If an application is ap-
21 proved by the Secretary, the rotation shall apply
22 with respect to the applicant during the one-year pe-
23 riod beginning on the date of the application ap-
24 proval.

1 (2) REGULATIONS.—The regulations issued by
2 the Secretary under paragraph (1) shall require—

3 (A) that such health warnings be read as
4 part of an alcoholic beverage advertisement in
5 an audible and deliberate manner and in a
6 length of time that allows for a clear under-
7 standing of the health warning message by the
8 intended audience, and

9 (B) that for television a graphic represen-
10 tation of such health warning be included after
11 each advertisement, that all letters in such
12 health warning appear in conspicuous and leg-
13 ible type that is not script or italic, that such
14 health warning be surrounded by typographic
15 lines that form a box, and that such health
16 warning appear in the same length of time si-
17 multaneously with the reading of the message
18 required by subparagraph (A).

19 **SEC. 605. DEFINITIONS.**

20 As used in this title—

21 (1) the term “alcoholic beverage” includes any
22 beverage which contains not less than one-half of
23 one percent of alcohol by volume and is intended for
24 human consumption,

1 (2) the term “person” includes a State, a State
2 agency, or an officer or employee of a State or State
3 agency, and

4 (3) the term “State” includes—

5 (A) any political subdivision of a State,

6 (B) the District of Columbia,

7 (C) the Commonwealth of Puerto Rico,

8 (D) the Commonwealth of the Northern
9 Mariana Islands,

10 (E) Guam,

11 (F) the Virgin Islands,

12 (G) American Samoa,

13 (H) Wake Island,

14 (I) the Midway Islands,

15 (J) Kingman Reef, and

16 (K) Johnston Island.

17 **SEC. 606. REPORT TO CONGRESS.**

18 (a) INVESTIGATION.—Not earlier than 2 years after
19 the date of the enactment of this Act, the Secretary of
20 Health and Human Services shall conduct an appropriate
21 investigation and consult with the Surgeon General to de-
22 termine whether available scientific information would jus-
23 tify a change in, an addition to, or deletion of, a health
24 warning set forth in section 803.

1 (b) REPORT.—If the Secretary of Health and Human
 2 Services finds that available scientific information would
 3 justify the change, addition, or deletion described in sub-
 4 section (a), the Secretary shall promptly submit a report
 5 to the appropriate committees of Congress containing—

6 (1) the information; and

7 (2) specific recommendations for such amend-
 8 ments to this title as the Secretary determines to be
 9 appropriate and in the public interest.

10 **TITLE VII—INGREDIENT LABEL-**
 11 **ING FOR MALT BEVERAGES,**
 12 **WINE, AND DISTILLED SPIR-**
 13 **ITS**

14 **SEC. 701. SHORT TITLE.**

15 This Act may be cited as the “Truth in Alcohol Bev-
 16 erage Labeling Act”.

17 **SEC. 702. LABELING.**

18 Section 403 of the Federal Food, Drug, and Cosmetic
 19 Act (21 U.S.C. 343) is amended by adding at the end the
 20 following:

21 “(t)(1) If it is a malt beverage (including malt liquor
 22 or malt cooler), wine (including wine cooler or fortified
 23 wine), or distilled spirit (including distilled spirit cooler)
 24 unless it bears a label which—

1 “(A) discloses in a non promotional manner the
2 alcoholic content by volume,

3 “(B) discloses the number of drinks it contains
4 rounded to the nearest quarter drink,

5 “(C) discloses its ingredients and calories per
6 container and per drink,

7 “(D) discloses the common or usual name of
8 each ingredient (including additives), and

9 “(E) bears the following statement: ‘If you or
10 someone you know has a drinking problem, a call
11 may be made to (reference to a toll-free number es-
12 tablished and operated by the Secretary) for help’.

13 “(2) For purposes of paragraph (1):

14 “(A) The term ‘malt beverage’ means a bev-
15 erage made by the alcoholic fermentation of an infu-
16 sion or decoction, or combination of both, in potable
17 brewing water of malted barley with hops, or their
18 parts or products, with or without other malted cere-
19 als, with or without the addition of unmalted or pre-
20 pared cereals, other carbohydrates, or materials pre-
21 pared, with or without the addition of carbon diox-
22 ide, and with or without other wholesome products
23 suitable for human food consumption.

24 “(B) The term ‘wine’ means wine as defined in
25 sections 610 and 617 of the Revenue Act of 1918

1 and other alcoholic beverages made in the manner of
2 wine, including sparkling and carbonated wine, wine
3 made from condensed grape must, wine made from
4 other agricultural products than the juice of sound,
5 ripe grapes, imitation wine, wine compounds sold as
6 wine, vermouth, cider, perry, and sake if it contains
7 not less than 7 percent and not more than 24 per-
8 cent of alcohol by volume and if for nonindustrial
9 use.

10 “(C) The term ‘distilled spirit’ means ethyl al-
11 cohool, hydrated oxide of ethyl, spirits of wine, whis-
12 ky, rum, brandy, gin, and other distilled spirits, in-
13 cluding all dilutions and mixtures thereof for non-
14 industrial use. Such term does not include mixtures
15 containing wine, bottled at 48 degrees of proof or
16 less if the mixture contains more than 50 percent
17 wine on a proof gallon basis.

18 “(D) The term ‘drink’ is a serving of a malt
19 beverage, wine, or distilled spirit which contains .6
20 ounces of alcohol by volume.

21 “(3) The Secretary shall by regulation require that
22 the information required on a container of a malt bev-
23 erage, wine, or distilled spirit label by subparagraph (1)—

24 “(A) be located in a conspicuous place on such
25 label,

1 “(B) appear in conspicuous and legible type
2 which is in contrast by typography, layout, and color
3 with other printed matter and which is of a size no
4 less than one-sixteenth of an inch in height,

5 “(C) be displayed horizontally,

6 “(D) be easily legible when the container is held
7 in the usual way, and

8 “(E) be offset by borders.”.

9 **SEC. 703. AUTHORIZATION.**

10 There is authorized to be appropriated to the Sec-
11 retary \$500,000 for fiscal year 1996 and each succeeding
12 fiscal year to establish and operate the toll-free number
13 referred to in section 403(t)(1)(E) of the Federal Food,
14 Drug, and Cosmetic Act (as added by section 701).

15 **SEC. 704. REPORT.**

16 The report required by section 206 of the Alcoholic
17 Beverage Labeling Act of 1988 shall be filed within 3
18 months of the date of the enactment of this Act.

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