

104TH CONGRESS
2D SESSION

H. R. 3473

To establish advertising requirements for alcoholic beverages.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1996

Mr. KENNEDY of Massachusetts (for himself, Mr. HINCHEY, Mr. FALEOMAVAEGA, and Mr. FATTAH) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To establish advertising requirements for alcoholic beverages.

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 “Children’s Protection
5 from Alcohol Advertising Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) In 1995, the Department of Health and
9 Human Services found that there is a significant un-
10 derage drinking problem and estimated that there
11 are 11 million drinkers of alcoholic beverages who

1 are under the age of 21. Of that number, 2 million
2 are heavy drinkers of such beverages.

3 (2) In 1995, the proportion of students having
4 5 or more drinks in a row during the 2 week period
5 preceding the Monitoring the Future Survey were 15
6 percent for 8th graders, 24 percent for 10th grad-
7 ers, and 30 percent for 12th graders.

8 (3) The median age at which children begin
9 drinking alcoholic beverages is just over 13 years. 67
10 percent of students in the 8th grade have tried an
11 alcoholic beverage.

12 (4) A 1995 survey found that 50 percent of the
13 teenagers who were asked said that alcohol is a more
14 serious problem among today's youth than illicit
15 drugs.

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

19 (6) Alcoholic beverage companies spent \$2 bil-
20 lion to advertise and promote their products in
21 1995. The budget of the National Institute on Alco-
22 hol Abuse and Alcoholism for the same year was
23 \$176 million.

24 (7) According to a study published in the Amer-
25 ican Journal of Public Health, viewing beer ads on

1 television may predispose young people to drinking
2 beer. Children who are more aware of beer advertise-
3 ments hold more favorable beliefs about drinking
4 beer and intend to drink beer more frequently as
5 adults.

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

10 **SEC. 3. ADVERTISING REQUIREMENTS.**

11 (a) PROHIBITIONS.—

12 (1) GENERAL RULE.—Except as provided in
13 paragraph (2), no alcoholic beverage may be adver-
14 tised or promoted on any audio tape, audio disc, vid-
15 eotape, video arcade game, computer game or in
16 film. No outdoor advertising of alcoholic beverages
17 may be located within 1000 feet of any school, play-
18 ground, or other public facility where individuals
19 under the age of 21 are reasonably expected to con-
20 vene.

21 (2) EXCEPTION.—Paragraph (1) does not apply
22 to any videotape prepared by a person engaged in
23 the business of manufacturing or selling alcohol bev-
24 erages if such videotape is to be viewed only by other
25 persons engaged in such business.

1 (b) PRINT ADVERTISING.—In publications with an
2 under the age of 21 readership of 15 percent or more than
3 2 million, whichever is less, alcohol advertising shall be
4 restricted to text only advertising in black and white print.

5 (c) BROADCAST ADVERTISING.—Any advertising of
6 an alcoholic beverage in a television broadcast shall during
7 the hours between 7 A.M. and 10 P.M. be limited to only
8 a picture of the beverage with factual, objective audio in-
9 formation about the beverage.

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

13 (e) PROMOTIONAL ITEMS.—

14 (1) GENERAL RULE.—No person may manufac-
15 ture or distribute a product which is a non-beverage
16 product with an identifiable brand of an alcoholic
17 beverage manufacturer. Such a product shall bear
18 the corporate name of the alcoholic beverage manu-
19 facturer.

20 (2) EXCEPTION.—Paragraph (1) does not apply
21 to any product prepared by a person engaged in the
22 business of manufacturing or selling alcohol bev-
23 erages if such product is to be made available only
24 to other persons engaged in such business.

25 (f) ENFORCEMENT.—

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

6 (2) INJUNCTION.—The district courts of the
7 United States shall have jurisdiction, for cause
8 shown, to prevent and restrain violation of restric-
9 tions prescribed by subsection (a), (b), or (c) upon
10 application of the Attorney General of the United
11 States acting through the United States attorneys in
12 their districts.

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