

Quarterly newsletter posted at
www.MarinInstitute.org.

Amon Hoang-Rappaport
Executive Editor

Laurie Leiber
Contributing Editor

Tiffany Steeves
Design & Production

*Contributors: Leigh Steffy, Molly
Plangman, Tiffany Steeves,
Shailushi Baxi-Ritchie*

Printed on Recycled Paper.

Copyright© Marin Institute
2004. Permission granted to
reproduce for educational
purposes.

MARIN INSTITUTE STAFF

Mark Pertschuk, J.D.
Executive Director

Amon Hoang-Rappaport, M.P.P.
Communications Director

Jessica Wolin, M.P.H., M.C.P.
*Associate Director
Community Support*

Jian Lu, M.B.A.
Controller

Laurie Leiber, M.P.H.
Media Relations

Shailushi Baxi-Ritchie, M.P.H.
Manager, Technical Assistance

Lynn Tsumoto Dix, M.L.I.S.
Resource Center Manager

Rick Wilson
Web & IT Manager

Gail Greene
Fiscal & HR Manager

Leigh Steffy
Assistant Director

BOARD OF DIRECTORS

Linda M. Bosma, M.A.
(Vice President)
Minneapolis, MN

Rosario Casanova, Ph.D.
Novato, CA

Michael S. Cunningham
Sacramento, CA

Rev. Robert James Current
(Treasurer)
Novato, CA

James Loyce, Jr.
San Francisco, CA

Larry Meredith, Ph.D.
San Rafael, CA

Poorva Pandey
Novato, CA

Carlos E. Peña
Tiburon, CA

Linda A. Pratt, M.A.
(Secretary)
Oakland, CA

Julio Rodriguez
Chicago, IL

Maureen Sedonaen
(President)
San Francisco, CA

Joseph H. Therrien
Fairfax, CA



24 Belvedere Street
San Rafael, CA 94901

p: 415-456-5692
f: 415-456-0491
www.MarinInstitute.org

Preventing Alcohol Problems



Solutions to Community Alcohol Problems

New Road Map Coming Soon

We're developing a new guide called "Solutions to Community Alcohol Problems"—a road map that will help you understand environmental prevention and use the

approach to benefit your community. Using real world success stories and engaging illustrations to bring the concepts to life, the short booklet is designed to help elected officials, foundation leaders, public health practitioners, and local advocates support communities in putting environmental prevention strategies into action.



This proven and science-based approach produces results well beyond those seen with individually focused efforts alone, and is an essential component of comprehensive alcohol prevention campaigns. Employing environ-



Bringing Solutions to the Problem

Binge Drinking and the Workplace



Alcohol has long been the #1 drug of abuse among American employees. The National Institute on Alcoholism and Alcohol Abuse estimates that alcohol problems cost U.S. employers \$27 billion in lost productivity alone. Growing awareness of this huge impact on the bottom line has motivated many businesses to address alcohol problems among workers. Until recently most of these efforts have been designed to help alcohol dependent workers initiate recovery and reclaim their productivity. But while an Employee Assistance Program (EAP) is both a cost effective and humane response to a costly problem, such individually focused interventions do not typically address the lion's share of the losses caused by alcohol abuse.

“Research shows that the bulk of the costs to business don't come from alcoholics,” says Chris O'Neill, manager of Workdrugfree, in Eugene, Oregon. “Instead, it's the occasional, heavy users who actually create 60 percent of the problems.”

O'Neill works with community prevention coalitions throughout Oregon to help them broaden their par-

CONTI NUED ON PAGE 2

We are an alcohol industry watchdog and a resource for solutions to community alcohol problems.

IN THIS ISSUE

Binge Drinking & the Workplace	1
Safer Super Bowl	1
Quick Stats	2
Starbucks Liqueur	3
Alcohol 101: Dram Shop Liability	4
Thumbs Up/Down	6
Breaking the Link	6
CADCA Awards	7
Take Back Your Fair	B1
Legislative Update	B1/B2

Texas Kicks Off a Safer Super Bowl



The people of Grand Prairie, Texas like the Super Bowl, but they don't like the alcohol-related problems that come with it. Over the years, members of Grand Prairie Mobilizing for Change on Alcohol (GPMCA) noticed that the Super Bowl was causing super-sized problems in their community—especially related to underage drinking. So, rather than put up with it another year, they did something about it. GPMCA used the latest Super Bowl to launch a comprehensive Responsible Beverage Service (RBS) effort to train retail establishments and enforce alcohol laws in Grand Prairie.

RBS is a community-based approach to reducing risks associated with retail alcohol environments. RBS has three essential elements: merchant education, policy development, and partnerships with law enforcement. The goal of RBS is to reduce alcohol-related problems by training servers and sellers about state and local laws and by encouraging the development of management policies that promote lawful business

CONTI NUED ON PAGE 5



Binge Drinking and the Workplace

QUICK STATS

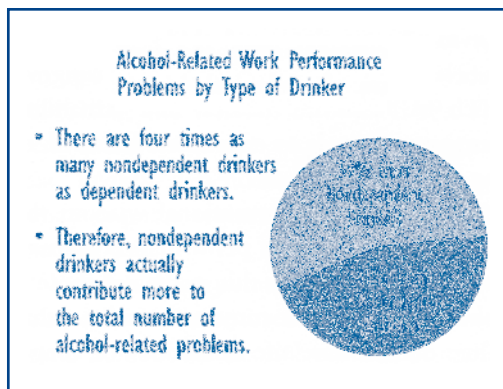
The majority of alcohol-related work performance problems can be attributed to employees who are episodic binge drinkers and not alcohol dependent.

Twenty-one percent of workers report experiencing "secondhand" effects of other worker's drinking including injuries, covering for a co-worker, or having to work harder or longer.

Managers are more than three times as likely to drink during working hours than hourly workers.

The "hangover effect" includes absenteeism, tardiness, unacceptable work performance, arguments with colleagues, and on-the-job injuries.

Source: Thomas W. Mangione, Johathan Howland and Marianne Lee. "New Perspectives for Work site Alcohol Strategies: Results from Corporate Drinking Study," The National Institute on Alcohol Abuse and Alcoholism and Robert Wood Johnson Foundation, December, 1998.



"New Perspectives for Work site Alcohol Strategies: Results from Corporate Drinking Study," The National Institute on Alcohol Abuse and Alcoholism and Robert Wood Johnson Foundation, December, 1998.

participation to include employers. Such coalitions have a clear motivation—a national survey showed that 76 percent of the people who have alcohol and other drug problems are employed. This convinced health authorities to direct more of the state's prevention resources into working with employers rather than continue to focus primarily on grade schools, at-risk youth and families.

Often the first step in recruiting a coalition participant from the business community is presenting a more complete picture of the negative impact of episodic drinking—not just alcoholism—on their own workforce. "We try to make it clear to employers that if they haven't addressed binge drinking, they haven't yet taken on their biggest problem," says O'Neill.

Once he has an employer's attention, O'Neill acknowledges that solutions to the "hangover effect" are complex. Drinking immediately before or during the workday can be prohibited. But alcohol is legal and employers can't tell workers not to drink on their own time. Workplace intervention efforts must focus instead on appropriate responses to the most common *symptoms* of binge drinking: absenteeism, tardiness, poor performance and attitude problems. And, because workplace culture and co-worker attitudes can influence drinking behaviors both at work and beyond the workplace, O'Neill advises employers to train supervisors and take every appropriate opportunity to establish moderate norms around drinking. Holiday parties and other events sponsored by the employer where alcohol is served are an excellent chance to model moderation and practice Responsible Beverage Service.

"...if employers haven't addressed binge drinking, they haven't yet taken on their biggest problem."

Employers can clearly improve productivity by working to reduce binge drinking among workers. Supporting such efforts is consistent with the mission of community coalitions dedicated to the prevention of alcohol and other drug problems. But involving employers can also advance a community coalition's larger goals of community-wide prevention. Employers are often influential opinion leaders whose support could help promote adoption of community-level prevention policies. Having business people behind a proposal for a positive change in alcohol policy will blunt the common argument that any restriction on the marketing or promotion of alcohol is "anti-business." Finally, reducing alcohol-related risk through strategies like community-based Responsible Beverage Service will create safer drinking environments—and safer communities—for workers and non-workers alike.

Austin and Denver Brew up Trouble for Starbucks Liqueur



Residents of Austin, Texas and Denver, Colorado were outraged when Jim Beam and Starbucks started test marketing the new Starbucks Coffee Liqueur in their cities last fall. Activists in both cities feel the new product—sold only in liquor stores—will promote underage drinking by extending Starbucks’ youth-friendly brand to a product that is supposed to be “off limits” to youth. The way local activists raised awareness and involved others in the protest is a great example of grassroots resistance to irresponsible alcohol marketing.

Austin activist Elizabeth James was stunned when she found a Starbucks Liqueur display in a local liquor store, which implied that the product’s target age-range is “18-49 year-olds.” With the help of the Marin Institute, she filed a formal complaint with both the Texas Alcoholic Beverage Commission and Distilled Spirits Council of the United States. James and her allies also sent a letter to the CEO of Starbucks asking the company to remove the new product from store shelves; solicited signatures from parents and students at high school football games; and distributed fliers directing people to the Starbucks Web site to register their complaint. Meanwhile, protesters outside of Denver, led by Zach Mann, created www.stardrunks.com and installed rows of crosses in a vacant lot to represent the more than 2,400 youth-ages 15-20 killed every year in underage drinking crashes.



The grassroots resistance in Denver and Austin earned coverage in *The Rocky Mountain News*, *The Daily Texan* and *The New York Times* and on local TV.

Despite the outcry, Starbucks recently went ahead with the nationwide launch of its coffee liqueur.

Though activists could not stop the product from going national, they’re hoping the backlash will gain more momentum as this liqueur with built-in youth appeal pops up in more communities.

If you want help using media advocacy and other strategies to combat irresponsible alcohol marketing in your community, contact the Marin Institute at [415-456-5692](tel:415-456-5692).

Activists in Austin, Texas protest the test marketing of Starbucks Liqueur in their city. The protesters inform street patrons about Jim Beam’s use of the Starbucks brand which has strong recognition among underage youth.



Alcohol 101:



Dram Shop Liability and Legislation *Holding Retailers Accountable for Injury and Damages*

A New Jersey jury recently awarded \$135 million to the family of a girl paralyzed in a 1999 automobile accident caused by a drunk driver following a New York Giants football game. The jury assessed punitive damages against Aramark Corporation, the team's beer concessionaire at Giants' Stadium, and split the liability for the compensatory damages evenly between the company and the driver who caused the accident—who reportedly had a blood alcohol level double the legal limit at the time of the accident.

Aramark's liability for the accident caused by its patron is based on "dram shop" laws. The term "dram shop" comes from 18th century businesses in England that sold gin by the spoonful, called a dram. Dram shop laws hold retail establishments accountable for any harm—death, injury, or other damages—caused by an intoxicated patron.

There is a great deal of variation in dram shop laws across the country. Ten states, such as Nevada, impose no dram shop liability. The remaining forty states impose dram shop liability to varying degrees.ⁱ Some states impose liability on retailers only in cases of illegal alcohol sales. In California, for example, dram shop liability is limited to cases involving alcohol sales to obviously intoxicated minors. States with stricter dram shop laws can hold retailers or social hosts accountable for third-party damages. In almost all states, however, dram shop liability must meet the "obvious intoxication" test: the employee/retailer knew, or should have known, that the customer was intoxicated, and therefore a danger to him/herself and others.

Dram shop liability can help prevent problems by shaping the environment in which alcohol is sold. As stated by Illinois' courts, "the dram shop act is intended to place responsibility for damages caused by intoxicants on those who profit from the sale of alcohol ... [and] to protect the health, safety, and welfare of the people from the dangers of traffic in liquor."ⁱⁱ These laws can provide an incentive for owners of alcohol establishments to develop responsible service policies and train their employees when to refuse alcohol sales.

To learn more about Responsible Beverage Service, visit www.MarinInstitute.org/alcohol_policy/rbs.htm or contact us at **415-456-5692**.

ⁱ http://www.ku.edu/~rlevy/PPC_F03/Drafts/Lloyd.pdf. Accessed February 17, 2005.

ⁱⁱ http://en.wikipedia.org/wiki/Dram_shop. Accessed January 4, 2005.

ROAD MAP CONTINUED FROM OUTSIDE

mental strategies that target local needs and conditions, communities have reduced underage drinking, alcohol-impaired driving, alcohol-related disease, injury and death, and alcohol-related crime and violence.

Last year, the Marin Institute convened experts from across the country to examine the "state of the art" in environmental prevention and develop strategies for raising awareness of the critical role it plays in creating healthier, safer and stronger communities.

It was clear from this gathering that there is a great need for a concise overview of environmental prevention—how it works, how we know it is effective, and how leaders at all levels can promote much broader use of environmental approaches. "Solutions to Community Alcohol Problems" was developed to meet that need.

To get your free copy, visit www.MarinInstitute.org/solutions or contact us at **415-456-5692**.

practices. RBS also includes a law enforcement component, which holds merchants accountable if they violate state and local laws, such as selling to minors and intoxicated patrons. An effective RBS program results in safe and legal alcohol sales, clear policies by owners and managers about how business will be done, and regular compliance checks by police.

The connection between underage drinking and responsible beverage service seemed obvious to the Grand Prairie coalition. By 9th grade, almost 40 percent of local youth use alcohol, according to surveys there. “It’s apparent to me as a trauma nurse that youth are drinking more,” noted Janna Fagan, a local nurse and coalition member. “We have seen alcohol-related accidents and injuries increase over the years.” This increase is fueled in part by retail establishments violating the law. Lieutenant Scott Trim of the Grand Prairie Police Department explains, “In our last undercover operation, 20 percent of the targeted retailers sold alcoholic beverages to a minor. This is unacceptable to the Grand Prairie Police Department.”

Using the Super Bowl as a launching pad, coalition members implemented a community-wide effort to promote and educate retailers about RBS. GPMCA members made personal visits to retail establishments where they distributed information packets about state and local laws, the importance of being a “responsible merchant,” and discussed opportunities for local training. Following the Super Bowl, the coalition offered several local trainings to merchants, organized follow-up compliance checks by local law enforcement and wrote an editorial that was published in the *Corsicana Daily Sun*. Next steps include working with local merchants and community leaders to develop policy options for addressing underage drinking hot spots, such as local concert venues.

Coalition members welcomed the chance to promote RBS. There has been a tremendous increase in the availability of alcohol in the community following a new law that allows “off-premise” alcohol sales at grocery stores, gas stations and other locations. “The Texas Alcoholic Beverage Commission (TABC) resources have been greatly stretched since the addition of many new outlets in Grand Prairie,” notes Tana Travis, TABC agent. GPMCA will greatly enhance TABC strategies in reducing illegal sales of alcohol.” That sentiment is echoed by police Lieutenant Trim, who says, “We are confident that the coalition’s initiative on increasing RBS will result in the reduction of illegal sales to minors in Grand Prairie.”

“What it really comes down to is that RBS keeps communities safe,” says Laura Donahue, the coalition director. “Grand Prairie cares about its youth and is ready to take action on their behalf!”



The Coalition to Prevent Underage Drinking and the Grand Prairie Chamber of Commerce join forces to address their community’s underage drinking problem.

*“Responsible
Beverage
Service keeps
communities safe.”*



Thumbs Up

...to Atlanta, Georgia's Institute of Technology GT SMART program for offering a 24-hour Anonymous Tip Hotline to those who wish to report bars, restaurants and/or stores suspected of selling or serving alcohol to underage or intoxicated persons. Part of the American Medical Association's "A Matter of Degree" project, GT SMART is a campus-community coalition that addresses high-risk drinking on Georgia Tech's campus and in the community. Calls received on the hotline are forwarded to the Atlanta Police Department for investigation. The hotline is an important resource, which engages the community in efforts to reduce underage and high-risk drinking. For more information visit www.gtsmart.gatech.edu



Thumbs Down

...to Allied Domecq, one of the world's largest alcohol producers, for its Sauza Tequila billboard showing a bottle of tequila with its label slipped off and the words "Lost: Modesty". We wrote a complaint letter stating that the ad encourages heavy, irresponsible consumption, suggests that drinking Sauza will lead to nudity, and actively promotes the use of Sauza Tequila for its sexually disinhibiting effects. We sent the complaint to the Distilled Spirits Council of the United States (DISCUS) and Allied Domecq, who later informed us that it decided to withdraw the billboards. The DISCUS Code Review Board later commended Allied Domecq's decision to withdraw the ad.

Thumbs Up



...to the Rosemary Gardens Neighborhood Association in San Jose, California for opposing alcohol sales at a new 7-Eleven store in an area already over-concentrated area with alcohol outlets. The developer threatened to stop the project if no alcohol license was granted. Community members petitioned city planning authorities and protested the location with the California Department of Alcoholic Beverage Control.

In Marin



Breaking the Link: Preventing Alcohol-Related Sexual Assault in Marin

Educators, criminal justice personnel, parents, and youth service providers are increasingly concerned about the incidence of alcohol-facilitated sexual assault among youth in Marin County. Although Marin lacks a coordinated system to collect data from young people regarding this problem, several groups working with Marin youth have presented evidence that alcohol-related sexual assault is far

"Marin 9th and 11th grade students report using alcohol and binge drinking at higher rates compared to state and national averages"

-- California Healthy Kids Survey, 2001

from rare among local high school students. In 2001-2002, the Marin County Sexual Assault Response Team reported that 40 percent of their cases involved 14-19 year olds and 62 percent of these cases involved alcohol and/or drugs. Similarly, at a local high school, Community Violence Solutions found that 63 percent of sexual assault cases involved alcohol. Concerned that only one in 10 sexual assaults are reported to authorities, the Youth Leadership Institute feared that these disturbing findings were only the "tip of the iceberg."

Determined to take appropriate action, a group of youth and adult community leaders formed the Breaking the Link task force to more accurately assess the prevalence of, and ultimately prevent alcohol-related sexual assault among youth. To do that, Breaking the Link is developing a social norms marketing campaign to change perceptions and behaviors among high school youth. Social norms campaigns are rooted in the theory that behavior is influenced by perceptions of the behavior and attitudes of our peers. This type of strategy is used by the alcohol and tobacco industries to acquire

CONTINUED ON PAGE 7



Breaking the Link youth tabulate survey findings taken from Tamalpais High School students.

new and returning customers. Breaking the Link designed and administered a short survey regarding perceptions of binge drinking and sexual activity at one Marin County high school. High school students will compile and analyze the data.

Breaking the Link will work with students to create flyers and coordinate workshops that promote positive messages about healthy relationships, as indicated by the survey results. Notices about support and community resources for students dealing with issues related to sexual assault, bullying, alcohol and other drugs, and self defense will be posted in the school newspaper and in popular places around campus. For more information about the project contact the Youth Leadership Institute at 415-455-1676.



Breaking the Link member, Margot McGrath, reveals that despite perceptions among youth most young people surveyed don't drink alcohol before or during sexual activity.



CADCA Recognizes Marin County & the Youth Leadership Institute

The Marin County Prevention Youth Council (PYC), a project of the Youth Leadership Institute, uses a unique approach to drug prevention, successfully combining environmental prevention with youth development strategies. In addition to training youth to become local leaders in substance abuse prevention, the PYC works to create community environments that discourage youth from using drugs by affecting policy change and influencing messages youth receive about alcohol and other drugs.

"This award confirms that our youth-led environmental prevention approach really works. We hope coalitions across the country will try it."
-- Maureen Sedonaen, president and CEO, Youth Leadership Institute.

Community Anti-Drug Coalitions of America (CADCA) honored the Marin County Prevention Youth Council with the 2004 Got Outcomes! Coalition of Excellence award at its National Leadership Forum in January.

CADCA's Got Outcomes! initiative recognizes coalitions that have successfully reduced substance abuse in their community through comprehensive strategies or model programs. Honoring the two best coalitions out of 1,000 applicants, Got Outcomes! is a competitive awards program designed to acknowledge coalitions that implement evidence-based programs, policies or practices to achieve community-wide outcomes.

For more information visit www.yli.org or www.cadca.org.

Take Back Your Fair! We Can Help...



The biggest Marin County Fair banner once read, “Miller Beer—proud sponsor”. All that changed in 2004 when six Marin County organizations—including the Marin Institute—came together under the name Play Fair and replaced Miller Brewing as the lead sponsor of the Marin County Fair. For the first time in six years the main sponsor of the Marin County Fair wasn’t a beer company but a family and youth-friendly coalition of groups that promote health. The coalition earned positive local media coverage and an award from the Western States Fair Association for Best Sponsor Tie In. Play Fair successfully promoted its pro-health messages to the community, which included “information highlighting the alcohol industry’s predatory youth marketing practices.”

As an expert on alcohol policy reform and environmental change, the Marin Institute offers personalized assistance to communities looking to replace alcohol sponsors at their upcoming fair or festival. We can help you develop community strategies, build relationships with key stakeholders and obtain positive local media attention. For assistance and information contact [Shailushi Baxi-Ritchie](#) at 415-456-5692.



Legislative Update

Federal

In December, the U.S. Supreme Court heard oral arguments on [New York](#) and [Michigan's](#) law banning out-of-state vineyards from selling directly to customers *via* the Internet. A decision is expected by late Spring 2005.

In February, the STOP Underage Drinking Act (S.408/H.R. 864) was re-introduced in the U.S. Senate and House of Representatives. A bi-partisan effort, the Act would implement recommendations from the National Academy of Sciences Institute of Medicine’s September 2003 report to Congress, including a media campaign, community and campus initiatives, and research.

State and Local Arizona

In January, a bill (HB2525) was introduced in the state legislature that would increase the penalty for knowingly buying alcohol for an underage person to include suspending the buyer’s driving privileges for six months.

California

In February, State Senator Jack Scott (D-Pasadena) introduced SB148, a bill to give cities more authority to require liquor stores to comply with city zoning laws. According to *The Pasadena Star News*, “Under current law, cities or counties can only enforce zoning ordinances that were present when the liquor license was issued. The proposed legislation would enable cities to enforce new ordinances and also allow liquor store owners reasonable time to comply with the changes or sell.”

Colorado

State Representative Alice Madden (D-Boulder) introduced HB 05-1223 in February. The bill would allow local liquor boards to reconsider alcohol licenses for problem establishments. According to *The Denver Post*, when Dennis Miller of the University Hill Neighborhood Association in [Boulder](#) testified in support of the bill, he explained that this legislation would give communities the ability to go after establishments that “bait and switch”—seeking liquor licenses as family restaurants, then morphing into late-night clubs. After passing a house committee in late February, the bill now awaits a vote.

Indiana

A new open container law, HB1057, was introduced in January. The bill would remove the requirement that police must determine a driver to be impaired before issuing an open container citation. The new law would also place responsibility for an open container with the passenger who is in possession of the container.

Michigan

In November, Governor Jennifer Granholm (D) signed HB4458 into law, which allows retailers to set their own price for distilled spirits—at or above state-set prices. Bars and restaurants that serve liquor already are allowed to mark up the price of alcoholic drinks they serve. Beer and wine aren't affected by the legislation.

Missouri

Representative Bill Deeken (R-Jefferson City) introduced HB184 in January, which would increase Missouri's alcohol excise taxes. The additional revenue would go towards a fund for the reduction of alcohol-related problems and underage drinking.

Nebraska

In January, a bi-partisan group of representatives introduced LB592, a "Liquor Liability Act," also known as Dram Shop Liability. It would hold taverns legally liable for serving an intoxicated person who later causes an accident or an injury.

LB598 was also introduced, to increase current alcohol excise taxes. The tax would generate about \$10 million a year and would pay for substance-abuse programs.

Oregon

Diageo-Guinness USA Inc., maker of Smirnoff Ice, is suing the Oregon Liquor Control Commission for banning "malternatives" from supermarkets. "Malternatives" are a mix of malt beverage and distilled spirits. According to Oregon state regulators, these beverages have more than one-half of one percent distilled alcohol and therefore cannot be legally sold in grocery stores.

Pennsylvania

In December, Governor Edward Rendell (D) signed HB2105 into law which allows 25 percent of the 637 state wine and spirit stores to open on Sundays—up from 10 percent under current law.

South Carolina

SB0165 was introduced and sent to the Judiciary Committee in January. The bill would allow restaurants and bars to stop using minibottles and pour alcohol from larger containers. The expected outcome would be for drinks to become cheaper.

Texas

State Representative Harold Dutton (D-Houston) introduced HB428 which would change the current Texas Alcoholic Beverage Code to allow "hotel bars" to serve alcohol 24 hours a day.

Wyoming

Wyoming State Senator Tony Ross (R-Cheyenne) and Representative Jane Warren (D-Laramie) introduced a bill that would strengthen Wyoming's open container law. The law would make it easier for police officers to enforce open container violations and bring the state up to par with federal standards.

In February, the Wyoming Senate approved HB66, which would prohibit anyone, owner or renter, from having an open house party in which alcohol or illegal drugs are possessed or consumed by minors. The bill, sponsored by Representative Colin Simpson (R-Cody), would impose a penalty of up to six months in jail and a fine up to \$750, or both. Because of some changes made to the bill in the Senate, it must be returned to the House for another vote.