

## Alcohol Advertising and Youth

### **Overview:**

Alcohol advertising across the U.S. is both widespread and heavily normalized, with almost \$4 billion being spent by the alcohol industry on advertisements each year<sup>1</sup>. Advertising limitations related to mitigating youth consumption is an essential component of facilitating a public health approach to alcohol consumption. The following document provides an overview of why advertising restrictions matter, and what Vermont can do to enhance protections for youth.

### **The Impact of Alcohol Misuse on Youth and Communities**

Multiple studies link exposure to alcohol advertisements with an increase in youth consumption of alcohol. Underage drinking contributes to public health issues such as substance use disorder, alcohol-related motor vehicle crashes, suicide, and other forms of crime, injury, illness and violence.<sup>2</sup> This is particularly important to communities given the increase in advertisements across the lives of youth today; one 2016 study found that youth ages 11 to 14 saw on average, 2-4 alcohol-related advertisements per day<sup>3</sup>. While alcohol advertisement regulations for this report are focused on mitigating youth exposure and subsequent consumption, alcohol misuse poses a wide range of risks for entire communities.

The Substance Abuse and Mental Health Services Administration (SAMHSA) attributes the following risks to alcohol misuse<sup>4</sup>:

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<sup>1</sup>[https://wwwapp.bumc.bu.edu/BEDAC\\_Camy/docs/research-to-practice/promotion/legal-resources/state-ad-laws/CAMY\\_State\\_Alcohol\\_Ads\\_Report\\_2012.pdf](https://wwwapp.bumc.bu.edu/BEDAC_Camy/docs/research-to-practice/promotion/legal-resources/state-ad-laws/CAMY_State_Alcohol_Ads_Report_2012.pdf)

<sup>2</sup>Ibid

<sup>3</sup> Journal of Studies on Alcohol and Drugs. "Middle-school kids see several alcohol ads a day." ScienceDaily, 17 May 2016.

<sup>4</sup> [https://store.samhsa.gov/sites/default/files/SAMHSA\\_Digital\\_Download/pep22-06-01-006.pdf](https://store.samhsa.gov/sites/default/files/SAMHSA_Digital_Download/pep22-06-01-006.pdf)

**Impacts of Alcohol Misuse on Individuals, Family/Relationships, and Communities/ Society**<sup>9, 71, 76-78</sup>

Individual Morbidity and Mortality	Family/Relationships	Communities/ Society
<ul style="list-style-type: none"> <li>• Unintentional injuries such as motor vehicle crashes, falls, drownings, and burns</li> <li>• Alcohol poisoning</li> <li>• Risky sexual behaviors</li> <li>• Effects on pregnant people and their babies, including miscarriage and stillbirth</li> <li>• Cardiac issues, such as high blood pressure, heart disease, and stroke</li> <li>• Liver disease, gastritis, pancreatitis, and digestive issues</li> <li>• Several different types of cancer, including mouth, throat, larynx, esophagus, liver, breast, colon, pancreatic, and rectum</li> <li>• Neurological issues, including learning and memory problems, poor school performance, difficulty walking (ataxia), blindness, encephalopathy, and dementia</li> <li>• A weakened immune system</li> <li>• Weight and blood sugar level changes</li> <li>• Behavioral health conditions, such as depression, anxiety, concurrent substance misuse, AUD, and suicide</li> <li>• Fertility issues affecting both males and females</li> </ul>	<p><b>Partners</b></p> <ul style="list-style-type: none"> <li>• Intentional injuries and violence, like sexual assault, homicide, domestic/intimate partner violence</li> <li>• Decreased quality of life</li> <li>• Physical and mental health problems</li> <li>• Divorce and/or separation</li> </ul> <p><b>Children</b></p> <ul style="list-style-type: none"> <li>• Poor school performance</li> <li>• Negative effects on infants, children, and adults whose mothers drank during pregnancy, like pre-term birth, low birth weight, and fetal alcohol spectrum disorders</li> <li>• Abuse and neglect</li> <li>• Riding with driver under the influence</li> <li>• Adverse childhood experiences</li> </ul>	<p><b>Workplace</b></p> <ul style="list-style-type: none"> <li>• Unemployment</li> <li>• Decreased productivity and career advancement and/or opportunities</li> <li>• Workplace problems (e.g., harassment)</li> </ul> <p><b>Public Safety</b></p> <ul style="list-style-type: none"> <li>• Motor vehicle crashes</li> <li>• Violent crime (e.g., assault, homicide)</li> <li>• Disruptive behavior (e.g., threats, disorderly conduct)</li> <li>• Incarceration and penal costs</li> </ul>

**Prevention of Alcohol Misuse**

Prevention strategies aimed at mitigating impacts of alcohol misuse are separated into 4 categories of addressing potential harm: physical availability, financial availability, social availability, and psychological availability. For the purposes of this summary, advertisement and marketing practices can be categorized under psychological availability, meaning that the proliferation of advertisements impacts an individual’s perception (and in particular, youth perceptions) of alcohol accessibility, positive outcomes, and personal identity. States one study, “Marketing techniques are used to associate alcohol products with positive sentiments (e.g. fun, excitement, social status, success) in order to promote favorable attitudes to alcohol.”<sup>5</sup>

SAMHSA states that “Overall, the evidence is clear that youth exposure to alcohol marketing is associated with increases in youth drinking.” Specifically, it has been identified that each additional alcohol advertisement that youth are exposed to is associated with a 1% increase in the number of drinks consumed.

**Alcohol Advertising Regulatory Best Practices**

Best practices for advertising restrictions typically work towards two main outcomes: 1.) Reduction of alcohol consumption and 2.) Decrease in positive expectations around consuming alcohol. These can be achieved by impacting alcohol advertising content and placement.

<sup>5</sup> <https://www.oecd-ilibrary.org/sites/601cce67-en/index.html?itemId=/content/component/601cce67-en>

While Federal Laws dictate the primary mechanism for alcohol industry regulation, state and local laws provide opportunities for enhancement. Examples of local strategies relevant to Vermont's current laws can include the following:

- Limiting or prohibiting alcohol advertisements within city property
  - *\*Model statutory language [can be found here](#)*
  - New York City, Los Angeles, Philadelphia and San Francisco have all opted to ban alcohol advertisements on city transportation and city owned property
- Limiting or prohibiting alcohol sponsorship within community events
- Limiting or prohibiting alcohol advertisements across areas where youth are often present such as residential areas or school zones
  - Virginia, Ohio, Indiana, Kentucky, Pennsylvania, and Washington have different versions of laws that restrict alcohol advertising near schools, playgrounds and churches. Oakland CA and Baltimore MD have ordinances that restrict billboard advertising near youth-frequented locations.
- Establishing jurisdiction over statewide radio or television advertising
- Limiting or prohibiting point-of-sale-displays (grocery store displays etc)
- Limiting or prohibiting alcohol advertisements visible from storefronts

### **Federal Regulation**

The Federal Government has established its own standards for advertisement of alcohol and supersedes state law for these standards. These standards are detailed through the Federal Alcohol Administration Act, which describes the regulatory parameters for the production, importation, distribution, sale, permitting, labeling, marketing and trade restrictions of all alcoholic products. It is unlawful under this act to place signage or advertisement of alcohol if the advertisement is “deceptive to or will mislead the consumer with respect to the product, inconsistent with approved product labels including health-related statements, or is disparaging of a competitor’s product” (27 U.S.C. § 205(f)). This legislation is enforced by the Alcohol and Tobacco Tax and Trade Bureau and the Federal Trade Commission, which manage product advertising and consumer protection.

### **Authority to Regulate Advertising in Vermont**

Understanding Vermont's authority to enhance youth protections against alcohol advertising begins with understanding Vermont's tension between local and state control. Vermont is one of 11 states across the country that operates as a “Dillon’s Rule State”, which dictates that local municipalities derive all of their power and authority through the state. This is in contrast to states where municipalities may receive independent authority to write laws through municipal home rule. Because of this, state and local alcohol regulation can be implemented through three key ways:

1. General state statutes

These are differentiated as either “self-executing”, giving immediate authorization to municipalities; or “self enabling”, giving authorization to municipalities to pass ordinances or rules.

Municipalities must stay within the confines of statewide limitations regarding ordinances. According to state statute (24 V.S.A. §§ 1974, 1974a), Municipalities may designate violations of ordinances as either civil or criminal and may set civil penalties up to \$800.00 per day, with each day the violation continues constituting a new offense. These ordinances are typically designated as civil in order to utilize the statewide civil enforcement process.

2. Municipal governance charters

This is essentially a municipality's guiding document that may deviate from state law which uniformly applies to other parts of the state. The powers outlined within charters must pass through the full statewide legislative process approval for that is utilized for statewide laws. Because of this, it usually has precedence over general state law. 52 cities and towns and 25 villages have adopted a charter across Vermont.

3. Statewide alcohol and tobacco licensing system

**Current Vermont Regulations**

Vermont’s allowable scope of product advertising is notably characterized by its sign law that bans billboards from the Vermont landscape, specifically prohibiting “outdoor advertising visible to the traveling public,” save for some exemptions (10 V.S.A. § 488). Because the law covers all areas where signage or advertisement is visible to the traveling public, this law applies to every state and local roadway; however, municipal governments may enact stricter regulations in addition to the state regulatory floor outlined in provision 10 V.S.A. § 505(a).

This regulation differs from “on-premise signs”, which guide individuals’ attention to a business, profession, commodity, service, or entertainment carried on, sold, or offered on the same premises” which are allowable under law as long as they comply with state regulations (10 V.S.A. § 481). These can specifically advertise for alcohol products if the product is sold on-site. Business directional signs can advertise on behalf of “commercial services for the traveling public” such as breweries, distilleries etc but are unable to advertise the products themselves.

Municipalities are granted authority to regulate signage and advertisement through statute 24 V.S.A. § 2291(7), specifically over the “erection, size, structure, contents, and location of signs, posters, or displays on or above any public highway, sidewalk, lane, or alleyway of the municipality and to regulate the use, size, structure, contents, and location of signs on private buildings or structures.” According to a report compiled by the Vermont League of Cities and Towns, this statute gives municipalities the power to adopt standalone sign ordinances that are enforceable as either civil violations in the Vermont Judicial Bureau or the Civil Division of Vermont Superior Court, or criminal violations in the Criminal Division of Vermont Superior

Court<sup>6</sup>. In addition to ordinances, municipal bylaws or zoning bylaws also give municipalities the authority to enhance sign regulations (Title 24, Chapter 117).

Vermont has also imposed a content-based restriction on alcohol advertising, specifically prohibiting the “display on outside billboards or signs erected on the highway any advertisement of any kind of malt, vinous beverage or spirituous liquor or [to] indicate where the same may be procured.” 7 V.S.A. § 666(a). Vermont has also specifically prohibited any advertisements showcasing a product with a higher alcoholic content than similar beverages. 7 V.S.A. § 666(c).

One report from Johns Hopkins Bloomberg School of Public Health’s Center on Alcohol Marketing and Youth surveyed state laws regulating advertising of alcohol. Notably, Vermont was one of four states to receive the highest rating possible, although the report did not cover advertisement content and the high rating may be attributed to Vermont’s billboard ban.

A recent 2015 supreme court case created some gray areas related to content-based restrictions of alcohol content due to potential free-speech violations (Reed v. Town of Gilbert). Because of this, the report previously mentioned by the Vermont League of Cities and Towns recommends content-neutral regulations that follow the Central Hudson Test.

Additional resources related to VT laws:

[https://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/Regulation\\_Advertising.pdf](https://liquorcontrol.vermont.gov/sites/dlc/files/documents/Regulations/Regulation_Advertising.pdf)

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<sup>6</sup> <https://www.ccrpcvt.org/wp-content/uploads/2016/01/VLCT-CCRPC-Study-11-21-FINAL.pdf>