

12. Alcohol Advertising Restrictions

(Billboards, Point-of-Sale Displays and Internet)

CSAP Primary Prevention Strategies

- Information dissemination
- Community-based process
- Environmental

Strategy

Alcohol advertising restrictions can include multiple venues (buses, trains, kiosks, billboards, bus shelters, theme parks, community events, stadiums, etc.) and multiple communication media types (television, radio, billboards, print, point-of-sale displays, special promotions, newspapers, magazines, sponsorships, internet, etc.) However, this strategy will concentrate on the following key points:

1. Reducing or restricting alcohol billboards
2. Regulating point-of-sale displays at locations where alcohol is sold or served
3. Increasing awareness of alcohol advertising via the internet

To some extent, parents can control their children's exposure to alcohol ads within their home, but a large amount of advertising occurs online and in public places. Restrictions on alcohol advertising in public areas allow 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 Planning

The concern about alcohol advertising and underage drinking has grown due to recent findings within the public health field. Studies have established that alcohol advertising exposure influences a young person's beliefs about alcohol and his/her intention to drink. They also suggest that advertising may have a direct impact on youth drinking practices and drinking problems.

Key Terms

- 1. Point-of-sale display (POS):** A specialized form of sales promotion that is found near, on, or next to product on an "end cap" at the end of the aisle where the product appears, or at the checkout counters (the "point of sale"). They are intended to capture the customer's attention, which may be to new products or products involved in a special promotion, event or seasonal/holiday-time sale. POS displays can include shelf edging, dummy packs, display packs, display stands, mobiles, posters and banners.

This research is especially relevant to current online alcohol industry marketing strategies. Online marketing represents a huge arena that most adults are unaware of. The promotions, incentives, interactive communications and inappropriate marketing practices are thriving online. We encourage you to educate yourself first by going to: <http://www.digitalads.org/alcohol.php>. Alcohol advertisements often portray alcohol as enhancing economic success, fun, athletic skill and social popularity. These messages are often misleading and fail to mention the risks associated with alcohol use.

Locally, common sense is your best ally and photos can be your best evidence. If you see something that does not feel right, use your cell phone and take a picture. Show it to others to obtain their reaction. Once people are made aware of something, they generally are able to respond in a thoughtful manner. Use images and any supporting data to make your case.

Fundamental Steps:

1. To limit or control billboards at the local level, the following initial activities are helpful:
 - a. Gather information about sign ordinances, zoning and how billboards are currently regulated, permitted and taxed.
 - b. Find allies among community leaders, neighborhood groups, health organizations, chambers of commerce and others.
 - c. Conduct a billboard survey. Find out how many billboards are in what neighborhoods, near what public buildings (schools, churches, etc.), what size they are and what they advertise.
 - d. Write a report of your survey findings.
 - e. Conduct a press conference. Include letter-writing campaigns, news coverage, endorsements and other activities.
 - f. Petition city or county government for a moratorium on new signs.
 - g. Know your opposition. The billboard industry is well-funded and experienced in fighting these efforts.
 - h. See the additional resource sheets in this section for suggested policy actions on alcohol billboard advertising.
2. On point-of-sale (POS) displays:
 - a. A key to being successful in eliminating POS displays is to make sure your concerns have a strong basis. Common issues include advertising that contains inappropriate content, makes an inappropriate connection or is presented in a way that is very appealing to young people. In most cases, there's a pretty clear line between alcohol advertising and sponsorship that focuses on promoting the brand or product, and advertising that crosses a line.
 - b. Evaluate the appropriateness of different types of point-of-sale alcohol advertising. If a grocery store has a promotional beer display that features a motorcycle or snowmobile as the centerpiece of the display, the promotion is making an obvious connection between drinking and using these vehicles. Oftentimes, this type of promotion can be addressed simply by saying something to the store owner or manager.
 - c. Contact your local or state liquor control commission or alcohol beverage control agency to determine what regulations currently exist for alcohol vendors as it relates to POS displays and other alcohol advertisements. Work with these organizations to ensure that the current laws and regulations are being followed and consistently enforced.
 - d. Once additional information has been gathered regarding POS displays, work with your local vendors requesting them to eliminate or reduce inappropriate displays. Discuss how these displays impact youth and also remind them of any current regulations that might prohibit this type of advertisement.

3. Alcohol advertising on the internet:
 - a. Analysis of alcohol advertising on the internet, including social networking, will begin to increase the community's awareness on this issue. Work with community representatives and leaders to bring attention to this issue. Educate them on the presence of alcohol advertising on the internet and how it impacts youth. Refer to Alcohol Marketing in the Digital Age at <http://www.digitalads.org/alcohol.php> and Alcohol Promotion on Facebook at <http://globaldrugpolicy.org/3/3/1.php> for additional information and resources on this topic.
4. Review existing data that demonstrate how alcohol advertising influences underage drinking and might contribute to alcohol-related problems in the community. Establish a case that controlling or restricting alcohol advertising can reduce underage drinking and alcohol-related problems in your community.
5. Obtain and strengthen community support for this strategy from parents, law enforcement, elected officials, prevention agencies and other key community members. Increase public awareness by demonstrating the relationship between alcohol advertising and alcohol-related problems in the community. Emphasize how reducing alcohol advertising can impact the social norms of the community, influence underage drinking, decrease alcohol-related problems in the community, and ultimately strengthen prevention efforts.
6. Identify possible short- and long-term outcomes of the strategy. Continue to monitor and evaluate progress.

Helpful Tips and Suggestions

Establishing Support and Obtaining Partners

- Do your homework. If you are challenging a practice that has gone on for years, (like POS displays and specific geographical areas that are saturated with alcohol billboards) you will need to provide evidence for why you are proposing changes.
- Pictures can make a compelling case. Oftentimes, individuals and groups can become desensitized to their environments and the conditions in those environments. Showing adults images of what youth see can be far more convincing than talking about it.

Media Awareness and Advocacy

- If sponsors, store owners or managers are not willing to address inappropriate alcohol advertising or promotion, write a letter to the editor and describe the specific issue.

Potential Partners

- Local media – television and newspaper
- Local, county and state law enforcement agencies
- Local/state liquor control commission
- Parents
- Youth
- Local substance abuse prevention agencies

Estimated Timeline

- The timeline could be immediate or take up to nine months for the planning, implementation and evaluation of the strategy.

Potential Barriers or Obstacles

- Strong opposition from the alcohol beverage industry.

Possible Short- and Long-Term Outcome

- Decrease in the number of alcohol billboards in a specific geographical area
- Decrease in the number of POS displays at locations that sell and/or serve alcohol
- Increased awareness of alcohol advertising on the internet
- Reduction in underage drinking
- Reduction in alcohol-related problems in community

Suggested Resources

Supplemental Resources Related to this Strategy

1. Sample Proposed Ordinance Prohibiting Outdoor Alcohol Advertising.....	229-230
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Additional Resources and Information Available at faceproject.org

Links (A browser document called "Helpful Links" is located on the Resource CD for easier navigation.)

www.digitalads.org/alcohol.php

Alcohol Marketing in the Digital Age

<http://globaldrugpolicy.org/3/3/1.php>

Alcohol Promotion on Facebook

www.lamar.com

Lamar Advertising Company

www.clearchanneloutdoor.com

Clear Channel Outdoor Global Outdoor Advertising

www.arbitron.com/downloads/outdoorstudy.pdf

Arbitron Outdoor Study

www.camy.org

Center on Alcohol Marketing and Youth

Sample Proposed Ordinance Prohibiting Outdoor Alcohol Advertising

Whereas, it is illegal for any person under the age of twenty-one (21) years to obtain, possess or control alcoholic beverages in the State of Minnesota, and Section 340A.503 of the Minnesota Code prohibits the sale or furnishing of any alcoholic beverage to a person under twenty-one (21) years of age; and

Whereas, alcoholic beverages are the second most heavily advertised products in America (after cigarettes), and the alcoholic beverage industry spends more than \$100 million annually for outdoor advertising of its products;

and

Whereas, outdoor advertisements are a unique and distinguishable medium of advertising that subjects the general public to involuntary and unavoidable forms of solicitation, as the Supreme Court recognized in *Packer Corporation v. Utah*, 285 U.S. 105 (1932); and

Whereas, the Supreme Court and other federal courts have recognized the positive relationship between advertising and consumption; and

Whereas, in addition to judicial recognition of the link between advertising and consumption, empirical studies have shown that alcohol advertising increases consumption of alcohol, including consumption of alcohol by minors; and

Whereas, an ordinance restricting the placement of advertisements for alcoholic beverages in publicly visible locations within the City of is necessary for the promotion of the welfare and temperance of minors exposed to such advertisements; and

Whereas, the City Council of has chosen to exercise its police power under the Minnesota Constitution, and enact the following ordinance:

Section 1. Sign Regulations.

- Alcoholic beverage advertisements. No person may place any sign, poster, placard, device, graphic display or any other form of advertising that advertises alcoholic beverages in publicly visible locations. In this section "publicly visible locations" includes outdoor billboards, sides of buildings and freestanding signboards. This section shall not apply to:
 1. The placement of signs, including advertisements:
 - a. inside licensed establishments; or
 - b. on commercial vehicles used for transporting alcoholic beverages
- Any sign that contains the name or slogan of the licensed establishment that has been placed for the purpose of identifying the licensed establishment.

- Any sign that contains a generic description of fermented malt beverages, wine or liquor, or any other generic description of alcoholic beverages;
- Any neon or electrically charged sign at a licensed establishment that is provided as part of a promotion of a particular brand of alcoholic beverage.

Section 2. Enforcement.

Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this ordinance shall be guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction, shall be fined not less than fifty dollars (\$50) nor more than one hundred (\$100) dollars. It will constitute as a separate offense for each day these violations continue.

This ordinance shall take effect within ____ days.

Components of a Model Billboard Ordinance

No single ordinance will serve all communities, so each should be adapted to the character of individual communities. When it comes to billboards, many communities have concluded that the best ordinance is one that bans all new billboards and requires the removal of existing ones.

The following are recommended provisions of a model ordinance that allows some billboards:

- Billboards should be a “conditional” use, not a “permitted” use. No billboard should be permitted without holding a public hearing and without notifying all adjacent property owners.
- Billboards should be charged an annual permit fee of at least \$200 per sign structure.
- No company should be allowed to erect a new “conforming” billboard until it has removed an equal number or more of “non-conforming” billboards.
- No billboard should be permitted in any residential district, historic district or agricultural district.
- No billboards should be permitted in any neighborhood, shopping district or in the downtown commercial core.
- No billboard should be permitted on any designated scenic street, road, drive, parkway or highway.
- No billboard should be permitted within 750 ft. of any residential district, historic district, park, school, church, hospital, retirement home, cemetery, convention center or government building.
- No billboard should be permitted directly on or mounted above the roofs of buildings.
- No billboard should be permitted at any bridge crossing or situated to impair any scenic vista.
- No billboard should exceed 25 ft. in height or 300 sq. ft. in size.
- A minimum of 1,500 ft. should separate billboards on primary roads and a minimum of 1,000 ft. on secondary roads.
- Billboards shouldn’t be stacked over or put next to each other.
- No billboard within view of any residence should be illuminated.

Source: Edward T. McMahon and Patricia A. Taylor, *Citizens’ Action Handbook on Alcohol and Tobacco Billboard Advertising*.

Suggested Policy Actions on Alcohol Billboard Advertising

Successful community action can reduce the number of billboards. Once you have done your background work, the following steps are possible.

- **Pass a City Ordinance Banning Construction of New Billboards.** A temporary moratorium banning new billboards is an important first step in efforts to regulate billboard advertising. It gives the community time to proceed in a measured fashion with their regulatory steps, and prevents the billboard industry from quickly erecting dozens of new billboards before a decision is made.
- **Rewrite Zoning Regulations.** Banning new billboards prevents the problem from getting worse, but it doesn't correct the existing situation. Some of the most troublesome aspects of existing billboards can be regulated (and in communities not implementing a full ban, features of new billboards can be restricted) by rewriting zoning laws. Regulations can:
 - Make all billboards "conditional," permitted only with public approval on a case-by-case basis.
 - Charge substantial annual permit fees per sign structure. Include stiff fines for failure to secure the permit-fines that can be waived in part if the offending billboard is removed.
 - Ban billboards completely from residential districts, historic districts, agricultural districts, neighborhood shopping districts or downtown business districts.
 - Establish "setbacks" from residences, parks, schools, churches, hospitals, cemeteries, etc.
 - Set minimum distances between billboards on roads.
 - Limit size and height.
 - Restrict aspects such as illumination, billboards that impair any scenic vista, etc.
- **Remove Existing Billboards According to the New Policy.** (Perhaps according to a schedule.) You can also set up a policy to allow "exchanges," in which billboard companies may erect a new, "conforming" billboard if they remove one or more existing nonconforming billboards elsewhere.

Restricting the messages on billboard ads, (prohibiting only alcohol advertisements, for instance) is difficult. It is generally easier to ban or regulate billboards themselves rather than their content. For more details, write CSPI, 1875 Connecticut Avenue NW, Washington, DC, 20009-5728.

Source: FACE — Resources, Training and Action on Alcohol Issues.

Sample News Release – Alcohol Billboard Advertising

NOTE: Send this release to the local news editor at your newspaper. Call the newspaper for the editor's name and for instructions on submitting the release.

FOR IMMEDIATE RELEASE

Community-Wide Survey Reveals Pervasive Alcohol Billboard Advertising

One local community group [OR INSERT NAME OF GROUP OR YOUNG PEOPLE WHO CONDUCTED THE SURVEY] has released the survey results of billboard advertising in the [NAME OF YOUR CITY OR NEIGHBORHOOD] area. This survey showed that a total of [INSERT NUMBER] billboards currently exist in [NAME OF AREA OR NEIGHBORHOOD]. The group found that [INSERT NUMBER OF ALCOHOL BILLBOARDS] of the total billboards were used to advertise alcohol.

[YOU CAN ADAPT THE FOLLOWING QUOTE FROM YOUR COMMUNITY GROUP LEADER OR SPOKESPERSON - INCLUDE HIS OR HER NAME AND TITLE, IF APPLICABLE]

"We conducted this study in our neighborhood to help make everyone aware of the pervasiveness of alcohol billboards in our community. The problem with alcohol billboards is that they are constant; they are unavoidable and they reach everyone, regardless of their age. And, alcohol billboards generally detract from the overall visual atmosphere of our neighborhood."

[ADAPT THE FOLLOWING CONCLUSION WITH YOUR GROUP'S INFORMATION AND FUTURE PLANS]

The group also revealed their plan to try to limit alcohol billboards, especially in the vicinity of schools, churches and community centers. To find out more, contact [INSERT GROUP NAME].

For more information, contact: [INSERT YOUR NAME AND PHONE NUMBER]



Sample Op-Ed Piece - Alcohol Billboards

NOTE: Contact a community leader and ask him or her to customize the following op-ed piece for submission to your local newspaper.

ISSUE: Alcohol Billboards in Our Community

I'm writing to express my support for a community group that is taking on a difficult but important issue that we need to address in [INSERT NAME OF YOUR COMMUNITY] — alcohol billboard advertising.

Billboards are becoming more popular for alcohol advertisers and they've steadily found their way into our own neighborhoods. What I find especially invasive about alcohol billboards is that they are unavoidable and their messages glare down on all of us, regardless of age. Not to mention their overall impact on the visual atmosphere of our neighborhoods.

Many community groups around the country have battled this issue, and their experiences have proved that this will be a tough fight. However, I'm giving my whole-hearted support to a local community group that is willing to do what it takes to minimize billboard advertising right here in [INSERT NAME OF YOUR COMMUNITY OR NEIGHBORHOOD]. If you'd like to join us, please contact [INCLUDE YOUR GROUP NAME AND A PHONE NUMBER, IF APPLICABLE].

Sincerely,

Include name, title and group name, if applicable

Sample Letter to the Editor – Alcohol Billboards

NOTE: Follow the instructions in the opinion section of your local newspaper for submitting a letter to the editor. Most newspapers print these instructions in the opinion-editorial section, or you can call the newspaper for instructions.

ISSUE: Alcohol Billboards in Our Community

Have you noticed that billboards are becoming more and more plentiful in our neighborhoods? If you're like me, maybe you haven't given these huge signs much thought, until now. I've noticed that the billboards in our neighborhoods are demanding more and more attention – from us and from our kids. And this is especially disturbing because so many of these billboards are advertising alcohol.

Alcohol billboard advertising is of particular concern to me and to growing number of concerned citizens in this community. These signs are unavoidable and their messages reach all of us, regardless of age. Not to mention their overall impact on the visual atmosphere of our neighborhoods.

I think most of us can agree that underage kids shouldn't be drinking alcohol. So why can't we also agree that our kids don't need to be bombarded with ads about a product we don't want them to use? In fact, the product is illegal for everyone under age 21.

Although it may be difficult to ban alcohol billboards altogether, I'm part of a group who is willing to take actions to minimize billboard advertising right here in [INSERT NAME OF YOUR COMMUNITY OR NEIGHBORHOOD]. If you'd like to join us, please contact [INCLUDE YOUR GROUP NAME AND A PHONE NUMBER, IF APPLICABLE].

Sincerely,

Include your name and group name here

Billboard Survey Form

Address of billboard: _____

City: _____

What company is advertising: _____

Type of sign:

- Junior poster (75 sq ft)
- Poster panel (300 sq ft)
- Painted bulletin (672 sq ft)
- Strip commercial

Area:

- Industrial
- Mixed residential/commercial
- Central business district

Neighborhood:

- Residential
- Commercial
- Historic district

Neighborhood is predominantly:

- Black
- Asian
- Latino
- White
- Other

Can you see any of the following:

- Residences
- Parks
- Historic sites
- Hospitals
- Churches
- Schools

The ad is for:

- Wine
- Beer
- Liquor/spirits
- Malt liquor

Does the billboard ad contain:

- Animals
- Alcohol products
- Cartoons
- Minorities
- Logo of the alcohol company
- People

If the ad shows people, estimate their age:

- Under 18
- 18 to 20
- Over 21

Beyond drinking, what does the billboard promote? _____

Photo taken?

Yes

No

If yes, attach to the survey.

Please record the advertising copy on the billboard: _____

How many other billboards are visible nearby? ____

Total number of billboards in an eight-block area: ____

Side 1:

Side 2: