



Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**GENERAL REPORTS ON
YOUTH AND ALCOHOL**

**"Youth and Alcohol: A National Survey.
Drinking Habits, Access, Attitudes,
and Knowledge"**

**"Youth and Alcohol: A National Survey.
Do They Know What They're Drinking?"**

**'Youth and Alcohol: Laws and Enforcement.
Is the 21-Year-Old Drinking Age a Myth?"**

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Department of Health and Human Services

OFFICE OF
INSPECTOR GENERAL

YOUTH AND ALCOHOL:
A NATIONAL SURVEY

DRINKING HABITS, ACCESS, ATTITUDES, AND KNOWLEDGE

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U.S. Department of Justice
National Institute of Justice

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EXECUTIVE SUMMARY

PURPOSE

This inspection surveyed junior and senior high school (7th through 12 grade) students to determine how they obtain, view, and consume alcohol.

BACKGROUND

In response to public health concerns and the adverse health consequences of alcohol abuse, Surgeon General Antonia Novello requested that the Office of Inspector General (OIG) survey youth to determine their views and practices regarding alcohol use. These concerns mirror one of Department of Health and Human Services (HHS) Secretary Louis Sullivan's goals which is to reduce the prevalence of alcohol problems among children and youth. The Surgeon General is particularly concerned about the drinking habits of youth, especially the nation's 20.7 million 7th through 12th graders. This report is one in a series prepared by the OIG related to youth and alcohol. It describes survey findings relating to youth perceptions, knowledge, opinions, and drinking habits and is based on structured interviews conducted with a random national sample of junior and senior high school students.

FINDINGS

- ▶ *Fifty-one percent of junior and senior high school students have had at least one drink within the past year and 8 million students drink weekly.*
- ▶ *Junior and senior high school students drink 35 percent of all wine coolers sold in the United States and 1.1 billion cans of beer each year.*
- ▶ *More than 5 million students have binged; 3 million within the last month; 454,000 binge at least once a week.*
- ▶ *More than 3 million students drink alone, more than 4 million drink when they are upset, and less than 3 million drink because they are bored.*
- ▶ *Students lack essential knowledge about alcohol and its effects.*
- ▶ *Nine million students get their information about alcohol from unreliable sources.*
- ▶ *Seven million students are able to walk into a store and buy alcohol.*
- ▶ *Students accept rides from friends who have been drinking.*

- ▶ *Parents, friends, and alcoholic beverage advertisements influence students' attitudes about alcohol.*

RECOMMENDATIONS

- ▶ *The Surgeon General should consult with public and private agencies to develop, improve, and promote educational programs which would increase student awareness of alcoholic beverages and their effects.*
- ▶ *The Surgeon General should collaborate with the appropriate public and private agencies to reduce the appeal of alcoholic beverage advertising to youth.*
- ▶ *The Surgeon General should emphasize the need for law enforcement and State alcoholic beverage control agencies to prevent youth from illegally purchasing alcohol.*

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INTRODUCTION

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BACKGROUND

In response to public health concerns and the adverse health consequences of alcohol abuse, Surgeon General Antonia Novello requested that the Office of Inspector General (OIG) survey youth to determine their views and practices regarding alcohol use. These concerns mirror one of Department of Health and Human Services (HHS) Secretary Louis Sullivan's goals which is to reduce the prevalence of alcohol problems among children and youth. The Surgeon General is particularly concerned about the drinking habits of youth, especially the nation's 20.7 million 7th through 12th graders. This report is one in a series prepared by the OIG related to youth and alcohol. It describes survey findings concerning youth perceptions, knowledge, opinions, and drinking habits.

Youth Consumption and Beliefs About Alcohol

According to the U.S. Department of Education, 20.7 million students attend 7th through 12th grade. Previous national surveys have disclosed that most adolescents have tried alcohol and that many drink frequently. Among high school seniors in the class of 1990, 89.5 percent had used alcohol at least once, and 32.2 percent had experienced a "binge" of 5 or more drinks in a row within the past 2 weeks.¹ While recent surveys of high school students indicate an overall drop in drug use, alcohol use continues at a high rate.

According to another survey, adolescents have started drinking at earlier ages since 1978.² Although youth begin using alcohol at earlier ages, their information regarding its contents and effects may be faulty. A recent survey of 4th, 5th, and 6th graders found that only 21 percent consider wine coolers a drug, while 50 percent believe beer, wine, and liquor are drugs.³

¹University of Michigan, Institute for Social Research, "Monitoring the Future: A Continuing Study of the Lifestyles and Values of Youth," January 1991.

²National Clearinghouse on Alcohol and Drug Issues (NCADI), "Alcohol and Youth," NCADI Alcohol Topics Fact Sheet, January 1987, p. 1.

³National Families in Action, "Wine Coolers Becoming Gateway Drug," Drug Abuse Update, no. 28, March 1989, p. 12.

Youth Access to Alcohol

Youth obtain alcohol from a variety of social and commercial sources. Although the minimum age to buy alcohol in all States is 21, studies show that youth are frequently able to obtain alcohol with little or no problem. While youth frequently find alcohol at parties without parental supervision and at friends' homes, they also obtain alcohol from retail outlets in a variety of ways. Youth may (1) have an older friend purchase alcohol, (2) buy from stores that are known to sell to minors, and/or (3) solicit a stranger to purchase alcohol.⁴ In some areas, youth may simply purchase alcohol without being challenged by the vendor. According to a recent study, underage males were able to buy beer in 97 of 100 District of Columbia stores.⁵

METHODOLOGY

To establish the universe of 7th through 12th grade students, we compiled data on all secondary (junior and senior high schools), kindergarten through 8th grade (K-8), and kindergarten through 12th grade (K-12) schools in the United States. We weighted the States based upon the total number of schools. The eight randomly selected States were: California, Colorado, Florida, Illinois, Louisiana, New York, Ohio, and Pennsylvania. We obtained data on all target schools in the eight States from the U.S. Department of Education. After weighting each county in each State by the number of students, we randomly selected two counties in each State. We randomly selected two schools from each county list, without weighting, for a total sample of 32 schools.

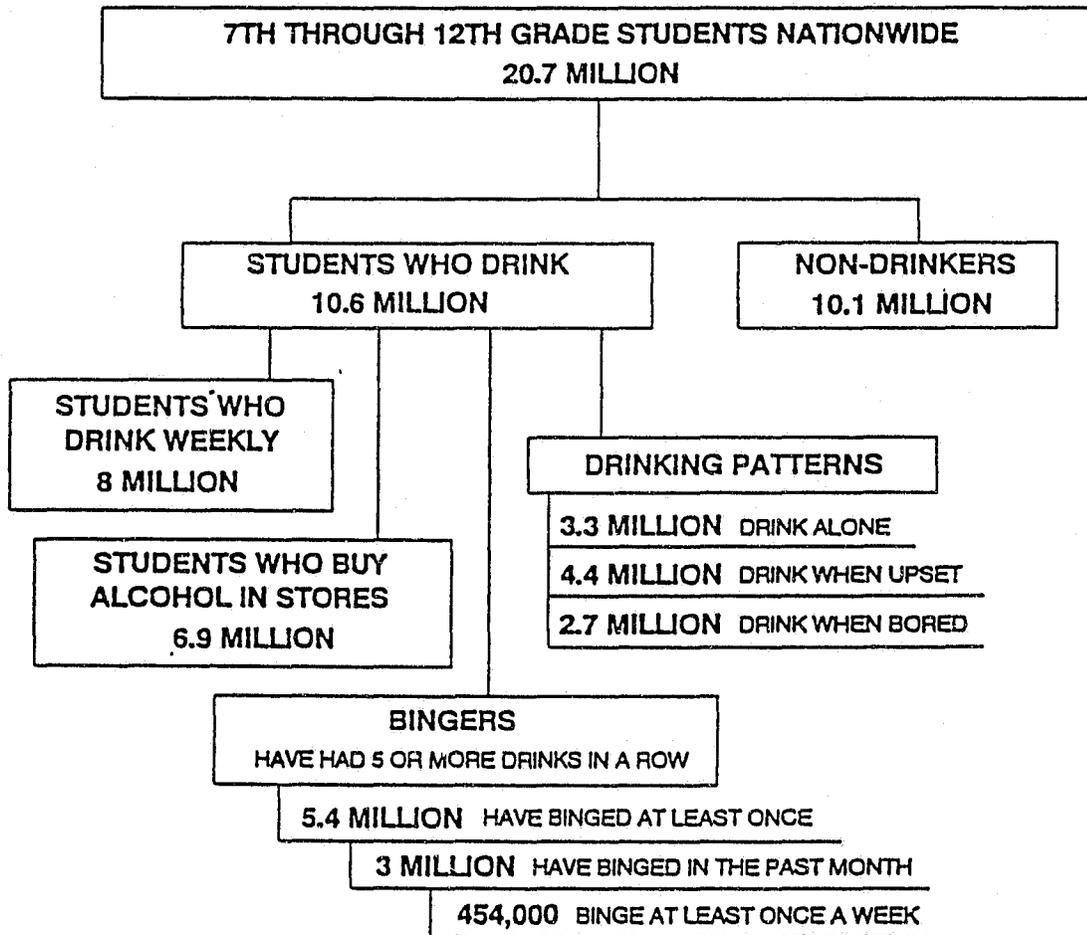
During March and April 1991, we conducted structured interviews with a random national sample of 956 students in the 7th through 12th grades. We asked all students about their opinions and knowledge of alcohol. We asked about the personal experiences of students who had drunk at least one full alcoholic beverage in the past year. Throughout this report, we refer to these students as "students who drink." Of the students who never drank alcohol or had not had a drink during the past year, we asked about their perceptions and observations of their classmates who drink. We refer to these students as "non-drinkers." Appendix A contains a full description of the sample selection and methodology.

⁴Friedner D. Wittman, Ph.D., J.W. Grube, and P. Shane, "Survey of Alcohol and Other Drug Experiences Among Castro Valley High School Students in 1987 and 1990," September 1, 1990, p. 2.

⁵Christine Russell, "It's Easy for Underage Men to Buy Beer in the District," Washington Post Health, March 19, 1991, p. 5.

FINDINGS

STATISTICAL HIGHLIGHTS: WHO DRINKS?

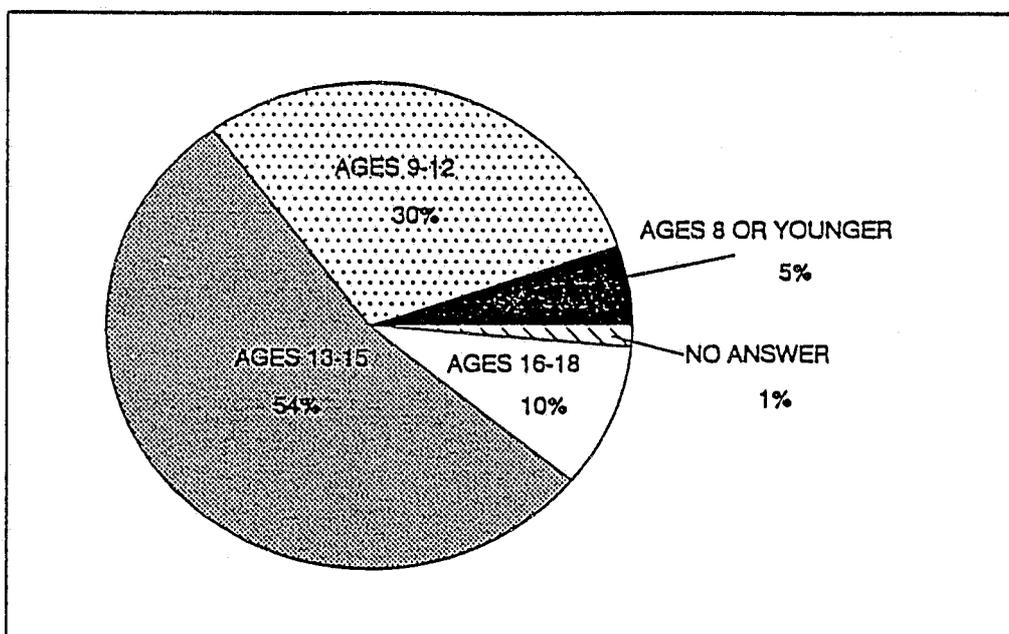


FIFTY-ONE PERCENT OF JUNIOR AND SENIOR HIGH SCHOOL STUDENTS HAVE HAD AT LEAST ONE DRINK WITHIN THE PAST YEAR.

According to our survey, 68 percent of all students have drunk alcohol at least once, and 51.2 percent (10.6 million) have had at least one drink within the past year. The average student who drinks is 16 years old and in the 10th grade. Of the students who drink, 53.8 percent are male, and 46.2 percent are female. See appendix B for gender and school grade breakdowns.

We found that students were 13 years old when they took their first drink. This is close to other national surveys that report 12.3 years as an average age.⁶

THE MAJORITY OF STUDENTS HAVE THEIR FIRST DRINK IN THEIR EARLY TEENS



We found that eight million, or 38.6 percent of all students, drink weekly. Three million students reported that they do not usually drink each week.

JUNIOR AND SENIOR HIGH SCHOOL STUDENTS DRINK 35 PERCENT OF ALL WINE COOLERS SOLD IN THE UNITED STATES AND 1.1 BILLION CANS OF BEER EACH YEAR.

We asked students about four types of alcoholic beverages--beer (including all malt beverages), wine coolers, wine, and liquor (including mixed drinks that contain alcohol such as rum or vodka). Some students drink more than one type of alcoholic beverage. We project that:

- ▶ 9.2 million students have drunk beer. Of this group, 6 million drink between 0.12 and 0.3 beers weekly. In some schools, students mentioned that they

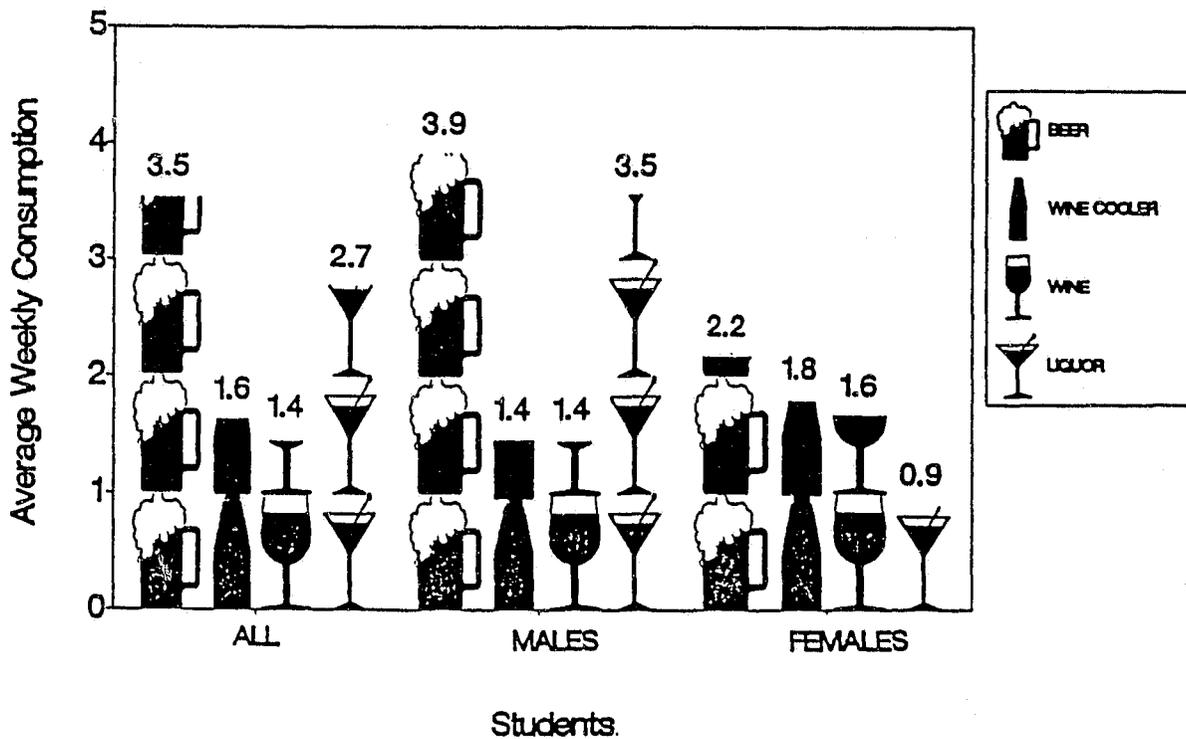
⁶U.S. Department of Health and Human Services, PHS-ADAMHA-OSAP, "Alcohol Use Among Children and Adolescents," Statistical Bulletin, October-December 1987, p. 2.

drink 40-ounce bottles of malt liquor instead of 12-ounce cans or bottles of beer.

- ▶ 8.9 million students have drunk wine coolers. Of this group, 4 million drink between 0.16 and 12 wine coolers weekly.
- ▶ 6.2 million students have drunk wine. Of this group, 1.4 million drink between 0.25 and 24 glasses of wine weekly.
- ▶ 7.2 million students have drunk liquor. Of this group, 3.6 million drink between 0.25 and 24 drinks weekly.

The average weekly consumption for each alcoholic beverage type is shown below.

**WHILE WINE COOLERS ARE THE "DRINK OF CHOICE,"
STUDENTS DRINK MORE BEER**



Wine coolers are the students' "drink of choice."

When asked about their favorite alcoholic drink, 42.1 percent of students who drink chose wine coolers. This translates to 4.5 million students who drink nationally. In addition, 51 percent of all students say that wine coolers are the favorite drink

among their friends and classmates. Students choose wine coolers because they taste good, are fruity, do not have a strong taste of alcohol, and they think wine coolers do not contain much alcohol.

Junior and senior high school students drink 35 percent of all wine coolers sold in the United States.

According to estimated sales figures⁷, 88.8 million gallons of wine coolers were sold in the United States in 1989. Based on an average consumption of 6.4 million bottles weekly (12-ounce size), we estimate that students drink 31.2 million gallons of wine coolers annually. By projecting the total volume of wine coolers students reported drinking, we estimate that students drink 35 percent of the wine coolers sold in this country.

Junior and senior high school students drink 1.1 billion beers each year.

Students drink less than 2 percent of the 62 billion bottles and cans⁸ of beer consumed annually in the United States. While this percentage appears small, it is staggering when one considers that minors illegally consume more than a billion beers each year.

Students who chose beer as their favorite alcoholic beverage said it tastes good, is easy to get, is cheap, and does not get you drunk as fast as other alcoholic beverages. Several students said that beer is always around or available at parties.

MORE THAN 5 MILLION STUDENTS HAVE BINGED; 3 MILLION WITHIN THE LAST MONTH; 454,000 BINGE AT LEAST ONCE A WEEK.

Researchers define a "binge" as drinking five or more drinks in a row. Our projections show that 5.4 million students have "binged" at least once. Almost 55 percent of these had binged at least once in the month before the survey. For this group, the number of binges ranged from 1 to 20 per month.

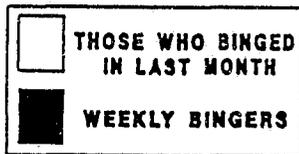
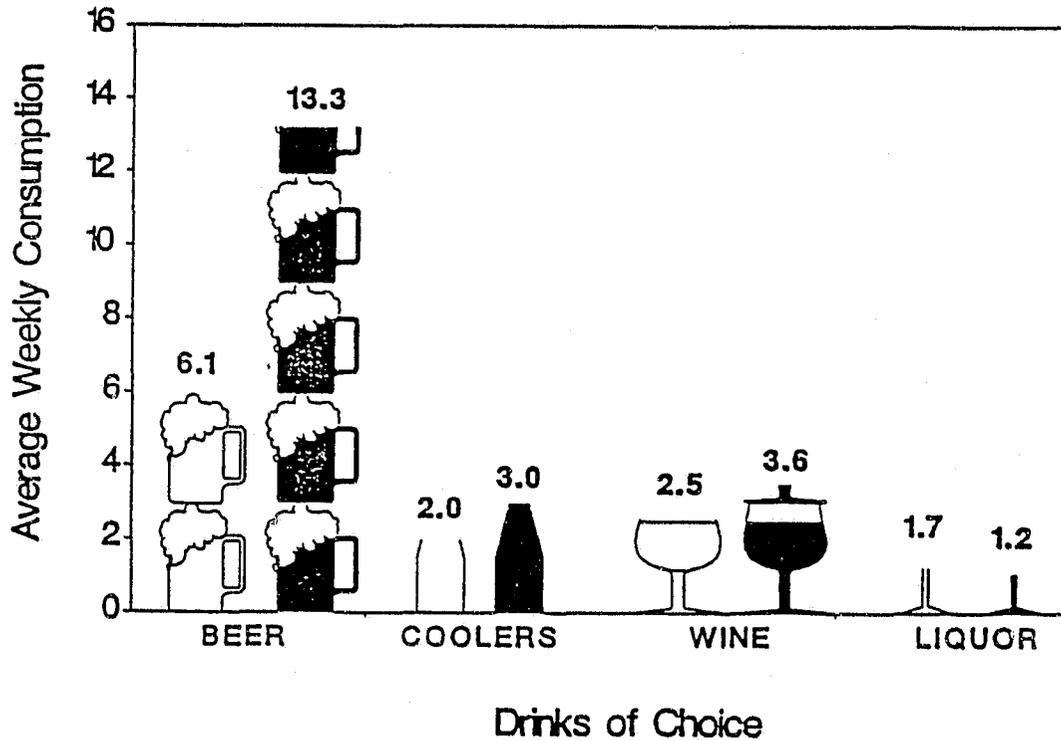
The demographics for students who binge mirror the demographics for all students who drink. Fifty-nine percent are male; 41 percent female. The average binger is a 16-year-old male in the 10th grade. He was 12 years old when he took his first drink, slightly less than the average 13 years for all students who drink. He consumes six drinks each week.

⁷The Wine Institute, Table of Commercially Produced Wine Entering Distribution Channels in the United States, by Areas Where Produced, 1985--1989.

⁸1989 data, State reports compiled by Beer Institute and U.S. Department of Commerce, Bureau of Census.

There is a smaller group of students who binge almost every week—454,000 students average 15 drinks weekly. Their average age is 16.6 years, and they are in the 11th grade. Eighty-seven percent are males, and 13 percent are females.

BINGERS DRINK MORE BEER THAN OTHER ALCOHOLIC BEVERAGES

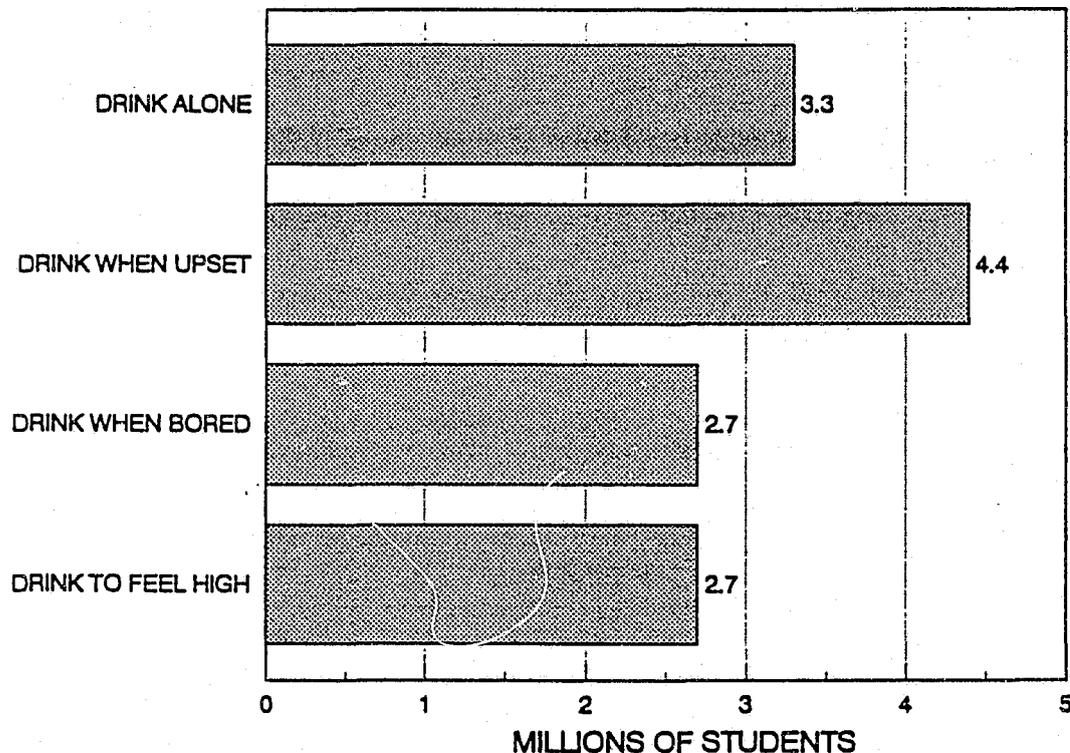


MORE THAN 3 MILLION STUDENTS DRINK ALONE, MORE THAN 4 MILLION DRINK WHEN THEY ARE UPSET, AND LESS THAN 3 MILLION DRINK BECAUSE THEY ARE BORED.

Scientific research has shown that alcohol is a fast-acting drug. The early phases of drug action tend to have a positive effect on mood and general arousal level. Many students use alcohol as a tool to help them cope with certain feelings and situations. Of the 10.6 million students who drink, (1) 31 percent drink alone, (2) 41 percent drink when they are upset because it makes them feel better, (3) 25 percent drink because they are bored, and (4) 25 percent drink to feel high.

STUDENT DRINKING PATTERNS ARE REASON FOR CONCERN

DRINKING PATTERNS



We compared these responses to a smaller group of students who binge. We found that students who binge are more likely to drink alcohol to relax, change their mood, or cope with emotional distress. Of the 5.4 million students who binge, (1) 39 percent drink alone, (2) 58 percent drink when they are upset, (3) 30 percent drink when they are bored, and (4) 37 percent drink to feel high.

STUDENTS LACK ESSENTIAL KNOWLEDGE ABOUT ALCOHOL AND ITS EFFECTS.

Nationwide, 5.6 million students are unsure of the legal age to purchase alcohol.

The minimum age to purchase alcohol in all States is 21. Nevertheless, a projected 1.6 million students do not even know such a law exists. Many students know about the law, but do not know the minimum age is 21. Their guesses ranged from 14 to 24 years.

In Louisiana, only 46 percent of the students we interviewed knew the correct minimum age. The confusion among these students may be attributed to the State law which prohibits persons under 21 from purchasing, possessing, or consuming

alcohol, yet does not prohibit restaurants and bars from selling alcohol to persons over 18. Therefore, someone between 18 and 21 who drinks in a restaurant has committed a violation; but the restaurant or bartender has not. A State Alcohol Beverage Commission official said they are "not prosecuting the underage drinker because the law is superficial. When servers realize this, they are not hesitant to sell to those under 21."⁹

A third of all students do not understand the intoxicating effects of alcohol.

We asked students about alcohol's intoxicating effects and whether different stimulants will counteract these effects. More than 2.6 million students do not know a person can die from an overdose of alcohol. More than one-third of students believe that drinking coffee, getting some fresh air, or taking a cold shower will "sober you up."

In addition, a projected 259,000 students think that wine coolers or beer cannot get you drunk, cannot make you sick, or cannot do as much harm as other beverages. Students like wine coolers because they are "like soda--I don't consider them alcohol," and "they...don't get you drunk."

Students do not know the relative strengths of different alcoholic beverages.

Almost 80 percent of the students do not know that one shot of whiskey has the same amount of alcohol as a 12-ounce can of beer. Similarly, 55 percent do not know that a 5-ounce glass of wine and a 12-ounce can of beer have the same amount of alcohol. One out of three students do not know that all wine coolers contain alcohol.

The chart on the next page details student responses to our questions.

⁹May 1, 1991, telephone conversation with a State Alcohol Beverage Commission official.

STUDENT KNOWLEDGE VARIES GREATLY

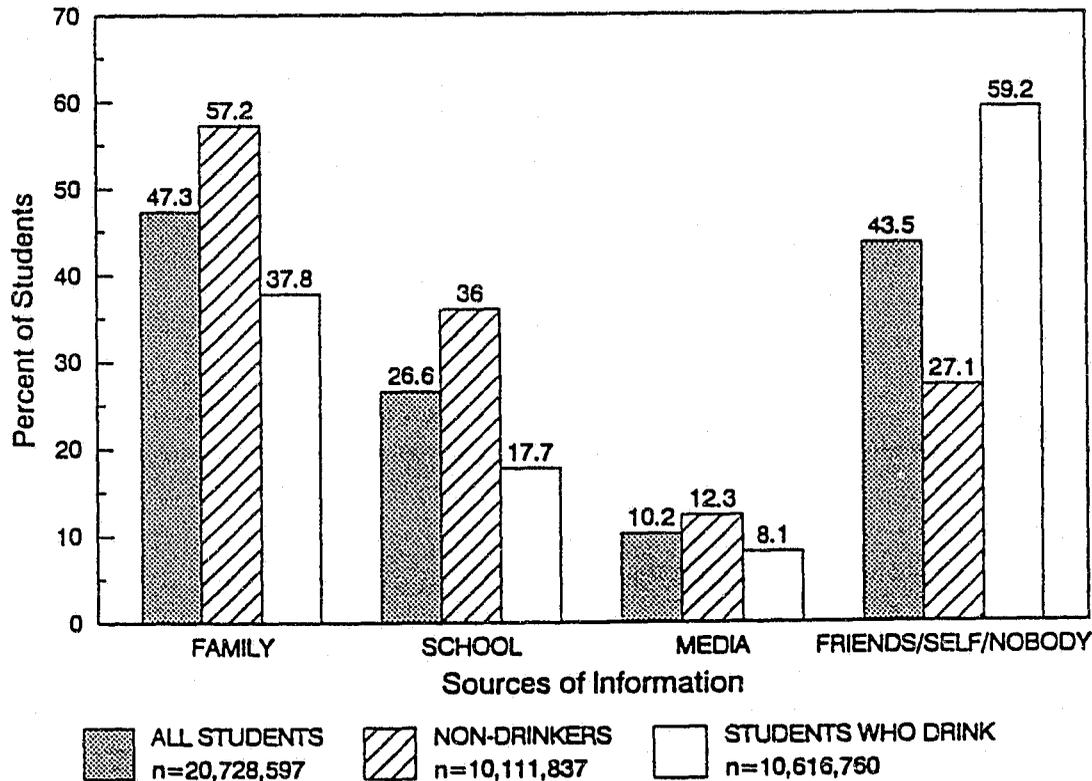
| ACTUAL QUESTION | CORRECT ANSWER | PERCENT CORRECT |
|---|----------------|-----------------|
| Mothers who drink alcohol during pregnancy have a higher risk of having babies with birth defects. | True | 98 |
| Alcohol slows the activity of the brain. | True | 96 |
| A teenager cannot become an alcoholic. | False | 96 |
| Alcohol improves coordination and reflexes. | False | 93 |
| A person can die from an overdose of alcohol. | True | 87 |
| Many wine coolers actually contain no alcohol. | False | 68 |
| Drinking coffee, getting some fresh air, or taking a cold shower can help a person "sober up" more quickly. | False | 54 |
| One can of beer (12 ounces) has more alcohol than a glass of wine (5 ounces). | False | 45 |
| One shot of whiskey (1-1/2 ounces) has twice as much alcohol as a can of beer (12 ounces). | False | 21 |

NINE MILLION STUDENTS GET THEIR INFORMATION ABOUT ALCOHOL FROM UNRELIABLE SOURCES.

More than 4 million students learn about alcohol from their friends, whose information may or may not be accurate. Similarly, more than 5 million students say that they "just picked up" what they know by themselves or that nobody taught them. A greater proportion of students who drink than non-drinkers learn about alcohol through unreliable sources. When asked who taught him about alcohol, one student explained, "Nobody. A lot of teenagers who drink it don't know what it is."

Students also learn about alcohol from their parents, school, and the media. The chart on the next page illustrates students' information sources.

**STUDENTS ALSO LEARN ABOUT ALCOHOL FROM FAMILY,
SCHOOL, AND THE MEDIA**



As shown in the graph, non-drinkers are much more likely to learn about alcohol from their family and school than are students who drink. Non-drinkers are also slightly more likely to cite the media as a source of their knowledge.

More than a quarter of all students cited school, a class, teachers, or a specific school program as teaching them about alcohol. For example, a few students mentioned the Drug Abuse Resistance Education (D.A.R.E.) program. A coordinated effort between local police and schools, D.A.R.E. sends uniformed police officers into the schools to teach 5th- and 6th-grade students about alcohol and other drugs.

SEVEN MILLION STUDENTS ARE ABLE TO WALK INTO A STORE AND BUY ALCOHOL.

Students can buy alcohol in stores.

Almost two-thirds or 6.9 million of the students who drink buy their own beverages. Despite the minimum age laws, students as young as 12 or 13 said they can buy alcoholic beverages in a store. As students get older, a larger proportion buy alcohol

directly. Students said, "Sometimes they [vendors] do not even ask your age," and "I could go out right now and buy some."

Students may (1) use fake identification, (2) buy from stores known to sell to young people or stores with young clerks, or (3) just go in and buy alcohol. Forty-five percent of all students know someone who has used a fake identification to buy alcohol. A small group, 4.5 percent, admit they steal alcohol from stores. Unable to purchase alcohol from stores, students in Philadelphia, Pennsylvania use a black market source. Students mentioned that houses, called "speakeasies," sell alcohol to underage students, and they offer some alcoholic beverages, like Cisco, which are not available elsewhere in the State.

Friends, parties, and stores are the main sources for alcohol.

Students who drink usually obtain alcohol from their friends. Their grade in school influences where and how they get alcohol. While 88 percent of 12th graders get alcohol through friends, only 49 percent of 7th graders do. The younger students obtain alcohol from their parents with or without their parents' knowledge. Almost three-fourths of the 7th graders obtain alcohol from their parents, while only a quarter of the 12th graders do.

Almost 65 percent of all students--students who drink and non-drinkers alike--have been to parties where alcohol is served. The number of students attending parties increases with each grade level. More than 79 percent of high school students (9th through 12th grade) have been to parties with alcohol. When asked where they obtain alcohol, 88 percent of the students who drink mentioned parties.

STUDENTS ACCEPT RIDES FROM FRIENDS WHO HAVE BEEN DRINKING.

In 1989, almost 2,800 students between 15 to 19 years old died in alcohol-related traffic accidents. Forty-five percent of the traffic accidents among this age group are alcohol related, yet students say it is not okay to drink and drive.¹⁰

Even though 92 percent of all students in our survey said a person should never drink and drive, almost a third have accepted a ride from a driver who had been drinking. This translates to 6.8 million students who are placing their lives in danger. Almost half of the students who drink have been a passenger in a car that a friend drove after drinking.

¹⁰U.S. Department of Transportation, National Highway Traffic Safety Administration, Fatal Accident Reporting System: 1989 Annual Report, Pub. No. DOTHS807693, March 1991.

PARENTS, FRIENDS, AND ALCOHOLIC BEVERAGE ADVERTISEMENTS INFLUENCE STUDENTS' ATTITUDES ABOUT ALCOHOL.

Parents influence students' attitudes about alcohol.

Almost two-thirds of all students say their parents do not approve of underage drinking or would punish them if they drank. Some extreme examples of punishment that students gave are, "I would have a grave," "I would be grounded until I was 42," and "They would beat my behind!"

Many parents are more lenient. Thirty-five percent of the students who drink say their parents tolerate their drinking under certain conditions. These conditions typically limit the amount, frequency, or location of the student's drinking. Examples include, "They tell me not to go overboard and not to get drunk" and "I can have it with my parents." Almost 15 percent of the students who drink reported that their parents trust them or do not say or do anything about their drinking.

Friends influence students by providing both alcohol and occasions to drink.

Nationwide, 10.1 million students drink with their friends. The main reasons students gave for drinking involve their friends:

- ▶ Almost 8.7 million students drink to have fun.
- ▶ Less than 5.5 million students, or half of those who drink, do so because their friends drink.
- ▶ More than 6 million drink to be social.

At one of the surveyed schools, the March cover story from the student newspaper discussed student views on drinking beer. The article listed reasons why beer is so popular, including "it makes even the most shy people witty and clever at parties."¹¹ Some students expressed concerns that the most popular weekend activity is drinking. One student was disappointed that "several of my friends can't be social unless they are drunk (or so they say)."¹²

Advertisements for alcoholic beverages influence students' perceptions about alcohol.

Thirty-nine percent of all students named something they like about advertisements for alcoholic beverages. Their likes vary widely. The most common responses were

¹¹D. Roberts, "True Love, or Just an Alcoholic?" Complex Review, March 1991, p. 6.

¹²B. Linas, "Social Drinking?" Complex Review, March 1991, p. 7.

that the advertisements spotlight attractive people and make drinking look like fun. We asked students if anything appealed to them about the advertisements. Student responses included:

- ▶ "They are very convincing. They make it look very glamorous."
- ▶ "The way they make life look like fun."
- ▶ "They look exciting and fun. The message is: It is all right to drink, not that it is bad."
- ▶ "Some of them are funny, and some have sexy women."
- ▶ "They make you look like you're cool and accepted."
- ▶ "Girls in the ads are skinny, and I want to be like that."
- ▶ "The slogan 'The Right Beer Now' makes you think 'Is now a good time to drink?'"

Virtually all students have seen advertisements for alcoholic beverages. To find out if students were able to associate a spokesperson, star, or symbol with a particular brand of beer, we asked the students if Spuds MacKenzie is the mascot for Coors Light beer. More than half knew that "Spuds" was not Coors' mascot. Because the majority knew enough to correctly link the symbol and the product, advertisements may be a stronger influence on students than they realize.

RECOMMENDATIONS

THE SURGEON GENERAL SHOULD CONSULT WITH PUBLIC AND PRIVATE AGENCIES TO DEVELOP, IMPROVE, AND PROMOTE EDUCATIONAL PROGRAMS WHICH WOULD INCREASE STUDENT AWARENESS OF ALCOHOLIC BEVERAGES AND THEIR EFFECTS.

This recommendation is similar to one that appears in the OIG report entitled "Youth and Alcohol: A National Survey--Do They Know What They Are Drinking?" In addition to HHS, agencies should include the U.S. Departments of Education, Transportation, and Justice, the alcohol beverage industry, and public interest groups. The Surgeon General should ensure that alcohol education is developed and improved to include practical information about alcohol. Programs should emphasize information about (1) different alcoholic beverages and their relative strengths, (2) how alcohol affects the body, (3) how to cope with problems, and (4) laws regarding youth and alcohol.

THE SURGEON GENERAL SHOULD COLLABORATE WITH THE APPROPRIATE PUBLIC AND PRIVATE AGENCIES TO REDUCE THE APPEAL OF ALCOHOLIC BEVERAGE ADVERTISING TO YOUTH.

The Surgeon General should initiate a collective effort to eliminate images that glamorize drinking or link drinking to fun, recreation, or sex appeal. We found that youth most frequently pay attention to this type of advertising which they may perceive as making drinking socially acceptable. The collective effort should include agencies such as the Bureau of Alcohol, Tobacco, and Firearms, the Federal Trade Commission, the National Association of Broadcasters, the American Association of Advertising Agencies, the alcohol industry, and public interest groups.

THE SURGEON GENERAL SHOULD EMPHASIZE THE NEED FOR LAW ENFORCEMENT AND STATE ALCOHOLIC BEVERAGE CONTROL AGENCIES TO PREVENT YOUTH FROM ILLEGALLY PURCHASING ALCOHOL.

The Surgeon General should consult the State Alcoholic Beverage Control (ABC) agencies to find ways to better deter youth from purchasing alcohol and vendors from selling to minors. The OIG will provide the Surgeon General with information about the ABC agencies and the State laws and enforcement in a subsequent report on youth and alcohol.

APPENDIX A

METHODOLOGY

Four-Stage Sampling Methodology

At the first stage, a cluster of eight States out of the nation was selected at random, without replacement, with probability proportionate to size. That is, for this level, size, defined as the number of schools in each State, was used as the weighting factor for the selection of the eight States. The universe was limited to secondary (junior high or senior high), kindergarten through 8th grade, and kindergarten through 12th grade schools.

The second stage involved selecting a cluster of counties within each of the eight States. Two counties were selected from each sampled State for a total of 16 counties. These counties were also selected with probability proportionate to size. However, the size for this stage was determined by the number of students in the county in grades 7 through 12.

Once counties were selected, a simple random sample of schools within the county was chosen. Two schools per county were sampled for a total of 32 schools.

The final stage of sampling was the selection of students in the schools. A sample of thirty students per school was desired. However, 42 were initially selected to allow for absentees and refusals. The schools were instructed to alphabetize a list of all students in grades 7 through 12. Then the total number of students on the list was divided by 42 and rounded to the nearest whole number (n). Students were then selected by counting every n th one on the list until the entire list was exhausted. In many cases, more than the required 30 students were available to participate. The schools were instructed to randomly subsample to obtain a final sample of 30. This final sample size was achieved in all but a few schools. However, in no school were less than 27 students interviewed. The total sample for this inspection was 956 students.

Weighting Procedure

Since the sample was selected with four different stages and a different set of probabilities at each stage, weighting of the respondents was standardized through a five-step process based on sample size and the universe. Although the first two stages of selection employed probability proportionate to size, the measure of size differed between the two stages. In the first stage the measure of size was number of schools while the measure of size for the second stage was number of students. The third and fourth stages involved taking simple random samples of schools and then students. To provide a uniform unit of selection so that accurate weights could

be determined, the number of students, known at each of the four stages, was used for purposes of weighting the sample.

Overall, there were 32 distinct weights used to project to the universe--1 for each school. These weights were applied to every student in the school and were computed as follows:

- (1) In weighting from the students to the school, the population in the school was divided by the sample in the school. There were 32 different weighting factors for this phase.
- (2) The second weighting factor was determined by dividing the number of students in the county by the sum of students in the two schools that were chosen. There were 16 different weighting factors used in projecting to the county level.
- (3) In the third stage, the weight was computed by dividing the number of students in the State by the sum of students in the two counties that were chosen. There were 8 weighting factors (one for each State) at this stage.
- (4) For the final stage, the weight was calculated by taking the number of students in the universe and dividing by the number of students in all eight States combined, for one weighting factor to project to the universe.
- (5) The weight at each of these 4 stages was multiplied together to obtain the 32 unique weighting factors.

Adjustments to Weights

It was determined, subsequent to data collection, that the 956 students interviewed were disproportionately distributed when compared to the estimated national population. Using data provided by the Department of Education, we determined that the data needed to be reweighted to appropriately reflect this national population. The table on the next page shows the distribution of the national population and sample with respect to race and grade, including the adjusted weights.

**DISTRIBUTION OF POPULATION AND SAMPLE
WITH RESPECT TO GRADE**

| <u>GRADE</u> | <u>UNWEIGHTED SAMPLE</u> | <u>ADJUSTED WEIGHTED SAMPLE</u> | <u>POPULATION</u> |
|--------------|------------------------------|---|-------------------|
| 7 | 21.40% | 12.90% | 13.03% |
| 8 | 27.10% | 12.10% | 12.04% |
| 9 | 14.70% | 23.20% | 23.32% |
| 10 | 12.70% | 21.40% | 20.96% |
| 11 | 12.40% | 17.10% | 17.20% |
| 12 | 11.50% | 13.40% | 13.42% |

**DISTRIBUTION OF POPULATION AND SAMPLE
WITH RESPECT TO RACE**

| <u>RACE</u> | <u>UNWEIGHTED SAMPLE</u> | <u>ADJUSTED WEIGHTED SAMPLE</u> | <u>POPULATION</u> |
|-------------|------------------------------|---|-------------------|
| WHITE | 58.20% | 70.20% | 69.35% |
| BLACK | 29.30% | 15.40% | 15.36% |
| HISPANIC | 8.40% | 10.50% | 10.20% |
| INDIAN | 0.20% | 0.40% | 1.04% |
| ASIAN | 3.40% | 3.40% | 3.43% |
| OTHER | 0.70% | | |

As can be seen from the above two tables, there is a difference between the unweighted sample and population distributions with respect to both race and grade. Using a cross tabulation of race and grade, compiled for the population and the sample, the adjusted weights were constructed. These adjustments were made based on the proportions found in the sample compared with the population. For example, since whites were under sampled and blacks were over sampled, the responses were weighted more heavily for whites and less for blacks. This adjustment brought the sample in line with the national population.

The differences between the adjusted proportions and the unweighted proportions in the sample are mainly due to the following:

- (1) In general, the sample selected proportionately more 7th and 8th graders than are found in the population and,
- (2) The sample selected proportionately more non-white students than are present in the national population.

Discussion Guides

We asked all students one or two screening questions:

- (1) EXCLUDING CHILDHOOD SIPS THAT YOU MIGHT HAVE HAD FROM AN OLDER PERSON'S DRINK, HAVE YOU EVER HAD A GLASS OF BEER OR WINE, A WINE COOLER, OR A DRINK OF LIQUOR?

- (2) HAVE YOU HAD AT LEAST ONE DRINK IN THE PAST YEAR?

Students who answered "Yes" to both screening questions were asked questions about their personal experiences, knowledge, and attitudes about alcohol. Students who answered "No" to either of the screening questions were asked about their perceptions and observations concerning classmates who drink.

APPENDIX B

PROJECTED UNIVERSE BY GRADE AND GENDER

Our sample is representative of the 20.7 million 7th through 12th grade students in the United States. The data in this chart reflect a national projection of the students we interviewed.

| GRADE | MALE | | FEMALE | | TOTAL | |
|------------|---------|------------|---------|------------|---------|------------|
| | PERCENT | POPULATION | PERCENT | POPULATION | PERCENT | POPULATION |
| 7TH | 6.0 | 1,248,926 | 7.0 | 1,445,489 | 13.0 | 2,694,415 |
| 8TH | 6.4 | 1,335,556 | 5.8 | 1,203,873 | 12.3 | 2,539,429 |
| 9TH | 10.3 | 2,139,895 | 12.7 | 2,640,591 | 23.1 | 4,780,486 |
| 10TH | 10.1 | 2,102,594 | 11.1 | 2,305,280 | 21.3 | 4,407,874 |
| 11TH | 9.9 | 2,053,192 | 7.1 | 1,475,387 | 17.0 | 3,528,579 |
| 12TH | 7.1 | 1,479,801 | 6.2 | 1,289,655 | 13.4 | 2,769,456 |
| NOT STATED | 0.0 | 8,358 | 0.0 | 0 | 0.0 | 8,358 |
| TOTAL | 50.0 | 10,368,322 | 50.0 | 10,360,275 | 100.0 | 20,728,597 |

APPENDIX C

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Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**YOUTH AND ALCOHOL:
A NATIONAL SURVEY
DO THEY KNOW WHAT THEY'RE DRINKING?**

EXECUTIVE SUMMARY

PURPOSE

This inspection surveyed junior and senior high school (7th through 12th grade) students to determine their knowledge about alcoholic and non-alcoholic beverages.

BACKGROUND

In response to public health concerns and the adverse health consequences of alcohol abuse, Surgeon General Antonia Novello requested that the Office of Inspector General (OIG) survey youth to determine their views and practices regarding alcohol use. These concerns mirror one of Department of Health and Human Services (HHS) Secretary Louis Sullivan's goals which is to reduce the prevalence of alcohol problems among children and youth. The Surgeon General is particularly concerned about the similarities in the packaging of alcoholic and non-alcoholic beverages and young peoples' inability to distinguish between them.

Wine coolers (1.5 to 6.0 percent alcohol by volume), mixed drink coolers (4.0 percent alcohol), and malt beverage coolers (4.0 to 4.8 percent alcohol) offer consumers alcoholic beverages in a wide range of fruity flavors, vibrant colors, and attractive packaging. While not new to the 1980s, fruit-flavored fortified wines became more mainstream with the controversial marketing of Cisco (20.0 percent alcohol), which is packaged similarly to wine coolers. The Surgeon General has expressed an ongoing concern about Cisco because of its high alcohol content and potential for abuse. While containing no alcohol, mineral waters with fruit juice or flavor offer a variety of fruit flavors packaged attractively in bottles that are similar to the ones used for alcoholic coolers and Cisco.

We conducted structured interviews with a random national sample of 956 junior and senior high school students. This is one of several reports prepared by the OIG concerning youth and alcohol.

FINDINGS

Two out of three students cannot distinguish alcoholic beverages from non-alcoholic beverages

Students confuse alcoholic coolers with mineral waters that appear similar in color, labeling, and packaging. Also, some alcoholic coolers are not clearly labeled as alcoholic.

In most States, beer and other malt beverage labels do not disclose alcohol content

Although the alcohol content of beer and other malt beverages vary by State and brand, consumers cannot tell by looking at the can or bottle how much alcohol they are consuming.

The alcohol content of beverages is a mystery to students

Less than one in six students identified the beverage containing the most alcohol when shown a panel of beverages. Students were most likely to select beer and malt liquor as having the most alcohol, although Cisco contains two to five times more alcohol than either. Even after being allowed to read the labels on all cans and bottles, less than half correctly identified the beverage containing the most alcohol. This is due to (1) the students' inability to understand the labels and (2) the labels' lack of clarity.

More than a third of all students do not know that Cisco contains alcohol

Although Cisco is not available in all areas, students have found ways to obtain it. Students related stories about Cisco which emphasize not only its danger, but also its popularity.

RECOMMENDATIONS

The Surgeon General should work with beverage industry, State, and Federal officials to improve the labeling and packaging of alcoholic and non-alcoholic beverages

A coordinated effort should ensure that (1) total alcohol content of all beverages--including beer and malt liquor--is clearly displayed and understandable and (2) alcoholic and non-alcoholic beverages are clearly distinguishable. This could be accomplished through voluntary industry standards, State legislation, or Federal legislation.

The Surgeon General should consult with public and private agencies to develop, improve, and promote educational programs which would increase student awareness of alcoholic beverages and their effects

In addition to consulting with other HHS components, the Surgeon General should work with the U.S. Departments of Education, Transportation, and Justice, the alcoholic beverage industry, and public interest groups to implement this recommendation. The educational programs should include (1) teaching students about the total alcohol content of different beverages and (2) eliminating myths about wine coolers and beer.

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APPENDIX: Methodology and Beverage Selection

INTRODUCTION

PURPOSE

This inspection surveyed junior and senior high school (7th through 12th grade) students to determine their knowledge about alcoholic and non-alcoholic beverages.

BACKGROUND

In response to public health concerns and the adverse health consequences of alcohol abuse, Surgeon General Antonia Novello requested that the Office of Inspector General (OIG) survey youth to determine their views and practices regarding alcohol use. These concerns mirror one of Department of Health and Human Services (HHS) Secretary Louis Sullivan's goals which is to reduce the prevalence of alcohol problems among children and youth. The Surgeon General is particularly concerned about the similarities in the packaging of alcoholic and non-alcoholic beverages and young peoples' inability to distinguish between them. This is one of several reports prepared by the OIG relating to youth and alcohol.

The popularity of fruit-flavored alcoholic beverages skyrocketed in the 1980s

During the 1980s, alcoholic beverage companies introduced a variety of new products to the market. They offered consumers alcoholic beverages in a wide range of fruity flavors, vibrant colors, and attractive packaging. Introduced in 1981, wine coolers (1.5 to 6.0 percent alcohol by volume) are a mixture of wine and fruit juice or other flavoring, sometimes carbonated. Wine coolers offer consumers a sweet, fruity beverage with little or no alcohol taste. They are available in 12-ounce, screw-top bottles which are sold individually or in 4-packs. The most popular brands are Bartles & Jaymes and Seagram's.

The wine cooler market's explosive growth during its first 6 years prompted the liquor and beer industries to introduce mixed drink coolers (4.0 percent alcohol) and fruit-flavored malt beverage coolers (4.0 to 4.8 percent alcohol)¹ marketed in single-serve bottles. Bacardi Breezer, which looks and tastes much like a wine cooler, is an example of a mixed drink cooler. White Mountain Cooler is a malt beverage cooler available in flavors such as "Wild Raspberry," "Original Citrus," and "Cranberry Splash."

While not new to the 1980s, fruit-flavored fortified wines became more mainstream with the controversial marketing of Cisco (20.0 percent alcohol). Fortified wines--

¹Alcohol content of malted beverages is commonly measured in alcohol weight, rather than alcohol volume. The malted beverage coolers we observed contain 3.2 to 4.0 percent alcohol by weight.

such as Thunderbird and Night Train--contain more alcohol than regular wines and historically have been considered "wino" beverages because they are inexpensive and available mainly in inner cities. Cisco offers consumers 20 percent alcohol fortified wine--4 to 5 times more than regular wine coolers--in popular wine cooler flavors such as peach, berry, and orange, marketed in bottles designed similarly to wine coolers. Cisco has become more widely available and popular than other fortified wines and now can be found displayed next to wine coolers not only in cities, but also in suburbs and smaller towns throughout the United States.

The Surgeon General has expressed an ongoing concern about Cisco because of its high alcohol content and potential for abuse. Cisco looks similar to wine coolers and has been implicated in a number of alcohol-related deaths and crimes, especially among youth. As a result, Dr. Novello has worked with the Federal Trade Commission to require Cisco to change its labeling and bottle shape, so it does not resemble a wine cooler.

While containing no alcohol, mineral water with fruit juice or flavor also became popular during the 1980s. These beverages offer a variety of fruit flavors in bottles that are very similar to the ones used for alcoholic coolers and Cisco. Brands include Sundance Sparkler and Mystic. While these alcoholic and non-alcoholic beverages offer a similar sweet, fruity flavor and are packaged and sold in attractively designed four-packs or single 12-ounce bottles, they are in fact very different. Mineral waters offer substitutes for soda pop. The coolers offer similar flavors with 4 to 6 percent alcohol. Cisco offers the same flavors with 20 percent alcohol.

METHODOLOGY

We randomly selected 8 States, 2 counties per State, 2 schools per county, and 30 students per school. The States were: California, Colorado, Florida, Illinois, Louisiana, New York, Ohio, and Pennsylvania. We completed structured interviews with a total of 956 junior and senior high school students.

We purchased alcoholic and non-alcoholic beverages from stores close to each school. During the interviews, we displayed a panel of these beverages and asked each student (1) whether each beverage did or did not contain alcohol, (2) which contained the most alcohol simply by looking at the bottles, and (3) which contained the most alcohol after reading the labels. We included Cisco in all interviews regardless of whether it was available in that area.

The appendix contains a more detailed description of our methodology and beverage selection.

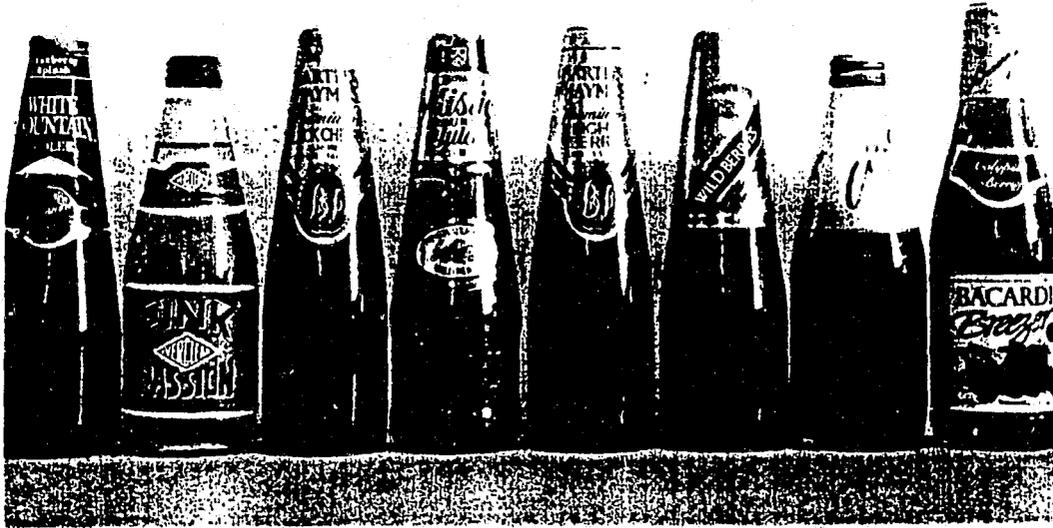


◀ Students were tested on their knowledge of dozens of similar-looking beverages.



▲ Interviewers displayed bottles and cans and observed students examining the beverages.

CAN YOU TELL THE DIFFERENCE?



▲ Pictured above are eight beverages representing six different types of drinks, with alcohol content ranging from 0 to 20 percent: wine coolers, a light wine cooler, a mixed drink cooler, a malted beverage cooler, a fortified wine, and a mineral water with juice. The shape of the bottle, color of the beverage, and label design are similar.

◀ *Mistic Black Cherry, a mineral water with juice, is very similar to the Bartles & Jaymes Light Berry wine cooler in color and label design.*

FINDINGS

TWO OUT OF THREE STUDENTS CANNOT DISTINGUISH ALCOHOLIC BEVERAGES FROM NON-ALCOHOLIC BEVERAGES

Students confused alcoholic coolers with mineral waters that are similar in color, labeling, and packaging. Also, some alcoholic coolers are not clearly labeled as alcoholic. Students were most often confused by coolers that do not state clearly on the front of their labels what kind of beverages they are. An example is Bacardi Breezer (page 7).

Students correctly identified alcoholic beverages more often when shown clearly marked, popular, and well-advertised name-brand alcoholic beverages, especially beers and Bartles & Jaymes wine coolers. More than 60 percent of the students did not distinguish between alcoholic and non-alcoholic beer--such as Sharp's and O'Doul's. Although non-alcoholic beer contains less than 0.5 percent alcohol, some students assumed these products contained the same amount of alcohol as regular beer, because the popular Miller and Anheuser-Busch slogans appear directly under the product name.

Younger students were more likely to mistake an alcoholic beverage for a non-alcoholic one. Seventy-three percent of students ages 15 and younger erred or did not know that at least one of the alcoholic beverages contained alcohol. Sixty percent of those 16 and older made the same mistake.

PERCENT ANSWERING INCORRECTLY OR "DON'T KNOW" TO THE QUESTION, "DOES THIS CONTAIN ALCOHOL?"

| | |
|---|-------|
| <i>Tropical Passion, Pink Passion, Purple Passion (wine cooler or liquor)</i> | 61.3% |
| <i>Cisco (fortified wine)</i> | 36.0 |
| <i>Bacardi Breezer (mixed drink cooler)</i> | 25.5 |
| <i>White Mountain (malted beverage cooler)</i> | 18.0 |
| <i>Bartles & Jaymes (wine cooler)</i> | 9.6 |
| <i>Schlitz (malt liquor)</i> | 8.8 |
| <i>Michelob (beer)</i> | 4.2 |
| <i>Miller, Miller Genuine Draft (beer)</i> | 4.1 |
| <i>Budweiser (beer)</i> | 1.2 |
| <i>Colt '45 (malt liquor)</i> | 0.7 |

Students sometimes believed that mineral waters with juice contained alcohol. Several brands of mineral water now use foil labels to cover the cap. This gives them an appearance similar to some alcoholic beverages. Thirty-four percent of all students failed to identify mineral waters as non-alcoholic.

The similar appearance of alcoholic coolers and mineral waters has been used by students to fool retail clerks into selling them alcoholic beverages, according to one junior high school teacher. In one area, students place wine coolers into mineral water four-pack containers. Because of their similar appearance, the clerks fail to notice that the beverages have been switched.

On average, students were unable to distinguish between alcoholic and non-alcoholic beverages 3 out of 10 times.

SNAPSHOT SUMMARY – BACARDI BREEZER

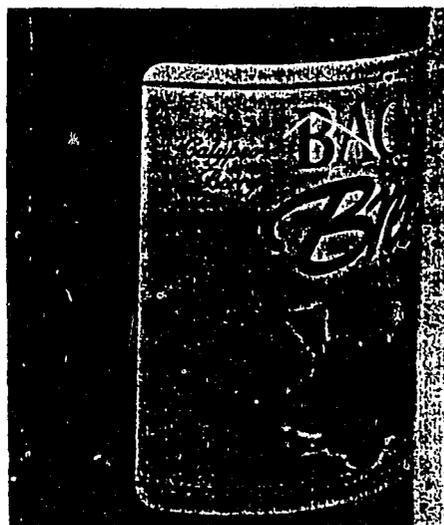


▲ Although Bacardi is a popular brand of rum, 25 percent of the students did not know that Bacardi Breezer contains alcohol. The product name and the fruit collage are emphasized on the front label.



◀ The only obvious mention of Bacardi containing alcohol is the small, cursive "Bacardi Rum Refresher" printed next to the title. The beige alcohol content is almost invisible compared to the rest of the label.

▼ The ingredient listing is also difficult to read when compared to the rest of the label.



SNAPSHOT SUMMARY: STUDENTS WERE FOOLED BY "PASSION"



◀ More than 61 percent of all students did not know that Pink Passion, Tropical Passion, and Purple Passion contain alcohol. Consumers can tell that Passion beverages contain alcohol by the ingredients, but the front of the label offers no help. Nowhere on the bottle does Passion tell the consumer exactly what kind of beverage it is. In fact, two types of Passion exist. One is a wine cooler often made with "substandard wine." The other is a liquor made with Everclear, a grain alcohol illegal in many States. Alcohol content varies between 5.0 and 6.0 percent. The only way to tell the difference between the wine cooler and the liquor is to read the ingredients.

These beverages also are available in two litre bottles--like soda pop--with a free promotional 32-ounce plastic bottle attached.



Anybody could pick up a cardboard four-pack and not know that it contains alcohol.

IN MOST STATES, BEER AND OTHER MALT BEVERAGE LABELS DO NOT DISCLOSE ALCOHOL CONTENT

Although the alcohol content of beer and other malt beverages vary by State and brand, consumers cannot tell by looking at the can or bottle how much alcohol they are consuming. Beers generally contain 4.0 to 4.8 percent alcohol by volume.

Although malt liquor has more alcohol than beer, it is impossible to tell by the labeling. Malt liquor may contain up to twice as much alcohol (8.0 percent) as regular beer and fruit-flavored malt coolers.

Federal law prohibits beer and other malt liquor beverage companies from disclosing alcohol content on labels, but it permits States to require disclosure.² According to one State liquor control official, this law was enacted after prohibition to prevent beer and malt liquor companies from using alcohol content to attract consumers. These companies oppose State laws because they would be required to manufacture different labels for States that require disclosure. Washington State's Liquor Control Board recently passed a rule requiring alcohol content disclosure, but has encountered "enormous" resistance from microbreweries and foreign manufacturers. "It's virtually impossible to do anything at the State level," said a Washington State liquor control official, citing industry opposition.

THE ALCOHOL CONTENT OF BEVERAGES IS A MYSTERY TO STUDENTS

Less than one of six students identified the beverage containing the most alcohol when shown the panel of beverages. Students were most likely to select beer (42.7 percent of students) and malt liquor (18.2 percent) as having the most alcohol, although Cisco (16.0 percent) contains two to five times more alcohol than either. Even after being allowed to read the labels on all cans and bottles, less than half correctly identified the beverage containing the most alcohol. This is due to (1) the students' inability to understand the labels and (2) the labels' lack of clarity.

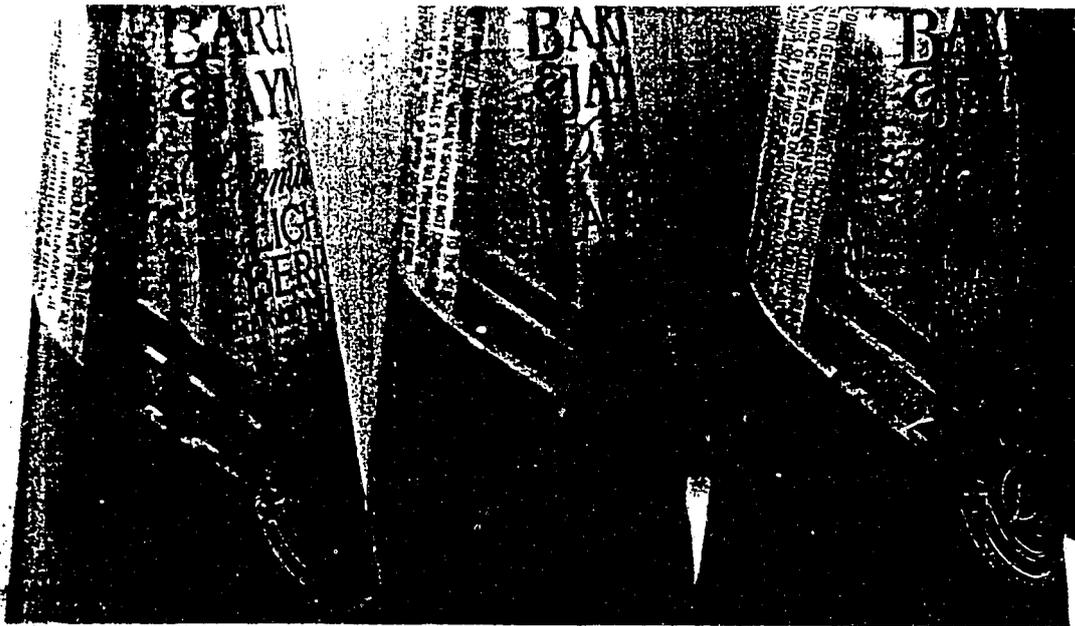
As discussed in the OIG report "Youth and Alcohol: A National Survey--Drinking Habits, Access, Attitudes, and Knowledge" (OEI-09-91-00652), students do not know the relative strengths of different alcoholic beverages. Almost 80 percent of the students did not know that a shot of liquor has the same amount of alcohol as a can of beer. Approximately 55 percent did not know that a glass of wine and a can of beer have similar alcohol content. Students were especially unaware of the alcohol content of wine coolers, even though coolers are favored almost two to one by students who drink alcohol. Some students stated that they or their classmates prefer wine coolers over other alcoholic beverages because "they contain less alcohol."

²27 USC § 205(e)

Some students had difficulty determining total alcohol content because some beverages do not display it prominently. For an example, see the Bartles & Jaymes example below.

The box on page 13 describes students' two drinks of choice: wine coolers and beer.³

SNAPSHOT SUMMARY: BARTLES & JAYMES



Although students recognized Bartles & Jaymes wine coolers, they often had difficulty determining how much alcohol these coolers contain. One reason was the location and size of the alcohol content listing, located on one of the stripes leading towards the "BJ" crest logo.

³For a full discussion on student beverage preferences, see "Youth and Alcohol: A National Survey--Drinking Habits, Access, Attitudes, and Knowledge," (OEI-09-91-00652).

Why were more than half of the students unable to identify the beverage containing the most alcohol even after reading the labels? We observed that:

- ▶ *many students had difficulty or could not find alcohol content listed on alcoholic beverages;*
- ▶ *beer and malt liquor do not disclose alcohol content. While some students knew that malt liquor contains more alcohol than beer, others made no distinction between the two. Even after discovering that Cisco contained 20 percent alcohol, more than 25 percent of the students believed that beer and/or malt liquor contained more alcohol;*
- ▶ *some students could not comprehend the labeling, despite reading it closely; and*
- ▶ *some students had solid, preconceived ideas which could not be changed about which beverage contained the most alcohol.*

MORE THAN A THIRD OF ALL STUDENTS DO NOT KNOW THAT CISCO CONTAINS ALCOHOL

Thirty-six percent of the students did not know that Cisco contains alcohol. Even after reading the labels, less than half of the students knew that Cisco contains the most alcohol of any drink in the panel. In fact, it contains at least two-and-a-half times more alcohol than any of the other beverages.

The warning on new Cisco bottles, "This is not a wine cooler," confused some students. "I thought 'This is not a wine cooler' meant it didn't have alcohol," said one student. In other regions of the country, Cisco bottles did not contain this warning.

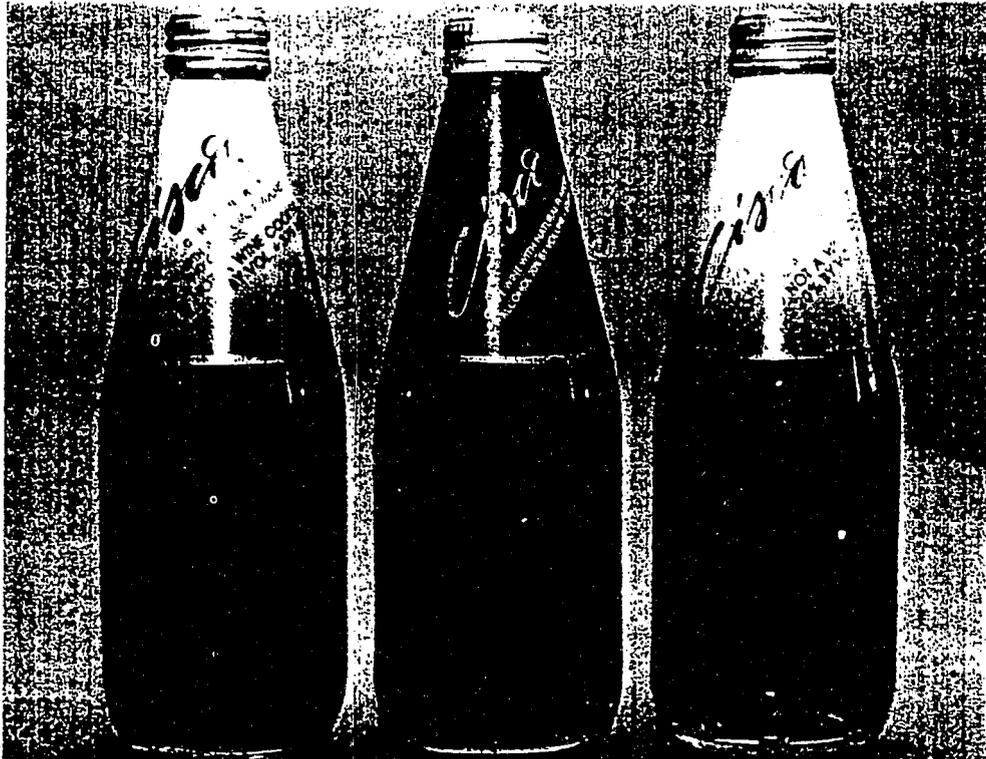
Although Cisco is not available in all areas, students have found ways to obtain it. For example, students in Philadelphia purchase Cisco from "speakeasies" or "speakies," illegal operations that provide students with Cisco as well as other alcoholic beverages.

Students related stories about Cisco which emphasize not only its danger, but also its popularity. Among the stories we heard:

- ▶ "I know a lot of people that blacked out (after drinking Cisco)."
- ▶ "One girl tasted it, said it tasted like Kool-Aid, and drank it fast."

- ▶ "It's good to buy one for four people. It's strong. Sometimes you just have a couple of dollars and need to get drunk."
- ▶ "Some people pass out. It tastes good. I know a girl who drank two bottles and died. It can really get you messed up." —

SNAPSHOT SUMMARY: CISCO "TAKES STUDENTS BY SURPRISE"

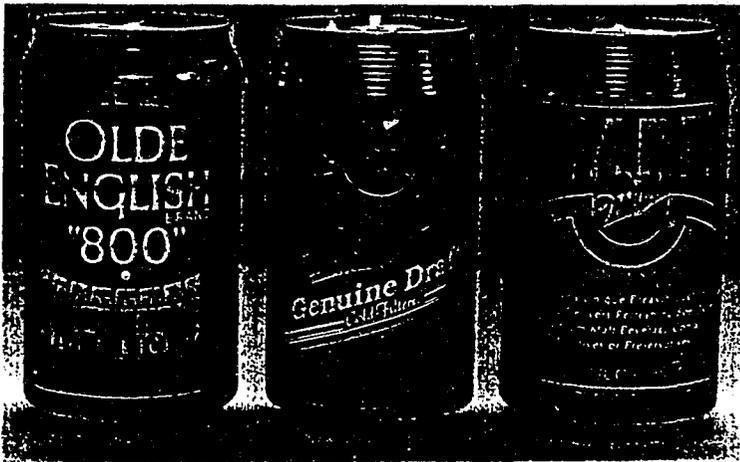
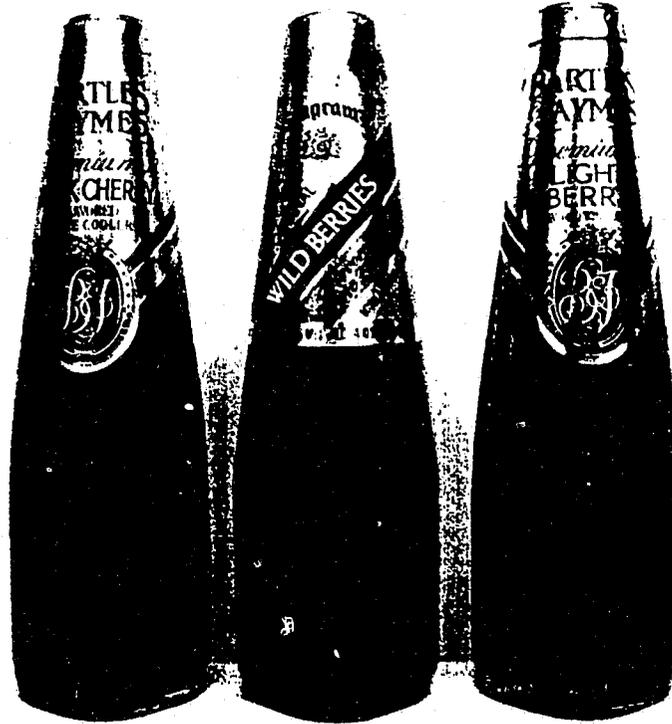


Although Cisco has changed its labeling, we found the old bottle (pictured here in the middle) still available in several areas. While many students were unfamiliar with Cisco, others described it as the drink of choice for them or their friends. "I've seen 10- and 11-year-old kids drink it," said one student. "It makes you wild."

BEER VS. WINE COOLERS: A COMPARISON

WINE COOLERS -- DRINK OF CHOICE

Wine coolers are the alcoholic drink of choice for students. Most students knew that Bartles & Jaymes Wine Coolers contain alcohol because they recognized the brand, and the words "wine cooler," although small, are printed clearly on the front of the bottle.



Students knew popular beers, such as Budweiser, Miller, and Michelob. However, many students had no idea how much alcohol beer contains. As a result, even after learning that Cisco contains 20 percent alcohol, 28 percent of all students still believed that beer, malt liquor,

and/or non-alcoholic beer contain more alcohol than Cisco. This problem is exacerbated by popular myths among students that beer is "stronger" than wine coolers.

BEER -- THE MOST POTENT DRINK?

RECOMMENDATIONS

THE SURGEON GENERAL SHOULD WORK WITH BEVERAGE INDUSTRY, STATE, AND FEDERAL OFFICIALS TO IMPROVE THE LABELING AND PACKAGING OF ALCOHOLIC AND NON-ALCOHOLIC BEVERAGES

A coordinated effort should ensure that (1) total alcohol content of all beverages--including beer and malt liquor--is clearly displayed and understandable and (2) alcoholic and non-alcoholic beverages are clearly distinguishable.

In order to accomplish this, it may be necessary to seek repeal of the Federal law prohibiting disclosure of alcohol content on beer containers. Other options would be to convince States to enact legislation requiring content disclosure or to seek voluntary industry standards.

THE SURGEON GENERAL SHOULD CONSULT WITH PUBLIC AND PRIVATE AGENCIES TO DEVELOP, IMPROVE, AND PROMOTE EDUCATIONAL PROGRAMS WHICH WOULD INCREASE STUDENT AWARENESS OF ALCOHOLIC BEVERAGES AND THEIR EFFECTS

This recommendation is similar to one that appears in the OIG report entitled "Youth and Alcohol: A National Survey--Drinking Habits, Access, Attitudes, and Knowledge." In addition to consulting with other HHS components, the Surgeon General should work with the U.S. Departments of Education, Transportation, and Justice, the alcoholic beverage industry, and public interest groups to implement this recommendation. The educational programs should include (1) teaching students about the total alcohol content of different beverages and (2) eliminating myths about wine coolers and beer.

APPENDIX

METHODOLOGY AND BEVERAGE SELECTION

METHODOLOGY

Sampling Methodology

The sample for this inspection was drawn in four stages.

At the first stage, a cluster of eight States out of the nation was selected at random, without replacement, with probability proportionate to size. That is, for this level, size, defined as the number of schools in each State, was used as the weighting factor for the selection of the eight States. The universe of schools was limited to secondary schools (junior high or senior high) and Kindergarten through 12th grade schools.

The second stage involved selecting a cluster of counties within each of the eight States. Two counties were selected from each sampled State for a total of 16 counties. These counties were also selected with probability proportionate to size. However, the size for this stage was determined by the number of students in the county in grades seven through twelve.

Once counties were selected, a simple random sample of schools within the county was chosen. Two schools per county were sampled for a total of 32 schools.

The final stage of sampling was the selection of students in the schools. A sample of thirty students per school was desired. However, 42 were initially selected to allow for absentees and refusals. The schools were instructed to alphabetize a list of all students in grades 7 through 12. Then the total number of students on the list was divided by 42 and rounded to the nearest whole number (n). Students were then selected by counting every nth one on the list until the entire list was exhausted. In many cases, more than the required thirty students were available to participate. The schools were instructed to randomly subsample to obtain a final sample of 30. This final sample size was achieved in all but a few schools. However, in no school were less than 27 students interviewed. The total sample for this inspection was 956 students.

Weighting Procedure

Since the sample was selected with four different stages and a different set of probabilities at each stage, weighting of the respondents was standardized through a five-step process based on sample size and the universe. Although the first two stages of selection employed probability proportionate to size, the measure of size

differed between the two stages. In the first stage the measure of size was number of schools while the measure of size for the second stage was number of students. The third and fourth stages involved taking simple random samples of schools and then students. To provide a uniform unit of selection so that accurate weights could be determined, the number of students, known at each of the four stages, was used for purposes of weighting the sample.

Overall, there were 32 distinct weights used to project to the universe--one for each school. These weights were applied to every student in the school and were computed as follows:

- (1) In weighting from the students to the school, the population in the school was divided by the sample in the school. There were 32 different weighting factors for this phase.
- (2) The second weighting factor was determined by dividing the number of students in the county by the sum of students in the two schools that were chosen. There were 16 different weighting factors used in projecting to the county level.
- (3) In the third stage, the weight was computed by dividing the number of students in the State by the sum of students in the two counties that were chosen. There were 8 weighting factors (one for each State) at this stage.
- (4) For the final stage, the weight was calculated by taking the number of students in the universe and dividing by the number of students in all eight States combined, for one weighting factor to project to the universe.
- (5) The weight at each of these four stages was multiplied together to obtain the 32 unique weighting factors.

Adjustments to Weights

It was determined, subsequent to data collection, that the 956 students interviewed were disproportionately distributed when compared to the estimated national population. Using data provided by the Department of Education, we determined that the data needed to be reweighted to appropriately reflect this national population. The table below shows the distribution of the national population and sample with respect to race and grade, including the adjusted weights.

**DISTRIBUTION OF POPULATION AND SAMPLE
WITH RESPECT TO GRADE**

| <u>GRADE</u> | <u>UNWEIGHTED SAMPLE</u> | <u>ADJUSTED WEIGHTED SAMPLE</u> | <u>POPULATION</u> |
|--------------|------------------------------|---|-------------------|
| 7 | 21.40% | 12.90% | 13.03% |
| 8 | 27.10% | 12.10% | 12.04% |
| 9 | 14.70% | 23.20% | 23.32% |
| 10 | 12.70% | 21.40% | 20.96% |
| 11 | 12.40% | 17.10% | 17.20% |
| 12 | 11.50% | 13.40% | 13.42% |

**DISTRIBUTION OF POPULATION AND SAMPLE
WITH RESPECT TO RACE**

| <u>RACE</u> | <u>UNWEIGHTED SAMPLE</u> | <u>ADJUSTED WEIGHTED SAMPLE</u> | <u>POPULATION</u> |
|-------------|------------------------------|---|-------------------|
| WHITE | 58.20% | 70.20% | 69.35% |
| BLACK | 29.30% | 15.40% | 15.36% |
| HISPANIC | 8.40% | 10.50% | 10.20% |
| INDIAN | 0.20% | 0.40% | 1.04% |
| ASIAN | 3.40% | 3.40% | 3.43% |
| OTHER | 0.70% | | |

As can be seen from the above two tables, there is a difference between the unweighted sample and population distributions with respect to both race and grade. Using a cross tabulation of race and grade, compiled for the population and the sample, the adjusted weights were constructed. These adjustments were made based on the proportions found in the sample compared with the population. For example, since whites were under sampled and blacks were over sampled, the responses were weighted more heavily for whites and less for blacks. This adjustment brought the sample in line with the national population.

The differences between the adjusted proportions and the unweighted proportions in the sample are mainly due to the following:

- (1) In general, the sample selected proportionately more 7th and 8th graders than are found in the population and,

- (2) The sample selected proportionately more non-white students than are present in the national population.

Structured Interview Questions

We asked students three questions:

- (1) Imagine you are at a store and you saw these bottles on a shelf. Please tell me whether you believe each one does or does not contain alcohol. It is okay if you do not know.
- (2) Now, just by looking at the bottles (not touching), which of these, if any, do you think contains the most alcohol?
- (3) Now you can touch and read the labels. Which of these, if any, do you think contains the most alcohol?

BEVERAGE SELECTION

Interviewers purchased the survey beverages in the communities where the interviews were conducted. Cisco was the only exception. Cisco was used in all interviews regardless of whether it was available in the community because of the Surgeon General's work with the FTC to require Cisco to change its packaging. Interviewers were instructed to find beverages in 10- to 16-ounce containers. Interviewers attempted to purchase one of each of the following:

- Mixed drink cooler
- Wine cooler
- Light wine cooler
- Mineral water with juice
- Non-light beer
- Non-alcoholic beer
- Malt liquor

Not all beverages were available in each community. In several communities malt liquor was available in 40-ounce bottles only.

The interviewers also purchased up to three other alcoholic or non-alcoholic beverages at their discretion. Interviewers were instructed to look for additional beverages that closely resembled others in the panel.

BEVERAGES USED DURING THE INTERVIEWS

MIXED DRINK COOLERS

Bacardi Breezer Calypso Berry
Bacardi Breezer Key Lime

WINE COOLERS

Bartles & Jaymes Berry
Bartles & Jaymes Black Cherry
Bartles & Jaymes Light Berry
Bartles & Jaymes Red Sangria
Pink Passion
Purple Passion
Tropical Passion
Seagram's Wild Berries

MALT BEVERAGE COOLERS

White Mountain Cooler

MINERAL WATER WITH FRUIT JUICE

Chapelle Pear
La Croix Natural Orange
Mistic Berry
Mistic Tropical Passion
Sundance Sparkler Concord Twist
Sundance Sparkler Cranberry
Sundance Sparkler Raspberry
Walleroo

BEER

Budweiser
Lowenbrau
Michelob
Miller Genuine Draft
Miller High Life
Regal Select

NON-ALCOHOLIC BEER

Kingsbury
O'Doul's
Sharp's
Texas Light Non-Alcoholic

MALT LIQUOR

Colt '45
Elephant (Danish)
Olde English 800
Schlitz

COCKTAILS

Club Martini

FRUIT JUICES

Everfresh Cranberry-Apple

SODA POP

Faygo Redpop

FORTIFIED WINE

Cisco Berry
Cisco Black Cherry
Cisco Peach
Cisco Regular (Grape)

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**YOUTH AND ALCOHOL:
LAWS AND ENFORCEMENT
IS THE 21-YEAR-OLD DRINKING AGE A MYTH?**

EXECUTIVE SUMMARY

PURPOSE

This inspection examined (1) current State laws and regulations governing youth access to alcohol and (2) how these laws are enforced.

BACKGROUND

In response to public health concerns and the adverse health consequences of alcohol abuse, Surgeon General Antonia Novello requested that the Office of Inspector General (OIG) provide information on State alcohol laws and enforcement. These concerns mirror one of Department of Health and Human Services (HHS) Secretary Louis Sullivan's goals which is to reduce the prevalence of alcohol problems among children and youth. This report is one in a series prepared by the OIG related to youth and alcohol. It describes the State laws about youth and alcohol and how State alcoholic beverage control agencies enforce the laws.

At the Federal level, the National Minimum Drinking Age Act of 1984 required all States to raise their minimum purchase and public possession age to 21. States that did not comply faced a reduction in highway funds under the Federal Highway Aid Act. The Department of Transportation has determined that all States are in compliance with this Act.

During June and July 1991, we conducted interviews with State alcoholic beverage control (ABC) and/or State enforcement agency officials from all 50 States and the District of Columbia. Concurrently, we reviewed all State alcohol control laws and regulations pertaining to youth.

FINDINGS

State laws contain loopholes that permit underage drinking.

Although it is illegal to sell alcoholic beverages to minors, minors in many States can legally purchase, attempt to purchase, possess, consume, and sell alcohol and enter drinking establishments.

State and local agencies have difficulty enforcing youth alcohol laws.

States are hindered by (1) budget and staff reductions, (2) low priority of youth alcohol enforcement, and (3) lack of ABC jurisdiction over minors.

Nominal penalties against vendors and minors limit enforcement's effectiveness.

While vendors who sell to minors often are fined or have their licenses suspended, license revocations are rare. Penalties against youth who violate the laws often are not deterrents. Even when strict penalties exist, courts are lenient and do not apply them.

States have difficulty preventing false identification use.

False identification is easy to obtain. Laws and penalties against minors' misrepresenting their age do not deter youth from using false identification to buy alcohol.

Some States have developed creative methods to enforce alcohol laws and penalize offenders.

Some of the more popular ideas include suspending driver's licenses, establishing alternative penalties, allowing vendors to obtain signed statements from suspected minors, conducting decoy operations, educating vendors, and enacting stringent "dram shop" laws.

Enforcement is inhibited by public attitude and deficiencies in education.

Public indifference prevents changes in youth attitudes toward alcohol. State officials described techniques to improve education's effectiveness.

CHECKLIST FOR STATES

We encourage States to examine their laws and policies concerning youth access to alcohol and provide a checklist for States in the report.

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INTRODUCTION

PURPOSE

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BACKGROUND

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Youth Alcohol Use

As reported in recent surveys, youth under the legal drinking age of 21 drink alcohol. In a June 1991 report, the OIG reported that 51 percent of the nation's 20.7 million junior and senior high school students have had at least 1 drink within the past year. Eight million students drink weekly and 454,000 binge weekly. In addition, students reported that alcohol is easy to obtain. Nearly 7 million students purchase their own alcohol from stores.¹ In addition to the OIG survey, the 1990 National High School Senior Survey found that 89.5 percent of high school seniors have drunk alcohol at least once, and 32.2 percent have experienced a "binge" of five or more drinks in a row within the previous 2 weeks.²

Government and Public Interest Response

At the Federal level, the National Minimum Drinking Age Act of 1984 required all States to raise their minimum purchase and public possession age to 21. States that did not comply faced a reduction in highway funds under the Federal Highway Aid

¹Office of Inspector General, Youth and Alcohol: A National Survey--Drinking Habits, Access, Attitudes, and Knowledge, June 1991, p. 3.

²University of Michigan, Institute for Social Research, "Monitoring the Future: A Continuing Study of the Lifestyles and Values of Youth," January 1991.

Act.³ The Department of Transportation has determined that all States are in compliance with this Act.

The National Minimum Drinking Age Act specifically prohibits purchase and public possession of alcoholic beverages. It does not prohibit persons under 21 (also called youth or minors) from drinking. The term "public possession" is strictly defined and does not apply to possession:

- ▶ for an established religious purpose;
- ▶ when accompanied by a parent, spouse, or legal guardian age 21 or older;
- ▶ for medical purposes when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution;
- ▶ in private clubs or establishments; and
- ▶ in the course of lawful employment by a duly licensed manufacturer, wholesaler, or retailer.

Article XXI of the United States Constitution, which repealed prohibition, grants States the right to regulate alcohol distribution and sale. State laws are unique, but each allows local communities to regulate youth access to alcohol through local ordinances and law enforcement.

Private organizations, including alcohol industry and public-interest groups, are becoming more involved in identifying ways to decrease or eliminate youth access to alcohol. Some organizations, such as Mothers Against Drunk Driving (MADD) and the newly-created Century Council, work to reduce alcohol abuse throughout the country by educating the public and lobbying for legislation.

Controlling Alcoholic Beverage Sale and Distribution

Each State decides how it will license and operate the alcoholic beverage industry--either through a control or license structure. Eighteen "control" States have partial or total responsibility to distribute and sell alcohol. Thirty-three "license" States issue permits or licenses to individuals or companies to sell alcohol.

All States have either State or local administrative agencies that issue liquor licenses and/or enforce the laws against vendors and youth. State agencies, usually called alcoholic beverage control (ABC) agencies, regulate the manufacture, distribution, and sale of alcoholic beverages within the State. Forty-nine States have ABCs while

³Kevin Kadlec, "National Minimum Drinking Age," Cleveland State Law Review (34), 1986, p. 637.

Hawaii and Nevada rely on local agencies to oversee State alcohol laws. These agencies monitor all vendors (also called licensees or permit holders).

Thirty-nine States have "local option" provisions, which allow communities to limit or ban the sale of alcohol. These communities also have the power to regulate where and when alcohol is sold.

States require vendors to obtain State and/or local licenses. Licenses are renewed usually on an annual basis after a renewal fee is paid and other requirements are met. As of July 1991, there were approximately 560,000 retail licenses issued in the United States.

Laws

State laws address separately youth-related violations. These include:

- ▶ **Sales to minors.** Prohibits vendors or any other persons from selling, giving, or otherwise providing alcohol to minors.
- ▶ **Purchase.** Prohibits or limits minors from obtaining alcohol from vendors or other sources.
- ▶ **Possession.** Generally prohibits or limits minors from carrying or handling alcohol. All State laws contain various exemptions, such as handling alcohol in the course of employment and possession with parental permission.
- ▶ **Consumption.** Prohibits or limits minors' actual drinking of alcoholic beverages.
- ▶ **Misrepresentation of age.** Provides for penalties against minors who present false identification or otherwise represent themselves as being of the legal purchase age.

Penalties

State and local enforcement agencies may use administrative and/or criminal penalties against alcohol law violators. Administrative penalties are assessed against vendors through licensing agencies. Administrative penalties include fines and license suspensions and revocations. Criminal penalties are assessed against vendors or minors through State or local criminal courts. Criminal penalties include fines, jail sentences, and diversionary programs, such as community service.

METHODOLOGY

During June and July 1991, we conducted interviews with ABC and/or State enforcement agency officials from 48 States and the District of Columbia. For Hawaii and Nevada, we interviewed officials from appropriate local enforcement agencies. We used structured discussion guides to obtain information about State laws and enforcement practices, effectiveness, and interagency cooperation.

Concurrently, we reviewed all State alcohol control laws and regulations pertaining to youth. We used the Commerce Clearing House Liquor Control Law Reporter, which continually tracks and updates State liquor control laws. We also used the National Highway Traffic Safety Administration Digest of State Alcohol-Highway Safety Related Legislation, which provides an overview of drunk driving-related laws. When necessary, we contacted State officials to clarify provisions.

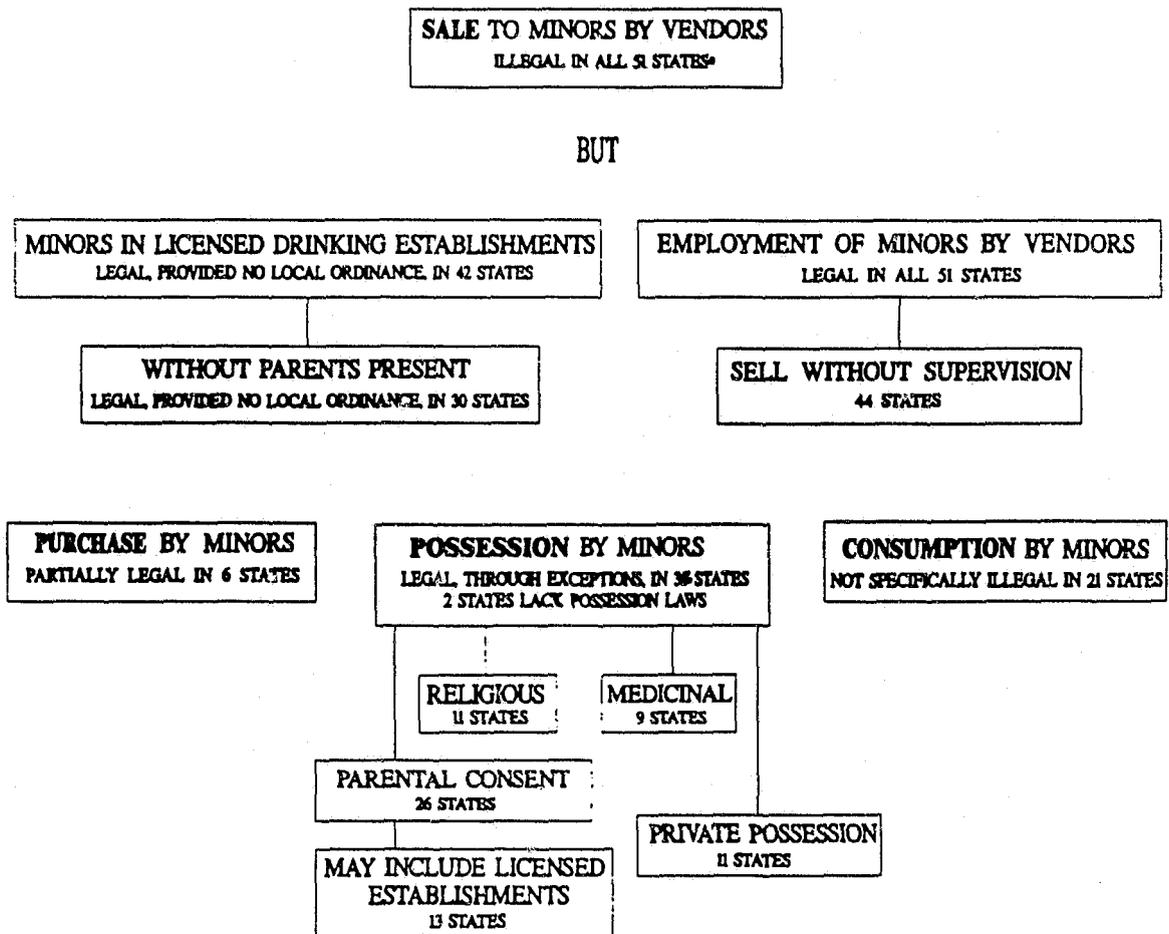
FINDINGS

STATE LAWS CONTAIN LOOPHOLES THAT PERMIT UNDERAGE DRINKING

Although it is illegal to sell alcoholic beverages to minors, minors can legally purchase, possess, and consume alcohol

The chart below illustrates the number of States that permit minors to legally obtain and use alcohol and sell or serve alcoholic beverages.

SALE, PURCHASE, POSSESSION, AND CONSUMPTION ARE TREATED DIFFERENTLY IN STATE LAWS



*INCLUDES DISTRICT OF COLUMBIA

Although no States permit vendors to sell to minors, six States do not prohibit minors from purchasing alcohol

Six States do not have laws which prohibit minors from purchasing or attempting to purchase alcohol. However, these States prohibit minors from using false identification or misrepresenting their age. Recently, the Insurance Institute for Highway Safety conducted a study in New York and Washington, D.C. of alcohol vendors selling to minors. Minors purchased beer successfully in 44 to 80 percent of New York stores and 97 percent of Washington, D.C. stores.⁴ The Insurance Institute chose these States because no legal impediments existed for minors purchasing or attempting to purchase alcohol.

States allow minors to possess alcohol

Under certain conditions, it is legal for minors to possess alcohol in many States. Minors can possess alcohol with parental consent, for religious purposes, in private residences, in public establishments with a parent or spouse of legal drinking age present, and for medicinal purposes. State officials mainly complained about the private residence exception because often no parental supervision is required. "Most drinking has gone into homes, rather than parking lots," said one official. Another official added, "Our statute that makes it a crime for minors to consume in a public place is fine, but this does not cover private places. An example is a keg party at a private home. The police cannot arrest minors nor can they confiscate the keg of beer."

Some States have attempted to address this issue legislatively. For example, California enacted a "Kegger Statute" that allows authorities with probable cause to enter private establishments to investigate potential youth alcohol violations. Police are then allowed to "seize any alcoholic beverages in plain view at social gatherings, when those gatherings are open to the public, 10 or more persons under the age of 21 are participating, persons under the age of 21 are consuming alcoholic beverages, and there is no supervision of the social gathering by a parent or guardian of one or more of the participants."⁵

Five States prohibit minors from possessing alcohol only if they intend to consume it. Because they must prove "intent to consume," law enforcement officials in these States are reluctant to arrest minors for possession of alcoholic beverages.

⁴David F. Preusser and Allan F. Williams, Insurance Institute For Highway Safety, Sales of Alcohol to Underage Purchasers in Three New York Counties and Washington, D.C., March 1991, pp. 2 and 4.

⁵California Alcoholic Beverage Control Act, Business and Professions Code, Section 25662(b), p. 194.

Twenty-one States do not specifically prohibit consumption by minors

Officials from these States stressed that minors who consume alcohol can be prosecuted under possession laws. However, one State's law specifically contains a loophole. Arkansas has no consumption law, and its possession law states that "intoxicating liquor, wine, or beer in the body of a minor shall not be deemed to be in his possession."

State laws that allow minors to sell or serve alcohol without adult supervision may result in easier youth access to alcohol

Forty-four States allow minors to sell alcohol without adult supervision in stores or restaurants. According to an OIG survey of junior and senior high school students, more than 3.5 million students purchase alcohol from stores with young clerks and almost 3 million students purchase alcohol from stores where they know the clerk.⁶ State officials expressed concern about youth employment laws. "Store owners need to know that youth are under a lot of pressure to sell to other youth," said one State official. Another State official said allowing unsupervised youth to sell alcohol was "ridiculous." Kentucky currently is considering revising youth employment laws to change the age for serving alcohol from 20 to 21.

Although strict local ordinances may apply, 42 States do not prohibit minors from entering drinking establishments

State officials stressed that communities often determine youth access to drinking establishments. However, some officials complained that in communities with no regulation, stopping youth drinking is difficult. "Letting minors into clubs causes a lot of problems," said one official. "It's too easy for someone to buy a drink and then push it over to the person who is underage." Another official was concerned that his State's laws would become more relaxed. "One proposal would allow unaccompanied minors into licensed facilities. This is a regulator's nightmare. Underage drinking laws would be unenforceable."

STATE AND LOCAL AGENCIES HAVE DIFFICULTY ENFORCING YOUTH ALCOHOL LAWS

The major obstacles to effective enforcement are (1) budget and staff reductions, (2) low priority of youth alcohol enforcement, and (3) the lack of ABC jurisdiction over minors. One official commented, "We do not have the mechanism or ability to enforce the laws. Local police have another priority--drugs. They ignore alcohol."

⁶Office of Inspector General, the findings from the survey included in two reports, Youth and Alcohol: A National Survey: Drinking Habits, Access, Attitudes, and Knowledge, (OEI-09-91-00652) and Youth and Alcohol: A National Survey: Do They Know What They're Drinking? (OEI-09-91-00653).

Forty-three State officials argued that inadequate resources and manpower have hindered enforcement. Officials said:

- ▶ "We are transferring all programs involving underage drinking to the local police. We have no personnel because of budget problems in this State. Since January, we have not done any enforcement. Two years ago, we had two investigators in the field; now we have no investigators."
- ▶ "We have 10 field investigators for 9,000 to 10,000 licensees, whereas in 1969, we had 30 field investigators and 6,000 licensees."
- ▶ "Our enforcement staff has been cut from 72 to 40."

State officials stressed that other priorities and lack of public support prevent enforcement agencies from being effective. "It's a no-win situation," said one official. "Law enforcement does not get public support for busting kids. Parents don't want their child arrested for something that every other child does. Alcohol enforcement is the opposite of illicit drug enforcement."

Enforcing youth alcohol laws is a low priority in some areas. One State official described how costly this can be:

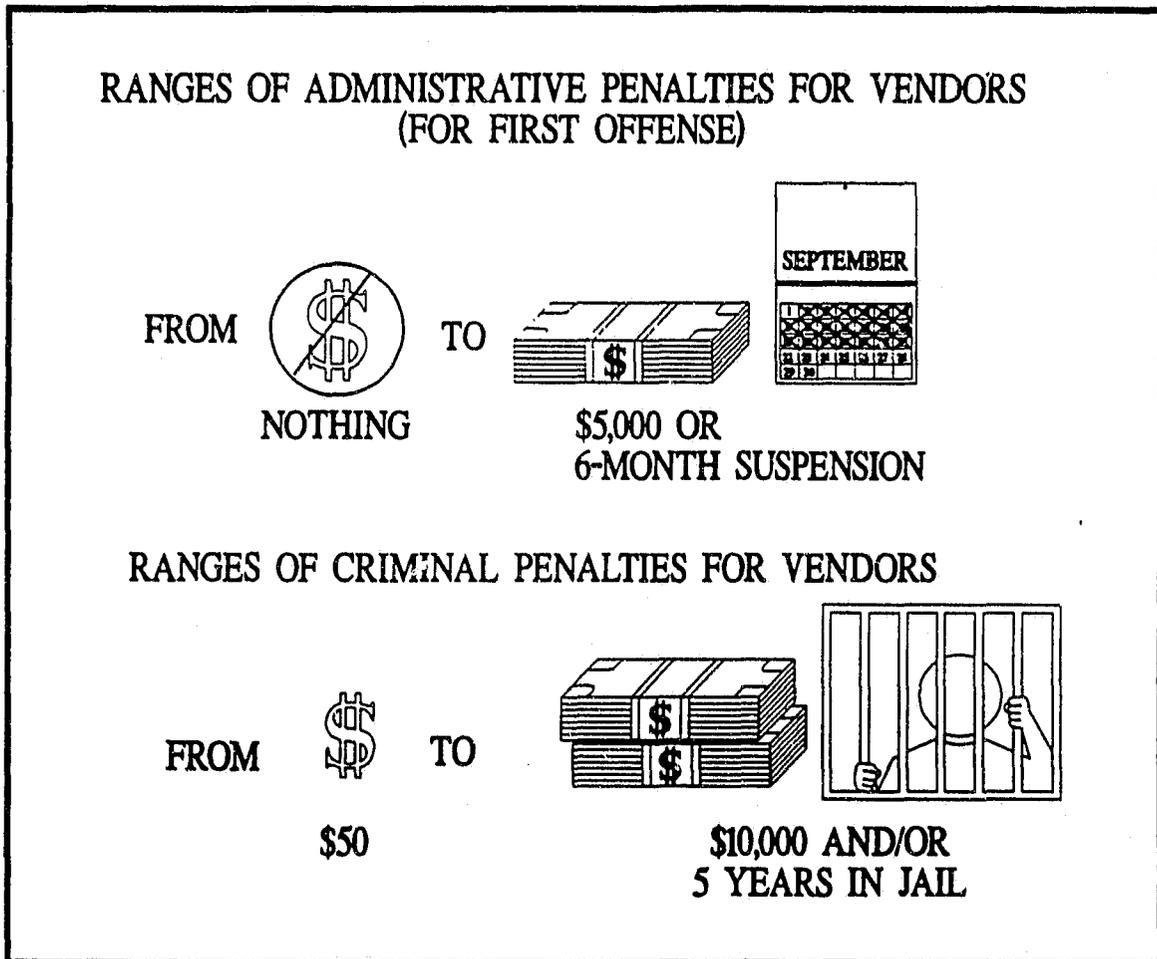
"Up until 5 years ago, the average police officer in New Hampshire didn't do more than take the alcohol away from a youth found with alcohol. About 5 years ago, there was a case in which several youth purchased alcohol in a small New Hampshire town. A police officer stopped the vehicle and took the alcohol, but he let the youth go. The police officer didn't notify the parents. He thought he was doing the kids a favor by not taking them into custody. The youth went to Massachusetts, bought more alcohol, and ended up in a car accident in which someone was killed. The parents of the person who was killed sued the town. The New Hampshire Supreme Court found the town liable. It was a very expensive lawsuit. Since then, all police officers take youth into custody until they can release them to their parents. The police are very conscious about this issue now."

Local enforcement agencies frequently experience similar resource and priority constraints. One official defended local agencies: "They give all of the time that they are capable of giving. Demands for their services and resources are very high. The communities are more interested in things like emergency response time." Cooperation and communication among ABCs and State and local law enforcement agencies often is limited. Some officials complained that enforcement agencies do not share arrest and complaint data with licensing agencies.

NOMINAL PENALTIES AGAINST VENDORS AND MINORS LIMIT ENFORCEMENT'S EFFECTIVENESS

While vendors who sell to minors are often fined or suspended, revocations are rare

Vendors who sell to minors are penalized by administrative and/or criminal sanctions. The charts below illustrate the range of administrative and criminal penalties.

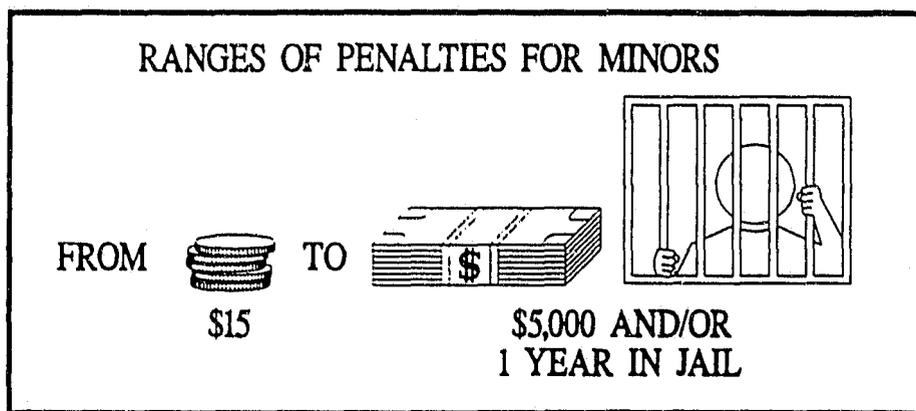


When applied, license suspensions and revocations are effective deterrents because vendors lose all alcohol revenues during the suspension period. However, State agencies often do not suspend licenses for first offenses. In addition, at least 10 States allow vendors to pay increased fines in lieu of license suspensions. In one State, vendors may pay \$100 per day during a suspension rather than serve the suspension. State officials say they rarely revoke licenses. Most States revoke licenses only when flagrant violations--such as multiple violations, illicit drug sales, or prostitution--occur on licensed premises.

A few States do not penalize vendors for their employees' actions. Employees may be subject to criminal penalties, but agencies do not take administrative action against the vendors, unless the vendor--rather than his employees--commits the violation.

Penalties against youth often are not deterrents

Although youth alcohol violations are classified as misdemeanors in most States, penalties can be insignificant. One State fines youth \$15. An official from a State with a \$25 penalty stated, "Many police do not even cite the minor, but they'll cite the licensee. For the kid who's caught, sometimes the only inconvenience is having to show up at our court as a witness." The chart below indicates the range of youth penalties:



A few States have developed separate fine structures for different age groups. In Iowa, the law distinguishes between persons under 19 and those 19 and 20 years of age. While persons under 19 are subject to a \$100 fine and 30 days in jail for alcohol violations, persons 19 to 20 are subject to a \$15 fine which may be paid like a parking ticket.

Courts are lenient

Even when strict penalties exist, courts do not apply them, according to most State officials. "Judges do not like mandatory penalties," said one official. "Sometimes they ignore the statutes. Kids are not held accountable for breaking the law." Such leniency translates into enforcement difficulties for the alcohol-control agencies. Another official illustrated the problem. "I caught a kid in the parking lot with beer. He was unconcerned. This was the second time in 8 months that he's been caught."

Court leniency is partly the product of priorities and overload. One official said, "The courts look at alcohol as a nuisance. Drugs are a higher priority." Overcrowding results in lowered penalties, asserted a State official. He added, "Our courts are virtually going to break down due to antiquated procedures and case overload. A police officer can spend up to 3 days a week in court rather than on his or her territory."

Court officials' personal feelings may influence judgments. "There is definitely an 'old-boy network' in some of the smaller towns," said an official. Another official described the social pressures the courts encounter. "The court system faces attitudes, both internally and externally. They hear that 'it's all part of growing up' and 'please don't give our son a police record'." Another official summarized, "They have other concerns. There is a prevailing attitude that 'we did that when we were young'."

STATES HAVE DIFFICULTY PREVENTING FALSE ID USE

Thirteen States admitted that they are having difficulty preventing youth from using false identification documents (ID) to purchase alcohol. "There are kids who look over 21, and their IDs look real," said one official. Another official called his State's false ID problem "rampant."

Although 46 States have laws and penalties against minors' misrepresenting their age to purchase alcohol, these do not deter youth. "Kids do not have a problem with using fake ID," said one official. Another official stated that minors will attempt to buy alcohol no matter how poor the identification is:

We recently had an administrative hearing about a vendor who sold alcohol to a minor. The vendor asked for ID. The 16-year-old boy--who looked 16--presented the ID of 5-foot 4-inch female, except he had taped his picture on it. He was a 6-foot 5-inch male. Nonetheless, the clerk sold beer to him. Luckily, our officers had the store under surveillance and saw him carrying the beer out.

States have difficulty taking enforcement actions against vendors when minors use false ID. "When fake ID is used, we cannot get the retailer for selling to the minor," said one official. Another official added, "An 18-year-old used fake ID to buy alcohol and got killed. The seller was sued, but the case was dismissed. The ID met statutory requirements."

Although States have attempted to combat the problem, they have had limited success. Some States recommend that vendors purchase a book that contains pictures of all legal State IDs. However, minors may obtain legal driver's licenses with false birth documents. Some manufacturers use counterfeiting equipment to produce near-perfect reproductions. "There are sophisticated ID rings," said one official. "We cracked one that had stolen driver's license material. Multiple felonies could have been charged, but it was reduced to a municipal violation."

State officials believe the Federal government must take action, because minors obtain false ID from other States or through the mail. A Connecticut official stated, "Minors can get State driver's licenses in Times Square in New York City for \$10 to \$15 each." Two other State officials argued that the Federal government must crack down on illegal ID manufacturers. "We've located the manufacturers, but we can't regulate those in other States," said one official. "Federal legislation could make it illegal to

sell anything through the mail which is designed to pass for a legal ID or State license," added another

SOME STATES HAVE DEVELOPED CREATIVE METHODS TO ENFORCE ALCOHOL LAWS AND PENALIZE OFFENDERS

Faced with limited resources, States have developed innovative methods to prevent youth from obtaining alcohol. Some of the more popular ideas include suspending youth driver's licenses, establishing alternative penalties for minors, allowing vendors to obtain signed statements from suspected minors, conducting decoy or "sting" operations, educating vendors on laws and penalties, and enacting stringent "dram shop" laws.

Drivers license suspension may be the only penalty that deters youth

"The one thing that a minor cares about is his driver's license. Other penalties do not work. We find that a lot of fines go uncollected because there's nothing the court can do if the minor doesn't pay."

Of the 27 States that delay, suspend, or revoke youth drivers' licenses for alcohol-related violations, some take action for any alcohol violation, while others do so for specific violations only. The suspension varies from several days to several years, depending on the State, violation, and minor's record.

Officials from States with this option argue that traditional, statutory penalties do not deter youth. Judges rarely sentence minors to jail, and parents

usually pay the monetary penalties, not the minors. One State official complained that "because of our State's weak laws, kids come from surrounding States, both of which provide for license suspension."

Community service and counseling programs are other diversionary penalties

Alternative penalties are one way to direct the penalty at the minor. Judges often suspend a sentence pending a minor's completion of a community service or counseling program. Youth that are assigned community service often must surrender dozens of hours to various community projects. Other minors need help with alcohol dependency, and they are required to enroll in a counseling program.

"It's embarrassing to be seen picking up trash."

Some States offer vendors the opportunity to require suspected minors to sign affidavits

"While minors may have no problem using fake identifications, they don't like to sign their names on legal documents."

Ten State officials mentioned that vendors are allowed to require buyers to sign affidavits stating that they are 21. The affidavit explains the penalties against minors who attempt to purchase alcohol or misrepresent their age.

Vendors support this because the affidavit serves as proof that the minor misrepresented his or her age.

Decoy or "sting" operations successfully limit vendors from selling to minors

Twenty-four officials volunteered that either the State ABC or the State or local police perform successful youth decoy operations otherwise known as "stings." These operations consist of sending minors into stores and restaurants to purchase alcohol. If the employee sells alcohol to the minor, an undercover agent will cite or arrest the employee and/or vendor. The major purposes are to identify and penalize vendors that sell to youth.

Many States do not by law allow "stings." One State official admitted that his State does not use stings because authorities feel uncomfortable having minors attempt illegal actions.

"Sting operations allow us to control our vendors much more effectively. In one parish, we had minors buy alcohol in 21 of 22 convenience stores. The vendors attended hearings and were either fined and/or had their licenses suspended. The next year, only three vendors sold alcohol to our minors."

States perform reverse minor decoy programs, such as Indiana's "Operation Grab" and Delaware's and Oklahoma's "Cops-in-Shops." In these programs, agents pose as clerks and servers to arrest minors and adults who buy for minors. Vendors have been receptive to this program and have cooperated with enforcement agencies.

Educating vendors about laws and penalties reduces sales to minors

"I've been astounded by some of the questions vendors ask me during these training sessions."

Although most States have provisions for either mandatory or voluntary server training programs, 47 of the 51 State officials believe that increasing server training would be effective in preventing minors from obtaining and consuming alcohol. Server training involves educating vendors about the State's alcohol control laws, regulations, and penalties, their civil liability for selling to a minor, how to identify an underage drinker, and how to determine whether an identification card is genuine. Server training may be offered by ABCs or other public or private organizations.

When asked if they have undertaken any special initiatives to prevent alcohol sales to minors, one-third of the officials volunteered that their States' effective server training programs have been vital. "We know server training works. We can demonstrate this," said one State official. "In the past year, we have educated 2,000 people," added another official. "And there has been only one infraction from that group."

While 11 States mandate server training for all vendors, most programs are voluntary. As an incentive, States may reduce penalties for vendors who have completed training and have illegal sale violations. One official reported that vendors in his State are protecting themselves by installing hidden cameras that show people entering the establishment and presenting IDs to the clerk.

Strict "dram-shop" laws deter illegal sales to minors

Twenty-three States have civil liability or "dram shop" laws which specifically allow lawsuits against persons who provide alcohol to minors. Several other States allow lawsuits, but only under certain conditions. South Dakota clearly prohibits such lawsuits. Several State officials mentioned that the threat of costly litigation causes vendors to refuse to sell alcohol to minors.

In 1985, the American Bar Association (ABA) recommended that all States enact statutes to allow lawsuits against persons who knowingly sell alcohol to minors. The ABA reasoned that such a statute would promote responsible serving practices.⁷ In 1985, the Federal government funded the development of a model dram shop law. During this development, a review of court cases in three States revealed that "the legal system was not establishing clear guidelines for applying dram shop liability provisions or concepts."⁸ The model dram shop law clearly allows lawsuits for damages resulting from negligent alcohol sales to minors. It also promotes responsible serving practices by allowing a vendor to use evidence of server training as a defense in a lawsuit.

"We have strong 'dram-shop' liability laws. Vendors have been more concerned since these were passed. Being sued does not put them out of business, but their insurance premiums go through the roof. Then they have to raise prices, and they lose business. Our dram-shop laws have made industry more responsive. You have to empower the people to affect vendors' well-being."

⁷American Bar Association, American Bar Association Policy Recommendation on Youth Alcohol and Drug Problems (Washington: American Bar Association, 1986), p. 39.

⁸Victor Colman et al., "Preventing Alcohol-Related Injuries: Dram Shop Liability in a Public Health Perspective," Western State University Law Review (12), Spring 1985, p. 444.

Officials reported other practices that they believe are effective:

- ▶ New Jersey issues a minor's drivers licenses with profile photographs, rather than the frontal photograph used for adults.
- ▶ Many States require visible notices posted in establishments explaining penalties for serving to minors, and for minors themselves.
- ▶ In Florida, employees sign affidavits acknowledging that alcohol sales to minors are immediate cause for dismissal.
- ▶ Alabama issues press releases listing names of minors arrested for alcohol violations. Michigan publishes the results of vendor sting operations.
- ▶ Ohio and New Hampshire send letters to school principals about enhanced enforcement activities during proms or graduation time.
- ▶ In Oregon, when schools hear of parties, the ABC sends letters to the parents about the party and the parents' potential liability.
- ▶ North Dakota, Oregon, and Washington require vendors to register beer kegs for identification purposes. In addition, North Dakota vendors use invisible ink on tags that allows authorities to track purchasers. In Washington, if the police raid a party and find that the beer keg does not have the tag, the 21-year-old who is nearest to the beer keg may be cited with a violation.
- ▶ Some States have parents attend court and diversionary programs with their youth who have been cited for an offense.
- ▶ New Hampshire, Ohio, and Virginia offer toll-free telephone numbers for citizen complaints.

ENFORCEMENT IS INHIBITED BY PUBLIC ATTITUDE AND DEFICIENCIES IN EDUCATION

According to State officials, the public's attitude about youth drinking and deficiencies in comprehensive, early alcohol education in schools are common enforcement obstacles. One-third of the officials mentioned that public indifference makes controlling underage drinking difficult. Forty-eight of 51 officials believe that increasing alcohol education in schools would decrease students' alcohol use.

Public indifference prevents changes in youth attitudes

State officials mentioned problems with parental and social attitudes. "A lot of kids are encouraged to drink by lax parental behavior," said one official. In some States, social attitudes have changed when community groups challenge the status quo. State

officials believe that organized community groups, such as MADD, influence State legislators, enforcement agencies, and courts. One official commented, "Society is going to have to become responsible for itself. It will have to expand from the family to the workplace to the community."

Although officials complained that the public accepts youth drinking, they believe that the Surgeon General can change public attitudes. One State official mentioned the cigarette smoking campaigns that publicize adverse health effects. He commented, "The Surgeon General's research on the effects of cigarette smoking had an effect on behavior. Increased research and documentation of alcohol problems might help. The same thing needs to happen with alcohol as happened with smoking." Another added, "It needs to be socially unacceptable for youth to drink."

Early education, innovation, and focus on penalties and health are keys to success

State officials volunteered techniques they use to increase education's effectiveness:

- ▶ **Start education early.** State officials believe that early alcohol education, as early as kindergarten, shapes life behavior. "Why are kids drinking?" is the question that needs to be answered," said one official. "People are better educated about alcohol than ever before, but youth continue to drink. We need to focus our message on younger students. By the time they reach college, it's too late."
- ▶ **Use peer pressure to make drinking unpopular.** State ABCs, in conjunction with schools and local communities, have attempted to create a group of non-drinking youth through various promotions. In turn, the group uses peer pressure to discourage youth drinking. In North Carolina, a national insurance company enlisted the help of local radio stations to convince students to sign no-drinking pledges by offering prizes and other incentives. Under a federal grant, Ohio worked with MADD to create an animated character/mascot, called Hoola the Hippo, and a video that encourages younger students to make responsible decisions and resist peer pressure to drink.
- ▶ **Educate youth on laws and penalties as well as health consequences of drinking.** Some State officials believe that youth should be educated about the health consequences and legal penalties they face for drinking alcohol. "Kids do not understand what alcohol does to the body and the mind. We should show them the victims of drunk driving, for instance, in driver's education." Another State official believes that programs will be effective only if they show the potential liability--such as suspension of their drivers' licenses--as well as the health effects. One official cautioned that educators must be careful and not equate alcohol with illegal drugs. "A lot of education is done clumsily. It disturbs me that they talk about a glass of beer in the same sentence as crack cocaine. Beer is a legal, socially acceptable substance. Treat it like it is."

CHECKLIST FOR STATES

The OIG report has identified loopholes in State laws and weaknesses in law enforcement and education. We encourage States to examine their laws and policies concerning youth access to alcohol and offer the following checklist.

DO YOUR ALCOHOL LAWS:

- prohibit youth from purchasing and attempting to purchase,
- prohibit youth from consuming and possessing in public places,
- prohibit youth from consuming and possessing in private places without parent or guardian supervision,
- contain employment provisions which reduce the opportunity for youth to sell alcohol to peers,
- ban youth from entering bars, taverns, cocktail lounges, and other establishments that are primarily drinking establishments,
- contain specific civil liability provisions addressing establishments and individuals that illegally provide alcohol to minors,
- contain provisions such as California's "Kegger Statute" that allow enforcement agents to take action against minors who drink in private residences,
- provide decoy operation authority, and
- provide options for diversionary penalties, such as driver's license suspension?

DO YOU EMPHASIZE THE NEED FOR LAW ENFORCEMENT AND ABC AGENCIES TO PREVENT YOUTH FROM ILLEGALLY PURCHASING ALCOHOL BY:

- giving high priority to detecting and prosecuting alcohol-related offenses,
- ensuring that alcohol enforcement agencies are adequately funded and staffed,
- giving your ABC jurisdiction over minors, and
- assuring that penalties are adequate, appropriate, and uniformly applied?

ARE YOUR EDUCATION EFFORTS DIRECTED AT:

- youth at early ages, using unique approaches whenever possible,
- the general public to change attitudes about youth drinking,
- law enforcement agencies to emphasize the need to eliminate youth access to alcohol,
- the judicial system to stress the need to impose penalties, and
- alcoholic beverage sellers through vendor and server training programs?

DO YOU INHIBIT THE USE OF FALSE IDs BY:

- prohibiting the manufacture and sale of false IDs,
- prohibiting minors from misrepresenting their age,
- providing adequate penalties for violations of false ID laws,
- vigorously prosecuting offenders, and
- issuing drivers' licenses and identification cards that cannot be duplicated or counterfeited?