

# Communities Mobilizing for Change on Alcohol

## TAKING A STAND FOR YOUTH



Changing Perceptions and Policies surrounding Underage Drinking

March 3, 2008

Senator Joan Carter Conway, Chair  
Education, Health and Environmental Affairs Committee  
2 West Miller Senate Building  
Annapolis, MD 21401

RE: Testimony Opposing Senate Bill 745 Entitled  
"Alcoholic Beverages – Definitions – Beer"

Dear Senator Conway and Members of the Education, Health and Environmental Affairs Committee:

Please accept this testimony on behalf of the Dorchester County CMCA (Communities Mobilizing for Change on Alcohol) regarding SB 745 Entitled "Alcoholic Beverages – Definitions – Beer" which, if enacted, would change Maryland law to treat as beer, for alcohol tax and license purposes, a category of alcoholic beverages commonly referred to as flavored malt beverages (FMB), flavored alcoholic beverages or Alcopops.

These Alcopops are particularly popular among underage youth as they have sweet sugary and fruity flavors like lemonade, cola, punch and tea rather than the bitter taste of alcoholic drinks. These products are marketed as a "malt beverage" which affords the product the favorable regulatory position of beer. The drinks also enjoy a much wider availability because they can be distributed by the holders of a "Beer" license meaning Alcopops are often times sold in local retail establishments including convenience stores.

According to the Federal Alcohol and Tobacco Trade and Tax Bureau (TTB) in a 2003 report, *"Alcopops exhibit little or no traditional beer or malt beverage characters"*. The report goes on to say that brewers remove the color, bitterness and taste generally associated with beer which leaves a base product that allows flavors to be added to achieve the desired taste. However, during this process brewers also remove the alcohol derived from beer and substitute distilled spirits.

According to the 21<sup>st</sup> Amendment to the Constitution, states have the individual authority to classify alcohol products. Maryland defines distilled spirits as *"a distilled alcoholic beverage"* which includes alcohol, brandy, cordials, gin, liqueur, rum, vodka, whiskey and **solutions or mixtures of distilled spirits** except fortified wines.

Alcopops contain a "mixture of distilled spirits" and are currently defined as a distilled alcoholic beverage in State law. Beer in Maryland is defined as "any brewed alcoholic beverage and includes beer, ale porter and stout". At no time in this definition of beer is there the mention of distilled spirits.

Alcopops are a significant public health concern. This is exemplified by surveys that indicated that a large portion of high school students reported drinking these products with regularity. Research also shows that the younger the drinker the more likely that individual will consume these sweet, sugary beverages. The U.S. Surgeon General reports that young people who begin drinking before the age of 15 (compared to those who wait until age 21) are five times more likely to develop alcohol problems later in life, four times more likely to develop alcohol dependence, seven times more likely to be in a drinking related motor vehicle crash, eleven times more likely to be in a physical fight after drinking and twelve times more likely to suffer other unintentional injuries after drinking. All of these statistics are frightening reminders that underage drinking is a serious and dangerous risk and it is all of our responsibilities to manage and mitigate exposure to any alcoholic beverage by the youth of our communities.

The members of CMCA implore the Committee to take the information provided herein seriously and to not classify Alcopops as beer for taxing and licensing purposes. These actions will only make the products more easily available at a lower cost to our youth and perpetuate the cycle of dependence, health care concerns, personal injury and violence that are often times resulting factors. We respectfully ask that the members of this committee vote against Senate Bill 745.

Sincerely,

*Erin B. Hill*

Erin B. Hill, Community Organizer  
Dorchester County Communities Mobilizing for Change on Alcohol  
(410) 901-8131  
[erocop@dohmh.state.md.us](mailto:erocop@dohmh.state.md.us)

March 6, 2008

Senator Joan Carter Conway, Chair  
Education, Health and Environmental Affairs Committee  
2 West Miller Senate Building  
Annapolis, MD 21401

RE: Testimony on House Bill 879/Senate Bill 745 Entitled "Alcoholic Beverages – Definitions – Beer"

Dear Senator Conway and Members of the Education, Health and Environmental Affairs Committee:

Please accept this testimony on behalf of the Drug Free Caroline Coalition (located in Caroline County, Maryland) regarding SB 745 Entitled "Alcoholic Beverages – Definitions – Beer" which, if enacted, would change Maryland law to treat as beer, for alcohol tax and license purposes, a category of alcoholic beverages commonly referred to as flavored malt beverages (FMB), flavored alcoholic beverages or Alcopops.

Alcopops are popular among underage youth as they conceal the taste of alcohol by using sweet, fruity flavors similar to that of soft drinks. However, the difference is that alcopops contain distilled spirits. Alcopops are designed and marketed to entry-level drinkers, which studies have shown are commonly under the legal drinking age of 21. Such products serve as a "bridge" between nonalcoholic beverages, such as soft drinks, and the more bitter and harsh tastes of alcohol products.

Alcohol is the most widely abused drug by youth in Maryland. Changing alcopops classification to a "malt beverage" would contribute to even greater problems as it would make alcopops cheaper and therefore, more accessible to youth. It is difficult to understand the advantage to anyone, except to the distributors of alcopops, of classifying alcopops as a malt beverage. In fact, The Federal Alcohol and Tobacco Trade and Tax Bureau (TTB) issued a report in 2003 that puts the very industry classification into question. According to the TTB:

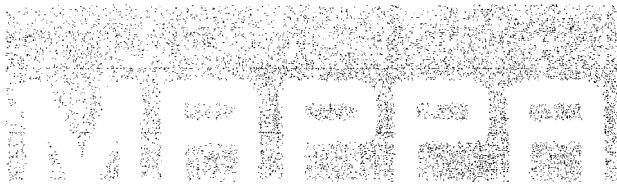
"Alcopops exhibit little or no traditional beer or malt beverage character.....Brewers...remove the color, bitterness, and taste that are generally associated with beer...This leaves a base product to which brewers add various flavors, which typically contain distilled spirits, to achieve the desired taste profile."

It is evident that the industry uses this complex production process for one purpose: To gain the regulatory advantages associated with beer – the ability to advertise on all electronic media, be taxed at a substantially lower tax rate and to have greater availability among retail locations.

The members of the Drug Free Caroline Coalition implore you to vote against House Bill 879/Senate Bill 745. There are many of us working to keep alcohol out of the hands of those under the age of 21. Passing this bill would further contribute to the underage drinking problem that many of us are trying to prevent. Please consider the harm that will occur if this bill is passed and vote against HB879/SB745. Thank you.

Sincerely,

The Drug-Free Caroline Coalition  
Ann Ferkler 410.479.3501



MARYLAND  
ASSOCIATION  
PREVENTION  
PROFESSIONALS  
ADVOCATES

P.O. Box 609 Linkwood, MD 21835-0609 Website: [www.mappomd.org](http://www.mappomd.org)

March 6, 2008

Senator Joan Carter Conway, Chair  
Education, Health and Environmental Affairs Committee  
2 West Miller Senate Building  
Annapolis, MD 21401

Re: Senate Bill 745 - OPPOSE

Dear Senator Conway and Members of the Education, Health and Environmental Affairs Committee:

Please accept this testimony on behalf of the Maryland Association of Prevention Professionals and Advocates (MAPP) regarding SB 745 entitled "Alcoholic Beverages – Definitions – Beer" which, if enacted, would change Maryland law to treat flavored malt beverages "alcopops" as beer.

The Federal Alcohol and Tobacco Trade and Tax Bureau (TTB) issued a report in 2003 that puts the industry classification into question. According to the TTB:

"Alcopops exhibit little or no traditional beer or malt beverage character....Brewers...remove the color, bitterness, and taste that are generally associated with beer...This leaves a base product to which brewers add various flavors, which typically contain distilled spirits, to achieve the desired taste profile."

The industry uses this complex production process for a single purpose: To gain the regulatory advantages associated with beer – lower taxes and greater availability.

"Alcopops" are popular with junior and senior high school students: in a 2005 survey, 12.9 percent of 8<sup>th</sup> graders, 23.1 percent of 10<sup>th</sup> graders, and 30.5 percent of 12<sup>th</sup> graders report consuming alcopops within the last 30 days. Girls are much more likely to consume alcopops than boys. The younger the drinker, the more likely he/she will consume alcopops. Among 8th grade drinkers, 78 percent report alcopop consumption in the last 30 days compared to 59 percent of 19-20 year olds and 36 percent of 25-30 year olds. Teen girls report having seen or heard more alcopop ads on TV, radio, billboards, online and in magazines than adult women. Thirty four percent of teenagers incorrectly believe that alcopops have less alcohol than beer or similar drinks.

In Maryland, many of our youth already have a problem with alcohol. If the classification changes to "malt beverage", it will make alcopops cheaper and more available. Youth are the most price-sensitive demographic group.

The members of the Maryland Association of Prevention Professionals and Advocates encourage you to think about the youth and the impact this law would have on them. If you want our youth to grow up as healthy and productive citizens of our state, please vote against House Bill 879/Senate Bill 745.

Thanking you for your consideration of our position on this matter.

Sincerely,

Sandy Wilson, CPP  
MAPPA President



**National Council on Alcoholism & Drug Dependence – Maryland  
Senate Education, Health & Environmental Affairs Committee  
March 7, 2008**

**Testimony Opposing Senate Bill 745**

The Maryland Chapter of the National Council on Alcoholism and Drug Dependence, formed in 1988, is a statewide organization that raises public awareness of alcoholism and drug dependence issues across the state, while working to ensure those affected by the disease of addiction have the resources necessary when accessing treatment and sustaining recovery.

**NCADD-Maryland opposes Senate Bill 745.** This bill would erroneously codify certain distilled spirits as beer. These specific products, known as Flavored Malt Beverages or Alcopops, are specifically marketed to young people and, codified as beer, would be more accessible to young and underage individuals.

Alcopops include flavorings that contain distilled spirits. The flavorings are meant to attract beginning drinkers who may not like the taste of beer and liquor. While they are sweetened, make no mistake, they are distilled spirits.

The desire to delay a young person's first drink is no different than that to delay their first cigarette. It helps prevent them from becoming addicted.

- People who begin drinking by age 15 are 5 times more likely to abuse or become dependent on alcohol than those who begin drinking after age 20 (SAMHSA 2004).
- The highest prevalence of alcohol dependence is among people age 18 to 20 – more than any other age group (Grant et al, National Epidemiologic Survey on Alcoholism and Related Conditions)

Passing this legislation will make it easier for young people and underage youth to obtain distilled spirits by making Alcopops available in more retail outlets and taxing them at a lower rate. This is bad public policy.

**We strongly urge an unfavorable report on Senate Bill 745.**

**WICOMICO COUNTY DRUG & ALCOHOL COUNCIL**  
**Care of: Wicomico County Health Dept**  
**108 E. Main Street**  
**Salisbury, MD 21801**

SB 745  
OPPOSE

Chair:  
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Co-Chair:  
Jeffrey McPherson

Members:  
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Katherine Amenta  
Tanya Beamon  
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Mike Shamburek  
Cynthia Shifler  
Paul Simon  
Reid Sterrett  
L. Bruce Wade  
Terry Wallace  
Robert Williams  
Babe Wilson

Senator Joan Carter Conway, Chair  
Education, Health and Environmental Affairs Committee  
2 West Miller Senate Building  
Annapolis, MD 21401

Dear Senator Conway and Members of the Education, Health and Environmental Affairs Committee:

The Wicomico County Drug Council is providing testimony against Senate Bill 745 because the bill proposes treating beverages with "distilled spirits" as "malt beverages". If this bill passes it would increase youth access to "alcopops" by having them available at more locations and reducing the cost. The Federal Alcohol and Tobacco Trade and Tax Bureau (TTB) issued a report in 2003 that puts the industry classification into question. According to the TTB:

"Alcopops exhibit little or no traditional beer or malt beverage character.....Brewers...remove the color, bitterness, and taste that are generally associated with beer...This leaves a base product to which brewers add various flavors, which typically contain distilled spirits, to achieve the desired taste profile."

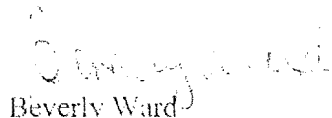
The industry uses this complex production process for a single purpose: To gain the regulatory advantages associated with beer – lower taxes and greater availability.

Alcopops are popular with junior and senior high school students: in a 2005 survey, 12.9 percent of 8<sup>th</sup> graders, 23.1 percent of 10<sup>th</sup> graders, and 30.5 percent of 12<sup>th</sup> graders report consuming alcopops within the last 30 days. Girls are much more likely to consume alcopops than boys. Teenagers often refer to alcopops as "girlie beer" or "cheerleader beer" because of their popularity with young, adolescent girls. Eighty-two percent of teen girls who have tried alcopops agree that they taste better than beer or alcoholic drinks. On a per capita basis, underage youth are far more likely to see alcopop advertising on radio, television, and magazines than adults. Among 8<sup>th</sup> grade drinkers, 78 percent report alcopop consumption in the last 30 days compared to 59 percent of 19-20 year olds and 36 percent of 25-30 year olds. Thirty four percent of teenagers incorrectly believe that alcopops have less alcohol than beer or similar drinks. We should be concerned about underage use of alcohol because adolescent drinkers scored worse than non-users on vocabulary, general information, memory and memory retrieval; verbal and non-verbal information recall was most heavily affected, with a 10 percent performance decrease in alcohol users; significant neuropsychological deficits exist in early to middle

adolescents with histories of extensive use; adolescent drinkers perform worse in school, are more likely to fall behind and have an increased risk of social problems, depression, suicidal thoughts and violence; alcohol affects the sleep cycle, resulting in impaired learning and memory as well as disrupted release of hormones necessary for growth and maturation.

The members of the Wicomico County Drug Council encourage you to think about youth and the impact this law would have on them. If you want our youth to grow up as healthy and productive citizens of our state, please vote against House Bill 879/Senate Bill 745.

Sincerely,



Beverly Ward

Wicomico County Drug Council Chair