

**CITY OF BALTIMORE
COUNCIL BILL 08-0089R
(Resolution)**

Introduced by: Councilmembers Middleton, Young, Holton, Kraft, D’Adamo, Henry, Curran,
Clarke, Conaway, Branch, Welch
Introduced and adopted: November 17, 2008

A COUNCIL RESOLUTION CONCERNING

Request for State Legislation – Alcopops – Control of Use by Minors

FOR the purpose of requesting the Honorable Chairs and Members of the Baltimore City Senate and House Delegations to the 2009 Maryland General Assembly to introduce legislation governing the labeling, sale, and distribution of flavored alcoholic beverages.

Recitals

Cool, refreshing, sweet - and alcoholic. The alcoholic drink of choice for underage teens - especially girls – is deceptively appealing. More teenage girls than teenage boys report drinking alcohol and in higher amounts; the American Medical Association (AMA) points to the popularity of so called “girlie drinks” or Alcopops as a major force behind the change.

“Alcopops (also called clear malts, flavored malt beverages, Cheerleader beer, maltalternatives, “RTDs”- Ready to Drinks, or “FABs” - Flavored Alcoholic Beverages) are fruit-flavored, malt-based drinks that come in colorful, child-oriented packaging. The sweetness and flavoring hide the taste of alcohol, and most people who are aware of alcopops mistakenly believe they aren’t as strong as beer; a cocktail with 1.5 ounces of spirits, and a 5-ounce glass of wine have the same amount of alcohol (from 5 - 7%) and cause the same effects.” — The Prairie View Prevention Services, Inc.

The alcoholic beverage industry has successfully managed to have alcopops grouped with beer instead of liquor. This opens the door to easier advertising, and the industry is able to use television to place its logos, colors, and brand names in front of millions of viewers, including teens. In fact, TV beer ads are among the most widely anticipated and remembered ads during sports events such as the Superbowl. A recent report from the Center for Science in the Public Interest (CSPI) found that alcopop ads also ran during pre-9 p.m. shows with a high teen audience. Most of the teens surveyed by the CSPI poll had seen and recalled alcopop ads and tied the ads to specific brands.

The AMA’s *Alcopops and Girls: Fact Sheet* reports, in part that:

- More than 10 million American youth under the age of 21 drink alcohol, and over 7 million are binge drinkers.
- Data provided by the alcohol industry shows that a significant minority (41%) of flavored malt beverages are consumed by young people ages 21-21.
- A majority of teens 17-18 years old (51%) and many teens 14-16 years old (35%) have tried alcopops, compared to less than a quarter of adults (24%).

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

Council Bill 08-0089R

- When asked what type of alcoholic drink they would most prefer to drink, nearly a third of teens (30%) said “alcopops”, compared to only 16% for beer and 16% for mixed drinks.

The AMA also reports that the alcohol industry admissions on alcopops include that:

- This category of drinks brings in new drinkers, people who don’t really like the taste of beer.
- Younger drinkers’ palates haven’t matured yet to drinks like bourbon, and alcopops are a sweeter to drink, easier to drink, and take less time to mature to the taste.
- This is the perfect “bridging beverage” between carbonated fruit juices and the new hard lemonades.

The Globe, a publication of the Global Alcohol Police Alliance, reports that, as a result of a 2005 compromise by the U.S. Alcohol and Tobacco Trade and Tax Bureau (TTB) at the federal level, alcopops are classified as flavored malt beverages and taxed at the lower beer rate, and the states have independent legal authority to classify alcohol products. In large part, due to the public outcry against underage drinking, states have begun to adopt independent classification of this category of drink. Maine, California, Utah, and Illinois have reclassified alcopops as distilled spirits.

This year, according to Maryland’s Governor, in response to a threat of a potential 16-fold increase in the tax rate that is currently being assessed on flavored malt beverages, the General Assembly overwhelmingly passed legislation to codify the decades-old practice of regulating and taxing this category of alcoholic beverage as beer. Although unsigned by the Governor, Senate Bill 745 - Alcoholic Beverages - Definitions - Beer was allowed to go into effect pursuant to Article II, Section 17 of the Maryland Constitution.

In New York, *The Globe* found that taxing alcopops as spirits could reduce consumption by 28%, thus saving 7 lives and \$150 million in underage drinking costs annually, and in the largest state, California, consumption levels would drop by 35% and save 21 lives and \$437 million each year. In Maryland, we need to revisit this issue, as all teenage life is precious. If the legislature does not see fit to change the tax rate on these beverages, putting a warning label of the alcohol content of these so-called “pops” or keeping them out of convenience stores may at least keep the innocent and the unaware from the dangerous imbibing of alcoholic beverages.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Honorable Chairs and Members of the Baltimore City Senate and House Delegations to the 2009 Maryland General Assembly are requested to introduce legislation governing the labeling, sale, and distribution of flavored alcoholic beverages.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Governor, the Honorable Chairs and Members of the Baltimore City Senate and House Delegations to the 2009 Maryland General Assembly, the Executive Director of the Mayor’s Office of State Relations, and the Mayor’s Legislative Liaison to the City Council.