

THE EVOLUTION OF U.S. TEMPERANCE MOVEMENTS
SINCE REPEAL: A COMPARISON OF TWO CAMPAIGNS
TO CONTROL ALCOHOLIC BEVERAGE MARKETING,
1950S AND 1980S

Pamela Pennock

Abstract. This paper compares the politics of a failed religious movement to ban alcohol advertising in the 1950s with the politics of a more secular, and partially successful, movement to regulate alcohol marketing in the 1970s and 1980s. Although the contexts of the two marketing control movements were quite different, the continuities were equally striking. Both employed arguments about youth, social order, and the power of mass media.

IN 1947 METHODIST BISHOP WILBUR HAMMAKER, joined by hundreds of church-affiliated supporters, declared to the U.S. Senate Committee on Commerce that alcohol advertising was harmful to American society, especially because of its nefarious influence on children. He and like-minded dries demanded its abolition from all media, particularly the virulent broadcast media. Hammaker and his colleagues reappeared before congressional committees in 1948, 1950, 1952, 1954, 1956, and 1958 (sometimes twice in one year) to make these same claims and demands. The alcohol industries and their supporters responded with constitutional objections to the ad ban proposal and avowed that the purpose of their advertising was to encourage adult drinkers to switch brands. The dries lost: no government restrictions on alcohol advertising were implemented during the roughly ten-year campaign (although the industries reacted with self-regulation). Many years later, in 1985, consumer

Pamela Pennock is Assistant Professor in the Department of History at the University of Michigan-Dearborn.

advocates descended upon the same congressional committee to demand tough restrictions on alcohol marketing, including the implementation of warning labels and the ban of beer and wine ads from broadcast media, to protect the nation's health and the values of American children. The affected industries raised the same objections that the alcohol (and tobacco), advertising, and media industries had articulated since the 1950s. The advocates of alcohol marketing restrictions could claim only one small victory: the requirement of a warning label on alcohol packaging, passed in 1988.

What do these two episodes have in common, and what differentiates them? What can a comparison of the 1950s lingering "old" temperance campaign to ban alcohol advertising and the 1980s "new" temperance movement to restrict alcohol marketing tell us about shifts in alcohol control and marketing control politics as well as the employment of morality and science in the public policy arena?¹ An examination of the composition and strategies of each movement, with particular attention to their arguments concerning health, morality, youth, mass media, and the First Amendment, as well as the rebuttals from their industry opponents, demonstrates that although the contexts of the two movements were quite different, the continuities between the two alcohol marketing control debates were striking.

In the second half of the twentieth century, organized movements to control alcoholic beverages concentrated much of their resources and policy objectives on marketing restrictions. With the repeal of Prohibition in the thirties, a national ban on the manufacture, distribution, and sale of alcohol became politically unfeasible in American society. In the post-repeal period, the national regulation of advertising and labeling seemed a more attainable goal than most other means of reducing consumption. In a consumer-oriented and mass media-dominated age, marketing appeared to many restrictionists to be the lifeblood of these businesses. Many restrictionists assumed that controlling the companies' abilities to market their products would seriously handicap the industries by

debilitating their means of expansion, which reformers believed was the use of advertising to reach new (youthful) consumers.

Analysis of the two debates over alcohol marketing reveals a shift in one aspect of America's political culture in the twentieth century: the shift from an explicitly religious-moral (overwhelmingly Protestant) rationale for policymaking to a more conscientiously secular and scientific ethic. Many scholars locate the shift in the early twentieth century, and some have pointed to the Scopes Trial of 1925, the famous case on the teaching of evolution, as a major watershed in American culture. The shift from subjective morals to "objective" science, however, should not be overstated. First, human values can never be disconnected from science, which is a human endeavor. Furthermore, as many scholars have noted, the Scopes Trial did not come close to settling the conflict, real or contrived, between science and religion in American society.² Although their authority has waxed and waned over the century, religious groups, including temperance activists of the 1950s and religious right activists since the 1980s, have remained influential in the political arena and have continued to employ, with varied success, religiously-based arguments in policy debates.³ Nevertheless, when compared to the late nineteenth and early twentieth century, we can describe a change to a more secular orientation in social policymaking, and in public life in general, during the first half of the twentieth century. Even so, in the second half of the century Americans (citizens and their policymakers) continued to embrace and employ values as rationales for decision-making, but many increasingly adhered to a system of secular morality, as opposed to traditional, religious morality.⁴ This shift clearly manifested itself in alcohol politics. While many other issues, such as abortion, became lightning rods for conservative religious political action, problems associated with alcohol consumption have not been as high of a priority for religious groups to act upon in the last thirty years.

Marketing involves imagery and human behavior; government regulation of marketing therefore provides an especially rich policy arena in which to explore the intersection of science and values,

and how both of these have been balanced with constitutional freedoms. Alcohol advertising constitutes one of the best examples of the main thrust of American consumer culture in the twentieth century: the therapeutic ethos. Through abundant use of lifestyle symbols, alcohol advertisers have based most of their advertising on promoting not merely the product but a total lifestyle that promises pleasure, success, sexual attractiveness, popularity, adventure, and sophistication, among other desirable attributes. Therefore, any discussion of the marketing of alcoholic beverages, even by dispassionate scientists in a staid government hearing, inevitably engaged values and emotional responses.

Related to the tension between science and values, and between religious morality and secular morality, the composition of these political movements against alcoholic beverages and their marketing shifted dramatically over the second half of the twentieth century. The movement to ban alcohol advertising in the 1950s was strongly associated with moral conservatives, particularly Christian evangelicals, who were clinging to traditional values amidst the rise of a new middle class and the onslaught of mass consumerism. I use the term “drys” to refer to the members of this anti-alcohol advertising movement. But the campaign to curb alcohol marketing in the 1980s attracted an odd mixture of liberals and conservatives, most of whom were affiliated with secular organizations (and therefore earn the more nebulous term “restrictionists”). Furthermore, the policy objective changed from an outright ban of all alcohol advertising to more moderate controls such as warning labels and banning ads from broadcast media. One major reason for this change in alcohol politics was the influence of the campaign to control cigarette marketing, a campaign that mobilized in the 1960s and 1970s, squarely between the two alcohol marketing control movements.⁵ The initiative to restrict cigarette marketing, which was led by liberals and scientific elites, profoundly influenced marketing control politics and was explicitly emulated by the new temperance movement in the 1980s.

The Drys' Battle Against Alcohol Advertising in the 1950s

In the years after World War II, church-affiliated temperance groups ran an organized campaign against alcohol advertising, strikingly reminiscent of the campaign for prohibition earlier in the century. Led by a core of activist dries, most of whom had been involved in the pre-Repeal temperance movement, the new campaign reached churches across the country, and tens of thousands of people signed their names to letters and petitions in support of regulatory legislation. In the years 1947 to 1958, they garnered nine congressional committee hearings on their legislative proposals to ban alcohol advertising.

Almost twenty years after the repeal of prohibition, these lingering dries had not abandoned their intense commitment to achieving a temperate, if not abstinent, America. The vast majority of them belonged to Protestant denominations and affiliated nondenominational organizations that had supported temperance for over a century. They maintained strong ideological and tactical links to nineteenth-century middle-class Protestant traditions and to what Gaines Foster has recently identified as a Christian Lobby.⁶ By the late 1940s their chief national-level strategy for attaining a moral, pure, temperate America had shifted from prohibition of the manufacture and sale of alcohol to prohibition of its advertising.⁷

Although numerous temperance and religious organizations sustained the movement, two main groups, the Woman's Christian Temperance Union (WCTU) and the Methodist Board of Temperance, were at the helm. Methodist Bishop Wilbur Hammaker, head of the Methodist Board of Temperance, and Elizabeth Smart, head of the WCTU's legislative committee and secretary of the National Temperance and Prohibition Council (an umbrella organization created by the major temperance groups in order to provide organizational consensus on the anti-advertising proposal), were the main organizers of the campaign and the chief dry lobbyists in Washington D.C. Along with the Methodist Church, the Baptist churches, northern and southern, were also very active in the movement.

Many other mainstream and evangelical Christian denominations testified or sent statements of support to the congressional committees responsible for the anti-alcohol ad bills. Presbyterians (United and Reformed), Quakers, Evangelical Lutherans, Congregationalists, Church of the Brethren, Evangelical United Brethren Church, Seventh Day Adventists, Church of the Nazarene, The Assemblies of God, Mormons, and Christian Scientists all participated in this extensive religious coalition against the marketing of alcohol. Furthermore, a remarkable array of interdenominational, temperance, and other church-affiliated organizations appeared at or sent formal statements to the series of congressional hearings. Norman Vincent Peale, the popular religious figure of the fifties, also participated in the movement, sending statements of support for almost every hearing and turning up to testify against alcohol advertising at the hearings in 1952 and 1958.⁸

In Congress, support for the temperance movement came from cultural conservatives in both parties. Drys in the postwar period generally could count on the support of southern Democrats and western Republicans, with Republicans dominating the dry bloc in the Senate and the Democrats providing leadership in the House. Senators who were most important in introducing and pressing for legislation to ban alcohol advertising included Arthur Capper (R-KS), William Langer (R-ND), and Edwin C. Johnson (D-CO).⁹ These leaders all had a reputation for being mavericks and isolationists as well as being connected to the farm belt. Senators Strom Thurmond (D-SC), Francis Case (R-SD), and Fredrick Payne (R-ME) also provided key support. In the House, southern Democrats Joseph Bryson (D-SC), James Davis (D-TN), and Eugene Siler (D-KY) proved most active on the dry front. The movement did not enjoy support from the federal bureaucracy; notably mum were the Federal Trade Commission, the Federal Communications Commission, and the Department of Treasury's Alcohol and Tax Unit (forerunner to the Bureau of Alcohol Tobacco and Firearms).

Activists in the anti-advertising movement came from all over the nation and were women and men. Gallup polls taken in the 1930s through the mid-1950s showed that a consistent one-third of Americans favored (or said they favored) the restoration of national prohibition. A survey of Methodists in 1959 revealed that 63% advocated national prohibition. These polls also demonstrated that proponents of prohibition were more likely to be women than men, older Americans than younger, Americans residing on farms and in small towns than in metropolitan areas, and Americans living in the South than in any other region.¹⁰ My survey of the movement's petition records demonstrates that there was no identifiable regional pattern in terms of grassroots pressure on Congress through petitions and other correspondence. A gendered pattern, however, did emerge. Although mainly men (for the most part clergy) appeared as the spokesmen for the movement at the congressional hearings, many more laywomen than laymen signed petitions and wrote letters to Congress.¹¹

The dries constituted a part of postwar America that the dominant culture ignored then and that continues to be overlooked by scholars today. To generalize, the dries of this period held values, such as self-restraint, thrift, and sobriety, consistent with the old Protestant middle class of the nineteenth century. Anti-alcohol attitudes were firmly grounded in a religious-moral system that had developed among most American Protestants in the nineteenth century, the same system that undergirded the efforts of dries as late as the 1950s. Furthermore, dries in the 1950s were committed to the idea, embraced by evangelicals in the late nineteenth century, of using government power to create a moral Christian nation. They saw themselves as the guardians of a much older Protestant evangelical tradition.¹² Their movement combined a long-standing religious commitment to abstinence with a suspicion of mass media (particularly the new medium of television) and the techniques of modern advertising.

The dries approached the campaign to pass the advertising ban with a command of political skills that the temperance movement

had acquired in the campaign to achieve national prohibition decades earlier. They persuaded sympathetic congressmen to introduce their bills year after year and publicized their movement by pressuring the Senate and House Committees of Commerce, under whose jurisdiction the bill fell, to hold frequent hearings on an advertising ban.¹³ These hearings gave the temperance movement an opportunity to dominate a national forum. They believed that the more times that the congressional committees held hearings, the likelier they were to pass the bill; drys viewed each hearing as a chink in the armor of wet rule.

Apart from hearings, the drys' chief strategy was to display massive and widespread support for their cause. Portraying their cause as a mass movement was crucial in order to combat the industries' strong argument that only a very small and fanatical minority of Americans was bothered by alcohol ads. The temperance organizations' main tactic was to conduct ambitious letter-writing and petition campaigns, and their arena of mobilization remained the national Protestant organizations and local churches across the nation. These strategies were essentially unchanged from the pre-prohibition era. Sympathizers heeded the calls of religious temperance leaders and sent tens of thousands (perhaps hundreds of thousands) of letters, telegrams, and postcards to national policymakers over the course of the 1940s and 1950s.¹⁴

While this movement to ban alcohol ads relied on a strong, committed base of support that extended from U.S. Senators to church women in the heartland, it could never muster enough strength to get its bill passed, let alone get it reported out of committee. The political and cultural context within which dry reformers agitated had transformed significantly since the passage of prohibition.

Opponents of the Ad Ban: the "Wet" Coalition

The three alcoholic beverage industries responded to the attack on their advertising by organizing a loose coalition to rebut the drys

at the congressional hearings. By the mid-1950s, the manufacturers and their industry allies were making a strong showing before Congress. Along with wholesalers and distributors, representatives of the restaurant, hotel, and tavern industries, and organized brewery and distillery workers, the broadcasting, print media, and advertising industries mobilized to present cogent arguments against government restrictions on alcohol advertising. Although the alcohol industries sometimes suffered from inter-industry tension, particularly between the brewers and distillers, they were able to present a fairly united front in the face of the dry threat.

Another political response from the alcohol industries was their marketing self-regulation. In 1936 the distillers' main trade association, the Distilled Spirits Institute (DSI), wrote an advertising code for the industry, a main component of which was the prohibition of advertising on the radio. Later in the 1930s, the DSI added more regulations to the code, including prohibitions on the depiction of women in their advertising, advertising in Sunday newspapers, and advertising in religious publications. In 1948, the DSI pledged not to advertise on television. The broadcasting industry followed the distillers' lead when the National Association of Broadcasters likewise forbade the advertisement of hard liquor on radio or television.¹⁵ The brewing and wine industries also practiced advertising self-regulation, though their rules were, for the most part, more lenient than those imposed by the spirits industry. Beer and wine advertisers, along with the media that accepted their advertising, allowed two practices that distillers had forbidden: depicting women and advertising on broadcast media.¹⁶ Nevertheless, wine and beer manufacturers knew they had to be careful and were aware of the need for good public relations to overcome Americans' suspicions of unethical practices, doubts stoked by the dries' anti-advertising campaign. For the most part, as the movement against alcohol advertising gained momentum, industry advertising standards tightened during the 1950s. In 1954, the broadcasting, brewing, and wine industries complied with a House Commerce Committee suggestion to prohibit the actual consumption of beer

and wine in television advertising. Also in that year, the DSI implemented a ban on paid testimonials. In 1955, brewers established an Advertising Review Panel as another guard against offensive advertising. As late as 1960, the National Association of Broadcasters added strictures to its advertising code by banning “products that induce the use of hard liquor” such as cocktail mixes.¹⁷ All of these measures were taken in an effort to undercut the ire of activist dries and, more importantly, to assuage the dries’ potential allies in the public arena.

Themes in alcohol advertising were also a response to the industries’ fragile political position in the postwar years. Brewers tried to convince American consumers that beer was a benign, moderate beverage that “belongs in the home.” Vintners were very careful to depict their beverages as sophisticated, moderate, and to be consumed with elegant meals. Distillers endeavored to portray their products as upper-class beverages that were part of refined, gentlemanly living. Through the 1950s, distillers’ trade associations put out ads that emphasized again and again that spirits were legal and that the industry was “respectable.”¹⁸ All in all, alcohol advertising in this period was subdued and careful. But to the dedicated dries, the industries’ efforts at moderation and self-regulation in their marketing did not matter. Just the fact that alcoholic beverages were being promoted in a positive manner in major media seemed objectionable to them. And worse, the ads glamorized alcohol as part of fine living and respectability instead of a contributor to poverty and failure—as something to aspire to instead of to renounce as harmful to morality, social relations, and health. Indeed, it probably did not make a difference what the alcohol companies depicted in their ads. Their very existence invited attack from the dries who asked not for alterations in the advertising but for a complete ban.

Meanwhile, the scientists and social scientists who populated the alcohol studies field were determined to stay out of the enduring wet-dry conflict, manifest again in the battle over advertising. Best represented by the work at the Yale Center of Alcohol Studies, the professionals who comprised the “modern alcoholism move-

ment” had been developing a disease concept of alcoholism since the late 1930s and were invested in medicalizing and destigmatizing alcohol problems.¹⁹ Significantly, none of the professionals testified at the hearings nor supported the dries’ campaign for advertising controls in any way. Notably, the industries did not mobilize scientific witnesses either. In marked contrast to the postwar movement against cigarette marketing and the later movement to control alcohol marketing, this debate involved virtually no health professionals or scientists.

Public Health & Morality

Most dries believed that alcoholic beverages and the advertisement of alcoholic beverages presented a threat to morality *and* health, threats that they viewed as intertwined and nearly equivalent, for they did not conceive a clear division between physical well-being and moral or social strength. Their language is a clue to their orientation: they often used words like “evil” and “menace” to describe the public health problems caused by alcohol abuse. Dries’ discussions of health frequently were linked to concerns about respectability and social relationships. Although they did talk about alcoholism and associated problems such as drunk driving, they worried most about alcohol advertising’s impact on Americans’ character and morale.²⁰

Much of their testimony was identical to the morally-based campaign for prohibition earlier in the century. For example, at the 1948 hearing E. W. Turner of the Methodist Laymen’s Club of Nashville proclaimed: “Liquor drinking is the chief enemy of decency and morality. It should be curtailed rather than encouraged [by advertisements].” A leader of the American Temperance Society linked alcohol to narcotics, gambling, prostitution, and “many other . . . vicious and demoralizing social habits.”²¹ Perhaps the most extreme and emotionally alarmist rhetoric came from the Methodist Board of Temperance’s Caradine Hooton who declared:

We are convinced that by every proper means we must work together for the protection of motherhood and womanhood against the growing brazenness of ruthless advertisers who use home-invading media to hawk their harmful products. Have we not witnessed an American type of totalitarian brain-washing in the suggestive sales both of tobacco and alcoholic drugs, until women and children have become victimized by an unconscionable device of thought control?²²

Hooton's statement is remarkable for its traditional temperance rhetoric about the protection of vulnerable women and the wicked liquor traffic invading the sacred space of the home (here given a new twist in accordance with Cold War and consumer society anxieties characteristic of the 1950s) and his equation of tobacco, alcohol, and drugs.

Several religious leaders did try to position alcohol problems as a public health issue. Many dries appeared to accept the theory that alcoholism was a disease and often in their rhetoric equated it with contagious and life-threatening diseases such as tuberculosis or polio. However, the dries did not accept the full paradigm promoted by the scientists' alcoholism movement. Instead, dries sought to integrate the disease theory of alcoholism into their traditional temperance outlook and their antipathy toward advertising. To connect the dries' anti-advertising movement with the increasingly influential alcoholism movement yet at the same time challenge the alcoholism movement's concept of the disease, Clayton Wallace of the Temperance League of America argued:

Much is being said about the growing threat of alcoholism. There is great concern about the alcoholic, as well there should be. But no one hears . . . or sees liquor ads which warn men and women that the only way to become an alcoholic is by drinking alcoholic

beverages Advertising is an important part of the social pressure which leads to alcoholism.

In his testimony, E. Stanley Coor of the National Temperance League echoed these thoughts about advertising as a cause of the physical disease of alcoholism, and in the same breath he declared that alcohol advertising caused “antisocial effects.”²³ To many dries, “antisocial” and physiological damage were inseparable.

Often, advocates of the advertising ban employed the tactic of juxtaposing the government’s negligent handling of alcohol with the concern government showed for other threats to public health. For example, H.H. Hobbs, pastor of the First Baptist Church of Oklahoma City, claimed,

It is unthinkable that the Government of the United States would permit advertising through the mails and over the radio of such disease germs as scarlet fever, tuberculosis, and the like, for human consumption. In the same category it is unthinkable that our Government and society would sanction the advertising of that which produced the disease of alcoholism.²⁴

Caradine Hooton chimed in:

When communicable diseases have threatened the health of the public, proper steps have been taken to safeguard people from exposure. Yet alcohol kills more people than polio and tuberculosis combined. Is there any doubt that the Congress would move quickly against any ominous plague or preventable scourge that may otherwise destroy or weaken human life?²⁵

Presenting alcoholism as a disease—though not in a way that professionals at the Yale Center of Alcohol Studies would have endorsed—and furthermore equating alcoholism with communicable diseases that could be cured with government-funded vaccines was a powerful rhetorical tool, whether the dries literally believed the connection or were more likely swept up by the metaphor. Their intention was to convince policymakers that the federal government could help “cure” the disease by using its authority to remove one of the chief causes: advertising.

Youth & Mass Media

The dries’ most effective and exploited line of moral argument was that alcohol ads targeted youth and new users. Their discussions of youth and advertising assumed that children were particularly vulnerable to the seduction of alcohol ads. Ad ban proponents argued that it was the federal government’s duty to protect the nation’s youth from such corruption. If freedoms must be weighed, then protecting “the freedom of the home from harmful influence” should take precedence over protecting “the freedom of the advertisement of narcotic drugs.”²⁶

This charge seemed to resonate with many legislators. When confronted with arguments – all of which were anecdotal – about the damaging impact of alcohol ads on youth and family, congressional members tended to sit up, take notice, and even become outraged, especially when several witnesses (including members of Congress) told stories about children they knew who enjoyed reciting jingles from beer commercials or mimicked the behaviors in the ads.²⁷ In an era when problems of juvenile delinquency and the adjustment to a new youth culture were highly salient, discussions of the corruption of youth proved particularly troubling to many policymakers.²⁸

Dries argued that alcohol advertising attracted youth with its glamorous imagery along with its implications that alcohol consumption would foster and ease social relationships. In making this argument,

drys assumed that advertising could influence minds and affect behavior. In his testimony before the Senate Commerce Committee, Dr. J. Warren Hastings of the National Christian Church cited the popular 1949 book *The Mature Mind* by psychologist Harry Overstreet. Hastings explained: "Dr. Overstreet cites some of the new discoveries that psychology has brought to the modern mind. And he tells how we can condition people and bring them up or bring them down if we so desire. . . . I have talked with young people . . . in recent months, and more and more they have been conditioned to the attitude that liquor is all right . . . simply because more and more respectable mediums have carried it into their presence." Mrs. Albert Ashton of the Friends Committee on National Legislation also used recently popular psychological theory, jumbled with moral indignation, when she asserted that alcohol advertising "deliberately and cold-bloodedly set up a false scale of cultural and social values. . . . Unthinking individuals and groups have accepted these false values set up by such advertising." E. Stanley Coor of the National Temperance League echoed this train of thought: "Unquestionably irreparable psychological damage is done by such advertising. . . . It tends to condition the child to a favorable attitude toward the products advertised long before that child has learned, or is competent to understand, the scientific facts concerning the harmful effects of their use." In their congressional testimony, these drys appeared to be alarmed by the power of modern advertising to infiltrate people's minds.²⁹

Many drys argued that broadcast advertising was even more menacingly effective than advertising in print. Notably, the campaign against alcohol advertising arose at the same time that Americans were welcoming television sets into their living rooms. Radio and television advertising, Norman Vincent Peale asserted, was particularly offensive because it aggressively invaded the sacred space of the home and made it more difficult for parents to protect their children from the influence of unwanted advertising. Reverend H.B. Cross of Nashville's Judson Memorial Baptist Church complained about the inability to turn off the radio or TV

in time to stop an unwanted ad. Clayton Wallace argued that it was the visual and auditory enticement of broadcast advertising that was particularly dangerous, especially to innocent children.³⁰

Although the dries spent much of their allotted time during the hearings asserting that alcohol ads appealed to youth, their industry opponents quickly dismissed the charge, avowing that they never intended to attract children with their advertising. Industry representatives such as Edward O'Brien of the DSI and Joseph Brady of the International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America pointed out that many other products that children should not use employed images and themes similar to alcohol ads, but it was alcohol that was being singled out and maligned unfairly. Randolph Childs, author of *Making Repeal Work*, employed the facile argument that alcohol advertising's alleged appeal to children was not a problem because every state had laws that prohibited the sale of alcohol to minors. Mrs. Franklin G. Sartwell, representing the Women's Association of Allied Beverage Industries, argued that it was the parents' responsibility—not the government's—to inculcate good values in their children and protect them from corruption. These wets in effect portrayed the ad ban bill as an example of big government paternalism.³¹

What, then, was the purpose of alcohol advertising if not to attract new (and young) users? The industries replied with the "brand-switching" explanation. All that an alcohol advertiser wished to do, according to O'Brien, was "register the impression that he offers a quality product" and provide brand information to consumers who already had made the decision to drink. When industry representatives presented their views on the methods and functions of modern advertising, they stressed the limits of the power of advertising and challenged the dries' assumption that advertising influenced behavior. The United States Brewers Association's Edward Lahey contested the assumption that exposure to an alcohol ad would cause someone to desire a drink. Drinking liquor, Lahey argued, was a custom that one learned from family

and peer groups, not from advertising. Industry members in the 1950s contended again and again as they looked in the faces of eye-rolling dries that their advertising did not aim to expand the market for alcoholic beverages by attracting new users; its sole purpose was to convince current users to switch brands.³²

The First Amendment and the Slippery Slope

One of the most difficult and far-reaching questions raised by the alcohol advertising controversy of the 1950s was whether advertising was a constitutionally protected right of legal industries. As an astute way of shaping the legislative debate, the wets posed this question, forcing the proponents of advertising controls to respond. The dries replied with a forceful argument that advertising, any advertising, was not protected by the First Amendment and was therefore subject to government regulation. In their extensive legal briefs, dry leaders presented examples of previous legislation that had curtailed and sometimes prohibited the advertising of alcoholic beverages and other products, namely prescription and over-the-counter drugs.³³

Proponents argued that a prohibition on alcohol advertising was perfectly legal because, as intoxicants, alcoholic beverages were unique among legal consumer products. Local, state, and federal governments in America had recognized the uniqueness of alcoholic beverages and treated them differently for, in some cases, hundreds of years. Charlotte Endrews of the Christian Science Committee on Publications asserted: "Alcohol is commonly recognized as a habit-forming drug; therefore, it is subject to such control and restrictions in its distribution as public need may warrant." She reasoned, "It is entirely in line with sound public policy to deny to this industry the use of common means of communication and advertising for increasing the use of its product." Alcoholic beverages, dry reformers argued, should be subject to special regulation, as they always had been; prohibiting alcohol's interstate advertising

represented simply another measure in a long American tradition of special regulation.³⁴

In a further attempt to appeal to national policymakers, dries argued that the whole class of alcohol advertising – not just particular ads – was dishonest and misleading by its very nature. Advocates of the ban such as Mrs. D. Leigh Colvin, national president of the WCTU, astutely adopted terms such as “deceptive,” “false,” and “misleading” that were already part of the bureaucratic vocabulary, particularly that of the Federal Trade Commission. Clayton Wallace argued that because alcohol ads did not warn of the possible harmful effects of alcohol consumption, the ads were inherently deceptive. Alcohol advertising, he and others contended, did not “tell the whole story.” The ads showed only elegant, attractive, and happy people and settings—never (in the words of C. Aubrey Hearn of the Southern Baptist Convention) “the skid rows, the flop houses, the ‘lost weekends,’ the dead end drinkers,” never crime, impaired driving, violence, and disease. Regardless of First Amendment objections, dries argued, the industries’ advertising could lawfully be prohibited.³⁵

In making this argument, the dries were attempting to counter the very assured assumption of their opponents that the practice of advertising was a protected right of all legal industries. Alcohol advertising controls, the industries insisted, would violate the First Amendment. Industry members argued that the proposed ban constituted censorship and denied the freedom of speech, a freedom which they equated with the freedom to advertise. Representative of this line of argument was Texas Brewers’ Institute leader B.B. McGimsey’s proclamation: “The right to advertise one’s lawful products is one of the most important and valuable aspects of freedom of speech . . . Freedom of speech is one of our most precious rights, and it should not be whittled away.” Some witnesses depicted advertising as the “lifeblood” of American capitalism and predicted collapse and doom if this “suppression of natural rights” were permitted. Arthur Jenkins, head of the National Editorial Association asserted the following maxim, uttered by many

industry representatives at the alcohol hearings: "If it is legal to sell it, it should be legal to advertise it."³⁶

The industries' constitutional arguments (using the First, Fifth, and Twenty-first amendments) culminated in their strongest and most frequently stated case: the "slippery slope" argument. It was the domino theory applied to consumer regulation. Wets argued that if Congress were to pass the alcohol ad ban bill, then it would set a dangerous precedent. Anthony Ferro of the New York Brewery Workers, E.J. Soucy of the New Hampshire Wholesale Beverage Association, and John Dwight Sullivan of the Advertising Federation of America were among those who predicted that any time an organized group objected to a consumer product, whether it be cigarettes, cosmetics, automobiles, or fatty foods, then its advertising could be banned too, and the situation would quickly get out of hand. Jenkins predicted that the passage of this advertising ban would spell the end of democratic free expression, and the DSI's O'Brien charged that it would allow too much power to "minority pressure groups."³⁷

Although the religiously-motivated postwar movement to ban alcohol advertising failed and was largely ignored by mainstream Americans and their historians, it is significant for revealing persistent constitutional and moral dilemmas about the authority of the federal government to restrict commercial speech. The dries' troubles concerning television and the corruption of youth, as well as the industries' alarm about the First Amendment and a regulatory "slippery slope," have proved particularly enduring. Despite the vocal constituency, clever tactics, and congressional presence enjoyed by the dries, federal policymakers were not willing to place further controls on the industries that had once been subject to the "failed experiment" of prohibition; nor were policymakers ready to use federal government power to curtail the advertising of a legal product. Their willingness to take these actions would increase when the product in question was tobacco and when the policy solutions, such as a warning label, were less drastic.

Alcohol Marketing in the 1970s and 1980s

After the movement of the 1950s to ban alcohol advertising faded, concern about alcohol marketing virtually disappeared from national politics during the ensuing decade and a half. But by the mid-1970s a new temperance movement, consciously divorced from the older church-based temperance movement, had placed alcohol advertising back on the federal government's agenda. For this new effort, however, progress was slow. Concern about alcohol marketing did not become a true public interest movement until the early 1980s when many groups in American society grew interested in alcohol controls, and a genuine new temperance sensibility emerged. As during the 1950s movement, Congress was the chief seat of federal government action on this issue, but this time congressional members considered many different marketing control proposals. The proposals fell into two main categories. The first involved only a warning label on the product, while the second dealt with regulations that affected advertising and ranged from restrictions on advertising content, mandated counter-advertising, a warning message in advertisements, to a broadcast advertising ban (to affect beer and wine advertising and prevent spirits from coming on.)³⁸ The new temperance initiative to control alcohol marketing lasted nearly two decades; yet, despite its willingness to put several different policy proposals on the table, it saw little success.

A Secular Coalition Against Alcohol Marketing

Much had changed in American culture and politics since the 1950s, mainly because of that watershed decade, the 1960s. Most significant in explaining the policy approach of the new temperance movement in the 1970s and 1980s was the rise and achievements of the anti-smoking movement in the 1960s, a movement that was secular and scientifically founded and that employed marketing regulation as a main strategy.³⁹ In these early years anti-smoking was a

fairly elite technocratic movement led by a group of policymakers and scientists. Most of its political leaders were pro-consumer liberals, such as Senators Maurine Neuberger, Warren Magnuson, and Robert Kennedy. During the 1960s the anti-smoking movement convinced Congress to mandate a warning label on cigarette packages, persuaded the Federal Communication Commission to mandate “equal time” for anti-smoking messages under its Fairness Doctrine, and, at the end of the decade, pressured Congress to prohibit cigarette advertisements from broadcast media.⁴⁰

More broadly, the 1960s saw the burgeoning of a genuine mass and public interest consumer rights movement that reached its peak in the early 1970s and that emphasized truth-in-labeling and truth-in-advertising. The Federal Trade Commission, which was a prime participant in the consumer rights movement by the late 1960s and a key advocate of cigarette marketing controls, also became intensely concerned about marketing to children, and in its “KidVid Crusade” tried (and failed) to curtail such marketing.⁴¹

Also significant in influencing the rise and shape of the new temperance movement was the rise of a health movement, which actually can be divided into two largely separate phenomena. One was a popular trend, engaged in by mainly white middle-class Americans who embraced jogging and health foods in the 1970s. A healthier lifestyle also meant no smoking and light drinking. This “movement” was individualized and non-political.⁴² Meanwhile, a public health movement was materializing in the academic and professional health communities. Like the popular health movement, it too emphasized healthier lifestyles and prevention of disease. But the public health professionals talked about health in a community, common-good sense—and their ideology had a political purpose and was accompanied by policy recommendations. Leaders in the field argued that the responsibility for public health lay not with individuals but with government because the protection of public health was “best seen as a collective function.” The emerging public health philosophy supported government controls on alcoholic beverages and their advertising.⁴³

The public health movement influenced members of the alcohol studies field who had been championing the disease theory of alcoholism and treatment over prevention. From the mid-1970s to mid-1980s, the alcohol studies field underwent a major (though incomplete) shift to a public health orientation and began to view alcohol problems in a much broader sense and as affecting many more Americans. Many alcohol studies professionals also widened their view of the causes of alcohol problems and started to pay much more attention to prevention and to marketing. By the early 1980s, leaders of the field were calling for stricter policies to control access to alcohol and to control its marketing. In the 1950s health professionals and the alcohol studies field, largely operating under the alcoholism paradigm, had wanted nothing to do with initiatives for government control of alcohol. By the 1980s, many of these professionals, operating under a public health paradigm, had transformed into leading advocates of government controls.⁴⁴

As evidenced by heightened attention in the late 1970s and early 1980s to drunk driving and Fetal Alcohol Syndrome, problems associated with alcohol consumption were highly salient during this period. Americans were reacting to the rise in consumption of alcoholic beverages in the 1960s and 1970s when per capita consumption reached its highest level since before Prohibition. Jack Blocker, Jr. argues that a “sharply rising per capita consumption rate after 1960 gave impetus to the search for new directions in alcohol theory and policy.”⁴⁵ The new direction led to more coercive strategies aimed at reducing the host of negative externalities associated with widespread alcohol use.

Further shaping the new temperance campaigns, the anti-alcohol perspective was increasingly subsumed in the anti-substance abuse rhetoric of the 1970s and especially the 1980s. Constantly reminded by pressure groups and professionals that “alcohol is a drug,” more policymakers took note of the inconsistencies between the policies and attention directed toward narcotics and the neglect and leniency towards alcoholic beverages.⁴⁶

The Coalition and Politicians

The groups and individuals who supported the marketing control proposals of the new temperance movement were much more varied than were the participants in the earlier anti-advertising movement, and part of the reason for the diversity was that the proposals kept changing. Like the 1950s movement, the new campaign used the forum of congressional hearings to publicize its concerns and demands, but the tenor of the hearings had changed. In the 1970s through the early 1990s, the congressional hearings on alcohol and its marketing featured disputes among social scientists and public health professionals. But moral conservatives were also instrumental in the campaign.

The most significant national leader of the campaign for alcohol marketing controls during the 1970s was Senator Strom Thurmond, a southern conservative who was a dedicated teetotaler. During every Congress from 1967 until it finally passed in 1988, Thurmond proposed a bill to require a health warning label on alcohol packaging, similar to the warning label that Congress had required for cigarettes since 1965 (and which, as a tobacco state representative, he had opposed. Like many other southern dries, Thurmond had long privileged alcohol control over tobacco control.) Conservative Senator Orrin Hatch of Utah also became an important supporter. More liberal politicians, such as Senator Wayne Morse (D-OR), supported alcohol (and cigarette) marketing controls in the late 1960s and 1970s. Signaling the shift of alcohol control into the purview of the consumer rights movement, in 1972 the Consumers Union called for a ban on both cigarette and alcohol advertising.⁴⁷ In the 1970s, it is important to note, the federal government's health and consumer bureaucracies, including the Surgeon General and the Food and Drug Administration, strongly supported a warning label on alcohol products.

In the 1980s, the new temperance movement shifted its goals from the warning label to alcohol advertising controls, particularly a proposal for a broadcast ban, causing the coalition to

become more genuinely grassroots. At the helm was the Center for Science in the Public Interest (CSPI), a Ralph Nader spin-off group originally conceived to confront issues of nutrition but that soon took up alcohol consumption and marketing as its pet project (which it remains today.) In 1984 CSPI formed Project SMART (Stop Marketing Alcohol on Radio and Television) and counted as members the National Parents-Teachers Association, the Consumer Federation of America, Action for Children's Television, the American Council on Alcohol Problems (the new name of the National Temperance League), and the United Methodist Church. The coalition brought together public health and medical organizations, consumer organizations, advocates for youth, and religiously-based, traditional temperance groups. In support of its proposals Project SMART launched a petition drive and aspired to collect one million signatures. The purpose of such a drive, a SMART spokesperson stated, was to demonstrate "that the movement is thriving on a groundswell of grass-roots support." By 1985, the CSPI claimed that hundreds of national, state, and local organizations supported SMART.⁴⁸ (Mothers Against Drunk Driving [MADD] did not, at this point, participate in this coalition or support its goals.⁴⁹)

In the late 1980s Strom Thurmond, who had been lying low during the CSPI-led fervor over the broadcast ban, regained his position as Senate leader of the movement, marked by his 1987 high-profile speech on the Senate floor in which he, surrounded by beer advertising posters, lambasted Anheuser-Busch for its Spuds MacKenzie marketing campaign and accused the whole industry of pushing drink to young people. In 1988 Thurmond's alcohol warning label bill was co-sponsored in the Senate by Howard Metzenbaum, Tom Harkin, and Dan Evans, and supported by Orrin Hatch, Ted Kennedy, and Al Gore. Further proving that alcohol politics make strange bedfellows, the House leader of the warning label initiative was Representative John Conyers, the African American Democrat from Detroit who normally opposed everything that Thurmond represented. But Conyers and Thurmond became friendly over

their shared alarm about alcohol abuse and their common belief that alcohol marketing was, at least in part, to blame. Over ninety organizations pledged their support to the warning label initiative, including most of the former members of the defunct Project SMART along with MADD, the American Medical Association, the American Academy of Pediatrics, and the National Rainbow Coalition. Surgeon General Everett Koop also signed on as a strong supporter of the warning label. Thurmond touted a Gallup poll showing that nearly eighty percent of Americans supported health warning labels on alcohol. Not long after, Congress voted to approve the requirement of labels on alcohol containers.⁵⁰

In 1990, the movement tried to extend warning labels to alcohol advertising, and Senators Al Gore and John Glenn, and Representative Joe Kennedy jointly sponsored the SAFE Act (Sensible Advertising and Family Education). The legislation made no progress, so in 1991 Strom Thurmond and Joe Kennedy, another odd political pairing, reintroduced the SAFE Act, and again in 1993.⁵¹ The bill never passed, and the movement's decision to drop it after 1993 marked the end of a long legislative phase of the new temperance marketing control campaign.

The Industry Coalition

The new temperance movement was also reacting to—and at the same time causing—changes in the alcohol industry's marketing techniques and product development during the 1970s and 1980s. The rate of increase in per capita consumption of alcohol began to flatten by the late 1970s and decrease during the 1980s as a result of several factors, including demographic changes, new temperance attitudes, Americans' increasing concern with personal health, and in the early 1980s, a poor economy. Alcoholic beverage companies tried several new strategies during these years to defy the consumption trend and appeal to new markets. Just as the tobacco companies reacted to health scares in the 1950s and 1960s by pushing low-tar and filter brands, brewers pushed light, low, and non-alcoholic

beers to take advantage of more temperate and health-conscious attitudes. And just as tobacco companies sought to reach new consumer segments by marketing to and designing special brands for women, African Americans, and youth, alcohol manufacturers also vigorously pursued these markets. Because bitter beer and dark spirits were traditionally conceived as men's beverages and unappealing to women and children, the alcohol industry pushed wine, vodka, and sweet drinks such as wine coolers and prepared cocktails. Indeed, one of the great marketing success stories of the 1980s was the wine cooler. Scotch, bourbon, and whiskey had fallen out of favor with the younger set. The beer, wine, and spirits industries now positioned themselves as competitors in the wider beverage market that included soft drinks, juice, and bottled water.⁵²

Many companies targeted minorities more than ever before by placing special billboards in urban neighborhoods and pushing such products as malt liquor with high alcoholic content. Brewers also stepped up their marketing efforts to youth. One of the most famous (and successful) beer advertising campaigns to appeal to children during the 1980s was the campaign that drew Thurmond's fury: Anheuser-Busch's campaign for Bud Light that featured Spuds MacKenzie, a cute party dog. The marketing of beer to college students in the 1980s featured "spring break" ads with bikini-clad co-eds and the promotion of contests that encouraged binge drinking. Also during this period alcohol firms heightened their visibility by sponsoring rock concerts and major sporting events, both of which reached large numbers of youth.⁵³

Most alcohol advertising campaigns, whether aimed at youth or not, had mastered the art of life-style advertising. *Advertising Age* noted in 1984 that:

More and more it seems that the liquor industry has awakened to the truth. It isn't selling the bottle or the glass or even liquor. It's selling fantasies. Life-style approaches have come into favor as the most effective way for the liquor industry to promote its

wares. Psychologically, for consumers to be attracted to these ads, they need to be attracted to the people in them, to identify with the fantasies they create.

Moreover, always present was the drive by a handful of distilled spirits companies and advertising agencies to increase their marketing effectiveness by airing their ads on radio and television. The mid-1960s saw Rum Superior of Puerto Rico commercials on a New York City TV station; in 1970 a group of television stations based in Philadelphia solicited spirits ads; in 1980 *Advertising Age* reported that at some advertising agencies “there has been plenty of shop talk about placing liquor ads on cable”; and in 1984 Ted Turner considered soliciting hard liquor ads for his cable television channels. All of these attempts were squashed by the trade associations of the spirits and broadcast industries and by threats from government officials.⁵⁴ Broadcast advertising of spirits remained taboo.

Despite the industries’ attempts to expand their marketing efforts and reach new consumers, alcohol consumption remained flat during the 1980s. Advertising expenditures, especially for beer and wine television spots, had increased substantially since the early 1970s, but other factors were dampening consumption. A *New York Times* economy writer declared in 1983 that the recession was so bad that even alcohol consumption, which is usually resistant to economic downturns, had decreased. The consumption curve continued to slump in the mid-1980s. *Impact*, a publication that covered the alcoholic beverage industry, reported that from 1980 to 1987, beer consumption fell 7%, wine dropped 14%, and distilled spirits, the hardest hit in those temperate times, decreased by 23%. One advertising executive blamed “tougher laws, public advertising campaigns, and peer pressure” for the decline in sales.⁵⁵ Although the companies certainly lamented the impact on their bottom line, they were able to use their economic misfortune to political advantage against the advertising restrictionists. Proudly displaying charts that showed advertising expenditures increasing

while consumption was decreasing, they trumpeted that here was proof that advertising did not cause consumption, let alone abuse, of alcoholic beverages. By the mid-1980s, not only could industry representatives claim that their opponents had no evidence of advertising's link to consumption, but they could provide hard-to-ignore evidence to the contrary.⁵⁶

Apart from this strategy, which normally tongue-tied the restrictionists, the industry used several other tactics to defeat new temperance policy proposals. The industry was (and remains) a major contributor to politicians across the country. In their study of alcohol policy during the 1980s, James Mosher and David Jernigan stated that the industry "is considered one of the most formidable lobbies in the country" and has built up its clout in order to "protect itself from legislative intrusion into its marketing domain." The public health lobby, Mosher and Jernigan claimed, could not compete. The beer, wine, and spirits industries were also successful at forging links with other industries, such as the broadcasting, advertising, and restaurant industries, as well as with public interest groups such as MADD and Students Against Drunk Driving as a way to augment their lobbying power and undercut criticism. In a further effort to stave off criticism, members of the industry donated millions of dollars to organizations and causes associated with minorities and with the arts.⁵⁷ A primary way that the industries sought to improve their public image was through public service campaigns, usually concentrated on drunk driving. Furthermore, just as in the 1950s, the industries fended off regulation by touting their self-regulatory efforts as evidenced by their trade associations' advertising codes.⁵⁸

Science and Values

The new temperance movement yearned to benefit from the legitimacy—conferred by scientific evidence and a public health rationale—enjoyed by the anti-smoking movement. When alcohol marketing restrictionists stuck with the less ambitious product label

proposal, they used a scientific-public health approach and generally succeeded in acquiring the anti-smoking movement's credibility in federal policy circles. But when the movement tried to pass legislation that would impinge on advertising, restrictionists strayed from the health approach and employed more psychological, social, and moral arguments. Part of the reason for using this approach was that the strictly scientific case connecting alcohol advertising to alcohol problems was weak. Moreover, unlike cigarette smoking, alcohol consumption was largely perceived by Americans as a social, rather than health, problem. At these points, the new temperance movement often came to resemble the old. This values-based approach, added to policymakers' growing reluctance in the 1970s and 1980s to regulate commercial speech, strenuous opposition from the affected industries, and resistance from privacy-loving Americans who regretted Prohibition, contributed to the defeat of all of the advertising control proposals.

The problem of scientific evidence was a major obstacle to the anti-alcohol advertising movement of the 1970s and 1980s. The alcohol advertising controversy of the 1950s scarcely had concerned itself with scientific proof for the harmful effects of advertising. That battle had been fought on mainly moral and anecdotal grounds. The anti-smoking movement of the 1960s, though basing its case almost entirely on scientific evidence, was mostly concerned with physiological effects of the substance and did not really explore the psychological impact of advertising. It did not have to—once policymakers were convinced by the evidence that smoking caused illness and death, they moved rather quickly to institute marketing controls without first requiring proof that the controls would work. By the time of the new temperance movement of the 1970s and 1980s, the expectation of a scientific (or social-scientific) rationale for policymaking was taken for granted. Yet it would not be enough for new temperance advocates to prove that alcohol could be harmful to certain groups of consumers. That, it seemed, was assumed; no Surgeon General's Report revealing the effects of alcohol was necessary. Instead, policymakers, egged on by the

movement's opponents, demanded that the restrictionists "scientifically" demonstrate that the *marketing* of alcohol was harmful to consumers. This entailed a different kind of science, one conducted by sociologists, not medical doctors or epidemiologists, and one that operated on a different and looser evidential standard than "hard" or medical science. Researchers conducted abundant studies on the impact of alcohol advertising, but none could provide the level of certainty that satisfied either the Federal Trade Commission or Congress.⁵⁹

Social scientists who engaged in media impact research often found themselves defending their assumptions about how advertising functioned in society and having to explain why demands for "scientific" proof were not entirely relevant. Sociologist Rose Goldsen explained, "Conventional wisdom insists on establishing a measurable connection between exposure to the ads and [behavior] as 'proof' that they do anything at all. But we miss the culture-shaping power of commercials if we think that's how they do their main work." As for alcohol advertising, she argued, how they "did their work" was by saturating the environment with glamorized depictions of alcohol and alcohol-related lifestyles. They made the alcohol culture seem "familiar" and "admirable" to children, who, in their aspirations to adulthood, internalized these depictions over time. Alcohol advertising, these scientists and other movement leaders insisted, was meant as camouflage and subterfuge; not only did it hide the problems of alcohol misuse, but it helped cause them.⁶⁰ Social psychologist Lloyd Johnston of the University of Michigan's Institute for Social Research told his congressional audience:

It seems to me there is some evidence that advertising does affect consumption, and certainly there is evidence in other product areas, like cigarettes. But it seems to me – and this may sound funny coming from a scientist – that we ought not suspend common sense while we wait for a scien-

tific answer. I do not think there is ever going to be the final answer to this, and the reason is this. In a society in which advertising totally permeates the society, you cannot set aside an experimental group of youngsters and let them grow up without beer advertising. It is not possible in this society. That is the only experiment that would really answer it in the long run.⁶¹

In contention, members of the advertising, broadcasting, and alcohol industries vigorously denied that alcohol advertising had any impact on alcohol abuse. The industries presented many studies that failed to demonstrate a link between advertising and consumption, and that poked holes in research that did try to make that connection. The industries then presented even more studies that concluded that alcohol abuse and youth drinking were caused by factors such as peers, families, the social-economic environment, and physiological characteristics. Indicting the media, they asserted, was the easy answer to a complex problem. Testifying for the industries, John E. Calfee, Professor of Marketing at Boston University, stated: "To blame advertising for the tragic effects of alcohol abuse is to controvert the best available social science." It was crucial for the industries to challenge the media impact argument because if they could establish that advertising did not create alcohol problems, then it would follow that restricting alcohol advertising would not solve those problems.⁶²

But new temperance advocates adeptly turned the industries' non-impact argument against them, gleefully pointed out a contradiction in their argument. The industries prided themselves on their public service announcements promoting moderate drinking and vaunted these self-regulatory efforts every chance they got. At a congressional hearing in 1990 dedicated alcohol marketing restrictionist Jean Kilbourne declared,

We are to believe knowing ‘when to say when’ can influence young people, but ‘the night belongs to Michelob’ doesn’t. We are led to believe ‘Spuds MacKenzie’ can lead people to drink responsibly, but not to drink. This makes no sense at all Clearly, if advertising has no effect on attitudes or consumption, then everyone should stop wasting time and money on anti-drug or anti-drinking and driving or any kind of prevention or moderation messages.⁶³

Either advertising influenced attitudes and behavior, she challenged, or they did not—the industries could not have it both ways, no matter what the social scientific studies said.

But the restrictionists’ arguments to refute the industries and to educate Congress about media impact science did not prove convincing. Most policymakers continued to demand a higher standard of evidence before they would enact the kinds of marketing controls that the new temperance activists demanded. Policymakers were skittish, especially in the anti-regulatory atmosphere of the late 1970s and the 1980s, about creating regulatory policy that intervened in personal behavior and in the media. Whether the issue was alcohol advertising, advertising directed at children, or violence on television, most members of Congress, the FCC, and the FTC thought they would get burned by this political hot potato unless they could demonstrate that the regulation was based on indisputable science. During this economically conservative time, it seemed especially important to avoid being pegged as morally motivated when the issues in question were so intimately related, first, to First Amendment and personal liberty concerns, and second, to economically powerful interests.⁶⁴ Thus, the demand for incontrovertible evidence on a matter for which such evidence was unattainable provided an easy way for policymakers to rationalize their refusal to regulate alcohol advertising, and they could do so without appearing to support egregious alcohol ads.⁶⁵

New temperance activists did try to use science to their advantage by representing alcohol marketing regulation as a public health matter. After invoking copious statistics and descriptions of medical problems, the restrictionists could profess, much more convincingly than had the dries of the 1950s, that they were not prohibitionists and were not motivated by a moral agenda. They were most successful at casting their marketing control proposals in a public health and scientific light when they presented the scientific evidence for Fetal Alcohol Syndrome. Many of the activists who presented these arguments were credentialed professionals (physicians, sociologists), not laymen and ministers.⁶⁶

Advocates of the warning label, such as Senators Strom Thurmond, Orrin Hatch, and Donald Riegle, and the Food and Drug Administration's (FDA) Donald Kennedy, contended that a warning message on alcoholic beverages was needed to inform the public about harm to a fetus, impairment of driving, and other alcohol-related health hazards. While the government was mandating warning labels on products such as cigarettes and saccharin, it seemed to Thurmond and others that leaving one off of alcohol—a product that resulted in the deaths of tens of thousands of Americans every year—would be a glaring oversight and signify that the U.S. government was evading its responsibility to protect its citizens' health. The government had an obligation to inform consumers, especially special populations at risk (such as pregnant women), of potential hazards.⁶⁷

Opponents of regulation often implied that the labeling campaign was only building upon anti-alcohol attitudes encouraged by temperance advocates of yesteryear and using the public health argument as a screen.⁶⁸ In response to these kinds of charges, those who pressed for a warning on alcoholic beverages fought the implication that they were morally motivated. The FDA's Donald Kennedy assured his audience at congressional hearings on alcohol labeling that “our attitudes are motivated strictly by a philosophy that citizens have a right to make informed health choices for themselves—and not by any ethic that seeks to deny access to alcohol on

moral grounds.” One might guess that Strom Thurmond, who had the closest ties with the “old” temperance movement, would take an overtly moralistic approach, but he expertly employed public health and consumer rights arguments that sounded little different from the head of the FDA or the Surgeon General.⁶⁹

Despite the restrictionists’ attention to public health concerns, much of their critique of alcohol marketing was based upon social-cultural—which in many instances was indistinguishable from moral—grounds. Indeed, many of their arguments were identical to those made by the advocates of an alcohol advertising ban in the 1950s, even though new temperance activists were unaware of that earlier movement, so thoroughly had it been ignored by mainstream America.⁷⁰ In their 1983 muckraking book *The Booze Merchants*, the leaders of the Center for Science of the Public Interest concluded their castigation of the alcoholic beverage industries not with a statement on how curbs on alcohol advertising would improve physical health but rather on how they would lead to a healthier mental outlook. They wrote:

*The overall goal of this attack should be to change the very way people think about alcohol and drinking. Drinking can have a place in many of our lives and in our society, but it should never be seen as a way of demonstrating manhood or femininity, of promoting one’s chances of success in various endeavors, or of solving personal problems.*⁷¹

Many new temperance advocates increasingly painted the presence of alcohol in American society as a threat to family and proper social relations, much as had the older temperance movement. Despite this approach, the restrictionists of the 1980s and 1990s were careful to present themselves as a secular public interest movement and to avoid an association with religious morality.

The Power of Advertising and the Seduction of Youth

Clearly, the advocates of alcohol advertising controls believed that advertising was a powerful and menacing force in contemporary American society. Authors of *The Booze Merchants* argued: “Advertising . . . is a sophisticated art, playing on the consumer’s most private insecurities, fears, and desires. Advertising not only affects our purchasing decisions; it also affects our vision of society, our attitudes toward other people, and our philosophical beliefs.”⁷² In their minds, alcohol ads did what they were supposed to do: cause people to desire and purchase alcoholic beverages. Another component of new temperance criticism of alcohol advertising was that, in their glamorization of the products, the ads hid the problems of alcohol misuse thereby contributing to the cause of those problems.

Furthermore, these activists believed that alcohol advertising was particularly damaging to young people. Children, they argued, were more vulnerable than adults to advertising’s manipulative effects because youth were “open to a variety of images as they seek social acceptance and clarification of their own identity. Adults are more set in their ways.” In addition, many alcohol ads of this era featured risk-taking activities such as hang-gliding and kayaking, which they believed was especially alluring to irrational young people. To them, the most appalling examples of alcohol marketing practices were to be found on college campuses and in college newspapers in the 1980s. All in all, they argued, this advertising created false and damaging impressions for vulnerable children about growing up and fitting in American society.⁷³

In response, industry members contended that their advertising was not aimed at youth. Alcohol advertising, they maintained, used tactics similar to the advertising of most other products, such as attractive settings, pretty, youthful people, and fun activities. An Anheuser-Busch executive heartily denied that his company had intentionally designed Spuds MacKenzie to appeal to youth and argued that by law children were not allowed to drink, so “what

is in it for us to aim at kids, anyway?” If children were attracted to the ads as well, then that certainly was not what the advertisers had intended, they claimed. The purpose of their advertising, industry members maintained, was to build brand loyalty, not attract new consumers.⁷⁴

Commercial Free Speech and The Slippery Slope

The controversy over alcohol advertising controls in the 1980s involved even more attention to constitutional issues of commercial free expression than had the prior battle over alcohol marketing. Recent Supreme Court decisions that had widened First Amendment protection of commercial advertising, along with the ascendance of free market thinking, aroused interest in this question during the 1970s and 1980s. Back in the 1950s the industries also had employed the argument that it was their “constitutional right to advertise,” but now they could point to an impressive list of Supreme Court decisions to support their contention that advertising was protected by the First Amendment.⁷⁵

Connected to their assertion that federal government regulation of marketing was a dangerous extension of its authority, industry groups and their allies employed the perennial “slippery slope” line of argument. Slapping a warning label on alcohol—a substance that has been known since ancient times to impair human functioning—would lead to the labeling of every product that is potentially hazardous. Furthermore, such a mandate would represent overzealous government intervention into free enterprise and private behavior. Senator Gordon Humphrey (R-NH) encouraged his colleagues to halt the federal government’s paternalistic tendencies by opposing the alcohol warning label. He lamented: “Americans today are besieged by a barrage of Government warnings to do this, not to do that, and so on. The Federal Government, always with good intentions, manages to delve into every aspect of Americans’ lives. The result? Suspicion and distrust. The health warning label is

just another example of good intentions gone astray.”⁷⁶ Americans, many opponents of federal regulation argued, were overwarned.

New temperance activists responded that a ban on broadcast alcohol advertising would nevertheless prove constitutional, basing their argument on the traditional view that commercial speech had always deserved less protection than other forms of speech. George Hacker of the CSPI called the industry’s claims of First Amendment rights, “a diversion; at best a distortion of all legal history concerning commercial speech, and at worst a sly mockery of important free speech guarantees that were never intended to protect advertising of potentially lethal and addictive products in dangerous ways.” Similarly, Marc A. Franklin, a civil liberties lawyer who sided with the new temperance folks, told members of Congress that alcohol advertising was less deserving of constitutional protection than other types of advertising because it involved a product that caused deaths and injuries to thousands of innocent people. He believed that in the case of alcohol the Court would use a “special standard that would permit government regulation” of its marketing. Additionally, he declared, the Court always had been more inclined to regulate content in broadcast media than in other forms of media and expression.⁷⁷

The proposed ban on broadcast alcohol advertising controls promised to be a perfect test case for an ultimate decision on the constitutionality of government regulation of commercial speech. In Oklahoma and Mississippi, courts upheld intrastate bans on alcohol advertising, but the U.S. Supreme Court declined to rule on the First Amendment implications of either of these state cases, so a definitive answer to the constitutionality of alcohol advertising restrictions remained elusive in the 1980s. Because Congress never took action on the broadcast ban bill, activists on both sides of the alcohol advertising issue were left to speculate on how the Supreme Court would have ruled on proposed restrictions.⁷⁸

Conclusion

The continuities in the alcohol marketing control debates over the last sixty years speak to enduring dilemmas in the American polity about freedom and control. The central question posed by both movements was whether the principle of free expression could be upheld when a legal and advertised product potentially harmed human health and, as some argued, morality. Could government permit a product to be sold legally while prohibiting its advertisement? Should the righteousness of self-restraint, the authority of science, and the ideology of wellness triumph over commercial free speech? Americans and their policymakers have tried to balance the protection of health and the preservation of moral values (or social order) against their libertarian traditions and their enjoyment of consumer culture as they have sought solutions to these dilemmas, encapsulated in the alcohol marketing controversies.

Although the two movements to restrict alcohol marketing were comprised of quite different kinds of people and groups, they employed comparable and sometimes identical arguments. Furthermore, they encountered similar industry and ideological opposition. Participants in both movements argued that the marketing in question was insidious because it glamorized the product, which constituted an unquestionable threat to public health and moral and social well-being—keeping the dividing lines between health and morality fuzzy. Both movements concentrated on the threat to innocent youth, an issue usually laden with sentiment and, to some, passion. Temperance movements, broadly defined, continued to identify alcohol consumption as a social-moral threat through the second half of the twentieth century. Both movements, then, employed scientific arguments and moral arguments, but each applied a different—and historically contingent—weight to the science-values continuum.

In contrast to many other countries that have a much more centralized bureaucratic decision-making process on these sort of matters, America's tradition of decentralization and public

input in policy debates, a tradition which has grown even stronger since World War II, has contributed to the persistence of value-based arguments in matters affecting health and the body.⁷⁹ At the beginning of the twenty-first century, scientific and moral voices have continued to converge to construct a secular morality that denounces the commercial promotion of potentially hazardous substances. We continue to confront these questions not only in alcohol marketing (an issue which is still on the table) but also in cigarette marketing and most recently over fast or fatty foods.

At base, analysis of these two movements provides case studies of how Americans and their policymakers in the second half of the twentieth century reacted to questionable business practices in a free society. It explores how religious and secular activists tried to balance the values of health, restraint, and virtue with the ideals of individualism, liberty, and economic gain. The controversies revolved around the question of whether American society can draw lines around its consumer culture. If so, who should draw those lines and on what basis should those lines be drawn? Should marketing be regulated on the basis of scientific evidence or moral concerns? Americans seeking more control over consumer practices have confronted other serious obstacles: could a business's marketing operation be separated from its manufacturing and retail capacities as a target for regulation? Could (and should) the youth consumer market be separated from the adult market so that restrictions applied only to young people, leaving adults free to access controversial advertising and potentially harmful products? And last, was any of this regulation constitutional? All of these questions continue to be contested in America's policymaking arenas without easy resolution.

University of Michigan – Dearborn
ppennock@umd.umich.edu

NOTES

1. For use and explanation of the term “new temperance,” see D.B. Heath, “The New Temperance Movement: Through the Looking Glass,” in *Current Issues in Alcohol/Drug Studies*, ed. Edith S. Lisansky Gomberg (New York: Haworth Press, 1989), 144-52; Joseph R. Gusfield, *Contested Meanings: The Construction of Alcohol Problems* (Madison: University of Wisconsin Press, 1996), 281-82; Mark Edward Lender and James Kirby Martin, *Drinking in America: A History* (New York: Free Press, 1987), chapter 5; and Rebecca Murphy Marton, “The Role of Government and the Non-Profit Sector in the New Temperance Movement,” <http://sunset.backbone.olemiss.edu/~phjuerg/newtemp.html>. Accessed October 12, 2000. Others scholars, such as Ruth Clifford Engs, *Clean Living Movements: American Cycles of Health Reform* (Westport: Praeger, 2000), use the term preferred by the industries: “neo-prohibitionist.”
2. Frederick Lewis Allen, *Only Yesterday: An Informal History of the Nineteen-Twenties* (New York: Harper & Brothers, 1931), 195-206; Edward Larson, *Summer for the Gods: The Scopes Trial and America’s continuing Debate Over Science and Religion* (Cambridge: Harvard University Press, 1997), challenges the popular view of the Scopes Trial. Robert Wuthnow, “Science and the Sacred,” in *The Struggle for America’s Soul: Evangelicals, Liberals, and Secularism* (Grand Rapids: Eerdmans, 1989), 142-57, examines the so-called battle between religion and science, particularly during the second half of the twentieth century.
3. See Jon Butler, “Jack-in-the-Box Faith: The Religion Problem in Modern American History,” *Journal of American History* 90 (March 2004): 1357-78 for a compelling call to recognize and integrate religion into the study of recent American history instead of facilely assuming secularization.
4. See Solomon Katz, “Secular Morality,” in *Morality and Health*, ed. Allan M. Brandt and Paul Rozin (New York: Routledge, 1997), 297-330, and Howard Leichter, “Lifestyle Correctness and the New Secular Morality,” in *Morality and Health*, ed. Allan M. Brandt and Paul Rozin (New York: Routledge, 1997), 359-78, for use and discussion of the term secular morality. I have relied upon the approach to secularization theory in *The Secular Revolution: Power, Interests, and Conflict in the Secularization of American Public Life*, ed. Christian Smith (Berkeley: University of California Press, 2003).
5. Another significant reason for the change was the shift in the alcohol studies field from an emphasis on alcoholism, which presided during the 1950s and 1960s, to a public health approach. I discuss this evolution later in the paper.

6. Gaines Foster, *Moral Reconstruction: Christian Lobbyists and the Federal Legislation of Morality, 1865-1920* (Chapel Hill: University of North Carolina Press, 2002).

7. On the local level, the temperance movement was engaged in using local option legislative campaigns to try to “dry up” municipalities and counties. Drys also continued their commitment to temperance education in the schools.

8. These groups included the Federal Council of Churches, National Council of Churches, National Association of Evangelicals, United Christian Brotherhood of America, National City Youth for Christ, Christian Life Commission, Woman’s Missionary Union, National Sunday School Association, United Christian Missionary Society, International Reform Federation, National Civil League, Salvation Army, National Grange, American Temperance Society, Temperance League of America, World Prohibition Federation, National Temperance and Prohibition Council, Catholic Total Abstinence Union of America, National Temperance League, National Temperance Movement, International Order of Good Templars, Interdenominational Committee on Alcohol Problems, and a multitude of state and local temperance organizations from all parts of the nation.

9. In 1952, Johnson ascended to the chairmanship of the Senate Commerce Committee, and from this position he was able to propel the anti-alcohol advertising cause into even more prominence. Although he exhibited ambivalence toward the all-out ad ban proposal and sometimes experienced stormy relationships with fervent dry leaders, Senator Johnson’s activism and influence is an important reason why the bills to prohibit alcohol advertising received so much congressional attention in the postwar period.

10. George Gallup, *The Gallup Poll: Public Opinion 1935-1971* (New York: Random House, 1972), 43, 203, 251, 322, 356, 549, 596, 771, 877, 925, 1296-97, 1477, 1666, 1991. Methodist poll cited in Harold Y. Vanderpool, “The Wesleyan-Methodist Tradition,” in *Caring and Curing: Health and Medicine in the Western Religious Traditions*, ed. Ronald Numbers and Darrel Amundsen (New York: Macmillan, 1986), 344.

11. The petition records, which are enormous, are in the National Archives and Records Administration (hereafter NARA), mainly in Record Group 46 (Senate, hereafter RG 46) although some are contained in Record Group 233 (House, hereafter RG 233), in the Committees on Commerce records for each year that the committees held hearings on the matter. The petition and letter-writing campaigns were for the most part organized by WCTU locals that took the

campaign to church congregations and women's church groups. Additionally, Protestant publications such as *The Christian Herald* and *The Christian Advocate* publicized the movement and asked readers to write to their congressmen.

12. Joseph Gusfield, *Symbolic Crusade: Status Politics and the American Temperance Movement* (Urbana: University of Illinois Press, 1963), 3; Richard F. Hamm, *Shaping the Eighteenth Amendment: Temperance Reform, Legal Culture, and the Polity, 1880-1920* (Chapel Hill: University of North Carolina Press, 1995), 12-14, 34-35; Foster, *Moral Reconstruction*, 80-81; Lori Ginzberg, *Women and the Work of Benevolence: Morality, Politics, and Class in the Nineteenth-Century United States* (New Haven: Yale University Press, 1990), 98, 110; Jack S. Blocker, Jr., *American Temperance Movements: Cycles of Reform* (Boston: Twayne Publishers, 1989); Jon Stone, *On the Boundaries of American Evangelicalism: The Postwar Evangelical Coalition* (New York: St. Martin's Press, 1997), 14.

13. The hearings occurred before the Senate Commerce Committee in 1947, 1948, 1950, 1952, 1954, 1956, and 1958, and before the House Commerce Committee in 1954 and 1956.

14. The petitions were so abundant that they merit a special mention in the *Guide to the Records of the United States Senate at the National Archives 1789-1989* (U.S. Senate Bicentennial Publication, 1989), 75.

15. Henry Bretzfield, *Liquor Marketing and Liquor Advertising: A Guide for Executives and their Staffs in Management, Sales and Advertising* (New York: Abelard-Schuman, 1955), 175; Robert G. LaForge, "Misplaced Priorities: A History of Federal Alcohol Regulation and Public Health Policy," (PhD diss., Johns Hopkins University, 1987), 275-82.

16. National Association of Broadcasters and *Modern Brewery Age*, "Do's and Don't's For Beer Advertising," in "Here's How (brewers use radio advertising)," NARA, RG 46, 80th Congress, S. 265, Box 10, n.d.; John Crichton, "The Liquor Business" *Advertising Age*, 30 November 1953, 2, 44-57.

17. "Beer, Wine Ads on TV Scored in House Report," *New York Times*, 18 August 1954, 26; "NARTB Moves to Cut Out Drinking on TV Commercials," *Advertising Age*, 11 October 1954, 36; Joseph Dubin, "As We See It: An Important Step Forward," *Modern Brewery Age*, May 1955, 21; Robert Alden, "Advertising: Liquor Taboo on TV Widened," *New York Times*, 10 October 1960, 50. It is important to note one major liberalization in spirits advertising, however. In 1958, the DSI decided to allow women to be depicted in hard liquor ads.

18. United States Brewers' Foundation's "Beer Belongs" campaign in *Life* magazine, 1950-53; Wine Advisory Board advertisements, Seagram Collection, Acc. 2173, Box 291; see Licensed Beverage Industries' public relations ads in *Life* magazine, 30 January 1950 and 20 March 1950. On the alcohol industries' public relations and marketing campaigns to "normalize" drinking, see Lori Rotskoff, *Love on the Rocks: Men, Women, and Alcohol in Post-World War II America* (Chapel Hill: University of North Carolina Press, 2002), 41, 194, 198-99; and John Burnham, *Bad Habits: Drinking, Smoking, Taking Drugs, Gambling, Sexual Misbehavior, and Swearing in American History* (New York: New York University Press, 1993), 47-48, 73-76.

19. The literature on the alcoholism movement at mid-century is sizeable. See Ronald Roizen, "The American Discovery of Alcoholism, 1933-1939" (PhD diss., University of California, Berkeley, 1991); Jay L. Rubin, "Shifting Perspectives on the Alcoholism Treatment Movement 1940-1955," *Journal of Studies on Alcohol* 40 (1979): 376-86; William L. White, *Slaying the Dragon: The History of Addiction Treatment and Recovery in America* (Bloomington, Ill: Chestnut Health Systems, 1998), 178-80; Penny Booth Page, "E.M. Jellinek and the Evolution of Alcohol Studies: A Critical Essay," *Addiction* 92 (December 1997), 1619-38.

20. Hammaker, Senator Glenn Taylor, U.S. Senate, Committee on Interstate and Foreign Commerce, *Liquor Advertising*, 80th Cong., 1st sess., 1947, 8, 22 (hereafter Senate hearings, 1947); Clayton Wallace, Henry Johnson, U.S. Senate, Committee on Interstate and Foreign Commerce, *Liquor Advertising*, 80th Cong., 2nd sess., 1948, 57, 75 (hereafter Senate hearings, 1948); Samuel McCrea Cavert of Federal Council of the Churches of Christ in America, Rev. Dutton Peterson of New York State Council of Churches, U.S. Senate, Committee on Interstate and Foreign Commerce, *Liquor Advertising*, 81st Cong., 2nd sess., 1950, 23, 94 (hereafter Senate hearings, 1950).

21. Turner, Senate hearings, 1948, 56; W.A. Scharffenberg of American Temperance Society, U.S. Senate, Committee on Interstate and Foreign Commerce, *Liquor Advertising Over Radio and Television*, 82nd Cong., 2nd sess, 1952, 70 (hereafter Senate hearings, 1952).

22. Hooton, Senate hearings, 1952, 62.

23. Wallace, Senate hearings, 1948, 57; Coor, Senate hearings, 1952, 55. To express its opposition to the disease theory, the National Temperance League's publication *The American Issue* adopted as its masthead slogan, "Alcohol Makes Alcoholics."

24. Hobbs, Senate hearings, 1950, 67.
25. Hooton, Senate hearings, 1952, 60.
26. R.H. Sherwood, Senate hearings, 1950, 53
27. For example, I.S. Ernst of United Brethren Church, Senate hearings, 1950, 44; Norman Vincent Peale, Senate hearings, 1952, 31; Representative James Davis, U.S. House of Representatives, Committee on Interstate and Foreign Commerce, *Advertising of Alcoholic Beverages*, 83rd Cong., 2nd sess., 1954, 24 (hereafter House hearings, 1954); Strom Thurmond quoted in "Senators Cool to Dry Quest for Liquor Ad Ban," *Advertising Age*, 28 April 1958, 48.
28. Several dries appeared at the famous Estes Kefauver hearings on juvenile delinquency in the 1950s to talk about how alcohol ads contributed to the perceived problem. U.S. Senate, Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, Hearings on S. Res. 62, 84th Cong., 1955, 69-76. They also made a strong showing at a congressional hearing on radio and television programming: U.S. House of Representatives, *Investigation of Radio and Television Programs*, 82d Cong., 2nd sess., 1952. For a general discussion of the alarm over youth and mass culture in the postwar years, see James Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (New York: Oxford University Press, 1986).
29. Hastings, Senate hearings, 1950, 110; Ashton, Coor, Senate hearings, 1952, 25, 54.
30. Cross, Wallace, Senate hearings, 1950, 68, 341; Peale, U.S. Senate, Committee on Interstate and Foreign Commerce, *Alcoholic Beverage Advertising*, 85th Cong., 2nd sess., 1958, 21 (hereafter Senate hearings, 1958). Also see Halvorson, Senate hearings, 1952, 20.
31. O'Brien, Senate hearings, 1948, 131; Brady, Sartwell, and Childs, Senate hearings, 1950, 185, 310, 313. Also see Clinton Hester of United States Brewers Foundation, Senate hearings, 1952, 117; Brady, House hearings, 1954, 107.
32. O'Brien, Lahey, Senate hearings, 1948, 132, 179.
33. See the extensive legal brief by Edward Dunford, attorney for the National Temperance League, in U.S. Senate, Committee on Interstate and Foreign Commerce, *Liquor Advertising*, 84th Cong., 2nd sess., 1956, 107-38 (hereafter

Senate hearings, 1956). Representative Davis also prepared a legal brief in support of the bill, printed in House hearings, 1956, 16-17.

34. Endrews, Senate hearings, 1948, 52; also see Hall, Senate hearings, 1950, 49; Wallace, Senate hearings, 1952, 168.

35. Colvin, Hall, Hearn, Senate hearings, 1950, 49, 57, 63; Wallace, Senate hearings, 1948, 58, and Senate hearings, 1958, 65.

36. McGimsey, Brady, James Short of Florida State Council of Brewery Workers, Jenkins, George D. Riley of the American Federation of Labor, Senate hearings, 1950, 177, 185, 202, 259, 263.

37. O'Brien, Ferro, Senate hearings, 1948, 135, 155; Soucy, Sullivan, Jenkins, Senate hearings, 1950, 114, 184, 259.

38. By the early 1970s counter-advertising, warning label in ads, and a broadcast ban had all been demanded—and won—by the anti-smoking movement.

39. See David Musto quoted in Georgia Sheron, "New 'Temperance Movement' Seen by Historian," *New York Times*, 16 March 1986, 23, 2. During congressional hearings in 1990, public health professional and new temperance advocate Lawrence Wallack remarked, "We have caught on because of the tobacco stuff." See U.S. House of Representatives, Committee on Energy and Commerce, Subcommittee on Transportation and Hazardous Materials, *Health Warnings on Alcoholic Beverage Advertisements*, 101st Cong., 2nd sess., 1990, 268. (hereafter House hearings, 1990).

40. A comprehensive account of the tobacco industry's legislative battles in the 1960s is Richard Kluger, *Ashes to Ashes: America's Hundred-Year Cigarette War, the Public Health, and the Unabashed Triumph of Philip Morris* (New York: Vintage Books, 1996), 263-348. The classic study is A. Lee Fritschler, *Smoking and Politics: Policymaking and the Federal Bureaucracy* (New York: Appleton-Century-Crofts, 1969).

41. Bernice Rothman Hasin, *Consumers, Commissions, and Congress: Law, Theory, and the Federal Trade Commission, 1968-1985* (New Brunswick: Transaction Books, 1987), 19-20; Michael Pertschuk, *Revolt Against Regulation: The Rise and Pause of the Consumer Movement* (Berkeley: University of California Press, 1982), 12, 50-68, 73, 110.

42. Michael Goldstein, *The Health Movement: Promoting Fitness in America* (New York: Twayne Publishers, 1992), 129-43; Howard Leichter, *Free to Be Foolish: Politics and Health Promotion in the United States and Great Britain* (Princeton: Princeton University Press, 1991), 7, 9, 95. See also "The Sobering of America: A Push to Put Drinking in its Place," *Business Week*, 25 February 1985, 112; Jane E. Brody, "Personal Health," *New York Times*, 4 December 1985, III, 10; and David Wagner, *The New Temperance: The American Obsession with Sin and Vice* (Boulder: Westview Press, 1997) for discussions of Americans' less-accepting attitudes toward drinking in the 1980s and 1990s.

43. Dan E. Beauchamp and Bonnie Steinbock, "Prevention and Its Limits," in *New Ethics for the Public's Health*, ed. Dan E. Beauchamp and Bonnie Steinbock (New York: Oxford University Press, 1999), 95-96; Dan E. Beauchamp, "Public Health as Social Justice," *Inquiry* 13 (1976): 1-14.

44. Key texts that shifted the field to a public health orientation included Kettil Bruun, et al., *Alcohol Control Policies in Public Health Perspective* (New Brunswick: Rutgers University Center of Alcohol Studies, 1975); Dan Beauchamp, *Beyond Alcoholism, Alcohol and Public Health Policy* (Philadelphia: Temple University Press, 1980); *Alcohol and Public Policy: Beyond the Shadow of Prohibition*, ed. Dean Gerstein and Mark H. Moore (Washington D.C.: National Academy Press, 1981). Robin Room, "Alcohol Control and Public Health," *Annual Review of Public Health* 5 (1984), 295; and James Mosher and David H. Jernigan, "New Directions in Alcohol Policy," *Annual Review of Public Health* 10 (1989), 250, describe and explain the shift.

45. Blocker, *American Temperance Movements*, 157.

46. Examples of this strategy include: "The Worst Drug Problem," *New York Times*, 30 July 1971, 32:2; James T. Wooten, "Carter Seeks to End Marijuana Penalty For Small Amounts," *New York Times*, 3 August 1977, 1:1; William J. McCord, South Carolina Commission on Alcohol and Drug Abuse, during the U.S. Senate, Committee on Commerce, Subcommittee on the Consumer, *Alcohol Warning Labels*, 100th Cong., 2nd sess., 1988, 38; Representative Joseph Kennedy, U.S. Senate, Committee on Commerce, Science, and Transportation, Subcommittee on the Consumer, *Alcohol Beverage Advertising Act*, S. 664, 102nd Cong., 2nd sess., 1992, 23. Also see U.S. House of Representatives, Committee on Energy and Commerce, Subcommittee on Transportation and Hazardous Materials, *Oversight of FTC's Shared Responsibilities*, 102nd Cong., 1st sess., 1991, 128 (hereafter House hearings, 1991), in which a representative of the health lobby remarked that the government should "crack down on ads which have no other purpose than to promote a drug."

47. Hatch, *Congressional Record*, 1981, 18680-81; Morse and Yarborough, *Congressional Record*, 1967, 20895-97, 33445-46.; Robert D. McFadden, "Consumers Union Scores Drug Laws," *New York Times*, 29 November 1972, 1:5.

48. Center for Science in the Public Interest, News Release, "National Organizations Launch Campaign to Restrict Broadcast Ads for Alcoholic Beverages," 25 June 1985, CSPI archives. At Senate hearings in 1985, CSPI leader Michael Jacobson stated that SMART had collected 700,000 signatures on its petition. See U.S. Senate, Committee on Labor and Human Resources, Subcommittee on Children, Family, Drugs and Alcoholism, *Reviewing Advertisements and Television Commercials Promoting the Sale and Consumption of Alcoholic Beverages*, 99th Cong., 1st sess., 1985, 238 (hereafter Senate hearings, 1985).

49. MADD did, however, support the warning label measure in 1988. See *Congressional Record*, 1988, 1111. Mac Marshall and Alice Oleson's article, "In the Pink: MADD and Public Health Policy in the 1990s," *Journal of Public Health Policy* 15 (1994): 54-68, describes how MADD changed its orientation in the early 1990s and did become involved in anti-marketing efforts.

50. *Congressional Record*, 1986, 17058-60; and 1988, 111-4, 2717-20, 10662, 13645-46, 23411. Stephen Barlas, "Potential Poxes and Taxes," *Beverage World*, May 1988, 104.

51. *Congressional Record*, 1990, 7088-89, 8319; 1991, 6319, 6402; 1993, 6871, 8248.

52. Charles G. Burck, "Changing Habits in American Drinking," *Fortune*, October 1976, 156-66; "The Liquor Industry's Aggressive New Ad Blitz," *Business Week*, 20 March 1978, 174; "Bursting Through the Clutter," *Advertising Age*, 26 July 1984, 15; "Drinking in the Future: New Styles, New Tastes," *Advertising Age*, 16 February 1987, S1; Michael Jacobson, R. Atkins, and George Hacker, *The Booze Merchants: The Inebriating of America* (Washington D.C.: Center for Science in the Public Interest, 1983), 83-89; Richard Cowan and James F. Mosher, "Public Health Implications of Beverage Marketing: Alcohol as an Ordinary Consumer Product," *Contemporary Drug Problems* 12 (1985): 621-57.

53. George Hacker, R. Collins, and Michael Jacobson, *Selling Booze to Blacks* (Washington, D.C.: Center for Science in the Public Interest, 1987); Michael Jacobson and Bruce Maxwell, *Marketing Disease to Hispanics: The Selling of Alcohol, Tobacco, and Junk Foods* (Washington D.C.: Center for Science in the Public Interest, 1989); "Major Effort to Woo Minorities," *Advertising Age*, 26 July 1984, 17; Jacobson, et al., *Booze Merchants*, 31, 67-70; "An Uproar Over Billboards in Poor Areas," *New York Times*, 1 May 1989, IV, 10:1.

54. Quote from Carol Nathanson-Moog, "Brand Personalities Undergo Psychoanalysis," *Advertising Age*, 26 July 1984, 18. Also see Val Adams, "Channel 47 To Carry TV's First Liquor Ads Here," *New York Times*, 25 May 1966, 95:1; Walter Carlson, "Concern on Liquor," *New York Times*, 14 June 1966, 75:4; Philip H. Dougherty, "Advertising: TV and Liquor Commercials," *New York Times*, 16 November 1970, 60:3; Jack Gould, "TV Liquor Ads Contemplated If Economic Slump Continues," *New York Times*, 13 February 1971, 52:7; Colby Coates, "Shop Execs Air Views on Broadcast Taboos," *Advertising Age*, 10 November 1980, 78; Gay Jervey and Steven W. Colford, "Distillers Inching Toward Cable TV," *Advertising Age*, 29 October 1984, 1.

55. Joseph Winski, "Pressures Mounting to Curtail Liquor Advertising," *Advertising Age*, 18 July 1983, 1; Eric Pace, "Slump Even Slows Nation's Drinking," *New York Times*, 19 January 1983, IV, 1:3; Trish Hall, "A New Temperance is Taking Root In America," *New York Times*, 15 March 1989, I, 1:2; "Liquor Consumption in U.S. Reported at a 3-Decade Low," *New York Times*, 25 November 1989, 12:5. Ad executive quoted in "Drinks and Drivers," *New York Times*, 5 February 1984, III, 1:1.

56. Steven Colford, "U.S. Alcohol Abuse, Ads Not Linked," *Advertising Age*, 11 February 1985, 70. During the House hearings in 1985, the United States Brewing Association presented side-by-side tables showing beer consumption and brewer advertising expenditures. See U.S. House of Representatives, Committee on Energy and Commerce, Subcommittee on Telecommunications, Consumer Protection, and Finance, *Beer and Wine Advertising: Impact of Electronic Media*, 99th Cong., 1st sess., 1985, 450-52 (hereafter House hearings, 1985).

57. Mosher and Jernigan, "New Directions," 260-63. Also see P. Morgan, "Power, Politics, and Public Health: The Political Power of the Alcohol Beverage Industry," *Journal of Public Health Policy* (Summer 1988): 177-97.

58. See Easton of Miller Brewing Company, Senate hearings, 1985, 139-40. One of the most powerful of the alcohol industries' trade associations, the Distilled Spirits Institute changed to the Distilled Spirits Council of the United States (DISCUS) in 1973. It maintained the DSI's advertising code, the Code of Good Practice.

59. Joseph C. Fisher, *Advertising, Alcohol Consumption, and Abuse: A World-wide Survey* (Westport, CT: Greenwood Press, 1993), provides an idea of the copious studies conducted on this issue, as well as the contradictions among them. Some major social science studies of alcohol advertising include: Charles Atkin and Martin Block, *Content and Effects of Alcohol Advertising* (Springfield,

VA: National Technical Information Service, 1981); W. Breed, J. De Foe, and Lawrence Wallack, "Drinking in the Mass Media: A Nine-Year Project," *Journal of Drug Issues* 14 (1984): 655-64; P. Kohn and R. Smart, "The Impact of Television Advertising on Alcohol Consumption: An Experiment," *Journal of Studies on Alcohol* 45 (1984): 295-301; Donald Strickland and David Pittman, *The Effects of Alcohol Beverage Advertising Practices and Messages on Alcohol Problems and Alcoholism in the United States: A Preliminary Report* (St. Louis: Washington University Social Science Institute, 1980). See William W. Lowrance, *Modern Science and Human Values* (New York: Oxford University Press, 1985), 51-54, for a discussion of the differences between social science and physical or biological science. Lowrance argues that all science is value-laden, but that social science is associated with values in "a more immediate and obvious way."

60. Goldsen quoted by Representative John Seiberling, House hearings, 1985, 8. Also see the testimony of a physician Donald Keith, representing the American Academy of Family Physicians, who declared that "alcohol advertising contributes to a climate characterized by dangerously benign attitudes toward alcohol. Alcohol advertising helps to perpetuate myths that alcohol is innocuous and that signs of alcohol abuse can be ignored." In House hearings, 1990, 282.

61. Johnston, Senate hearings, 1985, 335.

62. Senate hearings, 1985, 102-3, 109-15, 133-38, 143, 155; Calfee, House hearings, 1991, 177.

63. Kilbourne, House hearings, 1990, 204, 221.

64. As evidence of the anti-regulatory attitude of the federal bureaucracy in this period, the FCC, under the leadership of Reagan appointee Mark Fowler, repudiated use of its Fairness Doctrine, which had undergirded its anti-smoking efforts in the 1960s. See Philip Gold, *Advertising, Politics, and American Culture: From Salesmanship to Therapy* (New York: Paragon House Publishers, 1987), 135; Steve Younger, "Alcoholic Beverage Advertising on the Airwaves: Alternatives to a Ban or Counteradvertising," *UCLA Law Review* 34 (1987): 1160-61; Martha Rogers, "Advertising Self-Regulation in the 1980s: A Review" in *Current Issues and Research in Advertising*, ed. James H. Leigh and Claude R. Martin, Jr. (Ann Arbor: University of Michigan Press, 1991), 379; Lemuel Schofield, "First Amendment Implications of Banning Alcohol Beverage Ads on Radio & TV" *Journalism Quarterly* 62 (1985): 534.

65. At the conclusion of the 1985 Senate subcommittee hearing on proposed beer and wine advertising restrictions, the chairperson reported "the subcom-

mittee could not find evidence to conclude advertising influences non-drinkers to begin drinking or to increase consumption. . . . Our subcommittee record contains no facts which would justify legislation to censor advertising of beer and wine products. . . ." The FTC also refused to act against alcohol advertising, citing the lack of evidence showing that alcohol ads "expressly urge individuals to become problem drinkers." The Commission admitted that it would not act unless it learned of "extensive, and perhaps *unobtainable* evidence" of the effects of alcohol advertising. *Congressional Record*, 1985, 12669-70; Federal Trade Commission memo denying the Center for Science in the Public Interest's petition, printed in House hearings, 1985, 138, emphasis added.

66. See U.S. Senate, Committee on Human Resources, Subcommittee on Alcoholism and Drug Abuse, *Alcohol Labeling and Fetal Alcohol Syndrome*, 95th Cong., 2nd sess., 31 January 1978 (hereafter Senate hearings, 1978); *Congressional Record*, 1978, 649-50; *Congressional Record*, 1979, 37008.

67. Thurmond and Donald Kennedy, Senate hearings, 1978, 8-9, 83-84; Thurmond, *Congressional Record*, 1977, 1028-29; Riegle, *Congressional Record*, 1979, 37008.

68. Mark Keller, Senate hearings, 1978, 241.

69. Thurmond, *Congressional Record*, 1978, 649-50; and 1979, 37008.

70. Author's interview with George Hacker of the Center for Science in the Public Interest, 8 October 2001.

71. Jacobson et al, *Booze Merchants*, 141, emphasis in original. In another instance Steven H. Shiffirin, a law professor at Cornell, equated the advertisement of alcohol with other "immoral" behaviors when he stated, "it would be exceedingly odd if government could protect children from the broadcast of indecent language, but not from the thousands of commercials encouraging them to believe that the consumption of alcohol is an integral part of the good and merry life." In House hearings, 1990, 298.

72. Jacobson et al., *Booze Merchants*, 4.

73. *Ibid.*, 47-79, 104-5, 112-13. In a paper submitted to the Senate hearings, 1985, 388, Dr. Asa Berger, a professor of communications, argued that "many people, especially young people and adolescents, do not have the psychological resources to resist the blandishments of the advertisers."

74. Anheuser-Busch executive quoted in “Koop Seeks Voluntary Curbs,” *Advertising Age*, 5 June 1989, 6. See also Lambright of Anheuser-Busch, Senate hearings, 1985, 107-8; Patricia Taylor of CSPI, Edward Fritts of NAB, Nan Franks of Alcoholism Council of the Cincinnati Area., House hearings, 1990, 65, 151, 175; Calfee, House hearings, 1991, 36-38.

75. The free market position on commercial speech is represented in Ronald H. Coase, “Advertising and Free Speech,” in *Advertising and Free Speech*, ed. Allen Hyman and M. Bruce Johnson (Lexington, Mass: Lexington Books, 1977), 2-25. U.S. Supreme Court cases that expanded the protection of advertising were *New York Times v. Sullivan* 376 U.S. 254 (1964); *Bigelow v. Virginia* 421 U.S. 809 (1975); *Virginia State Board of Pharmacy et al. v. Virginia Citizens Consumer Council, Inc., et al.* 425 U.S. 748 (1976); *Bates v. State Bar of Arizona* 433 U.S. 350 (1977); *Central Hudson Gas v. Public Service Commission of New York* 447 U.S. 557 (1980). In these cases, the Court extended constitutional protection to advertisements not because it was bowing to corporate interests but because it was protecting consumers from anti-competitive business practices. It should be noted that the Court did not always follow this trend, and therefore the 1942 case of *Valentine v. Chrestensen* that had declared commercial speech unprotected was never forthrightly overturned. For example, the Court did not overturn the decision in *Capital Broadcasting v. United States* 333 F. Supp. 582, 1971 U.S. Dist., which upheld the ban on broadcast cigarette advertising; and in *Posadas de Puerto Rico Assoc., dba Condado Holiday Inn v. Tourism Company of Puerto Rico et al.* 478 U.S. 328 (1986), the Court ruled that the Puerto Rican government had the right to prohibit advertisements of casinos even when the casinos themselves were legal. See also C. Edwin Baker, *Advertising and a Democratic Press* (Princeton, NJ: Princeton University Press, 1994), 135-39.

76. Humphrey, *Congressional Record*, 1979, 27616.

77. Hacker, House hearings, 1990, 251; Franklin, Senate hearings, 1985, 266-67.

78. See 718 Federal Reporter 2d Series, 738; “Court Ducks Liquor-ad Test of Free Speech,” *Advertising Age*, 28 June 1984, 3; Schofield, 537-38; Camille P. Schuster and Christine Pacelli Powell, “Comparison of Cigarette and Alcohol Advertising Controversies,” *Journal of Advertising*, 16 (1987), 29. Ultimately, the Oklahoma law was shot down in 1986 when the court ruled that it discriminated against in-state operators in favor of cable operators. See “Oklahoma Liquor Ads OK,” *Advertising Age*, 9 June 1986, 86.

79. See Sheila Jasanoff, *Risk Management and Political Culture: A Comparative Study of Science in the Policy Context* (New York: Russell Sage Foundation, 1986.)