THESE BUS ADS DON'T STOP FOR CHILDREN:

Alcohol Advertising on Public Transit

An Alcohol Justice Report | October 2013

ALCOHOL JUSTICE
The Industry Watchdog

EXECUTIVE SUMMARY

alcoholjustice.org

Reducing youth exposure to alcohol advertising on public property is an important goal for policy action. Local governments bear the brunt of alcohol-related public health and safety costs that far exceed revenue generated by alcohol advertising. Exposure to alcohol ads influences youth to start drinking earlier and to drink more, and leads to alcohol-related problems later in life. Alcohol advertising bans can significantly reduce youth exposure to alcohol advertising.

Alcohol Justice surveyed alcohol advertising policies of 32 major metropolitan transit agencies and city departments that control transit advertising in the U.S. and California.

FINDINGS

- Eighteen agencies explicitly ban alcohol advertising in agency policy, contract requirements, government policy, or a combination of these.
- Fourteen agencies clearly allow alcohol advertising. New York, Chicago, and Atlanta lag behind the other major transit agencies that protect youth with bans on alcohol advertising.
- Model alcohol ad bans include Seattle, San Francisco, Boston, and Philadelphia.
- Most major cities continue to allow alcohol advertising on transit-related street furniture, even if a transit policy banning alcohol ads is in place.
- Despite claims of economic necessity, revenue from alcohol ads comprises less than 1% of the reporting agencies' annual operating revenue.

RECOMMENDATIONS

1. Transit agencies that currently accept alcohol advertising should ban it with a formal agency policy. Policies should outline monitoring and enforcement protocols and impose steep fines for noncompliance.
2. Agency policy and contract requirements should use model language such as the King County Seattle Metro Transit Division and the model language section of the Alcohol Justice Out-of-Home Alcohol Advertising Guide.
3. Transit agencies with policies that allow alcohol ads and weak regulations should instead adopt alcohol advertising bans as agency policy. The policy can then be incorporated by reference into all present and future advertising contracts.
4. Legislators should work to ban alcohol advertising on property that the government controls, including public transportation vehicles and street furniture; and restrict alcohol advertising in out-of-home locations elsewhere as well.
5. State legislators and Congress should pass legislation that requires transit agencies to adopt policies that ban alcohol advertising on transit property as a precondition of transportation funding.
6. Transit agencies and corporate advertising contractors should be required to provide public access to advertising contracts and records, including the alcohol corporations, digital ad images, location, duration, and revenue generated for each alcohol advertisement accepted.

YOUTH DRINKING IS A PERVASIVE SOCIAL PROBLEM with well-documented consequences, including increased risk of death from injury, engaging in risky sexual behavior, and sexual assault perpetration or victimization. The societal costs of underage drinking are significant: an estimated $62 billion in 2010.[1] Exposure to alcohol advertising influences young drinkers to drink more and experience more alcohol-related problems later in life.

Local governments bear the brunt of alcohol-related public health and safety costs that far exceed revenue generated by alcohol advertising. Alcohol ad revenue to transit agencies must be weighed against the significant public health and safety costs of alcohol-related harm. Alcohol advertising bans on public transit and transit-related street furniture can have a significant impact on reducing alcohol-related problems for youth and their communities, without damaging the agency's bottom line.

WHY ALCOHOL ADVERTISING MATTERS

A growing body of scientific research links exposure to alcohol advertising with underage drinking. Longitudinal studies consistently suggest that exposure to alcohol ads is associated with initiation of alcohol use for youth who have not consumed alcohol before, as well as increases in consumption for youth drinkers.[2, 3] Youth are particularly susceptible to persuasive messages contained in alcohol ads. Awareness of alcohol marketing is significantly associated with drinking behaviors and positive attitudes towards alcohol.[4, 5] Exposure to alcohol ads influence some youth to drink more and experience alcohol-related problems in later adolescence.[6]

Limits on alcohol advertising can significantly reduce alcohol-related harm from youth drinking. A 28% reduction in alcohol advertising could reduce underage alcohol consumption and binge drinking by at least a percentage point each, while a complete ban on alcohol advertising could reduce the number of deaths from harmful drinking by 7,609 deaths, a 16% decrease in alcohol-related life-years lost.[7, 8] Similarly, states with bans on alcohol advertising targeted to minors found that 33% fewer youth alcohol-related traffic fatalities occurred than in states without such restrictions.[9]

Minority youth are disproportionately exposed to alcohol ads in their daily lives outside the home, and ads on public transit can be a major contributor.[10, 11] Many elementary, middle, and high school students, especially economically disadvantaged youth, rely on public transit to get to and from school. Every year, the New York MTA distributes more than 600,000 Metrocards to students, making the bus and subway system the most used method of student transportation for youth who live in the city. The level of youth exposure to transit advertising is significant, as more than 20% of all transit riders nationwide are younger than 25 years old.[12]

BIG ALCOHOL, OUT-OF-HOME, & TRANSIT ADVERTISING

Alcohol corporations are major buyers of out-of-home advertising, a global market representing billions in revenue worldwide. Out-of-home advertising includes traditional billboards and signs as well as ever-advancing technology such as digital displays of all sizes, entire vehicles wrapped in images, and video terminals where people congregate in common areas. The out-of-home market in the U.S. grew to $6.7 billion in 2012 and experienced a 22% growth rate over the last decade.[13]

In 2008, out-of-home advertising accounted for 5.6% of total marketing spending by the top twelve alcohol corporations.[14] Two Big Alcohol corporations, MillerCoors and Diageo, were among the top twenty spenders on out-of-home advertising in 2012.[15]

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The alcohol industry is particularly interested in transit advertising, a significant subset of out-of-home advertising that continues to grow and expand. In 2012, advertising on transit vehicles and transit stations comprised 17% of the out-of-home market in the U.S. (more than $1 billion in market share).[16] Street furniture such as bus benches and bus shelters is also considered as transit advertising. Whether alcohol advertising on public transit will continue to grow, or be eliminated, is an ongoing public policy debate.

U.S. trade associations for beer, wine, and spirits, dominated by Big Alcohol corporations, have created industry self-regulatory guidelines for alcohol advertising. The guidelines state that outdoor stationary advertising may not be located within 500 feet of elementary and secondary schools or places of worship. These guidelines are voluntary, not legally binding, and lack any meaningful or formal enforcement. Not surprisingly, studies have suggested that compliance of outdoor advertising regulations is low. A 2008 study found that 37% of alcohol ads in Los Angeles were located within 500 feet of a school, despite the industry self-regulatory code.[17] An Alcohol Justice study from that same time frame found similar results in San Francisco.[18]

METHODS

In 2007, Alcohol Justice (then Marin Institute) conducted a survey of the nation's top twenty, and California's top ten, transit systems to determine which systems, if any, did not allow alcohol advertising. This report updates and expands that study to describe the current status of transit alcohol advertising bans in 2013.[a]

We developed a list of the top transit markets in the U.S. by total passenger trips using rider data from the American Public Transportation Association.[19] We also included the top transit markets in California. We expanded our survey to include local governments, such as Chicago and Boston, with jurisdiction of transit-related street furniture such as bus shelters and benches.

Contact was attempted first by phone and/or email. We requested a copy of 1) the agency advertising policy, 2) agency contract(s) with advertising contractor(s), and 3) documentation of annual revenue from alcohol advertising, if any. If an agency was unresponsive to the initial request, a Freedom of Information request was filed with the agency.

[a] In this report, the term "transit advertising" refers specifically to any type of ad placed on property owned by a transit agency (such as transit vehicles and stations). It also includes any transit-related street furniture (such as bus shelters and benches), whether or not it is controlled by a transit agency. The term does not include all out-of-home advertising that may appear along a transit line, such as billboards, buildings, or stadium signs, or any street furniture that is not used in relation to a transit system.

We grouped the agencies and governing bodies according to their alcohol advertising policies and procedures. We distinguished between agencies that ban alcohol ads and agencies that allow alcohol ads, then described the level of policymaking at which there were alcohol advertising standards:

CONTRACT REQUIREMENT

Stated in the contract between the transit agency and the advertising corporation or advertiser

AGENCY POLICY

Formally adopted by the administering body of the transit authority

GOVERNMENT POLICY

Codified by the government body that controls the transit agency.

For agencies that allow alcohol ads, we identified:

- If they employ a formal advertising policy;
- If any restrictions are placed on alcohol advertising;
- If other content categories are restricted or banned;
- What advertising corporation, if any, handles advertising sales; and
- The total revenue from alcohol ads, if reported.

As we did not have capacity to collect street-level information on the number of alcohol ads currently present in major metropolitan areas throughout the country, we were not able to determine the actual prevalence of alcohol advertising on agency property, or compliance with policies that ban alcohol advertising.

FINDINGS

Of the 32 agencies and local governments surveyed, eighteen explicitly ban alcohol advertising. Fourteen agencies clearly allow alcohol ads.

All of the agencies that ban alcohol advertising require the ban in their advertising contracts. Two agencies (Miami-Dade Transit and Orange County Transportation Authority) only use contract language. The rest of the agencies use both contract requirement and transit policy. Three agencies (Honolulu DOT, San Francisco MUNI, and Philadelphia SEPTA) operate under city ordinances in addition to contract requirements and agency policy. The Maryland Transit Administration, a state-managed transit system, is subject to an executive order banning alcohol advertisements on all property owned by the agency, requiring all contracts to reflect this order.

ALCOHOL ADVERTISING BANS ON TRANSIT PROPERTY

AGENCY	CONTRACT REQUIREMENT	AGENCY POLICY	GOVERNMENT POLICY	ADVERTISING CONTRACTOR(S)
Metropolitan Transit Authority of Harris County (Texas)	No Commercial Advertising			
(San Francisco) Bay Area Rapid Transit*	■	■	■	Titan
Alameda Contra Costa Transit District	■	■		Titan
City and County of Honolulu Department of Transportation	■	■	■	AdWalls
Golden Gate Transportation District*	■	■	■	Lamar CBS Outdoor
King County Seattle Metro Transit Division	■	■		Titan
Los Angeles County Metropolitan Transport Authority	■	■		CBS Outdoor Coast United
Maryland Transit Administration**	■	■	■	Direct Media
Massachusetts Bay Transportation Authority	■	■		Titan Cemusa
Miami-Dade Transit	■			CBS Outdoor
Orange County Transportation Authority	■			Titan
Sacramento Regional Transportation District	■	■		Lamar
San Diego Metropolitan Transit System	■	■		CBS Outdoor Coast United
San Francisco Municipal Transportation Agency	■	■	■	Titan Clear Channel
Santa Cruz Metropolitan Transit District	■	■		In-house
Southeastern Pennsylvania Transportation Authority	■	■	■	Titan
Southern Metrolink (CA)	■	■		In-house
Washington Metropolitan Area Transit Authority	■	■		CBS Outdoor

*These agencies span multiple jurisdictions. Ordinance in effect in San Francisco only.
**Statewide executive order

TriMet, Portland Oregon's transit agency, accepts alcohol advertising on its property after suspending its entire advertising policy in order to comply with a state appeals court decision in 2008. Dallas Area Rapid Transit is the only agency operating under the jurisdiction of a state law that explicitly allows alcohol advertising on public transit vehicles and property.

Nearly all of the agencies surveyed contract with advertising corporations to manage their transit advertising sales. These corporations handle virtually all aspects of the advertising program including soliciting advertisers, and in the case of street furniture, providing facilities and ongoing maintenance at no cost to the public agency. Transit agencies enter into contracts with a guaranteed minimum rate of revenue payment that corporations promise to pay annually in exchange for selling advertising space. The advertising corporations with the largest and most contracts among the agencies that accept alcohol advertising are: Titan, CBS Outdoor, the French-owned JCDecaux, and Lamar Transit Advertising.

AGENCIES THAT ALLOW ALCOHOL ADS

AGENCY	AGENCY POLICY	SOME RESTRICTIONS ON ALCOHOL ADS	ADVERTISING CONTRACTOR(S)	ALCOHOL AD REVENUE PROVIDED
Chicago Transit Authority	■	■	Titan	No
City of Boston		■	JCDecaux	Yes
City of Chicago	■	■	JCDecaux	No
City of Los Angeles		■	CBS / JCDecaux	No
Dallas Area Rapid Transit*	■		Titan	N/A
Denver Regional Transportation District	■	■	Lamar	Yes
Metropolitan Atlanta Rapid Transit Authority	■	■	CBS Outdoor	No
Metropolitan Transit Authority (New York)	■		CBS Outdoor	No
Minneapolis Metro Transit	■	■	Titan	No
New Jersey Transit	■		Titan	Only provided a few months of information
New York Department of Transportation		■	Cemusa	No
Port Authority of Allegheny County (Pittsburgh)	■		In-house	Yes
Tri-County Metropolitan Transportation District of Oregon (Portland)**			Lamar	Yes
Washington DC	■	■	Clear Channel	No

*Policy changed to accept alcohol ads during the study; revenue data from alcohol ads not yet available.
**Advertising policy suspended due to court ruling.

One city and three transit agencies that allow alcohol advertising on public transit provided documentation of revenue from the sale of alcohol advertising. In each case alcohol ad revenue represented less than 10% of the total advertising revenue, and less than 1% of the total operating revenue.

ALCOHOL ADVERTISING REVENUE IN 2012

TRANSIT AGENCY / CITY	ALCOHOL AD REVENUE	AS % OF TOTAL ADVERTISING REVENUE	AS % OF TOTAL OPERATING REVENUE
City of Boston	$894,067	8.6%	0.03%
Denver Regional Transportation District	$284,467	8.0%	0.05%
Port Authority of Allegheny County (Pittsburgh)	$49,605	3.3%	0.01%
Tri-County Metropolitan Transportation District of Oregon (Portland)	$156,507	2.9%	0.10%

ALCOHOL AD BANS

Eliminating alcohol advertising from public transit systems is essential to protect youth from exposure to such ads. The objective of bans on alcohol advertising on public transit is to protect the health and safety of the public, especially youth. According to the Transportation Research Board, effective advertising policies are narrowly tailored to the stated objective of the transit agency's advertising program.[20] The strongest advertising policies are those that explicitly and specifically prohibit alcohol advertising in every instance.

While most transit agencies we surveyed employed agency policies to ban alcohol advertising, two did not. Miami-Dade and Orange County rely on language requirements within the contract with the advertising corporation to ban alcohol advertising. While contract language requiring a ban on alcohol ads is preferable to nothing, it is not the strongest policy option available to ensure that youth are not exposed to alcohol ads. Contracts expire or change and are subject to renegotiation, putting any alcohol ad ban in jeopardy. Additionally, because contracts can be as long as twenty years, allowing alcohol ads until a contract runs out puts an entire generation at higher risk of alcohol-related problems.

Contracts also rarely contain enforcement provisions or penalties for non-compliance. For example, Orange County Transportation Authority's contract with Titan requires the contractor to refuse advertising of alcoholic beverage products on any Authority vehicles. However, no language is present as to fines or action if Titan does not refuse alcohol advertising.

Transit agency policies are a better tool to ban alcohol advertising than contract language alone. Agency policies are stronger than contract requirements, as they require a vote from the board of directors to amend and are not subject to change with every contract renewal or renegotiation. Eighty-eight percent of the agencies with alcohol ad bans use both an agency policy and contract requirements.

The King County Seattle Metro Transit Division has a model agency policy. The policy explicitly prohibits ads that "promote or depict the sale, rental, or use of, or participation in, the following products, services or activities; or that uses brand names, trademarks, slogans or other material which are identifiable with such products, services or activities...beer, wine, distilled spirits or any alcoholic beverage licensed and regulated under Washington law." Additionally, the Division clearly states that the purpose of its advertising program is to "generate additional revenue while also accomplishing the primary objectives of transit operations," and that is does not intend to "provide or create a general public forum for expressive activities," solidifying its authority to ban advertising content.

The strongest approach to banning alcohol ads on public transit is with government policy such as ordinances and laws.

The strongest approach to banning alcohol ads on public transit is with government policy such as ordinances and laws. Government policy is the best way to enact an alcohol ad ban that stands up to contract renegotiations and transit agency board changes. San Francisco, Philadelphia, Honolulu, and Baltimore lead the way with ordinances prohibiting alcohol advertising on city property.

The advertising ordinance adopted by the San Francisco Municipal Transit District (MUNI) is an example of a particularly strong policy. The San Francisco Board of Supervisors approved restrictions on alcohol advertising in 2009. As a result, "all leases, permits, or agreements entered into, renewed, or materially amended after January 16, 2009 must specify that advertising of tobacco products or alcoholic beverages is prohibited." However, even prior to that order, MUNI prohibited its contractor from accepting alcohol advertisements. MUNI is also the only agency surveyed that imposes monetary sanctions on its contractor for violating alcohol advertising guidelines. The agency imposes a fee of $5,000 a day for failure to comply with advertising policy. Alcohol Justice (then Marin Institute) played a leading role in advocating for the 2008 contract language and 2009 ordinance.

ECONOMIC EXCUSES & INDUSTRY INCENTIVES

Several major metropolitan transit agencies recently reversed alcohol ad bans or adopted new policies allowing alcohol advertising.

- Chicago Transit Authority reversed its longstanding policy in 2012. Citing economic reasons, the board approved an ordinance that allows for alcohol advertising to be placed on trains and in stations.

- The board of Port Authority of Allegheny County, the transit agency serving Pittsburgh, voted in 2012 to amend its advertising policy to remove the ban on alcohol ads, despite the fact that 18% of Port Authority riders are students.[21]

- The board of Dallas Area Rapid Transit voted in 2011 to implement an advertising policy that would allow alcohol ads on all transit property. However, implementation was stalled due to a question about whether Texas state law restrictions on ads on vehicles

Economic justifications for exposing youth to alcohol advertising do not stand up to scrutiny.

for hire applied to public transportation vehicles. In 2013, the Texas Alcoholic Beverage Code was amended to expressly allow alcohol ads on public transit statewide.[22] Immediately following the decision, the DART board announced its intention to begin accepting alcohol advertisements.[23]

Economic necessity was cited by each agency as justification for the policy reversals. However, analysis of the total advertising revenue compared to total operating revenue for each agency shows that any moderate increases from alcohol advertising are unlikely to ameliorate much budgetary stress. The Chicago Transit Authority expected to generate $3.2 million in additional advertising revenue from alcohol ads – a mere 0.2% of the agency's annual operating budget.[24] Dallas Area Rapid Transit expects to receive an additional $400,000 for alcohol advertisements – 0.5% of that agency's annual revenue. Port Authority of Allegheny County expected to increase its ad revenue by 38% due to alcohol ads, although even with this increase, the advertising revenue represents only 0.5% of total revenue.[25]

Economic justifications for exposing youth to alcohol advertising do not stand up to scrutiny. The public money spent by any urban center to attempt to mitigate alcohol-related harm (e.g. medical, hospital, and emergency services; law enforcement; legal services; rehabilitation, treatment, and prevention services), far outweighs any potential revenue from alcohol advertising. Of the agencies that provided revenue information for this study, alcohol advertising revenue was less than 1% of the total annual operating revenue for the city or agency reporting.

Evidence also suggests that advertising corporations offer higher minimum rates if transit agencies allow alcohol advertising. The contract between the City of Chicago and JCDecaux states, "The Contractor and the City agree that $25 million of the Contractor fees relate to the Contractor's ability to advertise alcoholic beverages on Ad Panels and Street Furniture." The contract stipulates that the $25 million fee will be renegotiated if the law or policy should change. Similarly, as a result of the Chicago Transit Authority's decision to reverse its long-standing ban on alcohol advertisements, Titan Worldwide, the CTA advertising broker, guarantees a higher minimum annual guarantee.[26]

In 2012-2013, alcohol advertisements represented 5% of revenue generated for CBS Outdoor, one of the nation's largest out-of-home advertisers. In its 2013 Securities Exchange Commission (SEC) filing, the corporation listed restrictions on outdoor advertising of certain products, imposed by federal, state, and local laws and regulations, as a factor likely to have adverse effects on business. The filing specifically mentions possible alcohol advertising restrictions as a threat to profit, indicating an incentive for out-of-home advertising corporations to continue to push for alcohol advertising on the transit systems they manage.[27]

JURISDICTIONAL CONFLICTS AND LEGAL CHALLENGES

Transit advertising is an attractive means of increasing revenue, as it requires little or no expenditure by the often cash-strapped agencies and cities. Transit agencies and city and county governments primarily use out-of-home advertising sales contractors to manage advertising. These contractors, often national and global corporations, are responsible for selling ad space and posting and removing the advertisements. Many transit advertising contracts require the contractor to build street furniture such as transit shelters and benches with up-to-date advertising technology as part of the public benefit.

Transit systems do not always have jurisdiction over transit-related street furniture in the cities they serve. Street furniture such as bus shelters and benches is often under the jurisdiction of the city or county. Of the cities surveyed, only Philadelphia had banned alcohol advertising on all public property. In this case, the city and transit agency are governed by the same policy. In other cases, transit agency policy and city policy were in direct conflict.

The city of Boston has an alcohol advertising policy that is in direct contrast with the MBTA policy that completely bans alcohol ads. The same is true for Los Angeles. The City allows alcohol advertising on its bus shelters, yet recently negotiated a new bus bench contract that bans alcohol ads. Los Angeles County MTA, on the other hand, has adopted an explicit alcohol ad ban, while city bus shelters remain fair game – for now.

Another jurisdictional problem occurs when state government and regional appointments, rather than local elections, control local transit agencies. This is the case with the New York Metropolitan Transit Authority, with six gubernatorial appointees and consisting of 23 White men, one White female and one African-American man. The political will to control alcohol ads at the state and regional level is weak, and industry lobbying clout in the state capital is strong – meanwhile, New York City children suffocate in alcohol ads as they ride public transit to and from school each day.

Transit agencies, and the government bodies that directly control them, are in the strongest position to establish policies that ban alcohol ads on their systems. Municipal, county, and regional transit agencies determine their own policies on allowing alcohol ads on their own property. In choosing to contract out the management of advertising, transit agencies can require that bans on alcohol ads are included in contracts with advertising corporations. The advertising corporation voluntarily agrees to abide by the terms of the alcohol advertising ban as a precondition of the successful bid for the contract.

State governments, Congress, and the federal executive branch (the Department of Transportation) generally leave advertising decisions to the discretion of local governments and transit agencies. Yet alcohol corporations and advertising corporations periodically succeed in loosening alcohol advertising restrictions. One effective method for states and the federal government to ban alcohol advertising on transit property is to make prohibitions on alcohol advertising a precondition for transit agencies to receive transportation funding.

LEGAL CHALLENGES AND MODEL LANGUAGE

In 2008, Portland Oregon's TriMet suspended its entire advertising policy after a decision to prohibit a political ad was determined by a state appeals court to have violated the state's constitution.[28] TriMet has accepted alcohol advertising since the decision and continues to do so.[29] However, TriMet could potentially amend the advertising policy to be compliant with the court ruling and state constitution. By adopting language that clearly articulates the agency's role as a contracting proprietor selling ad space, and not as a government body establishing a general public forum for expressive activities, TriMet could reinstate its ban on alcohol transit ads.

Transit agencies, and the governments that control them, have the authority to prohibit alcohol advertising on their own property and to enforce that authority in contracts voluntarily entered into by contractors. Additionally, government can regulate commercial speech on private property, so long as the restrictions are appropriately tailored and for legitimate governmental purposes.[30] Preventing harm caused by alcohol consumption, especially in youth populations, is a compelling reason for transit agencies and governments to restrict alcohol advertising.

ADVOCACY PROGRESS IN MASSACHUSETTS

A 2009 study of alcohol advertising on the Massachusetts Bay Transportation Authority (MBTA) estimated that alcohol ads were viewed 18,269 times by Boston Public Schools student passengers during an average weekday, the equivalent of 54% of that population being exposed to alcohol advertising on their way to and from school.[31] Three years later, the Massachusetts Bay Transportation Authority (MBTA) announced that alcohol advertising would no longer be allowed on any MBTA property. The ban, which went into effect in July of that year, affected subway cars, trains, buses and stations, which were previously saturated in advertisements for beer and spirits.

The MBTA's important move came after years of scrutiny and advocacy from local community groups, including the Allston-Brighton Substance Abuse Task Force and Supporting an Alcohol-Free Environment in Massachusetts (SAFE MA). The coalition's success was due in large part to persistent lobbying efforts and a strong youth advocate component. Important allies such as former governor Michael Dukakis and the State Secretary of Transportation, Richard Davey, helped ensure success.

While MBTA's move is an important first step, advocates in Massachusetts have set their sights on a ban on alcohol advertising on all state-owned property. House Bill 851 was introduced in 2011 and reported favorably by the Committee on State Administration and Regulatory Oversight, but did not move out of the House Ways and Means Committee. House Bill 2897, also championed by Representative Martin Walsh, was referred to the State Administration and Regulatory Oversight committee in early 2013. Public health advocates and organizations in Massachusetts continue to push for its passage, and Alcohol Justice supports their community-led organizing.

LOS ANGELES ADVOCACY

An equally long campaign may soon come to fruition in Los Angeles. After several years of delays, the L.A. City Council has asked for an ordinance to be drafted to ban alcohol ads from L.A. city-owned or controlled property. Supported and pushed by the Los Angeles Coalition to Ban Alcohol Ads on Public Property, Alcohol Justice, and many other public health advocates, the ban would substantially reduce the number of outdoor display surfaces available to alcohol advertisers in the city of L.A. In 2011, the Coalition also successfully pressured the city to ban alcohol ads in its bus bench advertising contract. Current information on the Los Angeles campaign can be found at NoAlcoholAds.org.

While advocacy campaigns can be multi-year projects against the might of Big Alcohol and strong-arming advertising corporations and in the midst of perennial budget crises at the transit agencies, the results can be long-term advertising contracts or ordinances that exclude alcohol ads.

RECOMMENDATIONS

Numerous government and nonprofit organizations have recognized the role of alcohol advertising in youth drinking behavior and recommend restricting alcohol advertising to youth as a strategy to curtail youth consumption.[34-36] The American Academy of Family Practitioners (AAFP) has noted that the association between alcohol advertising and alcohol use makes it necessary to increase efforts to curb the negative effects of alcohol advertising. The AAFP recommends that federal, state, and local authorities significantly limit alcohol advertising, especially in public venues that are commonly attended by youth.[37]

Given the seriousness of alcohol-related harm in the U.S., and the significant public costs of youth and excessive drinking, local and state governments and transit agencies should enact much-needed policies to ban alcohol advertising, and enforce the existing policies that ban alcohol ads. Alcohol advertising bans on public transit systems and transit street furniture are an essential policy tool to ensure public health and safety. Communities across the country have seen success in advocating for change, and should continue to demand that policymakers take reasonable steps to protect youth from exposure to harmful advertising by the alcohol industry:

1. Transit agencies that currently accept alcohol advertising should ban alcohol advertising with formal, board-approved policy. Policies should impose steep fines for noncompliance and outline monitoring and enforcement protocols.

2. Agency policy and contract requirements should use model language such as the King County Seattle Metro Transit Division, and should consult the model language section of the Alcohol Justice Out-of-Home Alcohol Advertising Guide.

3. Transit agencies that currently ban alcohol advertising using only contract requirements, and agencies with weaker restrictions on alcohol advertising, should adopt alcohol advertising bans as agency policy. The policy can then be incorporated by reference into all present and future advertising contracts.

4. Transit agencies should to be able to confirm and document if alcohol advertising bans are in place, and if so, whether the policy is being enforced. Both the transit agency and the contracted advertising corporation should keep documentation of all alcohol advertising placed. Agencies and advertising corporations should be required to provide public access to advertising records, including alcohol corporation, digital ad images, location, duration, and revenue generated for each alcohol advertisement accepted.

5. Legislators should work to ban alcohol advertising on property that the government controls, including public transportation vehicles and street furniture; and restrict alcohol advertising in out-of-home locations elsewhere as well.

Communities should continue to demand that policymakers take reasonable steps to protect youth from exposure to alcohol advertising.

6. State legislators and Congress should pass legislation that requires transit agencies to implement policies that ban alcohol advertising on transit property as a precondition of transportation funding.

Transportation agencies should not enable alcohol advertising and promote consumption. While advocates in Boston and Los Angeles continue to wage tremendous campaigns to eliminate alcohol ads, agencies in Dallas, Allegheny County, and Chicago have elected to subject another generation of youth to ubiquitous alcohol ads. Giant advertising corporations such as CBS Outdoor, France's JCDecaux, Titan, Lamar Transit Advertising, and Clear Channel lobby hand in hand with MillerCoors and Diageo representatives to allow alcohol advertising where children play and go to school. Advertising corporations exert tremendous pressure to win contracts, and then negotiate final contracts with transit agency administrators who are helpless without state or agency board policy.

More than half of the transit agencies and cities we surveyed have done the right thing by banning alcohol advertising on their property in some way. It is legal under contract law and a smart thing to do for public health and prevention of youth alcohol consumption. It makes no sense for public transit agencies or cities to allow alcohol advertising that recoups less than 1% of their operating revenues while governments in the U.S. bear the burden of over $90 billion in annual costs from alcohol-related harm. Less than 1% of total operating revenue is just not worth all of the added risk of youth exposure to ads and alcohol-related public costs. We hope the tide of history and ongoing struggles of advocates for youth and public health can surmount the political power of Big Alcohol and global advertising corporations to suppress alcohol ads on public property, starting with transit systems.

1 Underage Drinking Costs. Underage Drinking Enforcement Training Center. http://www.udetc.org/UnderageDrinkingCosts.asp. 2011. Accessed August 21, 2013.

2 Ellickson PL, Collins RL, Hambarsoomians K, McCaffrey DF. Does alcohol advertising promote adolescent drinking? Results from a longitudinal assessment. *Addiction*. 2005;100(2):235–246. doi:10.1111/j.1360-0443.2005.00974.x.

3 Anderson P, Bruijn A de, Angus K, Gordon R, Hastings G. Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies. *Alcohol and Alcoholism*. 2009. doi:10.1093/alcalc/agn115.

4 Henriksen L, Feighery EC, Schleicher NC, Fortmann SP. Receptivity to Alcohol Marketing Predicts Initiation of Alcohol Use. *Journal of Adolescent Health*. 2008;42(1):28–35. doi:10.1016/j.jadohealth.2007.07.005.

5 Gordon R, Harris F, Marie Mackintosh A, Moodie C. Assessing the cumulative impact of alcohol marketing on young people's drinking: Cross-sectional data findings. *Addiction Research & Theory*. 2011;19(1):66–75. doi:10.3109/16066351003597142.

6 Grenard, Dent, and Stacy "Exposure to Alcohol Advertisements and Teenage Alcohol-Related Problems," *Pediatrics* 131, no. 2 (January 28, 2013): e369–e379, doi:10.1542/peds.2012-1480.

7 Saffer H, Dave D. Alcohol advertising and alcohol consumption by adolescents. Health Economics. 2006;15(6):617–637. doi:10.1002/hec.1091.

8 Hollingworth W, Ebel BE, McCarty CA. Prevention of Deaths From Harmful Drinking in the United States: The Potential Effects of Tax Increases and Advertising Bans on Young Drinkers. Journal of Studies on Alcohol. 2006;67(2):300–308.

9 Smith LA, Foxcroft DR. The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies. BMC Public Health. 2009;9(1):51. doi:10.1186/1471-2458-9-51.

10 Gentry E, Poirier K, Wilkinson T, Nhean S, Nyborn J, Siegel M. Alcohol Advertising at Boston Subway Stations: An Assessment of Exposure by Race and Socioeconomic Status. *American Journal of Public Healt*h. 2011;101(10):1936–1941. doi:10.2105/AJPH.2011.300159.

11 Moore H, Jones-Webb R, Toomey T, Lenk K. Alcohol Advertising on Billboards, Transit Shelters, and Bus Benches in Inner-City Neighborhoods. *Contemp Drug Probs*. 2008;35:509.

12 A Profile of Public Transportation Passenger Demographics and Travel Characteristics Reported in On-Board Surveys. Washington, DC: American Public Transportation Association; 2007.

13 Historical Revenue. Advertising Association of America. http://www.oaaa.org/ResourceCenter/MarketingSales/Factsamp;Figures/Revenue/HistoricalRevenue.aspx. 2012. Accessed August 21, 2013.

14 Hemphill TA. Alcoholic Beverage Industry Self-Regulation and Youth Advertising: The Federal Trade Commission Reports. Business & Society Review (00453609). 2005;110(3):321–329. doi:10.1111/j.0045-3609.2005.00018.x.

15 Top OUT-OF-HOME Spenders 2012 Outdoor Advertising Association of America. http://www.oaaa.org/ResourceCenter/MarketingSales/Factsamp;Figures/Revenue/TopOUT-OF-HOMESpenders.aspx. Accessed June 21, 2013.

16 OOH Revenue by Format. Outdoor Advertising Association of America. http://www.oaaa.org/ResourceCenter/MarketingSales/Factsamp;Figures/Revenue/OOHRevenuebyFormat.aspx. 2012. Accessed 2012 Public Transportation Fact Book. Washington, DC: American Public Transportation Association; 2012.

17 Scott MM, Cohen DA, Schonlau M, Farley TA, Bluthenthal RN. Alcohol and Tobacco Marketing. *American Journal of Preventive Medicine*. 2008;35(3):203–209. doi:10.1016/j.amepre.2008.05.026.

18 Simon M. Reducing Youth Exposure to Alcohol Ads: Targeting Public Transit. J Urban Health. 2008;85(4):506–516. doi:10.1007/s11524-008-9280-0.

19 2012 Public Transportation Fact Book. Washington, DC: American Public Transportation Association; 2012.

20 Bricker, L. R. C. (2010). Developing and Implementing a Transit Advertising Policy. *Legal Research Digest*. Retrieved from http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_lrd_33.pdf

21 Operating and Capital Improvement Budgets. Port Authority of Allegheny County. Available at: http://www.portauthority.org/paac/portals/capital/2013Budget/FY2013BudgetBook.pdf. Accessed August 21, 2013.

22 HB 1917, 83rd Leg (TX, 2013). http://www.capitol.state.tx.us/tlodocs/83R/billtext/pdf/HB01917F.pdf#navpanes=0 Accessed August 21, 2013.

23 New law clears path for DART to accept beer, wine ads. Available at: http://www.dallasnews.com/news/transportation/20130708-new-law-clears-path-for-dart-to-accept-beer-wine-ads.ece. Accessed August 21, 2013.

24 CTA To Allow Liquor Ads On Trains, At "L" Stations - CBS Chicago. Available at: http://chicago.cbslocal.com/2012/03/15/cta-to-allow-liquor-ads-on-trains-at-l-stations/. Accessed August 21, 2013.

25 Operating and Capital Improvement Budgets. Port Authority of Allegheny County.

26 Chicago Transit Authority Amends Advertising Guidelines. Chicago Transit Authority. 2012. http://www.transitchicago.com/news/default.aspx?Archive=y&ArticleId=2999. Accessed August 21, 2013.

27 CBS Outdoor. June 27, 2013. Form S-11. Available at: http://www.nasdaq.com/markets/ipos/company/cbs-outdoor-americas-inc-909728-72898?tab=financials. Accessed August 21, 2013.

28 Advertising on TriMet. TriMet. http://trimet.org/advertising/. Accessed August 21, 2013.

29 Blevins, D. Controversial ads on the sides of buses and trains. How We Roll: News for TriMet Riders. 2012. http://howweroll.trimet.org/2012/10/15/update-controversial-ads-on-the-sides-of-buses-and-trains/#sthash.R39IgL2N.dpuf. Accessed August 21, 2013.

30 Out-of-Home Alcohol Advertising A 21st Century Guide to Effective Regulation. San Rafael, CA: Marin Institute; March 2009. http://alcoholjustice.org/images/stories/pdfs/miadguide.pdf. Accessed August 21, 2013.

31 Nyborn JA, Wukitsch K, Nhean S, Siegel M. Alcohol Advertising on Boston's Massachusetts Bay Transportation Authority Transit System: An Assessment of Youths' and Adults' Exposure. Am J Public Health. 2009;99(Suppl 3):S644–S648. doi:10.2105/AJPH.2008.149906.

32 Bonnie RJ, O'Connell ME, Committee on Developing a Strategy to Reduce and Prevent Underage Drinking, National Research Council (U.S.), Board on Children Y. Reducing underage drinking a collective responsibility. Washington, DC: National Academies Press; 2004. Available at: http://www.myilibrary.com?id=17972. Accessed June 12, 2013.

33 *Global strategy to reduce the harmful use of alcohol*. Geneva: World Health Organization; 2010. http://www.who.int/substance_abuse/alcstratenglishfinal.pdf. Accessed August 21, 2013.

34 ELSA Project. The Impact of Alcohol Advertising ELSA project report on the evidence to strengthen regulation to protect young people. 2007. http://ec.europa.eu/health/ph_projects/2004/action3/docs/2004_3_16_frep_a4_en.pdf. Accessed May 22, 2013.

35 Alcohol Advertising and Youth. American Association of Family Physicians. http://www.aafp.org/online/en/home/policy/policies/a/alcoholadvertising.html; accessed May 21, 2013.

VISION	We envision healthy communities free of the alcohol industry's negative impact.
MISSION	We promote evidence-based public health policies and organize campaigns with diverse communities and youth against the alcohol industry's harmful practices.
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