



BEER INSTITUTE

BI UPDATE

October 2007

Class Action Litigation – We continue to be successful in defending the class action law suits filed against the Beer Institute and numerous industry members. On October 25th, the Wisconsin Court of Appeals issued a decision upholding dismissal of the class action lawsuit filed in that state. As in all of the cases, the plaintiff in Wisconsin was a parent seeking to recoup funds spent by her underage children to illegally procure alcohol beverages. She purported to represent all individuals in Wisconsin, who had been parents of children under the legal drinking age from 1982 forward. The appeals court decision stated that she failed “to demonstrate that a parent who provides funds for support suffers a compensable injury if the child receiving them then spends them on something other than their intended purpose.” This positive development adds to favorable appellate decisions from the District of Columbia, Colorado, and the U.S. Sixth Circuit Court of Appeals, which consolidated separate cases filed in Michigan and Ohio. Plenty of activity remains ahead in this litigation. Motions to dismiss by the BI and other defendants are still pending in U.S. District Court in North Carolina. Oral argument in the West Virginia case pending before the 4th Circuit Court of Appeals is scheduled for the first week in December. The plaintiffs’ attorneys have filed a petition for certiorari with the U.S. Supreme Court requesting review of the decision of the Sixth Circuit Court of Appeals. The plaintiffs have also indicated that they are planning to appeal the recent Colorado intermediate appellate court decision to the Colorado Supreme Court.

Drunk Driving Hearing – On October 25, the Senate Environment and Public Works Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality held an oversight hearing on the “Effectiveness of Federal Drunk Driving Programs.” Witnesses included The Honorable Thomas J. Barrett, Deputy Secretary U.S. Department of Transportation, The Honorable Mark Rosenker, Chairman, National Transportation Safety Board, and Mr. Glynn Birch, National President, Mothers Against Drunk Driving. The hearing was focused predominately on drunk driving counter measures, including ignition interlocks, which the panelists believe are effective in reducing drunk driving. The potential for federal sanctions on states to require ignition interlocks under particular circumstances was discussed, with varying support from the panelists and the Senators in attendance. During the course of her questions to witnesses, full committee Chairwoman Sen. Boxer (D-CA) asked what the harm would be with having an ignition interlock in every car or requiring offenders to keep the devices on the car “forever.” Most panelists also expressed support for the current 21 minimum drinking age law. For copies of the witnesses’ testimony or other information on the hearing, please contact Rick Goddard or Liz Tobin at BI.



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WBA – The Worldwide Brewing Alliance, made up of the beer trade associations in Australasia, Canada, Europe, Latin America, Japan, Russia, and the United States, held its annual conference October 17-18 in Halifax, Canada. Trade association staff and member-company representatives discussed common issues, challenges, and opportunities such as WHO activity on alcohol policy, labeling, advertising self-regulatory codes, taxation, and customs classifications. Over the past two years, BI staff has markedly increased its communication and coordination with its international trade association counterparts to better serve BI members.

Corporate Sponsorship Award – At the October 19 Washington Regional Alcohol Program (WRAP) 25th anniversary event, Beer Institute received a WRAPPY Corporate Sponsorship Award for the fourth consecutive year. Other Corporate Sponsorship Award recipients included AT&T Wireless, GEICO, and Exxon Mobil. Also at the event, Anheuser-Busch and its local distributors were presented with the Corporate Partnership Award for the seventh straight year. WRAP is an award-winning public-private partnership working to prevent drunk driving and underage drinking in the Washington-metro area. Among its programs is SoberRide, a free cab-ride service to adults who may have had too much to drink on high-risk holidays. Since 1993, WRAP has provided more than 38,000 safe rides home through its SoberRide program.