



Critics say reclassifying malt beverages could curb under-age drinking, but industry groups say the focus should be blocking access to alcohol.

## Drinks With Youth Appeal Draw Growing Opposition

By CAROLYN MARSHALL

SACRAMENTO — Three years ago, at the age of 15, Jimmy Jordan says, he got his first taste of what it was like "to be cool and fit in." While watching a video with friends, a buddy urged him to try a Smirnoff Ice, one of dozens of flavored alcoholic beverages that look and taste like soda but offer the kick of a cocktail.

"It tasted like a Sprite with a splash of 7-Up," said Mr. Jordan, now a senior at Elk Grove High School near here. "It didn't taste at all like alcohol."

Health researchers say that is one reason products like Mike's Hard Lemonade, Bacardi Silver and Zima have become popular with young drinkers, especially girls, who often dislike the taste of alcohol but are curious about it.

Opposition to the beverages, in turn, is gaining momentum. Critics, including youth counselors and state lawmakers, say the products are contributing to under-age drinking.

"These drinks are a transitional, training beer," said Jim Kooler, the administrator of California Friday Night Live, a state-sponsored group that promotes healthy lifestyles for teenagers. "They represent an insidious strategy to get teens comfortable with alcohol."

With guidance from Dr. Kooler, several youth groups in California have asked the State Board of Equalization, which taxes alcoholic beverages, to adopt stricter rules for drinks that contain distilled spirits but are sold and taxed as beer.

Maine has already reclassified the drinks, commonly known as alcopops and flavored malt beverages, as hard liquor. There are proposals to do the same in Arkansas, Illinois and Nebraska. The California board is holding a series of public hearings, including one in May, that could lead to new restrictions by the end of the summer.

If the drinks in California were reclassified as hard liquor, they would become more expensive (the tax would jump to \$3.30 a gallon from 20 cents a gallon) and more difficult to buy (they would no longer be sold in the state's 24,000 convenience stores).

"The price will go up, and that will make it harder for kids to afford," said Mr. Jordan, the high school student, who is among a dozen youth leaders pushing for the changes.

Opponents of the effort in California, including small-business owners, the Flavored Malt Beverage Coalition and other industry groups, argue that the debate about the drinks is surrounded by "significant misconceptions," in the words of Gary Galanis, a spokesman for Diageo, one of the world's largest alcohol manufacturers and the maker of Smirnoff.

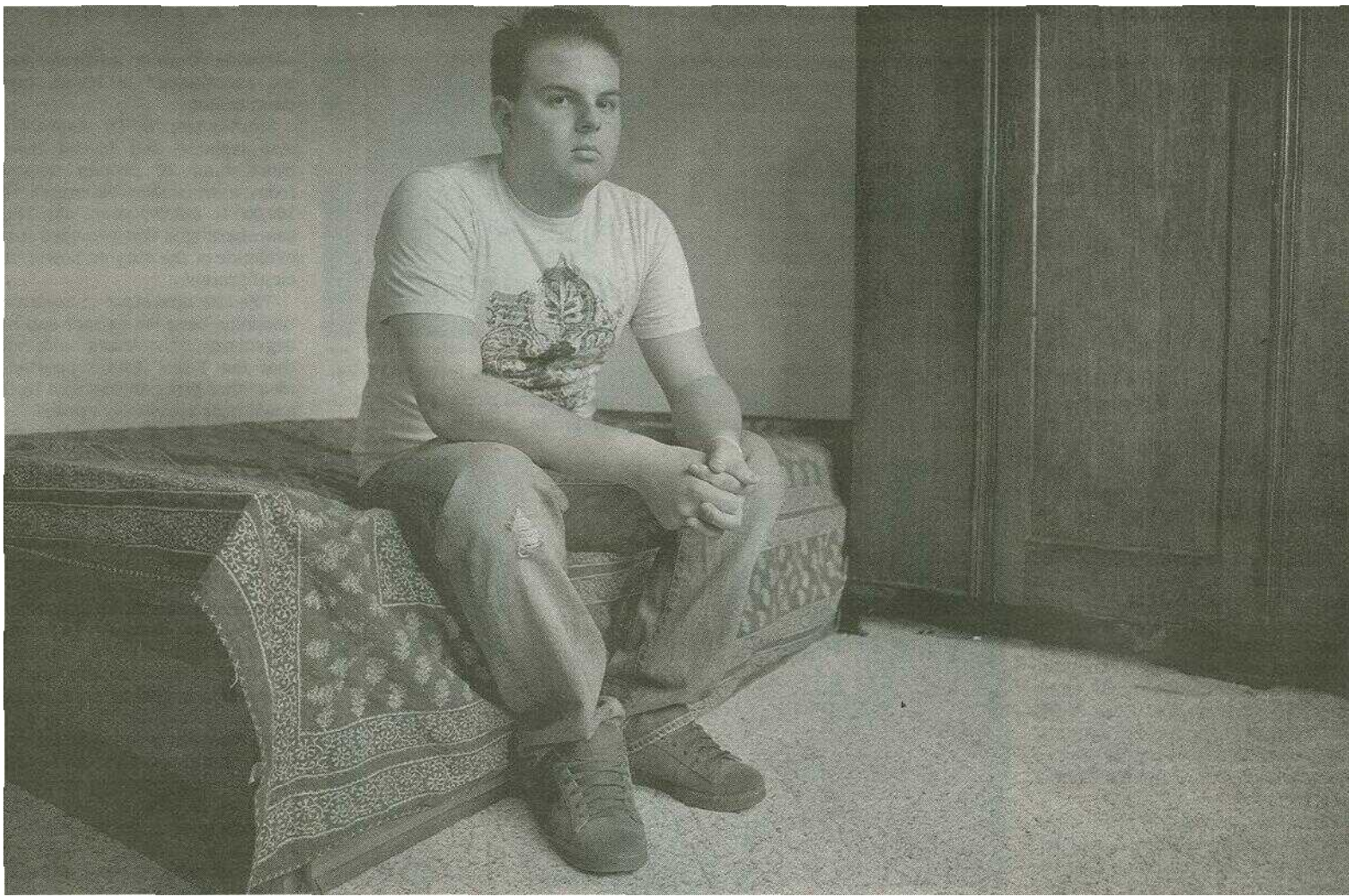
Mr. Galanis and others say flavored malt beverages are roughly as potent as beer, containing 5 percent to 7 percent alcohol per volume compared with 4 percent to 6 percent in beer. The drinks come from brewing not distilling, he said, and the alcohol in the beverages stems from added flavoring, not hard liquor.

"There is no reason to change the definition of the product," Mr. Galanis said.

But Jim Mosher, a lawyer with the Pacific Institute for Research and Evaluation, an independent public health group that studies under-age drinking, said the arguments offered by the industry were "nonissues under the law."

"If beer has alcohol in it, it's a distilled spirit," Mr. Mosher said. "It doesn't matter what you start with. You look at the end product."

Flavored alcoholic drinks have been sold for decades, with wine coolers greatly expanding the market in the 1980s. Producers moved from wine to beer bases in the 1990s with



Photographs by Max Whittaker for The New York Times;

my Jordan, a high school senior in California, is campaigning against beverages known as alcopops that are popular with young drinkers.



aking to a state board in February, Elianna Yanger, 17, of California lay Night Live, said that similar packaging of an energy drink, left, I a malt beverage showed an effort to market alcohol to teenagers.

d lemonades and teas that often added flavorings containing alco-

Federal Trade Commission re- in 2003 found no evidence that industry had intentionally fo- ed on minors, but many parents other critics have complained ut the advertising.

Everything about the product, its ;ement, color, name, targets is," said Steve Powell, whose ghter Alix, 14, participates in the

anti-alcopop campaign in California.

The federal Department of Health and Human Services estimates that more than 10 million Americans under age 21 drink alcohol. A federally financed survey by the University of Michigan of 50,000 students at more than 400 schools found that 26.8 percent of eighth graders, 48.8 percent of 10th graders and 54.7 percent of 12th graders drank one or more alcopops in 2006.

At McClatchy High School here in

## Concerns about under-age drinking are fueling campaigns for new restrictions.

Sacramento, several Students acknowledged that drinking was common but they described alcopops as the drink of last resort.

"Most high school students drink with a purpose: to get drunk," said Nina Hankard, 17, a senior. "Alcopops are not very effective unless you are a lightweight."

She and several other girls said teenagers prefer shots of whiskey or vodka, chased with soda.

Julia Jones, 17, said drinking a syrupy beverage seemed counterproductive.

"Personally, I want to get the drinking part over with," Ms. Jones said. "You want something fast. It's not about walking around, nursing a drink."

Ms. Hankard said her earliest experience with drinking involved an alcopop. But the drink was not exactly a stepping stone.

"Kids don't need a transfer drink," she said. "They are going to go to hard liquor anyway. It's not like we need to be trained."

The alcohol industry says the real

problem with under-age drinking is access to alcohol, not alcopops. In March, the Distilled Spirits Council announced a public relations campaign directed, in part, at adults.

"The numbers show under-age drinkers get the alcohol from siblings over 21 or parents," Mr. Galanis said. "We have to work with them."

To that end, Diageo has actively sponsored legislation in 20 states Mr. Galanis said, and bills have passed in Arizona, Colorado and Virginia. The bills are intended to penalize adults who provide alcohol rather than to further regulate the product.

But the industry has been unsuccessful in California, where Gov. Arnold Schwarzenegger vetoed a bill in 2005 that would have defined the alcopop as beer. Heated public debates continued in 2006 but the industry gained little traction. Two new bills against alcopops were introduced in February.

Meanwhile, the student petitioners, including Mr. Jordan, are preparing for a Board of Equalization hearing in May.

"I've told the kids it's an uphill battle and they may not win," said Di Kooler, the Friday Night Live administrator. "But there's a lesson either way: sometimes you don't win in politics, even if you're fighting the good fight."