



Christian Life Bulletin

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Public Hearings Held by Congressional Committees on Liquor Advertising

The Interstate and Foreign Commerce Committees of the U. S. Senate and House of Representatives held public hearings at Washington February 15-16 on bills to ban the interstate advertising of alcoholic beverages. The two identical bills are S. 923 introduced by Senator William Langer of North Dakota, and H. R. 4627 introduced by Congressman Eugene Siler of Kentucky. Senator Warren G. Magnuson of the state of Washington is the chairman of the Senate committee. Congressman J. Percy Priest of Nashville, Tennessee is the chairman of the House committee.

Thirty-two witnesses appeared before each committee in support of the legislation. They represented various denominations, state and national temperance organizations, educational associations and other groups working for the public welfare. The hearings were held in the caucus rooms of the Senate and House office buildings with seating capacities of 300. All seats were taken and many stood around the walls for most of the day.

We give below a brief report on some of the witnesses and their testimony:

Dr. Duke McCall pointed out that the liquor business is not a normal business enterprise. The liquor industry is in business only under the "exercise of legal privilege," he stated. "The product sold is both toxic and non-essential and its sellers pursue no altruistic objective." He showed that under this legal privilege the beer and wine industries used illegal methods through interstate advertising media: (1) In violation of the Federal Communications Act which declares "that a license issued under the act should be used in the light of the public interest." Certainly by no stretch of the imagination can it be said that the ravages of beverage alcohol within our society are in the public interest. (2) In violation of the spirit and purpose of the 21st Amendment. "The purpose of that amendment," he said, "was to give the states control over the sale of alcoholic beverages. The facilities of interstate commerce are subject to the authority of the Federal government. The states have no adequate method of preventing advertising that originates outside their territory." Nor do the dry areas within the states have power to prohibit the invasion of advertising to induce sales in violation of the people's mandate.

Dr. W. R. White said, "No form of advertising is more misleading than the advertising of intoxicants. It is glamorized far beyond that which the facts will justify. . . . It is more than illegitimate advertising. It is designed propaganda. . . . It ruthlessly disregards the rights and expressed wishes of many people. For instance 142 counties in Texas have voted to make illegal all forms of intoxicants. There are 82 partly dry counties and only 80 (out of 254) are all wet. Liquor ads are beamed into all alike." Additional evidence on this illegal invasion of dry territory was brought by:

Walter C. House of Kentucky who showed that 80% of the geographical area of his state was dry. This represented 62% of the population. "This is rather significant," he commented, "in a state that makes over half of the distilled liquors produced in this country."

Clayton M. Wallace, the Executive Director of the National Temperance League, submitted evidence to show that the radio and television interstate broadcasting interests of the nation were subservient to the brewing industry. "Millions of people in America," he concluded, "believe it is not in the public interest that the broadcasting facilities of this nation be 'willing servants' of the beer industry."

Sam Morris brought irrefutable evidence on the point raised by Mr. Wallace and others. His testimony was direct and well-substantiated. He was interrogated by members of the committee for more than an hour in their effort to get evidence of discriminatory practices by radio and television broadcasters. Mr. Morris submitted a very effective and well-prepared statement on "Liquor Advertising and Juvenile Delinquency."

Dr. Caradine Hooton, the Executive Secretary of the Methodist Board of Temperance, gave a well-informed and effective statement in which he said, "Among the sixty-five millions who are now drinking legalized intoxicants the damage done to human personality is measured in part by the unprecedented increase in alcoholism, crime and delinquency. One of the principal factors in this dismal record is the wide-spread acceptance and toleration of alcohol which advertising has made so attractive."

Reports on the testimony of other witnesses will be given in subsequent issues of the *Christian Life Bulletin*.

Statement to the
Senate Interstate and Foreign Commerce Committee
and to the
House Interstate and Foreign Commerce Committee
in public hearings on S. 923 and H. R. 4627
Washington, D. C., Feb. 15-16, 1956
submitted by A. C. Miller, 127-9th Ave., N., Nashville 3, Tenn.

As the Executive Secretary of the Christian Life Commission, an agency of the Southern Baptist Convention, I am authorized to appear before your committee by a resolution passed by the Convention in its annual session of 1954 and by a sustaining resolution in the annual session of 1955.

We submit two statements in support of the legislation as represented in S. 923 and H. R. 4627. First, that the interstate advertising of beverage alcohol is not in the interest of the public welfare; and second, that the nature and effect of beverage alcohol is such that those who offer it for sale should be legally forbidden to advertise it on the basis of analogous restrictions in the Federal Trade Commission Act.

I. The Interstate Advertising of Beverage Alcohol is not in the Interest of the Public Welfare.

* 1. *It is not in the interest of the welfare of the American home.*

a. The interstate advertising of alcoholic beverages by the liquor and brewing industries of America has made its appeal and has had for its objective the widespread use of beverage alcohol in the American home with the result that beverage alcohol has been the major factor in the break-up of home and family life over the nation.

b. From divorce proceedings comes the judicial opinion that no other single problem is responsible for as extensive and complex divorce litigation as that arising out of the consumption of liquor.

c. This disruption of family life and the many homes broken by the use of beverage alcohol has brought to our nation an increasing number of dependent and delinquent children.

d. Reports from Courts of Domestic Relations show that mothers who abandon their children have with rare exception become a part of the growing army of alcoholics.

e. The latest report of the Juvenile Protective Association of Chicago states that the use of beverage alcohol was a contributing factor in 50% of the family welfare cases where children needed protection.

2. *The interstate advertising of beverage alcohol is not in the interest of American business.*

a. Reports from the Yale School of Alcoholic Studies show that in American industry over one billion dollars is lost annually because of alcoholism. 19% of all absenteeism in industry is due to alcoholism. Wage losses alone amount to 432 million dollars each year.

b. In addition to these tangible losses, there were enormous losses from decreased production due to hangover and fatigue, the cost of accidents caused by alcohol and the loss in training investment.

c. These facts show a frightful waste and reveal a much greater waste in talent and creative ideas.

3. *The interstate advertising of beverage alcohol is not in the interest of public health.*

a. Three national health groups and the WHO show that alcoholism is 5.5 times more prevalent than cancer, 3.2 times more prevalent than tuberculosis, and 102 times more prevalent than polio.

b. WHO points out that in addition to our 3,876,000 confirmed alcoholics there are over 3,000,000 extra heavy drinkers who are falling into the chronic alcoholic class at the rate of 250,000 annually.

c. If alcoholism is a disease, then it is the only disease in which the carrier of the causative agent is permitted by the government and its spread encouraged by legal protection.

4. *The interstate advertising of beverage alcohol is not in the interest of the public safety on our highways and airways.*

a. Facts scientifically established by the Yale Studies show that after a few drinks the judgment starts slipping, the inhibitions and restraints relax, the reflexes begin to slow, the vision is impaired and coordination and timing are retarded.

b. The above effects are bad enough but in addition a false confidence develops making driving doubly dangerous.

c. It is the drinking driver and not the drunken driver that is responsible for the liquor caused wrecks on our highways.

d. We protest the distribution and use of alcoholic beverages aboard public air conveyances believing it is not conducive to the safe operation of airplane traffic.

5. *The interstate advertising of alcoholic beverages is detrimental to national morality.*

a. Numerical statistics do not reveal the full results of the use of beverage alcohol on the home and family life of the nation. The tragic results go deeper than figures can probe. This narcotic drug is the active agent in the conflict and the disintegration deep within the heart of our spiritual and social culture.

b. Professor Arnold J. Toynbee in his book, "A Study of History" lists several causes for the disintegration of human cultures. In his later book "Civilization on Trial" he says that "alcohol is one of the chief agents of this disintegration."

c. In this connection we must heed the warning given in the Book of the ages: "Righteousness exalts a nation, but sin is a reproach to any people."

II. *The Nature and Effect of Beverage Alcohol is Such That Those Who Offer It for Sale Should be Legally Forbidden to Advertise It On the Basis of the Precedents Set by Comparable Restrictions in the Federal Trade Commission Act.*

1. By analogy to the Trade Commission Act we affirm that any advertising is false that represents or suggests by word or implication that beverage alcohol is a stimulant. It is a narcotic drug and a depressant.

2. In like manner we affirm that any advertising of an alcoholic beverage is misleading that fails to reveal the facts material with respect to the effect and consequences which may result from its use. (Federal Trade Commission Act—Section 55 a)

SUMMARY:

1. The highly specialized technique of modern advertising has stimulated the demand for the use of beverage alcohol far beyond what we believe would have been its normal development. This widespread use of beverage alcohol has not been for the best interest of the American home, American industry, the public health, the public safety and for private and public morality. We conclude that this extensive development in the use of beverage alcohol is not in the interest of the public welfare.

2. On the basis of the nature and effect of alcohol as used in alcoholic beverages, and in keeping with the spirit and meaning of the definition of the term "false advertising" as set forth in the Federal Trade Commission Act, we believe that an analogous situation exists in the interstate advertising of alcoholic beverages. We conclude that such advertising should be forbidden by act of Congress.

We respectfully ask for your approval and support of the legislation now under consideration in this hearing. We thank you.

SUMMARY OF RUN-OF-THE-PRESS ADVERTISING

As reported by Rellly-Lake Shore Electrotpe, Chicago
September, 1953 to October, 1955

The 10 Major Product Advertisers	Total Lines Used	Percentage of Total
1. & 2. Alcoholic Beverages (Beer and liquor combined)	16,018,692	28.4%
3. Gas and Oil	9,414,963	16.7%
4. Baking Products	9,356,122	16.6%
5. Automobiles	5,832,773	10.4%
6. Dairy Products	3,957,265	7.0%
7. Coffee and Tea	3,918,193	6.9%
8. Meat, Fish and Poultry	3,070,832	5.5%
9. Soft Drinks	2,590,791	4.6%
10. Miscellaneous Groceries	2,236,925	3.9%

VIEWPOINTS

The Legal Control of Advertising

Can the advertising by a legal business be legally restricted or forbidden? It is easy for us to be misled on this question. It seems logical and right to say, "If a business is legal under the law of the land, then it has the right to advertise its products for sale." That is exactly the argument now being made by the producers and sellers of beverage alcohol. We too often accept it in a spirit of surrender and futility. Why should we be taken in?

There is a very informing book on this question entitled "Unfair Trade Practices,"* that gives cases, comments and materials on unfair trade practices and trade regulation in the United States. I suppose it may be seen in almost any standard law library. One will find in this book accounts of court proceedings which have restricted the trade and advertising of the most reputable firms. It is simply not true that any legal business has the right to advertise in its own way. Appendix 4 in this book gives the Federal Trade Commission Act. Sections 52, 53 and 54 of this Act deal with restrictions that are imposed on advertising. Section 55 (a) defines "false advertisement" as follows:

"The term 'false advertisement' means an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates under the conditions prescribed in said advertisement, or under such con-

ditions as are customary or usual. No advertisement of a drug shall be deemed to be false if it is disseminated only to members of the medical profession, contains no false representation of a material fact, and includes, or is accompanied in each instance by truthful disclosure of, the formula showing quantitatively each ingredient of such drug."

The above defines an advertisement as false if it is misleading not only in what it says but also if it "fails to reveal" the facts with respect to "consequences which may result from the use of the commodity to which the advertisement relates."

It may be that the provisions in the *Food, Drug and Cosmetic Act* and the regulations in the *Federal Trade Commission Act* do not apply to this unique narcotic drug called alcohol, but we do know that alcohol is a poisonous and narcotic drug which should be recognized by Congress and laws enacted to forbid the advertising of this injurious product by media under federal control. **"Unfair Trade Practices"* by S. Chesterfield Oppenheim, published 1950 by West Publishing Company, St. Paul, Minn.

Tracts Available

"Alcoholism—Disease or Devil," by James C. Furman, Executive Secretary of the United Tennessee League. \$1.00 per 100 plus postage.

"I Make My Commitment," by C. Aubrey Hearn. \$1.00 per 100 plus postage.

"At Ease in Zion," by Duke K. McCall. Free, postage extra.

Commitment Card—a folder to be signed and kept by the one signing and with perforated tab to be kept by the church. Free in small or large quantities, postage extra.

Order direct from the Christian Life Commission, 161 8th Ave., N., Nashville, Tenn.

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OF THE SOUTHERN BAPTIST CONVENTION
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