

## IN ALL FAIRNESS

### Exploiting Beer, Liquor & Food

We are now in the early stages of a sadly familiar regulatory and judicial farce. Long-standing alliances of sue-and-regulate ideologues, politically ambitious state attorneys general, and hungry lawyers are targeting beer, liquor, and food companies for an all-out assault. They're also casting America's advertising industry as manipulators bent on brainwashing youth into making the wrong choices. With straight faces, these voices of adult wisdom claim to be acting for the sake of children, but they're really just advancing their own special interests.

Brewers and distillers are among the most regulated businesses in America. Most prominently, state laws prohibit minors from purchasing their products. Yet, some state attorneys general have taken it upon themselves to investigate the effect of beer and liquor advertising on underage drinking. Shouldn't those resources be focused instead on better enforcing laws already on the books?

Meanwhile, the food industry is becoming nearly as vilified as the alcohol industry. Naderite groups like the Center for Science in the Public Interest and sympathetic politicians scheme for new federal limits on advertising by food companies. A federal appeals court in New York has even reinstated the infamous lawsuit that two super-sized teenagers brought against McDonald's.

The incidence of childhood obesity supposedly justifies all this infringement on personal choice and free speech. But there isn't a shred of reliable evidence that, for instance, TV ads make children obese. Children today do watch plenty of TV — but that's been true for the past half-century. Indeed, a Nielsen Media Research study determined that when ad dollars are adjusted for inflation, food and restaurant advertisers actually spent less on TV ads in 2003 than they did a decade earlier. What's more, the number of food ads seen by children under 12 fell during this period. In other words, obesity is going up while advertising isn't.

Do attacks on advertising of disfavored products make Americans any healthier? The reality is that Americans can combat childhood obesity and underage drinking only with parental oversight and better law enforcement.

It's fair to ask — is any of this really about health at all? Consider that after decades of pageantry, the professional activists haven't stopped Americans from choosing to smoke. But now there is an odd harmony because plaintiffs' lawyers collect their lucrative lawsuit fees and higher than ever smokers' taxes continue to flow into government coffers.

Unless companies and their customers stand up to the special interests now, lawsuits and sin taxes will leave them to foot the bill every time they choose to buy beer, liquor, and food. That's a high price for all of us to pay to keep the ideologues and the trial lawyers happy. The neo-Prohibitionists may say they're crusading on behalf of children, but they're really just reaching into the wallets of grown-ups.



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*In All Fairness* is produced through WLF's Civic Communications Program.

WLF's Civic Communications Program publishes "In All Fairness" in the national edition of the New York Times. The op-ed feature reaches over 5 million readers in 70 major markets, as well as a diverse group of thought leaders, decision makers, and the public.

THE NEW YORK TIMES OP-ED MONDAY APRIL 25, 2005