



Title: Access to Confidential Alcohol Industry Documents: From 'Big Tobacco' to 'Big Booze'

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Abstract

BACKGROUND:

Internal tobacco industry document searches have led to the discovery of hitherto unpublished documents that provide insights into the drinks industry. The documents uncover key concerns and strategies for the drinks industry with focus on the Miller Brewing Company and the Beer Institute.

METHODS:

The identification of the Philip Morris 1996 CEO Issues Book from the tobacco document archives led to a systematic search for alcohol-related documents. The search was conducted by entering alcohol-related terms into search fields of tobacco document archive sites available on the World Wide Web

RESULTS:

Key areas of concern for the Miller Brewing Company, the Beer Institute, and more broadly, the alcohol industry include developments of legislative and regulatory controls such as tax increases, advertising restrictions and blood alcohol content lowering and public perceptions of harms relating to drunk driving, binge drinking and underage alcohol consumption. Strategies proposed by the Miller Brewing Company and the Beer Institute to combat these concerns include ally development and maintenance and the promotion of personal responsibility.

CONCLUSIONS:

These once confidential internal documents provide new evidence on the drinks industry's concerns about possible alcohol control measures and the strategies used to help overcome these concerns. The



document findings justify the public health community's cynicism about the alcohol industry while providing a new source of information to assist development in the regulation and control of the drinks industry.

Keywords: alcohol, tobacco, industry strategies, policy, regulation

Introduction

Many recent advances in tobacco control can be credited to the 1998 Master Settlement Agreement (MSA) [1]. The MSA required that millions of previously internal tobacco industry documents were to be made publicly available, enabling tobacco control researchers and advocates to uncover strategies employed by the tobacco industry. Public health advances assisted by internal documents include tobacco control through increases in tobacco taxes, bans on smoking in public places and bans and restrictions on marketing and advertising of tobacco products [2].

There is no MSA for the alcohol industry, so its internal documents are not readily available. Recent document searches conducted by the Western Australian Tobacco Document Searching Program have identified unpublished documents providing insights into the drinks industry. Access to these internal alcohol documents, through the tobacco document archives, can be used to identify alcohol industry targets and strategies for health advocacy.



Philip Morris (PM), which controls one of the world's largest tobacco companies and Kraft foods, purchased the Miller Brewing Company (MBC) in 1970 [3,4]. MBC merged with South African Breweries in 2002 [4,5]. PM involvement with MBC has provided a gateway through the tobacco document archives for access to alcohol industry information. The discovery of the 1996 [6], 1998 [7] and 2000 [8] PM CEO Issues Books from the tobacco archives offers access to information on the policies of the company's tobacco, food and alcohol divisions. The Issues Books were prepared by PM for use by the company CEO at annual general meetings, where questions may be asked about any aspect of the company's operations, and set out the company's positions on key business and policy matters. These documents are comprehensive and highly detailed, providing unique insights into the company's views, policies, areas of concern and responses to possible criticisms.

Further access to alcohol industry documents has been enabled through the archives, and includes related industry groups, such as the Beer Institute (BI) [9]. The MBC along with other major American brewers joined the BI when it was formed in 1986 [10]. "The Beer Institute will operate at the Corporate Affairs level of the participating breweries with a particular focus on federal legislative/regulatory matters and public policy issues surrounding alcohol abuse" [10].

The CEO Issues Books and other documents from the tobacco archives outline key concerns and strategies as documented by the alcoholic drinks industry, with particular emphasis on PM and the MBC. This paper summarises the major concerns of the MBC and describes some of the strategies used by MBC and the BI.



Methods

An initial search of tobacco documents identified the 1996 CEO Issues Book [6]. The industry documents have been made available on the internet as a result of the MSA in 1998 [1]. The Issues Book consists of question and answer scenarios relating to PM tobacco products, Miller Beer and Kraft Foods. This document find prompted the search for more recent editions of the Issues Books, identifying the 1998 [7] and 2000 [8] versions. These documents were located by entering 'CEO Issues Book' into the Philip Morris Document Site.

A comprehensive search of the tobacco archives was conducted to uncover further alcohol-related documents. Several document searching manuals and guides were consulted to inform the procedure [1,11-13]. A keyword search matrix was developed to manage document findings by recording searched keywords and the number of retrieved documents. The Phillip Morris Document Site; British American Tobacco Documents Archive; and the Legacy Tobacco Documents Library were searched. Initial keyword search terms included 'Beer', 'Alcohol', 'Miller' and 'MBC'. A snowball searching method was used to determine secondary search terms from documents uncovered in the primary search. These included 'Beer Institute', 'Distilled Spirits Council' and names of individuals and consecutive Bates (reference) numbers. Document searching was conducted between October 2007 and February 2008.

Of the 156 documents collected and evaluated from this search, 22 were relevant to alcohol industry concerns and policy. All relevant documents were recorded in the keyword search matrix and printed for



further review. Document content was read line-by-line and interpreted for recurring words and emerging themes. Two main themes emerged: legislative and regulatory controls, and health and social implications. A number of sub-themes were identified to categorise the documents further. Additional documents retrieved from online journal databases and organisation websites were integrated to complement the industry documents and provide further context to alcohol specific issues.

Results

INDUSTRY CONCERNS

A common theme among the identified documents was concern about alcohol being on the public health agenda. A 1987 letter from Dr Sharon Boyse (Senior Advisor, British American Tobacco) to the Tobacco Advisory Council, an industry trade and lobbying group, recognised that the alcohol industry was beginning to attract attention from the public and the medical profession [14]. A five year plan devised by MBC (1992–1996) reflected these concerns. This document acknowledged a movement of social attitudes toward the moderation of consumption of alcohol, along with growing “neo-prohibitionist legislative sentiment” [15]. Predictions included continued pressure to increase excise taxes, extend warning label requirements and increase advertising restrictions [15]. A 1998 document from the PM archives claimed reformers against “Big Tobacco” were now targeting “Big Booze” [16]. Similarly, a 1998 MBC ‘Environmental Assessment’ suggested alcohol was the next likely target with “lots of money available for tobacco, so activists may re-dedicate state and philanthropic money to alcohol” [17]. The document contained a list of “Arguments that could lead to increased regulation of alcohol” [17]. These included



underage drinking, drunk driving, alcohol abuse, alcohol as a gateway drug, domestic violence and crime, packaging issues, sales restrictions and reductions in alcohol content [17].

Concerns and strategies delineated by MBC are highlighted in the PM CEO Issues Books [6-8]. The documents emphasise key threats identified by PM to its tobacco, beer and food divisions. Key alcohol-related concerns included: proposed legislative and regulatory controls such as tighter restrictions on advertising, marketing and sales; strong enforced labelling including health warnings; blood alcohol content lowering; and measures to increase taxes and legal drinking age [6-8]. Further concerns stem from community, health and social issues and pressure from health groups regarding harms from product use. These included underage drinking, “binge drinking” [sic], drunk driving, alcohol abuse and domestic violence [6-8].

LEGISLATIVE AND REGULATORY CONTROLS

Alcohol taxation policy and other regulatory measures can have major implications for public health [18]; however, it is difficult for governments to act in the public interest due to the nature of vested interest groups in the modern market economy [18]. The alcohol industry relies on risky alcohol consumption by consumers to ensure maximum profits [19]. Any regulation of alcohol products would decrease revenue for the industry. Health groups and governments have advocated for and introduced legislative and regulatory controls to regulate the sale and consumption of alcohol, and to minimise harms resulting from risky alcohol use. These moves towards stronger controls have encouraged internal collaborations between the PM divisions. Worldwide Regulatory Affairs (WRA) a branch of the PM Company was responsible for addressing “matters of legal, regulatory or legislative significance, scientific and factual



question and public relations issues” [20]. The overall approach by WRA was “...to fight aggressively, with all available resources, against any attempt, from any quarter, to diminish our ability to manufacture our products efficiently, and market them effectively” [21].

Partnerships and consultation between alcohol, tobacco and allied companies have also assisted in the development of industry strategies to resist legislative and regulatory measures [15, 21]. To counter advertising and labelling regulations, the MBC five year plan (1992-1996) intended to “coordinate response efforts to proposed restrictions with the entire alcohol beverage industry. These joint efforts will stress alcohol education programs and messages so as to develop public policy from a framework of education and responsible drinking, as opposed to one of control” [15].

TAX INCREASES

PM and MBC appear to be especially concerned about and opposed to tax increases on beer products. Tax increases result in increased product price and potentially affect sales and profits for the manufacturer [22]. A number of studies show that tax increases on alcohol products are effective in regulating availability [23, 24] and reducing consumption [22, 25]. Among strategies in the PM documents to resist proposed tax increases, MBC argue that alcohol-related problems only occur among a small minority of “problem drinkers” [26]:

The social costs of dealing with alcohol abuse, alcoholism, drunk driving and alcohol-related violence are mounting. Would Miller support higher alcohol beverage taxes to



fund such programs? Miller opposes excise tax increases based on social costs. Our industry is already paying its fair share of government coffers...Since the majority of people who drink do so responsibly, it is unfair to penalize the majority to pay for the actions of a few [8].

The documents also show that PM and MBC employ counter-arguments couched in terms of social equity to divert attention from legislative and regulatory controls. For example, in relation to delaying tax increases, a PM argument in the 1996 CEO Issues Book asserts that excise taxes are regressive and “fall heaviest on middle and lower income taxpayers” [6]. Similarly, a 1991 MBC document proposed that excise taxes force a “disproportionate burden upon those least able to afford it” [15].

To further combat pressures of tax increases, MBC worked with allied industries: “We will oppose excessive tax increases by combining our efforts with various beer/alcohol beverage organizations, such as the Beer Institute and the National Beer Wholesalers Association, as well as grass roots organizations” [15].

ADVERTISING AND MARKETING

Advertising and marketing restrictions also threaten alcohol industry sales. There is evidence on the association between alcohol advertising and drinking intentions and behaviours [27], and that exposure to alcoholic beverage advertising increases consumption among young people [28].



The CEO Issues Books each contain discrete sections dedicated to advertising issues. The sections are divided into beer, tobacco, food and other categories relevant to advertising. The ‘beer issues’ include question and answer scenarios relating to ethnic marketing, advertising restrictions, product placement, sports marketing and underage appeal [6-8].

As part of PM’s defence of advertising, a recurring theme is reference to the US First Amendment for protection against advertising restrictions on both alcohol and tobacco products. “Truthful advertising about legal products is protected by the First Amendment” [29]. PM’s position on advertising restrictions on alcohol is:

What about proposals to restrict advertising? Numerous credible studies conclude that advertising does not cause alcohol abuse; therefore ad bans will not stop it. Studies conducted by government and independent researchers conclude advertising affects brand performance, not consumption or abuse [8].

The BI claim that alcohol advertising “does not cause alcohol abuse or underage drinking. Contrary to what some believe, there is no evidence to support that link” [30]. The Distilled Spirits Council of the United States (DISCUS) also maintains that “there is no direct linkage between exposure to alcohol ads and the total consumption of alcohol beverages” [31]. DISCUS further states: “The economic effects of a



restrictive ban on alcohol advertising would be discriminatory and would adversely affect the legitimate right of an industry, which maintains a good record of social responsibility, to market its products" [31]. PM argue that the company advertises its beer to encourage consumers of legal drinking age to select the Miller brand over other brands [6-8]. It also aims to "remind drinkers about the importance of consuming products responsibly" [8].

A further alcohol industry concern identified from the documents related to mandated labelling of alcohol products including health warnings. An 'Advertising Warning Legislation' information sheet developed by the BI asks readers to "consider the facts" [30]. The BI asserts:

There is no empirical evidence that warnings would have any effect on the drinking patterns of Americans of any age, especially among alcohol abusers. Worse, these types of warnings could undermine the credibility of other government campaigns to provide information about serious risks which are not commonly known [30].

PM's argument on mandated health warnings is:

Could you detail your opposition to legislation which would mandate health warnings on alcohol advertising? Numerous studies demonstrated that these warning messages do not reduce alcohol abuse among any segment of the population. These proposals



divert attention and resources from other effective programs that we support to combat abuse. Advertising does not cause alcohol abuse, and there is no evidence to support that link [6].

The MBC five year plan (1992-1996) acknowledged that “anti-alcohol forces” were continually seeking to implement more restrictive advertising and labelling regulations [15]. The document also highlights future concerns or obstacles for the industry: “...targeted areas could include the elimination of advertising as a business expense, the mandated funding of counter-advertising efforts, restrictions on the use of athletes/celebrities, and limitation on college and stadium advertising” [15].

OTHER LEGISLATIVE AND REGULATORY CONTROLS

There is evidence that reductions in blood alcohol levels for drivers significantly reduce alcohol-related road injuries and deaths [32]. PM responded to proposed reductions in BAC by focusing on ‘repeat offenders’ with high BACs and emphasising the importance of education programs:

Will PM support a proposed national goal of uniform state BAC standard of .08? No. Reducing the BAC will not get to the root of the drunk driving problem (repeat offender with a BAC of .17 and higher). Remedial programs and stricter enforcement [are] more likely to be effective [6].



Underage drinking provides financial benefit to the alcohol industry both directly and through its contribution to alcohol abuse in adulthood [28]. Increasing the legal age for purchasing and consuming alcohol would affect beverage sales and productivity for the industry. The US National Centre on Addiction and Substance Abuse found that in 2001, underage drinkers in the US spent 17.5 percent of their total consumer expenditure on alcohol [28]. A number of papers confirm that enforcing restrictions such as a minimum legal drinking age contributes to reducing alcohol consumption and harmful outcomes [24, 33, and 34]. A MBC corporate affairs memo indicated the company's plan to prevent and delay increases to the minimum drinking age of 18 years in 27 American states: "Strategically, we will be working behind the scenes to encourage the 27 states not already imposing a minimum drinking age of 21 to delay any enactment..." [35].

HEALTH AND SOCIAL IMPLICATIONS

Among the documents reviewed, there was evident anxiety about community concerns relating to health and social issues arising from risky and high risk alcohol use such as driving under the influence, 'binge' drinking, under-age consumption and violence. The response proposed by the corporate affairs department of MBC was that: "In conjunction with other manufacturers of alcoholic beverages, we will develop and maintain a joint defence strategy applicable to all health-related claims for the purpose of successfully defending lawsuits and preventing an increase in frivolous claims" [15]. The alcohol industry must also reassure consumers that "beer consumption is socially acceptable" [15].



UNDER-AGE CONSUMPTION AND EDUCATION PROGRAMS

In response to concerns about under-age consumption, the 2000 CEO Issues Book emphasised that MBC advertise and market their products to appeal only to adults of legal drinking age [8]. They also maintained that advertising products to underage people has no effect:

Doesn't Miller's advertising appeal to underage people? While we understand your scepticism, sound research shows that advertising has a negligible effect on youth consumption; on its own, advertising doesn't make young people drink [8].

Further, education and prevention programs have been developed by PM and the BI in an attempt to minimise regulation of alcoholic beverages [15] and to present an image of corporate social responsibility [6]. The MBC have "...a multi-faceted alcohol-awareness and education program to remind consumers of the risks and to promote responsible drinking" [6]. PM report that: "The drinks industry has tracked consumer response to the industry's alcohol education program. Consumers [are] aware of the programs and believe companies are being responsible in providing them" [6].

Isn't it just a marketing ploy to say the industry is promoting responsible drinking? It's good business for the industry to promote responsible drinking. These promotions are not ploys. They are sincere comprehensive programs implemented by brewers and distributors. They made meaningful impact on reducing the problems [6].



There is much scepticism in the public health community regarding the impact of industry education programs [36]. Wakefield et al have shown that tobacco company education programs bring no benefit and may be counterproductive [37]. Hall and Room argue that drinks industry funded education and underage drinking prevention programs have little or no effect on reducing consumption [19]. By contrast, a BI document on 'Preventing Alcohol Abuse' lists examples of industry-led alcohol education programs arguing that "no one is more concerned about problems caused by alcohol abuse, or is doing more to educate the public about responsible consumption, than members of the beer industry" [38]. Examples of programs and campaigns include: 'Know When to Say When', 'Think When You Drink', 'Now, Not Now', 'Drink Smart or Don't Start', '21 Means 21' and 'We I.D.' [38].

'BINGE DRINKING' AND ALCOHOL ABUSE

How does Miller react to the recent news coverage of binge drinking? Any form of alcohol abuse is wrong; it is tragic when any person or family suffers the consequences of binge drinking. As a responsible beer producer, Miller partners with many business and community prevention groups to promote responsible decision-making, and prevent underage drinking [8].

MBC has sought to encourage a separation of discussion about responsible drinking and problem drinking [39, 40] and to emphasise individual responsibility [36]. This distances the producer from alcohol-related problems and possible culpability. In a 1987 internal report, MBC argued: "As long as the public continues to view ANY consumption of alcohol and ABUSIVE use of alcohol as two different subjects – a view the



brewing industry has successfully encouraged – the majority of the anti-alcohol agenda will not be met with much success” [41]. The 2000 CEO Issues Book confirms company positioning that only a minority of individuals cause alcohol-related problems. A 1994 PM ‘Beer Operations’ report states: “It is a mistake to blame the ‘product’ for alcohol abuse. Individual drinkers are responsible for their behavior” [42].

PM argues that alcohol can be addictive to a small minority of the population: “It can be addictive to people known as alcoholics” [8]. “About 5.5% of people who drink can become addicted and these people should not drink, but the vast majority of people who drink do not experience the affliction” [8]. A letter from Tom Dillon (Chairman of the Batten, Barton, Durstine & Osborn advertising agency) to James Paterson, Executive Vice President of the R.J. Reynolds tobacco company, explains how examination of the alcohol industry may shed light on issues faced by the tobacco industry: “...you will note that the industry not only concedes that alcoholism is a problem, but actually specifies that it affects a “minority of 7% of the adult population” (A mere 10.4 million people!)” [43]. The letter adds: “This is the “minor concession factor” so important in achieving credibility for the main message” [43].

DRIVING WHILE INTOXICATED

What’s your stance on drinking and driving? Can you consume a beer and drive safely?

Real problem is people drinking to excess and climbing behind the wheel of a motor vehicle. Most states consider it a crime to drive with a BAC of at least .10%. Average BAC of those arrested for drunk driving is .17. This attests to the fact that most people can drive safely after drinking moderately; i.e. staying under .10 [6].



Alcohol use combined with driving is dismissed as a real problem unless the driver is ‘drunk’. Blame is diverted from the product and attributed to the individual, the minority, and the drunk driver. “Root of the drunk driving problem is repeat offenders with an average BAC of .17 and higher” [42]. According to PM, drunk drivers (with an average BAC level of .17) should be arrested rather than depriving ‘regular’ drinkers of their rights through legislative and regulatory systems [6]. “Efforts to further reduce drunk driving need to focus on the hard core drinking driver. Only through targeted programs, including treatment, can this problem be even further reduced” [8].

What’s Millers position on responsible drinking? People of legal age who choose to drink should drink responsibly which includes adhering to societal expectations that it is never appropriate to drink excessively or drive drunk” [8].

DOMESTIC VIOLENCE

The disease model approach is used to side-step the issue of domestic violence. It is not the product that causes violence, but the individual user: “too many domestic abusers use alcohol as an excuse not to change” [8]. PM have consulted ‘experts’ who conclude “alcohol does not cause the battery – any more than stress, illness, or being ‘out of control’ does. Domestic violence, they tell us, is a learned and chosen behaviour intended to control an intimate partner” [8]. In keeping with approaches taken to ‘binge’ drinking and drunk driving, attention is diverted from alcohol as a potential risk factor for domestic violence by implicating an atypical minority group ‘who need help’.



Isn't it hypocritical for Miller to support domestic abuse programs since alcohol is a major cause of domestic violence? We recognize that some who abuse their spouse and family also abuse alcohol – though experts say the connection between alcohol and domestic abuse is very complicated and not necessarily causal. What is clear is that alcohol abuse combined with domestic abuse increases needless suffering and heartbreak. We all know that people can choose to use alcohol responsibly and can choose to have healthy relationships. Most of us do; others need help [8].

Although MBC appear to reject the notion that alcohol may be a risk factor for domestic abuse, the company supports domestic violence abuse prevention programs [8].

Discussion

Internal, once confidential, drinks industry documents identify the extent to which the industry is aware of and concerned about perceived threats from public health and other related groups. The CEO Issues Books provide especially valuable insights into the major threats perceived by MBC, with question and answer scenarios to defend its operational and marketing strategies.



The major drinks industry concerns extracted from the documents include: legislative and regulatory controls such as increased taxes, mandated health warnings, increased and rigorous advertising and marketing restrictions, reduced legal BAC for driving and increases in minimum drinking age. Other issues around which potential impacts appear to generate disquiet for the industry include: underage drinking, "binge" drinking, drunk driving and violence associated with alcohol consumption. The concerns noted about these issues relate not to their impact on the community, but to their impact on the industry's livelihood.

The drinks industry documents described here identify a range of approaches to avert and counter arguments for tighter controls on industry activity. These approaches are similar to those taken over many decades by tobacco companies. This paper identifies the use of deflection statements and specific strategies by the BI and MBC, some in collaboration with the PM tobacco division and drinks industry affiliates, in order to prevent or challenge further controls. Key strategies include: industry-run education programs, focussing blame on individuals with a "problem", promoting responsible drinking, denying any association between advertising and consumption, and focussing attention on minority groups.

The document findings from this research provide a new source of information about the drinks industry's thinking, arguments and processes, particularly relating to public policy and health issues. They also provide evidence that the tobacco and alcohol industries have worked together and used many of the same strategies. Similarities in approaches used by the alcohol and tobacco industries will be the subject of a further paper.



The research thus far has failed to identify any evidence of concern by the drinks industry about the many problems caused by harmful and hazardous drinking other than as they relate to the industry's own interests and profitability. The primary concern of the industry throughout is to maximise sales and profits and to minimise any constraints on its activities.

Competing Interests

The authors declare that they have no competing interests.

Authors' Contributions

LB: contributed to the design, acquisition, analysis and interpretation of the data and has been involved in drafting the manuscript. MD: provided the conception of the topic, contributed to the design and has been involved in drafting and revising the manuscript. TC: has been involved in drafting the manuscript and revising it critically for important intellectual content and design. All authors read and approved the final manuscript.

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43. Dillon T. BBDO. In studying the communications patterns of the alcoholic beverage industry, I found the two exhibits enclosed particularly interesting in the light they may shed on the tobacco industry's problems. 15 Sep 1977. RJ Reynolds. Bates No. 503647340-7343.

<http://legacy.library.ucsf.edu/tid/hir85d00>.