

November 18, 1996

**PRESS STATEMENT
OF
COMMISSIONER JAMES H. QUELLO**

Re: Liquor Ads on TV

The distilled spirits industry's decision to abandon its longstanding voluntary commitment not to advertise hard liquor on TV has thrust upon government the need for responsive action. In my view, the issue is not whether something must be done, but rather who can most capably do it.

As I said in October, I commend Chairman Hundt for his vigorous efforts in speaking out on this problem. But I believe that, in the final analysis, this issue is not one on which the FCC possesses either the jurisdiction or the expertise to resolve. And it is because I want to see this issue responsibly and effectively settled that I would not support engaging the FCC's rulemaking or hearing processes in what I fear would ultimately be an ineffective, and possibly counterproductive, effort to devise a regulatory solution.

Reduced to its essentials, this controversy over liquor advertising on television has set free speech and the public health on a collision course. Establishing an appropriate balance between them involves consideration of complex scientific and social information that is outside the FCC's expertise. The FCC has no expertise on whether or in what forms distilled spirits advertising is likely to entice young people into drinking. Still less are we expert in knowing whether differences can be drawn between the effects of beer and wine advertising and the effects of hard liquor advertising. And this is neither the time, the place, nor the controversy for this Commission to try and learn about such matters. The widespread public concern about this situation demands a more appropriate hand to resolve it.

The issues raised by hard liquor advertising constitute a very difficult legal and factual no-man's-land -- one that only Congress can effectively cross. Congress, not the FCC, is the duly-elected representative of the people. Congress, not the FCC, has the resources and the authority to hold factual hearings and make findings on the harm caused by advertising distilled spirits. Congress, not the FCC, can specify how and why such advertising should be treated differently than beer and wine advertising. The courts will be the final arbiter of any decisions that are made in this difficult area, and that places a particular premium on the need for Congress, not the FCC, to take the lead in deciding what course of action would best serve the public interest.

I therefore suggest that Congress make legislation on the televised advertising of hard liquor a priority when it returns in January. In the meantime, I continue to urge individual television licensees to carefully consider the public interest in deciding whether to air distilled spirits advertising on their stations.

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