

April 1, 1997

PRESS STATEMENT OF COMMISSIONER JAMES H. QUELLO

Re: Liquor Ads on TV

I commend President Clinton for his expression of concern with the decision of some hard liquor manufacturers to advertise on TV.

It is regrettable that the manufacturers of hard liquor have discarded the longstanding honorable tradition of not advertising on broadcast media.

I also agree with the suggestion that the government has a role in exploring measures to safeguard children from the possible harmful effects of hard liquor advertising.

I have maintained since this issue was raised last autumn that such investigation is a legislative and not regulatory matter.

Both the House and Senate have expressed concern with this issue and the House has announced its intention to hold hearings on liquor advertising.

As there are contentious jurisdictional and First Amendment concerns with this issue, I believe the FCC should first receive the findings and recommendations from the Congressional Committees before embarking on any action of its own.

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 personally would defer FCC action until we have the benefit of the findings of the Congressional hearings and appropriate guidance from Congress.

In the meantime, I hope broadcasters and cable programmers will continue to exercise public interest discretion with the placement of hard liquor advertising.

###

978