# **Reducing Youth Exposure to Alcohol Ads: Targeting Public Transit**

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**ABSTRACT** Underage drinking is a major public health problem. Youth drink more heavily than adults and are more vulnerable to the adverse effects of alcohol. Previous research has demonstrated the connection between alcohol advertising and underage drinking. Restricting outdoor advertising in general and transit ads in particular, represents an important opportunity to reduce youth exposure. To address this problem, the Marin Institute, an alcohol industry watchdog group in Northern California, conducted a survey of alcohol ads on San Francisco bus shelters. The survey received sufficient media attention to lead the billboard company, CBS Outdoor, into taking down the ads. Marin Institute also surveyed the 25 largest transit agencies; results showed that 75 percent of responding agencies currently have policies that ban alcohol advertising. However, as the experience in San Francisco demonstrated, having a policy on paper does not necessarily mean it is being followed. Communities must be diligent in holding accountable government officials, the alcohol industry, and the media companies through which advertising occurs.

KEYWORDS Alcohol, Underage drinking, Public transit, Alcohol ads.

# MAIN ARTICLE

Underage drinking remains an intractable public health problem. Alcohol is by far the most used drug among teenagers, and yet other drugs receive much more attention. The U.S. Surgeon General's office estimates there are 11 million underage drinkers in the U.S.<sup>1</sup> The total national cost due to underage drinking was estimated at \$60.3 billion in 2005.<sup>2</sup>

While the Surgeon General's 2007 report on underage drinking steered clear of the more controversial aspects of alcohol marketing to youth, it did recommend that communities "urge the alcohol industry to voluntarily reduce outdoor alcohol advertising."<sup>1</sup> This article describes why public transit is a relatively easy regulatory target for reducing youth exposure to alcohol advertising, offers a case study from San Francisco along with national survey results of advertising policies, and explains the legal and policy barriers to implementation. This case study describes the perspectives and analysis of the planners of a campaign to end alcohol advertising in transit systems and seeks to contribute to the literature that can inform public health interventions to reduce the adverse consequences of alcohol use.

# **CONSEQUENCES OF UNDERAGE DRINKING**

Underage drinking is a significant social problem not merely because people under the age of 21 drink, but due to the manner in which they drink, the vulnerability of

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this age group, and the untoward consequences of this behavior. During adolescence, the Surgeon General's report noted:

Alcohol can present a special allure to some adolescents for social, genetic, psychological, and cultural reasons. This attraction occurs at the very time adolescents may not be fully prepared to anticipate all the effects of drinking alcohol and when they are more vulnerable to certain of its adverse consequences. Further, alcohol has been shown to impair one's ability to evaluate risk and reward when making decisions.<sup>1</sup>

Moreover, while young people drink less often than adults, when they do drink, they drink more heavily. Drinkers between ages 12 and 20 consume an average of five drinks per occasion about six times per month. (Binge drinking is defined as five or more drinks on one occasion.) In contrast, adult drinkers age 26 and older consume on average two to three drinks per occasion, about nine times a month.<sup>1</sup>

Each year about 5,000 people under age 21 die from alcohol-related injuries involving underage drinking.<sup>1</sup> Other societal impacts include crime, violence, unsafe sex, and suicide. For example, underage drinking is a significant contributor to unwanted, unintended, and unprotected sex, as well as sex with multiple partners. This behavior increases the risk for unplanned pregnancy and for contracting sexually-transmitted diseases, including AIDS.<sup>1</sup> In addition, underage drinking is associated with academic failure, illicit drug use, tobacco use, and a range of harmful physical effects, from hangovers to alcohol poisoning.<sup>1</sup> Also, underage drinking can cause harm to the developing brain, which continues to mature into the mid- to late twenties.<sup>1</sup> Underage drinking is also a major risk factor for heavy drinking later in life. Estimates are that a young person who starts drinking before age 15 is four to five times more likely to become dependent on alcohol later in life than those who delay their first drink.<sup>3</sup>

# ALCOHOL ADS AND UNDERAGE DRINKING

The extent of youth exposure to alcohol advertising on TV, radio, the Internet, and in magazines has been well-documented by the Center on Alcohol Marketing and Youth, and is on the rise. For example, between 2001 and 2005, youth exposure to alcohol advertising on television in the U.S. increased by 41 percent.<sup>4</sup> Moreover, from 2001 though 2003 youth were 96 times more likely to see an ad promoting alcohol than an industry ad discouraging underage drinking.<sup>5</sup>

Outdoor alcohol advertising has been less studied, but is still significant, especially in urban communities. For example, one study of outdoor alcohol ad density in Central Harlem, New York, found many ads near schools, churches, and playgrounds. The authors concluded that "predominantly Black neighborhoods continue to face high exposure to outdoor alcohol advertising, including around sites at which youth congregate."<sup>6</sup>

The connection between youth exposure to alcohol ads and underage drinking has also been well-documented. Quite simply, the more ads kids see, the more likely they are to drink, and to drink to excess.<sup>7</sup> According to the Center on Alcohol Marketing and Youth, while parents and peers influence youth drinking, "research clearly indicates that alcohol advertising and marketing also have a significant effect by influencing youth and adult expectations and attitudes, and helping to create an environment that promotes underage drinking."<sup>8</sup>

According to a study analyzing the effects of advertising exposure, for each additional ad a young person saw above the monthly average of 23, he or she drank one percent more. Also, for each additional dollar per capita spent on alcohol advertising in a local market, young people drank three percent more.<sup>9</sup> Another study found that middle-school students who viewed more alcohol television commercials while in seventh grade were more likely to drink in eighth grade.<sup>10</sup>

And such connections are not limited to television advertising. For example, exposure to in-store beer displays in seventh grade predicted onset of drinking by ninth grade, while exposure to magazine advertising and beer concessions at sports or music events predicted frequency of drinking in ninth graders.<sup>11</sup>

While little research has been conducted on the specific connection between outdoor advertising (such as transit billboards) and underage drinking, a study of alcohol ads near Chicago schools found that exposure to outdoor alcohol advertising around schools is associated with subsequent youth intentions to use alcohol.<sup>12</sup>

Further evidence in support of reducing alcohol advertising comes from estimates of the positive impact of advertising restrictions. For example, in one study of advertising restriction policies in 20 countries over 25 years, researchers found that both partial bans and complete bans on alcohol advertising reduced consumption. This study estimated that each additional restriction on alcohol advertising reduced consumption by five to eight percent, even after controlling for variables such as price and income.<sup>13</sup> The authors also estimated that a 28 percent reduction in alcohol advertising would reduce adolescent binge drinking from 12 percent to between 11 and eight percent.<sup>14</sup>

Based on this evidence, the Institute of Medicine recommends that alcohol and advertising companies refrain from marketing practices that have "substantial underage appeal" and should "reduce youthful exposure" to alcohol advertising.<sup>15</sup>

# SIGNIFICANCE OF OUTDOOR ADVERTISING

Outdoor advertising is becoming an increasingly attractive medium as companies have moved away from the more traditional outlets of television and radio. Also, a voluntary ban on distilled spirits advertising on broadcast television remains in effect, although many cable stations air ads for hard liquor.

Moreover, outdoor advertising is gaining popularity. According to a report by the Transportation Research Board:

This newfound interest is partly the result of changes in other media, such as the fragmentation of the television audience with the spread of cable channels. In addition, the audience for outdoor advertising is growing as Americans spend more time in their cars. Advertisers have increasingly recognized that outdoor advertisements deliver a mass audience and reach consumers who are not exposed to newspapers or television news.<sup>16</sup>

Transit advertising represents a particularly attractive medium, as evidenced by research from New York that describes transit passengers essentially as a captive audience, and takes advantage of the proximity to other riders:

Participants in focus groups in New York City have said they welcome advertising in subway cars because the advertisements help them avoid uncomfortable eye contact with other riders and provide something to look at during trips.<sup>16</sup>

In addition, consolidation of the agencies that sell ad space has created larger markets, new advertisers, and greater revenues for transit ad sales. Of course, for many cash-strapped cities, transit advertising represents an attractive source of revenue.

Advertising on public transit can take many forms. These include, for buses, exterior, interior, wraps, stops or shelters; for trains, interior, platforms, branded cars or stations, various parts of stations; and for any property, ads on maps, tickets, fare cards, and even transfers. With advancing technology, some cities have started to use the walls of tunnels to create "moving picture" ads. For example, in 2005, Chicago Transit Authority (CTA) proudly announced that:

Through the windows of the moving trains, customers will see a moving picture ad appear on the tunnel wall. This new advertising medium is expected to generate \$100,000 annually in revenue for CTA. This innovative technology allows CTA to use tunnel space, which in the past has not normally been considered an attractive ad space for companies, to generate additional advertising revenue to support CTA operations.<sup>17</sup>

## WHY FOCUS ON PUBLIC TRANSIT?

While the free speech protections of the First Amendment makes regulating all forms of outdoor advertising challenging, addressing advertising on public transit presents fewer legal obstacles. (For further legal analysis, see below.) Another benefit to focusing on transit ads is that it allows communities to address marketing at the local level. In contrast, TV, radio, print, and Internet advertising are mainly regulated at the federal level, which presents both legal and political obstacles.

Moreover, because most youth are too young to drive, this population uses public transit in significant numbers. While national figures on youth ridership of public transit are unavailable, in New York City (the largest transit system in the nation), according to a telephone conversation with New York Department of Education, Office of Pupil Transportation, (November 2007) youth passes are given to 1,400,000 K-12 students each year.<sup>18</sup>

### CASE STUDY: SAN FRANCISCO PUBLIC TRANSIT

In late 2006 and early 2007, the Marin Institute took on the issue of alcohol ads on transit systems in the San Francisco Bay Area. The Marin Institute is a Californiabased nonprofit organization whose mission is to reduce the harm suffered by communities from the negative practices of the alcohol industry, such as marketing to youth and other populations. The Institute was first alerted to the problem of alcohol ads on public transit in late 2006, when the governing body for the Bay Area Rapid Transit (BART), a commuter train service, voted to overturn its long-standing policy of not allowing alcohol ads on its property. In October 2006, the board of directors voted 6–3 to allow the ads, they said, to bring in an additional \$400,000 in revenue.<sup>19</sup> In response, Marin Institute quickly formed a coalition of local prevention and youth groups to lobby city officials and board members to maintain the advertising ban. With the coalition's backing, San Francisco Supervisor Tom Ammiano introduced a resolution to the Board of Supervisors (which also serves as the city council) urging the BART board of directors to reverse its decision.

At a December 2006 hearing, coalition members testified about the research connecting alcohol advertising and youth drinking. Local youth spoke passionately

about BART's responsibility to keep alcohol ads off of the trains and stations. As a result of this outpouring of community opposition, several BART board members changed their position, and this time the vote was 7–2 to reverse the previous decision and maintain the ad ban. BART director Gail Murray summed it up by saying: "There are plenty of places that advertise alcohol. I just don't think that public transit, funded by the public, should be one of them."<sup>20</sup>

This victory was won through swift action, a well-coordinated coalition, supportive local political leadership, and strategic use of the media.

In the process of this battle, campaign organizers learned that the San Francisco bus system, known as MUNI, was allowing alcohol ads on shelters. In January 2007, Marin Institute decided to conduct a survey to examine the full extent of the problem.

#### SURVEY OF SAN FRANCISCO BUS SHELTERS

CBS Outdoor is the nation's largest outdoor advertiser, selling more "out of home" advertising than any other company in North America.<sup>21</sup> For 19 years, CBS Outdoor had contracted with MUNI to build and maintain the city's bus shelters in exchange for advertising. An amendment to the contract was approved in November 2006 that allowed alcohol advertising, but within certain constraints such as, most importantly, requiring a minimum distance from schools.

At the time of the survey, there was some confusion about whether the new contract language allowed for any ads except in specific parts of the city. Adding to the confusion, the transit board also had a preexisting policy against alcohol ads altogether, despite the contract language that allowed such ads.<sup>22</sup>

Campaign organizers decided to interpret the contract language in the broadest sense, in other words, giving greatest deference to MUNI and CBS Outdoor. They assumed the contract language meant that CBS Outdoor had agreed "to prohibit advertising of alcoholic beverages within a 500-mile radius of any school."<sup>22</sup> They also examined if any ads were in violation of the alcohol industry's national voluntary advertising standards. These prohibit, for both hard liquor (distilled spirits) and beer, ads within 500 ft of elementary and secondary schools, churches, and playgrounds (sadly, there are no similar national standards for wine billboards).

Specifically, the Beer Institute Advertising and Marketing Code states: "Billboard advertisements by brewers shall be located at least 500 linear feet from established and conspicuously identified elementary or secondary schools, places of worship, or public playgrounds."<sup>23</sup> The Distilled Spirits Council of the United States (DISCUS) Code of Responsible Practices states: "Beverage alcohol advertising should not be placed on any outdoor stationary location within 500 feet of an established place of worship or an elementary school or secondary school."<sup>24</sup> The MUNI and CBS Outdoor contract language actually goes further than either of these codes in that it bans all alcohol ads within a 500 ft radius of *any school*, which is why the survey also included accredited colleges.

The survey included MUNI bus shelter ads within 500 ft of any San Francisco Unified School District school or accredited college in three political districts, which were chosen based on their potential for community mobilization on this issue. We also noted other ads, such as those found near private schools, churches, and playgrounds.

In those districts, the survey found a total of 15 ads that violated the contract language of CBS Outdoor and MUNI. Of these, seven were within 500 ft of an elementary school, four were within 500 ft of a middle or high school, and four were

near a college. These 15 alcohol ads were in clear violation of CBS Outdoor's contract with MUNI and another seven constituted violations of the alcohol industry selfregulatory guidelines designed to reduce youth exposure. In addition, outside the core schools/district survey, surveyors identified another eight ads in violation of industry guidelines and numerous near violations. For example, four ads for spirits were within 500 ft of a church, a violation of DISCUS regulations. A wine ad was within 400 ft of a popular community park in the Mission district.

All 15 ads found within the three districts surveyed were for the following four alcohol products: Miller beer (four ads), Glenfiddich scotch (three ads), Yellow Tail wine (five ads), and Bailey's Irish Cream (three ads) (See Table 1).

In addition to carefully noting the locations of the ads, surveyors took several photos of each ad and after compiling the results, wrote a report, which included the following recommendations: (1) CBS Outdoor should conduct a comprehensive review of all advertisements on MUNI property and remove all offending ads; (2) MUNI should immediately take steps to enforce compliance with its own contract; (3) the alcohol industry trade groups enforce their own voluntary guidelines; (4) San Francisco should consider targeted bans of alcohol ads on city and county property; and (5) the Federal Trade Commission should hold hearings on the alcohol industry's blatant disregard for its own guidelines around the nation.

Because the survey did not seek to identify all alcohol ads but only those that violated one or more standard or rule, surveyors did not count the total number of alcohol ads, a procedure that would have allowed a calculation of the percentage of those in violation of these standards. Rather, our goal was to find violations that could serve as a tool for community advocacy campaigns. Surveyors were surprised to find so many ads near schools, a finding that helped to attract local media attention.

| Alcohol brand in Ad | School found within 500 ft   | MUNI contract violation? | Industry code violation?         |
|---------------------|------------------------------|--------------------------|----------------------------------|
| Glenfiddich Scotch  | Avila Elementary School      | Yes                      | Distilled Spirits Council        |
| Baileys Irish Cream | Avila Elementary School      | Yes                      | Distilled Spirits Council        |
| Miller Genuine Beer | Sutro Elementary School      | Yes                      | Beer Institute                   |
| Yellow Tail Wine    | St. Monica Elementary School | Yes                      | (No wine standards)              |
| Miller Genuine Beer | Argonne Elementary School    | Yes                      | Beer Institute                   |
| Yellow Tail Wine    | SF Day School (Elementary)   | Yes                      | (No wine standards)              |
| Glenfiddich Scotch  | Roosevelt Middle School      | Yes                      | <b>Distilled Spirits Council</b> |
| Yellow Tail Wine    | Lycee Francais School (K-12) | Yes                      | (No wine standards)              |
| Baileys Irish Cream | Riordon High School          | Yes                      | Distilled Spirits Council        |
| Miller Genuine Beer | Riordon High School          | Yes                      | Beer Institute                   |
| Yellow Tail Wine    | Gateway High School          | Yes                      | (No wine standards)              |
| Baileys Irish Cream | San Francisco City College   | Yes                      | (No college standards)           |
| Miller Genuine Beer | San Francisco City College   | Yes                      | (No college standards)           |
| Yellow Tail Wine    | University of San Francisco  | Yes                      | (No college standards)           |
| Glenfiddich Scotch  | UCSF Medical School          | Yes                      | (No college standards)           |

# TABLE 1 San Francisco MUNI contract and industry code violations for alcohol Ads found within 500 feet of a school

Total violations: MUNI contract, 15; MUNI contract and industry, 22

### **RESULTS: MEDIA, POLITICAL SUPPORT, AND ACTION**

Once the report was ready to be released, Marin Institute planned a press conference on the steps of San Francisco City Hall, and invited two of the San Francisco Supervisors whose districts were surveyed to speak on behalf of the campaign. Images of the ads were blown up to poster size, and a report entitled, "Numerous CBS Outdoor Alcohol Advertisements Endanger San Francisco Children" was released to the press. The main focus at this event was placed on CBS Outdoor, acting as "an arm of the alcohol industry" as the press release noted, while still holding MUNI accountable as well. Before the press conference began, CBS Outdoor had already begun removing the offending ads from the shelters. On the day of Marin's press conference, MUNI officials revealed that the contract language was actually stricter than we had interpreted, and not only were the ads near schools not allowed, but all alcohol ads were limited to only two parts of the city. In other words, the number of violations of the contract was larger than originally estimated. The campaign received excellent press coverage by the local newspapers, and clearly embarrassed both CBS Outdoor and MUNI. Within days, MUNI wrote a letter to CBS Outdoor, attaching photos and demanding that the company remove the ads and comply with the contract.<sup>24</sup>

Six months later, we spotted beer ads again on MUNI bus shelters. This time, MUNI changed its story, claiming that the ads were not in violation of the contract. Marin distributed another press release, but this time was unable to get press coverage. Campaign organizers are now planning our next steps with city officials.

### SURVEY OF TOP TRANSIT MARKETS AD POLICIES

At the local level, groups seeking to remove alcohol ads from public transit must first determine if the local transit agency has an ad policy and obtain a copy of it. According to a 2004 survey, 86 percent of agencies reported having a written policy.<sup>16</sup> Most policies contain a list of prohibited or restricted advertising. All tobacco advertising was removed in 1998 pursuant to the Master Settlement Agreement.<sup>16</sup> Still, most ad policies will explicitly list tobacco as not being allowed.

In 2007, Marin Institute conducted its own survey to determine which of the top 20 transit markets in the country, and public transit systems within California, do not allow alcohol ads.<sup>\*</sup> Surveyors were surprised to learn that many agencies do not allow alcohol ads, at least on paper. However, as shown in San Francisco, having an ad policy and enforcing it are two different things entirely.

<sup>\*</sup>Telephone survey and record requests were conducted on June–August 2007. We encountered some resistance in obtaining information via telephone so in some cases resorted to sending written requests under the jurisdiction's public records act. The agencies are: Chicago Transit Authority, Los Angeles County, Metropolitan Transport Authority, Southeastern Pennsylvania Transportation Authority, San Francisco Municipal Transportation Agency, Washington Metropolitan Area Transportation Authority, Orange County Transportation Authority, King County Seattle Metro Transit Division, Alameda Contra Costa Transit District, Metropolitan Transit Authority of Harris County Texas, Santa Cruz Metropolitan Transit District, Miami–Dade Transit, Golden Gate Transportation District, Tri-County Metropolitan Transportation Services, Metropolitan Transit District, City and County of Honolulu Department of Transportation Services, Metropolitan Transit District, San Diego Metropolitan Transit System, Dallas Area Rapid Transit, Southern Metrolink, Denver Regional Transportation District, Metropolitan Transit, New Jersey Transit, and Maryland Transit Administration.

Of the 25 systems surveyed, 20 responded (80%) and five did not or provided insufficient information. Respondents were classified into three categories according to their advertising policies and procedures.

The first category—"*inadequate or no written policy*"—contains agencies whose policy and procedures on advertising are very broad and do not specifically prohibit any type of advertising. Three transit systems fall within this category; Dallas Area Rapid Transit, San Diego Metropolitan Transit System, and Sacramento Regional Transit District.

The second category—"*advertising policy that allows alcohol ads*"—represents those transit agencies with advertising policies that prohibit many things other than alcohol ads. Two agencies fall within this category; Metropolitan Transit Authority-State of New York and Boston's Massachusetts Bay Transportation Authority.

The final category—"*advertising policy does not allow alcohol ads*"—contains those fifteen agencies with advertising policies that specifically prohibit alcohol advertisement. Table 2 presents the agencies in this category.

Thus, 75 percent (15 of 20) of the responding public transit agencies have policies prohibiting alcohol advertising. This national survey did not assess compliance with these policies nor were enforcement procedures ascertained.. However, it was possible to confirm that the New York and Boston transit systems—the two with policies that clearly allow alcohol ads—indeed display such ads.

### **POLITICAL BARRIERS, COUNTERING ARGUMENTS**

Cities are likely to justify accepting alcohol ads based on the need for revenue, and will often explain how advertising revenue represents a way of gaining income without increasing passenger fares. However, this argument is easily refuted in two ways. For most transit agencies, the amount of money taken in from alcohol ads is relatively small, and other ad revenue can easily replace it. More importantly, the societal costs of underage drinking, and in particular the public money spent on prevention and treatment services for alcohol problems by any urban center, far outweighs any potential income in advertising revenue.

| National-8   | California-7   |
|--|--|
| Chicago Transit Authority  | Los Angeles County, Metropolitan Transport Authority |
| Southeastern Pennsylvania<br>Transportation Authority  | San Francisco Municipal Transportation Agency        |
| Washington Metropolitan Area<br>Transportation Authority   | Orange County Transportation Authority               |
| King County Seattle Metro<br>Transit Division  | Alameda Contra Costa Transit District                |
| Metropolitan Transit Authority<br>of Harris County Texas   | Santa Cruz Metropolitan Transit District             |
| Miami-Dade Transit   | Golden Gate Transportation District                  |
| Tri-County Metropolitan Transportation<br>District of Oregon<br>City and County of Honolulu Department<br>of Transportation Services | Bay Area Rapid Transit District                      |

TABLE 2 Transit agencies that do not allow alcohol ads

In Boston, prevention advocates have been trying for 2 years to get alcohol ads removed from the public transit system there. According to Amy Helburn, of The Medical Foundation (August 2007), data collected show that for the 2004 budget, alcohol advertising represented only 1% of the transit system's total revenue. Moreover, the ad income is far outweighed by money spent on treatment and other costs. In Massachusetts, the costs of underage drinking amounted to \$1.4 billion in 2004.<sup>25</sup>

# DISCUSSION

Marin Institute's campaign to remove alcohol ads from Bay Area mass transit and to survey the largest public transit systems in the U.S. and California suggest several lessons that may inform future campaigns to limit youth exposure to alcohol advertising.

First, the campaign suggested some new ways of thinking about commercial free speech. Too often, public health advocates are intimidated by the threat of a First Amendment challenge to a proposed advertising restriction. Corporations and the advertising industry have been effective at using the First Amendment as a way to scare off government regulators who fear being sued. But the truth is that free speech is not absolute right, and is always balanced against government interests. Moreover, corporations are entitled to a lower level of protection for advertising (called "commercial speech") than individuals receive for political and other types of speech.

In considering regulating outdoor advertising, which includes billboards, transit ads, sponsorships, and point of sale ads in retail outlets, the first question in determining whether and how to regulate is: Who owns the property? More specifically, is the owner government or private? This is critical because the government can regulate advertising on its own property much more easily than it can on private property.

In determining whether a law passes First Amendment scrutiny, courts will ask whether the government is acting in its "proprietary capacity" or "regulatory capacity."<sup>26</sup> Taking transit ads as an example, when agencies restrict the type of advertising on public transit, government is acting as a private participant in the market. That is, the agency is trying to raise revenue through advertising sales, just like any other "market participant" would. The First Amendment is mainly an issue where government regulates others. Private entities are allowed to restrict advertisements. That's why in the case of restricting transit ads, the First Amendment does not pose a significant barrier; the government is acting, in effect, as a private entity. In general (with a few exceptions), governments can restrict alcohol ads on its own property.

This same analysis applies when government leases its property, or contracts with an ad agency, as well as in government-owned sporting arenas, convention sites, and other similar government-controlled property.<sup>26</sup>

What about regulating outdoor ads more broadly, such as billboards, signage at retail outlets, and other private property venues? This is much more murky territory that requires legal analysis beyond the scope of this article. In recent years, the Supreme Court has given more First Amendment protection to advertising on private property. However, that doesn't mean it's impossible to regulate these types of spaces, it's just harder to do and should be approached carefully, and in full consultation with First Amendment legal experts. The successful effort to ban alcohol ads from the Bay Area Rapid Transit system shows that advocates can overcome First Amendment concerns in some cases.

Second, advocates found that a strong argument against alcohol ads is the value that government property should not be used to provide an opportunity for corporate marketing of potentially dangerous products. By opposing transit alcohol ads, advocates made the case that such ads send the wrong message to the community about putting profits ahead of public health and needlessly expose youth to alcohol advertising. By making a moral as well as a legal case for action, advocates were able to win over additional support.

Third, the campaign against BART demonstrated the importance of ongoing vigilance to ensure that policies are actually enforced and that backsliding is not tolerated.

Fourth, the Marin Institute campaign showed that communities can play an active role in monitoring the alcohol industry. The campaign described here was completed without the aid of scientific researchers or other resources that sometime prove daunting for local groups.

In summary, our national survey found that while many cities already ban alcohol advertising on mass transit systems, some large cities continue to allow alcohol advertising despite the evidence that exposure to alcohol advertising increases alcohol consumption. The campaign in San Francisco demonstrates that advocates can act to reverse harmful policies. Alcohol companies should not be allowed to advertise on public transit. Given the seriousness of the underage drinking epidemic, local governments should take steps to either enact new policies, or enforce existing policies to not allow alcohol ads. Communities should demand their local transit agencies take these simple steps to protect our youth from harmful advertising by the alcohol industry.

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