



[It's Me Again — COVID-Era Anxieties Revive Neo-Prohibitionist Calls for Stricter Alcohol Regulation](#)

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Photo by Sean McEmerson

COVID-19 has led states to [loosen alcohol laws](#) to help producers and retailers stay afloat. But the pandemic could also have a chilling effect on the alcohol trade.

Now, America is embroiled in a historic debate about how much drinking is too much, and to what degree alcohol needs to be regulated. Videos of [crowded bars](#) and reports of [super-spreader events](#) tied to them have captured the attention of the media and the government. They've forced a conversation about alcohol's health effects, how drinking may influence and increase the virus' spread, and who's responsible for that spread.

In recent months, government officials have bombarded Americans with contradictory messages on the subject. States have rushed to reopen their economies, exhorting consumers to support local businesses like restaurants and bars, while also placing blame for COVID-19 infections on those who heed their advice too enthusiastically.

This contradictory messaging translates to [confused measures and regulations](#). California's Sonoma County, for example, says breweries are too dangerous to remain open without food, yet [wineries are safe to do so](#). Florida officials have [blamed bars](#) for surging infection rates, while also [refusing to provide local school](#) boards with the advice they need to safely reopen. The federal response has been just as inconsistent, if not [outright dangerous](#).

These [systemic failures](#) are dizzying, and to some in power, it's easier to lay blame for case spikes on alcohol and those who consume it. Proponents of stricter alcohol laws have seized on this moment, putting forth arguments about public safety, morality, and health that echo those made a century ago in support of Prohibition.

Their modern message isn't that alcohol is the devil and erasing it will cure society's ills, but that much tighter laws are necessary to reduce alcohol's deleterious moral and health effects, especially as the

country is already grappling with a pandemic. Neo-Prohibitionists see COVID-19 as an opportunity to use Americans' anxieties about the virus to champion the cause of stricter regulation.

These neo-Prohibitionist arguments come at a critical juncture. America is right now determining the future of its relationship with alcohol: state and local laws are changing, and the federal government is [contemplating reductions](#) to the recommended daily alcohol intake under the U.S. Dietary Guidelines for Americans, which are set to be updated later this year. When describing the impact of updated recommended limits of alcohol consumption, Rob McMillan, a longtime industry analyst and executive vice president of Silicon Valley Bank's wine division, [put it plainly](#): "It's one more piece of ammunition to those who are anti-alcohol."

Those who'd like to see tighter regulations realize we're at a crossroads. What's at stake is not just small businesses, revenue, and jobs—but America's attitude toward alcohol full stop.

WHY NOW?

In recent years, a vast majority of Americans have reported feeling fine with the way alcohol regulation functions. [A 2019 survey](#) conducted by New Bridge Strategy found 82% of Americans are satisfied with the existing system for purchasing alcohol in their state; only 12% say these laws are too lenient. Little needed fixing, in most citizens' minds.

If most Americans feel content with current alcohol regulations, history would show we're due for a shift in thinking. The American public's pro- and anti-alcohol stances are cyclical: periods of pro-alcohol sentiment are generally followed by backlash. As First Key's beverage consultants note in [a blog post](#) titled "The Next American Temperance Movement: Closer Than We Think?": "North American temperance movements have developed with regularity, each time gaining a foothold after positive sentiments about alcohol peaked." First Key's analysts note increasingly favorable attitudes toward alcohol since the 1980s, priming America for an anti-alcohol wave.

Enter the coronavirus. Footage of crowded beaches, packed bars, and boozy concerts appalled those who saw young people—and young drinkers—as culpable for spreading the disease. The White House says Millennials [are the key](#) to stopping COVID-19's threat.

But that demographic also plays an outsized role as frontline workers [most likely to be exposed](#) to the virus. The World Health Organization (WHO) has similarly [targeted this group](#) for criticism, as though older individuals aren't also socializing without masks and distancing. [A Gallup poll](#) conducted this summer found little significant difference in mask wearing among age groups, with people aged 18-34 actually the least likely to say they never wear a mask in public.

No doubt some young people's gatherings flagrantly violate social-distancing guidelines. Officials are right to admonish participants. But neo-Prohibitionists won't settle for sensible restrictions on gatherings, or initiatives that would open more public spaces for drinking to *promote* social distancing. Instead, they rail against what they label overly permissive deregulation of alcohol, and the moral decay of America's vulnerable youth.

"Cities in Marin could soon end up looking like seedy, inebriated Bourbon Street in New Orleans, under the guise of reviving patronage for a few struggling licensees [...] Moving forward with the normalization of alcohol consumption in large public spaces is not in the best interests of public health and safety. This is especially true as it relates to our impressionable young people," Michael J. Scippa, the public affairs director at Alcohol Justice, an advocacy group with the mission to "protect the public from the impact of the alcohol industry's negative practices," wrote [in an op-ed](#) published by the *Marin Independent Journal*. The op-ed, published in early July, argued against relaxed rules on alcohol consumption during the pandemic.

Alcohol Justice is not some fringe movement; it has the power to shape policy around these issues. [Some](#) have referred to Alcohol Justice as a "neo-temperance organization." Its former co-founder, David Jernigan, a public health researcher with appointments at Johns Hopkins University and Boston University, was [a member of a Maryland task force convened in 2018](#) to evaluate the state's alcohol laws.

Drinking in public, Scippa argues in his op-ed, is harmful. But in [an early April letter](#) to the California Department of Alcoholic Beverage Control, Scippa's boss, Alcohol Justice CEO Bruce Lee Livingston, argues that drinking at home is dangerous, too. The letter demands an end to any loosened alcohol laws enacted in response to the pandemic: "As with any large-scale change to the existing alcohol sales

structures, we are immediately on watch for threats to the public's health and safety. We hope ABC is likewise on watch, and looking forward to ending regulatory relief completely."

Arguments about public health—especially that of “innocents”—has been a part of anti-alcohol campaigning since the 1830s. Prohibitionists at that time blamed bars and alcohol for turning men toward prostitutes, who infected men with syphilis, which then spread to their wives. “Bars appeared to invite family catastrophe,” wrote historians Mark Edward Lender and James Kirby Martin, describing a wave of “innocent syphilis” with its roots in America's bars. It's not hard to see a throughline to [contemporary condemnation](#) of young drinkers in bars who will get COVID-19, “give it to their parents and grandparents and kill them.”

Alcohol's effects on domestic violence and child abuse have also been part of historic temperance movements. In fact, as Susan Cheever describes in her book, *Drinking In America: Our Secret History*, temperance was so linked with women's rights that the two were essentially the same cause in the early part of the 19th century. Some modern writers have made [an identical argument](#), which has only gained strength during the pandemic.

It's worth noting that major alcohol companies and industry groups are themselves proponents of responsible drinking. The Beer Institute, Brewers Association, Distilled Spirits Council of the United States, WineAmerica, and major alcohol producers have made responsible drinking part of their corporate initiatives or professional commitments. Most recently, the Brewers Association in August made responsible alcohol consumption a part of its [code of conduct](#) for members.

An overall trend toward responsible consumption messaging from trade groups and alcohol producers would seem to placate anti-alcohol critics. But instead, it's made this moment—and the current pandemic—all the more critical to their efforts.

Neo-Prohibitionists seeking a way to paint deregulation as a threat to morality and health found that the coronavirus presents a perfect backdrop. Americans are scared and don't know who to trust—or to blame. On the whole, Americans are [less confident](#) in government and health leaders than they were in early March. Seizing on this anger and anxiety as the pandemic rages, neo-Prohibitionists have presented a convenient villain: drinking.

LIVE AND LET DRINK

Labeling alcohol purveyors a cause of the pandemic's spread minimizes the government's complicity in failing to contain the virus. It's simpler to blame bars and the people who patronize them for spreading COVID-19 than it is to confront an economic and governmental system that forced businesses to open and employees to come to work despite an unchecked virus, putting citizens in harm's way for the sake of the economy. Trump and his advisors pushed to reopen the economy, saying “[trade-offs](#)”—the deaths of high numbers of Americans—were necessary and appropriate. Restaurants, which in many cases did not qualify for federal aid or business interruption insurance money, saw no choice but to reopen.

“Restaurants generate a lot of sales and payroll tax revenue, so some of the pressure came from city and state governments,” Daniel Patterson, a chef and a restaurateur in California, [told *The New York Times*](#). “And I think one of the factors behind the quick openings is that our society sees restaurants as disposable and those who work in them as disposable, so in general, people are less concerned with restaurant worker safety than they are with their own needs. They want a taco and a cold beer when they want it.”

Society has largely shaken off its Puritanical views in favor of letting individuals make their own choices about consumption, insofar as their drinking doesn't threaten to harm others. Americans have in recent history viewed alcohol use as a matter of individual preference rather than something to be policed. The percentage of legal-age adults who consume some amount of alcohol has [remained relatively constant for 75 years](#), landing somewhere between 60-70%.

That even helps explain the recent rise of the “sober-curious” movement, which doesn't include any significant push to ban alcohol sales. That movement frames drinking alcohol as a personal decision, and not even one that needs to be a black-and-white choice. Even non-alcoholic beer [markets itself](#) to people who drink alcohol, trying to position it as an option *during* drinking sessions, not as a replacement to booze.

But COVID has upended this individualistic approach to drinking. Society is examining, testing, and in some cases violently clashing over the limits of individual liberties when they conflict with public health.

How Americans answer current questions about personal choice and social good could affect alcohol regulation for years to come.

“The problem of alcohol is often treated as some kind of individual problem, but it’s also a social and economic problem,” Jonathan Makeley, chair of the New York State Prohibition Party who also ran as a write-in candidate in the state’s 146th Assembly District in 2018, [told Good Beer Hunting last year](#). “To an extent, the government has an ability to impact it, so it’s also a political problem.”

During the coronavirus, drinking is cloaked in moral and legal garb, making it a more compelling matter for the state to adjudicate. If neo-Prohibitionists can portray bars, breweries, and liquor stores as public health concerns, it behooves the government to more strictly regulate them.

“At this time, it is clear that the rise in cases is largely driven by certain types of activities, including Texans congregating in bars,” Texas Governor Greg Abbott stated in [a June 26 announcement](#) of his executive order. The order closed on-premise service at bars and other establishments that earn more than 51% of their gross receipts from the sale of alcoholic beverages, which includes brewery taprooms without food service.

Texas was one of the first states to reopen businesses including gyms, retailers, and restaurants in mid-May. Abbott [blamed](#) a subsequent spike in COVID-19 infections among people younger than 30 years old—but not because they’d been forced to return to workplaces. Instead, he said, they’d contracted the virus at Memorial Day parties and “bar-type settings.”

THE ART OF SCIENCE

In their rush to jump-start the economy—[reopening guidelines be damned](#)—many state and local governments created the conditions for inevitable spikes in caseloads. [Good Beer Hunting’s analysis](#) shows a correlation between reopening policies and people going out in public; when the government says it’s safe to return to shops and restaurants and bars, people do.

Those same governments then respond to subsequent spikes in caseloads caused by those reopening policies with [stipulations](#). Those have included requiring food service at bars and breweries, or restricting hours and capacity. In some cases, the requirements were so arbitrary, they became [objects of ridicule](#): Austin Beerworks brewery announced all on-premise beer purchases would come with a \$2 side of chips and salsa, along with a \$2 discount on the beer, to circumvent the governor’s requirement that alcohol not make up more than 51% of sales if establishments are to remain open for on-premise consumption. “Isn’t that just free chips and salsa?” No it definitely isn’t, especially if we’re audited,” [the brewery tweeted](#).

But real businesses, jobs, and lives are at stake. A mid-July survey of member breweries conducted by the Texas Craft Brewers Guild found one in three of the state’s craft breweries believe they will have to permanently close in less than three months without a change to that shutdown order, or other economic relief.

It’s not clear that regulators imposing such consequential rules have solid science to back them up. A Sonoma County health officer [told The Press Democrat](#) she “hadn’t even given it a thought,” referring to the difference between wineries, which aren’t required to serve food to remain open, and breweries and distilleries, which are.

“There is some inherent sort of disconnect with some of the decisions,” she conceded.

But pro-regulation advocates would like to see more, not less, of these types of stipulations and restrictions, citing public health concerns. Unresolved questions about the COVID-19 virus—including long-term health effects, and just how vulnerable children are to contracting it—have created a vacuum where groups can assert that certain regulations will ensure public safety.

Alcohol Justice (formerly known as the Marin Institute), has a dubious history when it comes to using science to advance its cause. David Jernigan, who founded the group’s national and state alcohol policy implementation branch, has said the media can be easily manipulated to publicize negative health effects of alcohol. Appearing on Johns Hopkins Medicine’s *On the Inside* podcast in 2011, [he said](#) that he’s “fairly skeptical of pure objectivity in science and certainly in my own field.” Though he is no longer with Alcohol Justice, Jernigan [continues to advocate for greater alcohol regulation](#).

Breweries say it’s the lack of transparency and objective science in how regulators are making decisions during the pandemic that’s frustrating.

“The issue is less that there are rules, but more so how they are being made,” says Lennie Ambrose, chief marketing officer for Houston-based Saint Arnold Brewing Company and a board member of the Texas Craft Brewers Guild.

Saint Arnold’s taproom and beer garden closed for three weeks beginning in mid-July, [endangering 75 jobs](#), based on the formula the Texas Alcoholic Beverage Commission used to compute beer-versus-food sales. (The TABC stated beer sold through a distributor for off-premise consumption would be counted in the calculation of those sales, then reversed course after three weeks.)

“Our nature is being good businesses that support the community and try to do the right thing, but when we feel we’re getting jerked around all the time, it makes it really hard,” Ambrose says. “Who has decided that having a giant rally or political event is okay, but having two people sitting by themselves on a brewery taproom patio is not okay?”

The reluctance by some American politicians to believe scientific and expert guidance—and heed it—will hinder discussions of alcohol regulation beyond the scope of the pandemic, too. Advocates of looser regulations and dietary guidelines argue moderate drinking has health benefits. Critics argue the opposite. Both point to competing studies that back their claims.

The Centers for Disease Control and Prevention (CDC)’s [fact sheet on moderate drinking](#) throws its hands up at the whole question: “Although past studies have indicated that moderate alcohol consumption has protective health benefits (e.g., reducing risk of heart disease), recent studies show this may not be true. While some studies have found improved health outcomes among moderate drinkers, it’s impossible to conclude whether these improved outcomes are due to moderate alcohol consumption or other differences in behaviors or genetics between people who drink moderately and people who don’t.”

As U.S. health agencies mull changes to dietary guidelines, they’re left to parse such competing evidence. And when it comes to how alcohol impacts the spread of COVID-19, there’s little precedent to consult.

WHERE WE’RE GOING

It’s officials’ fraught relationship with science, combined with public anxieties about health and morality, that create a fertile bed for neo-Prohibitionist movements to flourish. Americans are desperate for guidance during the pandemic, and pro-regulation voices are happy to step into the chaos to provide reassurances that limiting alcohol use is an important piece of our national response. The focus on individual bars and drinkers obscures the numerous points throughout the pandemic at which government leadership has failed to protect citizens.

The pandemic is an event without contemporary precedent. But history also indicates that America might have been due for a wave of anti-alcohol sentiment even without this catalyzing factor. The two combined bring us to the present moment, and help explain how neo-Prohibitionist arguments have gained traction.

Such pro-regulation efforts are a response to the current moment, but their tactics have deep historic roots. And all signs indicate the result of current campaigns will have far-reaching consequences for America’s relationship with alcohol.

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