

OUR STORES, OUR FUTURE

Ending Unsafe Alcohol Retail Practices Can Stop Underage Drinking Before It Starts

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EXECUTIVE SUMMARY

Underage consumption of alcohol is both a strong predictor of problematic alcohol use later in life and the major influence on the leading causes of preventable death among adolescents: motor vehicle collisions, suicide, and homicide. Among high school students in California’s Marin County, underage alcohol use remains high. 63% of high school seniors report having ever drunk alcohol, 40% drinking within the last 30 days, and nearly 1 in 3 having either driven while intoxicated or been in a car with an intoxicated driver. Environmental prevention strategies target the availability, desirability, and normalization of alcohol at the community level, in particular retail stores that sell alcohol. These strategies are demonstrably effective in reducing underage use, but are not aggressively pursued in San Rafael.

Alcohol Justice assessed all San Rafael alcohol retail outlets in 2021 for their compliance with the “Best Practices for Stores that Sell Alcohol” standards. According to this analysis, ***high-risk retail environments were present in a quarter of 44 retail stores in San Rafael, California.*** These stores neglect community safety and accountability, promote alcohol accessibility and normalization, and stock products that research has identified as particularly appealing to novice drinkers. Previous efforts to promote environmental prevention in San Rafael culminated in the Alcopop-Free Zone campaign, which concentrated on the San Rafael Canal District. In light of the continued red flags in the city, a successor campaign—Youth Action for Safe Stores (YASS)—aims to use community and youth mobilization to address environmental issues in stores throughout the city. Better alcohol retail environments can reduce both access to alcohol and intention to drink, saving lives and establishing a stable, healthy path for young people.

Survey Methodology

Between July and December 2020, Alcohol Justice surveyed all 44 locations identified by the California Department of Alcoholic Beverage Control (ABC) as holding an off-sale alcohol license, which allows them to sell packaged alcohol for carry-out. The survey evaluated outlet attributes that suggested risk of encouraging underage alcohol use. These attributes were grouped into 6 sets of indicators, capturing perceptions of safety, alcohol advertising, alcohol normalization, vulnerability to shoplifting, stock of youth-friendly products, and “good neighbor” qualities that demonstrated a concern with transparency and respect for ABC mandates. Stores were then ranked by number of deviations from best practices in each of these indicator sets. Stores ranking in the top (i.e. worst) quartiles of each list were then compiled into a list of those creating the riskiest environment for underage alcohol sales.

Results

ABC listed 60 off-sale licenses within the City of San Rafael. From that list, 16 were removed for being inactive, having no physical storefront, or not being primarily a retail establishment (e.g., boat charters which sold beer). Of the remaining 44, the following hazard indications were observed:

- 55% had any alcohol advertising
- 32% were Lee Law noncompliant
- 55% ran youth-friendly deals or promotions
- 36% sold alcohol within 2 feet of sodas or energy drinks
- 20% sold alcohol within 5 feet of candy, chips, or other youth-friendly snacks
- 23% had degraded legal signage (age limits and/or cancer warnings) at the counter
- 61% sold 2 or more high-risk products; 91% sold hard seltzer

Overall, 11% (n=5) of stores were not in the top quartile of any risk index. Most stores (64%, n=28) were in the top quartile of 1-2 indices, while 25% of stores (n=11) were in the top quartile of 3-5 risk indices. This last group of stores was identified as a priority target for retail environment change (see TABLE). Seven of the 11 stores in the table were within a 1-mile radius of San Rafael High School, the major public school serving the southern part of the city.

Discussion and Recommendations

Existing regulations and dissuasions in San Rafael are not effective in keeping stores from engaging in dangerous retail practices. Alcohol Justice strongly recommends the following reforms for San Rafael, and any similar city seeking to reduce underage alcohol consumption:

1. The San Rafael City Council should embrace the Best Practices for Stores that Sell Alcohol (see Appendix I) as the gold standard for healthy stores. The San Rafael Police Department should be proactive in enforcing those best practices that are mandated by law.
2. San Rafael alcohol retailers should be open to meeting with community groups and campaign participants, including YASS, and be proactive about complying with the Best Practices.
3. Community groups and campaigns, including YASS, should expose stores that continue to facilitate underage drinking, with media hits and direct actions when necessary. Conversely, the community should praise stores that make good-faith efforts to improve their practices.
4. City ordinances should make the Lee Law more restrictive and ensure prompt enforcement. Alcohol Justice recommends that no more than 15% of store windows be covered in advertising.
5. Because alcohol harm travels, neighboring cities and allied community groups throughout the region should also adopt similar resolutions and best practices. If stores do not comply, then these groups should be prepared to engage in campaigns similar to YASS.

**TABLE. The Awful Eleven
Stores Presenting the Highest-Risk Retail Environments in San Rafael**

Bret Harte Super Market	Northgate Wine and Spirits
Colonial Liquors	7-Eleven (D St.)
More For Less	Dandy Market
Circle K	Mi Rancho #2
United Liquors	Famous Market & Deli
Al's Liquor	

INTRODUCTION

Environmental prevention strategies are an underutilized method to fight alcohol harm and underage drinking. A subset of such strategies focuses on the retail environment, particularly liquor stores, grocery stores, and similar retail. These stores are loci for encouraging underage consumption. This encouragement comes through many channels, including advertising, youth-friendly alcohol products, normalization, and increased availability via theft or third-person purchases. Alcohol Justice carried out a survey of alcohol outlets in the city of San Rafael, California in 2021 to identify risk factors, call out the most reckless alcohol retailers, and develop best practices for retail-focused environmental prevention in that city.

results in increased risk of developing alcohol use disorders as an adult.⁴

Area of Interest: San Rafael, California

The suburban county of Marin, just north of San Francisco, California, displays all the warning signs of an adolescent population at risk of alcohol harm. By junior year, 63% of students had tried alcohol, and 40% had drunk in the last 30 days. More than half of the recent drinkers binge drank (consumed 5 or more drinks in a row; 25% of all juniors), and nearly half who used alcohol were drinking 3 or more days out of the month (19% of all juniors).⁵ This directly results in a preponderance of potentially deadly behavior. Marin teenagers are 16% more likely to be admitted to the emergency room for alcohol-related injury or poisoning than their peers statewide.⁶ Meanwhile, 31% of 11th graders reporting having either driven while drunk or under the influence of drugs, or else been a passenger in a car driven by someone else who was.⁵

BACKGROUND

Alcohol's Harm to Youth

Youth alcohol consumption forms one of the most persistent adolescent health challenges. Over 3,500 United States residents under 21 years of age die each year from alcohol-related causes in the United States.¹ The three leading preventable causes of death for adolescents—motor vehicle crashes, suicide, and homicide²—are all strongly tied to alcohol use (Table 1). Even beyond mortality, early intervention is essential for a lifelong healthy relationship with alcohol. Research shows that that the younger a child or teenager begins drinking, the more likely they are to embrace hazardous drinking patterns later in life.³ This in turn

The threats youth face in Marin County are faced by youth across the country. Nationally, underage alcohol use rates remain stubbornly elevated. Though there was a clear decline in alcohol use through the first half of the 2010s, the rates since 2015 may have plateaued.⁷ Healthy People 2030 sets national goals for reducing adolescent alcohol misuse in the current decade by a further 25%-30%,⁸ goals that require novel approaches to prevention.

San Rafael-based Alcohol Justice and Youth for Justice recently successfully refined and employed one of these approaches. The Alcopop-Free Zone campaign, begun in 2011, sought to remove youth-friendly products from stores in the primarily Latinx Canal District. The campaign combined evidence-based practice, youth direct action, voluntary retailer agreements, and governmental support to change

Table 1. Alcohol-related causes of death for U.S. residents < 21 years

Cause of Death	Annual Deaths	% of all Alcohol-Related Deaths
Homicide	1,000	29%
Suicide	596	17%
Motor vehicle crashes	1,072	31%
<i>All alcohol-related causes</i>	<i>3,504</i>	<i>100%</i>

Source: CDC ARDI, 2020



the product stocking policies in 6 out of 7 targeted stores. The remaining store—Circle K on Francisco Blvd. East—never responded to requests from advocates from the Alcopop-Free Zone campaign, and remains a target for youth-led actions and calls for community boycott.

Environmental Prevention

The Alcopop-Free Zone campaign is an example of an environmental prevention strategy. The Community Anti-Drug Coalitions of America (CADCA) defines environmental prevention as “changing or influencing community conditions, standards, institutions, structures, systems and policies . . . that lead to long-term outcomes.”⁹ These approaches—changing the everyday world that youth live in to make it less likely to glorify or enable alcohol use—contrast with the more common conceptions of prevention as educational or punitive measures aimed at adolescents.

In many ways, these environmental approaches, instead of individual approaches, are simply mir-

ror images of the market strategies used by Big Alcohol. The global, multibillion dollar companies such as Anheuser-Busch InBev, Constellation, Diageo, and Molson Coors are highly dependent on very heavy drinkers consuming a large amount of cheap product for their revenue, with the top 10% of drinkers consuming 60% of drinks.¹⁰ As observed by Hawkins and many others, creating these heavy drinkers requires adolescent or pre-adolescent initiation of alcohol use.³ This makes strategies that create an environment where youth are exposed to alcohol marketing, cues to drink, and easy access to alcohol essential to Big Alcohol’s business models.

Alcohol Marketing

Retail stores are a cornerstone of Big Alcohol’s ideal environment. Not only are delis, drug stores, bodegas, and supermarkets omnipresent in urban life, they are institutions that count people of every age as a customer. Most of them are also alcohol outlets, and many sell tobacco. As such, they are also often a prime location for alcohol advertising.

Yearly, the major alcohol companies spend \$1.2 billion on out-of-home advertising (including point-of-sale marketing), accounting for 36% of their ad spending.¹¹ This is more than they spend on any other medium, including television. This strategy efficiently accesses an underage audience; 47.3% of ads that middle school-aged youth report seeing are out-of-home ads. Television ads account for barely more than half that (26.2%), and only 3.7% of reported ad exposures came through online marketing.¹²



These exposures directly affect underage consumption. A systematic review of longitudinal studies—studies that follow individual youth as they age—found strong evidence that alcohol marketing exposure is associated with subsequent initiation of alcohol use, heavy drinking (15+ drinks per week), and binge drinking (4+ drinks in a row for girls, 5+ drinks in a row for boys).¹³ Middle- and junior-high-school youth who were exposed to alcohol advertising were more likely to say that drinking when underage was fine, and less likely to have a negative opinion of peers who drank.¹⁴ Among alcohol-naïve children under 14, those who could

name a favorite brand or ad campaign were 45% more likely to have their first binge drinking session within a year.¹⁵

Racial and Ethnic Disparities

Aside from general threats to population health, there are social justice concerns behind marketing exposures, as these ad campaigns threaten an exorbitant impact on racial and ethnic minority youth. A study on California youth, asking them to report in real time whenever they spotted an alcohol advertisement, found that Black and Latinx middle school students were exposed to an average of 4.1 and 3.4 ads per day, respectively. This contrasted with White students, who reported seeing an average of 2.0 ads per day.¹² These youth grow into adults, and these adults, as has been explained above, become more vulnerable to dangerous alcohol use patterns. Between 2001 and 2013, alcohol use disorder diagnoses in the United States increased 49.4%, in large part driven by alarming increases among racial and ethnic minority groups.¹⁶

San Rafael needs to be especially aware of disparate harms, as 25.7% of youth under 18 in Marin are Latinx,¹⁷ including the majority of public-school attendees in San Rafael.¹⁸ For Latinx youth, the legal consequences of alcohol use may be far more severe than for White youth. From 2015 to 2020, San Rafael City High recorded 292 expulsions for alcohol or drugs. Latinx youth were 3 times more likely to be subject to those expulsions compared to White students.¹⁸

The “Lee Law”

Drawing in youth is not an accidental effect of business-as-usual. It is intentional. Although the alcohol industry claims that these advertisements are simply “educational” or efforts to compete for market share, internal documents show that the industry is well aware of its ability to make its products attractive to youth.¹⁹ Previous efforts to reduce the attractiveness of marketing of both alcohol and tobacco have taken the forms of campaigns to bring stores into compliance with the Lee Law (e.g., Mosher & D’Andrea 2015²⁰). California Business and Professions Code §25612.5—AKA “The Lee Law,” named for U.S. Representative Barbara Lee

of Oakland—was adopted in 1994 and mandates that no more than 33% of the window space of a retail outlet can be covered in advertising. The Lee Law depends on community monitoring, law enforcement and strengthening local ordinances. These compliance campaigns can raise awareness in communities of the problems with runaway alcohol advertising. But youth are not drawn to alcohol solely by engaging advertisements. They are also encouraged to drink by tempting products.

Alcopops and Youth-Oriented Products

The past two decades have seen an explosion in these products specifically designed to appeal to novice drinkers. Chief among these are alcopops, heavily flavored, highly sweetened, bubbly, high-ABV (alcohol by volume) malt beverages with soda- or energy-drink-like packaging, which have recently been joined on store shelves by hard seltzers and “cocktails in a can.” These product lines all share two key attributes: they are “crafted” to have as little alcohol taste as possible, and they are inexpensive.²¹ This makes them ideal for young drinkers, who tend to have stronger reactions to alcohol’s strong taste. This ideal is born out in practice; nearly two-thirds of adolescent drinkers report consuming alcopops in the past month.⁷ Despite persistent efforts to reduce the presence of alcopops in convenience stores and other youth-friendly retail outlets, they have surged on Marin shelves, with the number of stores stocking them rising from 63% in 2016 to 70% in 2019.²²

Youth Alcohol Access

Stores do more than just increase desire to drink among youth. They furnish youth with that alcohol. Through fake IDs, failures to ID check, asking another adult to buy the alcohol (AKA “shoulder tapping”), and outright theft, youth continue to be able to directly obtain alcohol despite decades of both education and citation of retail outlets. While comparing routes of acquiring alcohol is difficult and may vary depending on the social environment and particular outlets being bad actors, Harrison, Fulkerson, and Park were able to get a rough tally from a large sample of Minnesota students. They found that 53.8% of 12th grade boys and 51.2% of 12th grade girls obtained alcohol through shoulder tapping, while 11.5% of boys and 5.3% of girls were able to buy it outright.²³



der tapping, while 11.5% of boys and 5.3% of girls were able to buy it outright.²³

Shoplifting also has a long history of providing underage access to legal recreational drugs, being a standard means for youth to access tobacco.²⁴ In fact, the tobacco industry remained unconcerned with shoplifting, and continued pushing point-of-sale (that is, on-the-counter) promotions well into the 2000s in spite of the fact that these campaigns tended to be targets for underage theft.²⁵ During this period, stores where adolescents shopped displayed almost three times as much cigarette marketing materials.²⁶ This pattern of promoting tobacco products in stores where underage customers were liable to be exposed to the marketing *and* obtain those products via theft suggests that loss of product from on-the-counter tobacco displays was at best a financial write-off for Big Tobacco. At worst, it was a deliberate tactic to facilitate underage initiation of use.

The same scrutiny should be applied to Big Alcohol. While the Minnesota study found that only 3.9% of boys and 1% of girls shoplifted alcohol,²³

other reports give much higher rates. In a focus group of California youth who were active drinkers, 35% reported obtaining alcohol either through a friend who had shoplifted it or by shoplifting it themselves.²⁷ Studies of at-risk Native American youth identify single shot “airplane bottles” of alcohol as particularly vulnerable targets for shoplifters.²⁸ “Shopliftability” may be a feature, not a flaw, in alcohol access and initiation.

It should be emphasized that underage youth often make sophisticated decisions when attempting to obtain alcohol from a retail outlet. One focus group participant explained that they preferentially target stores that don’t “look like they really care.”²⁹ Youth intending to shoplift explained that they take stock of the layout of a store, including blind spots and no-chase policies, before attempting a shoplift.²⁷ The existence of no-chase policies at large chain retailers such as Safeway, a grocery store with three locations in the San Rafael area, are open secrets and help drive youth to target those locations.³⁰ Similarly, youth will assess a store’s patrons or neighbors to see if they will be good candidates for a “shoulder tap.”²⁹ Individuals loitering outside are considered prime candidates.

Targeting Retail Stores

These aspects of the retail environment suggest a focused set of environmental interventions that can reduce both access to alcohol and desire to drink. Although campaigns targeting stores have been ongoing for decades, they often focus on the proprietors and/or procurers (i.e., those who are tapped on the shoulder). This approach emphasizes punitive approaches for individual failures to heed alcohol laws. It is time public health advocates looked at focusing on the store owners to reduce the impact of adolescent alcohol use.

As the county seat and major city in Marin, San Rafael should be a high-priority site for environmental intervention. With these factors in mind, Alcohol Justice, Youth for Justice, and the San Rafael Alcohol and Drug Coalition surveyed the retail environment in the city to assess environmental risk. These findings were used to inform an environmental prevention strategy that may help reduce adolescent use in any city in the U.S.

METHODS

In March 2020, Alcohol Justice identified outlets licensed by the state of California to sell alcohol for off-premise consumption (“off-sale outlets”) through the California Department of Alcoholic Beverage Control (ABC) License Query System. Site visits were then conducted to evaluate whether the licensee qualified as a retail store. The initial query identified 60 licensees, of which 16 were deemed ineligible due to being inactive, having no physical storefront, or not being primarily a retail establishment (e.g., boat charters which allowed patrons to buy alcohol to bring on board). It should be noted that, under the COVID-19 regulatory relief measures, many outlets that were theretofore not considered off-sale outlets, including bars and restaurants, began selling alcohol for off-premise consumption. These outlets were excluded from this analysis under the assumption that these measures were temporary.

Alcohol Justice developed a set of Best Retail Practices based on the literature reviewed above. (Appendix I). The evidence and best practices list informed our construction of survey questions. Between July and December 2020, a researcher visited each qualified site and completed an on-site assessment of marketing materials, product selections, store layout, and properties of the store associated with strong adherence to alcohol regulations using SurveyMonkey instruments hosted on a mobile device.

Most questions were dichotomous, allowing only 2 answers. In cases where the question was phrased to collect cardinal or ordinal responses, the questions were rescored according to whether the response was above or below a certain threshold. For instance, the question “What percentage of the outside windows are covered in advertising?” was converted into “Was this store Lee Law compliant?” with a yes/no answer depending on whether the field researcher observed ads covering 33% or more of the window space. All dichotomous criteria were then grouped into six sets of indicators, broadly associated with risk factors for promoting or enabling adolescent use. Riskier criteria were scored 1, less risky scored 0. The risk indicator sets were identified as:

1. Safety (5 questions)
2. Youth advertising exposure (6 questions)
3. Alcohol normalization (6 questions)
4. Vulnerability to theft (4 questions)
5. Youth-friendly products (5 questions)
6. “Good Neighbor” qualities (5 questions)

Note that Lee Law compliance was incorporated as a safety factor in line with the original intent of the legislation, and overall ad density (outside *and* inside) as well as density of alcohol-specific advertising was noted separately. Nonetheless, Lee Law enforcement remains a key strategy in reducing youth exposure to outdoor advertising.

Indicator scores for each store were created by summing the criteria in each indicator. Stores were then ranked according to the total for each indicator. If a store ranked in the top quartile for an indicator, it was given a point in the overall risk score. This, in turn, was used to generate a list of the stores most out of compliance with retail best practices.

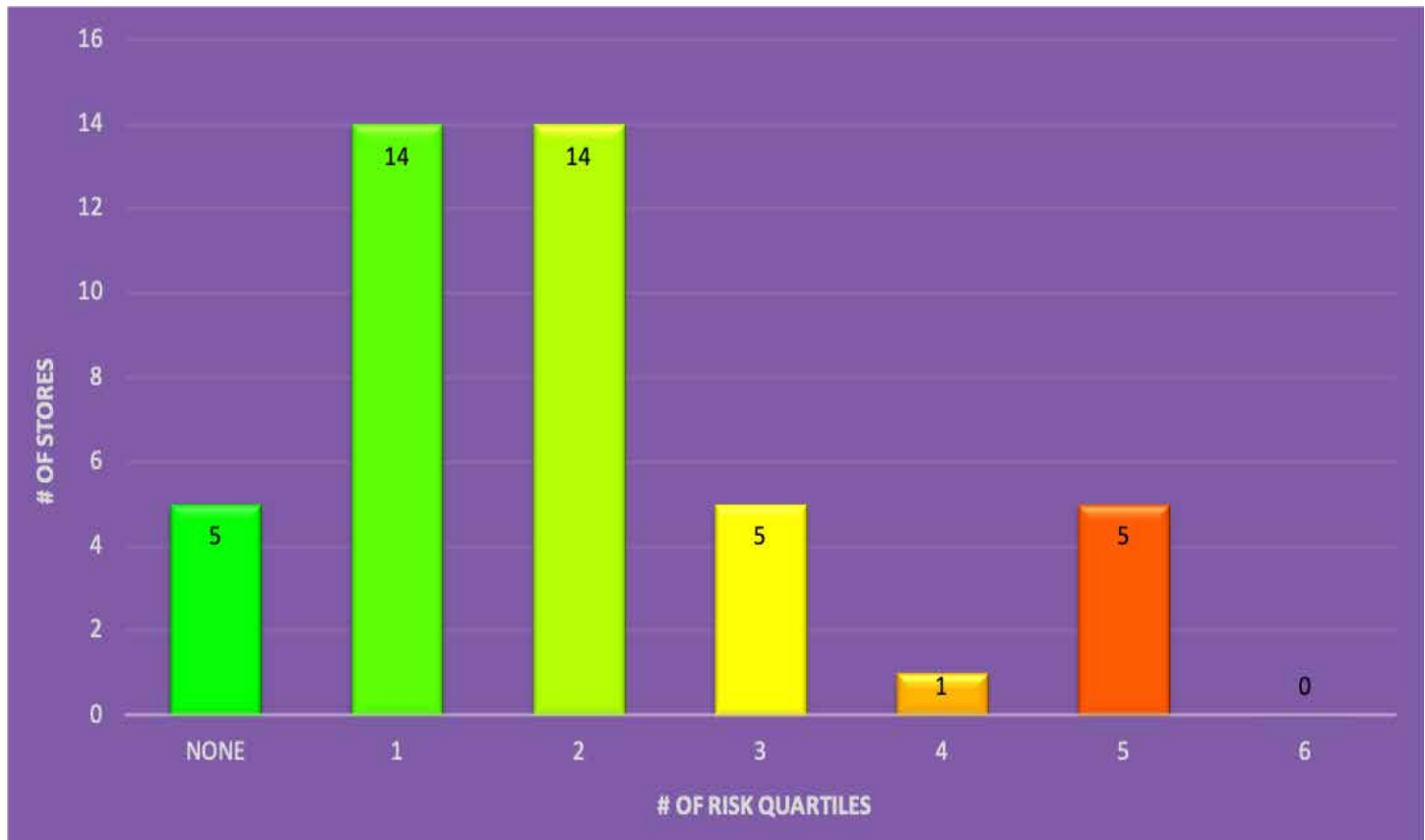
RESULTS

Overall Compliance

The overwhelming majority of stores surveyed were assessed as risk-conducive (i.e., in the top quartile) in at least one of the six indicators. In the overall risk quartile scores, only 5 stores had scores of 0, suggesting they were largely compliant with all the recommended best practices. The mean quartile score for all San Rafael outlets was 2.2, and most (64%) of store surveyed had non-compliance scores of 1 or 2. This left 11 stores (25%) as noncompliant outliers, with scores of 3 or higher, although no outlets registered a score of 6. (Figure 1) Charts of the distributions of risk scores for the six risk indicators are included in Appendix II.

The stores with the highest noncompliance scores—the “Awful Eleven”—are identified in Table 2. Locations of the Awful Eleven are shown in Figure 2. Significantly, 4 of the 11 (36%) are located

FIGURE 1. Risk quartile score* distribution for San Rafael alcohol retail stores



* Defined as number of risk indicators in which a store scored in the top quartile.

TABLE 2. “The Awful Eleven.” San Rafael stores with risk quartile score ≥ 3

Store Name	Score	Store Name	Score
Bret Harte Super Market	5	Circle K	3
Colonial Liquors	5	United Liquors	3
More For Less	5	Al’s Liquor	3
Northgate Wine and Spirits	5	Mi Rancho #2	3
7/11 (B St.)	5	Famous Market & Deli	3
Dandy Market	4		

in the Canal District, a low-income, primarily Latinx and immigrant community. Locations of the Awful Eleven were also plotted against youth-relevant landmarks. Notably, 7 (64%) are within a one-mile radius of San Rafael High School, the major public school for the southern San Rafael area. (Figure 3)

Safety

The safety indicator contained five observations: good outside lighting, indications of public consumption near the store, visible security guards on the premises, compliance with the “Lee Law” (<33% of outside windows covered with any

FIGURE 2. Locations of the “Awful Eleven” within San Rafael

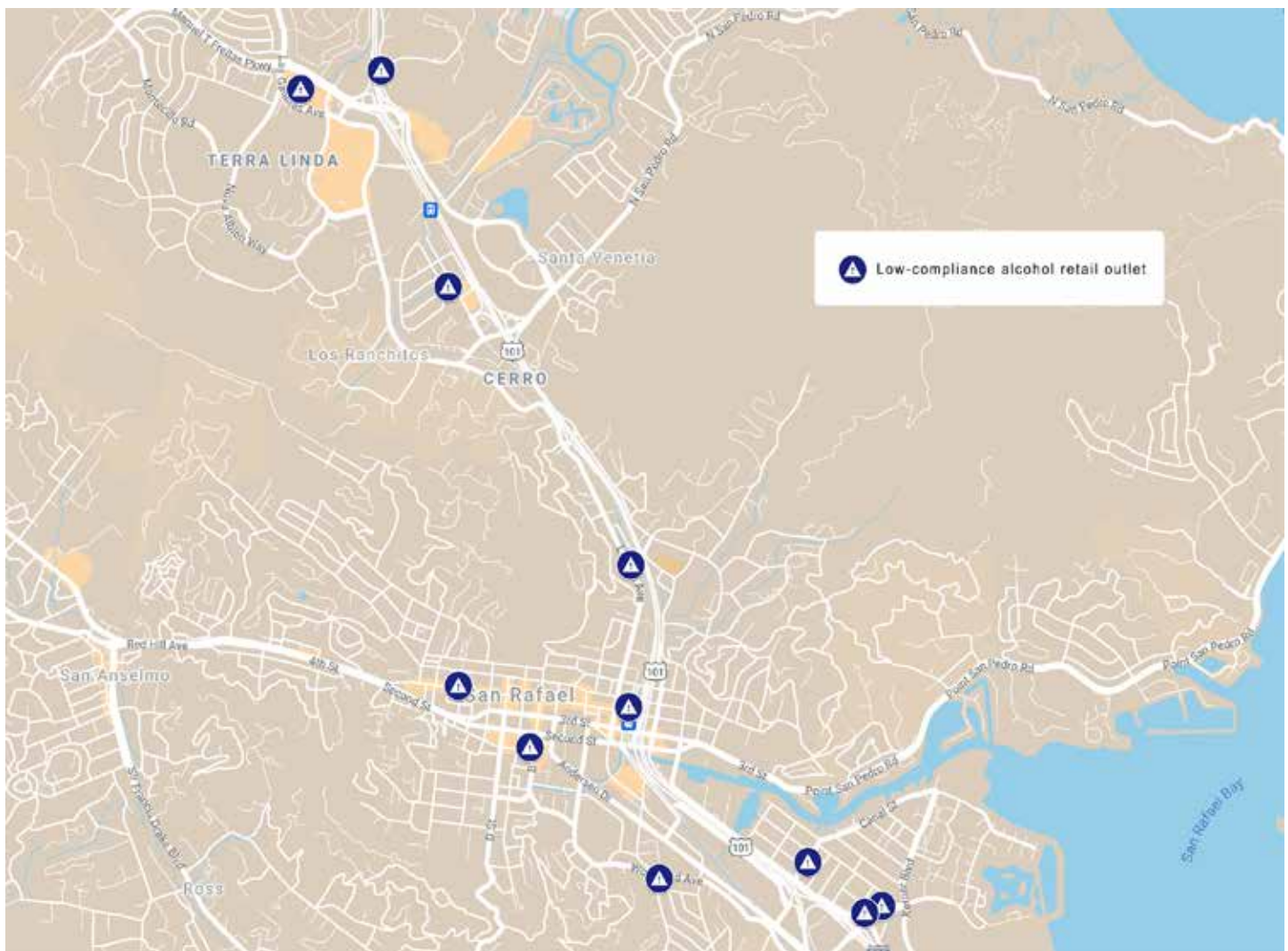


FIGURE 3. “Awful Eleven” alcohol outlets within 1 mile of San Rafael High School

advertisements), and the clerks' ability to monitor the store directly. Most stores (64%) were non-compliant in 0 or 1 observations, and only 1 store (Colonial Liquors) was noncompliant in 4 observations. All stores surveyed had surveillance, either directly through line of sight or via closed-circuit cameras.

San Rafael stores were notably Lee Law noncompliant. Nearly one-third ($n=14$) of stores surveyed had over 33% of their outside-facing windows covered in advertisements. All of the Awful Eleven were noncompliant. Alcohol ads accounted for 50% or more of the window ads in 11 of the 14 Lee Law noncompliant stores, including 9 of the Awful Eleven.

Youth Advertising Exposure

Youth advertising exposure indicators were built from the density of alcohol ads (e.g., what percent

of advertising on the premises was for alcohol), the raw number of alcohol ads, the presence of illuminated (including animation, LED, neon, back-lighting, etc.) ads or promotional items, the presence of inside advertising, locating those ads within youth eyelines (3 feet or less from the floor), and including deals and promotions that make products affordable to youth. Full compliance was seen in 30% of stores ($n=13$), whose scores of 0 mean that they essentially had no alcohol advertising. However, another 30% of stores ($n=13$) scored over 3, with 3 stores (7%) showing noncompliance with every criterion.

Despite the concentration of low-risk advertising environments, 54% of stores surveyed ($n=24$) had alcohol advertising. Another 54% ($n=23$) advertised high-risk promotions or discounts on alcohol. Ten of the 13 highest-scoring stores were on the Awful Eleven, including the 3 who were noncompliant in 5

of 6 criteria (Bret Harte Super Market, Dandy Market, and Northgate Wine and Spirits).

Alcohol Normalization

The alcohol normalization indicator measures the factors that put alcohol products in front of youth even when they have no interest in purchasing it. It consists of six criteria: whether alcohol was sold within 5 feet of the counter, whether alcohol was sold within 2 feet of sodas and other non-alcoholic drinks, whether alcohol was sold in the same refrigerator as non-alcoholic items including food, whether alcohol was sold within 5 feet of chips/candy/toys, whether alcohol was stocked 3 feet or less from the floor, and whether there were “airplane bottles” of spirits for sale on the counter. Noncompliance was more evenly distributed, with 66% (n=29) scoring 2 or lower. Only 2 stores (5%) were noncompliant in 5 criteria, and none were completely noncompliant in all 6 criteria.

Of all the stores scoring 4 or 5, 75% (n=6) were members of the Awful Eleven. The 2 stores with the highest-score on the indicator were Bret Harte Super Market and Northgate Wine and Spirits.

Vulnerability to Theft

Vulnerability to theft was measured by four criteria, one of which was also considered a safety indicator. Those criteria were the visible presence of security guards, employee ability to monitor the store premises, distilled spirits on the sales floor instead of behind the counter, and a lack of antitheft measures (including locked cabinets and bottle locks). The majority of the stores were noncompliant in 2 criteria (n=26, 59%), but no stores were wholly compliant or wholly noncompliant.

Although 4 of the Awful Eleven had the highest noncompliance score with 3, they comprised a minority (33%) of stores in that tier.

Youth-Friendly Products

Youth-friendly products were identified based on trend data. Four had been previously targeted in



the Alcopop-Free Zone campaign. They included Smirnoff Ice, Four Loko, Mike’s Hard Lemonade or Mike’s Harder Lemonade, Budweiser “-rita” products, and hard seltzers (such as Truly and White Claw). Youth-targeted products were present on the majority of stores’ shelves (91%, n=40). This is driven in large part by hard seltzers, which were stocked by 39 of those stores, but 61% of stores stocked at least one other youth-friendly product as well. There was a notable spike at the higher end of the noncompliance indicator, with 17 stores (39%) stocking 4 or 5 of the high-risk products. Of the 17 stores stocking 4 or 5 different youth-friendly products, 9 were part of the Awful Eleven, including 4 of the 5 that sold all 5 products being tracked.

“Good Neighbor” Qualities

The “good neighbor” indicators assessed whether stores were aware of and following alcohol sale

DISCUSSION



The distribution of noncompliance scores showed a small subset of stores in San Rafael, CA, created high-risk environments across many domains. Though the use of questions in multiple risk indicators means the overall scores are not independent, the highest scoring stores were in the top quartiles in non-overlapping categories. In short, stores that had excessive advertising were also likely to stock many dangerous products and have layouts that forced underage customers to frequently engage with alcohol products, etc. This also means that overall youth access and exposure to products can be greatly reduced by engaging only a minority of stores. Meanwhile, although most stores were noncompliant in only 1 or 2 categories, very few follow all 6 of the best practices.

Nearly every one of the Awful Eleven were highly noncompliant with youth advertising best practices. Although advertising does not directly put alcohol in underage youths' hands, evidence shows that it has a demonstrable effect on making them interested in drinking and in shaping their drinking patterns. Moreover, it does not depend on extraordinary circumstances to have its effect; outdoor advertising reaches youth that are not even interested in that particular store. In San Rafael, this threat is exacerbated by the close proximity of high-risk (therefore advertising-dense) stores in close proximity to the high school and the downtown transit center. By reducing alcohol advertising—particularly outdoor alcohol advertising—stores can prevent alcohol among far more youth than will ever set foot on their premises. These reductions may have persistent popular support; a recent analysis of public opinions from 1995 through 2015 found that 55.5% of US residents supported reducing the prevalence of alcohol ads, with stronger support among Latinx respondents.³¹

rules and regulations, and whether they seemed accountable to the community. The five items in the indicator were the presence of public consumption outside the store, the presence of alcohol-related litter outside the store, a visible liquor license inside the store, minimum-age-of-purchase signage at the point of sale, and whether legally mandated signage was legible and in good condition. Most stores were highly compliant, with 70% (n=31) scoring 0 or 1 on the index. The highest score was 3 (out of 5), with 6 stores (14%) in that higher-risk tier.

Still, two risk criteria were frequently observed. More than half (55%, n=24) of stores had no liquor license visible to customers, and 23% (n=10) had legally mandated signage that was degraded. The Awful Eleven were not heavily represented in the high-risk tier. Only 1 store (the 7-Eleven on B St.) fell in the least compliant category, and only 2 others were noncompliant in 2 criteria.

Enforcing the Lee Law provides an ideal route for this reduction in advertising. The Lee Law mandates that only 33% of outdoor window space be covered in advertising. As Mosher and D'Andrea note, many stores openly violate this law.²⁰ Others knowingly follow the letter but not the spirit by, for example, having ad-free "outdoor" windows that face an alley or a back parking lot, bringing the total

window space under 33% even while the public-facing windows are completely covered. Many more violators are likely unaware of this law. These stores must be brought into compliance; in many cases, this may be a simple act of education. However, bad actors must be convinced they will lose more revenue through disruption of business-as-usual than they gain from extra advertising.

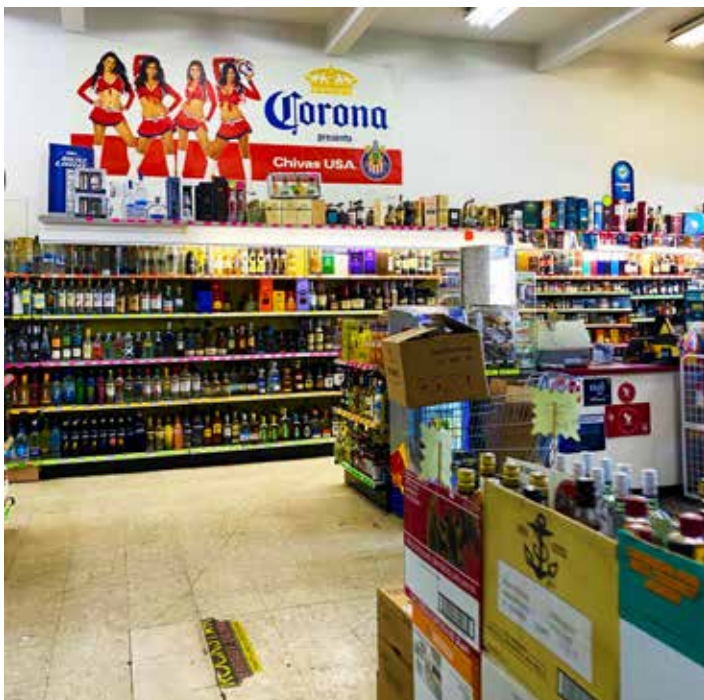
This disruption should come through police enforcement, yet the current widespread violations demonstrate that the Lee Law is either unenforced or the penalties are inconsequential. In cases like this, then, two approaches are called for: either direct action by community groups, including active disruption of business and media hits, or a civic directive to enforce the law and increase the consequences for noncompliance. In the short run, making the law more restrictive—decreasing the amount of windows that can be covered from 33% to 15%, for example—would not only make non-compliance more plain, it would create pressure on law enforcement to perform their sworn duties. Moreover, it would make the community more aware of the fact that the inundation of the streets with alcohol advertising is not a *fait accompli*.

Similarly, the omnipresence of dangerous products feels foreordained, but does not need to be. These youth-friendly products are lucrative but are trickier to monitor than advertising. While de-flavored

or flavor-masked alcohol products are the most likely to be attractive to youth, the names, natures, and trendiness of these products changes continuously. The current survey was conducted based on the products targeted in the Alcopop-Free Zone campaign,³² but it is already plain that the product landscape has changed. Hard seltzers are omnipresent and heavily marketed to younger demographics. Increasingly, hard seltzers are being sold in bigger cans, and with higher alcohol content (e.g., White Claw Hard Seltzer Surge, which is sold in 16 oz. cans at 8% ABV, as compared to the original products' 12 oz. at 5% ABV.) “Cocktails-in-a-can,” heavily flavored, high-ABV hard liquor products packaged to look like beer, are also steadily gaining in popularity. Proper assessment of dangerous products requires constant surveillance of both the retail market and youth use trends. Nonetheless, there is no reason to think that a store that stocks last year's youth-friendly products would not stock this year's as well. Product-oriented prevention demands must be sufficiently flexible to remove all dangerous products, not just the ones identified by brand name.

Price also provides a powerful area in which to pressure stores. Over half of the outlets surveyed had some sort of deal or discount of alcohol. Because youth are often financially constrained, low-price alcohol both promotes intention to consume (or prevent price from dissuading them from consuming) and increases the amount of alcohol youth drink when they are able to get alcohol. Encouraging stores to refuse discounts and promotions helps combat this, but there are other routes to reduce sales. Single-serve bans take very low-price products such as malt liquor and alcopops and force consumers to buy them in larger multiples. This effectively raises the price, reducing the quantity and impulse to obtain alcohol.³³ It may also reduce shoplifting. Both of these prevention outcomes are also relevant to airplane bottles of hard liquor, a prevention modality promoted in 2014 by then-San Rafael Mayor Gary Phillips.³⁴

Public awareness of what constitutes a high-risk retail practice is key. Not only does it create support for environmental interventions, it helps the community realize its power to effect policy changes. Yet with any environmental strategy just seeing





not rigorously assessed since public display of conditions are not mandated by state law or city ordinance.

Ultimately, the survey found areas of concern (particularly surrounding outdoor advertising, Lee Law compliance, and dangerous products) mitigated by indications of hope (better than expected Good Neighbor attributes). Although most stores displayed only a few risk factors, a handful of stores were notably prone to contribute to underage consumption. By confronting this “Awful Eleven” and persuading them to come into line with established best practices, we can protect the wellbeing of young San Rafael residents down through their lifetimes.

LIMITATIONS

Although this survey was designed before the advent of COVID-19 lockdowns, the data were collected during the period of maximum impact on the retail environment. Although retail alcohol outlets were not affected to the degree that bars and restaurants (“on-sale” alcohol vendors) were, the changed economic pressures and incentives could have affected store layout, staffing, and stocking.

The time in which the assessments were performed was spread out across over half a year. This may have led to seasonal changes in retail environments that were impossible to capture.

While the indicators were designed to be applicable to behaviors that enhance the risk that the store may encourage underage alcohol use, the relative impact of each indicator is unknown and there was no adjustment for absolute risk by the size of the store. Therefore, a large store with high noncompliance on one highly risk-inducing indicator but good compliance on the others might create more risk than a smaller store with moderate noncompliance across multiple, less risk-inducing indicators. Nonetheless, the Awful Eleven were all highly noncompliant across multiple indicators.

The youth-friendly product indicators were based on prior research. Industry marketing strategies

a change on the books is not enough. Community oversight and monitoring is essential to ensuring legislative victories are translated into on-the-ground change. (The Lee Law noncompliance is a case-in-point. The legislation was passed over 30 years ago, yet many stores feel no obligation to follow it.) Part of this oversight requires differentiating stores that are reckless or contemptuous of best practices from those which are simply unaware of them.

The “Good Neighbor” indicator suggests which stores would be more willing to work with communities to ensure safer environments for youth. The fact that the highest noncompliance scores on this indicator were only 3 out of 5 should provide some reassurance that San Rafael stores would be ready to work alongside public health advocates in good faith. Nonetheless, fewer than half of the stores surveyed had their liquor licenses readily available for public view. No stores had any signage explaining what conditions might have been placed on their licenses (hours of operation, noise restraints, etc.), although this was

and youth taste change quickly, however, and the products identified in this instrument may not be the ones most in need of restriction from store shelves. Researchers did observe other flavored products, including “flask wines” like Mad Dog 20/20, cocktails-in-a-can, and Buzzballs, however their presence was not systematically assessed or included in the final analysis.

While these data are highly relevant to the City of San Rafael, it is not clear how generalizable they are to the retail environment of California at large. San Rafael has both extremely high median income, and extraordinary income disparity between highest- and lowest-earning households. It is possible that ethnically, economically, or geographically dissimilar locales may have markedly different risk profiles, including risk factors that were not anticipated by this study. In particular, with the exception of Lee Law compliance (a long-term hot topic for prevention advocates), this survey did not anticipate or observe openly illegal behavior in or by the store.

Moreover, the most harmful illegal behavior comes in the form of sales to minors, either directly or through shoulder-tapping. The study design did not create a situation where the surveyor could either observe purchasers or verify the legality of the transaction. Likewise, as a simple moment-in-time cross-sectional assessment, the presence or absence of loiterers or indications of public consumption were exceptionally easy to overlook. The shop-lift vulnerability criteria did not capture “no chase” policies, which are rarely explicitly acknowledged by stores but may be common knowledge among underage youth who drink. While the questions were designed to capture the factors that youth look for when choosing a store to obtain alcohol from, it contains no insight as to which stores are actually providing alcohol to underage customers.

NEXT STEPS

Alcohol Justice’s recommendations for Best Practices for Stores that Sell Alcohol are included in Appendix I. These recommendations take the form of simple environmental reforms individ-

ual stores can take to address the main risks for youth access, exposure, and intent to consume as described in this report. For any advocates looking to change the retail environment, the first step is to assess which stores are adopting these practices and identify which ones are the primary purveyors of risk.

Bringing these stores into compliance with best practices may require multilevel interventions. In some cases, store owners may wish to be seen as productive members of the community, and were unaware of the impacts of alcohol marketing and bad products. However, more often, an approach that rewards good behavior and holds stores accountable for dangerous behavior is necessary.

The accountability comes in the form of direct action and policymaker intervention. Direct action from members of the community works both to raise awareness of the problems arising from the store’s business practices and to threaten the revenue of the business. This can take the form of media outreach, protests (particularly youth-led ones as part of a Positive Youth Development curriculum), or flyering and public education. Policymakers, meanwhile, can be urged to create resolutions condemning risky retail alcohol sales environments and praising safe ones. In situations where dangerous sales are rampant, stronger legislation can be used to impose conditional use permits on reckless retailers, or to outright ban certain products, formulations, or discounts. These policy tools are all available to local municipalities under their “police powers” to protect public health and public safety.

The reward, on the other hand, comes from publicly recognizing stores that show interest in the health and safety of youth. Not only does this create a sense of civic involvement, it may lead to local consumers preferentially choosing those outlets. Moreover, since these stores remain a primary place for youth to buy non-alcoholic consumables, making youth feel they have a stake in a store’s retail environment, or that they feel a sense of gratitude towards store staff or owners, could encourage them to frequent those stores.

Ultimately a healthy store environment is something that should be both fought for and celebrated. It is a gift and an obligation for advocates and decisionmakers, and a roadmap and inspiration for the youth whose lives it impacts.

Recommendations

A low-risk retail environment benefits both individual youth and the community at large. For groups that are concerned with creating protective environmental change within alcohol retail stores in their communities, the following steps mirror the solutions the San Rafael-based Youth Action for Safe Stores intends to pursue. They are intended to raise community awareness of risk factors and intention to change the retail environment, as well as persuade retailers to comply with best practices.

1. For locales with no legal limitations on store-based outdoor alcohol advertising, local government should be strongly pressured to adopt these policies.
2. Local governments should embrace the Best Practices for Stores that Sell Alcohol as the gold standard for healthy stores. Lo-

cal police departments should be proactive in enforcing those best practices that are mandated by law.

3. All local alcohol retailers should be open to meeting with community groups and campaign participants, and be proactive about complying with the Best Practices.
4. Community groups and campaigns, should expose stores that continue to facilitate underage drinking, with media hits and direct actions when necessary. Conversely, the community should actively praise stores that make good-faith efforts to improve their practices.
5. City ordinances should make the Lee Law or its equivalent advertising limits more restrictive and ensure prompt enforcement. Alcohol Justice recommends that no more than 15% of store windows be covered in advertising.
6. Because alcohol harm travels, neighboring cities and allied community groups throughout the region should also adopt similar resolutions and best practices. If stores do not comply, then these groups should be supported and encouraged to engage in similar campaigns.



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APPENDIX I. BEST PRACTICES

Best Practices for Stores that Sell Alcohol

By following these guidelines to create a positive retail environment, San Rafael stores can delay alcohol consumption by underage youth and promote a safer, healthier city. Best practices for reducing youth consumption through changing store environment fall into five evidence-based, broad categories:

1. Limit youth access to products

Avoid low-cost products.

Young drinkers often have limited financial means, so **refuse promotions that lower alcohol price**. Package all single-serve bottles and cans as **six-packs or larger cases**.

Prevent shoplifting.

Shoplifting is a major route for underage drinkers to obtain alcohol. Keep all hard liquor **behind the sales counter**, in **locked cabinets**, or **secured with “bottle locks”**. Keep all alcohol at least **10 feet from the door**. No unsecured **alcohol products on the counter**.

Maintain clear lines of sight and good illumination.

Stores that are **well-maintained, clearly monitored by staff, and visible to passers-by** discourage efforts to illegally obtain alcohol.

2. Limit youth exposure to advertising

Comply with the Lee Law.

The “Lee Law” in California mandates that stores have **no more than 33% of their windows covered in advertising**. Ideally, remove all exterior alcohol advertising, especially **illuminated signs, clocks, billboards, and scrolling displays**.

Keep inside advertising away from youth line-of-sight.

Interior advertising should be **limited to the areas where alcohol is sold and displayed at least 3 feet from the floor** or higher.

Remove youth-friendly advertising materials.

Sports tie-ins, celebrity spokespersons, images of young-seeming drinkers, and alcohol-related clothing and giveaways are particularly attractive to underage consumers.



3. Do not normalize alcohol use

Do not stock youth-friendly products (AKA alcopops).

Remove all **sweetened, bubbly, heavily flavored drinks (alcopops)** from stock. Do not stock any products that mimic **energy drinks or sodas**, are branded with **games, movies, or pop stars**, or mimic common youth consumer items. Even hard seltzers over 5% ABV should be avoided. Hard seltzers and alcopops are often the first drinks for underage youth.

Do not sell airplane (cordial) liqueurs.

These products are too easy for youth to steal or hide at school.

Separate alcohol products from other goods.

Keep alcohol on **separate shelves** and/or refrigerators. Keep these shelves and refrigerators **at least 5 feet away** from ones holding candy, chips, energy drinks, sodas, and juice.

4. Accurately convey harm and risk

Maintain all signage about minimum age of consumption.

Stickers, signs, and labels stating that **purchasers must be 21 years of age or older** should be at the point of purchase, the door, and on all shelves and fridges holding alcohol products.

These should be **clearly legible and in good repair**.

Prominently display Prop 65 warnings.

Warnings that “**alcohol use increases cancer risk**” should be clearly visible and in good repair at the point of purchase and all shelves holding alcohol. They should be **clearly visible and in good repair**.

5. Promote transparency and community oversight

Clearly display license and conditions.

The **license should be clearly displayed** within the store, not kept in a back room. Any **Conditions on the license** should also be clearly displayed.

This “Best Practices for Stores That Sell Alcohol” guide is produced by Alcohol Justice for the Youth Action for Safe Stores campaign led by Youth for Justice. It is evidence-based and compiled from peer-reviewed, published scientific studies. Alcohol beverage laws simply do not go far enough, and require the cooperation and civic leadership of corner stores and grocery outlets to help protect our most vulnerable clientele: underage youth.



APPENDIX II. RISK SCORE DISTRIBUTIONS BY INDICATOR

FIGURE II.1 Distribution of Stores By # of Safety Indicators

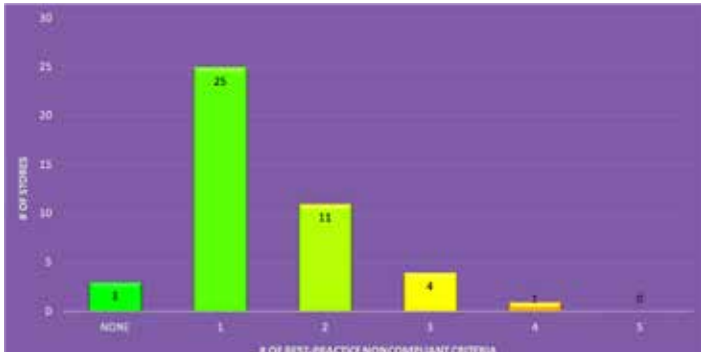


FIGURE II.4 Distribution of Stores By # of Vulnerability to Theft Indicators

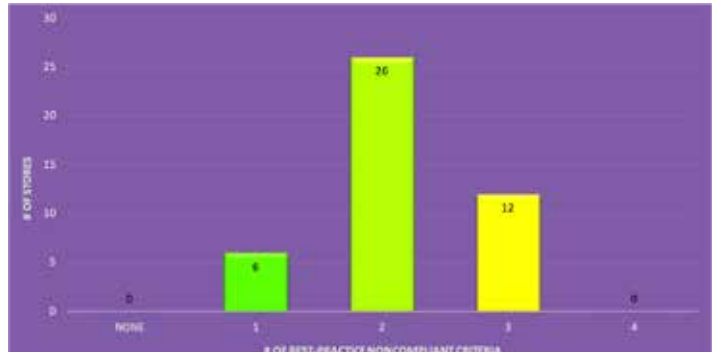


FIGURE II.2 Distribution of Stores By # of Youth Advertising Exposure Indicators

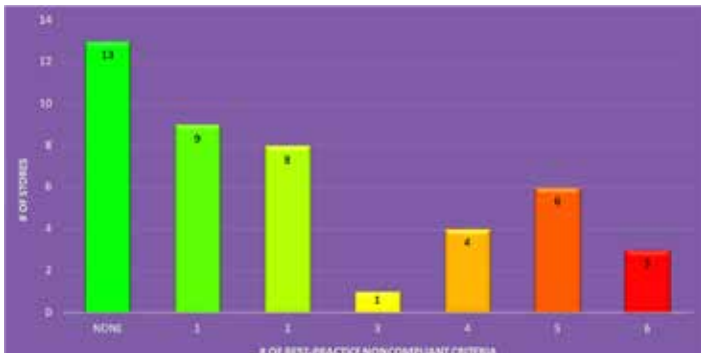


FIGURE II.5 Distribution of Stores By # of Youth-Friendly Product Indicators

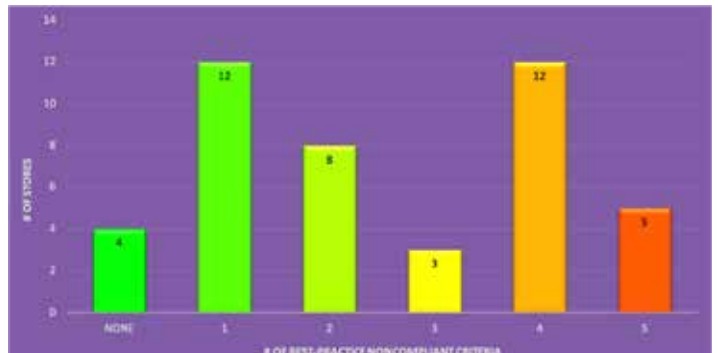


FIGURE II.3 Distribution of Stores By # of Alcohol Normalization Indicators

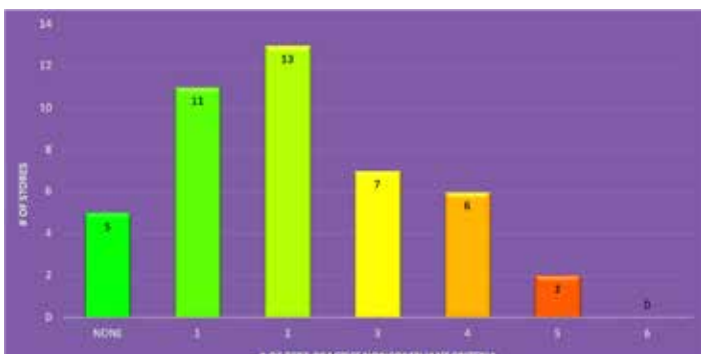
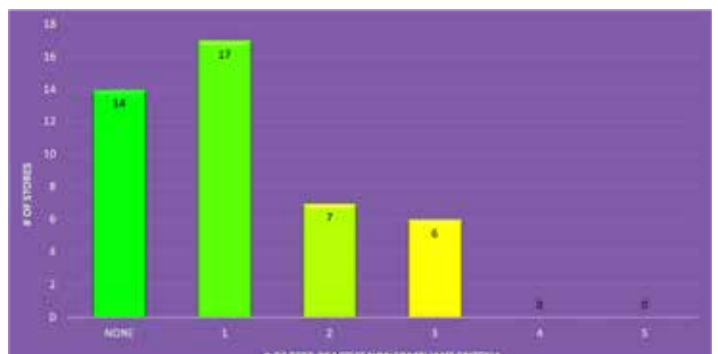


FIGURE II.6 Distribution of Stores By # of “Good Neighbor” Indicators



ALCOHOL HARM FAST FACTS

MARIN COUNTY, CA



11th Grade Alcohol Use, Marin County vs. All California

Region	Lifetime Alcohol Use	Alcohol Use, Past 30 Days	Binge Drinking, Past 30 Days	Drank > 2 Days, Past 30 Days
Marin	63%	40%	25%	19%
California	43%	23%	12%	8%

(California Healthy Kids Survey, 2019)

11th Grade Binge Drinking as % of All Drinking, Past 30 Days

Marin	63%
All California	52%

(California Healthy Kids Survey, 2019)

% of Driving Deaths Involving Alcohol

Marin	32.4%
All California	28.7%
All United States	27.0%

(Healthy Marin County, 2021)

- ☒ Only **9%** of 11th graders believe it is difficult to obtain alcohol. (California Healthy Kids Survey, 2019)
- ☒ Marin teenagers are **16% more likely to be admitted to the ER for an alcohol-related injury or poisoning** than the statewide average. (Healthy Marin County, 2021)
- ☒ Nearly **one out of three (31%) of Marin teenagers have been in an alcohol-related dangerous driving incident** (either driving while intoxicated or in the car while the driver was intoxicated). (Healthy Marin County, 2021)
- ☒ The number of **stores stocking alcopops in Marin increased from 63% to 70%** between 2016 and 2019. (Healthy Stores for a Healthy Community, 2021)



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MISSION	Alcohol Justice, the industry watchdog, promotes evidence-based public health policies and organizes campaigns with diverse communities and youth against alcohol and other drug industries' harmful practices.
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