



## HIGHLIGHTS

**National** – Alcohol advertising is again under the scrutiny of critic groups and some elected officials. Sen. Mark DeWine (R-OH) and the Robert Wood Johnson-funded Center on Alcohol Marketing and Youth, are pushing for state legislative/regulatory measures that they believe will address underage drinking. Among their misguided proposals are restricting or prohibiting outdoor advertising and restricting sponsorship of civic events. DeWine also supported the call for another FTC-led investigation into all alcohol advertising, as that federal agency did in 1999. Their conclusion then was that the industry was abiding by all guidelines necessary to ensure that ads were not targeted to those under 21. A new backgrounder on Beer Advertising will be circulated to government officials. Congressional hearings on the matter could materialize as a result of this recent renewed focus. ★ Another federal agency, the new Alcohol and Tobacco Tax and Trade Bureau (TTB, formerly BATF), has proposed regulations governing flavored alcohol beverages. The regulation, which would classify FABs as a malt beverage if less than .5% of the alcohol by volume comes from distilled spirits, is “open” for a public comment period during which opinions from industry, elected officials and others will be collected and analyzed; from there a final rule will follow. ★ Tax relief is on the minds of DC lawmakers – the President’s tax cut plan is final, and the beer industry’s tax rollback bill continues to gather momentum. To date, 138 sponsors have pledged to give beer drinkers some tax relief.

**Regional Outlook** – Nearly two dozen states have officially closed their legislative sessions for the year... but special sessions will be held in many of those states to finalize bills or issues that were left unresolved – mostly due to budgets. While the average length of a special session is short (a few days), they have the potential to be anything but sweet for the beer industry. That’s because beer tax hikes could reappear as part of the recipe for balancing the budget. ★ An update of legislative news and the status of tax bills is included.

**AB-LINK** – The Campaign Finance Law which took effect two days after the mid-term elections last November, forced a change in party fund raising but is now in legal limbo. In early May, a three-judge federal court panel struck down most of the ban on the use of large

corporate and union political contributions by political parties. New restrictions on election-time political ads by special interest groups and others also were struck down. The federal court’s decision has been appealed to the U.S. Supreme Court with a decision expected to affect the 2004 presidential election and beyond. A chart depicting allowable contributions to candidates, PACs and party committees is included.

**Issues Update** – From brewers, to wholesalers, to retailers... from the agricultural products that go into brewing beer, to the packaging the beer is sold in, to the facilities where these operations take place... the ripple effect of the beer industry’s economic impact is quite powerful. A synopsis of new data available from the Beer Institute provides a picture of how we directly and indirectly impact state and local economies. ★



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## Alcohol Advertising In The Spotlight (Again)

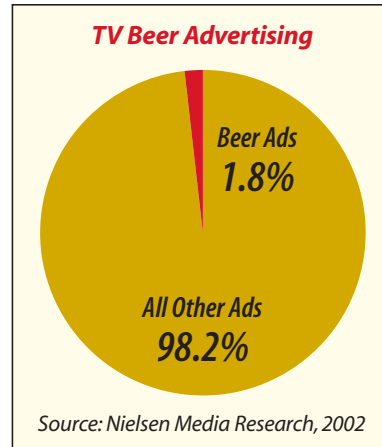
On the heels of its December 2002 study that "Youth See More TV Commercials for Beer than for Sneakers, Gum or Jeans," the Center on Alcohol Marketing and Youth (CAMY) at Georgetown University, funded by the Robert Wood Johnson Foundation, released a study in April proposing specific state legislative/regulatory measures to address underage drinking. Twelve different state and local provisions are recommended, including some we already observe, several we oppose and others that can be problematic, depending on their specific language. The proposed measures are:



1. Prohibit false or misleading alcohol advertising
2. Prohibit alcohol advertising that targets minors
3. Prohibit images of children in alcohol advertisements
4. Prohibit images or statements that associate alcohol with athletic achievement
5. Prohibit images or statements that portray or encourage intoxication
6. Establish explicit jurisdiction over in-state electronic media
7. Restrict outdoor advertising in locations where children are likely to be present
8. Prohibit outdoor alcohol advertising near schools, public playgrounds and churches
9. Restrict alcohol advertising on alcohol retail outlet windows and outside areas
10. Prohibit alcohol advertising on college campuses
11. Restrict sponsorship of civic events
12. Limit giveaways (contests, raffles, etc.)

As a result of the CAMY study, Senator Mike DeWine (R-OH), is joining with the organization to urge the FTC to review the alcohol industry's advertising, like it did in 1999, with a specific eye to advertising for flavored alcohol beverages. When the FTC conducted its study in 1999, it determined that the industry was abiding by its voluntary

advertising code, and that that mechanism adequately ensured that the industry's advertising was NOT targeted to those under 21. The



FTC has initiated the new study and is likely to reach the same conclusion as it did previously. This will probably not appease DeWine, CAMY or other critics, and they may call for Congressional hearings on the matter, despite the facts (and there are many). For example, alcohol advertising has been studied carefully for decades and there is no credible evidence that ads induce

consumers to drink. Furthermore, according to the U.S. Department of Health and Human Services, 83 percent of today's adolescents do not drink and the *University of Michigan Monitoring the Future Survey*, released in December of last year, indicated a continued decline in alcohol use by junior high and high school students.

These facts and more are included in a new backgrounder for government officials, titled *Beer Advertising Facts*. It provides a comprehensive overview of what advertising does and doesn't do and reiterates the significant body of research that concludes that merely seeing an advertisement for an alcohol beverage does not have the influence critics contend it has. For copies of the backgrounder, contact the Beer Institute at 1-800-379-BREW.



In the meantime, if you hear of legislative/regulatory proposals like the ones recommended by CAMY being introduced in your area, please inform your I&GA Region Director immediately. For more information on the CAMY study, go to [www.abmarketing.com/](http://www.abmarketing.com/) and click on AB-LINK, then go to Latest News (*this is a password-protected site for AB wholesalers and employees*) ★



## Beer Tax Rollback Effort

To date, HR 1305, the House bill to rollback the federal excise tax on beer, which was introduced in the 108th Congress in April, has 138 co-sponsors (go to [www.rollbackthebeertax.org](http://www.rollbackthebeertax.org) to see if your Representative has signed on!) Recently, syndicated political columnist George Will, whose opinion editorials appear regularly in major daily newspapers, offered his support for the demise of this antiquated tax. Will saw an article about HR1305 which appeared in *Roll Call*, a Capitol Hill weekly publication, and was astonished to learn just how heavily beer drinkers are taxed. The result was the following commentary which he delivered on ABC's Sunday morning news program, "This Week."



### **ABC, "This week" Sunday, May 18, 2003 Commentator George Will**

*Politicians express devotion to the common man by saying:*

*We care about Joe Six-pack and Jane Six-pack, of course. Meaning beer drinkers.*

*Most beer is consumed in households with annual incomes less than forty-five thousand dollars.*

*So why is beer taxed so heavily?*

*The federal tax alone is eighteen dollars a barrel. It was only nine dollars in 1991.*

*Until the man who had said this – ("Read My Lips – No New Taxes") agreed to a slew of new increases. Including so called "Luxury Taxes" – on yachts, jewelry, private planes – and beer, for Pete's sake.*

*Democrats demanded these luxury taxes. Democrats, who supposedly are defenders of the toiling masses.*

*So, why not cut the beer tax today? Taxing beer at all is a seriously bad idea. Like taxing the elemental necessities of life. Such as bread or salt or beer pretzels – which are just bread and salt.*

***"The Surgeon General should label the beer tax as harmful to the nation's health."***

*Today, forty-four percent of the cost of beer is taxes. The doubling of the beer tax is the only one of the so-called "Luxury" taxes imposed in 1991 that has not been repealed. Cutting the tax back to nine dollars would knock a buck and a quarter off the price of a case of beer.*

*Every year for the last ten years... California Congressman Chris Cox... has introduced legislation to repeal the "luxury tax" on beer. Now Cox notes that the New England Journal of Medicine reports that drinking one or two beers a day can substantially reduce the risk of heart attack.*

*So beer is health food. Medicine for the masses. The Surgeon General should label the beer tax as harmful to the nation's health.*

*The next time you hear politicians complaining about tax cuts that favor the rich, ask them where they stand on repealing the "Luxury Tax" on beer.*

Where there's a Will, there's a way?! ★

## Federal Government Proposes Standard Governing FABs

With the dawn of the flavored alcohol product category, consumers were happy with the new choices available to them, but state lawmakers soon became confused about how to regulate and tax the variety of offerings that were pouring into the marketplace. Were these malt beverages or hard liquors? To help address the question and stem the proliferation of 50 different state standards, states asked the federal government to create a standard by which to regulate FABs. Under applicable federal statutes, beer and malt beverages are taxed and regulated differently than distilled spirits. The principle distinction is whether the alcohol in the product is derived from brewing or distilling. Flavored malt beverages differ from traditional malt beverages and beer in that many of them derive their taste and alcohol content primarily from added flavorings, which typically contain distilled spirits. While the total alcohol content of these products is similar to beer, (4 to 6% percent alcohol by volume), as much as 99% of the alcohol in many of these products is derived from the distilled spirits found in the added flavoring, and not from the brewing process.

In March of this year, the Justice Department's newly created Alcohol and Tobacco Tax and Trade bureau (formerly the BATF) announced a proposed rule that would classify an alcohol beverage as a beer or malt beverage if only a small amount of the alcohol – less than one-half of one percent – is derived from distilling, vs. from brewing. It's important to note that these are proposed regulations which have been offered for comment from brewers, distillers, consumers and elected officials and are not effective at this time. Comments are requested on the practicality of producing beverages currently on the market under this proposed standard, on whether there are alternative standards that would be more appropriate for these products, and on the amount of time that would be required to comply with new standards. Finally, comments are requested on whether legislative changes are required. Anheuser-Busch, the other major brewers, the Beer Institute and NBWA will be submitting comments in support of the proposed rule. We will be asking wholesalers to do the same in the near future. A final rule is not expected until early next year. ★





## South Dakota

**TAXES** Although different excise tax bills were defeated in the regular session, a special session poses yet another tax threat.

## REGION 7

### Arkansas

**.08** A bill in the House to lower the permissible BAC standard to .07, was defeated.

## REGION 9

### California

**SALES & MARKETING** A bill currently pending a vote on the Assembly floor would prohibit the selling or serving of more than one alcohol beverage less than 15 minutes prior to the closing time for an establishment that serves alcohol.

**ADVERTISING** A bill is pending that would prohibit flyers advertising or promoting establishments located in a jurisdiction where the legal drinking age is under 21, or allowing individuals under 21 to enter. The author is attempting to stop bars in Tijuana from advertising to San Diego residents under 21 years of age.

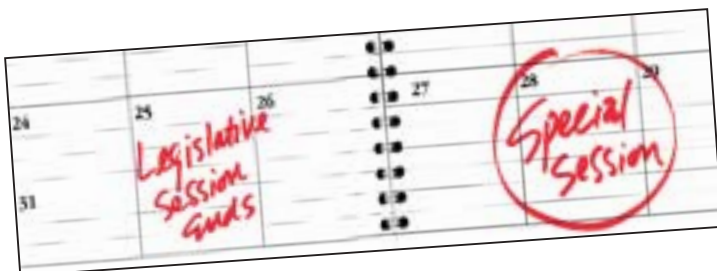
**DRUNK DRIVING** A bill in the Appropriations committee, would make a parent guilty of a misdemeanor if he/she allows an underage child or other underage person to consume alcohol beverages in their home, if the child or other, after leaving the parent's home, is involved in a traffic collision as a result of driving under the influence of drugs or has a BAC of .05% or more.

**GENERAL BUSINESS** A bill pending a vote in the Assembly, provides that if an employee is discharged or otherwise discriminated against within 90 days of filing a complaint, there is a presumption that the action was retaliatory.

## Special Sessions... Especially Challenging

All 50 state legislatures are meeting in regular session this year. As of this writing, twenty-one state legislatures have already adjourned. But according to Stateline.org, governors in about one third of those states have called for – or have threatened to call – **special sessions** of the legislature to address unfinished business.

Although special sessions can be called by the governor of a state for a variety of reasons – to clarify legislation, deal with emergency flooding or other disasters, etc. – this year resolving state budget woes



is the focus of most special sessions. In many states, lawmakers are finding themselves deadlocked and cannot reach agreement on taxes and spending, and special sessions are the option of last resort to find a legislative compromise.

Although special sessions appear to be yet another opportunity for legislative chaos, the 'insider' view of these brief sessions is that governors are very reluctant to call the legislature back into special session until an understanding is already pretty much locked into place. That's what makes it especially challenging: the process is highly scripted, and changing its expected outcome can be difficult.

So, if talk of a special session surfaces in your state and beer taxes were introduced or even considered in the regular session but failed, remember the adage that nothing's over till it's over! Don't hesitate to remind lawmakers that asking beer drinkers to carry the cost of the state's budget shortfalls won't generate the necessary revenue... and it won't help a hurting economy. ★

*Some things are better left unsaid, but some things are worth repeating (and reprinting). The following editorial reprinted with permission from the **Press-Telegram** in Long Beach, CA sums up the lengths some lawmakers will go to try to legislate responsibility.*

## Last Call for Dumb Bills

**Legislator: Is this just a bid for his 15 minutes of fame?**

The paternalistic neo-Puritans in California state government, in their ongoing campaign to legislate every waking moment of our lives, are at it again. In the midst of probably the greatest budget crisis California has ever known, one assemblyman has decided to focus on regulating people's behavior for 15 minutes a night, between 1:45 a.m. and 2 a.m., otherwise known as last call.

He thinks that if you're at a bar at that time, state law should stop you from buying more than one drink. Even worse, 71 members of the state Assembly agree with him: AB 701 passed the Assembly 71-4, and now moves to Senate committee.

Yet another crackdown by a government that believes people can't be trusted to drink responsibly. The fact that no one should slam multiple shots right before getting in the car is completely beside the point. Society's problem is not when someone drinks, it's when someone makes the bad decision to drive after drinking. That's the point when the law should take over, not before.

We're not even going to mention the name of the L.A.-based assemblyman who's behind this, because a bid for attention is often the main reason behind foolish laws. Or politicians just get so drunk on lawmaking they can't stop.

It's sad, in a way, that we've gotten so far from the concept of personal responsibility that the state must legislate every single minute, down to 15 late at night. Next up: that all-too-permissive 3:15 a.m. to 3:30 a.m. ★

*Reprinted with permission, **Press-Telegram**, Long Beach, CA.*

## Bipartisan Campaign Reform Act Of 2002 (BCRA)

In early 2002, President Bush signed sweeping campaign reform legislation sponsored by Senators John McCain, Russell Feingold and others. The law went into effect immediately after the 2002 general election. One immediate impact of the law is that candidates are actively raising money earlier and more aggressively than ever before.

On Friday, May 2, 2003, a federal court ruled two major provisions of the BCRA unconstitutional. The ban on political parties accepting corporate and union contributions for general party-building

activities was lifted. Also lifted was the ban on special interest groups buying election-time political ads that mention federal candidates.

The portion of the law that governs what individuals may contribute remains unchallenged. For individuals, the new limits are \$2,000 per election. This amount is now indexed to inflation so it will increase in future years. See the table from the January 2003 Federal Election Commission Record for details. The full publication is available on the FEC's web site at <http://www.fec.gov/pdf/jan03.pdf>

The federal court's decision has been appealed to the U.S. Supreme Court. Its decision will lay the ground rules for the 2004 presidential election and beyond. ★

## Contribution Limits

(From the January 2003 Federal Election Commission Record)

Donors	Recipients		Special Limits		
	Candidate Committee	PAC <sup>1</sup>	State, District and Local Party Committee <sup>2</sup>	National Party Committee <sup>3</sup>	
<b>Individual</b>	\$2,000* per election <sup>4</sup>	\$5,000 per year	\$10,000 per year combined limit	\$25,000* per year	Biennial limit of \$95,000* (\$37,000 to all candidates and \$57,500 <sup>4</sup> to all PACs and parties)
<b>State, District and Local Party Committee<sup>2</sup></b>	\$5,000 per election combined limit	\$5,000 per year combined limit	Unlimited transfers to other party committees		
<b>National Party Committee<sup>3</sup></b>	\$5,000 per election	\$5,000 per year	Unlimited transfers to other party committees		\$35,000* to Senate candidate per campaign <sup>6</sup>
<b>PAC Multicandidate<sup>7</sup></b>	\$5,000 per election	\$5,000 per year	\$5,000 per year combined limit	\$15,000 per year	
<b>PAC Not Multicandidate</b>	\$2,000 per election	\$5,000 per year	\$10,000 per year combined limit	\$25,000 per year	

\*These limits will be indexed for inflation.

- 1 These limits apply to both separate segregated funds (SSFs) and political action committees (PACs). Affiliated committees share the same set of limits on contributions made and received.
- 2 A state party committee shares its limits with local and district party committees in that state unless a local or district committee's independence can be demonstrated. These limits apply to multicandidate committees only.
- 3 A party's national committee, Senate campaign committee and House campaign committee are each considered national party committees, and each have separate limits, except with respect to Senate candidates-see Special Limits column.

- 4 Each of the following is considered a separate election with a separate limit: primary election, caucus or convention with the authority to nominate, general election, runoff election and special election.
- 5 No more than \$37,500 of this amount may be contributed to state and local parties and PACs.
- 6 This limit is shared by the national committee and the Senate campaign committee.
- 7 A multicandidate committee is a political committee that has been registered for at least six months, has received contributions from more than 50 contributors and-with the exception of a state party committee-has made contributions to at least five federal candidates.



# Issues Update

Barry A. Seeskin

## The U.S. Beer Industry's Economic Impact

A recently-completed study by the Beer Institute powerfully demonstrates the extent to which our industry contributes to the American economy. In fact, the beer industry is a much larger participant in the total U.S. economy than many realize.

While it is natural to think about the *breweries* where beer is made, that is really just the tip of the iceberg in terms of total impact. The industry extends to all three tiers of trade, to beer *wholesaling* and *retailing*. Combined, 857,200 people are directly employed by 565,800 business locations in the total beer industry, adding \$60 billion per year to the economy.

But the total impact is actually much larger than the direct economic activity of brewers, wholesalers and retailers of beer. One economic activity always leads to a ripple effect whereby other sectors and industries benefit. For instance, beer is an *agricultural* product, but requires *packaging* in cans, bottles and kegs and various secondary packaging materials. Suppliers also build *facilities*, purchase *equipment* and make *capital improvements*, and also purchase

*business services*, such as insurance policies and *financial services*. In all, these ripple effects or *indirect impacts* on other business sectors can amount to as much or more than the direct impacts.

In fact, the beer industry extends even beyond these direct and indirect impacts. That's because employees deriving wages from businesses both directly and indirectly involved spend significant amounts of the money they earn within the state. That re-spending generates *additional economic activity* in the state and is logically a part of the total economic impact of the industry.

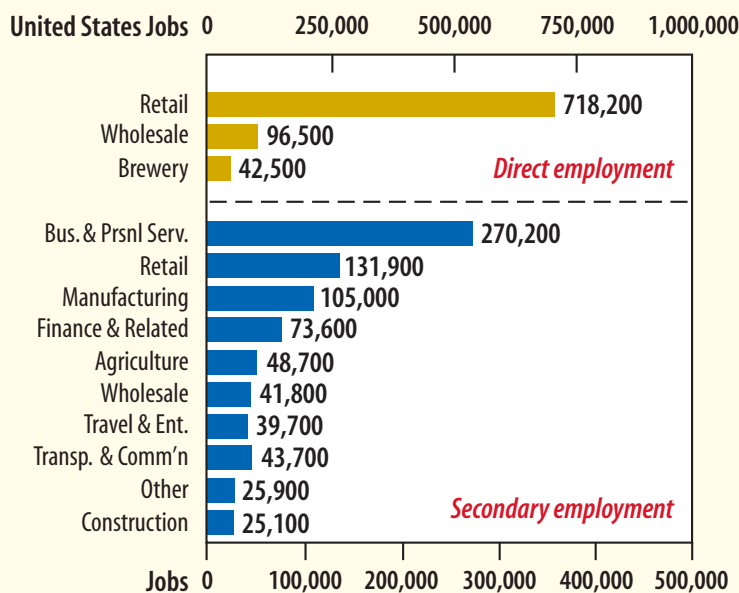
In total in 2001, the beer industry in the U.S. was responsible for more than 857,200 jobs paying \$19.1 billion in wages. The industry and its employees paid \$9.6 billion in taxes to state and local governments, and beer consumers added another \$5.2 billion in sales and excise taxes. Key summary data are provided in the accompanying graphic.

### State-Level and Congressional District Analysis

While national statistics tell a great story, statistics about each individual state add an important level of detail. Additionally, when talking with a member of Congress, it is often the beer industry's impact in their particular Congressional District that is of most concern.

Fortunately, the state-level analysis is already complete, and the Congressional-level work will soon be available. Simply go to the Beer Institute/NBWA-sponsored website, [www.beerservesamerica.com](http://www.beerservesamerica.com) and click on any state of interest – a detailed table will be provided that you can download and print. The Congressional District version should be available at this same website within a few weeks. ★

### Beer Industry Direct and Total Economic Contribution – U.S. Total



#### Direct employment

Jobs .....	857,200
Wages .....	\$19.1 billion

#### Indirect effects

Jobs .....	805,600
Wages .....	\$28.2 billion

#### Total contribution

Jobs .....	1,662,800
Wages .....	\$47.3 billion

#### Taxes paid

	(in millions of dollars)	
	Federal	State/Local
Business & Personal	\$9,250	\$9,560
Consumption	\$3,560	\$5,190
Total Taxes	\$12,810	\$14,750

Totals may not add due to rounding

Data from a study by John Dunham and Associates, commissioned by the Beer Institute. The analysis was based on 2001 data provided by D&B, Inc., the Beer Institute and the federal government. The analysis utilizes the Minnesota IMPLAN Group Model to quantify the economic impact of the malt beverage industry in the U.S. and the states. The accounting of economic impacts utilized RIMS II, a product developed by the U.S. Dept. of Commerce, to sort through the inter-relationships between different inputs and outputs across industries and sectors and the allocation of economic activity to geographic entities – in this instance, to the nation.



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**AB-LINK.com**

Resources for Anheuser-Busch Wholesalers & Employees

Access under the Communications area in [www.abmarketing.com](http://www.abmarketing.com)