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City Of San Bernardino begins enforcement operation against alcohol outlets that illegally sell single-serves

Mayor Pat Morris announced today that four alcohol retailers were cited for selling single serve alcoholic beverages in violation of the Conditional Use Permit (CUP) issued to them by the city. The enforcement action comes on the heels of discussions in Operation Phoenix Steering Committee meetings regarding the negative and dangerous impacts the sale of these items have on the health, safety and well-being of residents.

Single serves are alcoholic beverages that are packaged for consumption by a single individual. These products may contain beer, distilled spirits or alcoholic energy drinks. However, the most common single-serve items are bottles and cans of beer or malt liquor, which contain much higher percentages of alcohol than regular beer. Such products are typically available in large sizes, ranging in size from 16 to 40 ounces, which is more than three times as much as the actual definition of a single serving. They are also kept cold, either in a cooler or even in buckets of ice, so that they can be consumed on the spot, immediately after purchase.

Due to their oversized nature and the fact that they are meant to be finished in one sitting, sales of single-serve beverages can lead to a host of problems, according to health experts. Dr. Robert Nash Parker, a sociologist from the University of California, Riverside, believes there is a connection between single serves and criminal activity. These include theft, graffiti and vandalism as well as more serious gang-related crime.

“Gang members ‘sip’ 40-ouncers, they party, they get their courage up,” he said. “For the most part, these are underage drinkers and alcohol plays a central part in their activities.”

Mayor Morris agrees. “We see public intoxication and all the crime that goes along with it, including high rates of violent incidents,” he said. “That’s why the city, when issuing its permits for alcohol retailers, has started restricting them from selling these kinds of products.”

However, despite this ban, many of these retailers still offer single-serve alcoholic beverages for sale. This was verified in a study conducted by San Bernardino County Department of Public Health, which



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visited 165 of the city’s 190 licensed liquor retailers and found that 89 percent of them sold single serves with 24 ounces being the most common size followed by 32 and 40 ounces. Additionally, all of the stores visited sold high alcohol-content malt liquor and 10 percent of stores had special displays or marketing promotions including items stored in barrels of ice and reduced price for purchasing two single serves packaged as one.

As a result of these findings, City Attorney James Penman has launched an enforcement campaign against retailers who are in violation. To date, investigators from the City Attorney’s office have visited nine retail outlets that have single sale restrictions and cited four, directing their ownership to cease and desist any sales of single serves. Failure to do so would result in stiff financial penalties through Administrative Civil Penalties assessed by the city. “We are taking this very seriously,” Penman said. “Those who fail to comply could be liable for up to a \$1,000 per day in fines,” he said.

So far the response has been mixed with two retailers immediately removing the banned items. However in an apparent effort to get around the restriction, one location taped single serve items together to be sold in packages of two.



A third location eventually posted signs in Spanish advising customers that beer could not be sold singly but instead had to be purchased by the “six pack.” However, oversized single bottles and cans of beer and malt liquor were still on display and available for purchase.

“There shouldn’t be any confusion regarding what is legal and what is not,” said Penman. “Each retailer was given specific guidelines for their stores when they were issued their CUP.”



The city is hoping to eventually eliminate the sales of these problematic products, either through continued enforcement activities, additional legislation, or a combination of both. “It is an important part of our effort to reduce crime which is a primary goal of Operation Phoenix,” Morris said

Parker, who is a consultant for Operation Phoenix, admits that eliminating the sale of single serves, by itself, will not totally eliminate gang-related violence. “It’s not a magic bullet” he said, “but in conjunction with the other elements, it can be an effective tool in reducing violent crime in the community.”