

# Backers of ban on 2-for-1 drinks want consumers to say 'enough'

By Tom Panzenhagen  
staff writer

**B**ANNING 2-for-1 drinks in bars may not reduce the number of drunk drivers, but it's a step in the right direction, industry representatives say.

More important than the ban that takes effect Wednesday, spokesmen agree, is the need to make bar patrons aware of their responsibilities.

"It's the old clean-your-plate syndrome," said Barb Lezotte, spokeswoman for the Michigan Liquor Beverage Association (MLBA), which represents 3,000 bars, restaurants and party store owners. "People feel that whatever is put in front of them, they have to finish. Two-fors encourage people to over-consume."

According to Dan Sparks, director of executive services, Michigan Liquor Control Commission (LCC), "All it (the ban) does is say that no licensee can serve two identical drinks to the same person at the same time for one price."

"The whole intent is to prevent a situation where someone walks into a bar and gets two drinks put in front of them, whether they want two or not. Human nature being what it is, when people get something for free, they take it."

"The point we're trying to make is people, to some extent, have to be responsible for their own actions. If they want that second drink, they have to make a conscientious effort to get it," Sparks said.

Lezotte added, "It's a start. We can't solve the whole problem, but people still are going to overdrink. The key thing is that this makes the public aware that they are responsible for their actions."

ALAN KAUFMAN, of the Southfield law firm Kaufman, Payton and Kallman, said the ban "is a start in the right direction, but not a cure-all."

"It's the tip if the iceberg," he said. "From our litigations (involving drunk drivers), most fatalities or severe injury accidents — about 72 percent — happen between 12 and 3 a.m."

Most 2-for-1 drink promotions, or "Happy Hours," are offered in the late afternoon in order to attract customers on their way home from work, he noted.

"Banning 2-for-1s is not going to have a big impact," Kaufman said. "People are still going to drink. It's better to enforce the drunk driving laws that we have, and to educate people who dispense liquor."

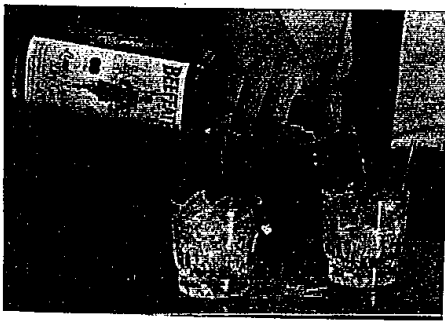
Lezotte said the MLBA is educating bar owners and bartenders.

Since July 1983, 5,000 people have attended the MLBA's Techniques in Alcohol Management (TAM) seminars, offered several times each year throughout the state.

"We train servers (bartenders) to recognize signs of intoxication," she said of the seminars.

"They go into the clinical effects of alcohol on the consumer, how food affects how fast people get intoxicated, how a person's size affects intoxication."

"We teach them how to size up customers to get an idea of how much a person can drink, and how to recognize false identification to prevent sales to minors, how to handle violence and



## What the ban means

The regulation banning the sale of 2-for-1 drinks goes into effect Wednesday. It is intended to ban bar and restaurant owners from serving a customer two identical drinks for the price of one at the same time.

However, because the regulation does not prohibit reduced prices on drinks, a customer conceivably still could buy two drinks for the price of one and have them served to him/her at the same time.

For instance, if a drink costs \$1 normally, the customer could not simultaneously receive two of them for \$1 under the banner of a 2-for-1 offer. But if the drink is offered at a reduced price — say, 50 cents — the customer may still buy two drinks for \$1. And he may order two drinks at a time, or 10 at one time, as always has been the case.

Technically, though, the customer would not be receiving two drinks for

the price of one. And low bar and restaurant owners reduce prices as much as 50 percent.

"THE POINT we're trying to make is people to some extent have to be responsible for their own actions. If they want that second drink, they have to make a conscientious effort to get it," said Dan Sparks of the Michigan Liquor Control Commission (LCC).

Jack Yaker, the LCC's chief enforcement officer, said he is depending upon special-interest groups to help the LCC enforce the regulation.

"Complaints (about violators) won't come from the public at large but from citizens' groups (such as Mothers Against Drunk Drivers) who make spot checks on their own, or from bar owners who care about the law."

"The consensus is bar owners favor the change. Most of them want to be responsible operators," Yaker said.

what to do when a fight breaks out," Lezotte said.

Chuck Hadden, the MLBA's TAM coordinator, said attending the seminars is voluntary.

"All the good people show up, but the true offenders don't," he conceded.

HADDEN SAID the MLBA initiated the ban on 2-for-1 drinks last year.

"We heard a calling from our members that something should be done. They didn't like the idea of two drinks in front of a person at the same time — that was their major objection," he said.

Hadden said "we are aware" that most accidents involving drunk drivers occur in the early morning hours, and that drunk drivers are not the primary consumers of 2-for-1 drinks.

Asked why the MLBA didn't support a ban on all drink promotions, including reduced prices and Happy Hours, he said, "We didn't want to go that far. We want free enterprise to get patrons in there (the bars)."

The LCC's Sparks said, "If the intent

of the ban) was to do away with Happy Hours, we would have gone another way. Other states have banned any kind of drink promotion, but in Michigan we have a lot of restrictions that they don't have in other states."

"Here we have a ban on price-based advertising, so it's harder to promote happy hour because you can't advertise prices of brands," Sparks said.

BAR OWNERS who back the ban on 2-for-1 drinks (see accompanying story) do not favor a similar ban on reduced prices.

"Everybody needs some kind of attraction (to lure customers) where you have gaps at certain times of the day," said Vince Marinelli, owner of Marinelli's in Troy.

Daniel Lublin, the owner of Ryan's Tavern in Walled Lake, said a ban on reduced prices would "be improper because of the competitive nature we live in."

He said, "I feel it's up to the merchant to set his own price. Five percent

of the customers) will drink a little more with 50 or 25 percent off drinks, but 95 percent will drink the same amount."

Also in favor of the ban on 2-for-1s was Mike Witoszynski, co-owner of the Incredible Edible in Beverly Hills.

The ban "may reduce pressure from some groups like MADD Mothers Against Drunk Driving," he said, but "our liquor liability (insurance) is tripling this year and the revenue has to come from somewhere to cover it."

BILL BRUNETT is the secretary/treasurer of the Birmingham-based Seed Roberts Insurance Agency and in charge of the company's liquor liability coverage.

The ban on 2-for-1 drinks "is a start in the right direction" toward getting drunk drivers off the road, he said, but "it won't have a significant impact on the insurance industry."

Insurance rates "have escalated so drastically that within 60 days liquor liability may be totally unavailable," he said. "It's getting to the point that Lloyd's of London won't write liquor liability in the state. When they kick out, you've got serious problems."

Brunett said, "Insurance rates are up two or three times what they were a year ago because of the tremendous increase in lawsuits (involving bar owners) filed in the state, and the cost of settlements."

"As presently constituted, you don't have to prove negligence on the part of the restaurant or bar owner (in a drunk driving suit). If the person was intoxicated, the restaurant or bar owner can be held responsible for injuries caused."

"Getting rid of 2-for-1 drinks is a start in the right direction, because it reduces the exposure to loss, but it's the tip of the iceberg in this state."

INSURANCE RATES will decrease if two things happen, Brunett said.

"First, disallow lawsuits coming from the family of the alleged intoxicated."

"If I kill somebody else, then sue me. But right now we're encouraging suicide because if I (get drunk and) kill myself, my family can sue those establishments (that provided the alcohol) and recover."

"If we eliminate that aspect of the law, then I'd better be pretty damn careful about getting myself intoxicated to the point I do myself in, because my family then could not recover from a third party."

The second thing that will bring insurance rates down is a cap on liability so that a party cannot recover more than a certain amount — perhaps \$300,000, Brunett said. "Once we do that, the industry actually has the potential to fix a (lower) rate," he said.

"RIGHT NOW the corner bar owner is caught between a rock and a hard place," the MLBA's Hadden said.

"They're doing the right things, sending their bartenders to TAM (Techniques of Alcohol Management) — he's not the offender, yet he's seeing his liability rates skyrocket 300 percent in the last year."

"That's why you have to put the responsibility back on the patron. There's only so much you can do to stem drunk driving," he said.



photo and illustration by GARY CASKEY/staff photographer

Bartender Paula serves customers two drinks during Happy Hour at Ryan's Tavern. Starting Wednesday, when a ban on 2-for-1 drinks goes into effect, it will be illegal for bartenders to serve two identical drinks at once for the price of one — but there are ways around the regulation.

## Bar owners back ban on 2-for-1s

Bar owners favor the regulation banning 2-for-1 drinks, but most will continue to offer drinks at reduced prices during special Happy Hours.

"We always thought 2-for-1s were not a good idea," said Diane Debold, the day manager at McFreck's in Farmington Hills.

"It's like having a full plate of food. You feel obligated to eat the whole thing because it's in front of you," she said.

McFreck's offers discount drinks because, "If people want to drink, they're going to drink. Beer is cheaper at a grocery store," she said, but customers still are attracted to bars and they expect occasional reductions in drink prices.

Daniel Lublin, the owner of Ryan's Tavern in Walled Lake, said, "People have a tendency when you give them two drinks to drink two, even though their capacity doesn't allow it."

"If customers buy one drink at a time, when they reach their limit, they cut themselves off. Still, 5 percent (of the customers) won't cut

themselves off — you have to cut them off yourself."

RYAN'S TAVERN offers reduced drink prices "because of the competitive nature we live under," Lublin said. He said he would be "personally opposed" to a ban on reduced prices.

Marinelli's owner Vince Marinelli said, "People tend to overdo it when you give them 2-for-1. The other part of it is you don't know if the consumer wants two drinks in front of him at the same time."

Marinelli, whose bar is in Troy, still offers drinks at reduced prices to attract customers during gaps in the day when clientele is low, he said.

Mike Witoszynski, the owner of the Incredible Edible in Beverly Hills, said the ban on 2-for-1 drinks "won't change much at all for anyone."

"Instead of drinks at \$2, they'll go to \$1. But it (the ban) may relieve pressure from some groups," he said, "referring to such groups as Mothers Against Drunk Drivers."

## INSIDE ANGLES

Know someone doing something notable? Let us know. Write: Inside Angles, Farmington Observer, 33203 Grand River, Farmington 48024.

**LISA FERIA BURRY**, daughter of Mr. and Mrs. Alfred Feria of Farmington and a Farmington High School graduate, has been promoted to head nurse in intermediate intensive care at Providence Hospital. She joined Providence Hospital in 1978 and has served as nurse assistant, registered nurse and charge nurse in medical/surgical and critical care areas. Lisa is a member of the Critical Care Education Committee, Employee Activities Committee and the Nurse Conference Group. She graduated cum laude from Mercy College of Detroit with a bachelor of science in nursing and is currently enrolled at Madonna College in the master's degree program of nursing administration.

**AIRMAN MICHAEL S. CAMERELLA**, son of Doyle Scepco of Chicago and Anthony Camerella of Farmington Hills, has been assigned to Lowry Air Force Base, Colorado, after completing Air Force basic training. He will now receive specialized instruction in the munitions and weapons maintenance field.

**LORI FOLLMER**, of Farmington, was selected for "Who's Who Among Students in American Universities." She recently graduated from the University of Michigan with a bachelor of science degree and will be working at St. Joseph's Hospital in Ann Arbor.

**CADET GREGORY YORK**, son of Mr. and Mrs. Frederick York of Farmington Hills and a 1983 graduate of North Farmington High School, has been named to the dean's list at the United States Military Academy, West Point, N.Y.

**MARIA FROMIN**, daughter of George and Adela Fromin of Farmington Hills and a 1984 graduate of North Farmington High School, will be presented with the William J. Branstrom Freshman Award at an Honors Convocation at Hill Auditorium as one of the top 5 percent of her class at the University of Michigan.

**JOHN D. WEIGEL**, son of Mr. and Mrs. John Weigel of Farmington and a 1981 graduate of Farmington High School, interned in the Washington office of U.S. Sen. Thomas F. Eagleton of Missouri. He was one of 12 Evangel College (Springfield, Mo.) stu-

dents who took part in the annual Washington Studies Program sponsored by the Evangel Department of Social Sciences. A senior, Weigel is majoring in accounting. He was awarded a Business and Economic Scholarship this year and has made the dean's list the last five consecutive semesters.

**JEFFREY BENCA**, Deborah Juntunen, Kristine Furman, Diane Mulville and Janette Fleck made the dean's list at Northern Michigan University's fall semester.

**SUSAN McDONOUGH**, of Farmington Hills, an electrical engineering major at Oakland University, is currently working for Michigan Bell Telephone under the Oakland University Cooperative Extension Program. The program allows junior and senior students to gain work experience, regardless of major.

**LAWRENCE VAYKO**, of Farmington has been named to the dean's list at Adrian College. To achieve this honor, a student must maintain a 3.5 grade point average.

**KEVIN NICHOLS**, son of Donald and Alice Nichols of Farmington and a 1981 graduate of Farmington High School, is the new graphics editor for Echo, Eastern Michigan University's campus newspaper. He transferred to EMU in pursuit of a sociology degree after getting his graphic arts degree from Oakland Community College's Orchard Ridge Campus. Before taking the new position he was the political and editorial cartoonist for Echo and turned out three cartoon strips a week for the paper.

**ROBERT J. SMITH**, son of Mr. and Mrs. Robert Smith of Farmington Hills and a graduate of Farmington High School, has been promoted to Lt. Colonel in the U.S. Air Force. After enlisting, he spent time in Vietnam and is presently stationed at NORAD in Colorado Springs. In May he will be transferred to Pittsburgh Air Force Base in New York to fly the F-111 jets.

**MICHAEL BAKER**, and Maryellen George of Farmington Hills, have been named to the Academic Achievement List at Siena Heights College recognizing part-time students who attained a 3.5 grade point average out of a possible 4.00 during fall term.

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