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Consumers

In 1998, about a quarter of surveyed eighth graders, two-fifths of tenth graders, and half of all twelfth graders reported use of alcohol one or more times in the past month (Fig. 1).⁽¹⁾ Underage alcohol use today is lower than it was in 1980, when 72 percent of twelfth graders reported past-month alcohol use.⁽²⁾ Monthly alcohol use by twelfth graders decreased from 1980 until approximately 1993, when it reached a low of 48.6 percent, but has risen slightly since then to 52 percent.⁽³⁾

Binge drinking -- defined as five or more drinks on a single occasion -- is one measure of heavy alcohol use. In 1998, approximately one eighth of eighth graders, one quarter of tenth graders and one third of twelfth graders binged in the two weeks prior to being surveyed.⁽⁴⁾ Teen binge trends have followed trends similar to those of teen alcohol use generally. Teen binge drinking rates hit a high point-6.4(nh)- TD .0092 scn(d)-D .0092 sc.0092 ,8(l)-7. more twelfth graders report bingeing on beer than on distilled spirits.⁽¹⁴⁾

1. Lloyd D. Johnston et al., Drug Use by American Young People Begins to Turn Downward (December 18, 1998) (press release and data tables from Monitoring the Future Study, Institute for Social Research, University of Michigan) [hereinafter MTF 1998], Table 1b, Trends in Annual and 30-Day Prevalence of Use of Various Drugs for Eighth, Tenth, and Twelfth Graders. The MTF Study is a nationally representative survey of alcohol

Analysis Reporting System and the General Estimates System, No. DOT HS 808 806 (November 1998), at 36 (Table 18, Drivers in Fatal Crashes by Blood Alcohol Concentration and Age, 1982-1997) (per NHTSA, table data represent driver fatalities).

20. See *id.* Among 16-20 year olds, the percentage of driver fatalities where the driver's BAC was 0.01 or above decreased from a high of 44 percent in 1982 to a low of 20.6 percent in 1995, but has since increased very slightly, to 21.5 percent. Similarly, the percentage of driver fatalities among persons 16-20 where the BAC was 0.10 or above decreased from 31.1 percent in 1982 to 12.7 percent in 1995, but has since increased slightly to 14.3 percent.

21. See *Changes in Binge Drinking*, *supra* note 9, at 63 (reporting a 13 percent increase in drinking and driving by college students since 1993). See also Patrick M. O'Malley and Lloyd D. Johnston, *Drinking and Driving Among U.S. High School Seniors, 1984-1997*, 89 *Am. J. Pub. Health* 678 (May 1999) (reporting that rates of drinking and driving among twelfth graders have stopped declining).

22. See NIAAA, *Alcohol Alert: Youth Drinking: Risk Factors and Consequences*, No. 37, July 1997; Ninth Special Report, *supra* note 15, at 266.

23. See Ninth Special Report, *supra* note 15, at 266-67.

24. See Ninth Special Report, *supra* note 15, at 295. In addition, Congress has found that alcohol use by secondary and elementary school students significantly impedes the learning process and that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink. 20 U.S.C. § 7102 (Safe and Drug-Free Schools and Communities Act of 1994).

25. Cheryl A. Presley et al., *Alcohol and Drugs on American College Campuses: A Report to College Presidents, Third in a Series, 1995, 1996, and 1997* (Core Institute, Southern Illinois University Carbondale) (1998), at 11 (Table 11).

26. Ninth Special Report, *supra* note 15, at 263-64.

27. See, e.g., Bill Delaney, *Alcohol Still Top Health Risk to College Students*, November 23, 1998, available at <http://www.cnn.com/HEALTH/9811/23/binge.drinking/>; *Fraternity Death Comes Despite Campus Steps to Control Drinking*, August 27, 1997, available at <http://www.cnn.com/US/9708/27/lisu.drinking/>; *Cause of Death Choking*, *News-Sentinel* (Indiana), December 16, 1998, at 5A; *Deceased Student's Alcohol Level 0.22*, *UPI News* (Michigan), January 18, 1999.

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