

# Belly up, Baby! New Hampshire Considers Alcohol Label Change

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Babies and bottles normally get along just fine, unless a picture of that baby happens to be plastered to the front of a bottle of beer being sold in [New Hampshire](#).



Currently, that bottle of Breakfast Stout crafted by Founders Brewery Co. in Grand Rapids, [Michigan](#), is illegal in the Granite State but legislation proposed this year would permit brewers to peddle their ales, stouts, porters and lagers even if the label shows images of minors.

State Rep. Keith Murphy of Bedford, who also is the proprietor of Murphy's Taproom in Manchester, is sponsoring the measure that would allow images of kids on alcoholic beverage packaging as long as the state's Liquor Commission determines the picture isn't meant to entice minors to drink.

Enter the baby.

Breakfast Stout is a rich brew that Murphy says is his hands-down favorite. He samples it from the tap at his establishment (where the tap handle can't bear the baby's image) but can't go buy a four-pack of it in New Hampshire because of the label that depicts a rosy-cheeked and seriously satisfied looking baby scooping a spoonful of porridge into his mouth. It's much more Norman Rockwell than Norm from "Cheers."

"I sell a million dollars of beer a year and it breaks my heart that I can't take this home," Murphy said.

That's because of New Hampshire law, RSA 179:31, VII (a), which reads: "Advertising of liquor or beverages shall not contain any reference to minors, pictorial or otherwise."

Think of it this way: Under the law, the Founders baby is being equated to Joe Camel, the controversial cartoon cigarette pitchman that was ultimately outlawed after critics said it was a blatant attempt to recruit young smokers.

Murphy says it's misguided to suggest a chubby baby eating breakfast would lure an underage drinker to a specialty beer that sells for a comparatively pricey \$12 for four, 12-ounce bottles.

"It's obviously not meant to appeal to minors," he said. "It's a breakfast stout. It's a very heavy beer, like a bowl of porridge."

If, on the other hand, it was a picture of kids at a college party that was used to sell a more mainstream, ubiquitous variety like a lager or ale, Murphy could see where the Liquor Commission might ban that image.

The federal government and most — if not all — states already prohibit alcohol labeling or advertising that

targets minors.

David Jernigan, an associate professor at the Johns Hopkins Bloomberg School of Public Health and director of the Center on Alcohol Marketing and Youth, says laws that govern what a label or advertisement looks like do little to cut down on underage drinking.

"The bottom line is they're very hard to enforce," he said. "The best way to deal with (underage drinking) is to limit their exposure and not try to play with their content."

James Wilson, director of enforcement and licensing for the New Hampshire Liquor Commission, said the commission opposes the legislation.

"The current language offers the commission a bright line standard to make those determinations," he said.