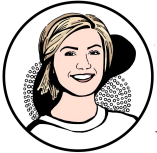


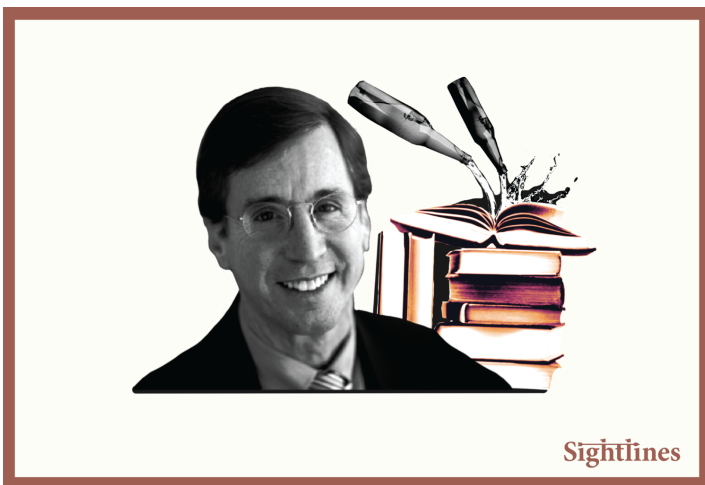
Sightlines

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Cutting America Off — The Controversial Researcher Reshaping Our Drinking Habits



Words by Kate Bernot
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For 34 years, one controversial voice has exerted significant influence over policy discussions that involve alcohol marketing, taxation, and regulation, working to shape state legislation and public health measures. A small handful of alcohol industry professionals know about his work. Even fewer across the country are aware of who this person is.

In 1987, David Jernigan co-founded the Marin Institute for the Prevention of Alcohol and Other Drug Problems, now called Alcohol Justice, which bills itself as an “industry watchdog,” but is broadly anti-alcohol. Now a professor in the Department of Health Law, Policy and Management at Boston University, Jernigan pushes for policies that would make alcohol “[less attractive, less affordable, and less available](#),” a stance some of his critics have likened to a neo-temperance movement. Jernigan asserts he does not advocate for complete prohibition, but his entire career has been dedicated to curtailing access to alcohol.

As the scientific chair of the Global Alcohol Policy Alliance and a senior policy advisor to City Health, an organization that provides urban leaders with “a package of evidence-based policies,” Jernigan makes recommendations that potentially affect millions of Americans’ relationships to alcohol. Politicians, lobbyists, and activists have used his research to justify positions that would [restrict craft brewers’ retail sales](#), reduce alcohol marketing, and limit the zoning and locations of stores that sell alcohol. While state and local governments continue to examine [the ongoing necessity of pandemic-era alcohol provisions](#), Jernigan looms large over the proceedings.

“There are people out there that don’t agree that alcohol can be used responsibly,” says Adam Chafetz, who for 27 years ran Training for Intervention Procedures, a bartender training program that encourages the responsible service, sale, and consumption of alcohol. “David Jernigan is just one of them.”

Media outlets including [The New York Times](#), [Bustle](#), [The Hill](#), and [Wired](#) cited Jernigan’s work as evidence that problematic drinking was on the rise [during the COVID-19 pandemic](#), a continuation of his frequent public comments stretching back decades. [Public polling](#) and [sales data](#) dispute this conclusion, with Gallup finding that Americans’ level of alcohol consumption in 2021 was on “the low end” compared to recent decades.

While he won’t ring bells for the average citizen—an academic’s name rarely does—Jernigan’s contentious research methods have earned him both commendation and admonition among regulators, lobbyists, lawmakers, and those in the alcohol business. He’s long maintained that the job of a researcher is not only to investigate hypotheses, but to advocate for specific goals and shape policy in service of them.

“If science is ‘completely objective’ and therefore, just publishes [work for other researchers] ... and we never try to influence the world around us, I’m sorry, I don’t think we deserve the money we get from the federal government,” Jernigan says. “My stance is, if we say we’re completely objective, we’re lying.”

This raises a red flag: At what point does a person’s advocacy begin to influence their research? When it comes to Jernigan’s research, laws, public health, and personal liberty hang in the balance. His hybrid research-activism approach makes Jernigan’s voice an especially potent, and potentially dangerous, one in the ongoing chorus [seeking to shape Americans’ consumption habits](#).

‘AN INTERESTED SCIENTIST’

The COVID-19 pandemic politicized science in a way that U.S. citizens generally hadn’t seen before, pitting those who believe in science-based solutions like vaccines and masks against those who don’t. But for Jernigan, scientific research and activism have always been inextricably linked. (Jernigan himself does not drink alcohol. “I prefer to keep my wits about me,” he says.)

Jernigan was first introduced to “the role that alcohol plays in public health problems” in 1986 when [he began working](#) at The Trauma Foundation, a group that advances research about and treatment of trauma in individuals, families, and communities. A year later, he co-founded the Marin Institute, where he would work for 13 years, and eventually became its associate director.

The Marin Institute had a goal of “positioning the institute as a key source on alcohol policy,” and early on was open about its efforts to manipulate media coverage in order to accomplish that goal. A 1993 book Jernigan co-authored called [Media Advocacy and Public Health: Power for Prevention](#), cites an example of a time the Marin Institute closely collaborated behind the scenes with CNN staff on a story about malt liquor, steering the producers toward “a new, more relevant frame for the story” and ultimately ensuring “the story was reframed in a way that made the policy goal of more regulation for alcohol advertising clear and logical to viewers.” Now called Alcohol Justice, the group is “a massively endowed temperance-oriented organization that has picked up the anti-alcohol banner,” [writes](#) David J. Hanson, professor emeritus of sociology of the State University of New York at Potsdam.

After leaving pure advocacy work, Jernigan transitioned to academia. For a decade, he taught at Johns Hopkins University (JHU), where he helmed the Center on Alcohol Marketing and Youth (CAMY). In [a podcast](#) produced by JHU’s Bloomberg School of Public Health in 2011, Jernigan stated that his research areas have been driven by

“what policy opportunities I can promote by doing research that will support people being able to make change.” On the podcast, he refers to himself as “an advocate ... an interested scientist,” one who is “fairly skeptical of pure objectivity in science, and certainly in my own field.” Now, as the BU School of Public Health’s assistant dean for practice, he [works closely](#) with the school’s Activist Lab to train students and faculty who are “effective change agents” for public health. Through this rare leadership institute for activist academics, Jernigan shapes the careers of generations of public health researchers. (Only the University of South Florida has a similarly focused public health-activist training program.)

Jernigan says preventable deaths from alcohol are what fuel his advocacy. He cites [a 2016 World Health Organization statistic](#) that found 3 million deaths globally each year are attributable to the harmful use of alcohol. This statistic is the most recently available from the WHO, and it’s not clear whether the numbers have increased or decreased since 2016. (Jernigan has also turned his attention to public health concerns in another field—cannabis—as the lead author of “Cannabis: Moving Forward, Protecting Health,” a new book published by the American Public Health Association designed to guide policymakers.)

“I would quote Albert Einstein who famously said, ‘Those who have the privilege of knowledge, have a duty to act. And in that action lies the seeds of new knowledge,’” Jernigan says. “If it’s good enough for Einstein, it’s good enough for me.”

It’s worth noting, though, that the 3 million deaths to which Jernigan refers are not all attributable to acute alcohol poisoning or liver failure. Rather, these deaths include such causes as digestive diseases, unintentional injuries, cardiovascular diseases, and diabetes, to which alcohol is a contributing factor. It’s also not clear that Einstein was encouraging subjective application of scientific knowledge, or whether that quote was merely Einstein’s way of championing continued, objective experimentation.

MAKING HEADLINES

What Jernigan calls “a duty to act,” [his critics call propaganda](#).

In 2014, Jernigan was a leader in the Maryland Collaborative to Reduce College Drinking and Related Problems, a group that succeeded in banning the sale of high-proof grain alcohols like Everclear. In [a 2014 Baltimore Sun op-ed](#) questioning the validity of research used to advance that bill, Michelle Minton, a senior fellow at the libertarian think tank Competitive Enterprise Institute, quotes Hanson as saying that the research center Jernigan leads, CAMY, “begins with an assumption which it then sets out to prove. In doing so it is clearly an activist group rather than an objective scientific organization seeking to learn the truth.” Dr. Jon Nelson, professor emeritus of economics at Penn State University, [has criticized](#) CAMY’s methodology as “overreaching,” noting the group has a pattern of “cherry-picking” evidence to bolster its claims. Chafetz also characterizes CAMY’s research as “bunk.”

Despite questions about its validity, Jernigan’s work does [make headlines](#): From 2002 to 2008, CAMY’s work [generated more than 2,500 news stories](#), including in *The New York Times*, *Wall Street Journal*, *USA Today*, and on national TV news. Media coverage creates a feedback loop with policymakers and the public: Stories about a controversial topic convince citizens the topic is a problem, and the subsequent public outrage spurs more coverage. This is especially true in today’s highly polarized media environment, when [Americans polled by the Pew Research Center](#) say the media’s influence on society is growing.

But often, the shocking headlines based on CAMY studies do not match reality.

For example, a 2010 CAMY [press release](#) about “significant and troubling escalation” in the number of alcohol TV commercials children were exposed to generated [splashy coverage on cable news](#), but left out a critical detail. Contrary to the press release’s statement that “numerous long-term studies have determined that exposure to alcohol advertising and marketing increases the likelihood that young people will start drinking, or that they will drink more if they are already consuming alcohol,” there is [no accepted causal link](#) between those ads and underage drinking rates. (The press release does not link to or cite any of the “numerous long-term studies.”)

In fact, the Centers for Disease Control and Prevention (CDC) shows that underage drinking rates have [generally been declining in recent decades](#),” which covers the timeline of that research through today. The Federal Trade Commission, which regulates alcohol advertising, noted in [a 2003 report to Congress](#) that despite inflammatory headlines, “CAMY’s data confirm, however, that adults are in fact the primary audience for alcohol advertising.”

Despite rebuttals by government agencies, Jernigan [maintains](#) there is “a well-documented association between kids’ exposure to alcohol marketing and kids’ drinking behavior,” and even “between exposure and the evolution from experimentation with alcohol to what he terms ‘heavy or hazardous’ drinking.”

In another example, [a 2013 CAMY study](#) generated salacious headlines such as [this one from CBS News](#): “Many alcohol-related ER visits involve Budweiser.” The actual study—of 105 respondents who said they drank alcohol before being admitted to an emergency room in East Baltimore, 69% of whom were male and African-American—is a narrow examination of one urban hospital, and is not demographically representative of all hospitals or all emergency room visits. Only 15% of the respondents—16 people—from the study said they’d consumed Budweiser before admission to the emergency room. Yet headlines, [such as Fox 43’s](#) “Five beers linked to most emergency visits,” don’t mention the narrow sample size of this study, nor the fact that the demographics of the sample size aren’t nationally representative.

(Budweiser’s parent company Anheuser-Busch InBev, which was not quoted in the study or news story, [reports](#) that it has spent \$250 million globally since 2016 in 81 social norms marketing campaigns and other programs to positively influence social norms around drinking behaviors. The company has a policy requiring 3% of its annual media buying budget to be invested in “Smart Drinking” campaigns.)

In its [press release about the study](#), CAMY buries this line eight paragraphs down: “The next step, according to study authors, would be to pursue this type of research . . . in a larger sample of emergency department admissions for injury, across multiple cities and hospitals.” Disregarding the limited nature of this study, the release then proposes real-world policy changes, including “requirements for clear labeling of alcohol content on malt beverage containers, including serving size labeling; limits on malt liquor availability and marketing; and graduated taxation of beer based on alcohol content to discourage consumption of higher-alcohol products.”

Jernigan maintains that his findings are not incorrect, biased, or cherry-picked. But he doesn’t dispute that he uses the findings to advance political aims: [An article posted to the Office of Disease Prevention and Health Promotion’s website](#) describes how in 2011, Jernigan and a fellow JHU professor, Vinny DeMarco, successfully leveraged media attention and paid advertisements to turn the topic of higher alcohol taxes in Maryland into “an election talking point” for local politicians. Using the tagline “alcohol taxes save lives,” the campaign succeeded in passing a higher alcohol tax in that state for the first time in more than 40 years.

[A 2016 study whose authors](#) include Jernigan found Maryland’s alcohol sales decreased 3.8% following the passage of the increased tax when adjusted for county characteristics (population density, average income, and unemployment rate), seasonality, and national unemployment rates. However, unadjusted data shows total alcohol gallons consumed by residents actually increased nearly 3% following the tax.

[Follow-up research](#)—which Jernigan did not co-author—indicated a dip in the rate of all alcohol-positive drivers involved in injury crashes in the state, attributable to the passage of that tax increase. However, that study included rates of injury crashes involving drivers ages 15-20, who are not of legal drinking age and therefore could not have legally been affected by the increased sales tax. The reduction in the injury crash rate among these underage drivers was twice the average for all age groups, meaning that including them overestimated how taxation affected alcohol-positive driver crash rates in Maryland.

“The objectivity of science lies in the transparency of the methods and the replicability of the results and *that* I am completely committed to,” Jernigan says. “My work has been published in some of the most stringently reviewed peer-reviewed journals. That’s where we maintain the science, independent of our subjective position.”

But other academics have questioned the validity of Jernigan’s methods, which repeatedly produce similar, anti-alcohol findings. What Jernigan touts as replicability, others call ongoing, flawed methodology.

When other groups cite CAMY or Jernigan’s work, it’s almost always to advance similar policy positions. [Hanson writes](#) that many of the organizations—the Alcohol Policies Project of the Center for Science in the Public Interest, the National Center on Addiction and Substance Abuse, and Mothers Against Drunk Driving—that cite CAMY’s research share personnel or have high degrees of institutional interaction with CAMY, concluding that CAMY and other related groups “produce flawed and even pseudo-scientific reports to promote their agenda.” That agenda, he writes, is the aggressive promotion of “neo-prohibition alcohol policies.”

REAL-WORLD CONSEQUENCE

This research isn't merely a matter of academic concern. Jernigan's work has consequences for alcohol policy, for small businesses, and for drinkers.

In 2018, Jernigan advocated against [reforms in Maryland](#) that would have benefited craft breweries with new laws that could increase taproom sales and change the way they partner with distributors. In the past two years, [he has been critical of](#) cocktails to-go, home delivery of alcohol, and increased outdoor areas for drinking (such as bars permitting drinking on sidewalks and in parking lots) during the pandemic.

"I'm not going to speculate on David's motives, but I do know that he is a zealot, that his research is fundamentally biased," says Len Foxwell, former chief of staff for Maryland Comptroller Peter Franchot from 2008-2020. "He has done considerable harm to the cause of some of Maryland's most innovative and community-centered small businesses that are already faced with an uphill climb in their ability to compete and succeed."

Carly Ogden, co-owner of Attaboy Brewing in Frederick, Maryland, was taken aback by Jernigan's position against legislative reform to benefit her state's craft breweries a few years ago.

"Johns Hopkins is one of the best research hospitals in the entire country, and it seems to be a science-based institution, so to find that they are paying a salary and supporting some of his research ... It seems to be the research is very 'picking pieces you'd like to fit the argument you want to make,'" Ogden says.

Jernigan himself has come close to saying as much, [telling the JHU podcast in 2011](#) that "What I understand is that science is easily politicized, and in particular, it's politicized by the research questions that people ask. My research questions have always been driven by what the policy opportunities are in the moment." What Jernigan described 10 years ago is today's most salient political tool: weaponizing science and education to further specific policy goals.

Foxwell says that, in opposition to craft beer reform in Maryland, Jernigan was "complicit" in allowing his research to be used by large alcohol distributors and retailers in the state to the detriment of smaller breweries. Foxwell calls it a "grievous hypocrisy" to focus "on the role of the brewery in excessive consumption" while working side by side with retailers and wholesalers who sell large-format bottles of spirits.

"His role was analogous to that of an advocate for highway safety who'd go after bicyclists and give a pass to the drag racers," Foxwell says. "He was impactful because he gave cover and legitimacy to those whose motivations were more financial than policy-related."

THE LENS

Whether or not you agree with Jernigan's positions likely reflects the overall lens through which you view alcohol. Is it a social scourge to be limited and possibly eliminated? Is it a necessary social lubricant and occasional indulgence that the majority of people enjoy in moderation? Or something in between?

"I'm not looking for a world where you have no alcohol," Jernigan says. "I'm looking to right-size the influence that alcohol has on our daily lives."

When asked to define "right-size," he says that would be in line with current dietary recommendations: no more than one drink a day for women, and no more than two drinks a day for men.

"If people drank anywhere near that pattern of drinking, that would be a big public health success," he says. But Jernigan also believes those dietary guidelines should be lowered, to one drink a day for men, in line with what a 2020 advisory committee [recommended](#) to the U.S. Departments of Agriculture and Health and Human Services. (Ultimately, officials rejected those recommendations, [noting that](#) while "the preponderance of evidence supports limiting intakes of added sugars and alcoholic beverages to promote health and prevent disease ... the evidence reviewed since the 2015-2020 edition does not substantiate quantitative changes at this time.")

Currently, about 60% of legal-drinking-age adults in the U.S. say they consume alcohol, a percentage that's [stayed remarkably stable](#) for 70 years. Per capita alcohol consumption is [also quite stable](#), at about 2.5 gallons annually per legal-drinking-age adult from 2000 to 2015, though the types of alcohol Americans consume (beer vs. wine vs. spirits) do fluctuate. According to a [2018 report](#) by the Substance Abuse and Mental Health Services

Administration, only 12% of adults who consumed any alcohol at all in the past month are classified as heavy drinkers. Researchers [are still unsure](#) at precisely what level routine drinking becomes dangerous.

But Jernigan disputes this overall picture of stable, mostly moderate drinking.

“Per capita consumption has been rising pretty steadily since the turn of the century,” he says.

That, too, is explicable in ways that have less to do with alcohol abuse and more to do with demographics. [A December 2020 report by Rabobank](#), a Dutch bank focused on food and agriculture, found that more people of color and women consume alcohol today than they have in generations past. In 1985, only 23% of regular drinkers were people of color. Today, the figure is 31%. Also, 2019 marked the first year that women made up the majority of alcohol consumers under 25, as more women delay or forgo having children, attend college in greater numbers, and have greater spending power. Rabobank analyst Bourcard Nesin concludes: “This rise in consumption is largely a story of empowerment, not despair.” But Jernigan asserts that marketing and the creation of products like Mike’s Hard Lemonade and Smirnoff Ice are behind women’s increased drinking rates, [calling them](#) “beer with training wheels” designed to hook women.

Despite increased numbers of women and people of color who drink alcohol, total consumption patterns in the U.S. do not reflect the scenario Jernigan describes—whether data [comes from sales figures](#) or self-reported surveys. Gallup, which has been tracking Americans’ alcohol consumption since 1937, [found in August](#) that “not only are fewer adults drinking alcohol today, but those who do are consuming less than they have in the recent past.”

Jernigan’s laser focus on what he asserts to be increasing levels of harmful drinking, particularly among women and youth, is generally not borne out by third-party research. Yet his view holds sway among some policymakers and media outlets, who use his research to advance their own regulatory or moral aims.

But when asked about data that contradicts his assertions about increased levels of drinking, Jernigan disputes the validity of the data. For example, an August 2020 National Health Interview Study conducted by the CDC [found](#) 5.1% of adults 18 and older engaged in heavy drinking in the past year, but Jernigan criticized the methodology used to reach that conclusion, calling the survey “not generally the place where we go for alcohol consumption figures.”

When asked why the CDC survey isn’t a valid source of information, Jernigan disputed the validity of the definition of heavy drinking provided to survey participants, which was defined as more than 14 drinks per week in the past year for men and more than 7 drinks per week for women. He says the survey is flawed because it didn’t instruct participants to include instances of binge drinking in their self-reported “average consumption.” Jernigan has cited data from the CDC in his own work—however, that data comes from the Alcohol-Related Disease Impact database, not from the National Health Interview Study.

“There’s an art to how you ask people about their drinking, an art and a science that’s been developed over 50 years of asking the population about their drinking behavior,” he says. (When asked via email to clarify what this art is, and how it affects the way he structures his own research questions, Jernigan did not respond.)

Those who say alcohol use is rising to troubling levels and those who say it’s not at all a social problem can both select data to support their arguments—the question is in the quality of that data. As with most nuanced questions, the truth likely exists somewhere between both poles: Some Americans use alcohol to excess, but most don’t. To distort that fact in either direction is to do a disservice to public health and policy, and to focus attention away from truly problematic alcohol use that requires public health intervention.

Despite significant questions about his research and activism, Jernigan’s work continues to shape these public health debates. His work was cited [22 times](#) this year in public comments to the Alcohol and Tobacco Tax and Trade Bureau in response to [President Biden’s executive order promoting competition](#) in the alcohol industry, for example. It has the potential to shape the federal alcohol regulatory landscape for years to come.

“Given that [Jernigan’s] work has been used to create an unwieldy and illogical regulatory model ... I think he’s done harm to his own cause,” Foxwell says. “He’s done more harm than good.”