



Absinthe and the Law

March 1995

LL File No. 1995-1598
LRA-D-PUB-001233

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ABSINTHE AND THE LAW

Absinthe is a liqueur, in which essences of the plant wormwood (*Artemisia*) as well as such herbs as fennel, are dissolved in a high concentration (80 to 90%) of ethyl alcohol. It became popular in France in the second half of the nineteenth century, providing a relatively inexpensive and high-proof alcoholic drink in a manner similar to gin in England in the late eighteenth century. It acquired a reputation as an especially potent, addictive and perhaps narcotic drink. Absinthe was blamed for, among other things, the decline in the French birth rate. Campaigns to ban the production and consumption of absinthe were part of public life in Switzerland and France in the early years of the twentieth century. The pharmacology of the drink is not well understood, but most of its deleterious effects are probably due to ethanol alone. Much absinthe produced in Europe in the nineteenth century may have been adulterated with *copper sulfate* (to produce a deep green tint) or *antimony trichloride* (to produce the desired cloudy effect when diluted with water), which are both toxic.¹

Absinthe was banned in Switzerland, first by the Grand Council on February 2, 1907, and later by popular vote on July 5, 1908. Article 32 was added to the Federal Constitution and absinthe was forbidden. The law went into effect on October 7, 1910.² Belgium had "quietly" outlawed absinthe in 1905, The Netherlands in 1910, and in 1912 the United States declared it illegal. No individual alcoholic drink except absinthe has ever been singled out for prohibition. England and Spain still permitted it after the World War I.³

In the United States, on July 25, 1912, the Department of Agriculture issued Food Inspection Decision 147, which banned absinthe in America.⁴

In France, after a long campaign by prohibitionists, the Minister of the Interior, under the state of emergency declared at the beginning of World War I, forbade the nationwide sale of absinthe on August 16, 1914. On March 4, 1915, the Chamber of Deputies voted to ban the production, circulation and sale of absinthe in France. The law went into effect on March 16, 1915.⁵

After the absinthe ban in France, Pernod Fils opened an absinthe plant in Tarragona, Spain, in 1918. In London absinthe was never outlawed.⁶ Absinthe was banned in Italy in 1913.⁷

¹ W. N. Arnold, "Absinthe," *SCIENTIFIC AMERICAN* 112-117 (June 1989).

² B. Conrad III, *ABSINTHE: HISTORY IN A BOTTLE* 4 (San Francisco, Chronicle Books, 1988) (*See Appendix*).

³ *Id.* at 4-6.

⁴ *Id.* at 99.

⁵ *Id.* at 129.

⁶ *Id.* at 137.

⁷ D. Lanier, *ABSINTHE: THE COCAINE OF THE NINETEENTH CENTURY* 45 (London, 1995).

Spain is the only country in Europe where absinthe was still legal in 1988. The effect of Spain's acquisition of full membership in the European Community on the legality of producing or possessing absinthe, whether in Spain or in the other Community nations, was, as of 1988, undetermined.⁸

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March 1995

⁸ Conrad, *supra* note 2, at 148.