



News Release

Attorney General Robert E. Cooper, Jr.

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CONTACT: Sharon Curtis-Flair
(615) 741-5860

TENNESSEE ATTORNEY GENERAL APPLAUDS FDA'S WARNINGS TO ALCOHOLIC ENERGY DRINK MAKERS THAT THEIR PRODUCTS ARE UNSAFE

Attorney General Bob Cooper today joined several other Attorneys General and the City Attorney of San Francisco who expressed appreciation to the Food and Drug Administration's (FDA) for warning the makers of alcoholic energy drinks (AEDs) that their products are unsafe.

The FDA announced today it has sent letters to the makers of four AED manufacturers, warning that adding caffeine to their alcoholic beverages makes them 'unsafe.' Such adulterated products are not approved by the FDA and are therefore unlawful, the FDA has warned the manufacturers.

AEDs are alcoholic beverages to which caffeine and other stimulants, such as guarana, have been added at the point of manufacture. Packaged in 23.5 ounce cans resembling energy drinks with fruit flavors like Fruit Punch, Lemonade and Watermelon, some AEDs such as the popular brands "Four Loko" and "Joose" contain the alcohol equivalent of five or six beers and caffeine equaling four to five colas or up to two cups of coffee.

Last year, Attorney General Cooper joined other State Attorneys General and the San Francisco City Attorney in asking the FDA to determine that the use of caffeine in alcoholic beverages is not 'Generally Recognized as Safe,' or 'GRAS,' under FDA law. In support of that request, the Attorneys General submitted a report by experts in medicine, forensic toxicology, and public health documenting the dangers presented by these beverages, whose caffeine and other stimulant ingredients mask but do not offset alcohol intoxication.

In turn, the FDA informed AED manufacturers they had 30 days to submit data to dispute the experts' findings, warning that if it determined that the use of caffeine in their alcoholic beverages is not GRAS, FDA would ensure that the products would be removed from the marketplace. Over the past year, medical and public health research has continued to confirm the dangers presented, particularly among young people with whom these beverages are most popular.

"This is a good first step to protect consumers and educate them to the dangers of combining alcohol and caffeine," Attorney General Cooper said. "We appreciate the FDA's actions and hope that consumers as well as manufacturers of these drinks heed the warnings."

The Attorneys General have noted previously that young people appear to be targeted by the manufacturers and may mistakenly believe the caffeine will offset the effects of alcohol. The manufacturers have aggressively marketed their products on social network sites and college campuses that promote excessive drinking and enhanced abilities, the Attorneys General have said. The unfortunate consequences as cited by experts include reports of alcohol poisoning, serious injury including sexual assault, and hospitalizations.

Today's actions follow a similar joint effort in 2008 when Attorneys General initiated investigations of the two leading manufacturers of AEDs at that time: MillerCoors Brewing and Anheuser-Busch. As a result, the companies agreed to stop making caffeinated alcoholic beverages altogether. However, smaller AED manufacturers introduced products packaged in larger containers (up to 23.5 ounces) and containing a higher percentage of alcohol (up to 12% alcohol by volume).

FDA's warning letters require that the manufacturers take prompt action to correct their violations of federal law, and that failure to do so may result in enforcement action.

Anyone who has complaints with any business regarding unfair or deceptive conduct may contact the Tennessee Department of Commerce and Insurance, Division of Consumer Affairs at 1-800-342-8385 or online at www.tn.gov/consumer/.