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MADIGAN: MANUFACTURERS MUST PROVE ALCOHOL ENERGY DRINKS ARE SAFE

FDA to Review Safety of Alcoholic Energy Drinks

Chicago — Attorney General Lisa Madigan today continued her call for manufacturers of alcoholic energy drinks to support their claims that the caffeine-infused, alcoholic beverages are safe under the U.S. Food and Drug Administration (FDA) guidelines. The Attorney General's call comes as the FDA today requested information from approximately 30 manufacturers on the safety of their alcoholic energy drinks. The FDA gave the drink manufacturers 30 days to submit the requested information.

"I continue to be very concerned that these drinks are extremely dangerous, especially in the hands of young people," Madigan said. "I applaud the FDA for calling on the manufacturers to definitively prove that their products meet federal safety standards."

Madigan and 18 other attorneys general recently requested FDA Commissioner Dr. Margaret Hamburg examine whether the use of caffeine in alcoholic beverages is considered safe by FDA standards. In their September 25th letter to the FDA, Madigan and the other attorneys general note that scientists and medical professionals have established that the use of caffeine and other stimulants as additives to alcoholic beverages pose serious public health and safety risks. In fact, recent studies confirm that caffeine appears to mask, but not reduce, the intoxicating effects of alcohol, which may in turn lead to increased risk-taking and other serious alcohol-related problems such as traffic accidents, violence, sexual assault and suicide.

The members of the National Association of Attorneys General (NAAG) Youth Access to Alcohol Committee (YAAC), which includes Illinois, have repeatedly expressed a concern regarding alcoholic energy drinks. In 2008, the attorneys general of 13 states, including Illinois, and the San Francisco city attorney initiated investigations of the two leading manufacturers of alcoholic energy drinks: MillerCoors Brewing and Anheuser-Busch, Inc. The investigations concluded with each company agreeing to cease production of caffeinated alcoholic beverages. Other alcoholic energy drink manufacturers, however, have stepped in to fill the void with products packaged in larger volume containers and containing a higher percentage of alcohol than the MillerCoors and Anheuser-Busch products.

Attorney General Madigan's action today to call on manufacturers to prove the safety of these products is only the latest step in her ongoing effort to protect young people from the marketing of harmful products. In August 2007, Madigan urged the Alcohol and Tobacco Tax and Trade Bureau (TTB), the federal agency responsible for monitoring marketing of alcohol, to increase its efforts to prevent misleading claims by alcoholic energy drinks. Similarly, in May 2007, Madigan joined other Attorneys General in urging Anheuser-Busch to change its advertising of another alcoholic energy drink, called Spykes. In response, Anheuser-Busch pulled Spykes from stores. Madigan also urged Anheuser-Busch to require additional information for age verification before visitors may access one of its popular product Web sites; the company installed an age verification program on its site so that visitors must provide first and last names, zip code, and date of birth.

Madigan has also taken action to protect young people from efforts to use illicit drug culture themes to market non-alcoholic energy drinks. In May 2008, the Attorney General demanded the Las Vegas company, Kingpin Concepts, Inc., discontinue its cocaine-themed marketing and sale of an energy drink named "Blow," a drink mix that glorified drug culture and raised serious health concerns due to its high caffeine content. Kingpin agreed to cease sales of the product in Illinois. In May 2007, Madigan reached a similar agreement with the California-based Redux Beverages, LLC, for its distribution of an energy drink named "Cocaine."

Additionally, in October 2006, Madigan and the attorneys general of 38 other states and jurisdictions entered a settlement with R.J. Reynolds Tobacco Company (RJR) to end its sale of candy, fruit and alcohol flavored cigarettes that the Attorneys General believe had been targeted at youth. Madigan is currently in mediation with RJR over the Attorney General's claim that its use of cartoons in

its advertisements is a violation of the 1998 Tobacco Master Settlement Agreement (MSA). That agreement, which the tobacco industry signed to end the national tobacco litigation, expressly prohibits the use of cartoons to advertise or promote cigarettes.

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