



Bringing New Alcopops Down to Size: Reducing Youth Access

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ALCOHOL JUSTICE - The Industry Watchdog

formerly *Marin Institute*

We promote evidence-based public health policies and organize campaigns with diverse communities and youth against the alcohol industry's harmful practices.

- Charge for Harm
- Stop Alcopops & Alcoholic Energy Drinks
- Reduce Youth-Oriented Marketing
- Support State Control

Alcopops



- Price: Cheap
- Promotion: Youth-friendly
- Product: Sweet, bright colors, high ABV
- Package: Single-serve containers

Alcoholic Energy Drinks



Players in Policy Change

- State Attorneys General
- Government
 - Federal
 - State
 - Local
- Researchers
- Public health organizations
- Advocates for public health and safety

State Attorneys General Actions



- May 2007: Letter from 29 AGs to Anheuser-Busch; AB pulls Spykes from the market
- June 2008: AB agrees to stop producing Tilt and BudExtra, and not produce any other AEDs
- September 2008: Letter from 29 AGs to MillerCoors
- December 2008: MillerCoors signs agreement with 13 AGs, 1 city attorney to stop making AEDs including Sparks



Successful State Legislation

- Utah: October 2008
 - Reclassified FMBs; required filing a listing before being sold
- Virginia: February 2009
 - Required off-site retailers to shelve AEDs in the same area of the store as beer and wine
- Montana: March 2009
 - Redefined AEDs as liquor, requiring it to be sold in state stores

State Administrative Bans

- Michigan
- Oklahoma
- Washington
- Massachusetts
- New Hampshire
- Illinois
- California
- Kansas
- Iowa
- Oregon



Recent State AED Legislation

Dead Bills

- Hawaii
- Iowa
- Maryland
- Rhode Island
- South Dakota
- Tennessee
- Texas
- Vermont
- Virginia

Active Bills

- California
- Illinois
- Iowa*
- New York
- Oklahoma
- Pennsylvania
- South Carolina

More State Activity

- April 2011: Senator Klein (D-Westchester/Bronx) calls New York State Senate Standing Committee on Alcoholism and Drug Abuse hearing on underage drinking and AEDs. Phusion Projects, other producers do not appear.
- June 2011: Senator Klein issues legislative subpoena to Phusion Projects.

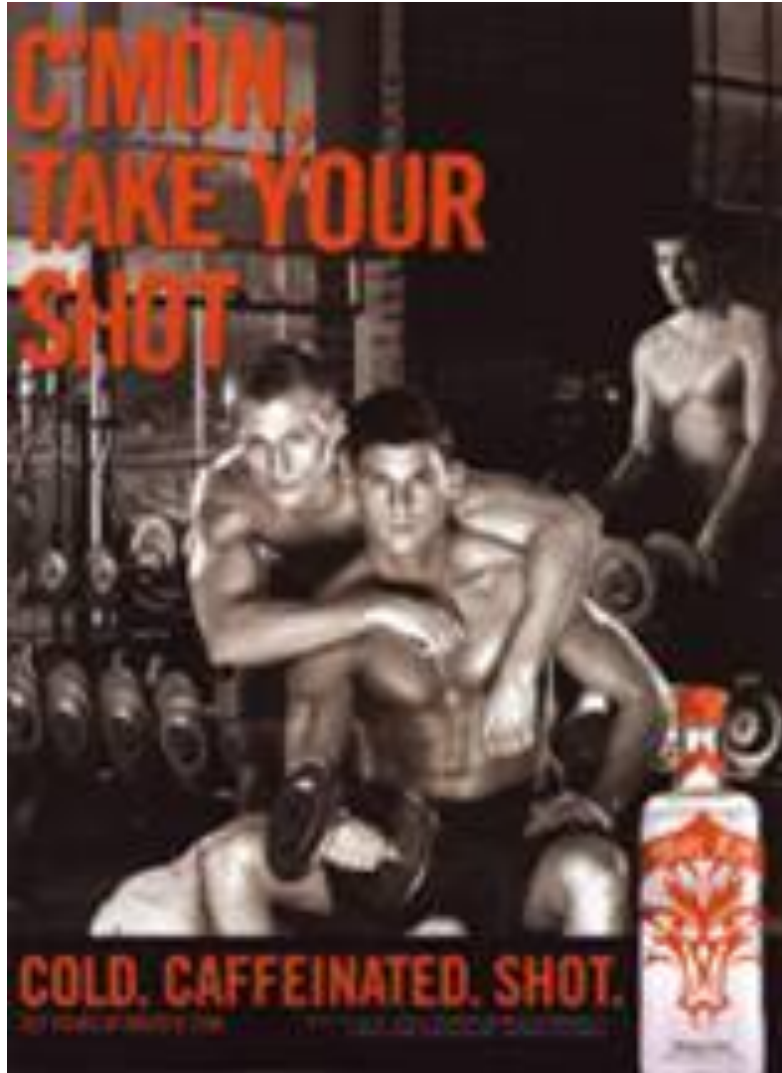


Federal Trade Commission



- July 2009: FTC letter to Constellation Brands re: Wide Eyed Schnapps
- Summer 2010: Senator Schumer (D-NY) calls for FTC to investigate AED producers/ marketing
- November 2010: FTC issues warning letters to producers along with FDA, TTB
- March 2011: FTC announces investigation into social media alcohol marketing practices

U.S. Food & Drug Administration



- November 2009: FDA mandates 30 AED producers to provide evidence of GRAS
- July 2010: Four U.S. Senators call for FDA to release findings regarding AED health risks to the public immediately
- September 2010: 18 State AGs, 1 city attorney express concerns to FDA re: AEDs
- November 2010: FDA issues ruling, warning letters to 4 producers, along with FTC and TTB



Serious Concerns Over Alcoholic Beverages with Added Caffeine

Caffeinated alcoholic beverages, or CABs, are alcoholic beverages that contain caffeine as an additive and are packaged in combined form.

Alcoholic beverages to which caffeine has been added as a separate ingredient have raised health concerns at the Food and Drug Administration (FDA) as well as in other federal, state, and local agencies.

On Nov. 17, 2010, FDA announced that it had sent warning letters to four companies that make malt versions of these beverages, advising them that the caffeine included as a separate ingredient is an "unsafe food additive."

These warning letters were not directed at alcoholic beverages that only contain caffeine as a natural constituent of one or more of their ingredients, such as a coffee flavoring.

A Troubling Mix

According to data and expert opinion, caffeine can mask sensory cues that people



beverages come in containers holding between 12 and 32 liquid ounces. Some may also contain stimulant ingredients in addition to caffeine. Their advertised alcohol-by-volume value is as high as 12 percent, compared to standard beer's usual value of 4 to 5 percent.

These alcoholic beverages are available in many states in convenience stores and other outlets. They often come in large, boldly colored cans comparable in size to "tall" cans of beer—or in containers resembling regular beer bottles.

The manufacturers of these products have failed to show that the direct addition of caffeine to their malt beverages is "generally recognized as safe" by qualified experts. Rather, there is evidence that the combinations of caffeine and alcohol in these products pose a public health concern.

"Consumers should avoid these caffeinated alcoholic beverages, which do not meet the FDA's standards for safety," says Joshua M. Sharfstein, M.D., FDA's principal deputy commissioner.


Litigation

- February 2008: Center for Science in the Public Interest (CSPI) issued notice of intent to sue Anheuser-Busch and MillerCoors over AEDs
- September 2008: CSPI filed suit asking the Superior Court of the District of Columbia to stop MillerCoors from selling Sparks
- Multiple private actions alleging fraud, wrongful death, and other harm have been initiated against AED producers since 2010.

9 months after FDA ruling

- Phusion Projects, United Brands reformulated products without stimulants
- New alcopops products emerge constantly
- And...

<http://alcoholjustice.org/>




The Local East Village

News Culture Housing Business Education Life About

News | July 22, 2011, 12:00 PM

Banned Version of Four Loko Still Sold

By CHELSIA ROSE MARCIUS, 20 Cooper Square



Chelsia Rose Marcus

An image of a store shelf at the Houston Village Farm on the corner of First Avenue and Fourth Street featuring the banned version of the caffeinated alcoholic beverage Four Loko.

Supersized Alcopops



What should the neXXXt Limited Edition Four Loko be?

Thank you for voting!

CLOSE



fourlokoflavor

drinkfour.com/

Phusion Projects, LLC is a Chicago-based alcoholic beverage company that sells its products - including Four Loko, Four MaXed and Earthquake - nationwide. From the company's inception, Phusion Projects has been committed to operating as a responsible member of the alcoholic beverage industry and setting unmatched standards in this regard. Polls are intended for an adult audience of 21 years and up. Learn more about our commitment to responsible drinking: <http://www.phusionprojects.com/>

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[Redacted] I had one about 2 weeks ago, it was
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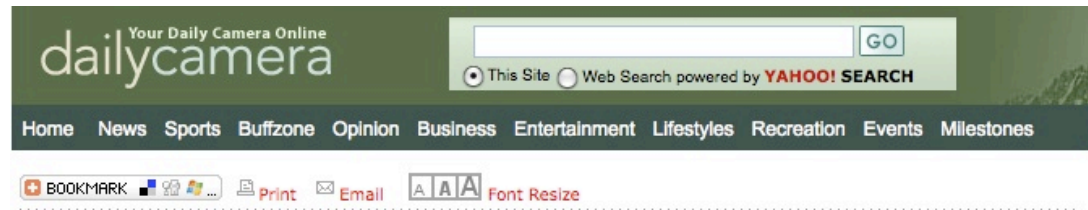


Local Actions

- November 2009: Thousand Oaks, CA City Council passed ordinance requiring retailers selling AEDs to post warning signs



Local Actions



Boulder liquor sellers reject 'binge-in-a-can' Blast by Colt 45

Colorado attorney general supports push against Pabst Brewing

By Vanessa Miller, Camera Staff Writer

Posted: 05/18/2011 06:27:37 PM MDT

On the heels of a request by 17 attorneys general that Pabst Brewing Company stop making a new malt beverage that packs nearly five servings of alcohol into one 23.5-ounce can, several Boulder-area liquor sellers have declined to stock Blast by Colt 45.

Colorado Attorney General John Suthers wasn't asked to join the consortium of attorneys general in their letter to Pabst last month, but he agrees with their concerns, said Mike Saccone, Suthers' spokesman.

"We certainly share the sentiments expressed there, and specifically that these drinks can be dangerous," Saccone said Wednesday. "We also have concerns about any company that is marketing elicit substances, including alcohol, to underage individuals."

Jack Stoakes, owner of Boulder's Liquor Mart, 1750 15th St., said he has refused to stock Blast by Colt 45 -- which has an alcohol concentration of 12 percent -- because he feels it's marketed to consumers outside his target audience.

"This product doesn't fit the customer we're trying to reach," Stoakes said. "We are concerned that it reaches out to a younger demographic."

The letter signed by the attorneys general of Arizona, Maryland, California and 14 other states refers to Blast as flavored "binge-in-a-can" and says it "poses a grave public safety threat and is irresponsible." A standard serving of alcohol is any drink that contains 14 grams of pure ethyl alcohol, and one 23.5 ounce can of Blast contains 4.7 servings of alcohol, according to the letter.

"Consuming a single can of Blast on one occasion constitutes 'binge drinking,' which is defined as men drinking five (and women drinking four) or more alcohol



Alcopop-Free Zones

- Focus on retail chains and convenience franchises
- Build local coalition with youth, alcohol policy advocates, public health, school and faith leaders
- Seek support from retailers and producers
- Pass county and city resolutions
- Take direct action at supermarkets and other retailers. Ask them to sign an agreement to not sell or advertise alcopops.
- Celebrate retailers who commit to, and demonstrate, being “alcopop-free.”

Model Legislation

- Regulate sale of caffeinated alcohol
- Regulate size and alcohol content of flavored malt beverages
- http://alcoholjustice.org/images/stories/pdfs/aedmodel_statute_mi.pdf

Contact Us

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