Michigan Liquor Control Commission responds to the dangers of Alcohol Energy Drinks

Photo: Nida R. Samona, MLCC Chairperson

Recently, the Commission has taken note of a significant increase in the sales of products commonly referred to as alcoholic energy drinks and is working to alert parents and licensees of the risks associated with these products.

These products are typically flavored malt beverages infused with significant amounts of stimulants, both natural and artificial ingredients such as caffeine, amino acids such as taurine and natural stimulants including ginseng and guarana. Alcohol energy drinks are usually sold in single cans and marketed in brightly colored containers that are confusing to both consumers and retailers. Given how alcohol energy drinks are marketed, they can be difficult for retailers to identify, and many parents may not notice that their minor is consuming a product containing alcohol.

A typical alcohol energy drink is 24 ounces and has a 12 percent alcohol content, compared to a 12 ounce can of beer, which normally has an alcohol content ranging from 4 to 7 percent. It's almost four times the alcohol content of a (regular) beer. One can, one serving, is enough to get you intoxicated. Alcohol energy drinks cost on average $3 - $5 per can making these products easily accessible and affordable.

Not only is the packaging sometimes misleading, but the products themselves can pose problems by directly appealing to a younger customer, encouraging excessive consumption (i.e. “binge drinking”), and mixing alcohol with various other chemical and herbal stimulants. Mixing an “upper” (caffeine) and a “downer” (alcohol) in one large can may extend the drunken feeling, and may give the feeling of a “wide-awake drunk.”

Despite their similarities, alcohol beverage containers do have a few things that set them apart from non-alcohol products. Keeping an eye out for these key elements is a critical component in preventing an accidental sale to a minor:

- Nutritional Information: products with alcohol will NOT have the familiar Nutritional Information box on their packaging, while non-alcohol products are required by the federal government to list this information.
- ABV%: most alcohol products will list the percentage of alcohol by volume (ABV) somewhere on the package. This is an obvious indicator of an alcohol product.
- “Contains Alcohol” markings: some brands will feature a conspicuous notice in their packaging that they contain alcohol, but even this notice is sometimes lost in colorful busy label designs.
“The Commission has monitored how alcohol energy drinks are packaged and labeled, including the alcohol content of each product, and the size of each product. We have considered the dangers associated with alcohol energy drinks since granting our initial approval. Administrative process allows the Commission, upon discovery, to correct any errors that might have occurred in the application of its labeling rule, therefore the Commission felt it necessary to entertain this motion,” said Nida R. Samona Chairperson of the MLCC. “One of our jobs as Commissioners is to protect the health, safety and welfare of Michigan citizens.”

**Background**

In light of the several studies regarding these products, the widespread community concerns aired by substance abuse prevention groups, parent groups and various members of the public, as well as the FDA’s decision to further investigate these products, the Commission believes it is necessary to reexamine alcohol energy drinks and how they are marketed to ensure that the public health, safety and welfare are protected. Some of the studies include:

- In November 2009, the U.S. Food and Drug Administration (FDA) began studying whether the combination of alcohol with significant levels of caffeine are safe for consumption. The FDA noted that these alcohol energy drinks are popular with college students and relied on a study conducted by Wake Forest University School of Medicine that these products may lead to an increase in alcohol related injuries.

- US Senator Charles Schumer (D-NY) recently called on the FTC to investigate these products and how they are marketed.

- Attorneys generals from several states have also signed a letter to the FDA questioning the safety of these products.

- The National Alcohol and Beverage Association (NABCA) also reported on a study by the American Psychological Association Journal of Behavioral Neuroscience, which concluded that caffeine-alcohol combinations pose serious risks.

- The Marin Institute released a report in 2007 highlighting the effects of caffeine, a stimulant, masking the intoxicating effects of alcohol. The study noted that this leads young people to take risks and suffer high rates of alcohol problems, such as alcohol related traffic accidents, violence, sexual assault, and suicide.

- Finally, Michele Simon, JD MPH of the Marin Institute, and James Mosher, JD of the Pacific Institute Research and Evaluation, teamed up to develop an informative, in-depth PowerPoint presentation accenting the health concerns associated with alcoholic energy drinks, such as the “wide awake drunk” sensation. Other concerns include the brand confusion and differentiating which energy drinks contained alcohol and which did not, the cheaper cost of alcohol energy drinks compared to their non-alcoholic counterparts, and the influx in viral or internet marketing of alcohol energy drinks on social networking sites such as Facebook.
Enforcement

The MLCC is responsible for the health, safety and welfare of the citizens of the state of Michigan. Part of that responsibility is educating people as to the types of products that are in the market today. Recently, the enforcement arm of the MLCC provided information to law enforcement agencies and educational trainers throughout Michigan as to market trends and product types in an effort to help police agencies become aware of the types of products that contain alcohol that are in the marketplace.

“The MLCC Enforcement Division is making a continuing effort to work with law enforcement agencies, school officials and parents throughout Michigan and hopes to make a concerted effort to promote cooperation and education in the upcoming year,” said Tom Hagan, Director of Enforcement for the MLCC.

Presently, the Enforcement Division is attempting to form a small group of participants from various sectors including restaurant associations, retail associations, Michigan State Police (MSP), and Michigan Beer, Wine and Wholesalers Association (MBWWA) to form a committee focus group on education and prevention. The hope is that violations can be minimized by educating the various members within the associations that hold licenses. An additional focus will be to use various industry publications to track sales and trends and see if there is a need to adapt the Enforcement Division’s perspective to model the trends in alcoholic beverage sales. An attempt will be made to be more proactive and work with industry representatives by offering links to the LCC website and posting updated information on the site that will help licensees serve their needs and help them to remain in compliance and avoid violation situations.

Outcome/Conclusion

Currently, the Commission is reviewing all products in the marketplace to determine whether or not the packaging is an attempt by the marketers to camouflage these products. The Commission will be looking at the possibility of requiring manufacturers to modify their packages and/or labels to clearly indicate that alcohol is contained within the package.

Additionally, the Commission may require that the packaging be altered so as not to resemble popular non-energy drinks on the market. Further, the Commission will be looking at products that are packaged in pouches and that resemble popular juice box/pouches to determine whether or not the packages themselves and/or the labels of those products should be changed to better indicate the contents of the package.

Studies are being conducted to monitor the effects of these products on our youth. The Commission will continually monitor these studies to determine how to better protect the public. Ingenuity and creativity in the marketplace will as always remain present, but the Commission will not falter in its responsibility as it relates to the alcoholic beverage industry within Michigan nor will it falter in its responsibility to the citizens of the state.