

Tuesday, November 23, 2010

NC ABC Commission Takes Action to Speed Removal of Alcohol Energy Drinks from Stores

On November 18, NC Alcoholic Beverage Control Commission took action to speed removal of alcohol energy drinks from North Carolina stores in the wake of the ruling made the previous day by federal authorities that the combination of caffeine and malt alcohol is unsafe. The Federal Trade Commission sent warning letters to four marketers of caffeinated alcohol drinks citing incidents “suggesting that alcohol containing added caffeine presents unusual risks to health and safety.” The FTC letters warned that marketing of such beverages may constitute an unfair or deceptive practice that violates the FTC Act. Companies receiving letters include: [United Brands Co.](#), (Joose and Max); [Phusion Products LLC](#), (Four Loko and Four Maxed); [Charge Beverages Corporation](#), (Core High Gravity, Core Spiked, and El Jefe); and [New Century Brewing Company](#), (Moonshot).

The NC ABC Commission’s action supports warnings issued the previous day by the Food and Drug Administration, the Federal Trade Commission and the Alcohol and Tobacco Tax and Trade Bureau that caffeine is not regarded as safe in carbonated malt beverages.

“Consumers might mistakenly assume that these beverages are safe because they are widely sold,” said David Vladeck, Director of the FTC’s Bureau of Consumer Protection. “In fact, there is good reason to believe that these caffeinated alcohol drinks pose significant risks to consumer health and safety. Consumers – particularly young, inexperienced drinkers – may not realize how much alcohol they have consumed because caffeine can mask the sense of intoxication.” The FTC letters strongly urged the companies to review the way they are marketing their caffeinated alcohol drinks and to “take swift and appropriate steps to protect consumers.” The FTC has instructed the companies to notify the agency within 15 days of the actions they have taken.