

ABA Guidance for the Responsible Labeling and Marketing of Energy Drinks

The American Beverage Association (ABA) is the trade association representing the broad spectrum of companies that manufacture and distribute non-alcoholic beverages, including energy drinks, in the United States. ABA member companies, which include The Coca-Cola Company, Dr Pepper Snapple Group, Monster, PepsiCo, Red Bull and ROCKSTAR, represent approximately 95 percent of the energy drink category in the United States and have agreed to the following common commitments regarding the labeling and marketing of energy drinks. These commitments were adopted by the ABA Board of Directors on April 30, 2014:

Labeling

- Energy drinks will be labelled as conventional foods/beverages, and not as dietary supplements.
- Energy drink labels will declare the total quantity of caffeine (from all sources) in the container, on a per can/bottle basis and, for multi-serving containers, on a per serving basis (e.g., “caffeine content: xx mg/8 fl oz; yy mg/per can.”). This quantitative caffeine declaration will be separate and apart from the ingredient statement and the Nutrition Facts Panel.
- Energy drinks labels will include the following advisory statement, or its equivalent: “Not (intended/recommended) for children, pregnant or nursing women (and/or persons/those) sensitive to caffeine.”
- Energy drink labels will not promote mixing with alcohol nor make any claims that the consumption of alcohol together with energy drinks counteracts the effects of alcohol.
- Energy drink labels will not promote excessive or unduly rapid consumption.

Marketing

- Energy drink manufacturers will not market their energy drink products to children under 12 years of age (“Children”) as set forth in the International Council of Beverages Associations’ (ICBA) Global Policy on Marketing to Children.
- Energy drink manufacturers will not sell or market their energy drink products in K-12 schools, in accordance with the industry’s School Beverage Guidelines and in the ABA statement regarding the Sale of Energy Drinks in Schools. In addition, energy drink manufacturers will not market or sell their energy drink products at K-12 school events or activities on K-12 school premises, and will use commercially reasonable efforts to encourage third party distributors that deliver and sell their energy drink products to comply with these practices.
- Energy drink manufacturers will not provide energy drink product samples or product coupons to Children, nor will they provide energy drink product samples or product coupons in the immediate vicinity of K-12 schools. In addition, energy drink manufacturers will use commercially reasonable efforts to encourage their third-party distributors that deliver and sell their products to comply with these practices.

- Energy drink manufacturers will not highlight images of Children or other images featuring persons where those pictured are predominantly Children on their company-managed websites.
- Energy drink manufacturers will not purchase advertising on television, radio or print media and, when audience data are available, Internet and mobile media, in each case where the target audience is predominantly comprised of Children.
- Energy drink manufacturers will not promote excessive or unduly rapid consumption of their energy drink products in any marketing or advertising materials.

Compliance

ABA Member Companies will modify their labels and practices as set forth above, as soon as commercially practicable. ABA will work with an independent third party validator to monitor implementation progress of these commitments on an annual basis, beginning one year after their adoption.