



Code of Practice for the Marketing and Labelling of Energy Drinks

(ADOPTED – BRUSSELS, DECEMBER 9, 2014)

BACKGROUND AND OBJECTIVES OF THIS CODE

Energy Drinks Europe (EDE) is an association that represents the interests of European producers of energy drinks. Our association builds on the entrepreneurship, commitment and experience of our members who include large, medium and small sized companies reflecting the variety of the sector. Energy drinks are an excellent example of product innovation in the European food sector: they show how European companies are able to innovate on products and marketing by building on its unique European food heritage and become truly global players.

Energy drinks are still a relatively new category of non-alcoholic functional drinks with a stimulating effect and unique combinations of characterizing ingredients including caffeine, taurine, vitamins and other substances with a nutritional or physiological effect.

There is ongoing public discussion in relation to the consumption and marketing of several foods and beverages, including energy drinks. We do recognize these discussions and are committed to playing a positive role, by responsibly marketing and promoting our products and their appropriate consumption. As an industry association EDE provides a leadership role by proactively working with regulators and scientists to address any outstanding or newly emerging issues on energy drinks.

EDE has set out to establish a clear and simple set of principles for a Code of Practice, which goes beyond legal requirements, to become the leading reference in this industry in relation to product composition, marketing and promotion of energy drinks.

THE CODE

Safety of energy drinks

Energy drinks have been safely consumed and enjoyed by consumers worldwide for more than 25 years. The safety of their key ingredients has been assessed and confirmed by European risk assessment institutions and many other health authorities around the world. European risk assessment institutions have established that the following levels are considered safe for the main ingredients of energy drinks: taurine 4000 mg/l, glucuronolactone 2400 mg/l and caffeine 320 mg/l^{i, ii}. Energy drinks only represent about 1% of the total European non-alcoholic beverages marketⁱⁱⁱ. A very recent scientific study across Europe^{iv} has found that the

ⁱ Scientific Opinion of the Scientific Panel on Food Additives and Nutrient Sources added to Food on a request from the Commission on the use of taurine and D-glucuronolactone as constituents of the so-called 'energy' drinks, adopted on 15 January 2009

ⁱⁱ Australia New Zealand Food Authority, ANZFA (2001): Amendment No. 55 to the Food Standards Code, Standard 2.6.4. "Formulated Caffeinated Beverage"

ⁱⁱⁱ Canadian statistics

^{iv} Zucconi S., Volpato C., Adinolfi F., Gandini E., Gentile E., Loi A., Fioriti L.; "Gathering consumption data on specific consumer groups of energy drinks". Supporting Publications 2013:EN-394. [190 pp.]. Available online: www.efsa.europa.eu/publications



contribution from energy drinks to total daily caffeine consumption is small, i.e. 8 % for adults and 13 % for adolescents. In other words, 92 % of total caffeine for adults and 87 % of caffeine for adolescents come from other caffeine sources than energy drinks, namely coffee, tea and soft drinks. This clearly shows that not energy drinks but other popular products with a typical daily use profile, such as coffee, tea and soft drinks, are the key contributors to caffeine intake in Europe.

Commitment no. 1: EDE members will only place on the market products as energy drinks that use the above limits as a guidance. It is the producer's responsibility to review and confirm the safety of any product which includes ingredients in a quantity above the mentioned levels before it is put on the market.

Commitment no. 2: In addition, EDE members will abstain from making comparative claims regarding the quantity of caffeine in their products (e.g. stating or implying that a higher caffeine content results in a "better" or "more efficacious" product). This does not apply to statements which aim to solely inform consumers about the quantity of caffeine and are legally required by Regulation (EU) 1169/2011, or inform consumers about the quantity of caffeine in a product compared to traditional beverages such as coffee or tea.

Commitment no. 3: As with every food and beverage, energy drinks should be consumed moderately. Labels of energy drinks will include the advisory statement "Consume Moderately" or similar wording based on consumer understanding.

Energy drinks are marketed as functional beverages

Energy drinks are functional beverages that are consumed in specific times of increased activity, such as driving, working, studying and being active among other occasions. Unlike conventional soft drinks, they are not marketed for thirst quenching purposes.

Commitment no. 4: Bearing in mind the need of appropriate consumer information through labelling, EDE members do not market energy drinks in containers intended for mass catering but only in a prepackaged form.

Commitment no. 5: Considering the functionality of energy drinks, EDE members position packages with a net content of 250 ml as their main selling proposition for individual consumption.

Commitment no. 6: Energy drinks are not designed to deliver rehydration to the body such as isotonic/electrolyte containing beverages. Energy drinks will therefore not be marketed as providing a rehydration benefit. Additionally, as part of commitment 14, EDE members will encourage those who are engaged in sport to also drink water during intense exercise.

Energy drinks and children

Energy drinks are functional beverages and therefore destined at an adult population. In general, children have reduced acceptance to caffeine than adults due to their lower body weight. Therefore, we do not recommend energy drinks to children. According to Regulation (EU) 1169/2011 we label all our products as 'not recommended for children or pregnant or breast-feeding women'. Provided that energy drinks are consumed in line with caffeine recommendations from health authorities, both adults and adolescents can



safely consume energy drinks, like any other caffeine containing food product, and as part of a balanced diet and healthy and active lifestyle.

Commitment no. 7: 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 Association’s (ICBA) Global Policy on Marketing to children^v.

Commitment no. 8: EDE members do not place any marketing communication in any media with an audience of which more than 35% are children.

Commitment no. 9: EDE members will not engage in any direct commercial activity in primary or secondary schools, including placing of vending machines.

Commitment no. 10: EDE members will not conduct any sampling activities in the close proximity to primary and secondary schools or other institutions taking care of this age group.

Energy drinks and alcohol

In 2009 the European Food Safety Authority confirmed that there is no interaction between glucuronolactone and caffeine, taurine or alcohol^{vi}. In general, academic research shows that mixing of energy drinks with alcohol does not pose any additional risks nor lead to higher alcohol consumption compared to the consumption of alcohol alone^{vii, viii, ix}.

In order to play a proactive and responsible role in the debate about energy drinks and alcohol and as part of a broader strategy of promoting healthy lifestyles and moderate consumption habits, EDE members will make the following commitments:

Commitment no. 11: Energy drink labels will not promote mixing with alcohol.

Commitment no. 12: EDE members will not make any claims that the consumption of alcohol together with energy drinks counteracts the effects of alcohol.

Commitment no. 13: EDE members do not sell any beverages which are a mixture of energy drinks with alcohol. We consider the denomination of such premixed alcoholic beverages as ‘energy drinks’ as misleading.

Consumer information

Commitment no. 14: EDE members will provide comprehensive information to consumers in addition to labels (e.g. through websites or leaflets) about energy drinks, their responsible consumption and their characteristic ingredients, including how their caffeine content relates to other caffeine containing foods and beverages.

^v <http://www.icba-net.org/files/resources/icba-marketing-to-children-guidelines.pdf>

^{vi} Scientific Opinion of the Scientific Panel on Food Additives and Nutrient Sources added to Food on a request from the Commission on the use of taurine and D-glucurono-γ-lactone as constituents of the so-called ‘energy’ drinks, adopted on 15 January 2009

^{vii} UK Committee on Toxicity Statement 2012/04 on the interaction of caffeine and alcohol and their combined effects on health and behaviour (December 2012), see <http://cot.food.gov.uk/cotstatements/cotstatementsyrs/cotstatements2012/cotstatement201204>

^{viii} JC Verster, C Aufricht, C Alford. Energy drinks mixed with alcohol: misconceptions, myths and facts. International Journal of General Medicine 2012;5 187–198

^{ix} As regards a warning message related to the mixture of caffeinated beverages with alcohol, this requirement has been considered and rejected by the European Commission during the discussions of the Regulation (EU) 1169/2011, as there is no available scientific data and evidence which could justify such mandatory information.



COMPLIANCE SECTION

All members of EDE commit to implement the Code by 30 March 2015^x. All members will deposit a formal letter of compliance with the EDE secretariat by that date at the latest.

Any company who wants to become member of EDE will have to comply with the Code of Practice as a prerequisite for membership.

^x With the exception of the advisory statement in the first paragraph of point 5 of the Code which will be implemented according to Article 54 of Regulation (EU) 1169/2011