

Energy Drink Burnout

**By Reg P. Wydeven
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I can't believe summer is already over. Thankfully, my kids are anxious to go back to school. My wife is excited to get back in the classroom, too. She's a great teacher and is a recipient of the Herb Kohl Fellowship Award for excellence in education. However, after a fun-filled and relaxing summer, even she has a hard time getting into the swing of things.

At the end of every August, our Diet Mountain Dew budget goes way up. While she's eager to see her students each day, my wife needs a little extra kick of caffeine on mornings during the first quarter. She used to use energy drinks to kick start the day, but she actually had trouble sleeping at night.

Thanks to Eric Schneiderman, the Attorney General for the State of New York, manufacturers of energy drinks may also be having some sleepless nights.

Schneiderman has begun an investigation into the energy drink industry to determine whether consumers are being misled by manufacturer's claims about their products. According to The Wall Street Journal, Schneiderman issued subpoenas last month to Monster Beverage Corp., Pepsico, the maker of AMP, and Living Essentials LLC, the maker of 5 hour Energy drink, seeking information on the companies' marketing and advertising practices.

The focus of the investigation will be on whether energy drink manufacturers violated federal law by promoting the drinks as dietary supplements rather than as foods, which are more strictly regulated. Investigators will also research if all of the ingredients that are in energy drinks are properly disclosed, as some additives, like black tea extract and guarana, may contain additional caffeine that is not reflected on the beverages' labels.

Critics claim that the manufacturers of energy drinks exaggerated their claims about the benefits of ingredients in the drink while downplaying the effects of caffeine, a common stimulant that industry critics believe to be the main active ingredient in the beverages.

Schneiderman's office will decide whether these claims are accurate. Accurate or not, energy drink manufacturers' ad campaigns are effective. Last year, retail sales of energy drinks reached \$8.9 billion in the United States, a sixteen percent increase from the year before. According to a report issued by Beverage Digest cited in The Wall Street Journal, energy drinks accounted for twelve percent of retail sales in the carbonated soft drink category. Monster sells the most energy drinks in the U.S. by volume, following by Austria's Red Bull GmbH and Rockstar Inc.

Despite their enormous popularity, energy drinks have been under fire recently. The Food and Drug Administration issued warning letters in 2010 to Charge Beverages, New Century Brewing, Phusion Projects and United Brands citing a health risk. These four companies manufactured energy drinks combining alcohol and caffeine, a deadly mixture, as the caffeine stimulant causes the consumer to underestimate the negative effects of the alcohol depressant.

In 2011, the American Academy of Pediatrics determined that some energy drinks were harmful to children and young adults because they contain large amounts of caffeine and other stimulants.

In addition to the investigation by the NY AG office, New York City Mayor Michael Bloomberg introduced a plan that proposes to implement a municipal ban on sales of large-size sugary beverages by restaurants, mobile food carts, movie theaters and delis.

It looks like the lawyers for energy drink manufacturers are going to be working some long hours. They better stock up on some Diet Mountain Dew.

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