



**AB 1598, Testimony of Sarah Mart, MS, MPH  
Research and Policy Manager, Marin Institute  
California Assembly Government Operations (GO) Committee – April 12, 2010**

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Thank you for the opportunity to testify on this important matter today.

I am here today to express Marin Institute's strong support for AB 1598 in order to protect Californians from the scientifically-proven dangerous combination of caffeine and alcohol.

This issue is not new, nor is this bill premature. Rather it's long overdue.

With the release of the report: "Alcohol, Energy Drinks, and Youth: A Dangerous Mix" in 2007, we began the campaign to get these products off the market. Nearly three years later, the makers of caffeinated alcoholic beverages continue to ignore the public health emergency that their products cause. Today they will tell you that their products are safe and they are not targeted to youth. They will also ask you to wait for federal action, while the safety and health of California drinkers remain at risk.

But what they will not explain is why the two largest producers of these products no longer make them. In 2008, MillerCoors and Anheuser-Busch InBev signed an agreement with attorneys general from 13 states, including California, which required the companies to reformulate their brands, remove stimulants, and never again make alcoholic beverages spiked with caffeine.

The large companies agreed to put public health above their production of hazardous products, but several smaller companies rushed to take advantage of the opportunity and market their new brands. Products such as Joose and Four Loko contain as much as 12% alcohol in one 23.5 ounce-can (the equivalent of five standard drinks) with high amounts of caffeine. Today's caffeinated alcoholic beverages are even more dangerous than the products that were voluntarily taken off the market.

Producers will claim that their products contain no more caffeine than nonalcoholic drinks such as coffee or soda. What they won't say is that there is no level of caffeine or other stimulants added to alcohol that is generally recognized as safe, according to the Food and Drug Administration or any other regulatory or scientific body. No one should compare alcohol with soft drinks.

You do not need to wait for permission from the FDA to protect the public's health in California. It is not only within the legal purview of the state to take action, it is imperative to do so when our citizens are at risk from dangerous products.

The research is clear: alcohol plus stimulants are a dangerous combination. What is especially disturbing is how it masks the true effects of the alcohol and makes people feel that they are alert. Caffeinated alcoholic beverages make drinkers think that they are safe, when they are actually at even greater risk than if they drink alcohol by itself.

Peer-reviewed studies have demonstrated the harm caused by combining alcohol and stimulants. Youth who combine energy drinks with alcohol do so in order to hide the flavor of alcohol, to be able to drink more and to stay awake longer.<sup>1</sup> Youth who drink alcohol plus caffeine drink more and get drunk more often. They are at twice the risk for alcohol-related harm, including:<sup>2</sup>

- riding with an intoxicated driver
- being physically hurt or injured
- requiring medical treatment
- being taken advantage of sexually
- taking advantage of someone else sexually.

In addition to the scientific research base already available, there is overwhelming evidence that makers of caffeinated alcoholic products do not “responsibly market” to adults, as the companies claim. Rather, they deliberately use a variety of kid-friendly tactics: bright colors and sweet flavors, popular music, product websites with interactive online activities like costume and talent contests, games, free downloads, text messages, and social media such as Facebook and You Tube. Some examples of these tactics include:

1. Four Loko contains up to 12% alcohol and comes in Blue Raspberry, Orange Blend, Watermelon, Grape, and Cranberry Lemonade flavors. JOOSE (also up to 12% alcohol) comes in flavors/colors named Dragon, Mamba, Panther, and Jungle JOOSE. These flavors hide the taste of alcohol so that young people can drink more.
2. On the JOOSE website, several different bands are featured, including “MackNifi\$ent”, who has a rap song called “JOOSE in My System,” and Traumatize Immortal, who won the “JOOSE Talent Sponsorship Contest with a rap song called “That JOOSE.”

3. On Four Loko's website, drinkers are identified as "Fanatics" and encouraged to share their opinions of the product, "whether you've downed enough Four to give Paul Bunyon a hangover or you've just cracked your first can."<sup>3</sup> One California drinker says: "I never liked to drink before, but by finding FOUR (Loko), I've learned to enjoy it." A Facebook fan of Joose calls it "crack in a can."<sup>4</sup>
4. Four Loko's web site describes the product as "wild...instant...strongest...mindblowing...maxed...unique...wreak(ing) havoc...bombshell...one of a kind...mania...craziest on the planet" along with quotes from drinkers who throw up in public, don't remember what they did the night before, and miss school or work after drinking Four Loko.

Making it difficult for drinkers to recognize the effects of alcohol in their own bodies is indefensible. We urge you to vote yes to pass AB 1598, and get caffeinated alcoholic drinks off the market once and for all.

Thank you for your leadership on this important matter.

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<sup>1</sup> O'Brien, MC, Mixing Alcohol With Caffeine: Heavy episodic drinking, drinking while intoxicated, and alcohol-related consequences among youth, American Public Health Association poster, 2008.

<sup>2</sup> O'Brien, MC, et al. Caffeinated Cocktails: Energy Drink Consumption, High-risk Drinking, and Alcohol-related Consequences among College Students, ACADEMIC EMERGENCY MEDICINE 2008; 15:1-8.

<sup>3</sup> <http://www.drinkfour.com/#/fanatics>.

<sup>4</sup> <http://www.facebook.com#!/drinkjoose?ref=ts>