Oregon AG says beer companyâ€™s marketing of alcohol/caffeine drinks â€˜irresponsibleâ€™

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Hardy Myers Calls Anheuser-Busch Irresponsible For Its Marketing Tactics Targeting Youth

Attorney General Hardy Myers this week criticized Anheuser-Busch Companies, Inc. for producing and promoting alcohol energy drinks containing caffeine and other stimulants. Citing serious health concerns, Attorney General Myers called on the company to provide readable warning labels that alert consumers about the health risks posed by these products.

In a letter to Anheuser-Busch, Oregonâ€™s Attorney General, along with 27 other state Attorneys General, noted that medical doctors and public health professionals have warned that combining caffeinated energy drinks with alcohol â€“ a practice popular among young people â€“ poses significant health and safety risks. The stimulant in the energy drink may skew a personâ€™s sense of alertness without reducing the adverse effect of the alcohol on that personâ€™s motor skills or ability to react quickly.

Anheuser-Buschâ€™s caffeinated alcoholic beverages include Spykes, TILT and Bud Extra. These drinks with a caffeine kick are similar in nature to non-alcoholic energy drinks currently popular with youth under age 21. They are primarily marketed on websites featuring music particularly popular with young people.

â€œThese alcoholic energy drinks are promoted and packaged in a way that is highly attractive to underage youth,â€• Attorney General Myers said. â€œDrinks such as Spykes plainly and perniciously appeal to children in both taste and appearance, and their caffeine content dangerously masks the effects of alcohol. If Anheuser-Busch is going to hold itself out as a partner in the fight against underage drinking, then it must stop marketing these types of drinks that so strongly appeal to underage youth.â€•

Spykes is available only in fruit and chocolate flavors, and comes in small, attractive, brightly-colored, plastic containers that can be easily concealed in a pocket or purse. Advertisements for Spykes, TILT and Bud Extra also tout the productsâ€™ caffeine content and other additives that youth are likely to associate with popular non-alcoholic energy drinks. Spykes contains 12 percent alcohol by volume, more than twice that of most flavored malt beverages and beers.

Because they are designated as flavored malt beverages, Spykes and similar drinks can be sold inexpensively and, in many states, distributed to grocery stores and convenience stores, where they may be more readily seen and purchased by underage youth than if they were sold only in liquor stores.

The Attorneys General believe that these types of alcohol energy drinks must include a warning to consumers about the risks of mixing energy drinks with alcohol. The letter to Anheuser-Busch raises specific concerns about the illegible health warnings on the Spykes product. Recently, the U.S. Alcohol and Tobacco Tax and Trade Bureau made clear that it agreed with these concerns, finding that several Spykes labels violate federal law. Anheuser-Busch has agreed to stop production and to replace the product labels. The Attorneys General call upon the company to act promptly to address their remaining concerns about the production and marketing of these products.

Other efforts to reduce underage drinking in Oregon include a package of bills proposed by Attorney General Myers on behalf of the AGâ€™s Underage Drinking Task Force. The bills, House Bills 2144 â€“ 2152, are aimed at strengthening the enforcement of the stateâ€™s laws regarding underage drinking, including enhanced penalties for Minors in Possession, increased access to treatment and driver license suspension for certain violations.

Francine I. Katz, Vice President, Communications and Consumer Affairs, Anheuser-Busch Companies, Inc., posted the following statement on the companyâ€™s web site at www.beeresponsible.com regarding marketing of Spykes:

We have the utmost respect for the statesâ€™ attorneys general, which is why we have partnered with many of them to educate parents and other adults â€“ who are the largest source of alcohol consumed by minors â€“ that supplying alcohol to minors is wrong and illegal.We created Spykes for adults as a lower alcohol content alternative to hard liquors that come in flavors like apple, lemon, peach, orange, raspberry, pear, banana, and pomegranate, and which are mixed with other beverages to create flavored drinks such as chocolate and

apple-flavored martinis. Those who criticize Spykes fundamentally misunderstand the behavior of many illegal underage drinkers. They drink for instant impact. The fact that Spykes are sold in 2-ounce bottles and have a total alcohol content equivalent to only one-third of a glass of wine makes it much less likely that illegal underage drinkers will choose Spykes as opposed to similarly colored and similarly flavored products that are 70 to 80 proof hard liquor . There are more than 50 of these products in this category in all colors and flavors, most of which are hard-liquor beverages that have three to four times greater concentration of alcohol by volume than Spykes. It seems curious that products like â€œBlue 100,â€• â€œ99 Bananas,â€• â€œTattoo,â€• â€œExtase,â€• â€œPucker,â€• and â€œAfter Shockâ€• â€“ along with any number of similarly brightly colored products currently on the market in 50 ml bottles â€“ are acceptable when the only difference between them and Spykes is that they are made with hard liquor and therefore contain a much higher alcohol content than Spykes. If the attorneys general believe that 50 ml bottles are a problem because their size makes them easily concealable, this standard should apply not just to malt-based products, but to hard liquor as well. If such a uniform standard were the rule, Anheuser-Busch would be happy to comply.Itâ€™s also puzzling why the attorneys general would single out Spykes for their concern about caffeine. Adults have been drinking rum and cola, espresso martinis, Black Russians and Irish Coffee for decades. The popular Web site Webtender.com lists 162 cocktails that include coffee or coffee-based liqueur. To our knowledge, the attorneys general have not written letters to sellers of espresso vodkas or other caffeinated hard liquors. In fact, earlier this week, a letter was signed by many of the same attorneys general praising Beam Global for its efforts to address underage drinking. This is the same company that markets Starbucks Coffee Liqueur, which is 20 percent alcohol by volume and contains no warning about mixing caffeine and alcohol. Beam also produces the â€œAfter Shockâ€• and â€œPuckerâ€• products, with fruity flavors like watermelon, grape, peach and sour apple. One would think that if there were going to be a double standard applied, it would favor the lower alcohol content products, not the type of hard-liquor products made by Beam Global and other hard liquor manufacturers.Itâ€™s easy to take shots at a sweet and flavorful alcohol beverage as being â€œtargetedâ€• at kids, but the facts just donâ€™t bear that out. Of-age adults like these flavors, and we market Spykes primarily by word of mouth, at on-premise bars and clubs, supplemented by a Web site. Spykes are currently available in about five percent of retail establishments nationwide and are not sold at all in Maine, Oregon, Iowa, Alabama, Idaho, Mississippi, Montana, New Hampshire, Oklahoma, South Carolina, Tennessee, Vermont, Washington, West Virginia and Arkansas; and are only sold in military markets in Utah. One vocal critic, the Center for Science in the Public Interest, recently admitted to the New York Times that it had to scour 10 liquor stores before it could even find the product. It is ironic that the only people telling kids about Spykes are the productâ€™s critics.The attorneys general did correctly point out that a Web site operated by an independent retailer apparently offered Spykes for sale over the Internet â€“ along with many flavorful hard liquor brands that come in small 50 ml bottles and novelty shaped bottles such as soccer shoes and guns. We do not approve of such sales and asked the retailer to stop selling our product. They have already done so.But the simple fact remains that Spykes are intended for adults 21 and older who enjoy sweet, fruit and chocolate-flavored cocktails and alcohol beverages. To attack the one product in this category with the lowest alcohol content and a very limited distribution makes no sense.

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