



## Washington State Liquor Control Board

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### Resolution of the Board in support of Emergency Rulemaking

Because Washington is a control state, and only the Board may sell spirits in the state, in 2009, the Board adopted a policy that prohibits point-of-sale and marketing materials in our retail stores that reference mixing energy drinks with alcohol. Of course, people can purchase spirits in liquor stores and combine them with many other products, but the Board does not condone marketing or advertising of such combinations. In April, 2010, the Board adopted a policy restricting the sale of products in state stores if the product implies, in packaging or marketing claims, that consumption will have a stimulating or energizing effect, or will enable consumers to drink more of the product without feeling the effects of alcohol. State laws/rules already require special content labeling for malt liquors that contain more than 8% alcohol, and even require shelf tags to identify such products.

In 2010, the Board sought legislation that would prohibit the sale of caffeinated malt beverages in the state, but faced a general lack of awareness of these products and their potentially harmful effects.

The Board is aware of the incident involving students at Central Washington University in late October 2010, and once again focused its attention on the issues related to products that combine alcohol and caffeine or other stimulants commonly found in energy drinks. The Board has reviewed numerous research articles and information available on the effects of mixing alcohol and caffeine, and alcohol and other stimulants, such as taurine, guarana, ginseng, as well as other products. The Board will once again seek legislative action on this question in 2011, but believes that immediate action to prohibit the sale of such products is necessary to protect the health, safety, and welfare of the public.

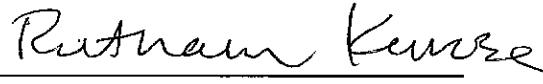
The Washington State Liquor Control Board hereby finds:

- The 21st Amendment to the United States Constitution grants states the authority to regulate the sale and distribution of alcoholic beverages.

- The overuse of caffeine can result in acute overdoses that can cause health problems including anxiety, heart palpitation, mania, depression, lapses of judgment, and, in extreme cases, death.
- The marketing messages of malt beverage products containing caffeine and other stimulants imply that they have energizing effects and fail to disclose to consumers the adverse effects and consequences associated with their consumption.
- The protection of the public health, safety, and welfare require the Board take emergency action to prevent the further sale and distribution of malt beverage products containing caffeine and other stimulants in the State of Washington.

Approved this 10<sup>th</sup> day of November, 2010:

  
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Sharon Foster, Chair

  
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Ruthann Kurose, Board  
Member