

# CSPI NEWSROOM

CENTER FOR SCIENCE IN THE PUBLIC INTEREST

## FDA Urged to Stop Claims for "Energy" Drinks

For Immediate  
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### **CSPI Opposes Industry Plan for Weak Regulation of "Functional" Foods**

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WASHINGTON—The Food and Drug Administration (FDA) should enforce stricter standards for “energy” drinks and other so-called functional foods, according to the nonprofit Center for Science in the Public Interest (CSPI). Today CSPI [testified](#) at a hearing on the controversial foods convened by the FDA. The hearing was spurred in part by a [CSPI petition in 2002](#) urging the FDA to tighten regulations and take enforcement action.

More CSPI Testimony  
to FDA on Functional  
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“Many so-called ‘functional foods,’ would be more aptly named dysfunctional foods,” said CSPI legal affairs director Bruce Silverglade. “Many ‘energy’ drinks, for example, primarily consist of water, sugar and caffeine. But the food industry is pressuring the Bush Administration to extend already weak standards for dietary supplement ingredients and label claims to these newfangled products. That approach would make functional foods, a potentially useful idea, about as dependable as 19th century snake oil.”

CSPI Report on  
Functional Foods

2002 CSPI Petition to  
FDA

CSPI testified that some drinkers mistakenly rely on “energy” drinks to mitigate the effects of alcoholic beverage consumption. Drinkers may experience a placebo effect, and dangerously assume that they can drive a car, or drink even more alcohol without becoming further inebriated. CSPI also told the FDA that medicinal herbs don’t belong in foods like iced tea and that snacks with unhealthy amounts of saturated fat are inappropriate mediums for ingredients that purportedly reduce the risk of heart disease.

FDA Urged to Halt  
Sale of “Functional  
Foods” Containing  
Illegal Ingredients

“To ensure safety and effectiveness, companies should be required to notify the FDA before adding novel ingredients to foods for purported health benefits,” said CSPI senior staff attorney Ilene Ringel Heller, who also [testified](#) at the FDA hearing.

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In 2000, the U.S. Government Accountability Office (GAO) strongly criticized the FDA’s failure to protect consumers from unproven ingredients and claims. A GAO report concluded that “FDA’s efforts and federal laws provide limited assurances of the safety of functional foods...” The report made numerous recommendations to the agency, including requiring manufacturers to place warning labels on some products.

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Despite the passage of more than five years, the FDA has failed to implement any of the GAO’s recommendations. During that time, the annual sales of functional foods have sky-rocketed and now, by industry estimates, exceed \$25 billion per year.

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“When the FDA has warned companies, such as the makers of Mars candy and Arizona Iced Tea, that they were violating the law, the firms largely ignored the agency and have continued to market their products,” said Heller.

Products highlighted by CSPI at the FDA hearing included:

- Enviga: This new carbonated drink from a Coca-Cola/Nestle partnership



claims that thanks to a combination of caffeine and an antioxidant found in green tea, the product burns more calories than the drink provides and implicitly promotes weight loss. CSPI yesterday notified those companies that it will sue them if they continue to make those claims—which are based on inconsistent, short-term and industry-funded studies.

- Mars/Masterfoods Cocoa Via candy bars: FDA formally warned the company in May 2006 that the labels on certain of the candy bars illegally claim that the candies could reduce “bad” LDL cholesterol, noting that the products contain unhealthy amounts of saturated fat, which raises serum cholesterol levels. The company, however, has ignored the FDA’s warning and continues to market the products with the same labels.
- Rockstar energy drink: The label promises that after drinking the 16-oz. can, one can “party like a rockstar.” The beverage contains an “energy blend” of milk thistle (an herb investigated for treating cirrhosis), two forms of caffeine, ginkgo (an herb investigated for improving memory in Alzheimer patients), and taurine, an amino acid.
- DanActive “Immunity” dairy drink: This Dannon product claims to help “strengthen your body’s defenses.” But the only actual study conducted on people found that DanActive didn’t prevent illness, and 25 percent of the participants had to cut their dose in half because they suffered bloating, gas, and nausea.
- Monster Energy drink: The beverage contains five types of added sugars (54g per 16-oz. can, about the same as a Coke), two sources of caffeine, and some natural enzymes and digestive acids. The label states “We went down to the lab and cooked up a double shot of our killer energy brew. It’s a wicked mega hit that delivers twice the buzz of a regular energy drink.”
- Tab Energy low calorie drink: In an effort to remake this 1960s diet cola, Coca-Cola has added guarana extract (a source of caffeine authorized for use in foods only as a flavoring), vegetable juice (for color), and B vitamins. B vitamins convert protein, fat, and carbohydrate into energy, but do not provide an energy boost that can be felt by the body. The product also contains the amino acid taurine and L-carnitine, a co-enzyme naturally found in the body.

