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The Executive Officer
Liquor Act Review Committee
PO Box 6119
East Perth 6892

By email: LiqActReview@rgl.wa.gov.au

Dear Sirs

Coca-Cola Amatil – Submission on the Liquor Act review

Mr Terry Waldron, Minister for Racing and Gaming in Western Australia has announced a review of the Liquor Control Act 1988.

Coca-Cola Amatil (CCA) is a producer and distributor of alcoholic and non-alcoholic products in Western Australia.

CCA has elected to make a submission to the Review Committee and focus on the topic of energy drinks in the licensed trade in WA.

The Review

The terms of reference of the review note the Committee is to consider the interest and needs of the WA community and has to have particular regard to :

Balancing the requirements of consumers for liquor and related services with minimising harm or ill-health caused to people or any group of people due to use of liquor.

Currently the "Liquor Authority" (as defined in the Act) assesses some applications against the requirements of s38 of the Liquor Control Act.

That section allows the Licensing Authority to have regards to -

"the harm or ill-health that might be caused to people or any group of people due to the use of alcohol".



It is also noted that pursuant to Section 64 of the Act, the Licensing Authority may at its discretion impose conditions.

In relation to both sections of the Act, the Licensing Authority has imposed conditions on certain licences which has the effect of restricting the availability of energy drinks at the licensed premises.

An example of such a condition is the following:

No energy drinks are to be mixed with liquor on the premises (for the purpose of this condition energy drinks has the same meaning as formulated caffeinated beverage within the Australia New Zealand food Standards Code with a composition of 145mg/l of caffeine or greater).

In some instances, it is noted that the Commissioner of Police, as intervener in some applications, has requested trading conditions be imposed on the licence. We note that this has included a condition that involves a restriction on the availability of energy drinks.

Latest Scientific research.

The Australian Beverage Council has released a fact sheet which draws upon evidence available in the latest research on the mixing of alcohol and energy drinks.

We draw to the attention of the Committee the following extracts from that fact sheet:

- The UK Government's Committee on Toxicology (caffeine + alcohol) 2012 concluded that the current balance of evidence does not support a harmful toxicological or behavioural interaction between caffeine and alcohol.
- Both the Scientific Committee on Food (SCF) in 2003 and the European Food Safety Authority (EFSA) in 2009 have addressed the issue of mixing alcohol and energy drinks in their corresponding opinions.

The SCF in 2003 concluded that 'there is no confirmation of a causal relationship between the reported effects of the consumption of alcohol and/or drugs and the consumption of energy drink' containing taurine and glucuronolactone. In 2009, EFSA agreed with the considerations from the SCF. Both SCF and EFSA in their respective opinions do not support the assumption of any combined effect or interaction between alcohol and energy drinks.

There have been concerns that mixing energy drinks with alcohol could result in the subjective perception of being less intoxicated compared to consuming alcohol on its own. It is also feared that people would consume more alcohol when mixed with energy drinks compared to the consumption of alcoholic beverages on their own.



- The most comprehensive and up-to-date scientific review article on the issue concludes that there is no consistent evidence that energy drinks alter the perceived level of intoxication of people who mix energy drinks with alcohol and that there is no evidence that co-consumption of energy drinks causes increased alcohol consumption. ([REDACTED])

Clause 3(1)

Clause 3(1)

[REDACTED] Energy drinks mixed with alcohol: misconceptions, myths and facts. International Journal of General Medicine 2012:5 187–198.)

- A recent study of over 6,000 Dutch students comparing those that consumed alcohol mixed with energy drinks versus those that drank alcohol alone, provides scientific evidence that mixing energy drinks with alcohol does not increase overall alcohol consumption and/or alcohol-related consequences. ([REDACTED])

Clause 3(1)

Clause 3(1)

[REDACTED] Alcohol mixed with energy drinks: methodology and design of the Utrecht Student Survey, International Journal of General Medicine, 2012: 5 889–898).

- Based on this evidence and following the findings of the 2012 Utrecht Student Survey, the initial draft findings of the National Health and Medical Research Council (NHMRC) Dietary Guidelines relating to alcohol mixed with energy drinks were amended from mixing “should be avoided” to mixing “should be used with caution”.

Please find attached a copy of the referenced Fact Sheet produced by the Australian Beverages Council.

Submission

CCA calls on the Committee to consider the implications of the Licensing Authority imposing conditions in circumstances where such restrictions are not supported by independent scientific evidence with specific reference to the category of energy drinks.

Yours sincerely

[REDACTED]
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a Level 12, 40 Mount Street, North Sydney NSW 2060





THE FACTS: ENERGY DRINKS AS A MIXER

ENERGY DRINKS IN AUSTRALIA

- Energy drinks have been in Australia for over 13 years. They are available in over 163 countries around the world.
- Energy drinks in Australia are one of the most highly regulated categories of all world markets.
- Food Standard 2.6.4. limits the amount of caffeine and other ingredients in energy drinks. All product packaging must declare the amount of caffeine in the product and is required to carry mandatory advisory statements regarding who the product is suitable for and also a recommendation as to maximum daily consumption.
- **This contrasts to other markets, such as the US.** In the US there is no regulation as to the ingredients or advisory statements for energy drinks. There are also no limits to the amount of caffeine that may be used in these products. US energy drink manufacturers are not required to declare the caffeine content of their products.

CAFFEINE CONTENT: HOW DO ENERGY DRINKS STACK UP?

- Food Standard 2.6.4. limits the amount of caffeine in energy drinks to 32mg per 100mL.
- In accordance this Standard, a 250mL energy drink contains 80mg of caffeine. That is equivalent to a regular cup of coffee.
- Like many food and beverage products, energy drinks should be consumed responsibly and advice about recommended daily consumption is published on our cans as well as caffeine content.
- See attached graph regarding caffeine content for further comparison.

ENERGY DRINKS AS A MIXER

- Members of the Australian Beverages Council strongly support measures to curb anti-social behaviour.
- Like other non-alcoholic mixers, some consumers choose to mix energy drinks with alcohol.
- As a mixer, energy drinks represent **less than 1%** of drinks sold over the counter in Australian bars and clubs.¹
- The Australian Beverages Council represents manufacturers and distributors of non-alcoholic energy drinks including Red Bull, Mother, V, and Monster. None of these brands, or their parent companies, produce a pre-mixed alcoholic energy drinks nor do they have any plans to.
- When a 250mL can of energy drink is mixed with alcohol, the concentration of alcohol is approximately 5% which is equivalent to beer.

SCIENCE AND RESEARCH

- Following concerns about the use of energy drinks as a mixer, a number research papers and studies have been conducted.
- UK Government's Committee on Toxicology (caffeine + alcohol) 2012 concluded that the current balance of evidence does not support a harmful toxicological or behavioural interaction between caffeine and alcohol.
- Both the Scientific Committee on Food (SCF) in 2003 and the European Food Safety Authority (EFSA) in 2009 have addressed the issue of mixing alcohol and energy drinks in their corresponding opinions.
- The SCF in 2003 concluded that 'there is no confirmation of a causal relationship between the reported effects of the consumption of alcohol and/or drugs and the consumption of energy drink' containing taurine and glucuronolactone. In 2009 EFSA agreed with the considerations from the SCF. Both SCF and EFSA in their respective opinions do not support the assumption of any combined effect or interaction between alcohol and energy drinks.

- There have been concerns that mixing energy drinks with alcohol could result in the subjective perception of being less intoxicated compared to consuming alcohol on its own. It is also feared that people would consume more alcohol when mixed with energy drinks compared to the consumption of alcoholic beverages on their own.
- The most comprehensive and up-to-date scientific review articleⁱⁱ on the issue concludes that there is no consistent evidence that energy drinks alter the perceived level of intoxication of people who mix energy drinks with alcohol and that there is no evidence that co-consumption of energy drinks causes increased alcohol consumption.
- A recent study of over 6,000 Dutch students comparing those that consumed alcohol mixed with energy drinks versus those that drank alcohol alone, provides scientific evidence that mixing energy drinks with alcohol does not increase overall alcohol consumption and/or alcohol-related consequences.ⁱⁱⁱ

FURTHER INFORMATION

- Consumer market research conducted by Coca-Cola Amatil and Red Bull Australia separately and independently, shows that between 79-82% of energy drinks consumers are aged 20 years and older.
- Australia's leading consumer group CHOICE, found that there has been a 65% increase in the amount of coffee consumed by Australians in the past decade and that a long black contained around 253mg of caffeine per cup and a cappuccino had 160mg of caffeine per cup and that these were the products that contained the most caffeine. An Australian energy drink contains no more than 80mg of caffeine per 250mL can.
- CHOICE also looked at caffeine content and the major sources of caffeine in the Australian diet. It found that labels on products other than energy drinks do not give consumers "the full picture" and that energy drinks are not the main source of caffeine intake in all age groups. Clause 3(1)
- This is consistent with the results from the recent study by [REDACTED] at the School of Public Health, Griffith University which found extensive variance in retail coffee products (which includes commercial coffee-flavoured milks) and that these products often contained more caffeine than energy drinks.^{iv}

For more information:



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The Australian Beverages Council
www.australianbeverages.org



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ⁱ BarScan Energy Category Report, BarScan, October 2012.

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ⁱⁱ [REDACTED] Energy drinks mixed with alcohol: misconceptions, myths and facts. International Journal of General Medicine 2012;5 187-198.

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ⁱⁱⁱ [REDACTED] Alcohol mixed with energy drinks: methodology and design of the Utrecht Student Survey, International Journal of General Medicine, 2012: 5 889-898

^{iv} [REDACTED] An examination of consumer exposure to caffeine from commercial coffee and coffee-flavoured milk, Journal of Food Composition and Analysis (2010), doi:10.1016/j.jfca.2012.09.001

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