

## Code of practice on energy drinks

August 2018

### Definition

This Code of Practice relates to the labelling and marketing of high caffeine beverages as defined by the European Commission Directive 2002/67/EC, EU Regulation 1169/2011.

Energy Drinks are functional beverages with a stimulating effect and unique combinations of characterising ingredients including caffeine, taurine, vitamins and other substances with a nutrition or physiological effect.

For the purposes of this Code the term “Energy Drinks” will be used throughout to refer to high caffeine beverages containing more than 150mg/l of caffeine.

### Labelling

The labelling of energy drinks is already regulated at an EU and UK level. This framework has been developing for over a decade and is working effectively to ensure that consumers are informed on packs about the products.

Energy drinks are legally required to declare “High Caffeine Content. Not recommended for children or pregnant or breast-feeding women” followed by the exact caffeine content expressed in mg per 100ml on the label.

Further to the above mandatory labelling requirements, BSDA members will also undertake the following voluntary measures:

1. The labelling should include the statement “Consume Moderately” (or similar words based on consumer understanding).

### Responsible marketing

2. No marketing communications concerning energy drinks will be placed in any media with an audience of which more than 25% is under 16 years of age (in line with BCAP and Ofcom guidelines).
3. No commercial activity of any sort relating to energy drinks by BSDA members will be undertaken in primary or secondary schools.
4. No static outdoor advertising of energy drinks will be placed within 100 metres of primary or secondary school main gates.
5. Sampling activity will not deliberately be aimed at or specifically designed to appeal to under 16s.
6. Marketing communications will not promote irresponsible or excessive consumption of energy drinks.
7. Marketing communications will not suggest any association with illegal or anti-social behaviour.
8. Manufacturer-produced and controlled marketing communications, including labels, will not make any claims that the consumption of alcohol together with energy drinks counteracts the effects of alcohol.
9. Energy drinks are functional beverages and not sports drinks. Although normal consumption of energy drinks also provides water to the body, energy drinks will not be marketed as sports

beverages which deliver a rehydration benefit unless they contain specific ingredients in addition to caffeine to support this claim.

### **Information**

10. Off label (e.g. through websites or leaflets) the BSDA on behalf of the industry will provide regularly updated comprehensive information to consumers and stakeholders about energy drinks, their responsible consumption and their characteristic ingredients.
11. The BSDA on behalf of the industry will continue to work with retailers to support them on interpretation of this Code of Practice.