



Canadian Beverage Association
Association canadienne des boissons

February 11th, 2013

HL19.12.1

Chair, John Filion
Toronto Board of Health
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Re: "Caffeinated Energy Drinks"

Dear Chair and Members of the Board of Health,

The Canadian Beverage Association (CBA) is the national trade association representing the broad spectrum of brands and companies that manufacture and distribute the majority of non-alcoholic refreshment beverages consumed in Canada. We would like to take this opportunity to clarify and respond to concerns recently raised by the Toronto Drug Strategy Implementation Panel and the Medical Officer of Health about the regulation of energy drinks in Canada.

The CBA believes that energy drinks can be a part of balanced lifestyle if consumed in accordance with the recommended guidelines on the label and as regulated by Health Canada. The CBA and its members firmly advise consumers to consume energy drinks in moderation and as directed on the container. All our members' container labels clearly state that these beverages are not recommended for children, pregnant or breastfeeding women, or individuals who are sensitive to caffeine. In addition, all energy drinks labels declare the quantity of caffeine from all sources on the label. As Health Canada continues to transition energy drinks to foods, energy drink containers will continue to contain advisories on the label regarding proper consumption.

As an industry, we believe it is important for consumers to be educated on the beverages they consume in order for them to make decisions that are appropriate for themselves and their families. The CBA is also supportive of the development of health policies and product regulations that are based on science and fact. Accordingly, we would like to highlight for you some facts about energy drinks and the current status of energy drink regulations in Canada.

The Transitioning of Energy Drinks from NHPs to Foods

As you may be aware, Health Canada determined in 2011 that energy drinks should more appropriately be classified and regulated as food rather than as Natural Health Products. Implementation of this decision is closer aligning Canada with how energy drinks are sold in over 160 other countries around the world. All energy drinks being sold into the Canadian marketplace are now regulated as foods. All energy drinks will have appropriate 'food' labelling by the end of 2013.

We believe this federal regulatory change benefits Canadians by allowing our members to provide consistent and clear labelling, similar to what consumers are accustomed to seeing on other food and beverage packaging. This will help to ensure that consumers can make informed purchasing decisions.

This change in the regulatory treatment of energy drinks entails:

- **Food labelling on energy drinks:** including a “Nutrition Facts” panel and ingredient listing along with a declaration of total caffeine, from all sources, in the product.
- **Caffeine content:** as part of the energy drink transition, Health Canada has now capped both the maximum concentration of caffeine at 400 mg per litre, and the total amount of caffeine allowed in any single-serving container at 180 mg per container. This means that a small single-serving energy drink (e.g. 250 ml can) will be capped at 80 – 100 mg of caffeine while larger single-serving containers (e.g. 473 - 750 ml can) will be capped at 180 mg of caffeine. The majority of energy drinks sold in Canada already fall within these guidelines.
- **Vitamin and mineral levels:** Health Canada has capped these ingredients below the maximum therapeutic levels permitted for Natural Health Products.

The CBA and its members are working with Health Canada to ensure a science- and fact-based approach for the transition of energy drinks to Canada’s food regulations.

Labelling of Energy Drinks

Please know that CBA and its members are supportive of Health Canada’s recommended labelling requirements. In fact, many are already in place on our members’ products.

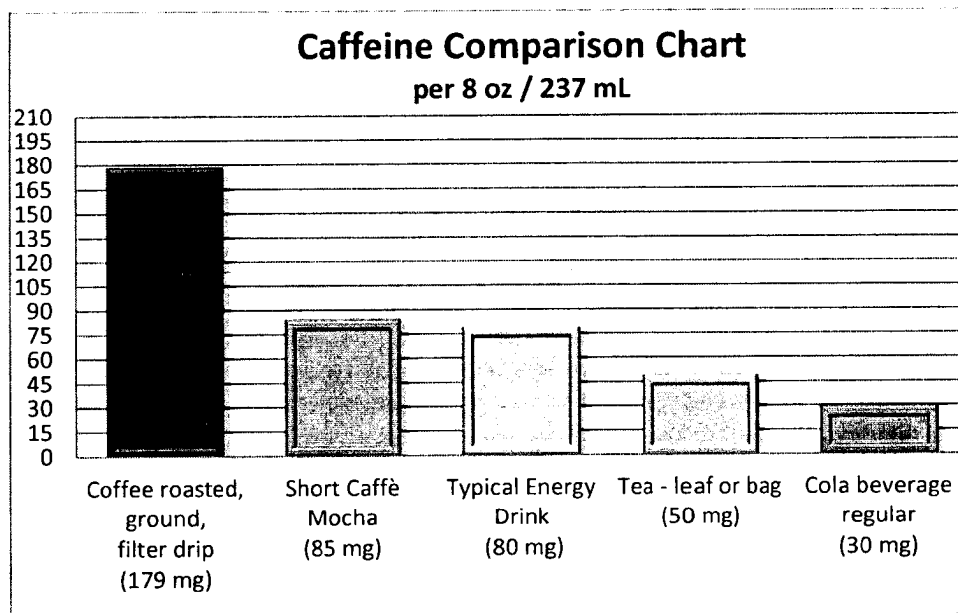
- All of our members’ products now fall within the new caffeine content caps, and the total caffeine content from all sources is already indicated on label.
- Our members’ labels already include advisory statements regarding their caffeine content, indicating that these beverages are not recommended for children), pregnant or breastfeeding women, or individuals who are sensitive to caffeine. The labels also state that the product is not recommended to be mixed with alcohol.
- The vitamin and mineral ingredients and their levels are already listed on the label of energy drinks containers as currently in the market, and the new federal classification of these products as ‘foods’ will allow the industry to provide ‘easier-to-read’ labelling similar to what consumers are accustomed to seeing on all other food and beverage packaging. This will help to ensure that consumers can make informed purchasing decisions.

Caffeine Comparison

The total caffeine content of energy drinks, which is already indicated on our labels, will continue to be identified on the label so Canadians can determine how the beverage fits within their daily overall caffeine intake.

It is important to note that the caffeine content of mainstream energy drinks in Canada range from 70-180 mg per container. To put that into context, a typical small (237 mL/8 oz) cup of filter-drip coffee contains about 179 mg of caffeine while a typical similar size energy drink contains approximately 80 mg – about half the amount. Under the new regulatory framework, the largest single-serve energy drink will contain, on average, the same amount of caffeine as a small cup of filter-drip coffee¹. It should also be kept in mind that a typical large coffee-house coffee has anywhere from 200mg to 400+mg of caffeine.

¹ Compiled using information from the following databases: <http://www.hc-sc.gc.ca/fnan/securit/addit/cafi/food-caf-aliments-eng.php>
Starbucks’ <http://globalassets.starbucks.com/assets/7cd1d989cd0c4ddb75b22d53f7af8bc.pdf>



We wish to also note that energy drinks are not a significant source of total caffeine intake for most Canadians. In fact, according to Health Canada, 90% of the average Canadian's daily caffeine intake comes from tea and coffee beverages, leaving 10% from other sources.²

Energy drinks and youth

Recent independent third-party research also shows that the vast majority of teens do not even consume energy drinks on a regular basis.

- Réseau du sport étudiant du Québec, a Quebec student athlete federation, surveyed over 10,000 Quebec teens aged 12 – 17 and found 93% rarely (28%) or never (65%) consume energy drinks.³
- The 2011 Ontario Student Drug Use and Health Survey reported that 81% of almost 10,000 students grades 7 through 12 rarely (31%) or never (50%) consumed energy drinks.⁴

CBA believes these data accurately reflect energy drink consumption among youth across Canada, as according to a Statistics Canada report, beverage consumption by children and teens varies little by province.⁵

Industry commitments regarding marketing of energy drinks

CBA members have also already undertaken voluntary commitments regarding the marketing of energy drinks in Canada.

² <http://hc-sc.gc.ca/hl-vs/iyh-vsv/food-aliment/caffeine-eng.php>

³ Réseau du sport étudiant du Québec. (2011) Enquête Québécoise sur la malbouffe : 10 000 jeune se prononcent Annex #3 http://www.sportetudiant.com/_static/webupload/websiteDocuments/100000/rapport_d'enquete_fra_1_page.pdf

⁴ http://www.camh.ca/en/research/news_and_publications/ontario-student-drug-use-and-health-survey/Pages/default.aspx

⁵ <http://www.statcan.gc.ca/pub/82-003-x/2008004/article/6500820-eng.pdf>

- Our members do not currently advertise or market energy drinks to children.
- As energy drinks transition to foods, our industry marketing code will be updated to reflect their status as foods and it will again include a commitment to not market energy drinks to children.
- As part of our Industry Guidelines for the Sale of Beverages in Schools, our members have also voluntarily committed to not sell energy drinks in any elementary, middle or secondary (high) schools in Canada.

Consumer education and outreach

Please find enclosed CBA's information brochure on energy drinks that was made available to consumers across the country through the Canadian Convenience Store Association. This brochure is an example of our outreach efforts to inform consumers about our members' products and their proper usage. As energy drinks transition into the food category, this brochure will be updated to reflect the completion of the regulatory transition and to help inform consumers regarding how these products are regulated.

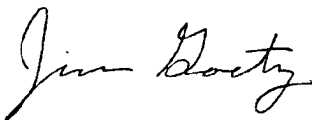
Also enclosed are a matte story that was sent to community papers across the country and an information article that was included in the Convenience Store Association magazine. Both of these articles extended our education efforts.

In closing, our members appreciate the opportunity to share this information with you and we respectfully ask that the City of Toronto and the Toronto Board of Health work collaboratively and constructively with the CBA to address any concerns it may have about the sale and consumption of energy drinks in the City of Toronto and in the Province of Ontario. This includes our industry's offer to work with all relevant stakeholders on conducting an educational campaign to better inform Torontonians and Ontarians on energy drinks.

Please do not hesitate to contact me should you have any follow-up questions or comments.

Thank you for your time and consideration.

Sincerely,



Jim Goetz
President
Canadian Beverage Association

cc. Dr. David McKeown, Medical Officer of Health
Councillor Gord Perks, Chair, Toronto Drug Strategy Implementation Panel

How are Energy Drinks Assessed, Licensed and Marketed in Canada?

In Canada, energy drinks are assessed and licensed under Health Canada's Natural Health Products Regulations. Energy drinks are formulated and labelled to meet the requirements of the Regulation.

The Association members' marketing practices and promotional activities for energy drinks are consistent with the Food and Drugs Act and the Natural Health Products Regulations. In addition, members follow an Energy Drink Responsible Marketing Code which can be found at www.canadianbeverage.ca.

What are Natural Health Products?

Under Health Canada's Natural Health Products Regulations, which came into effect on January 1, 2004, natural health products (NHPs) are defined as naturally occurring substances or their synthetic equivalents that are used to restore or maintain good health. Natural health products, often called "complementary" or "alternative" medicines, include: vitamins and minerals, herbal remedies, homeopathic medicines, traditional medicines, probiotics and other products like amino acids and essential fatty acids.²

NHPs must be safe to be used as over-the-counter products and do not require a prescription to be sold.

1. <http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/food-aliment/boissons-energ-drinks-eng.php>
2. <http://www.hc-sc.gc.ca/dhp-mpps/prodnatur/about-apropos/cons-eng.php>

The Canadian Beverage Association and its members are proud to provide Canadians with a wide variety of beverages including soft drinks, sports drinks, juices, bottled waters and energy drinks. Energy drinks are a unique product offering in Canada and it is important that they are used as directed.

The Canadian Convenience Stores Association and our convenience store members represent the primary selling point of energy drinks in Canada. We promote and foster professional business practices, standards and ethics throughout the industry and work with other professional organizations like the Canadian Beverages Association with respect to common convenience store related issues.

Where can I get more information?

Health Canada maintains a variety of fact sheets for consumers on energy drinks, caffeine and other important health related information.

Energy Drink Fact Sheet: www.hc-sc.gc.ca/hl-vs/iyh-vsv/food-aliment/boissons-energ-drinks-eng.php

Caffeine Fact Sheet: www.hc-sc.gc.ca/hl-vs/iyh-vsv/food-aliment/caffeine-eng.php

Natural Health Products: <http://www.hc-sc.gc.ca/dhp-mpps/prodnatur/index-eng.php>

Health Canada's Natural Health Products Regulations: www.hc-sc.gc.ca/dhp-mpps/prodnatur/about-apropos/index-eng.php

Canadian Beverage Association: www.canadianbeverage.ca

Canadian Convenience Stores Association: <http://www.conveniencestores.ca/index.php>



Canadian Beverage Association
20 Bay Street, Suite 1200
Toronto, Ontario M5J 2N6



Canadian Convenience Stores Association
466 Speers Road, Suite 217
Oakville, ON L6K 3W9

Energy Drinks in Canada

What are they?

Who are they for?

 Canadian Beverage Association
Association canadienne des boissons



What are Energy Drinks?

According to Health Canada: "Energy drinks are meant to supply mental and physical stimulation for a short period of time. They usually contain caffeine, taurine, vitamins and glucuronolactone, a carbohydrate."¹

While energy drinks are available in a wide range of flavours, formulations and formats in Canada, they share the following attributes:

- are formulated and sold as Natural Health Products (NHPs)
- contain caffeine
- are intended to supply temporary physical and/or mental stimulation restoring alertness and wakefulness when fatigued or drowsy.

Are Energy Drinks Right for Me?

Energy drinks are formulated and recommended for people who are looking for additional mental and physical stimulation for short periods of time. Energy drinks are not recommended for children, pregnant or breastfeeding women, or people who are sensitive to caffeine. This information is reflected on the label.



As with all NHPs, it is important to read the label and use as directed. Energy drink labels in Canada contain information on recommended use, recommended dosage, intended population, any cautions, and lists of medicinal and non-medicinal ingredients as well as the amounts of each medicinal ingredient.

Can I Mix Energy Drinks with Alcohol?

As stated on the label, energy drinks are not recommended to be mixed with alcohol. The Association and its members do not promote mixing energy drinks with alcohol.

How Many Energy Drinks Can I Consume in a Day?

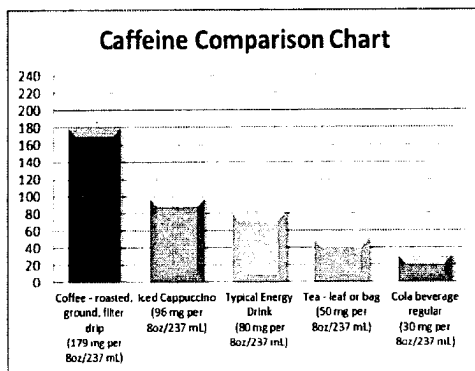
It is very important to read the product label to understand the recommended daily dosage as can size and ingredients vary. The maximum recommended dosage is typically one or two cans a day.

In addition, consumers should be aware of their caffeine intakes from other sources (coffee, specialty coffee, tea, chocolate, other NHPs, over-the-counter medications, etc.) and adjust their intake accordingly.

How Much Caffeine is in an Energy Drink?

Mainstream energy drinks, those products that represent the vast majority of sales in the energy drinks category in Canada, typically contain between 70 mg and 200 mg of caffeine per dose.

When consuming the maximum recommended daily dose for most mainstream energy drinks, caffeine intake would be comparable to less than two cups of coffee.



Compiled using information from the following databases: <http://www.hc-sc.gc.ca/nh/assess/addict/diseases/aliments-eng.php>
Tim Horton's: <http://www.timhortons.com/ca/pdf/ingredients-guide-can.pdf>

Are Energy Drinks and Sports Drinks the Same Thing?

No, energy drinks should not be confused with sports drinks. Sports drinks are beverages that are specifically formulated to re-hydrate the body and usually provide carbohydrate energy needed for physical activity. Sports drinks also replenish electrolytes which maintain sodium and potassium balances in the body.

Energy drinks are meant to supply mental and physical stimulation for a short period of time.

Are Energy Drinks Safe?

In Canada, energy drinks are classed as NHPs because they make verified functional claims and because of their ingredients, such as caffeine, taurine and vitamins. They are regulated and reviewed by Health Canada for their quality and safety and must display recommended conditions for use and cautions on their labels. Consumers can identify energy drinks authorized for sale by Health Canada by looking for the Natural Product Number (NPN) or Exemption Number (EN) on the label or by visiting the EN or NPN databases:

- <http://webprod3.hc-sc.gc.ca/product-produit/recherche-rechercheReq.do?lang=eng> (EN database)
- <http://webprod.hc-sc.gc.ca/nhpd-bdpsnh/index-eng.jsp> (NPN database).

Energy drinks are currently sold in more than 160 countries around the world. Health authorities and scientific expert panels in these various jurisdictions have assessed energy drinks and their ingredients and have concluded that energy drinks (along with the ingredients they contain) are beverages that can be safely consumed as foods.

Always read the label before consuming and do not exceed the recommended dose.

FOOD & NUTRITION

What you should know about energy drinks

(678 words + 1 photo)

(NC)—Energy drinks are a unique product offering in Canada and the Canadian Beverage Association recognizes that many Canadians have questions about why and how energy drinks should be consumed.

What are energy drinks?

Health Canada says: "Energy drinks are meant to supply mental and physical stimulation for a short period of time. They usually contain caffeine, taurine, vitamins and glucuronolactone, a carbohydrate."

While energy drinks are available in a wide range of flavours, formulations and formats in Canada, they share the following attributes:

- are formulated and sold as Natural Health Products (NHPs)
- contain caffeine
- are intended to supply temporary physical and/or mental stimulation restoring alertness and wakefulness when fatigued or drowsy.

Who should consume energy drinks?

Energy drinks are formulated and recommended for people who are looking for additional mental and physical stimulation for short periods of time. Energy drinks are not recommended for children, pregnant or breastfeeding women, or people who are sensitive to caffeine.

As with all NHPs, it is important to read the label and use as directed. Energy drink labels in Canada contain information on recommended use, recommended dosage, intended population, any cautions, and lists of medicinal and non-medicinal ingredients, as well as the amounts of each medicinal ingredient.

How many energy drinks should be consumed in a day?

It is very important to read the product label to understand the recommended daily dosage, as can size and ingredients vary. The maximum recommended dosage is typically one or two cans a day. In addition, consumers should be aware of their caffeine intake from other sources (regular and specialty coffees, tea, chocolate, other NHPs, over-the-counter medications, etc.) and adjust their intake accordingly.

Should energy drinks be mixed with alcohol?

As stated on the label, energy drinks are not recommended to be mixed with alcohol. The Association and its members do not promote

mixing energy drinks with alcohol.

Are energy drinks safe?

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How much caffeine is in an energy drink?

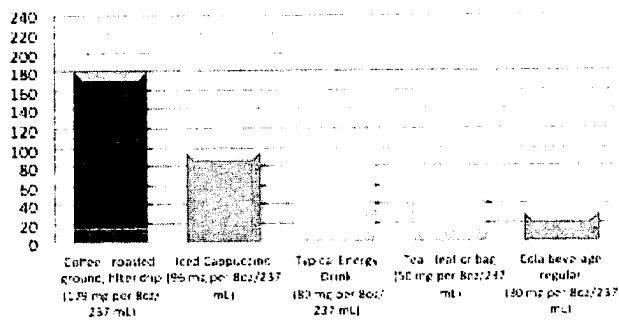
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When consuming the maximum recommended daily dose for most mainstream energy drinks, caffeine intake would be comparable to less than two cups of coffee.

Are energy drinks and sports drinks the same thing?

No, energy drinks should not be confused with sports drinks. Sports drinks are beverages

Caffeine Comparison Chart



Compiled using information from the following data bases: <http://www.hc-sc.gc.ca/fn-an/securit/addit/caf/food-caf-aliments-eng.php> & <http://www.timhortons.com/ca/pdf/nutrition-guide-can.pdf>

that are specifically formulated to re-hydrate the body and usually provide carbohydrate energy needed for physical activity. Sports drinks also replenish electrolytes which maintain sodium and potassium balances in the body.

What are Natural Health Products?

Under Health Canada's Natural Health Products Regulations, NHPs are defined as naturally occurring substances or their synthetic equivalents that are used to restore or maintain good health. NHPs, often called "complementary" or "alternative" medicines, include: vitamins and minerals, herbal remedies and homeopathic or traditional medicines.

NHPs must be safe to be used as over-the-counter products and do not require a prescription.

More information on this topic or other beverage related topics, visit the Canadian Beverage Association's website at www.canadian-beverage.ca.

www.newscanada.com

Find these articles at www.newscanada.com

An FYI on

ENERGY DRINKS

It isn't easy for consumers to separate facts from fiction when it comes to energy drinks. So the Canadian Beverages Association (CBA) developed a primer on the dos and don'ts of energy drink consumption. This is what your customers should know:

What are energy drinks?

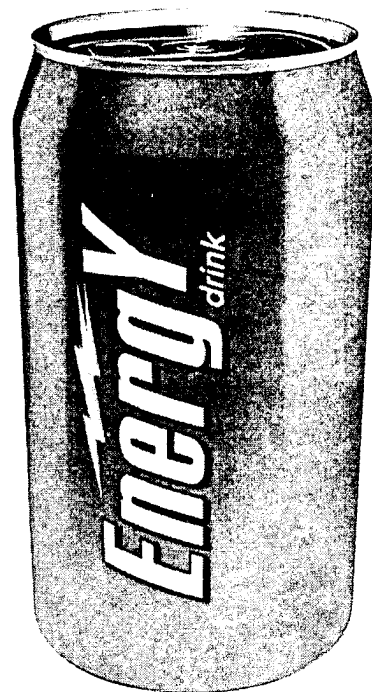
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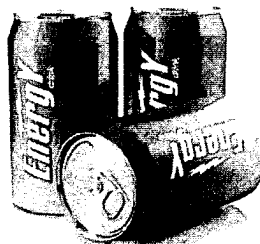
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Should energy drinks be mixed with alcohol?

As stated on the label, it is not recommended that energy drinks be mixed with alcohol. The CBA and its members do not promote mixing energy drinks with alcohol.



"It is important to be educated

about the foods and beverages

you consume," says Cathy

Pearson, Registered Dietitian

"Gathering information and

then making an informed

decision will help you

if a beverage product like

energy drink is the right choice

for you, and whether you are

consuming it correctly."

Are energy drinks safe?

In Canada, energy drinks are classed as Natural Health Products (NHPs) because they make verified functional claims and because of their ingredients, such as caffeine, taurine and vitamins. Energy drinks are regulated and reviewed by Health Canada for their quality and safety and must display recommended conditions for use and cautions on their labels. Consumers can identify energy drinks authorized for sale by Health Canada by looking for the (NPN) or Exemption Number (EN) on the label or by visiting the EN and NPN databases*.

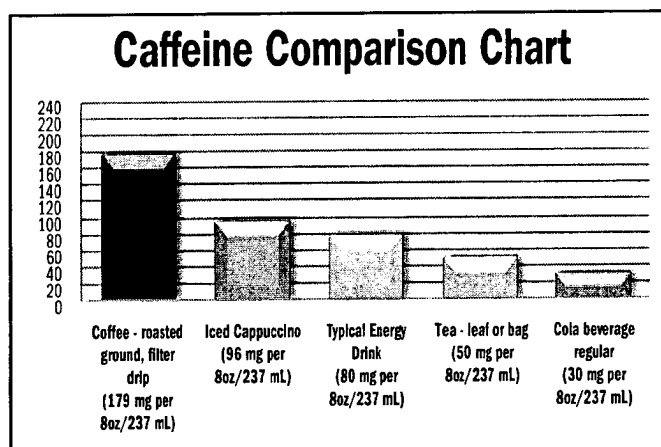
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Compiled using information from the following databases:
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How are energy drinks marketed in Canada?

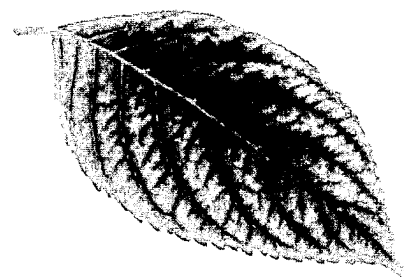
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- Natural Health Products: www.hc-sc.gc.ca/dhp-mps/prodnatur/index-eng.php
- Health Canada's Natural Health Products Regulations: www.hc-sc.gc.ca/dhp-mps/prodnatur/about-apropos/index-eng.php

