

UNESDA Code for the Labelling and Marketing of Energy Drinks

January 2022

*Initially adopted by the UNESDA Board in May 2010
Updated in October 2016, November 2017 and December 2021*

BACKGROUND AND OBJECTIVE

UNESDA represents a substantial part of the European non-alcoholic beverages industry, uniting all major producers of non-alcoholic beverages (carbonated and non-carbonated drinks, juice drinks, ready-to-drink teas and coffees, bottled water, sports drinks and energy drinks) as well as this industry's national trade associations in 23 countries.

This Code relates to the labelling and promotion of energy drinks, categorized by products exceeding 150mg of caffeine per liter as defined by Commission Directive 2002/67/EC, EU Regulation 1169/2011.^{i, ii} The term *energy drinks* is used as the customary name of this beverage category as per Article 17 of EU Regulation 1169/2011.

Energy drinks are functional beverages with a stimulating effect and unique combinations of characterizing ingredients including caffeine, amino acids such as taurine, vitamins and other substances with a nutritional or physiological effect. They have been marketed for more than 25 years and safely consumed and enjoyed by consumers worldwide. The safety of their key ingredients has been assessed and confirmed by European risk assessment institutions.^{iii, iv} They only represent about 1% of the total European non-alcoholic beverages market.^v

UNESDA and its members recognize public discussions about the marketing of energy drinks and their appropriate consumption. The non-alcoholic beverages industry recognizes its responsibility to play a positive role in addressing these discussions in a coordinated approach and therefore has developed this Code for the Labelling and Marketing of energy drinks which also complements Section III on Advertising and Commercial Communications of the UNESDA Commitments.^{vi}

UNESDA and its members are committed to adhere to these principles in labelling and marketing of energy drinks which empower consumers to a responsible and moderate consumption of such beverages above and beyond the compliance with applicable legislation. This Code aims to establish a strict minimum industry standard for the labelling and marketing of energy drinks. It does not preclude any individual UNESDA member taking an even more stringent approach.

UNESDA encourages its national federations to promote the adoption of this Code by local companies, to facilitate its implementation and to incorporate them into national codes as appropriate.

The voluntary principles of this Code will take effect and will be fully implemented in the marketplace by UNESDA members immediately. The mandatory labelling requirements of Regulation 1169/2011 will be implemented according to the relevant provisions of this Regulation.

This Code is to be read in concert with UNESDA's other commitments, including its 2021 Commitment on Health and Nutrition under the European Commission's Code of Responsible Food Business and Marketing Practices. This includes renewed commitments for UNESDA members' products (including energy drinks) such as reformulation or offering smaller package sizes to further reduce sugar and by enhancing marketing and sales practices as per the below.

PRINCIPLES FOR THE LABELLING OF ENERGY DRINKS

UNESDA members comply with Regulation 1169/2011 which requires additional labelling for beverages containing more than 150 mg/l of caffeine. The wording '*High caffeine content. Not recommended for children or pregnant or breast-feeding women*' must be placed in the same field of vision as the name of the beverage, followed by a reference in brackets and in accordance with Article 13(1) of this Regulation to the caffeine content expressed in mg per 100 ml.

In addition to the above-mentioned legal requirements, on the label of energy drinks containing more than 150 mg/l of caffeine, UNESDA members will adhere to the following voluntary guidelines:

1. Labels of energy drinks will not promote the mixing with alcohol or make any claims that the consumption of alcohol together with energy drinks counteracts the effects of alcohol.
2. Labels of energy drinks will include the advisory statement "Consume Moderately" or similar wording based on consumer understanding.
3. The labelling of energy drinks will also comply with the principles for the sales and marketing as outlined below.

PRINCIPLES FOR THE SALES AND MARKETING OF ENERGY DRINKS

UNESDA members will adhere to the following guidelines related to the sales and marketing of energy drinks:

4. As with all other products within UNESDA's remit and covered by the UNESDA commitments, no marketing communications concerning energy drinks will be placed in any media with an audience of which more than 30% is under 13 years of age.
5. When promoting the benefits of energy drinks and their ingredients, no claims will be made on alcohol together with energy drinks.
6. 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.^{vii}
7. Off labels (e.g. through websites or leaflets) the industry will provide comprehensive information to consumers about energy drinks, their responsible consumption and their characteristic ingredients, including how their caffeine content relates to other caffeine-containing foods and beverages.
8. UNESDA members will not engage in any direct commercial activity in relation to energy drinks in either primary or secondary schools, including the placing of vending machines.
9. Samplings will not be conducted in the close proximity of primary and secondary schools or other institutions taking care of this age group.

ⁱ Commission Directive 2002/67/EC of 18 July 2002 on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine.

ⁱⁱ Annex III Point 4.1 in Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers.

ⁱⁱⁱ Scientific Opinion on the safety of caffeine, EFSA Panel on Dietetic Products, Nutrition and Allergies:
<https://efsa.onlinelibrary.wiley.com/doi/pdf/10.2903/j.efsa.2015.4102%2AC>

^{iv} Scientific Opinion of the Panel on Food Additives and Nutrient Sources added to Food on a request from the Commission on the use of taurine and D-glucurono-γ-lactone as constituents of the so-called "energy" drinks, adopted on 15 January 2009.

^v Canadian statistics.

^{vi} Contribution by UNESDA and its corporate members to the EU Platform for Action on Diet, Physical Activity and Health, 20 December 2005 and updated in 2011 by an additional commitment.

^{vii} Sports Drinks, as defined in Directive 2009/39/EC of the European Parliament and of the Council of 6 May 2009, may contain caffeine as a functional ingredient in addition to meeting a primary purpose of providing fluid and electrolytes to individuals participating in activities involving intense muscular effort.