



Bebidas Energéticas América Latina
Non-for-profit Civil Association
(Adopted June 2020)

Code Of Good Company Practices For The Marketing, Formulation, Communication And Labelling Of Energy Drinks (Code Of Good Practices)

BACKGROUND AND OBJECTIVES OF THIS CODE

Bebidas Energéticas América Latina (“BEAL”) is a non-for-profit civil association of regional scope, with the primary goal of fostering responsible practices regarding the marketing, sale, information and labelling of energy drinks by energy drink companies in Latin América.

BEAL’s fundamental values are the promotion of up to date information, so that consumers can make informed choices, the promotion of innovation, quality, and evidence, and the commitment to play a positive role, based on sound facts and constructive spirit, in a wide array of policy making processes in relation to energy drinks in particular and to beverages in general.

Energy drinks are still a relatively new category of non-alcoholic functional drinks with a moderate stimulating effect and unique combinations of characterizing ingredients including caffeine, taurine or other amino acids, vitamins and other substances with a known nutritional or functional effect. Energy Drinks are an established consumer choice around the world and are part of the larger product portfolio of the non-alcoholic beverage sector.

BEAL promotes high standards with this Code of Good Practice which goes beyond legal requirements applicable throughout the geography of Latin America. The Code is intended to become the leading and respected reference in relation to energy drink product composition, responsible marketing and the promotion and communication of energy drinks as a safe and responsible product category. -

SAFE AND RESPONSIBLE CATEGORY

Energy drinks have been safely consumed and enjoyed by consumers worldwide for more than 30 years and in Latin America for over 20 years. The safety of their key ingredients has been assessed and confirmed by several risk assessment agencies in Latin America such as ANVISA in Brazil, COFEPRIS in Mexico, various Ministries of Health, and other official agencies throughout the region.

Furthermore, the safety of energy drinks had also been confirmed by international risk assessment institutions (such as the European Food Safety Authority and others) and by many other health authorities around the world, including Health Canada in Canada, the Food & Drug Administration in the United States of America, and Food Standards Australia New Zealand in Australia and New Zealand.

Importantly, European risk assessment institutions, in line with the current widely accepted scientific consensus, have established that the following levels are considered safe for the main ingredients of energy drinks: taurine 4000 mg per litre, glucuronolactone 2400 mg per litre and caffeine 320 mg per litre.

Notwithstanding the above firm conclusions, BEAL makes the following commitments which go above and beyond legal requirements.

GOOD PRACTICES & COMMITMENTS

Commitment 1: BEAL members will only place on the market products sold as energy drinks that use the above limits as a formulation guidance. BEAL understands that irrespective of governments reference values and parameters, it is the producer's responsibility to review and confirm the safety of any product which includes ingredients in a quantity above the mentioned levels before it is put on the market. In addition, BEAL members hold consumer safety and fostering moderate and responsible consumption of our products as paramount.

Commitment 2: BEAL members will abstain from making comparative claims or statements that the *quantity, presence, or absence* of any ingredient represents a value add or benefit in any shape or form (for example, about the amount of caffeine in their products -stating or implying that a higher or larger caffeine content results in a "better" or "more effective" product).

Commitment 3: As with every food and beverage, energy drinks should be consumed moderately. BEAL members will make their best efforts to support such a goal. BEAL members will voluntarily include on the labels of energy drinks the advisory statement "Consume Moderately" or similar wording based on consumer understanding, as long as it is not preempted by local legislation.

Commitment 4: Energy drinks are functional beverages that are consumed in specific times of increased activity, such as driving, working, studying or being active, among other occasions. Unlike conventional soft drinks and other non-alcoholic beverages, they are not marketed for thirst quenching, refreshment, or rehydration as their main objective.

Commitment 5: Bearing in mind the need of appropriate consumer information through labelling, BEAL members do not market energy drinks in containers intended for mass catering but only in a prepackaged form, so as to always provide the product in clearly portioned packages with dedicated labels and consumer information.

Commitment 6: BEAL members recognize that they must play an important role in fostering responsible and moderate beverage consumption habits and a healthy lifestyle, not only through the contribution of active lifestyles but also in supporting the fight against public health concerns such as overweight and obesity, through a wide array of measures such as:

- The promotion of moderate and responsible consumption in all occasions and at all times;
- the introduction of smaller package sizes; and,
- the promotion of safe and high-quality standard products.

Considering the functionality of energy drinks, BEAL members commit to place an emphasis on packages with a net content of equal to or less than 300ml as their main selling proposition for individual consumption and to make the best efforts to balance and diversify their portfolios with smaller portions over time.

Commitment 7: Energy drinks are not designed to deliver rehydration to the body, as opposed to isotonic or electrolyte containing beverages. In support of commitment 5, Energy drinks will therefore not be marketed as providing a rehydration benefit. Additionally, as part of commitment 14, BEAL members will encourage those who are engaged in active pursuits to also drink water during intense exercise.

Commitment 8: Energy drink manufacturers will not direct their marketing of their energy drink products to children under 12 years of age (“children”) as set forth in the International Council of Beverages Association’s (ICBA) Global Policy on Marketing to children^{v.1}

Commitment 9: BEAL members do not place any marketing communication in any media with an audience of which more than 35% are children under 12 years old.

Commitment 10: BEAL members will not engage in any direct commercial activity in primary or secondary schools, including placing of vending machines.

Commitment 11: BEAL members will not conduct any sampling activities in the close proximity of primary and secondary schools or other institutions taking care of this age group.

Commitment 12: Energy drink labels will not promote the mixing of energy drinks with alcohol. BEAL members will not make any claims that the consumption of alcohol together with energy drinks counteracts or changes the effects of alcohol.

Commitment 13: BEAL members do not sell any beverages which are a mixture of energy drinks with alcohol. We consider the denomination of such premixed alcoholic beverages as ‘energy drinks’ as misleading, due to their alcohol content.

Commitment 14: BEAL members will provide comprehensive information to consumers in addition to labels (e.g. through websites or leaflets) about energy drinks, their responsible consumption and their characteristic ingredients, including how their caffeine content relates to other caffeine containing foods and beverages.

Commitment 15: BEAL members strive to keep these commitments under constant review, to ensure that BEAL’s Code of Practice remains in line with an evolving public interest, to ensure that the energy drink sector continues to set high public standards for the category in Latin America.

¹ Available at: <https://www.icba-net.org/files/resources/finalicbaguidelinesmarketingtochildren.pdf>