

# Energy drinks under attack for supposed mislabeling

*By ACSH Staff — August 29, 2012*

The growing popularity of so-called energy drinks among young people has [prompted](#) [1] an investigation into whether the companies are misleading consumers about risks associated with the beverages. At issue is the level of caffeine that drinks such as Pepsi's AMP, Living Essentials 5-hour Energy, and Monster Beverage's Monster Energy Drink contain.

Currently, New York attorney general Eric T. Schneiderman is investigating whether the companies have violated federal law by promoting these drinks as dietary supplements rather than as foods, given that supplements are much more loosely regulated.

Health advocates have expressed concern largely about the effect of the caffeine on those (typically college students) who drink these beverages along with alcohol. One concern is that caffeine can mask the effects of alcohol. Another concern is that regular consumption of these beverages may produce caffeine-induced cardiovascular complications. The caffeine content in these beverages ranges from 80 to 500 milligrams. Given that a 12-ounce soda has about 50 mg, and a 5-ounce coffee has about 100 mg, those who regularly down these energy drinks should probably be aware of the relative amounts of caffeine they contain, ACSH's Dr. Ruth Kava notes.

But whether the labeling is a legal violation is dubious, says ACSH advisor Dr. Henry Manne. Outright deception in advertising can usually be dealt with quickly and almost surgically by state law enforcement officials, notes Dr. Manne, who is an emeritus dean at the George Mason University School of Law. But if the campaign comes out of the blue without prior widespread complaints from the public and it has the earmarks of hype and publicity hounding, there probably is a hidden agenda. In such instances, he says, the general rule is look for the competitors. Those are the ones most likely to complain about the new product's danger for the community's safety, welfare, or morality.

Legal expertise is not the bailiwick of ACSH, of course, so we will simply recommend that anyone with a hankering for a Monster Energy Drink or an AMP be aware of how much caffeine they're taking in especially if they're using alcohol to wash it down.

---

COPYRIGHT © 1978-2016 BY THE AMERICAN COUNCIL ON SCIENCE AND HEALTH

---

**Source URL:** <https://www.acsh.org/news/2012/08/29/energy-drinks-under-attack-for-supposed-mislabeling>  
**Links**

[1] <http://www.nytimes.com/2012/08/29/business/new-york-state-is-investigating-energy-drinks.html>