



16 March 2016

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Via email: [alcohol.violence.sen@aph.gov.au](mailto:alcohol.violence.sen@aph.gov.au)

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**SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS  
COMMITTEE ON AN INQUIRY INTO THE NEED FOR A NATIONALLY  
CONSISTENT APPROACH TO ALCOHOL-FUELLED VIOLENCE**

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To the Committee,

This submission is made on behalf of the Australian Beverages Council ("**The Beverages Council**").

The Beverages Council is the peak industry voice representing the **\$7 billion non-alcoholic** beverages industry. Member companies represent over 95% of non-alcoholic beverages sold and consumed in Australia. As the manufacturers and importers of many popular mixers with alcoholic beverages in the on-premise environment, Beverage Council members supply many licensed venues as part of the night time economy.

**Position of support**

The Beverages Council commends the Federal Senate in its Inquiry into the need for a nationally consistent approach to alcohol-fuelled violence ("**the Inquiry**"). The Beverages Council supports evidenced based measures to address alcohol fuelled violence, and appreciates the ability to provide the Committee with up to date evidence regarding the use of non-alcoholic beverages in the on-premise environment.

The Beverages Council trusts that the information provided in this submission will be of use to the Committee.

**Economic impact and jobs**

The Australian non-alcoholic beverages industry is a key contributor to local, state and national economies. It is a significant employer of Australians and each year the industry supports direct employment of more than 46,000 people. It also contributes almost \$7 billion to the national economy and collectively pays more than \$1.2 billion in taxes per annum.<sup>1</sup>

On a state-wide level, the wider beverages industry employs 17,333 full time equivalent (FTE) jobs in New South Wales, 9,884 FTE in Victoria, 9,226 FTE in

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<sup>1</sup> Refreshing our Economy: The Economic contribution of the Australian Beverages Industry, ACIL Allen Consulting, Australian Beverages Council (2015), p. 2



Queensland, 4,337 in Western Australia, 725 FTE in Tasmania, 285 FTE in the Northern Territory, and 283 FTE in the Australian Capital Territory.<sup>2</sup>

### **Non-alcoholic beverages in the on-premise environment**

As suppliers of non-alcoholic beverages, members of the Australian Beverages Council provide consumers in the on-premise environment with non-alcoholic beverages choices. These non-alcoholic beverages actually comprise a key component of any licensed premises' responsible service policy where the ready availability and appropriate pricing of non-alcoholic beverages allows consumers to purchase one of these beverages as an alternative to alcohol. In addition, many consumers choose to mix their alcoholic beverage with a non-alcoholic beverage, for reasons of taste, palatability, choice or to slow consumption of alcohol down.

Members of The Beverages Council that supply to on-premise environments do so in a responsible manner, and support The Beverage Council's industry codes on marketing and advertising.

### **Energy drinks in the on-premise environment**

In addition to caffeinated colas, lemonades, tonics, juices, or waters, non-alcoholic energy drinks are also provided in the on-premise environment by Beverage Council members. Member companies represent over 99% of all energy-drinks sold and consumed in Australia.

Energy drinks are functional products.. They are strongly regulated by the government through the Australian New Zealand Food Code and are safely enjoyed by millions of Australians every year. According to the recent Australian Health Survey Energy drinks **contributed less than 1% to total caffeine intake** in all age groups except 14–18 and 19–30 year olds, where they contributed 1% and 3% respectively, in all environments.<sup>3</sup> The major contributors to the caffeine intake of Australians are coffee and tea.<sup>4</sup>

Non-alcoholic drinks represent 8% of total licensed premise revenue, and of that 8% only 8% of that total comes from energy drinks, **representing only 0.64% of total on-premise revenue**. This miniscule number includes both energy drinks mixed with alcohol and energy drinks sold alone.

The composition, labelling, and caffeine content of energy drinks are strictly regulated. Energy drinks must have no more than 32 milligrams of caffeine per 100 milliliters, this equates to 80 milligrams per 250 milliliters, which is **equivalent to the amount of caffeine in a cup of instant coffee**, and is much less than that found in an espresso shot (or in the on-premise environment an espresso based cocktail or mixed drink). By comparison a soft drink would have up to 14.5 milligrams of caffeine per 100ml, nearly half that of an energy drink. Energy drinks must also include maximum consumption recommendations on their labels, and include advisories that energy drinks are not suitable for young children, pregnant or lactating women and individuals sensitive to caffeine.

### **Energy drinks and alcohol – an evidence base**

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<sup>2</sup> Ibid 1, p. 6

<sup>3</sup> The role of beverages in the Australian Diet: Secondary Analysis of the Australian Health Survey – conducted by CSIRO, Australian Beverages Council (2015), p. 25

<sup>4</sup> FSANZ, Food Policy Options Paper: Regulation of Caffeine in the Food Supply (2013), p.14



There is strong evidence that the combination of alcohol and the caffeine in energy drinks **has no adverse impact on alcohol consumption**. In addition, there is no evidence that caffeine mixed with alcohol has a causative effect on alcohol related harm.

This position has been recently confirmed by the European Food Safety Authority ("**EFSA**") in its landmark 2015 Opinion on the Safety of Caffeine. EFSA is the apex regulator for the European Union, and its conclusions are made on behalf of all 28 Member States of the European Union. Regarding alcohol and energy drinks EFSA concluded:<sup>5</sup>

Alcohol consumption at doses up to about 0.65g/kg bw, leading to a blood alcohol content of about 0.08% – the level at which you are considered unfit to drive in many countries – would not affect the safety of single doses of caffeine up to 200mg. Up to these levels of intake, **caffeine is unlikely to mask the subjective perception of alcohol intoxication** [emphasis added].

In addition, in 2012 the United Kingdom Committee on Toxicity similarly concluded that:<sup>6</sup>

The current balance of evidence **does not support a harmful toxicological or behavioural interaction between caffeine and alcohol** [Emphasis added].

This conclusion was confirmed by a meta-analysis of available literature (the highest form of literature review) published in the peer reviewed *Journal of Neuroscience and Biobehavioral Reviews*. The study's abstract concluded:<sup>7</sup>

Sixteen articles were identified, of which nine could be used for the meta-analysis. When including the higher caffeine dose studies, the meta-analysis revealed no significant masking effect ( $p = 0.404$ ). Similarly, when including the lower caffeine dose studies, no significant masking effect was found ( $p = 0.406$ ). Despite the large range of caffeine doses (2.0–5.5 mg/kg resulting in absolute levels of 46–383 mg) and alcohol levels 0.29–1.068 g/kg (resulting in blood alcohol concentration (BAC) from 0.032 to 0.12%) investigated, **caffeine had no effect on the judgement of subjective intoxication**. [Emphasis added].

Within the Australian context, in December 2013, the New South Wales Health Department published a wide ranging inquiry into alcohol and energy drinks. This was a major project incorporating research from the Turning Point Alcohol and Drug Centre, Eastern Health and Monash University, the schools of psychology at the University of Tasmania and Deakin University, the National Drug and Alcohol Research Centre, the Institute of Culture and Society at the University of Western Sydney, and the NSW Poisons Information Centre. The 200 page report concluded that there was insufficient evidence to support government intervention regarding energy drinks and alcohol.<sup>8</sup>

Finally, a recent real world study of over 6,000 Dutch students compared those that consumed alcohol mixed with energy drinks versus those that drank alcohol alone. The study found that students who mixed energy drinks with alcohol drank less alcohol than those who drank alcohol alone. The consequence of this was that

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<sup>5</sup> European Food Safety Authority, EFSA Explains Caffeine Factsheet (2015), p. 4

<sup>6</sup> Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT). COT Statement on the Interaction of Caffeine and Alcohol and their Combined Effects on Health and Behaviour. London, UK: Committee on Toxicity, 2012.

<sup>7</sup> Benson, S., et al., Effects of mixing alcohol with caffeinated beverages on subjective intoxication: A systematic review and meta-analysis. *Neurosci. Biobehav. Rev.* (2014),

<sup>8</sup> NSW Ministry of Health, Alcohol and Energy Drinks in NSW (2013).



there were fewer alcohol-related consequences for those mixing alcohol with energy drinks, than those drinking alcohol alone.<sup>9</sup>

### **Energy drinks – a responsible approach**

Notwithstanding the small number of energy drinks sold and the preponderance of evidence indicating that energy drinks can be safely consumed in the on-premise environment, Beverage Council members have adopted a responsible approach to the sale, marketing and consumption of energy drinks in the on-premise environment.

Energy drink manufacturers within The Beverages Council are signatories to the Australian Beverages Council's Energy Drinks Industry Commitment ("The Commitment"). In the on-premise environment, members have committed to:

- Labels of energy drinks do not promote the mixing of energy drinks with any other beverage
- No promotional activities are undertaken that encourage excessive consumption of energy drinks
- Proactive engagement with on-premise representative groups in relation to these industry commitments
- Energy drinks be promoted as an alternative to alcohol (like water, soft drinks, juice, tea and coffee) and included as part of a venue's responsible service of alcohol strategy
- Venue staff continuing to use a range of indicators in assessing a person's level of intoxication which includes the number of standard alcoholic drinks consumed
- Energy drinks should not feature in a practice or promotion that encourages rapid and excessive consumption of alcohol or energy drinks
- Encouraging a consumer message of "responsible consumption of energy drinks" by reference to the recommended daily usage statement on product labelling
- Refraining from making any unsubstantiated scientific claims with regard to energy drinks and alcohol e.g. that the consumption of energy drinks counteracts the effects of alcohol

### **Conclusion**

The Beverages Council supports the Committee's Inquiry into alcohol fuelled violence. Addressing alcohol fuelled violence in an effective and meaningful way is an important and laudable goal that is in the interest of Australian communities. The Beverages Council supports evidenced based measures to address alcohol fuelled violence, and appreciates the ability to provide the Committee with up to date evidence regarding the use of non-alcoholic beverages in the on-premise environment.

The Beverages Council trusts that the information provided in this submission will be of use to the Committee, particularly the most recent evidence regarding the safety of energy drinks in the on-premise environment.

The Beverages Council does not wish to appear before the Committee. If the Committee requires any additional information please contact the office on the listed numbers.

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<sup>9</sup> de Haan L, de Haan HA, Olivier B, Verster JC, Effects of consuming alcohol mixed with energy drinks versus consuming alcohol only on overall alcohol consumption and negative alcohol-related consequences, International Journal of General Medicine, 2012; 5 953-960



Yours sincerely,

**Geoff Parker**  
Chief Executive Officer  
Australian Beverage Council

