



STATE OF MICHIGAN

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
LIQUOR CONTROL COMMISSION

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ADMINISTRATIVE ORDER

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The Michigan Liquor Control Commission (hereinafter Commission) has before it a certain matter involving the sale and distribution of Alcohol Energy Drinks in the State of Michigan.

The Commission has a reasonable belief that Alcohol Energy Drinks present a threat to the public health and safety and twenty-nine (29) Attorneys General from across the nation are of the opinion that Alcohol Energy Drinks pose serious health and safety risks to American youth. The popularity of Alcohol Energy Drinks is increasing among college students and underage drinkers and the safety of ingesting a mixture of stimulants and beer, e.g. Alcohol Energy Drinks, has not been established.

The safety of these intentionally infused stimulants, i.e. Caffeine, Taurine, Guarana, Ginkgo Biloba, Ginseng, or other herbal or chemical substances, at uncontrolled levels – mixed with alcohol, has not been established by scientific evidence or the FDA as "generally recognized as safe" additives to alcoholic beverages (GRAS).

The Commission exercises complete control of the State's alcoholic beverage traffic through the Constitution 1963, Article 4, §40, and has the sole right, power and duty to control the State's alcoholic beverage traffic pursuant to MCL 436.1201(2).

The Commission may disapprove any beer label submitted for registration that is deemed to promote intemperance, or intoxication, or to be detrimental to the health, safety, or welfare of the general public. [Commission Rule 436.1611(1)(d)]

The administrative process allows the Commission, upon discovery, to correct any errors that might have occurred in its approval of Alcohol Energy Drinks. See, L & L Wine v Liquor Control Commission, 274 Mich App 354, 558 (2007)-courts assume that the administrative process will properly correct alleged errors. Huron Valley Schools v Secretary of State, 266 Mich App 638, 649 (2005)-the administrative process will, if given a chance, discover and correct its own errors.

In light of the several public hearings and studies regarding Alcohol Energy Drinks, the widespread community concerns aired by substance abuse prevention groups, parent groups and various members of the public, as well as the FDA's decision to further investigate these products, the Commission believes the packaging is often misleading, and the products themselves can pose problems by directly appealing to a younger customer, encouraging excessive consumption, while mixing alcohol with various other chemical and herbal stimulants. The recent events regarding minors in Washington State and other concerns from emergency room doctors quoted throughout the country have prompted the Commission to take action.

THEREFORE, in order to protect the public health, safety and welfare of the citizens of the State of Michigan, it is the Order of the Commission that all prior approvals and registrations for Alcohol Energy Drinks as listed on the *Products with Stimulants* listing attached as a part of this Order BE RESCINDED.

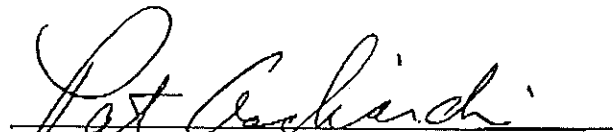
FURTHER, that effective 30 days from the date of this Order, Alcohol Energy Drinks shall not be sold or offered for sale in the State of Michigan and these products are banned from sale and distribution in this State unless otherwise approved through Order of the Commission.

FURTHER, all Manufacturers of Alcohol Energy Drinks have thirty (30) days from the date of this Order to remove the Alcohol Energy Drink products from all marketplaces in the State of Michigan in which they are sold.

FURTHER, this Order supersedes the Motion of September 8, 2010 adopted by the Commission.

Dated: November 4, 2010

  
Nida R. Samona, Chairperson

  
Pat Gagliardi, Commissioner

## Products with Stimulants

Product	Supplier	Ingredients	Alcohol Content	Container Size	Current	Pending
808 APPLE	Liquid Arts Beverage Group, LLC	cognac, vodka, apple liqueur, caffeine & guarana	10%	355 ml (12 oz)	X	
808 BERRY SLAM	Liquid Arts Beverage Group, LLC	cognac, vodka, berry grape liqueur, caffeine & guarana	10%	355 ml (12 oz)	X	
808 FRUIT BLAST	Liquid Arts Beverage Group, LLC	cognac, vodka, fruit punch liqueur, caffeine & guarana	10%	355 ml (12 oz)	X	
808 MANGO BEAT	Liquid Arts Beverage Group, LLC	cognac, vodka, mango passion fruit liqueur, caffeine & guarana	10%	355 ml (12 oz)	X	
Axis Fruit Punch	Associated Brewing Company	artificial flavors, wormwood oil*, & certified color	12%	16 oz	X	
Axis Grape	Associated Brewing Company	artificial flavors, wormwood oil*, & certified color	12%	16 oz	X	
BE	Anheuser-Busch, Inc.	beer, caffeine, ginseng & guarana extract & natural flavor	6.60%	10 oz	X	
California Organic Brewery, Mateveza	Rave Associates, Inc.	beer with yerba mate (caffeinated tea)	5%	22 oz	X	
Carpe Noctum A.M.	Atomic Brands, Inc.	vodka, caffeine, taurine, natural & artificial flavors, caramel, certified color	9%	12.68 oz	X	
Carpe Noctum A.M., Black Raspberry	Atomic Brands, Inc.	vodka, caffeine, taurine, natural flavor, certified colors	9%	12.68 oz	X	
Core El Jefe	Associated Brewing Company	artificial flavors, wormwood oil*, & certified color	11%	32 oz	X	
Core Lemon Lime	Associated Brewing Company	malt beverage w/natural & artificial flavors, taurine, guarana, ginseng, caffeine, artificial	12%	23.5 oz	X	
Core Orange HG	Associated Brewing Company	malt beverage w/natural & artificial flavors, taurine, guarana, ginseng, caffeine, artificial	12%	23.5 oz	X	
Core Spiked Punch	Associated Brewing Company	artificial flavors, wormwood oil*, & certified color	12%	23.5 oz	X	
Core Strawberry Lemonade	Associated Brewing Company	artificial flavors, wormwood oil*, & certified color	12%	23.5 oz	X	
Core Grape	Associated Brewing Company	malt beverage w/artificial flavors, taurine, guarana, ginseng, caffeine & certified colors	12%	32 oz		X
Core Triple Berry	Associated Brewing Company	malt beverage w/artificial flavors, wormwood oil*, and certified colors	12%	23.5 oz		X
Four Blue Raspberry	Phusion Projects, LLC	malt beverage w/artificial flavors, taurine, guarana, caffeine, & FD&C blue #1	12%	23.5 oz	X	
Four Loko Fruit Punch	Phusion Projects, LLC	malt beverage w/artificial flavors, taurine, guarana, caffeine, & FD&C red #40	12%	23.5 oz	X	

## Products with Stimulants

Product	Supplier	Ingredients	Alcohol Content	Container Size	Current	Pending
Four Loko Gold	Phusion Projects, LLC	malt beverage w/artificial flavors, guarana, taurine, caffeine, FD&C yellow #5	12%	23.5 oz	X	
Four Loko Lemon Lime	Phusion Projects, LLC	malt beverage w/caffeine, taurine, guarana, natural flavor, certified color FD&C blue #1 &	12%	23.5 oz	X	
Four Loko Lemonade	Phusion Projects, LLC	malt beverage w/natural & artificial flavors, guarana, taurine, caffeine	12%	23.5 oz	X	
Four Loko Orange Blend	Phusion Projects, LLC	malt beverage w/artificial flavors, guarana, taurine, caffeine, & FD&C yellow #6 & FD&C	12%	23.5 oz	X	
Four Loko UVA	Phusion Projects, LLC	malt beverage w/artificial flavors, guarana, taurine, caffeine, FD&C red #40 & FD&C	12%	23.5 oz	X	
Four Loko Watermelon	Phusion Projects, LLC	malt beverage w/artificial flavors, guarana, taurine, caffeine, and FD&C red #40	12%	23.5 oz	X	
Four Maxed Citrus	Phusion Projects, LLC	malt beverage w/caffeine, taurine, guarana, artificial flavors & certified color (FD&C	10%	16 oz	X	
Four Maxed Grape	Phusion Projects, LLC	malt beverage w/caffeine, taurine, guarana, artificial flavors & certified colors (FD&C red	10%	16 oz	X	
Jack Daniel's Country Cocktail, Black Jack Cola	Brown-Forman Corporation	malt beverage w/natural flavors, artificial color, & caffeine	5%	10 oz	X	
Joose - Dragon	United Brands Company, Inc.	malt beverage w/natural flavor, ginseng, taurine, caffeine, & certified colors	9.90%	23.5 oz	X	
Joose Cranberry	United Brands Company, Inc.	malt beverage w/natural flavor, caffeine, ginseng, taurine, & artificial colors	9%	23.5 oz	X	
Joose Fruit Punch	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, ginseng, taurine, & certified colors	12%	23.5 oz		X
Joose Green Apple	United Brands Company, Inc.	malt beverage w/artificial flavor, caffeine, ginseng, taurine, certified color & FD&C	12%	23.5 oz	X	
Joose Kiwi Strawberry	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, taurine, ginseng, & certified color	12%	23.5 oz		X
Joose Lemon Tea	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, ginseng, taurine, & caramel color	12%	23.5 oz		
Joose Mamba	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, ginseng, taurine & certified colors	9.90%	23.5 oz	X	
Joose Orange	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, ginseng, taurine, and FD&C yellow #5 & #6	9.90%	24 oz	X	
Joose Raspberry Lemonade	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, ginseng, taurine, certified color & FD&C	12%	23.5 oz	X	
Joose Sweet Tea	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, ginseng, taurine & caramel color	6%	23.5 oz	X	

## Products with Stimulants

Product	Supplier	Ingredients	Alcohol Content	Container Size	Current	Pending
Joose Tropical	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, ginseng, taurine, & certified colors	9%	23.5 oz	X	
Joose Watermelon	United Brands Company, Inc.	malt beverage w/artificial flavor, taurine, ginseng, caffeine, & certified color	12%	23.5 oz	X	
Jungle Joose	United Brands Company, Inc.	malt beverage w/natural flavors, taurine, ginseng, caffeine, certified color & FD&C	9.90%	23.5 oz	X	
Max Fury	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, ginseng, taurine, and FD&C yellow #6 & #5	12%	23.5 oz	X	
Max Live	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, ginseng, taurine, and certified colors	12%	23.5 oz	X	
Max Vibe	United Brands Company, Inc.	malt beverage w/natural flavors, caffeine, ginseng, taurine & artificial colors	12%	23.5 oz	X	
Max Watermelon	United Brands Company, Inc.	malt beverage w/artificial flavor, caffeine, ginseng, taurine, & certified color	12%	23.5 oz	X	
Max Grape	United Brands Company, Inc.	malt beverage w/natural flavor, caffeine, ginseng, taurine, & certified colors	12%	23.5 oz	X	
Max Green Apple	United Brands Company, Inc.	malt beverage w/artificial flavor, caffeine, ginseng, taurine, & certified colors & FD&C	12%	23.5 oz	X	
Max Fruit Punch	United Brands Company, Inc.	malt beverage w/natural flavor, caffeine, ginseng, taurine, & certified colors	12%	23.5 oz	X	
Panther Joose	United Brands Company, Inc.	malt beverage w/natural & artificial flavors, caffeine, ginseng, taurine, & certified color	9.90%	23.5 oz	X	
Smimoff Raw Tea	Diageo-Guinness USA, Inc.	malt beverage w/ brewed tea, natural flavors, caramel color & caffeine	5%	11.2 oz	X	
Smimoff Raw Tea Lemon	Diageo-Guinness USA, Inc.	malt beverage w/ brewed tea, natural flavors, caramel color & caffeine	5%	11.2 oz	X	
Smimoff Raw Tea Raspberry	Diageo-Guinness USA, Inc.	malt beverage w/ brewed tea, natural flavors, caramel color & caffeine	5%	11.2 oz	X	
Joose Mango	United Brands Company, Inc.	malt beverage w/natural flavors, taurine, ginseng, caffeine, certified color & FD&C	12%	23.5 oz		X
Joose Lemonade	United Brands Company, Inc.	malt beverage w/natural flavors, taurine, ginseng, caffeine, certified color & FD&C	12%	23.5 oz		X
Joose Cherry Lime	United Brands Company, Inc.	malt beverage w/natural flavors, taurine, ginseng, caffeine, and certified color	12%	23.5 oz		X

\* wormwood oil - cardiac stimulant to improve blood circulation