United States Senate
WASHINGTON, DC 20510

November 15, 2012

The Honorable Margaret Hamburg
Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20093

Dear Commissioner Hamburg:

We write to request a meeting to discuss rising public health concerns around energy drinks. Over the past year, there has been alarming evidence that energy drinks pose a potential threat to the public's health. Yesterday, the *New York Times* featured an article reporting that the Food and Drug Administration (FDA) received 13 adverse event reports of fatalities following the consumption of 5-Hour Energy, a highly caffeinated energy shot. This follows last month's reports that FDA received information on five fatalities that occurred after the consumption of Monster energy drinks. In light of these deaths and a November 2011 report by the Substance Abuse and Mental Health Services Administration (SAMHSA), which found a ten-fold increase in emergency room visits due to energy drinks between 2005-2009, we believe it is necessary for the FDA to take immediate action to address a serious public health issue.

On September 11 and October 26, 2012, we sent the FDA a letter calling on the agency to take action to address rising public health concerns around energy drinks and to protect consumers. We have not received a response to these letters. Once again, we reiterate our request for the FDA to investigate the interactions between caffeine and stimulants in energy drinks, to assess the health risks associated with caffeine consumption by children and adolescents, and to finalize and issue guidance that clearly distinguishes liquid dietary supplements from beverages.

Further, we request a meeting with you on the steps FDA is taking regarding highly caffeinated energy drinks and to ensure they are safe for their intended use and in combination with other energy drink ingredients.

Thank you for your consideration of these concerns. We look forward to discussing this important consumer protection issue further.

Sincerely,

Richard J. Durbin
United States Senator

Richard Blumenthal
United States Senator