

**Congress of the United States**  
Washington, DC 20510

March 12, 2013

Rodney C. Sacks, CEO  
Monster Beverage Corp  
550 Monica Circle  
#291  
Corona, CA 92880

Dear Mr. Sacks:

We have been made aware of a letter sent by lawyers representing your company to Dr. Deborah Kennedy, a Connecticut resident and author of "Build Healthy Kids", a monthly newsletter geared towards elementary school children and their parents.

The mission of Build Healthy Kids® is to, "provide families an easy way to understand, organize, and improve their child's diet and activity levels so that you can all live healthier every day." In the March 2013 issue of Build Healthy Kids®, the newsletter warns children and parents that energy drinks can be dangerous, and tells kids to "never drink energy drinks". The newsletter does not name Monster Energy Corp and it does not tell adults or teenagers to avoid energy drinks.

In your letter to Dr. Kennedy, you assert that Build Healthy Kids®, "published, and worse republished, false and defamatory statements that by clear implication identify and defame Monster." The letter describes the March newsletter statements as, "disparaging and defamatory and have undoubtedly materially damaged Monster and its well-known brand." The letter goes on:

Monster demands....that Build Healthy Kids® within five days of the date of this letter retract its defamatory statements, correct them with an accurate statement published with equal prominence...failure to correct these false and defamatory statements may subject it to general and exemplary damages in addition to special damages. Monster reserves its right to pursue all legal remedies.

We are alarmed both by the tone of your letter, and by the importance that Monster seems to place on its brand reputation among elementary school children.

We would like to better understand the motivation behind your letter. Based on your responses to our inquiries in the past, the demographic being reached by

Build Healthy Kids ® is not an age-range you are targeting with your product. In light of this, it's unclear why Build Healthy Kids ® would be singled out by Monster as defamatory, especially since your company was never named in the March newsletter.

Please provide a written response explaining why Monster Energy feels unfairly targeted by Build Healthy Kids ®, and why you feel a retraction must be, "published with equal prominence," among elementary school kids. Please also disclose whether Monster Energy, or the various law firms representing Monster Energy, has sent similar letters to school officials, pediatricians, or physicians.

We believe you owe Dr. Kennedy an apology for the tone of your letter, and we would appreciate responses to this inquiry within the next fourteen business days. 3-5748

Sincerely,



RICHARD BLUMENTHAL  
United States Senate



RICHARD J. DURBIN  
United States Senate



EDWARD J. MARKEY  
Member of Congress