



NEW YORK STATE SENATOR

Jeffrey D. Klein

Sen. Klein & Public Health Advocates Unveil Plan to Combat Underage 'Alcopop' Abuse

JEFFREY D. KLEIN March 27, 2011

| ISSUE: **FAMILIES, HEALTH, CONTROLLED SUBSTANCES, ALCOHOL, CHILDREN**



Plan Comes Amid Evidence that Minors Continue to Have Access to Four Loko and Similar High Alcohol Drinks

NEW YORK, NY – State Senator Jeff Klein (D-Bronx/Westchester), chairman of the Senate Alcohol and Drug Abuse Committee, was joined by public health advocates from across New York Sunday to unveil plans to crack down on easy access that minors have to Four Loko and similar high-alcohol malted beverages.

This strategy came as result of recent undercover police stings in New York City, as well as a survey of hospitals and colleges across New York State. The results all showed that these beverages – and their dangerous consequences – continue to be easily within the reach of underage drinkers.

“The results of these investigations clearly show that 'alcopops' like Four Loko- or any other type of these deceptive drinks- are still too easy for teens to get their hands on. It is time for us to take the necessary steps to get these dangerous cocktails off the shelves of convenience stores and bodegas in order to save our teens from any further injury or harm,” Senator Klein said.

“Alcopops,” or High Alcohol Flavored Malt Beverages, are sweetened and flavored malt-based drinks with high alcohol content (Four Loko has a 12 percent alcohol content, while a normal beer generally has a 4 to 5 percent alcohol content.) They are generally sold for \$2 to \$3 for a 22 ounce can, have very similar packaging to non-alcoholic energy drinks, and have a history of being aggressively marketed to minors.

Senator Klein's plan includes:

- **Moving alcopops out of the corner store and restricting their sales to liquor stores**

Liquor stores, which are more highly regulated, are not frequented by minors, and are the more appropriate place to purchase a product with such a high alcohol content. Senator Klein was introduced legislation (S.4221) to make this change. This measure was draft as Phusion Projects, announced that it would be packaging its High Alcohol beverage Four Loko in bottle form with the specific goal to further increase its presence in grocery and convenience stores. According to the bill, a High Alcohol Flavored Malt Beverage is classified as defined, under this bill, as a beverage with a combination of 6 % alcohol by volume and 1 % sugar that also includes the addition of flavorings. Such flavorings can be fruit juices or fruit flavor additives, or herbs, nuts, or spices, such as chocolate, licorice or vanilla or stimulants such as guarana, ginseng, or taurine.

- **Once and for all banning caffeinated alcopops in New York**

Police recently discovered a caffeinated version of Four Loko – which that Federal Food and Drug Administration has deemed to a public health concern – still being sold in a gas station in Pelham. This is despite an agreement that the State State Liquor Authority secured with Phusion Project to stop selling that version of Four Loko in New York, and a separate agreement that the SLA forged with the state's largest beer distributors to stop selling any alcoholic energy drinks that contain caffeine and other stimulants. Senator Klein has introduced legislation (S.3889) that would make it illegal to sell these caffeinated alcoholic beverages. This legislation is slated to be voted on by the Senate Alcoholism and Drug Abuse Committee on Monday.

- **Holding the first-ever statewide hearing on underage alcopop abuse**

On April 12, at 11:30 am, the Alcohol and Drug Abuse Committee will be holding a hearing on the dangers, rising trend of underage drinking, direct marketing targeting minors, college campus prevalence, law enforcement, and legislation on dealing with alcopops. The goal of the hearing is to raise awareness of the issue and to shape pending and future legislation dealing with the regulation of High Alcohol Flavored Malt Beverages.

"There are a number of alcoholic beverages like Four Loko that are marketed specifically to our youth. These drinks often are the ones that get younger teens started drinking," said New York City Commissioner Dr. Thomas Farley.

"When young teens drink alcohol they experience alcohol-related harms and increase their risk for lifetime problems of alcohol dependence or abuse. Senator Klein's bill is an important first step toward protecting our young people from these alcoholic beverages."

Earlier this week, Senator Klein asked the NYPD's Bronx Borough Command to look into whether teens were gaining easy access to alcoholic beverages, including Four Loko and other alcopops in the Bronx portion of the 34th Senate district, which he represents.

Following Klein's request, an undercover investigation was launched in the three principal precincts of his district: the 45th Precinct (serving Throggs Neck, Pelham Bay, Co-Op City, Country Club, Westchester Square and City Island), the 47th Precinct (serving Wakefield and Woodlawn which Klein represents as well as Baychester, Edelwald and Fishkill) and the 49th Precinct (serving Morris Park, Van Nest, Allerton, Ollinville, and Pelham Gardens).

The operations were led by the Borough Inspector. An undercover volunteer - under the age of 18 - went into several businesses attempting to buy Four Loko and other alcoholic beverages. Out of the 23 businesses visited, 17 sold alcohol to the minor without asking for ID. The types of locations that were part of the investigation were a combination of bodegas and convenience stores. The breakdown is as follows:

The 45th Precinct investigated 10 stores, 7 were issued violations

The 47th Precinct investigated 7 stores, 5 were issued violations

The 49th Precinct investigated 6 stores, 5 were issued violations

In addition, Senator Klein and the Independent Democratic Conference released the results of a survey taken in the past week of hospitals and law enforcement across New York State regarding incidents involving beverages with high alcohol content.

The results were startling.

In the past week, four minors were rushed to the Elmhurst Hospital Emergency Room in Queens with alcohol poisoning due as a result of consuming Four Loko and Joose.

On March 17, 2011 - St. Patrick's Day - police were called to an underage party in Eastchester involving the consumption of Four Loko. The survey also unveiled that a gas station supermarket in Pelham is still selling Four Loko in its caffeinated form.

In a third survey of colleges conducted by the Independent Democratic Conference, many campus security officers knew of the beverage, were concerned of the high level of alcohol and had policies in place to deal with not only these products but underage drinking as well.

Since January, Canisius College reported 10 cases involving underage consumption of Four Loko - both on and off campus.

In addition, the University of Buffalo reported a number of 821 alcohol violations in 2009, many included Four Loko, of both underage and of age, in the residence halls. Since January 2011, there have been total of 16 overdoses due to alcohol.

The Independent Democratic Conference also learned through their survey so far this year, the Downstate Poison Control Center has received 7 calls reporting 7 separate cases of people being hospitalized after consuming Four

Loko. 5 of those 7 individuals were under the legal drinking age.

"The New York Alcohol Policy Alliance commends Senator Klein for his commitment to the young people of New York State by proposing to greatly restrict access to these sweetened, high-alcohol 'binge-in-a-can' drinks. We believe that this legislation represents an important first step toward protecting our kids from alcopops – highly sweetened 'starter drinks.' We look forward to participating in Senator Klein's upcoming hearings on the matter, so that the people of New York can take effective action to thwart the alcohol companies who are irresponsibly marketing these products to our youth," said Robert Pezzolesi, CEO of the New York Center for Alcohol Policy Solutions.

"Marin Institute applauds Senator Klein's leadership to help get this dangerous products out of the reach of youth. We are seeing a disturbing trend of high-potency, sweetened alcoholic beverages that needs to be stopped, " said Michele Simon, Research and Policy Director, Marin Institute.

"Four Loko is clearly marketed to seduce our young people, due to its high sugar content and flavoring. It is not the type of beverage that would be attractive to adults. All underage drinking is harmful, and we are grateful and supportive of Senator Klein's position, in order to protect our youth," said Joan Bonsignore, Executive Director, National Council on Alcoholism and Drug Dependence/Westchester, Inc.

"On behalf of prevention providers and parents, I applaud Senator Klein's efforts to keep kids safe. By taking these dangerous beverages out of convenience stores and supermarkets it will be less likely that a store cashier will mistake them for non-alcoholic beverages and therefore less likely that youth will be able to obtain them," said Ellen Morehouse, Executive Director of Student Assistance Services of Westchester County.

"Moving these "binge in a can" products from convenience stores to liquor stores makes sense. The Eastchester Communities That Care coalition supports initiatives that keep alcohol out of teenagers' reach," said James Genova, Project Director for Eastchester Communities That Care.

#