



NEW YORK STATE SENATOR

Jeffrey D. Klein

Senator Klein to Subpoena Makers of Four Loko

JEFFREY D. KLEIN June 1, 2011

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Senator Jeffrey D. Klein, chairman of the New York State Senate Standing Committee on Alcoholism and Drug Abuse, today announced the issuance of a legislative subpoena against the makers of Four Loko as part of the Committee's ongoing investigation into high alcohol Flavored Malt Beverages and their availability to minors.

The subpoenas to Chicago-based Phusion Projects will be seeking information regarding the manufacturing, distribution and marketing of Four Loko.

Senator Klein had sought this information from Phusion representatives during an April 12 hearing on this issue. During that hearing, the Committee heard testimony from public health officials, law enforcement representatives, community representatives, trade organizations, and marketing experts. The findings related to the hearing can be found in a preliminary report issued today by the Alcoholism and Drug Abuse Committee.

The end result of the investigation is to craft legislation that will help crack down on the access of 'alcopops' by minors, without putting unintended burdens on other brewers and drink makers. However, the Committee inquiry remains on-going due to the lack of participation by Phusion and other representatives of high alcohol Flavored Malt Beverages manufacturers.

“This company makes a product for sale in New York that's cheap, tastes sweet and packs a six-pack punch in a 22-ounce can,” Senator Klein, (D-Bronx/ Westchester), said. “We believe that their information can greatly inform our efforts to keep Four Loko and similar 'alcopops' out of the hands of minors. Given Phusion's lack of cooperation, this committee has no choice, but to use the tools at its disposal to obtain the facts that we need.”

Senator Klein has the authority to issue a subpoena under section 62-a of New York State Legislative Law.

“Alcopops,” or High Alcohol Flavored Malt Beverages, are sweetened and flavored malt-based drinks with high alcohol content. They are generally sold for \$2 to \$3 for a 22 ounce can, have very similar packaging to non-alcoholic energy drinks. The price point and the packaging are both very appealing to minors. Four Loko, which has 12 percent alcohol, is the most popular drink in this category.

Senator Klein launched the committee investigation following a series of incidents in his district, where local youths were sent to the hospitals after drinking Four Loko. This was followed up by a series of undercover police stings in New York City last March, 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.