



BSDA Code for the Labelling and Marketing of Energy Drinks

Adopted on 28 April 2011, revised on 25 April 2013

(Version 3, revised on 19 January 2018 by the General Assembly)

BACKGROUND AND OBJECTIVE

The Bulgarian Soft Drinks Association (BSDA) represents a substantial part of the Bulgarian non-alcoholic beverages industry, uniting most of the major producers of non-alcoholic beverages (carbonated and non-carbonated drinks, juice drinks, ready-to-drink teas and coffees, bottled water, sports and energy drinks) as well as a number of the importers of packaging materials and raw materials for the beverages production.

Soft drinks producers in Bulgaria realize that the way of life and consuming are of a personal choice and responsibility. Energy drinks has no different qualities than the other soft drinks that would require a special regulation. The Association adheres to the principle accepted of playing an active role in helping consumers make an informed choice by encouraging marketing communications and commercial practices to stick to the present Code. The Code is in full accordance with the spirit of UNESDA Code, adopted in December 2010 and revised on 25 May 2012, 19 October 2016 and 24 November 2017.

This Code relates to the labelling and promotion of high caffeine beverages as defined by EU Regulation 1169/2011ⁱ. In Bulgaria Regulation 1169/2011 is transposed in the Ordinance on the labeling and presentation of food, adopted by Council of Ministers Resolution No. 383 of 04 December 2012 and revised on 23 February 2018 No. 17.

For the purpose of this Code the term *energy drinks* will be used for these high caffeine beverages.

Energy drinks are functional beverages with a stimulating effect and unique combinations of characterizing ingredients including caffeine, taurine, vitamins and other substances with a nutritional or physiological effect. They have been marketed for more than 25 years and safely consumed and enjoyed by consumers worldwide. The safety of their key ingredients has been assessed and confirmed by European risk assessment institutions.^{ii, iii} They only represent about 1.9 % of the total European non-alcoholic beverages market.^{iv} In Bulgaria their consumption is even more insignificant – about 1 % of the total non-alcoholic beverage market.

UNESDA, BSDA and its members recognize public discussions about the marketing of energy drinks and their appropriate consumption. The European non-alcoholic beverages industry, part of which are the members of the Association, recognizes its responsibility to play a positive role in addressing these discussions in a coordinated approach. In this regard, BSDA and its members, commit themselves to the developed and adopted from UNESDA Code for the Labelling and Marketing of energy drinks which also complements the Advertising and Commercial Communications Practices.^v

BSDA and its members are committed to adhere to these principles in labelling and marketing of energy drinks which empower consumers to a responsible and moderate consumption of such beverages above and beyond the compliance with applicable legislation. This Code aims to establish a strict minimum industry standard for the labelling and marketing of energy drinks. It does not preclude any individual BSDA member taking an even more stringent approach.

The voluntary principles of this Code will take effect and will be fully implemented in the marketplace by BSDA members immediately. The mandatory labelling requirements of Regulation 1169/2011 will be implemented according to the relevant provisions of this Regulation, including those laying down time limits for entry into force.

PRINCIPLES FOR THE LABELLING OF ENERGY DRINKS

In addition to compliance with Regulation 1169/2011 which requires additional labelling wording '*High caffeine content. Not recommended for children or pregnant or breast-feeding women*' must be placed in the same field of vision as the name of the beverage, followed by a reference in brackets

and

in accordance with Article 13(1) of this Regulation to the caffeine content expressed in mg per 100 ml.

In addition to the above-mentioned legal requirements, on the label of energy drinks containing more than 150 mg/l of caffeine, BSDA members will adhere to the following voluntary guidelines:

- Labels of energy drinks will not promote the mixing with alcohol or make any claims that the consumption of alcohol together with energy drinks counteracts the effects of alcohol.
- Labels of energy drinks will include the advisory statement "Consume moderately".
- Labels of energy drinks will include the advisory statement "Not recommended for children or pregnant women and people who has sensitivity to caffeine"
- The labelling of energy drinks will also comply with the principles for the sales and marketing as outlined below.

PRINCIPLES FOR THE SALES AND MARKETING OF ENERGY DRINKS

BSDA members will adhere to the following guidelines related to the sales and marketing of energy drinks:

- As with all other products within BSDA's remit and covered by the BSDA commitments, no marketing communications concerning energy drinks will be placed in any media with an audience of which more than 35% is under 12 years of age.
- When promoting the benefits of energy drinks and their ingredients, no claims will be made on alcohol together with energy drinks.
- Energy drinks are functional beverages and not sports drinks. Although normal consumption of energy drinks also provides water to the body, energy drinks will not be marketed as sports beverages which deliver a rehydration benefit.^{vi}

- Off labels (e.g. through websites or leaflets) the industry will provide comprehensive information to consumers about energy drinks, their responsible consumption and their characteristic ingredients, including how their caffeine content relates to other caffeine- containing foods and beverages.
- Samplings will not be conducted in the close proximity of primary and secondary schools or other institutions taking care of this age group.

ⁱ Annex III Point 4.1 in Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers.

ⁱⁱ Scientific Opinion on the safety of caffeine, EFSA Panel on Dietetic Products, Nutrition and Allergies

https://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/4102.pdf

ⁱⁱⁱ Scientific Opinion of the Panel on Food Additives and Nutrient Sources added to Food on a request from the Commission on the use of taurine and D-glucurono-γ-lactone as constituents of the so-called “energy” drinks, adopted on 15 January 2009.

^{iv} Canadian statistics.

^v BSDA Advertising and Commercial Communications Practices, adopted in November, 2009.

^{vi} Sports Drinks, as defined in Directive 2009/39/EC, may contain caffeine as a functional ingredient in addition to meeting a primary purpose of providing fluid and electrolytes to individuals participating in activities involving intense muscular effort.