Context

The Canadian Beverage Association (CBA) represents Canadian non-alcoholic beverage companies. Its membership is comprised of manufacturers and distributors of beverages in virtually every beverage category.

Energy drinks are functional beverages with an energizing effect and combinations of characterizing ingredients including caffeine, taurine, vitamins and other ingredients with nutritional or physiological effect. They have been marketed for more than 20 years and safely consumed and enjoyed worldwide.

CBA members are committed to marketing these products in accordance with the Food and Drug Act and Regulations and manufacturing them in accordance with the Safe Food for Canadians Act and Regulations.

CBA and its members encourage all those who produce and market energy drinks to voluntarily implement this Code, and to incorporate it into their business practices as appropriate.

Scope

While energy drinks are available in a wide range of flavours, formulations and formats, in Canada they share the key attribute of containing caffeine. Consistent with Health Canada's regulations concerning supplemented foods. The scope of this Code focuses on "energy drink" beverage products that contain caffeine, either added or inherent within specific ingredients in the product, in quantities up to 400 ppm (mg/L) to a maximum of 180 mg per container and are otherwise formulated/labelled in a manner that is consistent with the Food and Drugs Act and Regulations.

Industry Commitments

Canadian Beverage Association members commit to the following when marketing energy drinks:

I. Marketing and Promotional Activities That Meet or Exceed Requirements of the Food and Drugs Act and Regulations

Canadian Beverage Association members' marketing practices and promotional activities for energy drinks are consistent with the Food and Drugs Act and Regulations.

Canadian Beverage Association members also make the following additional voluntary commitments regarding the marketing/promotion of energy drinks in Canada.

A. Sampling of Energy Drinks

Canadian Beverage Association members will only provide energy drink products in a manner considered to be consistent with the Food and Drugs Act and Regulations.

Consistent with Health Canada's guidance concerning caffeinated energy drinks Canadian Beverage Association members will not provide samples of energy drinks to children[1]. Further, sampling will not be conducted near elementary, middle or secondary schools (or other institutions taking care of this age group) during hours when students are attending classes or participating in extracurricular activities where parents and other adults do not constitute a significant portion of the attendees. Where there is a concern about the appropriateness of providing a sample to an individual, a sample will not be provided.

1 For the purposes of this Code, reference to "children" is as defined in the Advertising Standards Canada Code entitled "Broadcast Code for Advertising to Children."

B. Advertising of Energy Drinks

Canadian Beverage Association members voluntarily commit to not advertise energy drinks in programming (TV, radio, print or digital) whose primary target audience is children.

C. Sponsorship of Events

Canadian Beverage Association members voluntarily commit to not sponsor any events on behalf of energy drinks where the primary target audience is children.

D. No Sale of Energy Drinks in Elementary/Middle/Secondary Schools

Canadian Beverage Association members reiterate their commitment to not sell or provide for sale energy drinks in elementary, middle or secondary schools, per the Canadian Beverage Association's "Industry Guidelines for the Sale of Beverages in Schools."

E. Education

The Canadian Beverage Association and its members will provide consumers with information regarding the characteristics of energy drinks, the ingredients contained in energy drink products, the amount of caffeine in specific energy drinks and how that compares to other caffeinated beverages, as well as regarding the consumption of energy drinks consistent with Health Canada's document concerning caffeine[2].

F. Promotional Activities

Canadian Beverage Association members voluntarily commit to not promote energy drinks in a manner whose primary target audience is children. Further, Canadian Beverage Association members voluntarily commit to not undertake promotional activities that encourage excessive consumption of energy drinks by anyone.

Although normal consumption of energy drinks also provides water to the body, energy drinks will not be marketed as beverages intended for rehydration.

Energy drinks companies will not make any claims that the consumption of energy drinks with alcohol counteracts the effects of alcohol consumption.

II. Labelling That Meets Legislative and Regulatory Requirements:

Energy drinks will be labelled in accordance with the Food and Drug Act and Regulations and the Safe Food for Canadians Act and Regulations.

Additional Information:

Health Canada:

https://www.canada.ca/en/health-canada/services/food-nutrition/supplemented-foods.html

Canadian Beverage Association:

The Canadian Beverage Association (CBA) is the national trade association representing the broad spectrum of companies that manufacture and distribute the majority of non-alcoholic refreshment beverages consumed in Canada. CBA represents more than 60 brands of juices, juice drinks, bottled waters, sports drinks, ready-to-serve iced teas and coffees, new-alternative beverages, carbonated soft drinks, energy drinks and other non-alcoholic beverages.

More information is available from energydrinkinformation.ca

[2] www.hc-sc.gc.ca/fn-an/securit/addit/caf/food-caf-aliments-eng.php