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Emergency Regulation Prohibiting the Sale of Alcoholic Beverages that Contain Caffeine

The Massachusetts Alcoholic Beverages Control Commission today, November 18, 2010, filed an emergency regulation prohibiting the sale of alcoholic beverages that contain caffeine as an added ingredient. The regulation goes into effect immediately.

This means that alcoholic beverages that contain caffeine as an added ingredient, including Four Loko, must be removed from store shelves in Massachusetts today. The regulation follows a ruling yesterday by the U.S. Food and Drug Administration that alcoholic drinks that contain added caffeine pose a public health risk.

The FDA ruling clearly states that these beverages are unsafe. Beginning today, all retailer and other businesses licensed by the Alcoholic Beverages Control Commission are prohibited from selling, storing, importing or transporting these products in Massachusetts.

The Alcoholic Beverages Control Commission is declaring that alcoholic beverages with added caffeine are adulterated under state law. These products must be taken off the shelf immediately. Wholesalers must retrieve these products at or before their next delivery to retail licensees.