State Attorneys General

A Communication from the Chief Legal Officers of the Following States and Territories:


September 28, 2015

Mr. Jaisen R. Freeman
Managing Partner
Phusion Project, LLC
640 North LaSalle, Suite 265
Chicago, IL 60654

Dear Mr. Freeman:

We, the undersigned Attorneys General of States, write to express our serious concerns over the alcohol content of your company's flavored malt beverage (FMB), Four Loko. While we are pleased with your recent agreement with state attorneys general to stop manufacturing caffeinated alcoholic beverages and to reform your marketing tactics to children, we still have two concerns with your product Four Loko.

First, the Centers for Disease Control (CDC) defines a standard serving of alcohol as any drink (whether beer, wine or distilled spirits) that contains 0.6 fluid ounces or 14 grams of "pure" ethyl alcohol. The CDC also defines binge drinking, which for men is drinking five (and women drinking 4) or more alcohol servings in about two hours. With a 12% (ABV) alcohol concentration in a 23.5 ounce container, one can of Four Loko contains 4.7 servings of alcohol; drinking just one can of Four Loko therefore constitutes a binge drinking episode according to the CDC.

Also according to the CDC, such excessive drinking typically raises a person's blood alcohol concentration (BAC) to 0.08 grams percent or more, resulting in impaired brain function resulting in poor judgment, reduced reaction time, loss of balance and motor skills and slurred speech. Coma and death can even occur if an excessive amount of alcohol is consumed rapidly.

Second, Four Loko seems to have been expressly created to build on the popularity of the current energy drink craze with teens and young adults-your marketing is clearly geared to this demographic. But your product is not just another over-caffeinated, sugar laden energy drink. Rather, Four Loko is a potent alcoholic brew that by its very design and marketing poses a serious, on-going public health risk to teenagers and young adults precisely because, sadly, the binge drinking phenomenon has become so entrenched in large segments of our Nation’s teen and young adult population.
For these reasons, we ask that you follow the lead of others in the FMB industry and take immediate steps to significantly reduce the alcohol content in Four Loko to the industry standard of 8% alcohol by volume on your 24oz package, which will reduce the serious public safety risks posed by your product. We are hopeful you will take swift and responsible action in the important matter.

Sincerely,

Jack Conway
Kentucky Attorney General

Karl A. Racine
District of Columbia Attorney General

Lawrence Wasden
Idaho Attorney General

Greg Zoeller
Indiana Attorney General

Derek Schmidt
Kansas Attorney General

Jim Hood
Mississippi Attorney General

Mike DeWine
Ohio Attorney General

Doug Chin
Hawaii Attorney General

Lisa Madigan
Illinois Attorney General

Tom Miller
Iowa Attorney General

Bill Schuette
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Hector Balderas
New Mexico Attorney General
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Pennsylvania Attorney General

Peter Kilmartin
Rhode Island Attorney General

Alan Wilson
South Carolina Attorney General

William Sorrell
Vermont Attorney General