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October 28, 2013

Senator Edward J. Markey
Senator Richard J. Durbin
Senator John D. Rockefeller IV
Senator Richard Blumenthal
United States Senate
Washington, DC 20510

Dear Senators Markey, Durbin, Rockefeller and Blumenthal:

We are writing in response to your letter dated September 25, 2013¹ in which you ask Dr Pepper Snapple Group to voluntarily commit to taking specific steps regarding the marketing and promotion of our Venom Energy drink products.

We certainly appreciate the public interest and discussion regarding the safety and marketing of energy drinks. DPSG is a member of the American Beverage Association (ABA) and supports its voluntary guidelines on the marketing and labeling of energy drinks. Indeed, Venom has long been labeled and marketed consistent with ABA guidelines. And, we are happy to provide further information and explanation regarding Venom. But we believe the issues relating to safety and marketing must be placed in proper context.

Safety

First and foremost, our energy drinks are safe. And they are appropriate for consumption by a variety of consumers. All ingredients are safe and are either generally recognized as safe (GRAS) or are approved food additives for use in these types of beverage and used at safe levels based on those approvals and scientific reviews. The end of this letter provides some further explanation of other ingredients that the public may not understand well, but we do want to focus upfront on the concerns raised about caffeine¹.

Caffeine

Venom contains 80mg of caffeine per 8oz. and 160mg per 16oz. bottle, including from guarana extract and all other sources. There are no "stimulants" or other sources of caffeine. This amount of caffeine should be placed in proper context. The 160mg of caffeine in a 16oz. bottle of Venom is about half of what you might find in a typical

¹ We only received the letter at our Plano office on October 16, 2013, so we appreciate your understanding of our delay in responding.

16oz. medium or “grande” coffee from the major coffeehouses. GRAS scientific review studies support that this level of caffeine in Venom is safe.

Consumption Level

Similar to coffee consumption, individuals should moderate their caffeine consumption to a level that they feel appropriate. As with all of our products with added caffeine, to help consumers understand caffeine intake, we label Venom with the total caffeine content in milligrams. For Venom, the caffeine number is on the same panel as the Nutrition Facts and set off below the ingredients, in the same panel where other nutrition and ingredient information is generally expected to be found. We have not, nor would not, through our labeling or marketing director encourage consumers to consume more to get “more” effect. Venom’s label also includes the statement: “Consume Responsibly – Not Recommended for Children, Pregnant or Nursing Women, or People Sensitive to Caffeine.”

Use

As with other beverages, consumers must make responsible choices for themselves. We believe that energy drinks and any caffeinated beverage should be consumed in moderation and in conjunction with appropriate behavior. We also have not, and would not, in our marketing promote “chugging,” or rapid consumption. Since Venom is carbonated, a consumer might experience discomfort from drinking one too quickly. Furthermore, we do not promote, whether in our labeling or marketing, the mixing of energy drinks with alcohol, nor do we make any claims that the consumption of alcohol together with energy drinks counteracts the effects of alcohol. Alcohol should always be consumed responsibly by adults in appropriate situations. Alcohol use and misuse is a serious issue, and reckless behavior, whether by adults or underage drinkers, is a substantial issue wholly apart from energy drinks. We would not, therefore, promote such behaviors in any form of marketing or media, including social media.

Sports Drinks

We are not aware of situations where we have marketed Venom as a sports drink, nor generally where other energy drinks have been marketed as sports drinks. While many energy drinks have been associated with sports in some way, whether by celebrity or athlete endorsement or sponsorship of events, this is an entirely separate category from sports drinks. Conventional sports drinks are formulated to provide both fluids and replenishment of electrolytes, and energy drinks such as Venom do not provide the same functionality. We have not, nor would we, market Venom as a sports drinks or a replacement for sports drinks.

Marketing

Venom is safe and appropriate for a variety of consumers. The primary energy drink consumer, and the target of our marketing, is the young adult, generally 18-24. That is not to say, however, that some children and teens are not exposed to marketing or promotions regarding Venom. As with any advertising, and particularly with the broad access to media many have, other ages always are part of the audience.

Children and Teens. We recognize the importance of parental involvement in their children's education process regarding the food and beverage choices they make. Therefore, whether it is Venom, our carbonated soft drinks, teas or juice drinks, we have had a long standing pledge not to purposely direct our marketing or advertising to children under 12 years of age. Where we can measure the audience, we try to direct the advertising away from shows, etc. where the audience is 35% or more under 12. We have also had a school vending policy applicable to ourselves and our distributors that outlines which products may be sold during the school hours in vending machines or in cafeterias, with certain products appropriate for elementary, middle and high schools. Venom is not sold in schools. Consistent with that, we do not sample or provide coupons for Venom outside or around schools.

Social Media and Websites. Venom is safe, not only for adults, but for teens, in conjunction with individual moderation and appropriate behavior. Because Venom is safe, we do not believe that avoiding any exposure to its marketing material is a sound objective. By the nature of media, including social media, teens and others allowed by their parents to consume media on their own time will be exposed to all sorts of messages and images. Blocking a product site gives the impression that the product is dangerous when it is not. We also believe doing so may create the false impression that the product is like alcohol or associated with alcohol. We do not target teens in our Venom marketing, but we do not believe that blocking sites or banning any exposure is necessary or appropriate.

Use of Images. Under our existing marketing policy for all of our products, we do not have a direct prohibition on using an image of a child in a piece of advertising. But our guidelines on how we direct our marketing and its intended audience still apply, and we believe the context of the advertising and use of images must be considered. For example, we believe it is entirely appropriate to show an image of children with parents and family at a birthday party having cake and Hawaiian Punch in an ad directed to the grocery shopper in the family. Other examples exist, but with Venom it would not appear appropriate or even on target to use images of young children in its advertising. Similarly, given its target of 18-24, we would not purposely use images of teens in our Venom advertising. In each case, our guidelines are about the most appropriate audience and target for the particular product.

FDA Reporting

Venom is labeled as a beverage, not a dietary supplement, and is not required by law to provide Serious Adverse Event reporting to the FDA. But as we have explained, Venom is safe, and if the reporting system permits, we have no issue reporting possible Serious Adverse Events as provided under the Dietary Supplement Act should we receive them. We believe that the reporting will further support its safety.

Timeline

As discussed, we have already been labeling and marketing Venom under the above practices, with the exception of the "supplemental" FDA SAE reporting. To implement the supplemental FDA SAE reporting properly, we would revise our operating procedures and retrain our call center to route such contacts to a contracted

third party, with appropriate medical expertise, that specializes in the intake and reporting of these reports to the FDA. We believe that could be operational by the start of 2014.

Sincerely,

Dr Pepper Snapple Group



Paul R. Zanno, PhD
Vice President

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- ¹Other Ingredients. To further aid understanding of other lesser understood ingredients in Venom:
 - Taurine is an organic acid that occurs naturally in meat, dairy and fish and functions as a nutrient. It also occurs naturally in the human body.
 - Ginseng, or extracts from the ginseng plant, is an herb used in many cultures for over a thousand years.
 - L-Carnitine is a non-essential amino acid commonly found in red meats, dairy and nuts and functions as a nutrient. It is an important component of human cells that is involved in the metabolic breakdown of lipids.
 - Inositol is a type of sugar called a polyol that is about half as sweet as sucrose and mainly found in plant-based foods, such as fruits, beans, nuts and grains. It is also produced in the human body from glucose and important for the production of structural cellular lipids.