

# *The Coca-Cola Company*

WASHINGTON, D.C.

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December 6, 2013

The Honorable Edward J. Markey  
218 Russell Senate Office Building  
Washington, DC 20510

The Honorable Richard J. Durbin  
711 Hart Senate Office Building  
Washington, DC 20510

The Honorable John D. Rockefeller  
531 Hart Senate Office Building  
Washington, DC 20510

The Honorable Richard Blumenthal  
702 Hart Senate Office Building  
Washington, DC 20510

Dear Senators Markey, Rockefeller, Durbin, and Blumenthal:

I am writing to follow up to your letters dated September 25, 2013 to Muhtar Kent, Chairman and CEO of the Company, regarding the marketing of NOS® and Full Throttle® brand energy drinks and our response dated October 14, 2013.

In our original response, we promised that we would carefully consider the remaining important items in your letter (Q5, first sentence; Q10; Q12; Q13; and Q17), and wanted to spend more time giving them the attention they deserve.

In reference to request #5 from your letter, it is The Coca-Cola Company's global practice to market energy drinks in a responsible manner and to avoid marketing energy drinks to people under the age of 18. Furthermore, in the United States when it comes to energy drinks and alcohol, the Company does not market to people under the age of 21. Our existing internal standards state:

- a) Marketing of TCCC Energy Drink brands with beverage alcohol will be confined to locations that serve consumers of legal drinking age
- b) Unless prohibited by regulation, in establishments that serve beverage alcohol OR sell predominantly beverage alcohol (e.g. state stores, liquor stores) point of sale materials for energy drinks (excluding shelf tags) will include a responsible consumption message. Example: "The consumption of energy drinks does not counteract the effects of beverage alcohol."

Currently, less than 1% of our total energy drink sales volume comes from the bar and tavern channel.

In reference to request #10 from your letter, we will encourage our distributors and other third parties to follow our guiding principles around the marketing and promoting of energy products to children under 18. Additionally, we will propose binding language in our contracts going forward. However, since we are dealing with commercial entities over which we have no control, we cannot guarantee that they will accept our contractual language.

In reference to request #12 from your letter, The Coca-Cola Company has been at the forefront of labeling our energy drinks as conventional foods rather than dietary supplements. All ingredients in our energy beverages, as in all our beverages, must comply with strict safety requirements established by the FDA and further by our own internal standards before ever becoming part of an in-market beverage. In addition, TCCC adheres to all requirements established by the FDA for reporting adverse events through the Reportable Foods Registry (“RFR”).

We have concern regarding your request that we voluntarily switch the reporting requirements that apply to dietary supplements and report any serious adverse event of which we become aware. Our concern is that there are many instances in which an adverse event is associated with an energy drink only because it occurred after the energy drink was consumed, and not because the energy drink actually caused the event. As a result, the application of this standard would give rise to unfounded public concerns about energy drink safety. We remain firmly committed to the safety of our products and to ensuring the safety of our consumers. But switching to the reporting requirements that apply to dietary supplements is unnecessary given that we will submit all required reports to the RFR.

Request #13 from your letter relates to access to social media sites. As evidenced by our current responsible marketing practices, we agree that energy drinks are best suited to those over 18 years of age. TCCC’s practices already include the following:

- We do not market to, feature, recruit, or sponsor children under the age of 18.
- We do not market or sell our products either in or near schools K-12.
- We restrict our media buys with respect to energy drinks to ensure that no more than 35% of the target audience is under the age of 18.

The difficulty with the request to prevent access by those under 18 is that we do not believe it is feasible to implement it effectively. Looking across practices by other industries, and in conversations with our internal social media experts, we have been unable to identify any technology that would reliably and effectively accomplish this goal. While some sites ask the user to self-identify his/her age, in our view this approach could not guarantee that people under 18 cannot gain access.

We will continue to consider further measures in the area of social media should an effective technology be identified.

In reference to request #17 from your letter, our Coca-Cola Company energy drink guidelines specifically state our position on caffeine levels in categories other than energy drinks:

“Other beverage categories within the TCCC Portfolio ( eg Sports Drinks) shall not have a caffeine level that encroaches on 320ppm (320mg/L, 80mg/8 fl oz).”



We believe that there is a demand for caffeinated beverages for use in connection with physical activity. But we do not believe that such beverages should be used for fluid replacement, i.e., hydration. For example, we clearly label our NOS Active product as an energy drink, provide the energy-drink advisory statements which TCCC requires and do not communicate anything regarding hydration.

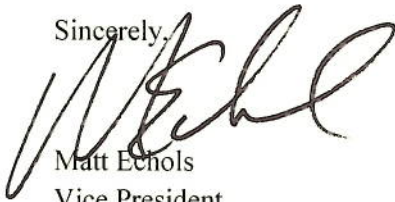
However, in light of this request, we would consider adding the statement below to the NOS Active label.

“This product is intended for active lifestyles, but it is not intended to be consumed in high quantities for rehydration. For optimum hydration, we recommend consuming Powerade Isotonic Sports Drink.”

A statement similar to this is already in use on certain caffeinated TCCC beverages in other countries. Additionally, because we do not market to people under 18, NOS Active is never targeted to people who are 17 or below.

I hope you find this information helpful. Please know that we are always happy to make our energy drink business leaders and subject matter experts available to you and your staff. We look forward to continued engagement on these very key issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Echols', written in a cursive style.

Matt Echols  
Vice President  
Corporate Affairs & Diplomatic Relations