

United States Senate

WASHINGTON, DC 20510

January 22, 2015

The Honorable Margaret Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Hamburg:

We write in support of a recent Citizen Petition urging the Food and Drug Administration (FDA) to protect the public's health and welfare by banning the retail sale and marketing of pure and highly concentrated bulk caffeine powder products sold outside of pharmaceutical and food production purposes. We also endorse the petition's request that FDA clarify serving sizes, potency, and risks of use on powdered caffeine product labels. This petition was filed by the Center for Science in the Public Interest (CSPI) and joined both by the families of two young men who lost their lives from accidental overdoses of caffeine powder and by lawmakers from Suffolk County, NY, the first jurisdiction in the country to enact restrictions on the sale of bulk caffeine powder.

On May 27, 2014, three days before his high school graduation and months before enrolling at the University of Toledo, 18-year-old Logan Stiner died from ingesting too much caffeine powder. One month later, Wade Sweatt, a 24-year-old electrical engineer in Georgia, died of cardiac arrest after accidentally ingesting too much caffeine powder. These young men had bright futures ahead of them, but they lost their lives because of poorly labeled, easily acquired bulk powder caffeine products unsuited for retail sale.

According to the FDA, a "single teaspoon of pure caffeine is roughly equivalent to the amount in 25 cups of coffee." One teaspoon of pure caffeine is a lethal dose for a child, and ingesting between one to two teaspoons is likely to cause death in an adult. A typical 250 gram packet of caffeine powder costs less than \$20 and contains a stunning equivalent of 2,500 cups of regular coffee—enough pure caffeine to cause the deaths of 50 people. Although the recommended dose of this product is a mere 1/16 of a teaspoon, most products on the market are not clearly labeled and fail to adequately inform consumers about the dangers of ingesting too much pure caffeine. In addition, it is nearly impossible for a typical consumer to safely and accurately measure 1/16 of a teaspoon of pure caffeine using common kitchen measuring tools. This is a product that should be confined to pharmaceutical and food production—not available in bulk as a retail product.

The FDA is already aware of the dangers of this product. Following Logan Stiner's death, the FDA issued a consumer advisory warning about the dangers of powdered pure caffeine. In its advisory, the FDA recommended that consumers avoid these products and cautioned that very small amounts may cause accidental overdose. Just last month, the Director of the FDA's Center for Food Safety and Applied Nutrition posted on an FDA blog about the dangers of powdered pure caffeine.

Dr. Hamburg
January 22, 2015
Page Two

Although the FDA's consumer advisory and recent blog post are important first steps toward educating the public about the dangers of this product, these actions are far from an adequate response to this public health threat. As long as this dangerous substance remains legal and readily available online and in retail stores, consumers will be exposed to its unreasonable risks. Powdered caffeine sold in bulk is markedly different than energy drinks, energy shots, or other retail products, such as pills, that contain caffeine. Because of the risk powdered caffeine poses to consumers, these products merit swift and significant action by your agency.

We, the undersigned lawmakers, thus urge the FDA to respond to the families of Logan Stiner and Wade Sweatt, the people of Suffolk County, and the CSPI's Citizen Petition by requiring clearer labeling on these deadly products and banning the retail sale and marketing of powdered caffeine to consumers in order to prevent future overdoses and needless deaths.

Sincerely,



Sherrod Brown
United States Senator



Richard Blumenthal
United States Senator



Charles E. Schumer
United States Senator



Richard J. Durbin
United States Senator



Edward J. Markey
United States Senator



Kristen Gillibrand
United States Senator