



Nov. 10, 2010

ATC Chairman Tom Snow
302 W. Washington Street
IGCS Room E-114
Indianapolis, IN 46204

Dear Chairman Snow,

Today the Indiana Association of Beverage Retailers is asking the state to take action in policing the sale and supplies of high-energy, high-alcohol content drinks that have come under increasing scrutiny across the nation.

As you probably know, many state regulatory groups, including Michigan, Oklahoma and Pennsylvania, have taken steps to ban these drinks that have become so popular with underage drinkers and on the nation's college campuses.

We join those who have growing concerns about these beverages that are sold in retail outlets across Indiana and have asked our members to voluntarily discontinue sales.

As officials at the University of Rhode Island noted: "The higher alcohol content, high dose of caffeine, and cheap sale price make (these drinks) the perfect pre-gaming weapon of choice." Pre-gaming is the practice of drinking as much as possible and as quickly as possible, and then to drink more.

Popular with college students and underage drinkers, we believe that any responsible retailer—from groceries to gas stations—should also follow suit and discontinue sales.

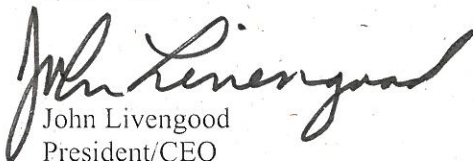
While voluntary measures have been requested of our members, we know that the ATC has broad discretionary authority to take steps and help curb access to a potentially lethal drink.

We look forward to working with the ATC to set up best standards and practices for retailers so that consumers can police their own beverage habits when it comes to alcohol. However, since federal authorities have yet to determine the extent of its potential harm – this type of beverage is not one we wish to sell.

Please contact us at your earliest convenience and we will set up a meeting with concerned retailers and also our partners in Project RAD (Responsible Alcohol Distribution).

We will follow-up with you by phone in the next few days.

Sincerely,



John Livengood
President/CEO