



**BALTIMORE CITY HEALTH DEPARTMENT  
NOTICE AND ORDER TO REMOVE HEALTH NUISANCE**

**To: BALTIMORE CITY RETAIL ESTABLISHMENTS**

***Issuance Date: November 30, 2010***

***Compliance Date: December 2, 2010, 5:00 p.m.***

The Baltimore City Health Department has determined that caffeine-containing alcoholic beverages sold within Baltimore City pose immediate health and safety hazards to inhabitants of the City.

The U.S. Food and Drug Administration has deemed that caffeine added to alcoholic beverages is an unsafe food additive, thus making caffeinated alcoholic beverages adulterated and in violation of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §342(a)(2)(c). The Commissioner of Health has determined that alcoholic products containing caffeine are a health hazard and a nuisance pursuant to Title 2 and 5 of the Baltimore City Health Code. Health Code §§ 2-101, *et seq.* and 5-101, *et seq.*

Therefore, by authority of the Commissioner of Health under sections 2-105(5) and 5-101 *et seq.* of the Baltimore City Health Code, all Baltimore City retail establishments are hereby ordered to take the following corrective action:

- 1) Immediately stop the sale and/or distribution of alcoholic beverages that contain caffeine, such as "Core High Gravity HG Green," "Core High Gravity HG Orange," "Lemon Lime Core Spiked," "Moonshot," "Four Loko," "Joose" and "Max," within Baltimore City
- 2) This action must be completed by 5:00 p.m. on December 2, 2010

Failure to comply with this notice and order is a misdemeanor and, if convicted, violators will be subject to a fine of up to \$1,000.00 for each offense.

If any retail establishment fails to comply with this Notice and Order within the time frame allotted, in addition to initiating criminal prosecution or other legal enforcement proceedings, the Commissioner of Health may secure personnel to remove the nuisance items from the shelves of retail establishments. The person in charge of the property will be liable for the expenses incurred by such corrective action and such expenses may act as a lien against the property until they are paid in full.

You have the right to request an administrative review of this notice and order in writing, within 10 days, setting forth in full the reason therefore.

A handwritten signature in black ink, appearing to read "Oxiris Barbot", written over a horizontal line.

Oxiris Barbot, M.D.  
Commissioner of Health