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Oregon Files Lawsuit Against Maker of 5-Hour Energy

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SALEM—Oregon Attorney General Ellen Rosenblum today filed a lawsuit against Living Essentials and Innovation Ventures, the makers of the energy drink 5-Hour ENERGY®. The lawsuit alleges that the companies repeatedly violated the Oregon Unlawful Trade Practices Act (UTPA) by making deceptive and misleading claims about their 5-hour ENERGY® products. The suit also alleges that the company used print, television, Internet and radio advertising to claim that 5-hour ENERGY® contains a unique blend of ingredients that provide consumers with energy, alertness and focus, when in reality the only ingredient that provides any effect is the concentrated dose of caffeine.

“This lawsuit is about requiring truth in advertising,” said Attorney General Rosenblum. “Plainly and simply, in Oregon you cannot promote a product as being effective if you don’t have sufficient evidence to back up your advertising claims.”

The lawsuit, which was filed in Multnomah Circuit Court, also targets allegedly misleading claims that the product will not cause consumers to experience a ‘crash’. The suit also focuses on claims that the product has been recommended by doctors in a way that it has not, and that the product is appropriate for adolescents age 12 year and older. The suit estimates that 5-hour ENERGY® is sold at over 100,000 retail locations through the United States, including many in Oregon.

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