



Welsh Government Consultation

Proposal to end the sale of energy drinks to children under 16

Consultation response

Deadline 1 September 2022

About the Chartered Institute of Environmental Health (CIEH)

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Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to health and health protection.

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Proposal to end the sale of energy drinks to children under 16

Consultation questions

Q.1 Do you agree with the proposal to ban the sale of energy drinks to children under 16?

- **Yes**
- No – the mandatory age limit should be 18
- No – there should be no mandatory age restrictions
- Not sure
- Other (please specify)

We believe that banning the sale of energy drinks to children under 16 is the best balance between protection, recognising young people's rights and their transition into adulthood.

In 2019, the UK Government announced it would ban the sale of energy drinks to children under 16 in England.¹ In Scotland, the sale of energy drinks to under 16s in hospitals and sports centres has been banned. The Scottish Government has consulted on banning the sale of the drinks in shops, although no laws have been passed to bring this into force. There is currently no ban on the sale of these drinks to under-16s in Northern Ireland. Alignment across the nations would avoid confusion, although it should be noted the ban in England has not yet been implemented.

Some retailers, including all major supermarkets, have already voluntarily stopped the sale of energy drinks to under 16's. An age limit of 16 would therefore be consistent with existing voluntary limits that many retailers have already applied.

Legislating to end the sale of high-caffeine energy drinks to under 16's would create a level playing field for businesses and create consistency, helping ensure that children do not have access to energy drinks in any shop.

We are aware that in 2018, the House of Commons Science and Technology Committee report into *Energy drinks and children*² concluded that the current scientific evidence alone is not sufficient to justify a measure as prohibitive as a statutory ban on the sale of energy drinks to children. However, evidence of harm is mounting. In a study carried out by the University of York and University College London³, researchers found that up to a third of children in the UK are consuming at least one energy drink a week, with high

¹ [Advancing our health: prevention in the 2020s. DHSC. July 2019](#)

² [Energy drinks and children. House of Commons Science and Technology Committee Thirteenth Report of Session 2017–19](#)

³ [Consumption and effects of caffeinated energy drinks in young people: an overview of systematic reviews and secondary analysis of UK data to inform policy. Khouja C, et al. BMJ Open 2022;12:e047746. doi:10.1136/bmjopen-2020-047746](#)

levels of consumption linked to headaches, sleep problems, alcohol use, smoking, irritability and school exclusion. Further, children who drank energy drinks on five or more days per week were more likely to have low psychological, physical, educational and overall well-being.

It is legitimate for Government to implement a statutory ban on the basis of societal concerns and qualitative evidence, such as the experience of school teachers.⁴ We advocate a precautionary approach in order to protect children.

Q.2 Should the ban be widened to consider other drinks typically high in caffeine such as tea and coffee?

- Yes
- **No**
- Not sure

Please explain

Adopting a clear definition of an energy drink will be important. We support the proposal that any drink other than tea or coffee that contains over 150mg/l of caffeine should be included in any action to end the sales of energy drinks to children.

There are differences between tea and coffee and energy drinks which contain multiple ingredients. Most energy drinks are high in sugar. Sugar is not only associated with dental caries but also obesity.⁵ We are not aware that the growing consumption of energy drinks among children is replicated in their tea and coffee drinking.

Q.3 Do you agree that the ban should cover all shops, including through online environments?

- **Yes**
- No
- Not sure

Please explain

Applying the ban to all shops, including through online environments would create a level playing field for businesses and ensure consistency.

We would also recommend that the ban on sales of energy drinks to children includes all healthcare and educational premises.

⁴ [NASUWT Oral Evidence Energy Drinks HC821. Science and Technology Committee 2018. June 2018](#)

⁵ [Energy drinks fuel the obesity epidemic. Br Dent J 218, 345 \(2015\)](#)

Q.4 If children are prevented from buying energy drinks from vending machines, how should this be done?

We are aware vending machines are an alternative method of sale for energy drinks and would support the introduction of age restrictions on the sale of energy drinks from vending machines to be enforced by the businesses or organisation on whose property the vending machine is located. If it is not possible for a location to restrict sales from vending machines by age, then energy drinks should not be available in their vending machines.

Q.5 Do you think the proposals in this consultation document might have an effect on the following?

- Those living in rural areas
- [Specific socio-economic groups](#)
- [Children and young people](#)
- Equality in relation to;
 - [Age](#)
 - Sex
 - Race
 - Religion
 - Sexual orientation
 - Pregnancy and maternity
 - Disability
 - Gender reassignment
 - Marriage/civil partnership

If yes, which and please explain

The proposal would have an impact in relation to age, given its age-specific nature. Whilst a ban would apply equally to males and females, it is reported that the most common users of energy drinks are males⁶.

There is evidence that consumption of energy drinks is closely linked to socio-economic status⁷. Whilst concerns around energy drink consumption primarily relate to the high caffeine content, some large cans may contain up to 20 teaspoons of sugar (78g) per 500ml serving – more than three times the recommended daily intake of free sugars for children per day (24g).⁸ Obesity levels are higher in more deprived areas⁹. There is also an association between receiving free-school meals and energy drinks consumption. In a study, among students who reported drinking at least one energy drink per day, 23%

⁶ [Brooks, F., Magnusson, J., Klemra, E., Chester, K., Spencer, N., and Smeeton, N. \(2015\) HBSC England National Report 2014. University of Hertfordshire; Hatfield, UK](#)

⁷ [Energy drink consumption and the relation to socio-demographic factors and health behaviour among young adults in Denmark. A population-based study Karina Friis, Jeppe I. Lyng, Mathias Lasgaard, Finn B. Larsen](#)

⁸ [Sugar:the facts. NHS](#)

⁹ [Obesity in Wales. Megan Jones and David Millett, National Assembly for Wales Research Service](#)

receive free-school meals, whereas among those who report never drinking energy drinks, 11% receive free school meals¹⁰. This disproportionate consumption suggests that the ban may have a greater impact on children from lower socio-economic backgrounds.

Q.6 We would like to know your views on the effects the consultation would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Please explain

Q.7 If there are any further matters that you would like to raise or any further information that you would like to provide in relation to this consultation, please give details here.

Should a ban be introduced, the matter of enforcement will need to be considered. Local authorities are responsible for enforcing environmental health and trading standards legislation. They have experience of enforcing provisions relating to other age restricted goods e.g tobacco, alcohol, knives, so would be well placed, subject to available resources, to enforce restrictions relating to the sale of energy drinks.

To minimise demands on enforcing authorities, as well as those subject to restrictions, we would advocate the development of ministerial guidance for local authorities and an implementation guide for retailers.

Should a ban on the sale of energy drinks to under 16's be introduced it will be important to evaluate its impact. Monitoring could include an assessment of:

- compliance by retailers
- impacts on businesses
- any changes in consumption levels by the age groups affected
- any related impacts on health and wellbeing

Further comments

The marketing and price of energy drinks is of public health concern. A 2018 report from Cancer Research UK showed that children are 2.5 times more likely to consume energy

¹⁰ [Fiona M. Brooks, Ellen Klemnera, Josefine Magnusson and Kayleigh Chester, "Young People and Energy Drink Consumption in England"—analysis commissioned by the Department of Health and Social Care](#)

drinks after seeing an energy drinks advert.¹¹ A 9pm watershed on all adverts for food and drink high in fat, sugar and salt is an effective way to reduce children's exposure to food and drink marketing. We would also recommend restrictions on sponsorship opportunities for energy drinks companies for activities that have a high profile among children, including sports.

We recommend, if it is not already included, including information about the health impacts of consuming an unhealthy diet, including energy drinks, in the Personal and Social Education Framework within the Curriculum for Wales, specifically health and emotional well-being.

The price and the placement of unhealthy food and drinks in convenient or busy locations in shops can encourage shoppers to buy more of those products. In our response to the current Welsh Government consultation on *Healthy Food Environment* we will be recommending restrictions on the placement of unhealthy food and drinks in high profile places in supermarkets to help families make healthier choices when shopping. This includes energy drinks.

¹¹ [Cancer Research UK. 10 years on: new evidence on TV marketing and junk food consumption amongst 11-19-year olds 10 years after broadcast regulations \(Jan 2018\)](#)