



Llywodraeth Cymru  
Welsh Government

**Number: WG45105**

Welsh Government  
Consultation Document

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

Date of issue: 9 June 2022

Action required: Responses by 1 September 2022

Mae'r ddogfen hon ar gael yn Gymraeg hefyd /  
This document is also available in Welsh

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## **Overview**

The consultation is looking at ending the sale of energy drinks to children. We know that dietary behaviours in our childhood have a significant influence in what and how we eat and drink in later life. Energy drinks are legally required to display warnings that they are not recommended for children due to their high caffeine content. We wish to consider introducing a mandatory position across Wales.

Research suggests that preventative action may be needed to protect young people from associated health harms from consumption of energy drinks.

## **How to respond**

Submit your comments by 1 September 2022, in any of the following ways:

- complete our online form
- download, complete our response form and email or post to addresses below.

## **Further information and related documents**

Large print, Braille and alternative language versions of this document are available on request.

## **Contact details**

For further information:

Healthy and Active Branch  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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HealthyWeightHealthyWales@gov.wales

This document is also available in Welsh: [hyperlink](#)

## **UK General Data Protection Regulation (UK GDPR)**

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

### **Your rights**

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below

Data Protection Officer  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ  
e-mail: [Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 01625 545 745 or  
0303 123 1113  
Website: <https://ico.org.uk/>

# Consultation on the proposal to end the sale of energy drinks to children under 16

## Ministerial Foreword

Energy drinks are legally required to display warnings that they are not recommended for children due to their high caffeine content. Despite these warnings, we know that some children are regularly consuming these products with detrimental effects to their health.

All our children deserve to experience environments that support healthy choices and well-balanced diets. Young people are exposed to a range of marketing for unhealthy food and drink. Although energy drink companies claim that their advertising is aimed at adults, the way in which energy drinks are packaged and marketed makes them attractive to children also. In addition, energy drinks are often sold at low prices, making them affordable for children to buy on their way to or from school.

We know that dietary behaviours in our childhood have a significant influence in what and how we eat and drink in later life. It is therefore concerning that many children are developing the habit of drinking these energy drinks every day.

Energy drinks contain, on average, similar levels of caffeine to a double shot of espresso. They are also often very high in sugar, with average sugar content in an energy drink being more than an adult's entire maximum daily recommendation for sugar intake in the UK. Research also shows us that children who drink energy drinks on five or more days per week were most likely to have low psychological, physical, educational and overall wellbeing, such as headaches, sleep problems, alcohol use, smoking, irritability, and school exclusion. We want to explore measures to ensure that we can protect our children's health.

Our Healthy Weight: Healthy Wales Delivery Plan launched in 2019 committed us to consulting on limiting the sale of energy and high caffeinated drinks to young people. We want to take proportionate action to reduce the health risks associated with young people consuming such drinks with artificially high levels of caffeine, and responses to this consultation will inform decisions on whether a mandatory sales age restriction of 16 is appropriate and if so, how best to implement the ban.

I wish to hear a range of views during this consultation and in particular hearing the perspective of children and young people.

## Introduction

The Welsh Government is consulting on ending the sale of energy drinks to children under 16. Research suggests that preventative action may be needed to protect young people from associated health harms from consumption of energy drinks.

Although formulations vary, energy drinks are soft drinks that often contain higher levels of caffeine than other soft drinks and may also contain a lot of sugar. Research shows that up to a third of children in the UK are consuming at least one energy drink a week, with high levels of consumption linked to headaches, sleep problems, alcohol use, smoking, irritability and school exclusion. The average sugar content in one drink can also contain more than an adult's entire maximum daily recommendation for sugar intake in the UK.

Although retained EU legislation is in place to require that all energy drinks are labelled to make clear they are not recommended for children, pregnant or breast feeding women, no restrictions on their sale are currently in place. Legally anyone can purchase an energy drink and there is no limit to the number you can purchase.

Many larger retailers and supermarkets have voluntarily stopped selling energy drinks to under 16s. Whilst we recognise the efforts of retailers who have already acted, there are still many retailers who continue to sell these drinks to children.

Despite efforts to limit purchase to children through labelling and voluntary measures, we have not seen a decline in consumption amongst children.

On the contrary, a growing market of cheap energy drink brands in other outlets, often close to schools, has led to a rapid rise in recent years in their consumption among children. Some children are skipping breakfast and are instead relying on energy drinks to provide a quick energy boost in the morning. We want to create a level playing field to protect children's health.

Over recent years, parents, teachers, third sector organisations and young people have called for action to be taken to end the sale of energy drinks to children. A proposed ban was announced as part of the Healthy Weight Strategy – Healthy Weight: Healthy Wales, which aims to improve the food environment within Wales.

### What are energy drinks?

Energy drinks are soft drinks that contain higher levels of caffeine than other soft drinks, and may also contain a lot of sugar (though low- or zero-calorie energy drinks are available).

Under current labelling rules, any drink, other than tea or coffee, that contains over 150mg of caffeine per litre requires a warning label saying: 'High caffeine content. Not recommended for children or pregnant or breast-feeding women'.

As part of this consultation, we invite stakeholder views on whether these are the appropriate criteria to use when determining which products would be affected by any restriction on the sale of energy drinks to children.

### Caffeine levels

An average 250 ml energy drink contains a similar amount of caffeine to a 60 ml espresso. The European Food Safety Authority proposes a safe level of 3 mg of caffeine per kg of body weight per day for children and adolescents. Many energy drinks also contain other potentially active ingredients, such as guarana and taurine, and more sugar than other soft drinks.

There are concerns as to whether the health risks associated with caffeine increase when consumed by children and young people. This could be due to lower bodyweight or other biological factors unique to children and adolescents. It could also be that children have not yet developed the level of tolerance to caffeine that adults have.

Concerns around energy drink consumption primarily relate to the high caffeine content, however some large cans may contain up to 21 teaspoons of sugar, typically over three times the daily recommendation for a child.

## **Marketing**

Energy Drinks are widely available and promoted. [Marketing strategies<sup>1</sup>](#) have actively targeted certain communities, for example, using outdoor advertisements within deprived areas, and increased television exposure among young people within minority ethnic and low-income communities. Although many companies have a stance to not actively market drinks towards children, it is nevertheless clear that their appeal continues to be widespread amongst this age group.

The global energy drinks market<sup>2</sup> was valued at \$45.80 billion (approximately £37 billion) in 2020 and it expected to reach \$108.40 billion (approximately £88 billion) by 2031. It is predicted that this period will see a rise in consumption of energy drinks among teenagers.

## **Position across the world**

Since the publication of a review of related health risks by the [World Health Organisation<sup>3</sup>](#), some countries have implemented restrictions on energy drink sales. The policies include:

- a mandatory age restriction of 18 in Latvia, Lithuania and Turkey
- a mandatory age restriction of 15 in Sweden, where some sales are also restricted to pharmacies.
- the [UK Government<sup>4</sup>](#) intends to implement a mandatory age restriction of 16 in England.
- the [Scottish Government<sup>5</sup>](#) have consulted to consider restrictions.

## **The health impacts of energy drinks on children**

Evidence shows that the regular consumption of energy drinks by children is linked to negative outcomes affecting children's physical and mental health. We recognise that, whilst evidence identifying negative impacts and outcomes for children is growing, it can be difficult to demonstrate cause and effect. Despite this, it is now clear that energy drinks present a clear issue which we wish to address.

A study carried out by the [University of York and University College London](#)<sup>6</sup> analysed data from thousands of UK children in addition to reviewing evidence on energy drink consumption from around the world. It considered a range of reported effects on health, wellbeing and behaviour. It found children (age 11 – 16) who drank at least one energy drink each week were more likely to report symptoms such as headaches, sleep problems and stomach problems as well as low mood and irritability. There is also evidence of a link between energy drink consumption and educational engagement – children drinking at least one energy drink each week were more likely to report disliking school and rate their school achievement low. English data on smoking and drinking among young people (age 13 to 14) also found an association between drinking energy drinks at least once a week and alcohol use, smoking and being truant or excluded from school. A [New Zealand study](#)<sup>7</sup> of 8,500 adolescents found similar results - an increased intake of energy drinks correlated with unsafe behaviours such as binge drinking and smoking.

[A study using Wales-specific data](#)<sup>8</sup> from the Health Behaviour in School-aged Children and the Welsh School Health Research Network surveys echoed these findings - those having the energy drinks once a week or more were significantly more likely to report physical symptoms, such as trouble sleeping, headaches and stomach problems, than those who drank none. In addition, it found that boys, older children and those from a low socioeconomic group were most likely to consume energy drinks.

The sleep-related issues highlighted by these studies is of concern as sleep is crucial to health and wellbeing and is particularly important for adolescents. Young people who do not meet the recommended sleep guidelines have [almost a 60% increased risk of becoming overweight or obese](#)<sup>9</sup>.

[Energy drinks sometimes also contain high levels of sugar](#)<sup>10</sup>, on average 60% more calories and 65% more sugar than other regular soft drinks, and may therefore contribute to obesity and dental problems in children.

### **Why the focus on children?**

The consumption of energy drinks has become commonplace among children in the UK, with many using them to replace breakfast. Energy drinks provide little nutritional value and fall outside of the UK dietary recommendations, as illustrated by the Eatwell guide. Furthermore, their consumption can lead to disruption in the class and health problems for the children including sleep problems as evidenced in the previous section.

Evidence also suggests that children, especially younger children, may not be aware of the potential health implications of consuming energy drinks; [a European study](#)<sup>11</sup> found that 42% of children aged 3-9 could not confidently tell the difference between energy drinks and other soft drinks. This raises questions about whether children and their parents are aware of what energy drinks contain, specifically their high caffeine content.



## **Our proposal**

We wish to consider banning the sales of energy drinks to under 16s.

We have welcomed the leadership shown by many retailers in prohibiting sales of energy drinks to under 16s. The [UK Government estimate<sup>12</sup>](#) that around 21% of grocery stores have implemented voluntary age restrictions. We think that introducing mandatory age restrictions will help to create a level playing field across all retail settings.

We also think that alignment with the UK Government position on under 16s would be preferable and enable consistent implementation.

### **Products in Scope**

Under current labelling rules, any drink other than tea or coffee that contains over 150mg of caffeine per litre requires a warning label “High caffeine content”. We propose to use this criteria to determine which drinks should be included in any action to end the sales of energy drinks to children.

### **Businesses**

We are proposing that any restriction on the sale of energy drinks to children would apply to all retailers in Wales. This would include through online environments. This would ensure that children do not have access to energy drinks in any shop so that no particular retailer is disadvantaged. The restrictions would therefore apply to places including retail, out of home settings and wholesale outlets where energy drinks are sold to the public.

### **Vending Machines**

We are proposing that sales of energy drinks to children from vending machines are also restricted. We would wish to consider exemptions which would apply to locations that are not widely open to, or attended by, young people. This could include wholesale outlets or cafeterias and vending machines that are located in workplaces. Views are sought on how restrictions could, or if they should, be applied to vending machines that are situated in public spaces.

### **Enforcement**

We would wish to consult further enforcement proposals within a further consultation.

### **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)

**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**

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

- Yes
- No
- Not sure

**Please explain**

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

Please explain

**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**

**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.**

**References**

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- <sup>1</sup> Associations between retail food store exterior advertisements and community demographic and socioeconomic composition. Health and Place Volume 39. 2016
- <sup>2</sup> Energy drink market by type and end user. Global Opportunity Analysis and industry forecast 2020-2031. 2022
- <sup>3</sup> Energy drink consumption in Europe: a review of the risks, adverse health effects, and policy options to respond. Various authors. 2014
- <sup>4</sup> UK Government. Advancing our health: prevention in the 2020s. 2019
- <sup>5</sup> Scottish Government. Ending the sale of energy drinks to children and young people. 2019
- <sup>6</sup> Consumption and effects of caffeinated energy drinks in young people: an overview of systematic reviews and secondary analysis of UK data to inform policy. BMJ. York University. 2020
- <sup>7</sup> Energy drink consumption among New Zealand adolescents: associations with mental health, health risk behaviours and body size. Journal of paediatrics and child health. 2017
- <sup>8</sup> Sugar-sweetened beverage consumption from 1998–2017: Findings from the health behaviour in school aged children/school health research network in Wales. 2021
- <sup>9</sup> Diet and sleep physiology: Public health and clinical implications. Frontiers Frank, S. et al. (2017).
- <sup>10</sup> UK Government. Consultation on proposal to end the sale of energy drinks to children. 2018
- <sup>11</sup> EFSA. Gathering consumption data on specific consumer groups of energy drinks. 2013
- <sup>12</sup> IGD Retail Analysis. UK Grocery Store Numbers. 2018