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Consultation – summary of response

Energy Drinks

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

January 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This document provides a summary of engagement for the Energy Drinks Consultation.

Action Required

This document is for information only.

Further information and related documents

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

Contact details

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

Email: HealthyWeightHealthyWales@gov.wales

Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

[Link to the consultation documentation](#)

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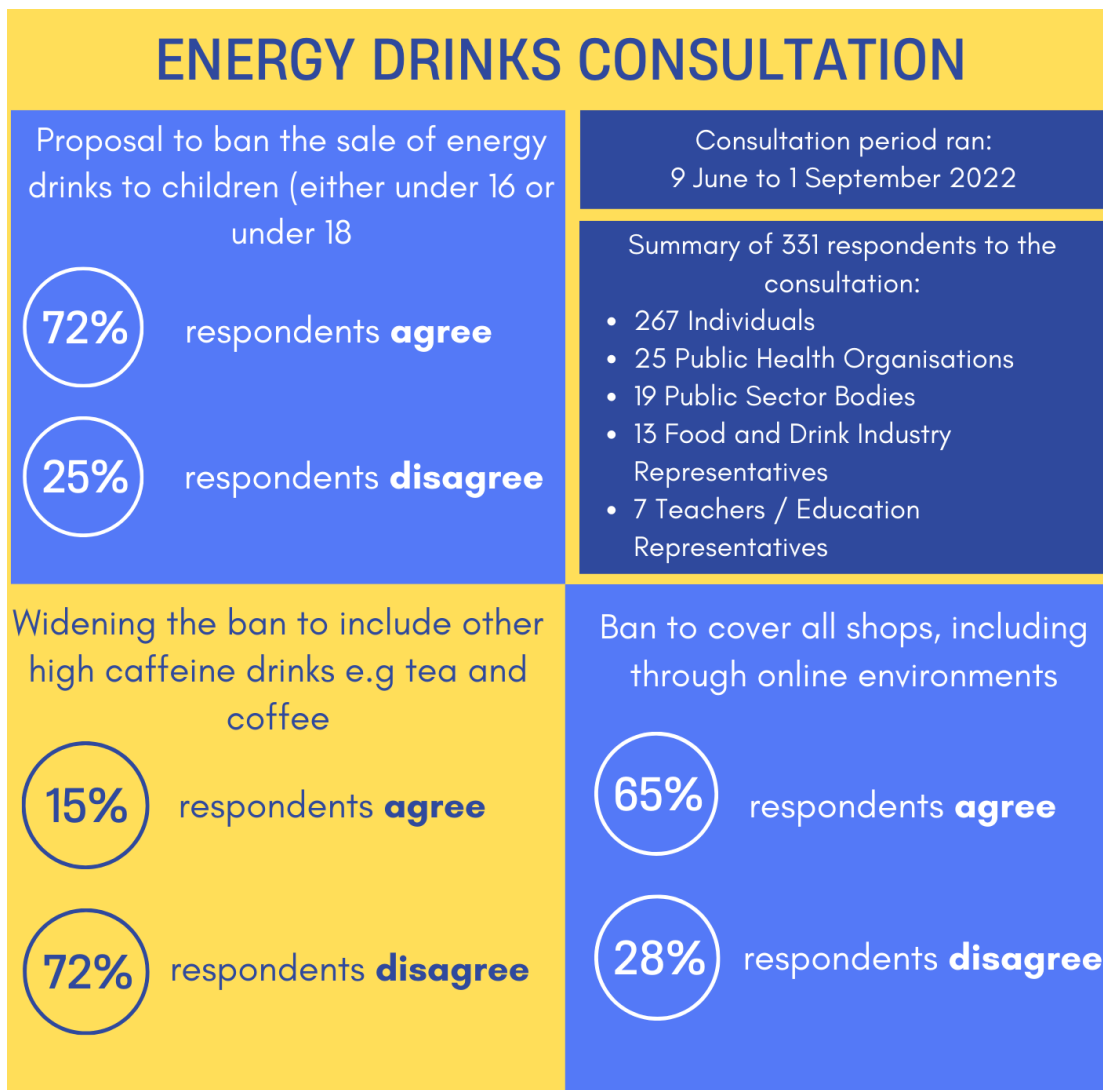
Executive Summary

- i. Energy drinks are soft drinks that contain stimulants, normally including high levels of caffeine. The drinks are readily available to children, despite some retailers voluntarily introducing restrictions.
- ii. Research shows that up to a third of secondary school age 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.
- iii. In the context of the significant public health concern this presents for Wales, the Welsh Government launched a public consultation between 9 June 2022 and 1 September 2022 to ask people to consider whether there should be a ban on the sale of high-caffeine energy drinks to children under 16. The consultation went on to ask if any ban should include vending machines and online environments, and if any ban should be widened to include tea and coffee.
- iv. In total, 331 responses to the Energy Drinks consultation were received, either via the full-length online survey, the easy read online survey or through written responses to a Welsh Government mailbox. Views amongst industry stakeholders and the general public were also captured through workshops facilitated by independent research consultants. The findings from the online consultation are set out in this report with findings from the workshops held explored separately in 'Energy Drinks - Engagement and Analysis', which is published alongside this report.
- v. The consultation asks whether respondents agree, disagree or are unsure. The percentage of respondents answering not sure or leaving the question blank is not included within the executive summary but is included within the more detailed question-by-question analysis.
- vi. Respondents were strongly in favour of the proposal to ban the sale of energy drinks to children. Most respondents thought the ban should apply to those under the age of 16, as suggested in the proposal (59 per cent). However, some respondents (13 per cent), thought the ban should be widened further to children under the age of 18, therefore bringing it into

alignment with other age-related product restrictions. This means that 72 per cent of respondents agreed in principle to a ban on selling energy drinks to children. Those in favour cited the large amounts of caffeine, sugar and artificial flavours inside energy drinks and the potential side effects this can create.

- vii. Those who engaged with the consultation were clearly opposed to the widening of the ban to other high caffeine drinks, such as tea and coffee, with 72 per cent of respondents answering 'no'.
- viii. Most respondents (65 per cent) thought the ban should cover all shops, including online environments, as a way to ensure that there was a 'level playing field' and consistency across settings, thus maximising the impact of the ban.

Figure 1 Response to the main questions within Energy Drinks Consultation



1. Introduction

Background

- 1.1 Research suggests that preventative action may be needed to protect children and young people from associated health harms from consumption of energy drinks. Research shows that up to a third of secondary school age 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.
- 1.2 Energy drinks captured by the proposal will be those that contain over 150mg of caffeine per litre. These energy drinks are already legally required to display warnings that they are not recommended for children due to their high caffeine content. A single serving of energy drink typically contains between 72mg and 150mg of caffeine, with many energy drinks brands containing two to three servings in one beverage can. Combined with the volume of certain energy drinks products, the caffeine content can be as high as 294mg per can. In comparison, a double espresso coffee contains around 80mg of caffeine.
- 1.3 As well as the high caffeine content of energy drinks, many beverages also contain a very high sugar content. A 2017 study found that regular energy drinks contain, on average, 65 per cent more sugar than other regular soft drinks. They are therefore of concern in terms of contributing to obesity and dental problems in children and young people.

Approach to Consultation

- 1.4 In the context of the significant public health concern this presents for Wales, the Welsh Government has considered the need to ban the sale of energy drinks to children. A public consultation was launched to ask people to consider issues such as:
- if people agree with the proposal to ban the sale of energy drinks for children under 16
 - whether the ban should include online sales and vending machines.
 - should any ban be widened to include tea and coffee.

- 1.5 The consultation went live on 9 June 2022 seeking views from industry representatives, NGOs and the wider public and closed on 1 September. The consultation phase provided a vital opportunity for all stakeholders to offer input ahead of further decision-making by the Welsh Government.
- 1.6 Prior to the consultation's launch, Miller Research, in collaboration with Working Word and Cazbah, was commissioned to undertake an independent consultation analysis, consisting of workshop consultations with specific groups within the general public, and analysis of the responses to the Welsh Government's online consultation.

Methodology

- 1.7 In total, 331 responses to the Energy Drinks consultation were received.
- 1.8 Most responses were sent using either the full-length or easy read online consultation form. In addition to the survey, further written responses were submitted to the Welsh Government's shared mailbox by numerous organisations and groups affected by the proposed changes. In total, there were 29 qualitative mailbox responses sent from a range of organisations, businesses and individuals.
- 1.9 Both questionnaire designs employed a combination of both open and closed questions, allowing space for respondents to provide detailed feedback, and raise any questions or relevant concerns.
- 1.10 Questions 4 to 6 are only included within the full-length consultation. The other questions are included within both the full-length and easy read consultation forms. The data for both versions of the consultation have been combined within the analysis for these questions.
- 1.11 A full breakdown of the number of responses received is outlined in table 1. The majority of survey responses came from individuals. Most of the public sector bodies that responded were local authorities. Health Boards have been categorised public health organisations.

Table 1 Summary of respondents in the consultation

| Responding on behalf of: | Number |
|------------------------------|------------|
| An individual | 267 |
| A Public Health Organisation | 25 |
| A Public Sector Body | 19 |
| Food and Drink Industry | 13 |
| Teachers/ Education Rep | 7 |
| Total | 331 |

- 1.12 Responses to the consultation were independently analysed and summarised to form the basis of this report.
- 1.13 Online consultation responses were received in an excel file, where responses were 'cleaned' and collated into a central database. The data was subsequently coded, with free text responses within the consultation questions analysed thematically to address core themes and key stakeholders' responses. Pivot tables and graphical analysis was used to quantify, visualise and summarise data from closed 'yes / no' questions.

Report Structure

- 1.14 This report is structured around the responses to each question included within the full-length and easy read consultations. Where relevant, a quantitative summary of the data for individual questions are summarised in the opening paragraph. This is followed by analysis of the written responses to the consultation from individuals, public health organisations, public sector bodies (excluding health), food and drink industry¹ and school and college representatives. Responses from those who submitted via the Welsh Government shared mailbox are also integrated into the findings.

¹ Respondents from the Food and Drink Industry include Retailers, Trade Associations, and Food and Drink Manufacturers

2. Energy Drinks: Consultation Questions 1-7

2.1 This section provides a breakdown of responses across each question of the survey. Responses have been analysed to gain a sense of overall sentiment, key themes, and areas of concern and contestation.

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

Table 2 Q1 Do you agree with the proposal to ban the sale of energy drinks to children under 16

| | Food and Drink Industry | Individual | Public sector | Education | Health | % of responses |
|--|-------------------------|------------|---------------|-----------|-----------|----------------|
| Don't know | | 3 | 1 | | | 1 |
| No – the age limit should be 18 | 1 | 36 | 1 | 4 | 2 | 13 |
| No – there should be no mandatory age restrictions | 5 | 75 | | | 3 | 25 |
| Yes | 3 | 153 | 16 | 3 | 18 | 59 |
| Blank | 2 | | 1 | | 2 | 2 |
| Total | 13 | 267 | 19 | 7 | 25 | 100 |

2.2 Most respondents (72 percent) were in favour of banning the sale of energy drinks to children. This includes 59 per cent of respondents who thought the age restriction should apply to those under 16, and 13 per cent who argued that the lower age limit should be 18.

2.3 A strong majority of individual respondents supported the ban of energy drinks to children, with many concerned with the large amount of caffeine, sugar and artificial flavourings such drinks contain. Many individual respondents were parents and felt that energy drinks had a negative impact on children's ability to concentrate and their behaviour.

2.4 For those individuals that opposed a ban, most thought that the decision to buy energy drinks should be down to the individual or their parents. They commented that the emphasis should be on education, not restrictions.

- 2.5 All of the seven respondents from the education sector supported a ban, with most thinking that the lower age limit should be 18. Comments emphasised the harm that energy drinks can cause to young people.
- 2.6 Respondents from public health and the other public sector organisations were also overwhelmingly in favour of restricting the access of energy drinks to children, with most thinking the restrictions should be for those under 16 years of age. Typical comments noted the negative health effects associated with energy drinks, their addictive properties, and the low level of awareness of these risks among children and young people. Specific health issues raised include the risk of tooth decay and obesity. It was noted by one public health sector organisation that there should be consistency between other health related age restrictions such as the purchase of cigarettes, alcohol, and gambling which are prohibited under the age of 18.
- 2.7 The majority of food and drink industry respondents opposed the ban outright. Respondents acknowledged a risk from energy drinks for children but thought that the existing requirement for energy drinks to carry a warning alongside voluntary measures in place to stop the sale of energy drinks to children were sufficient. One food and drink industry respondent thought that there is “insufficient scientific evidence to support such a ban”. It was also felt that the sales ban would not address most of the caffeine content in a wide range of other beverages that are consumed by children. It was noted that, if a ban were introduced, imposing an age restriction of 18 would be less challenging to implement due to the availability of official age verification schemes.

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

Table 3 Response to Q2

| | Food and Drink Industry | Individual | Public Sector | Education | Health | % of responses |
|--------------|-------------------------|------------|---------------|-----------|-----------|----------------|
| No | 8 | 197 | 13 | 4 | 16 | 72 |
| Not Sure | 1 | 26 | 3 | | 4 | 10 |
| Yes | 2 | 41 | 1 | 3 | 4 | 16 |
| Blank | 2 | 3 | 2 | | 1 | 2 |
| Total | 13 | 267 | 19 | 7 | 25 | 100 |

- 2.8 There was a clear consensus overall that the ban should not be widened to include tea and coffee, with 72 per cent of respondents answering 'no'.
- 2.9 Most individuals were opposed to widening the ban and argued that children are not attracted to drinking tea and coffee in the same way as energy drinks. It was noted that many older children may help with the weekly shop, perhaps as carers, and should not be stopped from buying household staples. It was also argued that the amount of caffeine in tea or coffee is normally much less than contained in energy drinks.
- 2.10 Individuals who thought the ban should be extended felt that a consistent message was important. They also raised concerns that coffee shops, and sugary coffee drinks, are appealing to children. One comment highlighted that high-caffeine nootropics are heavily marketed at students and online gamers.
- 2.11 The majority of public health organisations did not agree that the ban should consider drinks such as tea and coffee. Respondents felt that such drinks contain less caffeine and sugar and are, in any case, consumed more slowly and in smaller amounts than energy drinks. There were also comments that tea and coffee is not marketed in a way that is appealing to children, and therefore does not have the same popularity.

- 2.12 There was some caution expressed by public health organisations who suggested that clear definitions were needed on what constitutes an energy drink. There were calls for further research to be conducted on other high-caffeine drinks. It was observed that there had been a rise in canned cold coffee at supermarkets, as well as high glucose coffee drinks sold in cafes. It was suggested that their consumption may increase, especially when paired with the banning of energy drinks.
- 2.13 Public sector bodies mostly thought that the ban should not encompass tea and coffee as evidence suggests that those under 16 don't drink excessive amounts, whereas some children do consume multiple energy drinks in a day. However, public sector bodies also suggested clearer labelling of all caffeinated drinks to indicate the amount of caffeine in the product against recommended levels for consumption.
- 2.14 Responses from the food and drink industry indicated that the majority disagreed with the concept of including tea and coffee within the scope of the energy drinks ban. Reasons for this were that the coffee industry has a long-standing position that it is not a product marketed towards children. It was also felt that both tea and coffee are known and well-understood sources of naturally occurring caffeine, which are safe for children if drunk occasionally and in small amounts. It was also noted that, for younger children, chocolate and cola-based drinks were the predominant source of caffeine.
- 2.15 There were a couple of respondents from the food and drink industry who agreed with extending the ban to tea and coffee. One respondent argued that the caffeine in these beverages does not differ to that present in energy drinks, and so to not include these drinks would be discriminatory and arbitrary. Another respondent argued that over 90 per cent of total daily caffeine intake in adolescents comes from sources other than energy drinks, and so tea and coffee should be fully considered.

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

Table 4 Response to Q3

| | Food and Drink Industry | Individual | Public Sector | Education | Health | % of responses |
|--------------|-------------------------|------------|---------------|-----------|-----------|----------------|
| No | 3 | 87 | | | 3 | 28 |
| Not Sure | 1 | 9 | 1 | 1 | 1 | 4 |
| Yes | 4 | 168 | 16 | 6 | 20 | 65 |
| Blank | 5 | 3 | 2 | | 1 | 3 |
| Total | 13 | 267 | 19 | 7 | 25 | 100 |

- 2.16 The majority of respondents (65 per cent) agreed that the ban should cover all shops, including online environments.
- 2.17 Individuals who agreed with the ban covering all shops, including online environments, argued that unless the ban was universal, children and young people would still be able to obtain energy drinks. from alternative places. Respondents also commented that it is currently very easy to buy energy drinks and other high-caffeine products in bulk online.
- 2.18 For individuals who disagreed with the ban including all retail settings, some commented that including online environments and vending machines in the ban would be impossible to enforce.
- 2.19 Public health organisations and public sector bodies had a very high level of support for the ban including all retail settings. They argued that children tend to be online a lot, and including online restrictions would align energy drinks with other product restrictions such as tobacco and alcohol. It was also seen as important to make sure that children could not buy energy drinks from leisure centres and sports clubs. Organisations also referenced the importance of giving serious thought as to how this would be implemented and monitored, to ensure compliance.
- 2.20 One public health organisation gathered feedback from young people on the issue, reporting that the group agreed on a consistent approach across all

environments. Organisations also referenced the importance of giving serious thought as to how this would be implemented and monitored, to ensure compliance.

- 2.21 The food and drink industry were more divided on the issue. Those in favour of the ban covering all shops, including the online environment, thought that this would provide clarity to the consumer and equity in the sector. However, others advised that establishing age verification systems that only apply to deliveries in Wales may be difficult.

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

- 2.22 The suggestion that energy drinks should not be sold in vending machines at all was common for individuals and for those within public health, the public sector and education. It was felt by many that anything other than a blanket ban would lead to underage sales and undermine the legislation. The removal of tobacco products from vending machines in Wales back in 2012 was repeatedly mentioned as a process that was successfully implemented and monitored, resulting in a wide-reaching impact, and thus could be learned from. Respondents also suggested that removing energy drinks from vending machines would mean that energy drinks could not be so easily marketed to appeal directly to children and young people
- 2.23 Other respondents, especially those from the food and drink industry argued that a ban on selling energy drinks in vending machines is not needed and would disproportionately disadvantage the majority of customers, for whom vending machines provide a convenient self-service facility.
- 2.24 Many respondents suggested that a ban could depend on the setting. Exemptions to the ban could be in place for locations that are predominantly adult. These could include workplaces, wholesale outlets, retail outlets and cafeterias. Whereas the ban would apply in locations such as schools, hospitals and public leisure centres. The adherence of public sector premises to follow healthy vending guidelines was cited as particularly important to those within public health and public sector. Those from the

food industry suggested that, if a ban is implemented, including exemptions would reduce the impact on sales and allow access for adult consumers.

2.25 If vending machines continue to sell energy drinks, it was widely acknowledged that there is no simple age verification solution that can be applied. There were, however, some suggestions as to how children could be excluded or discouraged. These included:

- clear and consistent signage highlighting the health warnings and age restrictions on the sale of these products
- vending machines requiring a token, which are sold in person
- vending machines in sight of staff who can monitor usage and products purchased
- vending machines requiring bank or credit card payment.

Question 5: Do you think the proposals in this consultation document might have an effect on those living in rural areas, specific socio-economic groups, children and young people, equality in relation to protected characteristics?

Socio-Economic Groups

2.26 Individual respondents commented that those in poorer areas would be more impacted by the ban than those living in more affluent areas as children and young people from lower socio-economic groups are more likely to purchase energy drinks.

2.27 Many public sector and public health organisations also commented on the link between energy drink consumption and lower-economic status. A public sector organisation referenced a study that showed that those receiving free school meals were more than twice as likely to drink energy drinks regularly. In addition, those from lower socio-economic groups are also more likely to have higher rates of obesity and tooth decay. By preventing the sale of energy drinks to children and young people, there is the potential to have a positive impact on the prevalence of healthy weight and good oral health in

the population as a whole, and to reduce health inequalities for these conditions.

Race

- 2.28 A public health organisation noted that people from Black African, African Caribbean, and South Asian backgrounds are at a higher risk of developing Type 2 diabetes from a young age compared to White populations. The proposed ban on energy drinks, with their often high-sugar content, would have a positive impact on these communities.

Sex

- 2.29 It was highlighted by several public health organisations that the ban would have a positive effect on male health as young males predominantly consume a higher amount of energy drinks than females. One public health respondent provided an example of a systematic review which concluded that males are more likely to consume higher amounts of energy drinks than females.

Age

- 2.30 Several individual respondents stated that the ban would negatively affect young people as it would limit their freedom of choice. It was suggested that this ban could result in a culture of older age people and adults purchasing energy drinks for younger people. There was also concern regarding the effect the ban would have on young people with diabetes who sometimes require urgent access to sugary drinks, such as energy drinks, to maintain their blood sugar levels.
- 2.31 Other individual respondents as well as many public sector and public health respondents stated that this would have a positive impact on young people and children. Reducing the amount of caffeine and sugar consumed would be beneficial for children's physical, mental and oral health, as well as improving behaviour.
- 2.32 One food and drink industry respondent noted that the introduction of a sales ban would have a negative impact on children. A ban could make energy drinks more appealing to children or they may turn to substitute products

such as coffee drinks, which in their view have higher caffeine and sugar content.

Question 6: What effects might the consultation have on the Welsh language?²

- 2.33 There was a general consensus amongst respondent that the proposed ban on energy drinks would not have an effect on the Welsh language. However, many respondents did note potential future opportunities for inclusivity through the use of bilingual messages.
- 2.34 Several individual respondents noted that there should be bilingual signage to notify consumers of the ban on energy drink sales to under 16 year olds. It was also highlighted that there are opportunities to use Welsh-specific terminology or catchphrases in awareness raising campaigns.
- 2.35 Public sector and public health organisation respondents also stated that there is no direct impact on the Welsh language. However, they highlighted that any associated communications or campaigns should comply with the Welsh Language Standards. There was a suggestion that there could be dialogue with the manufacturers of vending machines to create space for bilingual instructions on the machines in Wales.

Question 7 Additional comments

- 2.36 Many of the individual respondents who had responded to the online survey noted the negative effects that energy drinks have on young people. These include weight gain and tooth decay caused by the high sugar content of many energy drinks. They also included behavioural issues such as hyperactivity and reduced concentration.
- 2.37 Individual respondents also suggested that alongside the proposed ban, there should be continuous efforts to build children and young people's knowledge and understanding around the adverse health outcomes from

² This is a mandatory question included in all Welsh Government consultations.

consuming energy drinks. This could be built into school lessons or more informal programmes such as the 'Food and Fun' School Holiday Enrichment Programme.

- 2.38 Other individuals thought that the harms associated with energy drinks had been exaggerated and that energy drinks might have benefits, such as “useful for school children when playing sports”. They thought that educating children about the potential health impacts of energy drinks would be better than a ban.
- 2.39 A teacher highlighted that the consumption of energy drinks has negatively impacted children’s learning development, with energy drinks noticeably worsening the behaviour of their students.
- 2.40 A public health organisation respondent noted that the high levels of caffeine in energy drinks contribute to a wide range of health issues. They would welcome further research into the consumption of heavily caffeinated products by children and suggested an ongoing impact assessment of any ban on the sale of energy drinks to children. A further suggestion recommended that any awareness raising campaign should also promote alternative healthier behaviour, such as drinking water.
- 2.41 Public sector organisation respondents were keen to emphasise that any regulations introduced must be aligned with restrictions in other parts of the UK to ensure ease of implementation and consistency. for businesses that retail high energy drinks in England and Wales.
- 2.42 Food and drink organisations highlighted that it was important that any legislation that comes into effect regarding the ban of energy drinks to children is clear and details that the mandatory sales ban applies to only to high-caffeine stimulant drinks and not all drinks in the wider energy sub-category. It was also noted that a minimum of 12 months would be an appropriate implementation period for the introduction of a new statutory age restriction for energy drinks. This would provide sufficient time to communicate the new regulations with employees and raise awareness amongst consumers to ensure a smooth transition.