



Llywodraeth Cymru  
Welsh Government

**Number:** WG49693

## Welsh Government Consultation and Call for Evidence

### **Proposals to make the food environment in Wales healthier**

Date of issue: 1 July 2024

Action required: Responses by 23 September 2024

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

In June 2022, the Welsh Government consulted on what action could be taken to improve the food environment in Wales and help make the healthy choice, the easy choice: [Healthy food environment | GOV.WALES](#). This included a proposal to rebalance promotions and marketing towards healthier choices to increase the affordability of healthier options, by introducing restrictions on the promotion and placement of foods and drinks high in fat, salt and sugar (“HFSS”). We also consulted separately on a proposal to restrict the sale of energy drinks to under 16s: [Proposal to end the sale of energy drinks to children under 16 | GOV.WALES](#).

Following on from those consultations, this publication seeks to:

1. Consult on the proposed draft text of the Food (Promotion and Placement) (Wales) Regulations 202X and the policy proposals for the intended enforcement approach to restrictions on the promotion and placement of HFSS products in Wales. We intend to lay the draft Regulations before the Senedd for approval by the end of 2024, with a 12-month implementation period before they come into force.
2. Gather and bring together information and evidence, through a call for evidence, in relation to the consumption of energy drinks by children.

## How to respond

Submit your comments by 23 September 2024, 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:

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Email: [HealthyWeightHealthyWales@gov.wales](mailto:HealthyWeightHealthyWales@gov.wales)

This document is also available in Welsh: <https://www.llyw.cymru/archwilio-cynigion-i-wneud-yr-amgylchedd-bwyd-yn-iachach>

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The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation or call for evidence.

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. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation and call for evidence are about or planning future consultations. In the case of joint consultations this may also include other public authorities. 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 Part 1 of this publication, 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 and that the Welsh Government may be under a legal obligation to disclose some information.

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.

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Under the data protection legislation, you have the right:

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- 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:

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

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

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## Ministerial Foreword

I am pleased to launch this publication which seeks to consult on the proposed enforcement approach under, and a draft text of, the **Food (Promotion and Placement) (Wales) Regulations 202X** and which sets out a separate call for evidence in relation to the impacts of energy drink consumption in children

In Part 1 of this publication, the consultation marks an important step towards delivering the ambitious suite of measures we consulted on during our [Healthy Food Environment consultation](#) in June 2022.

Over 60% of the population is living with obesity or overweight. We know that obesity and overweight is associated with many physical and mental health problems across our life course. I intend for this to be the first in a package of measures to improve the health of our food environments across Wales and to support the public to live healthier lives.

As a nation, the food choices we are led to make contain too many calories and are too high in fat, sugar and salt. We want to support individuals to make healthier choices by restricting the promotion of food and drink which is high in fat, sugar and salt (HFSS) and by encouraging the promotion of healthier products.

The previous consultation in 2022 set out proposals around restricting value-based promotions of HFSS products and the placement of HFSS products at locations that encourage purchasing, both in store and online. It also sought views on healthier eating out of the home, including proposals around the restriction of free refills of sugary soft drinks.

The key purpose of this new consultation is to seek your views on the draft Regulations and policy proposals for the intended enforcement approach to these restrictions. The intention is to legislate for these policies using powers under the Food Safety Act 1990 and the Regulatory Enforcement and Sanctions Act 2008.

I am also taking the opportunity to call for evidence from subject matter experts on the consumption of energy drinks by children, following Welsh Government's consultation on a proposal to restrict their sale to under 16s in 2022. I am particularly interested in evidence relating to the societal impacts of energy drink consumption.

This consultation and call for evidence will close on 23 September 2024, after which we will reflect on the feedback received and publish a summary of the consultation responses. I look forward to receiving responses from as many people as possible.

**Eluned Morgan MS, Cabinet Secretary for Health and Social Care**

## Introduction

1. This publication is formed of two parts.

2. The purpose of Part 1 is to:

Seek your views on the proposed enforcement approach for restricting volume-based promotions of HFSS products, the placement of HFSS products at locations that encourage purchasing and free refill promotions on sugar-sweetened drinks. We also seek your views on the draft text of the Food (Promotion and Placement) (Wales) Regulations 202X (“the Regulations”) and their expected regulatory impact. The expected regulatory impact is set out in the draft Regulatory Impact Assessment (RIA) published alongside this publication.

3. It is intended that the draft Regulations will be laid before the Senedd and, subject to Senedd approval, made by the end of 2024 with a 12-month implementation window before they come into force. Supporting guidance will be co-produced with businesses and enforcement bodies ahead of this legislation being laid.

4. The Welsh Government invites responses from anyone who wishes to comment on the proposed policy and the draft text of the Regulations. We especially welcome a response from impacted food businesses and enforcement bodies.

5. The purpose of Part 2 is to:

Gather and bring together information and evidence from a range of health professionals and subject matter experts in relation to the consumption of energy drinks by children through a call for evidence.

## **Part 1: Promotion restrictions of products high in fat, sugar and salt by location and price: Consultation on draft Regulations and enforcement**

### **The overall aim of the policy**

6. We know that the food choices we make as a nation tend to be too high in fat, sugar and salt<sup>1</sup>. Retail marketing and promotional strategies can also encourage overconsumption of high fat, salt and sugar (HFSS) products that contribute to children being overweight or living with obesity.
7. The aim of this policy is to make the healthy choice the easiest choice for Welsh consumers by:
  - Restricting volume price promotions of HFSS products that evidence says can encourage overconsumption. This includes multi-buy offers (for example buy one get one free) and free refills of sugar-sweetened beverages.
  - Restricting the placement of HFSS food and drink products at key selling locations such as store entrances, checkouts and aisle ends which evidence suggests can lead to pester power and impulse purchases of HFSS products.

### **Progress to date**

8. Our previous consultation sought views on the policy itself in relation to promotion and placement restrictions. The responses to the initial consultation reflected overall public and industry support for the new policy, although responses from industry did call for a consistent approach across the UK as far as possible in implementing the measures. The previous consultation did not, however, seek views on how the restrictions could be implemented or enforced. Having considered the feedback received, the aim of this consultation is to set out specific proposals in relation to enforcement and to gather views on these.
9. We are also now using this opportunity to seek comments on the specific text in the draft Regulations, in particular from businesses and enforcement agencies who will have to comply with them. This is to ensure that the legislation is clear and unambiguous and can be implemented effectively once enacted, subject to approval of the draft Regulations from the Senedd. The proposed draft Regulations largely mirror those already partly in force in England.

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<sup>1</sup> Welsh Government. (2019). National Diet and Nutrition Survey: results for Years 5 to 9 of the Rolling Programme for Wales (2012/2013 – 2016/2017) and time trend and income analysis (Years 1 to 9; 2008/09 – 2016/17)

## Summary of the proposed legislation

10. The draft text of the Regulations restrict the promotion and placement of HFSS products in the following ways:

- **Locations restrictions** will prohibit retailers from placing HFSS products in certain locations and will apply to in store entrances, aisle ends and checkout/queueing areas and their online equivalents (for example, website entry pages, landing pages for other food categories, and shopping basket and payment pages).
- **Volume price promotion restrictions** will prohibit retailers from offering, both in store and online, promotions on HFSS products that indicate a product, or any part of a product, is free (such as "buy-one-get-one-free") and multibuy promotions, meaning the express offer of a financial incentive for buying multiple items compared with the price for buying each item separately (such as "3 for 2" offers). The restrictions will apply to promotions included on the packaging of products as well as to promotions communicated to consumers via other means. There will be a 12-month transition period from when the restrictions come into force in relation to promotions included on the packaging of products.
- **Free refill promotion restriction** will prohibit retailers and the out of home sector from offering a promotion to consumers that offers the same non-pre-packed sugar-sweetened beverage or another similar drink (including free top-ups) for free after the consumption of a first.

The draft Regulations below set out the full detail of provisions to introduce this policy. The previous consultation conducted in 2022 also considered the introduction of restrictions on other types of price promotions, such as temporary price reductions and meal deals. We are continuing to explore the options and relevant evidence in relation to these areas and the proposals remain under consideration for future legislation.

## Products in scope of the restrictions

11. Products within scope will be those which are deemed to be HFSS. The [2004/2005 Nutrient Profiling Model](#) will be used to define whether a product is HFSS.

12. As well as being deemed HFSS, products will only be in scope if they fall within certain categories. Prepacked food and drink in the following categories will be in scope of the restrictions:

- Soft drinks with added sugar that are in scope of the soft drinks industry levy
- Cakes
- Chocolate confectionery



- Sugar confectionery
- Ice cream
- Morning goods (for example pastries)
- Puddings and dairy desserts
- Sweet biscuits
- Breakfast cereals
- Yoghurts
- Milk-based drinks with added sugar
- Juice based drinks with added sugar
- Pizza
- Ready meals
- Meal centres
- Breaded and battered products,
- Crisps and savoury snacks,
- Chips and similar potato products.

13. The restrictions will also apply to free refills of sugar-sweetened drinks in the out-of-home sector (for example restaurants and coffee shops).

14. Non-pre-packed products (except for free refills of sugar-sweetened beverages in the out of home sector) and charity food sales are not within scope.

## **Businesses in scope of the restrictions**

15. Generally, the restrictions will apply to medium and large retailers (with 50 or more employees), including symbol group or franchise stores where there are 50 or more employees operating under that business name.

16. There are a number of business exemptions from all or some of the restrictions. These include:

- certain social care settings (although not including children's homes)
- military establishments
- educational institutions
- restaurants (exempt from price and location promotions, except in the case of free refills of sugar-sweetened beverages)
- retailers with a relevant shop floor space of less than 2000 square feet (exempt from location promotions only)
- micro and small businesses (49 or less employees)
- specialist businesses that only sell one type of product within the product categories within scope (exempt from location promotions only).

## **Enforcement of the Policy**

17. The initial consultation did not seek views on the enforcement of the proposed restrictions. We are, therefore, seeking views on this now and the draft Regulations which include provision to provide for a specific enforcement and sanctions regime.

#### Food Safety Act 1990

18. The Food Safety Act 1990 (FSA) permits the use of improvement notices where there is non-compliance with its measures. Such notices provide a food business with the opportunity to undertake corrective measures to ensure compliance with the Regulations. If a person fails to comply with an improvement notice, they are guilty of an offence, and this can result in the issuing of a criminal penalty under the FSA.

#### Regulatory Enforcement and Sanctions Act 2008

19. The Regulatory Enforcement and Sanctions Act 2008 (RESA) enables the Welsh Ministers to make legislative provision which provides local authorities with powers to impose fixed monetary penalties (as a civil sanction alternative) to offences committed under the FSA. RESA requires the Welsh Ministers to consult the regulator (in this case, local authorities), such organisations as appear to be representative of persons substantially affected by the proposals and such other persons as they consider appropriate. The intention of this consultation is, therefore, to fulfil that requirement.

#### Proposed approach

20. The feedback we have so far sought from industry bodies and enforcement officers has stressed the importance of ensuring consistency of approach across the UK where possible. We are therefore proposing that we mirror the enforcement approach taken by UK Government, in that:

- local authorities will be responsible for enforcing the policy (via their authorised enforcement officers). In practical terms, this will mean enforcement officers inspecting compliance with the Regulations during enforcement visits; holding supportive conversations with businesses to prevent or remedy a breach; and taking further enforcement action where necessary as outlined below.
- the enforcement process will focus on supporting compliance rather than penalising non-compliance, which is best suited.
- a range of enforcement options will be open to local authorities, for example, the option of civil penalties as an alternative to criminal penalties.

21. It is proposed that a local authority will be able to serve an improvement notice where it has reasonable grounds for believing that a business is failing to comply with one or more of the restrictions. As mentioned above, we propose to focus on supporting compliance and consider that improvement notices assist to facilitate this approach by providing businesses with the opportunity to take corrective steps before any penalty is levied. While in some cases local authorities are able to prosecute without first issuing an

improvement notice, we believe that as failure to comply with the restrictions does not pose an immediate risk to human life, the use of improvement notices in the first instance is more appropriate and proportionate. The improvement notice would have to state the local authority's grounds for believing that there has been a failure to comply, specify the matters which constitute the failure to comply and the measures which, in the authority's opinion, must be taken to secure compliance and require those measures (or measures at least equivalent to them) to be taken within such period as may be specified within the notice. If an improvement notice is contested, there will be an appeal process to the Magistrates' Court which will effectively 'stop the clock' for time allowed to comply, until the appeal has been determined. Non-compliance with an improvement notice may result in the committing of an offence, liable on summary conviction to an unlimited fine per offence. An unlimited fine is considered a more proportionate enforcement mechanism than imprisonment for this potential offence, whilst also reflecting the seriousness of non-compliance.

22. However, to ensure that penalties under the Regulations are able to address the individual circumstances of each case, we propose that failure to comply with an improvement notice also results in the option of issuing a fixed monetary penalty of £2,500, as a civil sanction alternative to prosecution, where the local authority is satisfied beyond reasonable doubt that an offence has been committed. The sum of this fixed monetary penalty aligns with existing provisions within UK Government's equivalent regulations to maintain a fair and consistent approach.
23. RESA outlines the procedure for issuing a fixed monetary penalty. Under the draft Regulations, a local authority must serve a notice of intent of what is proposed when proposing to impose a fixed monetary penalty. The Notice of Intent would include the information set out in regulation 2 of the draft Regulations. There would be an opportunity to discharge the proposed penalty if a person who receives the notice of intent pays 50% of the amount of the penalty within 28 days, starting from the day on which the notice was received. The person in receipt of the Notice of Intent could also, within the same 28-day period, make written representations and objections to the local authority in relation to the proposed imposition of the penalty.
24. After deciding whether to impose the fixed monetary penalty, the local authority may subsequently serve a final notice imposing it, if the penalty has not been discharged within the 28-day period. The final notice would include the information set out in regulation 6 of the draft Regulations. A local authority would only be permitted to serve a final notice where it is satisfied that the person would not, by reason of any defence, be liable to be convicted to the offence to which the final notice relates. A local authority would also not be able to serve any other notice under these Regulations in relation to the offence, where a final notice has been served. A person that made representations and objections, within the time limit, after being served with the notice of intent, may still discharge the penalty by paying 50% of the penalty within 14 days, starting from the day on which the final notice was received.

25. Upon receipt of a final notice, the penalty would have to be paid within 28 days or an appeal of the notice could be made to the First-tier Tribunal, on the basis of the grounds set out in regulation 8 of the draft Regulations. The final notice would be suspended pending an appeal. A person that does not appeal would have to pay an increased penalty (of 50%) if the penalty is not paid within 56 days. In the case of an appeal, if it is unsuccessful, the penalty would be payable within 14 days of the determination of the appeal and, if not paid within 14 days, the amount of the penalty would increase (by 50%). Serving a notice of intent would preclude a criminal sanction for the offence from being pursued by the local authority for 28 days after the notice of intent is received, and at any time if the person discharges liability by paying the penalty. Where a fixed monetary penalty is eventually imposed, this would also preclude a criminal sanction for the offence from being pursued.

## **Additional requirements**

### Guidance

26. Under Regulation 13 of the proposed Regulations, local authorities will be required to publish guidance about their use of the power to impose fixed monetary penalties and show due regard for the guidance when exercising their functions under the Regulations. They must also carry out consultation prior to publishing or revising such guidance. The guidance must contain information including:

- (a) the circumstances in which a fixed monetary penalty is likely to be imposed under these Regulations,
- (b) the circumstances in which it may not be imposed,
- (c) the amount of the penalty,
- (d) how liability for the penalty may be discharged and the effect of discharge, and
- (e) a person's rights to make representations and objections and their rights of appeal.

### Publication of reports

27. Under Regulation 14 of the proposed Regulations, local authorities will be required to publish a report about the enforcement action it has taken under these Regulations. The report must specify:

- a) the cases in which a fixed monetary penalty has been imposed (subject to exceptions), and
- b) the cases in which liability to the fixed monetary penalty has been discharged.

### Review

28. Under Regulation 15 of the proposed Regulations, the Welsh Ministers must from time to time carry out a review of the regulatory provisions of these

Regulations and publish a report setting out the conclusions of the review. The first report must be published within five years of these Regulations coming into force and subsequent reports must be published at intervals not exceeding five years. A report published under this regulation must:

- a) set out the objectives intended to be achieved by the regulatory provisions of these Regulations
- b) assess the extent to which those objectives are achieved
- c) assess the extent to which those objectives remain appropriate
- d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision

## **Outcome and next steps**

29. All responses received by midnight on the closing date of 23 September 2024 will be carefully considered. A summary report of consultation responses will be published on the Welsh Government website in due course after the completion of the consultation.

## **Draft Statutory Instrument**

We have published the draft Statutory Instrument this consultation refers to on our main consultation page. Please refer to 'Annex 1 – Draft Statutory Instrument'.

## Consultation Questions

Where you have particular evidence or practical experience to support your views, we would be grateful if you could provide such evidence and experience in your response to each question.

### Draft Regulations

#### **Question 1:**

Do the draft Regulations describe the promotion and placement restrictions accurately and clearly for both business and enforcement agencies to implement and enforce?

Yes

No

Don't know.

Please explain your answer. If you disagree with the proposed descriptions, please outline how you would describe the restrictions instead.

#### **Question 2:**

Do the draft Regulations describe the free refill restrictions accurately and clearly for both business and enforcement agencies to implement and enforce?

Yes

No

Don't know.

Please explain your answer. If you disagree with the proposed description, please outline how you would describe the restrictions instead.

### Aisle end restrictions

One minor difference between the proposed Regulations for Wales and the existing equivalent regulations in England is how aisle end restrictions will apply within a qualifying business' physical (in store) retail environment:

Regulation 7(1)(c)(i) of the Food (Promotion and Placement) (England) Regulations 2021 provides that a qualifying business must not place HFSS foods inside a store in a display 'at the end of (but not in) an aisle, where the aisle end is adjacent to a main customer route through the store', or 'on a separate structure (such as an island bin, free-standing unit, side stack or clip strip) connected or adjacent to, or within 50cm of, such an aisle end'.

It is proposed that, for aisle end restrictions in Wales under the Food (Promotion and Placement) (Wales) Regulations 202X, a qualifying business must not place HFSS

foods inside a store in a display 'at the end of (but not in) an aisle' or 'on a separate structure (such as an island bin, free-standing unit, side stack or clip strip) connected or adjacent to, or within 50cm of, such an aisle end'.

This means that the aisle end restrictions in Wales will apply regardless of whether an aisle end is adjacent to a main customer route through the store.

Feedback we have so far gathered from industry bodies and enforcement officers has indicated that it is difficult to determine what constitutes a 'main customer route' within individual retail settings. Whilst we remain open to mirroring UK Government's description of this restriction for Wales, our view is that extending this restriction to cover all aisle ends would support qualifying businesses and enforcement officers to understand which aisle ends are in scope of restrictions and remove the need for them to determine the main routes used by customers in specific retail settings.

**Question 3:**

Do you foresee the difference in the way that aisle end restrictions are set out in England and Wales' equivalent regulations causing any operational challenges for qualifying food businesses or enforcement officers?

Yes

No

Don't know

Please explain your answer.

**Enforcement**

**Question 4:**

Should local authorities issue improvement notices in cases of non-compliance with restrictions as the first formal action, as set out in paragraph 21 above?

Yes

No

Don't know.

Please explain your answer. If you disagree with the proposed approach, please outline what approach you would see instead.

**Question 5:**

Are there circumstances where an improvement notice may not be appropriate?

Yes

No



Don't know.

Please explain your answer.

**Question 6:**

Where a business fails to meet the terms of an improvement notice, is a fixed monetary penalty of £2,500 appropriate, as set out in paragraph 22 above?

Yes

No

Don't know.

Please explain your answer. If you disagree with the proposed approach, please outline what approach you would see instead.

**Question 7:**

Are there circumstances where a different approach might be more appropriate?

Yes

No

Don't know.

Please explain your answer. If answered yes, please explain the specific circumstance and preferred enforcement approach.

**Question 8:**

Is 28 days an appropriate period to make representations and objections or to discharge liability for a Notice of Intent, as set out in paragraph 23 above?

The RESA specifies that 28 days is the longest period that can be permitted therefore any alternative suggestions must be less than 28 days.

Yes

No

Don't know.

Please explain your answer.

**Question 9:**

Where a fixed monetary penalty has been issued, for example, for failure to comply with an improvement notice, should a person be able to discharge liability upon being issued with a fixed monetary penalty at a rate of 50% of the penalty issued, as set out in paragraph 23 above?

Yes

No

Don't know.

Please explain your answer.

**Question 10:**

Is 28 days an appropriate length of time to pay or appeal a final notice, as set out in paragraph 25 above?

The RESA specifies that 28 days is the longest period that can be permitted therefore any alternative suggestions must be less than 28 days.

Yes

No

Don't know.

Please explain your answer.

**Question 11:**

Should failure to pay or appeal a penalty within 28 days result in the penalty being increased by 50%, as set out in paragraph 25 above?

Yes

No

Don't know

Please explain your answer.

Supporting guidance

**Question 12:**

Are there any areas that need to be specified in guidance to allow businesses to implement the policy successfully?

Yes

No

Don't know.

Please explain your answer.

**Question 13:**

Are there any areas that need to be specified in guidance to allow enforcement agencies to implement the policy successfully?

Yes

No

Don't know.

Please explain your answer.

**Impact Assessments**

We have published a number of draft impact assessments alongside this consultation and would welcome your views on these.

**Question 14:**

What, if any, challenges resulting from the proposed Regulations do you feel should be further recognised within the draft Regulatory Impact Assessment, particular to your field of interest?

**Question 15:**

What, if any, positive effects resulting from the proposed Regulations do you feel should be further recognised within the draft Regulatory Impact Assessment, particular to your field of interest?

**Question 16:**

Do you have any comments on the emerging conclusions in the draft impact assessments for Welsh Language, Children's Rights, or Equality and Human Rights, and if so what evidence do you feel should be further considered particular to your field of interest to support your comments? The Equality Act 2010 prescribes protected characteristics that include age; religion or belief; race; sexual orientation; sex; gender reassignment; marriage and civil partnership; pregnancy and maternity; and disability.

Yes

No

Don't know.

Please explain your answer.

**Question 17:**

- a. What, in your opinion, would be the likely effects of the Regulations on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.
- b. Do you think that there are opportunities to promote any positive effects?
- c. Do you think that there are opportunities to mitigate any adverse effects?

**Question 18:**

In your opinion, could the Regulations be formulated or changed so as to:

- a. have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- b. mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Additional comments

**Question 19:**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

## **Part 2: Call for evidence in relation to the consumption of energy drinks by children**

### **The purpose of this call for evidence**

Welsh Government consulted on [proposals to restrict the sale of energy drinks to under 16s](#) in 2022. 72% of respondents were in favour of the proposal, particularly respondents from public health, the education sector and other public sector organisations. The majority of food and drink industry respondents, however, expressed strong opposition to a ban and felt there was insufficient evidence to support implementing age-related sales restrictions.

This call for evidence focusses on some questions related to the consumption of energy drinks in childhood that the Welsh Government would like additional evidence on. They are:

- Health impacts – including mental and physical health
- Wider Societal impacts
- Purchasing and consumption behaviours
- Marketing
- Operability and impacts of current sales restrictions
- Wider impacts to the economy
- Impacts on different groups of people.

### **Who this is for?**

Welsh Government welcomes responses from all relevant organisations in particular:

- Public Health Practitioners
- Teachers
- Academics working in the field
- Youth workers
- The retail sector in relation to operability.

### **Guidance to help you respond**

While we welcome all evidence on the subject matter, we have listed a number of areas below that we are particularly interested to hear about. You do not have to provide evidence relating to every area we have set out. Submit evidence where you have relevant knowledge.

### **Health impacts and wider societal concerns**

Evidence of the health impacts (both physical and mental) relating to the consumption of energy drinks by children, including qualitative and quantitative evidence and evidence of wider societal concerns for example, but not limited to:

Evidence of links with high-risk behaviours such as alcohol, drug or tobacco use, eating disorders, truancy.

Is the evidence you have submitted specific to a particular age group?

Yes – under 16s

Yes – under 18s

No

Not sure

### **Purchasing and consumption behaviours**

Evidence of the purchasing and consumption habits of children in relation to energy drinks, for example, compared with other caffeinated products such as tea and coffee.

Is the evidence you have submitted specific to a particular age group?

Yes – under 16s

Yes – under 18s

No

Not sure

### **Marketing**

Evidence on the impact of energy drinks marketing on children within different settings, including online.

Is the evidence you have submitted specific to a particular age group?

Yes – under 16s

Yes – under 18s

No

Not sure

### **Operability**

Evidence on the impact of voluntary bans to the sale of energy drinks to under 16s implemented by some food retailers.

Evidence on the approaches to enforcement, including how other countries have approached enforcement within different settings, including online.

### **Economic impact**

Evidence of the costs to society of energy drink consumption by children.

### **Impact of the consumption of energy drinks on different groups**

Evidence of how the following groups of children are impacted by the consumption of energy drinks:

- Those in lower socio-economic groups
- Those with protected characteristics, as set out within the Equality Act 2010
- Those living in rural areas
- Those living in urban areas

Is the evidence you have submitted specific to a particular age group?

Yes – under 16s

Yes – under 18s

No

Not sure