

Scottish Government

Ending the sale of energy drinks to children and young people: consultation

Question 1: Should sales of energy drinks to young people under the age of 16 be banned?

Yes

No – the mandatory age limit should be 18

No – there should be no mandatory age restrictions

Unsure

Other (please specify)

Please describe any factors you have taken into consideration and provide any evidence you have to support a specific age restriction.

Article 1 of the UN Convention on the Rights of the Child uses 18 as the upper boundary of childhoodⁱ and statutory guidance accompanying the Children and Young People (Scotland) Act 2014 includes all children and young people up to the age of 18ⁱⁱ. The College therefore supports the age limit being 18 in this instance, in line with legislation on the purchase of tobacco and alcohol.

In recent years there has been substantial research into the impact of energy drinks on children and young people, including WHO research which outlined the “proven negative consequences of caffeine consumption among children and adolescents, including effects on the neurological and cardiovascular systems, which can cause physical dependence and addiction. Consumption of energy drinks among adolescents is associated with other potentially negative health and behavioural outcomes such as sensation seeking, use of tobacco and other harmful substances, and binge drinking and is associated with a greater risk for depression and injuries that require medical treatment. Recent literature has also found an increasing number of problems with behaviour modification and cognitive capabilities in adolescents who use energy drinksⁱⁱⁱ.

Question 2: If implemented, are there any places where energy drinks are currently sold, that should be exempt from mandatory age restrictions?

Please explain your answer and provide any thoughts on how this could work in practice. In particular, views are sought for energy drinks sales in vending machines and those made online.

The College is a founding member of the Scottish Obesity Alliance and agrees with their submission that there should be no exemptions on the sale of energy drinks in order for the ban to be effective. The mandatory age restrictions should be applied to all retailers who operate in Scotland, including online businesses and Out of Home sectors.

We believe that all sale of energy drinks from all vending machines should be banned, regardless of the age of the person buying them. This is largely because it is difficult to enforce the sale of products in any location or venue. Currently all retailers have verification processes in place for the sale of alcohol and tobacco – in store and online. These could be applied to the sale of energy drinks.

Question 3: Please comment on our proposals for enforcing any policies that are implemented. Please include any practical issues that we should consider to ensure that the enforcement of any policy implementation is done fairly and is not overly burdensome.

The College does not have the relevant expertise to comment on enforcement measures however we would highlight that all retailers have verification processes in place for the sale of alcohol and tobacco – in store and online, which could be applied to the sale of energy drinks.

Question 4: Please comment on our proposals for evaluating any requirements that are implemented.

The College supports the position adopted by the Scottish Obesity Alliance which is broadly supportive of the proposals outlined for evaluating the policy. In addition to the proposals, it would be beneficial to monitor for any unintended consequences of the energy drinks ban, for example potential substitution with other highly caffeinated or high sugar products.

For sellers only

~~Question 5: If you have implemented age restrictions for energy drinks, please describe any effect, positive or negative, that this has had on your business.~~

For sellers only

~~Question 6: If you do not have age restrictions in place for energy drinks, please describe any effect, positive or negative, that implementing such restrictions would have on your business.~~

Question 7: What, if any, impact do you think applying mandatory age restrictions to sales of energy drinks would have on businesses? Please include any anticipated differential impacts, positive and negative, on sellers, distributors and manufacturers of energy drinks.

Age verification processes already exist for the sale of other restricted products (tobacco and alcohol) to the young. A ban on the sales of energy drinks for young people under the age of 18 would be the most practical and easiest to implement for retailers building on these processes.

The introduction of mandatory age restrictions to sales of energy drinks is necessary to create a consistent approach across all retailers while protecting the health of our young people.

Question 8: What, if any, impact do you think implementing mandatory age restrictions to sales of energy drinks will have on people based on any of the following characteristics?

- Age – Sex – Race – Religion - Sexual orientation - Pregnancy and maternity – Disability - Gender reassignment - Marriage or civil partnership - Socioeconomic disadvantage

Please consider potentially positive, negative and differential impacts, supported by evidence, and, if applicable, advise on any mitigating actions we should take.

As an age related proposal, this will impact on children and young people based on their age and would be most likely to have a positive impact on their health outcomes.

Question 9: Please outline any other comments you wish to make.

Public health information campaigns in schools as well as in the general public would help support a

change in behaviour and reduce excess consumption of energy drinks by children, particularly in the home.

ⁱ <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

ⁱⁱ Page 5 <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2016/12/statutory-guidance-part-3-childrens-services-planning-children-young-people/documents/00512307-pdf/00512307-pdf/govscot%3Adocument/00512307.pdf>

ⁱⁱⁱFront. Public Health, 14 October 2014 | <https://doi.org/10.3389/fpubh.2014.00134>