

# **Report to the Tyne and Wear Trading Standards Joint Committee**

**1<sup>st</sup> November 2018**

## **Consultation on Proposals to Restrict the Sale of Energy Drinks**

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**Anneliese Hutchinson, Service Director, Communities and Environment,  
Gateshead Council**

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### **Purpose of the report**

To update the Committee on the response provided by Government to the various concerns related to the sale of energy drinks.

### **The Issue**

1. 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).
2. 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'.
3. Evidence suggests that excessive consumption of energy drinks by children is linked to negative health outcomes; affecting children's physical and mental health, as well as sleep latency and duration.
4. Research has found that adolescents (aged 12-18) who consume energy drinks several times a day are 4.5 times more likely to report experiencing headaches, 3.5 times more likely to report sleeping problems, and 3.4 times more likely to report experiencing tiredness than adolescents who do not consume energy drinks.
5. A separate study found that 34% of adolescents who consumed energy drinks said that their ability to concentrate at school was affected by not getting enough sleep, compared to 18% for non-energy drink users.
6. Evidence has also linked energy drink consumption with depressive symptoms, emotional difficulties and lower well-being among children and adolescents; one study found that depressive symptoms were 11% higher and 'total difficulties' were 25% higher in those who consumed energy drinks 4+ times a week compared to those who never consumed energy drinks.
7. Those who work with children are expressing concern about the effects that energy drinks are having on children. A recent survey by the NASUWT teaching union, for example, found that more than one in ten (13%) teachers and school leaders identified energy drinks as a key contributor to the poor behaviour they had witnessed.

8. Energy drinks sometimes also contain high levels of sugar – one study found that regular energy drinks contain, 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.

### **Levels of energy drink consumption among children**

9. Manufacturers are currently required by European Union law to label all energy drinks containing over 150mg of caffeine per litre as 'not recommended for children'.
10. Despite the warning labels, children are still consuming these drinks; recent evidence shows that more than two thirds of UK children aged 10-17, and nearly a quarter of those aged 6-9, are energy drink consumers.
11. What's more, adolescents (aged 10-17) who drink energy drinks are drinking, on average, 50% more than the EU average for that age group. Though some of these children may only have an energy drink occasionally, data tells us that a quarter of children who consume energy drinks will have three or more in one sitting – potentially meaning that some children are consuming very large amounts of caffeine in one go.
12. Evidence also suggests that children, especially younger children, may not be aware of the potential health implications of consuming energy drinks; a European study 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.

### **Retailers Voluntary Ban**

13. Many larger retailers and supermarkets have voluntarily stopped selling energy drinks to under-16s. However, there are still many retailers who continue to sell these drinks to children.

### **Consultation**

14. The Government issued a consultation in August 2018 on a proposal to introduce new legislation to tackle the sale of energy drinks.
15. The Government set out its view in the consultation that legislating to end the sale of high-caffeine energy drinks to children would create a level playing field for businesses and create consistency, helping ensure that children do not have access to energy drinks in any shop.
16. This consultation closes at 11:59pm on 21 November 2018

## **Age limit**

17. The Government is consulting on whether the age limit for an end to sales of energy drinks to children should be 16 or 18 years of age.
18. A number of retailers, including all major supermarkets, have already stopped the sale of energy drinks to under-16s. An age limit of 16 would therefore be consistent with existing voluntary limits that many retailers have already applied.
19. However, 16 and 17- year olds are the highest consumers of energy drinks. Furthermore, the age of 18 is widely recognised as the age at which one becomes an adult, gaining full citizenship rights and responsibilities, and is also the age limit for purchasing other age-restricted substances, such as tobacco and alcohol. Other countries that have already ended the sale of energy drinks to children, such as Latvia and Lithuania, have used 18 as the age limit.

## **Businesses in scope**

20. The proposal is that any restriction on the sale of energy drinks to children would apply to all retailers in England, including both on-site and online sales. This is to ensure that children do not have access to energy drinks in any shop, and that no particular retailer is disadvantaged.

## **Vending machines**

21. The Government is also proposing that sales of energy drinks to children from vending machines should be restricted.
22. As adults may also buy energy drinks from vending machines, Government is consulting on how sales from vending machines could be restricted in a way that is proportionate.
23. The consultation suggests three possible approaches for restricting sales from vending machines:
  - Prohibiting all sales of energy drinks from all vending machines, regardless of the age of the person buying them;
  - Imposing age restrictions on sales of energy drinks from vending machines, to be enforced by the businesses or organisation on whose property the vending machine is located; or
  - Prohibiting sales of energy drinks from vending machines in specific locations with high child footfall, for example educational establishments, sports centres and youth centres.

## **Response to the Consultation**

24. A response to the consultation will be submitted on behalf of the region by the North East Trading Standards Association.
25. The Committee is asked to note the information as contained within the report.

## **Reference**

<https://www.gov.uk/government/consultations/ending-the-sale-of-energy-drinks-to-children>

## **Recommendation**

26. The Committee is asked to note the information.

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Contact: David Ellerington, Newcastle Council on 0191 2116119,  
david.c.ellerington@newcastle.gov.uk

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