



The Association of Directors of Public Health

Consultation on proposal to end the sale of energy drinks to children

The Association of Directors of Public Health (ADPH) is the representative body for Directors of Public Health (DsPH) in the UK. It seeks to improve and protect the health of the population through collating and presenting the views of DsPH; advising on public health policy and legislation at a local, regional, national and international level; facilitating a support network for DsPH; and providing opportunities for DsPH to develop professional practice.

The Association has a rich heritage, its origins dating back 160 years. It is a collaborative organisation working in partnership with others to maximise the voice for public health.

Summary

The ADPH welcomes the opportunity to respond to the Department of Health and Social Care's consultation on the proposal to end the sale of energy drinks to children. The evidence put forward in the consultation offers a compelling case for ending the sale of energy drinks to under 18s to reduce harm to UK children, who are amongst the highest consumers of energy drinks in Europe.

Recommendation

- **The ADPH supports the age of prohibition being set at 18 and would like to see advice and guidance available to children and young people – and their parents – about how to improve and maintain energy levels in healthy ways.**
- **Sales of energy drinks from all vending machines should be prohibited, regardless of the age of the person buying them.**
- **There needs to be a procedure in place to ensure that businesses are doing what is required of them and that enforcement action is taken against any business not complying.**

1. **Should businesses be prohibited from selling high-caffeine energy drinks to children?**

Yes. We are deeply concerned about the levels of harm to children and young people caused by energy drinks and welcome new approaches to harm reduction, including prohibition of energy drinks. The evidence set out in the consultation document paints a worrying picture of the links between excessive consumption of energy drinks and negative health outcomes; affecting children's physical and mental health. Of course, the consequences reach wider than health and wellbeing, including impacting upon behaviour at school. Clear action is needed from the Government to tackle the unacceptable risk excessive energy drink consumption poses to the public health of children and young people.

Recommendation: The ADPH supports the age of prohibition being set at 18 and would like to

see advice and guidance available to children and young people – and their parents – about how to improve and maintain energy levels in healthy ways.

- 2. Are there any other approaches that you think should be implemented instead of, or as well as, a prohibition on sales of energy drinks to children, in order to address the issue of excess consumption of energy drinks by children?**

In addition to the prohibition, the Government must also ensure advice and guidance is available to children and young people – and their parents - about how to maintain sufficient energy levels without excessive consumption of energy drinks.

- 3. Which age limit would be most appropriate for a prohibition on sales of energy drinks to children?**

- 16 years old
- 18 years old
- Other (please specify)

We think the age limit of 18 years old is the most appropriate option; mirroring the age adopted by other countries and the recognised age at which people become adults in the UK. We also note that 16 and 17 year olds are the biggest consumers of energy drinks amongst children.

- 4. Should a prohibition on sales of energy drinks to children apply to any drink that contains over 150mg of caffeine per litre, except coffee and tea?**

We agree that this prohibition should apply to any drink that contains over 150mg of caffeine per litre, except coffee and tea.

- 5. Should a prohibition on sales of energy drinks to children apply to all retailers who operate in England, including online businesses and the out-of-home sector (cafes, restaurants, takeaways and so on)?**

Yes, this prohibition should be comprehensive and seek to reduce harm across all settings where under 18s might be present.

- 6. Should children be prevented from buying energy drinks from vending machines?**

Yes, we support preventing children from buying energy drinks from vending machines. In response to a recent survey of teachers by Children’s Food Campaign many reported that despite most major supermarkets and retailers introducing voluntary bans to stop selling energy drinks to under-16s, young people were still buying them from vending machines.

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

- All sales of energy drinks from all vending machines should be prohibited, regardless of the age of the person buying them.

- Sales of energy drinks from vending machines should be subject to age restrictions, to be enforced by the businesses or organisation on whose property the vending machine is located.
- All sales of energy drinks from vending machines should be prohibited in specific locations with high child footfall, for example educational establishments, sports centres and youth centres.
- Other approach (please give details of the approach you are suggesting).

We support option one: sales of energy drinks from all vending machines should be prohibited, regardless of the age of the person buying them. We believe the overriding priority should be to reduce harm to children and that this is both a radical and practical way of achieving this.

8. If the sale of energy drinks to children is prohibited, would 12 months be an appropriate implementation period for all businesses?

Yes, that seems a reasonable timeframe to enable businesses to adjust to the new arrangements and ensure they are fully compliant. A robust approach to enforcement will need to be established, with sufficient funding from the Government to make it work effectively.

Recommendation: There needs to be a procedure in place to ensure that businesses are doing what is required of them and that enforcement action is taken against any business not complying.

9. If you are a business selling energy drinks, have you already imposed limits on sales to children?

N/A

10. If you have not already limited sales of energy drinks to children, have you committed to do so or are you planning to do so in future?

N/A

11. If you have already limited sales of energy drinks to children, have you faced any obstacles in implementing this effectively?

N/A

12. If you have already limited sales of energy drinks to children, please explain how this has affected your business, either positively or negatively, providing supporting evidence where possible.

N/A

13. If you have any suggestions for how this requirement could be enforced in a way that is fair and not overly burdensome, please provide details.

N/A

- 14. If you have any further evidence or data you wish to submit for us to consider for our final impact assessment, please provide it here.**

N/A

- 15. If you have any further evidence or data that you would like to submit specifically on the likely cost that may occur to your business as a result of the proposal, please provide it here.**

N/A

- 16. Are there any other potential impacts of restricting the sale of energy drinks to children that you think we should consider?**

N/A

- 17. Do you think that this proposal would be likely to have an impact on people on the basis of any of the following characteristics?**

- Age
- Sex
- Race
- Religion
- Sexual orientation
- Pregnancy and maternity
- Disability
- Gender reassignment
- Marriage/civil partnership

- 18. Do you think this proposal would help achieve any of the following aims? - Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.**

- Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.
- Where applicable, please provide more detail on how you think the measure would achieve these aims.
- If you do not think this proposal would help achieve any of these aims, please explain why and whether the proposal could be changed to help achieve these aims.

No comment.

- 19. Do you think that this proposal would be likely to have any impact on people from lower socio-**

economic backgrounds?

We expect this prohibition to have a positive impact on all children who excessively consumer energy drinks; they will experience the dual benefit of saving money and improving their health and wellbeing.

Children and young people growing up in deprived circumstances are at greater risk of mental ill health and suicide, tooth decay, teenage conception and being overweight or obese. Measures like the prohibition on energy drinks to under 18s are essential in helping to reduce health inequalities.

20. 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.

No further comment.

**Association of Directors of Public Health
November 2018**