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Ending the Sale of Energy Drinks to Children and Young People

Children in Scotland

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.

By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced and independent voice. We create solutions, provide support and develop positive change across all areas affecting children in Scotland.

We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

Children in Scotland is pleased to respond to the consultation on Ending the Sale of Energy Drinks to Children and Young People. We conduct a range of work aimed at supporting the health and wellbeing of children and young people. A key strand of our work is Challenging Inequalities Through Food which aims to ensure that all children, young people and families are able to access healthy food and drinks across the whole year. Much of this work looks at tackling underlying causes of food insecurity and consumption of unhealthy products.

Our response to the consultation will focus on how regulation of the sale of energy drinks to children and young people can be used to support Scotland's public health objectives. It is worth highlighting here that Article 18 of the UNCRC states that all children 'have a right to enjoy the highest attainable standard of health'¹.

Underpinning our view is the need to tackle health inequalities. We know that consumption of products that are damaging to health and wellbeing is often socially patterned. It is therefore important that Scottish Government interventions of this nature are supported by ongoing action to tackle the social determinants that drive this consumption, including poverty, inequality and place.

Children in Scotland believes that the health needs of children and young people should take precedence over the needs of business. While we appreciate the need for a supportive environment for industry, we believe that the regulatory

¹ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

environment within which they operate should in this instance be focused on supporting health and wellbeing.

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

Yes. Children in Scotland believes that the sale of energy drinks to young people under the age of 16 should be banned. However, we believe this should go further and look to restrict the sale of energy drinks to young people under the age of 18.

The Scottish Government's consultation document lays out a persuasive case for the mandatory restriction of sales of energy drinks to young people. It is clear that energy drink consumption can affect health and wellbeing, including contributing to sleeping problems². The consultation paper also highlights the link between poor sleep and educational attainment, concentration and perceived quality of life³. It is clear therefore that restricting the sale of energy drinks is a positive public health measure in the same vein as restricting sales of cigarettes or alcohol, or implementing a sugar tax.

While it is clear that restricting sales to children and young people under the age of 18 will not stop consumption of energy drinks completely, evidence from other public health interventions suggest it should contribute to a reduction in the health risks⁴. Restrictions of sales to those under the age of 18 would also ensure policy alignment with restrictions of cigarettes and alcohol and ensure a consistent approach to child and adolescent health. We believe these measures should have a positive effect across the range of health issues identified above.

Scotland has some of the widest health inequalities in Europe. There is a range of evidence to suggest that many of the indicators of these inequalities are already prevalent in childhood and adolescences⁵. European research has shown a link between lower socio-economic status and higher rates of consumption of energy drinks⁶. Research in England has shown a positive association between consumption of energy drinks with receipt of free school meals⁷. Given the range of health concerns highlighted above, energy drinks are likely to contribute to poorer health outcomes among groups with higher rates of consumption^{8,9}. Therefore, we expect the policy to have a disproportionate impact on and benefit for children and young people from these backgrounds.

We would encourage the Scottish Government to commission further quantitative research in this area to explore the association between socio-economic status and energy drink consumption in Scotland. We also believe that further qualitative research to explore the reasons for increased rates of consumption would be beneficial.

² DHSC Reviews Facility, Brunton, G. et al. (2019). Caffeinated energy drinks and effects in UK young people: A secondary analysis of population-level datasets. Available at: <http://eppi.ioe.ac.uk/cms/Default.aspx?tabid=3751>

³ Huhtinen, H., Lindfors, P. & Rimeplä, A. (2013). Adolescents' use of energy drinks and caffeine induced health complaints in Finland. European Journal of Public Health, 23. Available at: <https://doi.org/10.1093/eurpub/ckt123.050>

⁴ <https://www.ashscotland.org.uk/what-we-do/supply-information-about-tobacco-and-health/resources/national-evaluation-of-scotlands-smoke-free-legislation.aspx>

⁵ https://www.rcpch.ac.uk/sites/default/files/2018-05/state_of_child_health_2017report_updated_29.05.18.pdf

⁶ https://oushi.upol.cz/wp-content/uploads/2018/04/2017_Regular-energy-drink-consumption.pdf

⁷ Brooks F, Klemera E, Magnusson J, Chester K (2018) Young People and Energy Drink Consumption in England. Univ. Hertfordshire, Hatf. 1–16

⁸ <https://www.gov.scot/publications/scottish-schools-adolescent-lifestyle-substance-use-survey-salsus-smoking-report-2018/>

⁹ https://www.rcpch.ac.uk/sites/default/files/2018-05/state_of_child_health_2017report_updated_29.05.18.pdf

However, we also would encourage the Scottish Government to take sustained action to tackle the underlying causes of higher level of consumption of unhealthy products, such as poverty and inequality. As we have argued above, cigarette consumption and consumption of unhealthy food produce is linked to experience of poverty and inequality. Without action to tackle the underlying causes of why young people consume products like energy drinks, there is a risk that any move to restrict purchases will fail to improve health. While it may restrict consumption of a particular product, in this case energy drinks, we are concerned young people may simply choose another product that is equally damaging to their health.

If mandatory restrictions are not put in place, we would encourage the Scottish Government to consider other measures to restrict purchase of energy drinks such as price increases through taxation. If such measures are taken then all tax income must be ringfenced for public health spending.

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.

Children in Scotland does not see any reason why certain places should be exempt from mandatory restrictions on the sale of energy drinks. As outlined in our response to Question 1 we believe that restricting the sale of energy drinks is an important public health intervention that will have a range of important health benefits. As such we do not believe that any exemptions should be made.

While restricting sales through vending machines may impact on the purchase of energy drinks for those over the age of 18, Children in Scotland believes this is a reasonable trade-off for the full implementation of the restriction of sales to those under 18. Alcohol and cigarettes are not currently sold in vending machines and we believe similar measures should be used in this context.

While it is also complex to restrict the sale of products to under 18s online, we believe a similar approach to the age verification system for the purchase of alcohol online should be used. It is not clear to us that online purchase of alcohol is used to contravene age restrictions on the purchase of it, therefore we see no reason why such a breach would occur with purchase of energy drinks.

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

As we have articulated previously in this response, we believe it would be of value to consider how consumption of energy drinks is affected by socio-economic status. The evaluation of the policy should consider this issue and explore whether the policy has had a differential impact across different socio-economic groups. We would also encourage a qualitative aspect to the evaluation exploring what drives consumption of energy drinks among young people, particularly those in groups with higher rates of consumption, to provide an understanding of specific causes of this and to gather robust data on other methods of support that may help reduce consumption of health-damaging products.

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?

Please see our response to Q1.

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

It would be of value for the Scottish Government to conduct an additional Child Rights and Wellbeing Impact Assessment (CRWIA) to consider how the proposals will impact on the rights and wellbeing of children and young people. As we have outlined previously in this response, we believe the plans will have a positive impact on the health and wellbeing of children and young people. It would support the policy to have a systematic assessment of this, both to provide an understanding of the benefits but also to give a benchmark for the assessment of impact in the future.

We have also consistently called for restrictions on marketing and advertising of unhealthy food products to children and young people. We endorse the position of the Scottish Obesity Alliance and believe this restriction should extend to energy drinks. Recent research by Cancer Research UK highlighted that children and young people were 2.5 times likely to consume an energy drink after seeing an advert selling the product¹⁰.

If you have any questions about this response please contact, Amy Woodhouse, Head of Policy, Projects and Participation, awoodhouse@childreninScotland.org.uk, 0131 313 8810

¹⁰ Thomas, C. Hooper, L. Rosenberg, G. Thomas, F. Vohra, J (2018) "Under Pressure: New evidence of young people's broadcast marketing exposure in the UK" *Policy Centre for Cancer Prevention, Cancer Research UK* (pdf)