

Energy Drinks Consultation response

Submission from Centre for Food Policy, City St Georges, University of London and University of Southampton

The consultation is open for 12 weeks and will close at 11:59pm on 26 November 2025.

Associated government links include:

[Banning the sale of high-caffeine energy drinks to children - GOV.UK](#)

[Banning the sale of high-caffeine energy drinks to children: impact assessment](#)

[Regulatory Policy Committee](#) (previous impact assessment in 2019)

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Summary

This consultation response from the Centre for Food Policy, City St George's, University of London and the University of Southampton **strongly support a legal ban on the sale of high-caffeine energy drinks to children**. The evidence shows clear links between energy drink consumption and negative effects on children and young people's physical and mental health, including headaches, poor sleep, irritability, anxiety, and reduced academic performance. Children in more deprived communities are also more likely to consume these drinks, highlighting the **importance of this national ban to protect the health of all children and help reduce inequalities**. Our submission argues that relying on voluntary action has not been effective. Implementing a age-of-purchase ban set at 18 will protect those legally defined as children and offers the strongest approach to safeguarding their health.

We **strongly recommend that government set the age limit at 18 years** rather than 16 years to align with regulations on other harmful products and facilitate consistent implementation and high levels of compliance. We **recommend that the ban apply across all sectors**, covering physical and online sales. We highlight the importance of vending machines being prohibited from selling energy drinks because age checks are not possible on these machines.

We also **emphasise the importance of clear guidance and adequate, ring-fenced funding for enforcement** by local authorities to ensure the regulations' benefits are felt by all children.

Question 1

Do you agree or disagree with the proposal to ban the sale of high-caffeine energy drinks based on age?

- Agree

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

The Centre for Food Policy (CFP) at City St George's, University of London, and the University of Southampton (UoS) strongly agree with this policy. High caffeine energy drinks are already required to carry warning labels saying, "not suitable for children". This ban sends a strong signal that energy drinks are not for children.

A review of 57 studies involving 1.2 million children and young people shows energy drink intake is associated with increased frequency of headaches, irritation, tiredness, stomach aches; reduced sleep duration/quality; increased risk of stress, anxiety and depression; increased risk of alcohol and substance abuse; and, reduced academic performance.^[1,2] Evidence also shows sugary and low- or no-sugar energy drinks negatively impact on dental health.^[3] Children are particularly sensitive to the physiological effects of high caffeine because of their lower body weight and their ongoing development.

Research indicates adolescents from more deprived areas and lower income households were more likely to consume energy drinks than those in more affluent areas and households.^[4] Young people can easily access drinks and say voluntary restrictions do not work, with 81.8% of young people aged 13-14 consuming energy drinks, including 2-4 times per week.^[4] Protecting all children's health is essential.

Qualitative evidence shows that voluntary measures have not sufficiently prevented underage sales.^[4] Lessons from tobacco, alcohol, vapes, lottery tickets and knife control demonstrate that age regulation is a useful structural measure to protect children's health and reduce their intake of harmful products. Establishing a legal ban on sales to children aligns with parents' and children's preferences,^[4, Appendix 2] will support enforcement of bans in education settings and establish a level playing field across settings. While the voluntary restrictions enacted by some supermarkets are positive children need to be protected in all settings.

Question 2

Do you agree or disagree that the minimum age of sale for high-caffeine energy drinks should be 16 years?

- Disagree

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

The CFP and UoS disagree that the minimum age of sale should be set at 16-years-old. We strongly recommend that 18-years-old be set as the minimum age of sale for high caffeine drinks in this policy to ensure all children are protected. Latvia, Lithuania, Estonia and Poland have all legislated a ban on sale of energy drinks to children under 18 years.

An age limit of 16-years-old would not provide adequate protection to all children. 16–18-year-olds are the highest consumers of energy drinks among children.^[4] The UK legal definition of a child is under 18 years. Established tolerance limits for caffeine which underpin existing warning labels '*not suitable for children*', define children as under 18 years.^[5]

Setting the ban at 16 years increases the risk of black-market transactions between older and younger pupils in schools. Our research showed teachers were aware that students smuggled energy drinks into school and acknowledged enforcing school bans was not easy: '*I know quite a few of them still have Red Bull. They hide it in their bags very well*'.^[4]

A ban on sales to all children under 18 years is coherent with other restricted harmful products including tobacco, vapes, alcohol, lottery tickets and scratch cards. Aligning energy drinks would clearly communicate to children and carers these products are as harmful and make implementation and enforcement easier. 18-year-olds carry ID to access products like alcohol but IDs among younger children is less common. Experience from tobacco legislation suggests that a higher age limit strengthens societal norms, reduces social normalisation of intake, and limits to among children. Energy drinks are not less harmful than other products with a minimum age limit of 18 years. In recognition of these harms, some businesses already restrict sales to 18-years, including Morrisons Online and UberEats.^[Appendix 3]

Question 3

Do you agree or disagree that the ban should apply to any drink, other than tea or coffee, that contains over 150 milligrams of caffeine per litre?

- Agree

Please provide any specific information or evidence to support your answer, including information on other relevant caffeinated products (optional? maximum 966 words);

The CFP and UoS agree that the ban should apply to any drink that contains >150 milligrams of caffeine per litre other than tea or coffee. The Food Standards Agency states that drinks which contain caffeine from whatever source at a level over 150mg per litre (mg/l) must state: 'High caffeine content. Not recommended for children or pregnant or breast-feeding women'. This strong guidance from our national statutory agency that protects the public from harms in our food supply should be adhered to in any national policies.

While moderate amounts of caffeine from tea or coffee are generally considered safe for older adolescents, energy drinks contain high levels of caffeine combined with high levels of sugar and other stimulants. This combination significantly amplifies risk for our nation's children. Due to current moderate levels of tea and coffee consumption amongst children under 18 years, we

agree plain tea and coffee should be exempt. We do, however, strongly recommend that the intake of chilled commercial coffees be monitored pre- and post-regulation implementation for increases and potential substitution behaviours by children.

The ban should initially focus on high caffeine energy drinks. Following an evaluation showing displacement of purchases from energy drinks to other high caffeine drinks or products, the ban should consider closing this loophole by expanding the ban to other high caffeine products such as high caffeine HFSS products, caffeine gummies and gum pouches.

Question 4

Do you agree or disagree that the ban should apply to all sellers, retailers and businesses, both in store and online, who operate in England?

- Agree

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

The CFP and UoS strongly agree that the ban should apply to all sellers, retailers, and businesses, both in store and online, that operate in England. A legal age restriction ensures consistent compliance across all retailers and businesses, preventing a postcode lottery and avoiding the inconsistencies seen with voluntary measures. This cross-sector approach aligns high-caffeine energy drinks with other age-restricted products, reinforcing a clear and consistent public health message. It would also support compliance and enforcement activities.

While voluntary codes exist - for example, through the Association of Convenience Stores and guidance for vending machines - these codes are not enforceable. Subsequently, they are inconsistently applied and can increase inequalities because these codes are often more likely to be adhered to in more affluent communities. Voluntary codes have not demonstrably reduced consumption of high caffeine energy drinks among children aged under 18 years and a wide inequality in energy drink intake exists among children in the UK.^[4]

A mandatory legal framework that spans across sectors and everyday settings that children regularly interact with, including recreational spaces, sporting venues, transport facilities etc, is therefore necessary to overcome existing inconsistencies, protect all children, and provide a clear basis for enforcement.

Question 5

For online sales of high-caffeine energy drinks, how should retailers ensure the ban is applied? (optional)

- Other approach: *Combined approach to age check online plus age check at delivery*

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

CFP and UoS recommend a combination approach to age verification for high-caffeine energy drinks which requires an age check online plus age check at delivery. Adopting a combined approach is consistent with existing legal requirements for alcohol, tobacco and other age-restricted products. Under the Licensing Act 2003, retailers are required to verify the age of customers purchasing alcohol, both at the point of sale and upon delivery. This combined approach aims to prevent sales to individuals under the legal drinking age and to ensure compliance with licensing conditions. Similarly, the Tobacco and Vaping bills propose that retailers verify the age of customers purchasing tobacco products, both online and in-store, to prevent sales to minors.

Most alcohol and cigarette online platforms require customers to confirm their age at the point of purchase, typically by entering their date of birth, using pre-verified accounts or third-party age-verification services that check identity documents or credit records. Major online retailers such as Amazon and Just Eat already apply these systems, requiring customers to verify their age during ordering and again at delivery. Delivery companies are legally obliged to check ID for recipients who appear under 25 ("Challenge 25"), using government-issued ID or accredited age-verification cards, and deliveries are refused if proof of age cannot be provided.

Responsible retailers typically use both an online age check and an age check on delivery, a combined approach has been shown to reduce underage access and ensures compliance with UK law. Implementing the same two-stage age-verification process for high-caffeine energy drinks would align with established regulatory frameworks, match best practice among major retailers, and provide the most robust safeguards for the health and safety of our nation's children.

Question 6

Do you agree or disagree that the sale of high-caffeine energy drinks should be banned from all vending machines?

- Agree

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

The CFP and UoS strongly agree that vending machines should fall within scope of these proposed regulations. Vending machines are commonly located in spaces used by children and young people, including leisure centres, shopping centres and gyms and entertainment venues. We therefore much ensure the protection of children's health in these venues as well as on our high streets.

The vending market is experiencing significant growth since the pandemic, with an estimated 70% of vending machines selling beverages, snacks and food. Currently, there is no practical

method for age verification on vending machines in these settings, making them a high-risk point of access for children. Recent polling with adults showed that 76% believe sales of high-caffeine energy drinks should be banned in vending machines to protect children. This proportion rose to 81% for parents with children under the age of 18 years.

The UK Food Standards Agency's guidance on Healthier and More Sustainable Vending advises against placing high-caffeine energy drinks in vending machines.^[6] Including all vending machines in this proposed regulation would align with our national agency for the protection of our food supply and is essential to close a large potential loophole that would expose children to harmful high caffeine energy drinks.

We acknowledge concerns about potential loss of sales in private locations and workplaces, raised by the Vending and Automated Retail Association (AVA). We believe that the £32m industry cost cited is outweighed by the need to protect our nation's children and the public health benefits including vending machines would yield. Precedents exist for enforcing effective age-restricted sales of other health harming products and following this approach for vending machines is both feasible and proportionate in this proposed regulation. Offering healthier products in vending machines will help mitigate any sales losses.

Question 7

Do you agree or disagree that the person who controls or manages the premises where the machine is located should be liable for any underage sales of high-caffeine energy drinks from vending machines? (optional)

- Agree

Please provide any specific information or evidence to support your answer. (maximum 966 words);

The CFP and UoS agrees that the owner, manager, or person controlling the premises where vending machines are located should be held responsible for any illegal sales of high-caffeine energy drinks to children. This approach aligns with established practices for other age-restricted products and is essential for effective enforcement.

Experience with tobacco products in vending machines demonstrates the challenges of preventing underage access through age verification alone. Despite regulations requiring age verification, studies have shown that children and adolescents continue to access tobacco products from vending machines. A report by Argyll & Bute Council found that underage sales from vending machines remained a concern, highlighting the need for stricter controls.^[7]

The UK government's impact assessment of tobacco vending machines noted that, while vending machines account for only a small percentage of the overall tobacco market, they disproportionately serve underage individuals.^[8] This finding underscores the importance of holding premises accountable to prevent illegal sales to protect the health of our nation's children.



Extending liability to the person controlling the premises ensures accountability and incentivises proactive measures to prevent underage sales. Given the challenges associated with age verification on vending machines, this approach is crucial for protecting children from accessing high-caffeine energy drinks.

Question 8

Do you agree or disagree that 6 months is an appropriate length of time for businesses and enforcement authorities to prepare to implement the ban?

- Agree

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

The CFP and UoS considers 6 months to be an adequate amount of time for businesses to prepare to implement the ban. This time period is appropriate given the notice given by the government since the election in 2024, and existing voluntary measures in place across retailers.

The government must ensure that there is sufficient guidance provided to businesses, as well as sufficient additional resources provided to trading standards teams and local authorities to ensure effective implementation and compliance monitoring.

Our recent evaluation of the Food (Promotions and Placement) regulations highlighted concerns from retailers that the guidance was difficult to understand, although ultimately it was achievable and enforceable.^[9] Implementation of these Food regulations provides the government with appropriate evidence to develop effective guidance for all businesses irrespective of their size. The CFP and UoS support the recommendation that any guidance is simplified and clear in its intention.^[10]

Data collected from local authority enforcement officers' responsible for the Food (Promotion and Placement) regulations showed that challenges such as limited resources and need to prioritise regulations that address critical health risks is hindering effective enforcement.^[10] Without dedicated national funding, the implementation of the energy drinks regulations is similarly likely to be ineffective.^[9] Early investment is crucial to support active enforcement, ensure consistent business compliance and minimise unintended consequences. In the words of enforcement officers:

'We've not got the resource to go and do the things on a daily basis that we desperately need to do.'

'We have lost three really good food officers in the space of a couple months, and we haven't been able to fill their posts. There's a shortage in resources. Officers aren't going out during routine inspections. Everything has to be intel led, so you're not getting the people on the floor.'

Question 9

Should powers under the Regulation of Investigatory Powers Act 2000 be extended to allow local authorities to assess compliance with the age restriction on the sale of high-caffeine energy drinks?

- Yes

Please provide any specific information or evidence to support your answer? including detail of any alternative approaches that could be considered to assess compliance. (optional? maximum 966 words);

The CFP and UoS agrees that local authorities should hold enforcement powers provided they are properly resourced to carry out the regulation effectively. Extending powers to assess compliance is a reasonable enforcement approach, and compliance checks could be integrated into existing processes for other age-restricted products such as alcohol and tobacco. Our research shows that successful implementation requires ringfenced funding and adequate staffing and training.^[9]

Resources must be earmarked specifically for enforcing age restrictions on high-caffeine energy drinks, rather than being absorbed into general budgets. This ring-fencing ensures that trading standards teams have the capacity to prioritise this work. Preliminary findings from local authority officers' interviews (data collected April-Nov 2025) following implementation of the Food (Promotion and Placement) regulations highlight the need for ring-fenced funding to ensure enforcement work is delivered, to prevent it from being absorbed into general council budgets. This approach is required to guarantee enforcer capacity is used specifically for enforcing these new regulations. Local authority trading standards teams must have sufficient staff, training, and guidance to carry out checks effectively, including intelligence-gathering and use of test purchases where appropriate.

In the word of enforcement officers:

'And unless we can identify the amount and when it comes in, it doesn't necessarily get to us, unfortunately...If they ringfenced it, we would get it. And, so, if it's not ring-fenced it can disappear into the ether.'

"If they could put some training packages together, particularly as the regulation guidance is issued. So that officers get that from a central point, and we're all starting from the same understanding of what the regulations actually mean." - 13033, Enforcer, Trading standards)

Industry self-reporting or voluntary compliance schemes are unlikely to be as robust as legally empowered inspections. Adequately resourced enforcement provides both deterrence and accountability to protect children's health.

Question 10

Do you agree or disagree that 28 days is an appropriate length of time to make representations and objections or to discharge liability for a notice of intent?

- Agree

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

The CFP and UoS agree if this time period is in line with other approaches for other age-restricted products, such as single use vapes.

Question 11

Do you agree or disagree that a person or retailer should be able to discharge liability for a fixed monetary penalty at a rate of 50% of the penalty within 28 days of being issued a notice of intent?

- Agree

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

The CFP and UoS agree if this time period is in line with other approaches for other age-restricted products, such as single use vapes.

Question 12

Do you agree or disagree that 28 days is an appropriate length of time to pay a final notice?

- Agree

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

The CFP and UoS agree if this time period is in line with other approaches for other age-restricted products, such as single use vapes.

Question 13

Do you agree or disagree that failure to pay or appeal a final notice within 28 days should result in the penalty being increased by 50%?

- Agree

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

The CFP and UoS agree if this time period is in line with other approaches for other age-restricted products, such as single use vapes.

Question 14

Do you agree or disagree that the proposed amounts for fixed monetary penalties are appropriate?

- Disagree

Table 1: proposed fixed monetary penalties for underage sales of high-caffeine energy drinks

Person or business	Sum of the fixed monetary penalty	Sum to discharge liability (50% of the fixed monetary penalty) within the specified time	Sum for any penalty that is unpaid and has not been appealed after the specified time
Individual, micro and small businesses (less than 50 employees)	£1,500	£750	£2,250
Medium and large businesses (50 employees or more)	£2,500	£1,250	£3,750

Please provide any specific information or evidence to support your answer (optional? maximum 966 words);

The CFP and UoS believe the proposed fixed monetary penalties for underage sales of high-caffeine energy drinks are insufficient and inconsistent with penalties for other age-restricted products. The current proposals suggest fines of up to £3,750, which are lower than those for alcohol, tobacco, and vaping products. We believe these should become aligned to provide clear and concise guidance.

Alcohol: The maximum penalty for underage sales is £5,000, as outlined in the Licensing Act 2003, reflecting the high threshold needed to act as incentive for compliance and prevent breaches.

Tobacco and Vaping Products: Retailers can face on-the-spot fines of £200, with potential fines up to £2,500 for other nicotine products/ repeated offences (Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015).

Lottery Tickets: Penalties can reach up to £5,000, with potential imprisonment for serious offences up to 2 years (Licensing Act 2003).

Question 15

Do you think that this proposal would be likely to have an impact on people who share a protected characteristic in a way that is different from those who do not share it?

- Yes

Which protected characteristics do you think this applies to? Select all that apply;

- Age
- Disability
- Pregnancy and maternity
- Sex

Please provide any specific information or evidence about how the proposal might impact people differently because of any of these protected characteristics? including whether the impact is likely to be positive or negative (optional? maximum 966 words);

The proposed age of sale restriction primarily has a positive impact in relation to age, protecting children and teenagers from the harmful effects of high-caffeine energy drinks. The CFP and UoS believe there would be additional positive impact for additional protected characteristics:

- **Pregnancy and maternity:** Raising awareness among teenagers can help reinforce the risks of high caffeine consumption during pregnancy and breastfeeding, supporting efforts to reduce teen pregnancy-related harms. Whilst not explicitly targeting pregnant or breastfeeding women, there could be a positive in-direct effect from the implementation of an age-based restriction in building adult awareness of the harms of these drinks and the presence of warning labels saying that they are also not recommended to be consumed by this group of consumers. Any additional measures, such as more prominent labelling or awareness campaigns to accompany launch and enforcement could further strengthen protection for this group.
- **Sex:** Evidence indicates that high-caffeine energy drinks have historically been more heavily marketed to boys and young men. Restricting sales to under-18s may help address this gendered consumption pattern and reduce related harms.
- **Disability:** Children living with neurodiversity and special educational needs and development (SEND) are more likely to face additional challenges in cognitive development, and emotional regulation. High consumption of energy drinks has been associated with increased risk of ADHD. Whilst there have been limited studies involving UK children, a US study involving 123 undergraduates (aged 18-30) revealed neurodivergent students were more likely to consume energy drinks (30.8% vs 18.5% for

neurotypical students) and also had a lower tolerance to caffeine, with 69.4% of neurodivergent students reporting increased experienced greater stress following intake of caffeine than their neurotypical counterparts (29.3%) [17]17. Restricting sales to under-18s could therefore support children living with neurodiversity.

- While socio-economic status is not a protected characteristic, there is a strong correlation between deprivation and increased risk of food-related ill health. We note that lower income groups are also more likely to use local, convenience stores which are least likely to be implementing voluntary restrictions at present, and where children also disproportionately make their own purchases. Given consumption of energy drink is greater in deprived areas, we believe that this policy will have an overall positive contribution to narrowing health inequalities.

Question 16

Please provide any further evidence or data you want us to consider in our final impact assessment. You can upload up to 3 files.

See below:

- Appendix 1 - Reference list (page 13)
- Appendix 2 – Sustain’s energy drinks polling highlights (available on request)
- Appendix 3 – Age limit examples (page 13)

Appendix 1 – Reference List

1. Visram, S., Cheetham, M., Riby, D. M., Crossley, S. J., & Lake, A. A. (2016). Consumption of energy drinks by children and young people: A rapid review examining evidence of physical effects and consumer attitudes. *BMJ Open*, 6(10). <https://doi.org/10.1136/bmjopen-2015-010380>
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3. British Dental Association. (2025) *Dentists back sales ban on energy drinks for kids*.
<https://www.bda.org/media-centre/dentists-back-sales-ban-on-energy-drinks-for-kids/>
4. Vogel, C., Shaw, S., Strömmer, S., Crozier, S., Jenner, S., Cooper, C., Baird, J., Inskip, H., & Barker, M. (2023). Inequalities in energy drink consumption among UK adolescents: A mixed-methods study. *Public Health Nutrition*, 26(3).
<https://doi.org/10.1017/S1368980022002592>
5. Scientific Opinion on the safety of caffeine. (2015). *EFSA Journal*, 13(5).
<https://doi.org/10.2903/j.efsa.2015.4102>
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8. Department of Health. (2012) Impact assessment for the prohibition on the sale of tobacco from vending machines.
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9. Muir, S., Dhuria, P., Roe, E., Lawrence, W., Baird, J., Vogel, C. (2023) UK government's new placement legislation is a 'good first step': a rapid qualitative analysis of consumer, business, enforcement and health stakeholder perspectives. *BMC Medicine*, 21(1), 33.
10. Dhuria, P., Muir, S., Jenner, S., Roe, E., Lawrence, W., Baird, J., & Vogel, C. (2024). "If government is saying the regulations are important, they should be putting in funding to back it up." - An in-depth analysis of local authority officers' perspectives of the Food (Promotion and Placement) (England) Regulations 2021. *BMC Medicine*, 22(1), 514.
<https://doi.org/10.1186/s12916-024-03720-5>



Appendix 3 – Age limit examples

