

Association of Directors of Public Health Yorkshire & Humber

Response to Department of Health and Social Care's Consultation on Banning the sale of high-caffeine energy drinks to children

November 2025

Purpose and scope of consultation

This consultation seeks views on banning the sale of high-caffeine energy drinks to children under the age of 16 years (that is, children aged 15 years and under). This includes proposals on:

- the minimum age of sale for high-caffeine energy drinks
- the products and businesses in scope of the ban
- how the ban will apply in vending machines
- the length of time that businesses and enforcement authorities need to implement the ban
- how the ban would be enforced

The proposed ban would apply in England only, since policy relating to high-caffeine energy drinks is a devolved matter. Contact email: energydrinksconsultation@dhsc.gov.uk

About ADPH Yorkshire and Humber Network

The Association of Directors of Public Health Yorkshire and Humber Network (ADPH YH) is a professional network of Directors of Public Health and health system leaders from across Yorkshire and Humber. It exists to support the delivery of better public health outcomes in Yorkshire and Humber and is a regional sub-group of the UK-wide [Association of Directors of Public Health](#).

In March 2024, ADPH YH published a consensus statement on the commercial determinants of health, which are defined in the 2023 Lancet Series as '*the systems, practices, and pathways through which commercial actors drive health and equity*'.¹ We recognise the impact of commercial activities on our health and society and have made a joint commitment to counter harmful commercial practices which include industry engagement in young people's education, widespread marketing of unhealthy products, or shaping policymaking in favour of industry interests over the public good. We have committed to take action through local levers as well as via opportunities to shape national policy and the system which facilitates these harmful practices.

¹ Gilmore et al (2023) Defining and conceptualising the commercial determinants of health. [The Lancet 401:10383, 1194-1213.](#)

Introduction to our response

Please note that this response was written before the ADPH Yorkshire and Humber work on communicating for impact about commercial influences was completed. There may therefore be opportunities to strengthen some of the phrasing to align with [best-practice framing guidance](#).

Our focus is on representing the Yorkshire and Humber Public Health Directors' concerns about negative commercial influences on health as articulated in the ADPH Yorkshire and Humber Network's Commercial Determinants of Health position statement. We have therefore not co-ordinated input from Trading Standards and Environmental Health colleagues across the region on the implementation and enforcement of the regulatory changes / additional burdens on local authorities, although we recognise this is an important aspect of the consultation. We encouraged local authority Public Health teams to work with Trading Standards and Licensing colleagues where possible to submit local responses.

Acknowledgements

Our response draws heavily on the Association of Directors of Public Health's draft response and was also informed by the Obesity Health Alliance's draft response, [Sustain and BiteBack's briefing](#) and the [Obesity Health Alliance's blog-post on young people's views and experiences of energy drinks](#).

ADPH Yorkshire and Humber Response

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

- ☐ **Agree**
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Don't know

Comment:

In the words of Carrera, a Youth Activist, *"Energy drinks are cheap, brightly packaged and easier to buy than water. They're aggressively marketed to us, especially online, despite serious health risks... This ban is a step in the right direction – but bold action on marketing and access must follow."* We fully support age regulation as a useful structural measure to promote health and wellbeing of children, tried and tested across a range of other harmful products. Establishing a legal ban on sales to children will establish a level playing field across the whole of the food and drink sector, building on the voluntary restrictions operated already by some supermarkets as well as voluntary guidance for the convenience sector. However, further government intervention is needed to protect children and young people from the aggressive marketing that Carrera and other young people experience, and to avoid inadvertently creating a context where manufacturers

and retailers can create an appeal for an ‘adult product’, a tactic identified in alcohol-industry sponsored alcohol awareness materials.²

Question: Do you agree or disagree that the minimum age of sale for high-caffeine energy drinks should be 16 years? If you do not agree with the proposal, what should the minimum age of sale be?

- ☐ Agree
- ☐ Neither agree nor disagree
- ☒ **Disagree**
- ☐ Don’t know

Comment:

We recommend a minimum age of sale of 18 years. Young people aged 16-18 years are the highest consumers of high-caffeine energy drinks.³ A minimum age of 16 years would not address this concerning trend and would mean that many young people preparing for GCSEs would not be protected from harmful levels of caffeine and sugar.

Aligning the minimum age with alcohol and tobacco laws would promote consistency across age-restricted products and simplify enforcement and compliance, acknowledging for example, that 16-year-olds are less likely to hold a valid ID.

Learning from tobacco laws, a higher age limit will also help to reduce consumption being seen as ‘normal’ for children and adolescents, make harmful products less available to younger people, and support clear messages for retailers, parents and schools.⁴

Question: 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? If you do not agree with the proposal, how should we define the products in scope and why? Please include in your answer any additional product categories you think should be in scope of any ban (maximum 300 words).

- ☒ **Agree**
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Don’t know

Comment:

We agree that the ban should apply to any drink that contains over 150mg of caffeine per litre, except plain coffee and tea, in line with the Food Standards Agency guidance.

However, the Government should note the emergence of high-caffeine products beyond drinks, including caffeine pouches, pre-workout supplements etc that are marketed to

² van Schalkwyk et al. (2022) Distilling the curriculum: An analysis of alcohol industry-funded school-based youth education programmes. [PLoS ONE 17\(1\): e0259560](#)

³ Vogel C, Shaw S, Strömmer S, et al. (2023) Inequalities in energy drink consumption among UK adolescents: a mixed-methods study. [Public Health Nutrition 26\(3\):575-585](#).

⁴ [The Khan Review \(2022\)](#)

young people.⁵ Therefore, focusing on ‘drinks’ may be short-sighted and jeopardise achieving the intended outcome of reducing caffeine intakes among young people, similar to what has been seen with nicotine products.⁶ The Post Implementation Review (PIR) should monitor displacement to other high-caffeine products, including sweetened pre-packaged coffees, and the review period should be shortened from five years to one year, to ensure the policy remains effective.

Question: 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**
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Don't know

Comment:

The ban should be comprehensively applied in store and online across all retailers and businesses selling high-caffeine products in England. Exemptions would create unfair advantages and unequal protection for young people. A legal age restriction across all retailers would promote consistent compliance and fairness for businesses, aligning with other age-regulated products so that young people are equally protected wherever they live and spend their time, also sending a clear, unified health and safety message about high-caffeine energy drinks.

In addition, the government should note that zero-sugar varieties of high-caffeine energy drinks are still permitted in restricted areas of medium and large supermarkets under The Food (Promotion and Placement) (England) Regulations 2021 as they pass the Nutrient Profiling Model. Whilst a sales restriction will prevent children from purchasing these drinks, we encourage the government to consider the appropriateness of such drinks being placed in key locations from a policy coherence perspective.

Question: For online sales of high-caffeine energy drinks, how should retailers ensure the ban is applied?

- ☐ Age verification at the point of sale
- ☐ Age verification at the point of delivery
- ☐ Don't know
- ☐ **Another approach**

Comment:

For online sales, robust age verification should occur both at the point of sale and at delivery to minimise circumvention. We recommend a review of methods currently used

⁵ <https://www.bbc.co.uk/news/articles/cy8k8xgry98o>

⁶ World Health Organization (2024) [Have you heard of white snus? A Swedish tobacco control activist rings the alarm](#)

for all online age-restricted sales to ensure fit-for-purpose solutions are implemented for all relevant products.

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

- ☒ **Agree**
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Don't know

Vending machines pose a high-risk point of access for high-caffeine energy drinks and we therefore support a comprehensive ban of sales in all vending machines as a simple and consistent approach to eliminate the risk. Learning from other age-restricted products, the UK government's 2012 impact assessment on tobacco sales from vending machines noted that the machines disproportionately served underage individuals.⁷ This highlights the need to ban age-restricted products from vending machines, an approach which is supported by the UK public as part of the energy drinks age restrictions. Recent polling by Savanta on behalf of the Children's Food Campaign shows 76% adults support banning energy drinks in vending machines, rising to 81% among those who are parents.

Question: 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?

- ☒ **Agree**
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Don't know

Learning from other age-restricted products, the UK government's 2012 impact assessment on tobacco sales from vending machines noted that the machines disproportionately served underage individuals.⁸ This highlights the importance of holding premises accountable to prevent illegal sales, with banning age-restricted products from all vending machines the simplest approach to consistent protection of minors.

Question: 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**
- ☐ Neither agree nor disagree
- ☐ Disagree

⁷ UK Government (2012) [Impact Assessment for prohibition on the sale of tobacco from vending machines](#)

⁸ UK Government (2012) [Impact Assessment for prohibition on the sale of tobacco from vending machines](#)

☐ Don't know

Comment:

The government should maintain a strong position on the implementation timeline and provide clear guidance to all relevant parties to support it.

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?

Not answered

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?

Not answered

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?

Not answered

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

Not answered

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%?

Not answered

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

Not answered

Are there any circumstances where it might be inappropriate for local authorities to publish details of cases where a civil sanction has been imposed?

Not answered

Will the additional guidance and transparency requirements place any additional costs on your local authority?

Not answered

New burdens for local authorities: Please provide any further information, evidence or data that should inform the new burdens assessment

Not answered

Question: 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
- ☐ No
- ☐ Don't know

Question: Which protected characteristics do you think this applies to? Select all that apply.

- ☒ age
- ☐ disability
- ☐ gender reassignment
- ☐ marriage and civil partnership
- ☐ pregnancy and maternity
- ☐ race (including colour, nationality, ethnic or national origin)
- ☐ religion or belief
- ☒ sex
- ☐ sexual orientation

Comment:

Age: Young people have been identified as the highest consumers of energy drinks, and this age-related proposal is therefore expected to have a positive impact by reducing their caffeine and sugar intakes and protecting their health and wellbeing. Energy drinks are often marketed and packaged to appeal to children and teenagers, with widespread promotion through influencers and adverts on platforms such as YouTube, Instagram, and TikTok; government intervention is needed to address this targeted harm.⁹

Sex: Research indicates that boys, particularly adolescent males, are more likely to consume energy drinks than girls, meaning their health and wellbeing will be more positively impacted by age restrictions on sales regulations.¹⁰

Health inequalities: Young people living in poorer neighbourhoods are more likely to consume energy drinks than those in more affluent areas and households, and widening of this trend has been identified: between 2008 and 2016, energy drink consumption among adolescents living in the most deprived areas increased, but decreased among those living in the most affluent neighbourhoods. Comprehensive age restriction on

⁹ Stewart G, Lake AA, Moore HJ (2025) A Mixed Method Study Exploring Children and Young People's Perception of Energy Drinks and Analysing Consumption Patterns. [Journal of Human Nutrition and Dietetics 38\(5\):e70140-0.](#)

¹⁰ Vogel C, Shaw S, Strömmer S, et al. (2023) Inequalities in energy drink consumption among UK adolescents: a mixed-methods study. [Public Health Nutrition 26\(3\):575-585.](#)

energy drinks sales and associated marketing could help to address these widening inequalities and particularly benefit young people living in poorer neighbourhoods.¹¹

If applicable, you can raise any further matters about this consultation (optional, maximum 300 words).

We welcome this consultation as an important next step to ending the sale of high-caffeine energy drinks to children and look forward to the government moving into the implementation phase swiftly. It is a significant milestone but there is still more the government can do to address the harms related to energy drinks consumption.

Of particular concern is the marketing of energy drinks through sport to children. This is currently set to continue after implementation of the sales restrictions through the brand advertising exemption (whereby energy drink brands will still be able to advertise their brand under the forthcoming from 5th January 2026 food and drink marketing legislation), and for zero-sugar high caffeine energy drinks which pass the current Nutrient Profile Model. Energy drink manufacturers have had a strong marketing presence within Formula 1 for decades (the Red Bull F1 team), and this is now expanding into other sports including football. We urge the government to consider how they can build on the age restrictions and remove energy drinks from the spotlight in environments and contexts where children should be free to grow, learn, play and enjoy watching sport without constant cues creating appeal for harmful products. Careful consideration is needed to avoid inadvertently creating a context where energy drinks manufacturers and retailers can create appeal for an ‘adult product’, a tactic identified in alcohol-industry sponsored alcohol awareness materials.¹²

¹¹ Vogel C, Shaw S, Strömmer S, *et al.* (2023) Inequalities in energy drink consumption among UK adolescents: a mixed-methods study. [Public Health Nutrition 26\(3\):575-585](#).

¹² van Schalkwyk *et al.* (2022) Distilling the curriculum: An analysis of alcohol industry-funded school-based youth education programmes. [PLoS ONE 17\(1\): e0259560](#)