

# Science and Technology Committee

## Oral evidence: [Energy drinks](#), HC 821

Tuesday 12 June 2018

Ordered by the House of Commons to be published on 12 June 2018.

[Watch the meeting](#)

Members present: Norman Lamb (Chair); Vicky Ford; Bill Grant; Darren Jones; Stephen Metcalfe; Carol Monaghan; Damien Moore; Graham Stringer.

Questions 1-129

### Witnesses

**I:** Darren Northcott, National Official (Education), NASUWT Teaching Union; Dr Amelia Lake, Associate Director, Fuse, The Centre for Translational Research in Public Health, and Reader in Public Health Nutrition, Teesside University; Annabel Gipp, Specialist Paediatric Eating Disorders Dietitian, British Dietetic Association; and Professor Russell Viner, President, Royal College of Paediatrics and Child Health.

**II:** Oliver Strudwick, Public Affairs Manager, British Soft Drinks Association; James Lowman, Chief Executive, Association of Convenience Stores; and James Bielby, Chief Executive, Federation of Wholesale Distributors.

Written evidence from witnesses:

- [NASUWT Teaching Union](#)
- [Fuse, The Centre for Translational Research in Public Health](#)
- [British Dietetic Association](#)
- [Royal College of Paediatrics and Child Health](#)
- [British Soft Drinks Association](#)
- [Association of Convenience Stores](#)
- [Federation of Wholesale Distributors](#)



## Examination of witnesses

Witnesses: Darren Northcott, Dr Amelia Lake, Annabel Gipp and Professor Russell Viner.

Q1 **Chair:** Welcome, all of you. Thank you very much for coming along this morning. I would be grateful if you introduced yourselves very briefly. As a guide, with a panel of four, it can take a long time if everybody answers everything. Don't feel obliged to answer every question if you do not think there is anything specific to add to what others have said. Try to keep your answers succinct, if possible. May we start with you, Dr Lake?

**Dr Lake:** Hello. I am Amelia Lake, a dietician and public health nutritionist. I work for Teesside University. I am also an associate director for Fuse, which is the Centre for Translational Research in Public Health.

**Professor Viner:** I am Russell Viner. I am president of the Royal College of Paediatrics and Child Health, which is the main association that speaks for children's health in the UK. It is a membership organisation of over 19,000 paediatricians. I am also an academic paediatrician, with a major interest in obesity.

**Darren Northcott:** Good morning. My name is Darren Northcott. I am the national official for education at the NASUWT teaching union.

**Annabel Gipp:** Good morning. My name is Annabel Gipp. I am a specialist paediatric eating disorders dietician, working in York. I am representing the British Dietetic Association.

Q2 **Chair:** Thank you very much. Will you all set out your views on energy drinks and the health issues relating to them? What, if anything, sets them apart from other sweet fizzy drinks?

**Dr Lake:** I came to the topic of energy drinks because we were approached by community groups, parents and teachers about the confusion with energy drinks and children. We began a series of pieces of work, working very collaboratively with partners in practice in schools and with young people themselves, to explore this topic. We began by looking at the evidence that existed on the topic. We found overwhelming international evidence that these drinks were strongly associated with negative results in the health of children. We were pretty clear that we found very few positive benefits of these drinks.

Q3 **Chair:** You say they are "associated with" negative outcomes. Can we be clear about what the cause of that is? Is it perhaps a collection of behaviours that happen to be associated with particular children at risk?

**Dr Lake:** There are the effects of the caffeine itself, which are related to issues around behaviour, headaches and sleep. I am sure that Professor Viner will go into more detail on that.



There are also the associated risk-taking behaviours. Young people who consume energy drinks are more likely to consume alcohol or drugs or to smoke. There is a clustering of those risk-taking behaviours.

Q4 **Chair:** They are not more likely to do those other things specifically because they are consuming an energy drink—or are they?

**Dr Lake:** The evidence indicates that there is a very close correlation in those patterns. There is very clear evidence that they are almost a gateway to other things. There are very clear associations, particularly if you look at the academic evidence from older adolescents. Our work was quite unique, in that we explored younger adolescents. We looked at 10-year-olds, for example. We found that there was an association between energy drinks and behaviour. Those young people were consuming drinks at that young age.

Q5 **Stephen Metcalfe:** I want to be absolutely clear about what the message is. Are you saying that the energy drink has a causal effect—that you are more likely to smoke if you drink an energy drink—or just that it is in that basket of risk-taking activity? It is not causing the other things.

**Dr Lake:** We have very few longitudinal studies. We have some longitudinal studies that show that energy drink intake at baseline is related to a higher alcohol intake in x number of years. I can produce that evidence for the Committee. Therefore, there is some, but most of this is about associated behaviours.

Q6 **Stephen Metcalfe:** Okay. I just want to make sure that we are not getting the message that energy drinks make you crave nicotine and become a smoker.

**Dr Lake:** No, but you are more likely to become one.

Q7 **Stephen Metcalfe:** That is because, potentially, it is just in that basket of risk-taking activities.

**Dr Lake:** It is, but it is also the first step towards those high-risk activities.

Q8 **Chair:** I invite other contributions.

**Professor Viner:** Energy drinks are a combination of sugar—carbohydrate, which is the source of energy for children—and caffeine, which is a stimulant. It puts up your heart rate, tends to make your muscles twitch faster and gives you more attention. Caffeine itself does not give you energy. The energy comes from the glucose in the drink.

There is no evidence that caffeine is necessary or useful for children and young people. There is significant evidence of harms. Those harms relate particularly to the stimulant elements of caffeine, especially its effects on sleep and its potential effects on mental health, particularly anxiety. Then there is a range of effects that are unknown.



Q9 **Chair:** Is caffeine a direct cause of anxiety, or is it the case that lack of sleep builds up and—

**Professor Viner:** We believe that it is a direct cause of anxiety and the symptoms of anxiety, potentially, because it is a stimulant. Potentially, it causes some of the symptoms that seem like anxiety. It also heightens attention and awareness and can increase activity. Then you potentially get vicious cycles with sleep deprivation.

Young people need more sleep. Teenagers need much more sleep than adults, and even young children. We have a vulnerable group of people who need more sleep and are also more likely to use energy drinks. I will come back to that.

One issue that is unclear is the impact of caffeine on the developing brain. We do not have a lot of information on that, but caffeine and similar stimulants may have effects on the brain as it is organising and developing, particularly in the late childhood-early adolescent phase.

Q10 **Chair:** Is there a need for more research and more understanding of this?

**Professor Viner:** Absolutely. It is an area in which we do not have a huge amount of research. Caffeine is potentially the most common psychoactive drug used across the world. It is in so much of our food supply. There are small amounts in chocolate, even, but we know little about its effects on the developing body—the developing cardiovascular system and the developing brain. More research would be useful.

Q11 **Chair:** What conclusion do you reach about the seriousness of the potential risk of caffeine in children and young people?

**Professor Viner:** There is clear evidence of harm in excess. One of our concerns is about the way in which the marketing system is moving towards higher caffeine in a range of products that did not have caffeine in them previously and is ramping up the caffeine content of some energy drinks. We are concerned about the vulnerability of children and young people to the idea of energy drinks, which is highly attractive to them, and the confusion in their minds between energy drinks and sports drinks. There is even doubt that sports drinks, which are combinations of salt and sugar, are necessary. The addition of caffeine to that can give a false sense of energy, which has a number of effects.

The relationship with other behaviours is very unclear. We are unclear about whether there is a common cause that leads children and young people either to smoke or to take energy drinks, or whether there are causal connections this way.

Q12 **Chair:** We have seen a significant increase in consumption among children, at quite young ages, and teenagers. What is your view on that trend?



## HOUSE OF COMMONS

**Professor Viner:** We see no evidence of significant benefit from caffeine. We do not have evidence that it has produced major harms, apart from on sleep. We know that, as a population, our children and young people are sleeping much less well than previous generations and are much more tired in a number of ways. We believe that there is moderate evidence that that is related to caffeine intake.

We do not have strong evidence of causal links between the overall increase in caffeine intake and the youth mental health epidemic that we are seeing, but it needs to be taken in the round. Over the last 20 years, things have changed among our children and young people. Their diet is almost certainly a part of that, in terms of both sugar intake and caffeine intake.

Q13 **Chair:** Thank you. Darren?

**Darren Northcott:** I want to add to those points. From our perspective, it is interesting that our members raised this issue with us spontaneously. It was not something we asked them about. It has been raised by members increasingly over the last few years. From their perspective of working with children in classrooms, teachers were increasingly drawing a link between what they saw as problematic behaviours—behaviours in classrooms, an inability to concentrate and, as we have heard, impacts on sleep—and increased consumption of energy drinks. I defer to my scientific colleagues on the evidence base underpinning that, but it sounds as though there is a case for understanding that the impacts of energy drinks on behaviour are there and need to be addressed.

Q14 **Chair:** Thanks very much. Annabel?

**Annabel Gipp:** I agree completely with everything that has been said. It is concerning that the UK has the highest consumption in the European Union of energy drinks by young people. I personally came to the topic through my work with eating-disordered young people in north Yorkshire. I noticed anecdotally a lot of people using zero-sugar energy drinks as a way of getting energy without the calories. Within the eating-disordered population, people were also trying to get the laxative effect of energy drinks. My colleagues have also noted that they see a lot of this consumption in children with anxiety. That is where my main areas of concern lie—on the mental health side of energy drinks.

Q15 **Chair:** We do not necessarily know the cause and effect. Rather than the energy drinks causing the anxiety, children with anxiety may be the people who are choosing to consume energy drinks—or it could be both ways around. We just do not know.

**Annabel Gipp:** Yes. It is very hard to create that causal link. Even though we cannot definitely say that, we can definitely see that the issue is being compounded by the use of energy drinks. There are cases where young people have been drinking vast amounts of those drinks and have attributed a worsening of their anxiety symptoms to that. One famous case that came to the Houses of Parliament was that of a young man who



## HOUSE OF COMMONS

drank 15 cans a day. The family linked that to his subsequent suicide. There is a clear link between these kinds of self-harming behaviours and the consumption of energy drinks.

**Q16 Chair:** In evidence to the Committee, the British Soft Drinks Association says that energy drinks are considered safe to consume for children and that studies stating otherwise are too limited. May I have a reaction to the evidence that we have been given by the association?

**Dr Lake:** First, as Professor Viner said, the evidence around children and caffeine is limited, purely because it would be very unethical to give caffeine to children to see the effect. What we have is a scientific consensus that there is an amount of caffeine, in milligrams per kilogram of body weight per day, that is probably safe for a child. The fact is that a lot of these drinks exceed that in one can for a young child. Although the safe consumption of one can is all right, in our work we have gone into shops and seen that you can buy four cans for £1, or even 10 cans for £1. I collected that data recently in Middlesbrough. Although there are safe limits of, perhaps, one serving of these drinks, we know that children are consuming them in more than one serving.

**Q17 Chair:** What is your evidence on age of consumption?

**Dr Lake:** We know that 10-year-olds are consuming these drinks. If we were to start exploring it, I would not be surprised to find younger children consuming them. A lot of that is around parental confusion—the word “energy” is a positive thing. We have evidence that kids are using these drinks as breakfast supplements. Parents are giving them as breakfast supplements.

**Q18 Chair:** They are substituting an energy drink for milk or some other—

**Dr Lake:** For food. We also have evidence that older adolescents do that themselves. They skip breakfast and have an energy drink. There is confusion. There is positiveness associated with the word “energy.”

**Q19 Vicky Ford:** I start the day with a cup of tea, sometimes with sugar. What is the difference?

**Dr Lake:** First, a cup of tea has a lot less caffeine in it than an energy drink. Depending on how much milk you put in, a cup of tea is probably not cold enough to knock back in one gulp. There are quite a few differences. You will drink your tea a lot more slowly. It will have a lot less caffeine in it, particularly compared with a 500 ml can of energy drink.

**Q20 Chair:** How many cups of coffee does a typical 500 ml can equate to?

**Dr Lake:** It is 160 mg of caffeine. That is two cups of coffee.

**Q21 Darren Jones:** And how many teaspoons of sugar?

**Dr Lake:** It can be anything from 13 to 20.



Q22 **Chair:** Per can?

**Dr Lake:** Per can. There are zero-sugar cans available.

**Annabel Gipp:** In 2015, the European Food Safety Authority did quite a large piece of cross-country research. It found that nearly a quarter of young people consuming energy drinks would consume three or more cans in a single session. That backs up what Dr Lake has said. Even though one portion, in a small can, may be okay in terms of food safety, people are not sticking to those allocated portions. Therefore, they are drinking much higher volumes.

Q23 **Chair:** You are saying that, in a session, they could be having up to 16 teaspoons of sugar and up to six cups of coffee.

**Annabel Gipp:** Yes. One of the issues is that research has shown that that single dose of caffeine—that big hit of caffeine on the system—has deleterious effects in terms of blood pressure and heart tracings, especially in caffeine-naive young people who may not have had the exposure to caffeine that an adult will have had. That can really add to the risk factors there.

**Professor Viner:** The facts around the sugar burden are clear. Other Committees have examined that, and there is clear Government action on it. The sugar burden itself is a worry.

The issue of having caffeine in a diet energy drink, or even in a zero-sugar energy drink, is also a significant concern. There is the concern about the caffeine, but also the concern that, potentially, the caffeine, as a stimulant, is false-running for the body, because it causes burning of energy sources. It does not give energy; it actually causes burning of other energy sources. In young people with eating disorders, in particular, that can lead to weight loss and physiological harms. There are a number of issues.

Q24 **Carol Monaghan:** I will direct most of my questions to Darren. They are about schools. The NASUWT has been in favour of a ban on energy drinks in schools. I know that you said a little in your introduction, but can you expand on the types of behaviour that are exhibited by children who have consumed energy drinks, and on what you hope to achieve by banning them?

**Darren Northcott:** Teachers are very clear about the association that they make between consumption of these drinks, particularly at the levels we have just heard about, and behaviours. The main impacts that teachers observe are, first, on behaviour. In a sense, we cannot say that energy drinks cause bad behaviour, but teachers are clear about the fact that, in their experience, energy drinks can exacerbate particular undesirable behaviours that distract children from learning and stop them forming good relationships with others in the class.



## HOUSE OF COMMONS

The second issue teachers are very concerned about is the impact that excessive consumption of these drinks has on children's ability to concentrate and to focus on learning in the classroom. That is a very clear message that we get from teachers.

Thirdly, as we have heard already, these are described as energy drinks, but, ironically, one of their impacts is to disrupt sleep. People then come to school not having slept enough. Again, that has an impact on behaviour and on children's learning.

Teachers are pretty clear. There is really no place for these drinks in schools. They are not necessary. It is difficult to identify any health benefits that are derived from consuming them. There are some schools in the system that have taken the position that they will not allow these drinks in schools. They certainly will not sell them, but they will not permit pupils to bring them on to sites, either.

That seems to be having some positive implications in those schools. It has buy-in from the students themselves, because the education work is good. There has been good engagement with parents, who have a key role to play in addressing this problem. Obviously, the whole school community is behind that approach.

It seems as though a system where schools prohibit the consumption of these drinks on sites is feasible. Given what we have heard about the potential impacts on children's health and wellbeing, it is an approach that we think should be adopted across the system.

**Q25 Carol Monaghan:** There has also been a recommendation that there be an exclusion zone around schools that would prevent young people from buying these drinks. I wonder how that would work in practice. Children come from different areas and can buy the drinks anywhere. Their parents can give the drinks to them. How do you see that forming part of the attempts to tackle this issue?

**Darren Northcott:** An exclusion zone is an idea worth exploring. No one is saying that it is a silver bullet. There are obviously ways in which children could get energy drinks from outside that exclusion zone. I do not think that we should be talking about counsels of perfection here. Could it contribute to limiting the ability of pupils to access these drinks and to consume them in schools? It is certainly an idea worth exploring. It may be an idea worth piloting, to see what impact it has in a particular area.

The whole notion of exclusion zones around schools has been explored in other contexts. I know that in Newcastle and Milton Keynes, for example, local authorities have looked at fast food and having a fast food exclusion zone around a school. The idea seems plausible. There may well be unforeseen consequences, but it certainly seems worth trying, to see whether it has an impact on consumption of these drinks among young





people, particularly at school and on the way to and from school. I suggest that it is an idea that is worth exploring further.

**Q26 Carol Monaghan:** I am a teacher by profession. I had the good fortune of teaching in a school in the west end of Glasgow, where there were lots of little cafés. Pupils would come back after lunch with their caffè latte or their cappuccino. Will they just find other ways of substituting caffeine?

**Darren Northcott:** That has to be a risk. We would look at those schools that have taken the view already that they will not allow the consumption of these drinks on site. The sense that pupils might go out and be able to pick up drinks, even from outside an exclusion zone—I suppose that they can go some distance during their lunch hour—does not seem to be a particular issue, interestingly. It is an issue that needs to be recognised, but even though pupils may have the opportunity to go out and purchase drinks from beyond an exclusion zone I would still say that an exclusion zone makes that harder.

**Q27 Carol Monaghan:** It is inconvenient.

**Darren Northcott:** Absolutely. Accompanied by a really effective education programme—for students and for their parents—it could contribute to beginning to exert downward pressure on the alarming levels of consumption that we see.

**Chair:** May I bring Bill in quickly? We will then go back to Carol.

**Q28 Bill Grant:** My question is in a similar vein. In a previous life, when I was a councillor, we had leisure centre swimming pools with vending machines. They were populated by the franchisee; the local authority had no control over their contents. That was probably seven or so years ago—maybe more. Is that still an issue? Is that still an access point for young people to secure high-caffeine or high-energy drinks?

**Q29 Chair:** Do you want to come in on that, Amelia?

**Dr Lake:** I work around obesogenic environments. This is an issue. There is an association between these energy drinks and sport, in particular—not just in our local leisure centres but more broadly. These companies are associated with all things that are cool, such as snowboarding, mountain biking and so on. There is a very strong association with very physical activity and with online games.

There are lots of issues around exclusion zones and problematic things. For example, when we talk about fast food around schools, are we bringing into play planning laws and licensing laws? We know that around England at the moment different local authorities are doing completely different things. That is why my reviewing of the evidence, and that of the team I work with, makes us think that we need something more upstream. We need to look at this at a whole-systems level.

**Chair:** We might come on to another question on that in a moment. We will go back to Carol.



**Q30 Carol Monaghan:** May I finish off with a question for the panel generally? Do we need to make a distinction between energy drinks and sugary drinks? Darren, you talked about concentration levels. Should we ban them all?

**Darren Northcott:** In England, sugary drinks should not be on school sites anyway. The school food standards regulations are very clear about that. There is an anomaly, which we highlight in our note. Some academies do not have that provision in their funding agreements. That is an interesting point that we might want to address.

On the issue of exclusion zones, I want to pick up on what Amelia said. Obviously, there are lots of complications around this, but the fact that some local authorities have looked at it very hard in the context of fast food means that it is not an idea that we have to dismiss. We need to have it on the table, but we have to recognise the complexities. That is why I think that piloting or prototyping of an exclusion zone in some areas, to see whether it has an impact, might allow for lessons to be drawn more generally across the system about the different approaches that we can bring to bear on this issue.

**Q31 Damien Moore:** Could each of you give us the pros and cons of a ban on selling energy drinks to under-16s?

**Chair:** A legal ban, beyond the voluntary schemes that supermarkets have introduced. Do you want to start, Amelia?

**Dr Lake:** These would be the pros. The current voluntary scheme that the supermarkets have taken up is great. However, most of the young people we have dealt with in County Durham, Teesside and so on do not go anywhere near a Morrisons or a Sainsbury's. They go to corner shops or convenience stores. For example, Nisa has already responded and said that it is very difficult for it, with its franchise, to control what its members do. On that level, the more upstream approach of having a clear ground would definitely be a pro.

The other pro would be that it would give a very clear message. There is a lot of confusion. I do not subscribe to the view that we should educate people more. We have tried health education for years and years, and look where we are with obesity. Yes, education has a role, but it is very clear that there is no benefit from these drinks. The can says that they are not suitable for children, so why are we even having these discussions? If the producers themselves say, "Not suitable for children," why are they being sold to children? This came up from our 10 to 14-year-olds: "If it says it is bad for us, why can we walk down the aisle and pick it up?"

The cons are that it is difficult to control. Do we suddenly make energy drinks even more attractive, because people think, "This is banned. Let's have it"? It has worked with success for alcohol and cigarettes, so let us look at those models and follow them. It is not a silver bullet and will not solve the problem in itself, but it is a very good upstream approach.



Q32 **Chair:** Your overall conclusion, balancing the pros and cons, is that you are in favour of a ban.

**Dr Lake:** Yes, along with other measures. We would need to work very closely with young people on how we developed any kind of ban and what we did around it.

Q33 **Chair:** Ultimately, any age that you choose is arbitrary, but the question was about 16. Is that your favoured age?

**Dr Lake:** It is a really tricky one. I have been thinking about this a lot. When you look at other countries, you find that there is a range of different ages. We have under-15s, under-16s and under-18s. Some countries have all-out bans on particular drinks. For example, there are a number of countries—Denmark, Norway and Uruguay—with bans on Red Bull. Some countries have actually banned these drinks. Some EU member states have used the health behaviour in schoolchildren survey data that we also have in this country to push for a ban in their country. They have a ban enforced.

Q34 **Chair:** Are there any other answers to Damien's question?

**Professor Viner:** The pros of the ban would be that we would have children with better wellbeing, who were better slept, who were more productive at school and who, because of the link to sugar, were likely to be less obese. That is difficult to prove, but it is what we believe.

Alcohol is a great analogy. It is a common psychoactive drug that we believe it is reasonable for consenting adults to use. We recognise its harms, but we do not sell it to children. We are very clear about that. That is an interesting analogy. There is a very small amount of alcohol in different bits of our food chain—fermented sugars. There are also small amounts of caffeine.

There are clear pros. It might well contribute to reductions in young people's mental health problems. The cons have been well stated.

**Darren Northcott:** Sixteen is an obvious age, because it is the compulsory school age in England. It is not the compulsory participation age—that is 18—but the school age is 16. I guess that there is an argument for 18 as well. In a sense, once someone reaches the age of 18, they are an adult and can make free choices about what they decide to consume. The point is that children do not necessarily have the same degree of control over their own choices. Adults—parents and others—intervene to help them to make better choices.

There are arguments on both sides. Our view generally is that 16 would be a good starting point. We could take it from there and see whether there was a case for expanding it to 18, given the impact that it might have on 16 to 17-year-olds, too.



Can I pick up the point about vending machines, which you raised? That also relates to schools. When the school food standards came in back in 2007, one problem that schools identified was that they had entered into very long contracts with providers. They did not have any control over what was in the vending machines. That may well be a problem in those schools. I do not think that there are too many of them, but there are certainly some that have contracts where the vending machine has an energy drink in it. We have to help schools to negotiate that, but it should not be a reason for not proceeding.

**Annabel Gipp:** I completely agree with everything that has been said. Another positive of a ban is sending the right message to the general public. Jamie Oliver's #NotForChildren campaign has been received very positively by people on social media platforms. They have been quite surprised by the level of caffeine in energy drinks. It is also very well received by people in the NHS and in mental health services, and by teachers. Pretty much anyone who works with children has been in favour of this.

Another pro of trying to reduce energy drink consumption in young people is that there is the issue of addiction. Caffeine is an addictive substance. There is research around the reward centre of the brain and the brain's response to energy drinks at young ages. It is limited, as we have already discussed, but there is emerging evidence that energy drinks are addictive and can lead to future use, and continued use in adulthood.

In thinking about the age bracket, 16 would be a good starting point. I would suggest consideration of banning energy drinks for under-18s, simply because 58% of the volume of energy drinks is consumed with alcohol. We could make the link between energy drink consumption and alcohol consumption. We already say that we do not allow under-18s to drink alcohol. Would this be a way of trying to reduce young people's alcohol consumption? Those are the only points that I have to add to what has been said.

Q35 **Damien Moore:** What level of caffeine do you think is acceptable in energy drinks? You have already alluded to this, but is there a level of caffeine that is applied to a particular volume of the drink? It is not just about multiple cans; it is about the size of the cans as well. There are 250 ml and 330 ml cans. There are huge 500 ml cans available. Worst of all, there are huge bottles, which are incredibly cheap. You can extend the analogy to alcohol. We have had the conversation about super-strength ciders in huge bottles that are very cheap. It is the same with this. Do you think that the levels of caffeine in these drinks have to be addressed?

**Dr Lake:** We need to address levels of caffeine and portion size. Again, I cite the evidence that we have. A recent systematic review goes along with 2.5 mg of caffeine per kilogram of body weight per day for children.



## HOUSE OF COMMONS

The European Food Safety Authority's figure is 3 mg, but that is from 2015. I would go with the most recent figure, from 2017.

The industry considers 150 mg of caffeine per serving to be safe, but a 500 ml Monster Energy drink, or any equivalent—other varieties are available—contains 160 mg. A 250 ml energy drink tends to contain 75 mg to 80 mg, but there are different brands and varieties. I have evidence of a super-strong one that, I noted this morning, has 240 mg of caffeine per can.

**Q36 Chair:** How many cups of coffee is that equivalent to?

**Dr Lake:** Oh, gosh. It must be about four.

**Professor Viner:** Four or five.

**Dr Lake:** Four or five cups of coffee in one can. That was around the university in Middlesbrough.

**Professor Viner:** A lot of it is available in the US.

**Dr Lake:** Yes.

**Professor Viner:** With up to 300 mg per serving.

**Dr Lake:** We are talking about portion size, but the issue is also availability. These drinks are so available. I have a lovely quote from one of our young participants, who said, "You can get them everywhere, apart from the furniture shop and the pet shop." That is true. They are everywhere.

**Q37 Damien Moore:** Does anybody else want to add to that?

**Annabel Gipp:** Another product that the energy drinks industry produces is energy shots, which I see young people drinking quite a lot. These are very small—they can be up to 50 ml or 75 ml—but they are very concentrated. If you think of a beer as an energy drink, a shot is the vodka. The issue is not only the large portion sizes; we are also thinking about the smaller volumes, which contain a very concentrated volume of caffeine. I wanted to add that point with regard to portion sizes.

**Professor Viner:** We keep using the term "energy drink," but I suggest that we call them "so-called energy drinks." Energy drinks result in fatigue and sleep deprivation. There is very little evidence that, with this excess caffeine, they give you extra energy. If they are full of sugar, that is an energy substrate.

The idea is that energy shots, in particular, are almost pick-me-ups. We are breeding a culture where people believe that they need external pick-me-ups to get them through the day. Adults tend to believe that. They think, "Oh God, I need a coffee." We have all been there. You have all-night sittings of the House. I suspect that you know that the decisions



## HOUSE OF COMMONS

made in those sittings get worse and worse the more caffeine everybody drinks.

Q38 **Graham Stringer:** It is more to do with alcohol.

**Professor Viner:** Oh, it is the mixing of alcohol and caffeine. That is very dangerous.

Q39 **Damien Moore:** What age limits would you like to see for particular levels of caffeine? Do you think that there should be one age limit, or should there be multiple age limits, depending on the product? There is also the enforcement of that. The more complicated the system is, the harder it is to enforce.

**Professor Viner:** We are operating in an area where there is not a lot of evidence on levels per kilo or per size. The Canadians have a recommendation that children do not consume more than about 40 mg of caffeine per day. A single can of Coke can take you just over that limit, depending on the type of Coke it is. If it is low sugar, it will have more caffeine. That is probably around 1 or 1.5 mg per kilo, for a child.

I think that it becomes difficult. If you go for a 50 mg to 60 mg per day target—or a 40 mg to 50 target, similar to Canada's—you need to think about what that means in terms of portion size. Clearly, a single 80 mg so-called energy drink will take you well over that. A monster drink—the size, not the brand—will take you well over that, too. That is the kind of ballpark figure we are talking about.

Q40 **Damien Moore:** Do we have a definable age? Are we saying that we do not? Should it be 16, 15 or 18?

**Professor Viner:** In many senses, 16 is now the age of legal majority. Obviously, that is 18, but for almost all health aspects—consent, confidentiality and so on—the courts have essentially produced 16 as the age at which we are able to make adult decisions about our lives. Clearly, the Children Act goes up to 18, but, post 16, there is a strong recognition that young people's choices are in there.

The issue of coffee and young people comes into play. Not many young people under 15 or 16 drink a lot of coffee. Over that age, they are starting to engage in adult cultural coffee drinking. Coffee—even decaf—has variable amounts of caffeine, depending on what you drink. A 16 threshold is the best balance between protection and recognising young people's rights and the transition into adult cultural habits. In this country, as with alcohol, we say that adults can choose to do this, in moderation, if they understand the limitations.

Q41 **Chair:** Is it reasonable to ban so-called energy drinks, as you are suggesting, but not coffee? They are both sources of caffeine. What are you advocating?

**Professor Viner:** Coffee is not pushed at children. It is not marketed to children. It is not surrounded by an energy advertising penumbra. There



## HOUSE OF COMMONS

should be strong guidance to parents that children under the age of 16 should not consume high-caffeine drinks. That would be a lot of tea, but even small amounts of coffee. The chief medical officer's advice is for no alcohol consumption under the age of 15, and after that, from 16 to 18, for very limited alcohol consumption under guidance from parents. Obviously, post 18, children and young people can buy alcohol in this country. It would seem logical to use that analogy here.

**Annabel Gipp:** In 2012, there was a study that compared blood-pressure elevations in a group consuming energy drinks and a similar group consuming coffee, at the same volume and with the same amount of caffeine. There were significant differences between the energy drinks group and the coffee group. The energy drinks group showed increased elevations in blood pressure. Therefore, even if a young person was able to drink four or five cups of coffee in one go, we might not see the same effects. The point about coffee is that, unless you have an extremely strong mouth, you cannot down four cups of coffee in one go. It is the impact of that one big dose of caffeine—

Q42 **Chair:** Are you able to give us details of the study you have referred to?

**Annabel Gipp:** Certainly. I might have it in my pack. I will get it for you.

**Chair:** That is fine. Send it in to us.

**Dr Lake:** There is also a very recent Canadian study, from 2018, comparing caffeine from energy drinks with caffeine from coffee. That is a self-report. It has a very large sample size. I believe I have shared it, but I will share it again with the Committee.

Q43 **Chair:** Darren, you have also advocated exclusion zones, but you said that you favour a ban from 16. Is your preference a ban or an exclusion zone? I am not entirely clear what you are advocating overall.

**Darren Northcott:** It is in stages. In a sense, it would be difficult to see all these policy solutions being brought to bear at the same time. We think that some things need to be done in the short term. A short-term step would be to stop these drinks being available in schools. We may be able to do exclusion zones relatively quickly, but we would have to explore that.

A total ban on under-16 consumption of energy drinks is desirable, but we evaluate that it may be a longer-term aim. There may be more obstacles to securing that in practice. In a sense, it is a graduated approach. Let us do things that we can do now, to begin to exert downward pressure on consumption, but let us look at some of the longer-term policy solutions as well, including a complete ban on the consumption or sale of these drinks to 16-year-olds or those younger than 16.

Q44 **Chair:** The bottom line is that all four of you are advocating a legal ban.



**Darren Northcott:** Yes.

Q45 **Darren Jones:** We have talked about the contents of so-called energy drinks and where you can buy them. I am going to ask a few questions about advertising. My understanding is that so-called energy drinks cannot be advertised to children or during TV programmes where children are deemed to make up more than 25% of the viewership. Do you think that is adequate?

**Professor Viner:** About three weeks ago, we gave evidence to the Health and Social Care Select Committee, which was looking at advertising and obesity. The great majority of children's television watching in this country is not of children's programming. Unhealthy foods and high-sugar energy drinks cannot be advertised to children within children's programming, which is defined as programmes where children are more than 25% of the audience.

It is a very convenient figure. Children are 24% of the population, so, for them to be more than 25% of an audience, there have to be no adults watching. As soon as you start to have family viewing time, you flood that out. Of course, you end up being able to advertise everything.

Off the top of my head, I think that 67% to 70%—don't quote me on that figure, but is of about that order—of children's television watching is in family viewing time, when we know that there are very large amounts of advertising of high-sugar, high-fat foods. I believe that there is advertising of energy drinks during that time.

**Dr Lake:** I would like to talk about gaming and what I am told is called gamification. There is advergaming as well, but first I would like to talk about gamification—where a product is part of the game. That was a new concept to me before we interviewed these young people. We had children as young as 10 talking about the over-18 games that they are playing. That was widespread. They are all playing games that are for over-18s. In a lot of those games, energy drinks are very clearly part of the game. Somebody sells you an energy drink, or you are selling energy drinks, or you are taking codes off the drink can to boost your character throughout the game. There is that gamification. It is built into the culture of those computer games.

Advergaming came up in our focus group interviews. People said, "I was doing this, and an ad for a certain brand of energy drink popped up." As I have said before, there is then just the general culture around all things that are cool. It is not TV advertising or billboards next to school, but you can bet that anything that is cool has a so-called energy drink. Music, extreme sports and car racing are all associated with these so-called energy drinks. It is not overt advertising, but it is there.

Q46 **Darren Jones:** Are you finding that sporting events are officially sponsored by an energy drink? Is it more the case that, when these types of things are happening, the selected advertisement that goes in the





## HOUSE OF COMMONS

advertising slot ends up being an energy drink, because of the target audience?

**Dr Lake:** I think that it is both.

Q47 **Darren Jones:** It is both.

**Dr Lake:** It is definitely both, I believe.

**Annabel Gipp:** I read that Red Bull, to name an example, has a greater share of the advertising platforms on social media than Samsung. It does things like the Red Bull soapbox races, which are very appealing to children.

One of the issues that I see is that the branding and the way in which these drinks are advertised are very appealing to children. It is said again and again in the literature that advertising and branding are marketed towards younger people. They are made to look cool. I have anecdotal evidence of children who are 10 years old saying that they drink them because they are cool and because they want to fit in with their peers, who are drinking them as well.

There is a culture around energy drinks that they are linked with gaming and sports events. That is the way in which they are being advertised. That really affects the fact that we see a lot more boys drinking energy drinks. They are very geared towards men. However, when you google-search advertising, you see that the female options are always the lower-calorie options. The adverts that you see are also very sexually promiscuous. There is definitely that distinction between the two. The advertising is definitely an issue.

**Darren Jones:** I may come back to that gender point in a second.

**Professor Viner:** I refer you back to some of the testimony to the Health and Social Care Committee around advertising for obesity, because many of the same issues came up. I do not know what the industry will say, but it may say that it does not target children in its advertising. It says that, in some sense, that is collateral damage. That may well be true. It does not put in fluffy teddy bears or do that kind of advertising to children for energy drinks, but it is very much about young-adult, cool images. It is wrong to believe that that is not exceptionally attractive to children. Children and young people also do not have quite the same capacity as adults to distinguish reality from advertising.

Q48 **Chair:** Are you saying that, although the industry does not target children, it knows that this is attractive to them?

**Professor Viner:** It does not target teddy bears and fluffy toys. It targets coolness and masculinity, or femininity. For our 10-pluses, in particular, that is very attractive, as they are desperate to look at the



## HOUSE OF COMMONS

adult world and want to be adults. The line by industry that it does not target children is true, but it is not relevant, if that makes sense.

Q49 **Darren Jones:** Presumably, if you are on an Xbox game or Snapchat—

**Professor Viner:** Yes, if you are a 13-year-old, and you are playing an 18 game.

Q50 **Darren Jones:** My point is that there are different platforms for advertising. You may not say, “I want specifically to speak to 14-year-olds,” but you may be putting your advertising on to the Facebook platform. I do not know whether that is the case—I use it as an example. If you are tweaking your algorithms so that your advertising goes to young people—if is about sport, perhaps to boys who have an interest in Xbox—inevitably you are targeting young people.

**Professor Viner:** The question is, are we happy for our children to be collateral damage in that type of advertising?

Q51 **Darren Jones:** Is the issue here a regulatory one? On traditional media, this is regulated by the Advertising Standards Authority. I am not sure whether the ASA has regulatory oversight of things like PlayStation advertising, or whatever it may be. Is there an ask here both for the ASA to have broader and stronger powers over advertising generally, regardless of the platform, and for us to look at things like the caffeine content, as well as the sugar content? If companies are allowed to call these products energy drinks, but in the zero-sugar categories there is a question about whether calling them energy drinks is accurate, should not the ASA be looking at that as well?

**Professor Viner:** Caffeine has some effects that you can argue are energy. I was making a broader point—that the net effect of these so-called energy drinks is to make kids tired. They may give you self-reported energy in the short-term.

Q52 **Chair:** Presumably, tired and putting on weight, rather than—

**Professor Viner:** If there is high sugar. If they are not doing much sport, and they are just gaming and drinking high-sugar energy drinks, they will be tired and, potentially, will put on weight. That was my point, not that they cannot give you any energy at all. I want to be clear about that.

It would certainly be worth while to look at the issue around advertising. I am very conscious that advertising around obesity and sugar is an important topic at the moment. It is important that we let that land.

**Annabel Gipp:** I think of this when I see a gambling advert on the television, on a billboard or on social media platforms with the message, “When the Fun Stops, Stop.” We do not seem to get that warning with any kind of energy drink. Yes, it says on the can that they are not suitable for children, but that message is not promoted. If it were made more prevalent and more obvious in advertising campaigns, it might start



to raise awareness that these drinks are not suitable for children. Then parents might start to question their consumption as well.

**Darren Northcott:** That is very important. Quite rightly, a lot of the debate focuses on the impact of advertising on children's perceptions, but I wonder about the impact of advertising on parents' perceptions. One of the issues that our members have raised is that many parents do not really understand what is in these drinks and what the implications may be. A lot of people of my vintage who are parents may look at the drinks that they had when they were young and think, "These are just different versions of that drink"—of a proprietary cola, or whatever it is—and not understand that there are very different substances in these drinks. They are different in composition from the drinks that parents experienced as young people. Therefore, parental understanding is important.

Advertising may normalise this in the eyes of parents. Parents may think, "If a particular brand is advertising on an F1 car, that must be okay. They would not allow something bad to be used when advertising F1. They do not allow alcohol or tobacco in sports advertising, but they allow energy drinks, so that is fine." It does not help to get across the right messages to parents about the conversations that they should be encouraged to have with their children about these drinks, what the impacts are and what is an appropriate level of consumption—if any level of consumption at all is appropriate, which I do not believe.

**Darren Jones:** I am conscious that we are talking about three different things now. We are talking about regulations for advertising to children and how those apply to different platforms. We are talking about advertising what these drinks do, or say they do. Now we are also talking about health warnings. Are we saying that we broadly agree that the warnings on energy drinks need to be better, more informative and more prominent? I think that that is what we are saying.

**Annabel Gipp:** Yes.

Q53 **Darren Jones:** Those are three distinct and different recommendations. We need to be clear on that in our report.

The last question I am interested in is the gender issue, which Annabel raised. What are we seeing that is trying to tap in specifically to girls versus boys?

**Annabel Gipp:** When you look at the boy-specific advertising, it is all about sporting prowess, building muscle and power. Even the names of the drinks, such as Monster, Boost and Rockstar, are very emotive words young people will aspire to. There is a lot less female advertising. It has things like images of the Playboy bunny on the can, with very scantily clad women in the adverts.

Q54 **Darren Jones:** There is a body image.



**Annabel Gipp:** There is definitely a body image. From my clinical practice, I know that distortion of body image in young people is really prevalent. It is very difficult to treat when those ideas become quite deep-seated in children. The kind of advertising that we see is only reinforcing the idea that, if they consume these drinks, they will be able to achieve the idealistic bodies in the adverts. That is a worry for me when it comes to the boys, because they are not presenting to our services. I have an underlying concern about the impact that this is having, especially on our young boys.

Q55 **Darren Jones:** That is deeply worrying when we have anecdotal evidence that people are skipping breakfast and having these things. The health consequences, especially of the high-sugar versions or the alternatives, are an issue.

**Annabel Gipp:** Research says that, mostly, the trend is that children who are either underweight or overweight are the ones who are consuming these beverages. They are disproportionately affecting people who receive free school meals and male children who do not have great educational attainment. Those are the trends and the inequality and whom they are affecting. It is important that we take this issue as seriously as we can, because it is affecting young people who are very vulnerable.

Q56 **Bill Grant:** Post Brexit—dare I mention the word?—do you see a case for the UK changing any particular regulations around, to use Professor Viner’s term, so-called energy drinks? Is there an opportunity to change the content, the advertising—which we have touched on quite heavily—or the labelling?

**Dr Lake:** There is very much an opportunity. For example, some of our respondents came up with the concept of spoonfuls of sugar on cans.

Q57 **Bill Grant:** Jamie Oliver.

**Dr Lake:** Our respondent—our 10-year-old from County Durham—came up with it before he did.

**Bill Grant:** Sorry.

**Dr Lake:** Spoonfuls of sugar on the can would be really helpful. You could have cups of coffee on the can. There is potential to do something different.

Why don’t we stop and think about other things? We have talked here a lot about caffeine and sugar. These drinks contain lots of other ingredients. We talk about lack of evidence around caffeine. We have even less evidence about the taurine, the guaranine and the other so-called health-giving benefits. We have little evidence about what they do to adults, and very little evidence about what they do to children. Maybe we should be thinking about the contents of these drinks and the cocktail of chemicals that they contain.



## HOUSE OF COMMONS

**Professor Viner:** I agree. I do not think that I have much to add.

**Darren Northcott:** On Brexit, it depends what Brexit means. I will leave that to one side. Regardless of what Brexit means, there are steps that we can take now to address this issue.

**Annabel Gipp:** The only concern that I have is that we do not take the route that America has taken, where energy drinks start saying that they are nutritional products and, therefore, do not need to comply with any jurisdiction as regards what they can contain and how they market themselves. That is my only note of caution. It is an opportunity to change the labelling and the advertising.

Q58 **Bill Grant:** Irrespective of the source of the teaspoon labelling, do you see a value in labelling the caffeine or sugar content? Do you think that that would drive people away from these drinks, or would they pay no attention to it whatsoever? Is there a value in the symbol?

**Dr Lake:** At the moment, there is labelling on them. They say on the back, in very small letters, "Not suitable for children."

Q59 **Bill Grant:** So there is little or no effect. Labelling has no impact.

**Dr Lake:** We need a multipronged approach. Let us look at legislation and labelling. We know from dealing with obesity that no one approach will nail this. We need to think about this as a complex system and to look at all the approaches: the advertising, the gaming, the labelling and the legislation. Let us have some leadership. When we know that these drinks are not good for our children, why are we letting people sell them to our children?

Q60 **Stephen Metcalfe:** On the issue of gaming, are these apps that people are downloading to their phones, or is it mainstream?

**Dr Lake:** It is a combination of both, but these are mainstream games.

Q61 **Stephen Metcalfe:** Are they branded energy drinks, or is it just the concept of "Have this drink to give you a boost," which, to be fair, has not existed in video games for 25 to 30 years?

**Dr Lake:** I believe they are branded. That is the game's motivation element.

Q62 **Stephen Metcalfe:** Somebody pays to have their product placed in the game.

**Dr Lake:** I understand that is so. We are about to do more research into that. It is a fascinating area that has not been researched.

Q63 **Bill Grant:** To what extent do young people—maybe not exclusively males—see high caffeine content as a badge of honour and something that is cool? Is it seen as something they want to do, rather than saying, "It's high in caffeine; I'll avoid it"? Is it the cool aspect of it that drives it?



**Dr Lake:** We do not understand enough about it, but we do understand that, for example, for boys the bigger cans mimic cans of lager. We come back to mimicking adult behaviour, but I believe that once we look at legislating there will be a badge of honour attached to it, as there is with alcohol and smoking. It is a similar thing, but at the moment I would not say there is a caffeine badge of honour. I do not think there is that level of awareness.

Q64 **Bill Grant:** Caffeine has been mentioned many, many times. What is caffeine an extract of? Where does caffeine come from? What is its source?

**Professor Viner:** It comes from many places. It is in chocolate; it is obviously in coffee beans; it is in a range of areas.

Q65 **Bill Grant:** Maybe I did not make myself clear. Is it from a plant?

**Professor Viner:** It comes mostly from a number of plant sources. Coffee is particularly rich in caffeine; tea also has a bit of caffeine. Guarana is another plant; you see guarana drinks, but that is just caffeine, so it is from plant sources.

Q66 **Bill Grant:** It is a natural ingredient.

**Darren Northcott:** Yes. Plants use caffeine as a natural pesticide because it is toxic to insects and other pests, but "natural" does not mean it is good.

**Bill Grant:** Thank you for that.

Q67 **Graham Stringer:** Should it be taxed?

**Annabel Gipp:** People get a bit twitchy when you talk about a caffeine tax; their ears go up and they think, "My latte is going to go up in price," but other countries, of which Hungary is one example, have used any increased money from taxing caffeinated drinks to fund healthy programmes. If we were to consider a caffeine tax, my idea would be that it would come from drinks that have caffeine added to them in the manufacturing process in order to boost the caffeine content.

What is caffeine? It is a naturally occurring substance; it occurs in coffee, tea, chocolate and lots of other products, but your latte or cup of tea does not have caffeine added during the manufacturing process to increase the caffeine content. If we were to consider a caffeine tax, that is where we would have to direct it, because it would be quite a difficult thing to sell to the wider public.

Q68 **Graham Stringer:** We have talked a lot about the negative impacts of these drinks on behaviour. Are there any positive incentives to change young people's behaviour so they do not consume these drinks?

**Annabel Gipp:** We would be looking at removing them from places where the drinks are available, as we did with sweets in supermarket checkouts. Removing them from food-to-go areas and places where



## HOUSE OF COMMONS

children often go to shop would be taking them out of the line of vision, as we have done with sweets.

Q69 **Graham Stringer:** It is not really a positive incentive, but I take your point.

**Darren Northcott:** Role modelling is sometimes a difficult subject, but it may have a part to play. I wonder how many athletes participating in events that may be sponsored by these companies actually use these drinks. I suspect very few of them would start a race or match with a couple of cans of Red Bull. That would be unlikely. Maybe there is a place for role models to help put out more positive messages about the impact these drinks have and what they consume instead of caffeinated drinks—for example, the value of water or some other drink that has less controversy attached to it.

**Professor Viner:** Sports drinks.

Q70 **Graham Stringer:** “I didn’t get where I am today by drinking Red Bull.”

**Darren Northcott:** Yes.

Q71 **Graham Stringer:** In terms of all the dangerous things out there for young people, where do these drinks come in the threat hierarchy?

**Professor Viner:** That is impossible to answer, but the alcohol analogy is a useful one. Caffeine is pervasive in our society; there is a small amount of it in lots of different food. There is a coffee culture among adults that is potentially harmful to our children. We as adults have an alcohol culture that is harmful to our children. We have recognised that and taken steps radically to limit children’s access to alcohol. I believe it is appropriate to do the same for these high-caffeine drinks.

I cannot give you a ranking of harm. In terms of new things out there, it appears to be potentially a significant harm that I believe is worth while acting on.

**Dr Lake:** It is also cheap. It is very easily available and it clusters with behaviours that we know are harmful, and deprivation. We cannot ignore that link with inequality.

**Chair:** Thank you all very much indeed. We really appreciate your time.

### Examination of witnesses

Witnesses: Oliver Strudwick, James Lowman and James Bielby.

Q72 **Chair:** Welcome, all of you. Thank you very much for coming. May we start by each of you introducing yourselves briefly?

**James Bielby:** I am James Bielby and I represent the Federation of Wholesale Distributors. We are the trade association distributing food and drink to independent retailers and caterers. Our wholesale members



## HOUSE OF COMMONS

distribute energy drinks, and there are also own label energy drinks within our members' portfolios.

Q73 **Chair:** Presumably, in particular you would be supplying energy drinks to corner shop-type operations.

**James Bielby:** Yes.

**Oliver Strudwick:** My name is Oliver Strudwick. I am here on behalf of the British Soft Drinks Association. I am its public affairs manager. Our members are the producers and manufacturers of soft drinks, bottled waters, fruit juices and energy drinks. That is why we are here today.

**James Lowman:** I am James Lowman, chief executive of the Association of Convenience Stores, of which there are 50,000 across the UK selling a very broad range of products, including soft drinks and, within that, energy drinks.

Q74 **Chair:** May we start with you giving your view on the scientific evidence of children's health being affected by energy drinks? I think you were all present for the earlier evidence, so I would be very keen to hear your response.

**Oliver Strudwick:** It is worth pointing out straightaway that from the BSDA's perspective we have quite clearly supported the voluntary action taken by retailers with regard to the banning of sales to under-16s. We believe this decision endorses our own code of practice, which our members put in place voluntarily in 2010.

Q75 **Chair:** May I intervene quickly? That confuses me, because your written evidence says that energy drinks and their ingredients are safe. That is a very clear statement, yet you support a voluntary ban on selling to children. Why support a ban on selling to children if you believe they are safe?

**Oliver Strudwick:** When we say energy drinks are safe we are referring to the EFSA judgment in 2015, which we see as the most comprehensive analysis of all the available literature. When we say they are safe, they are safe with regard to adults because that is exactly what EFSA stated.

Q76 **Chair:** Therefore, you accept that there is risk or potential risk to children.

**Oliver Strudwick:** Yes, we do. Our members do not promote or advertise to children under 16, which is reflected in what I said before, and we are committed to working with retailers to ensure the responsible sale of energy drinks. We see that as being very much in line with the spirit of our code of practice.

Q77 **Chair:** Supermarkets have voluntarily banned sales to under-16s. Is that the limit they have used?

**Oliver Strudwick:** Yes, it is.





## HOUSE OF COMMONS

Q78 **Chair:** Is that an age limit you support?

**Oliver Strudwick:** Yes, it is.

Q79 **Chair:** Are there contributions from either of the other witnesses?

**James Lowman:** I do not have much to add on the scientific evidence; it is not our area of expertise, but clearly we recognise that evidence, which tends to be used as the basis for these decisions.

**James Bielby:** Likewise, we support the EFSA report in terms of caffeine intake.

Q80 **Chair:** In other words, you accept that there is harm to children but not adults.

**James Bielby:** Correct. The caffeine intake from energy drinks is negligible in children. I would also say that the Kantar Worldpanel data state that the consumption of energy drinks by under-16s accounts for just 6.5% of sales. That is based on sales data. Within the wholesale channel, energy drinks contribute about 20% of total turnover. The total category is worth about £1.8 billion in turnover. Therefore, it is 20% of sales within that £1.8 billion and less than 7% of the sales are to children.

Q81 **Chair:** It is also true, is it not, that overall sales have gone up and sales to children and teenagers have increased significantly in recent years?

**James Bielby:** To be clear, the Kantar Worldpanel data are about consumption. There are no sales data on who is buying it.

Q82 **Chair:** But the data show a significant increased consumption among children and teenagers. Is that not right?

**James Bielby:** I have not seen those data; they may do.

Q83 **Chair:** What do you think is the appeal of energy drinks?

**James Lowman:** Ollie represents manufacturers who will know about their marketing strategies, the different demographics and the appeal of different brands. From a retailer point of view, they are purchased by a full range of customers in different environments. Petrol forecourt stores sell quite a lot of energy drinks, in particular, because people perhaps want to keep themselves awake and full of energy when driving. Some younger people buy energy drinks.

There is also an issue of definition. Reading the written evidence to the Committee, there are issues around sugar—this was raised in the first session—caffeine and other component parts of those products. When I am talking about energy drinks I am referring to high-caffeine products. That is the definition I would use based on the EFSA report. Essentially, the appeal is exactly the same equation as for every other set of products. It is a combination of appeal, brand and taste.



## HOUSE OF COMMONS

- Q84 **Chair:** Are there any that appeal particularly to children and teenagers?
- James Lowman:** I cannot say that. Members report that people of all ages buy all sorts of different products.
- Q85 **Chair:** Oliver, is there any evidence of that?
- Oliver Strudwick:** I would not say so. As I said before, our members do not market or promote to children, nor do they sample or test with children under 16. There is no product out there that is designed or marketed in any way that is meant to appeal to children. Whether or not it does, I presume it comes down to the individual child, much as there is an appeal in any sort of food or drink product.
- Q86 **Chair:** A ban on the sale of energy drinks for children under 16 has been suggested by some. There is also discussion about whether there could be exclusion zones around schools, on which you heard some evidence this morning. There is also reference to possibly tighter advertising controls. What are your views on those options?
- James Lowman:** Any plan that the Government want to introduce would have to follow evidence. You heard some evidence this morning. If the Government decided that there should be a ban on energy drinks by age, we would work with them to try to achieve that and make sure it is implementable.
- Q87 **Chair:** Your association does not oppose a legal ban on the sale of energy drinks to under-16s.
- James Lowman:** Correct. We surveyed our members at the beginning of this year, and currently just over half are not selling energy drinks to under-16s. Some have particular shades of that policy. They might not sell to children in school uniform; they might not sell in the morning; or they might not sell more than one can. That has come about usually from a conversation with a headteacher about a particular issue and they have worked with the school to come up with a policy that works.
- Fifty three per cent of independent retailers are following some sort of policy. On top of that, some of the larger retailers have committed not to sell to under-16s, including members such as the Co-op, MRH and some of the larger retailers.
- Q88 **Chair:** Oliver, if you support the voluntary ban and see the case for it, presumably you support a legal ban that would prevent it from being sold in any outlets.
- Oliver Strudwick:** Yes. If Government deemed it necessary and thought the voluntary ban was not having the desired effect that we and retailers hope it does, we would not oppose it.
- Q89 **Chair:** Do you see the problem some people highlight that stopping sales in supermarkets does not necessarily reach a large number of children and teenagers, who may be getting it from the corner shop near the



school, or whatever?

**Oliver Strudwick:** We recognise that as an issue. One of the starting points we have always had, as James mentioned, is that energy drink consumption by children under 16 is only 6.4% of consumption occasions, so for us more targeted intervention that looks at how you stop children being able to buy drinks that are unsuitable for them can work. We are more than happy to work with Government and others in finding a solution that delivers that result.

Q90 **Chair:** James, I interrupted you just as you were about to launch into an answer.

**James Bielby:** In terms of the customers our members serve as wholesalers, co-ordinated voluntary action is very difficult, if not impossible, because they are independent retailers.

Q91 **Chair:** Does that in a sense make the case for a clear ban on the sale to under-16s?

**James Bielby:** I think a mandatory age restriction would be the only way to implement that across the independent retail estate. You cannot do it on a voluntary basis because of the independent nature of the retailers.

Q92 **Stephen Metcalfe:** Referring to the 6.4% of sales of so-called energy drinks to the under-16s, how up to date is that figure, and how is it verifiable?

**James Bielby:** Those are consumption occasions—consumption by under-16s. Those are the Kantar Worldpanel data. They say it accounted for 6.5% of consumption occasions in home or out of home in 2017.

Q93 **Stephen Metcalfe:** What does that mean to a layman?

**James Bielby:** It means that, of all the energy drinks consumed, 6.5% were consumed by under-16s.

Q94 **Stephen Metcalfe:** Who has verified that?

**James Bielby:** Those are Kantar Worldpanel data.

Q95 **Stephen Metcalfe:** That is just in the UK.

**James Bielby:** Correct.

Q96 **Stephen Metcalfe:** While it is a not insignificant number it is not a massive one. As you said, a targeted approach may be better. Do we assume that those under 16 should not be consuming these drinks?

**James Bielby:** The products are clearly labelled that they are not intended to be consumed by children. Obviously, that is a decision to be made by their parents and the children themselves.

Q97 **Stephen Metcalfe:** Do you think they are labelled clearly enough?



## HOUSE OF COMMONS

**James Bielby:** The labelling is clear, but the fact that there is 6.5% consumption means it perhaps could be clearer. A lot of the labelling, as touched on in the earlier session, is mandated by European Union rules.

**Oliver Strudwick:** I would echo the last point. The labelling is mandated by European Union rules. Under the BSDA position, looking at the interventions we could make, I understand that people have discussed the labelling on cans. That has been there for a long time. Our focus has been on the point of sale, which is why we have come out to support the voluntary ban. We think that would be a more effective way of delivering change than simply changing a label or statement on a can, if people could even do that because they have to include it on a can under European legislation.

Q98 **Stephen Metcalfe:** What do they have to include?

**Oliver Strudwick:** They have to include a statement that it is not recommended for children because of European labelling rules.

Q99 **Stephen Metcalfe:** But presumably the industry could do more to promote it if it felt it really wanted to avoid its product being used by under-16s.

**Oliver Strudwick:** The industry could always do more, and that is why we are constantly revisiting our own code of practice and having a look at how it could be updated. We brought it in voluntarily in 2010 and updated it in 2015 because we realised it needed clearer guidance with regard to the position in and around schools. Looking at the evidence, we do not think that the best solution is necessarily simply to change a stipulated label on a can but to have a policy that would stop under-16s being able to buy drinks that EFTA has said are unsuitable for them.

Q100 **Stephen Metcalfe:** Accepting that under-16s will always try to bend the rules—I am sure we have all done it in our own individual ways at some point—education and perhaps a better understanding of the impact these drinks can have would probably be useful. We have talked about alcohol and compared the way it is introduced and about it having to be recognised as having potential risks associated with it. For adults that is a risk that is calculated—clear guidance from the chief medical adviser states you should have no more than two drinks a day and two days off a week. Do you think a similar recommendation or guideline from medical professionals would be helpful in this case to help educate people?

**James Lowman:** That is a medical or scientific judgment and not for me.

**James Bielby:** Commission directive 2002/67/EC says that an amount in excess of 150 milligrams must contain the message “High caffeine content,” so presumably that is the level at which it is setting the level for healthy consumption.

Q101 **Stephen Metcalfe:** Do you think people are aware of that?

**James Bielby:** Almost certainly not.



Q102 **Stephen Metcalfe:** I want to go back to how this product is placed within games. Is that a deliberate ploy by some of your members?

**Oliver Strudwick:** I would not say so. Our members voluntarily introduced this code of practice. They have a code of practice and different parts of the code are recognised in other advertising codes of practice and Ofcom guidelines. Our members use this when looking at marketing promotions. Therefore, they use it when looking at where they are advertising. If they are advertising in a game, it would be most notably because that game had an age restriction on it. Where they have advertised in games they clearly aim it at 16 or over, to the point where on gaming occasions when individuals come together to play sometimes people have to bring ID to prove they are 16 or over just to get through the door.

Our members do take this very seriously. We understand that we are in a very fast-changing world with social media and gaming, and in our code of practice we are constantly trying to reflect how we can best stop issues and concerns, such as energy drinks in gaming advertising.

Q103 **Stephen Metcalfe:** Remind me, do you represent all the drinks manufacturers?

**Oliver Strudwick:** No—Relentless, Monster, Rockstar and Red Bull.

Q104 **Stephen Metcalfe:** Therefore, there are others out there that you are unable to speak for.

**Oliver Strudwick:** That is correct.

Q105 **Carol Monaghan:** Oliver, you have just mentioned your code of practice. I believe the other two representatives here adhere to that code of practice. One section of it says: "No marketing communications concerning energy drinks will be placed in any media with an audience of which more than 35% is under 16 years of age." We have just heard from the previous panel that even at 24% that rules out pretty much all family viewing unless every child in the UK is watching it. Surely, 35% is a ridiculously high level and it should be far lower.

**Oliver Strudwick:** Thirty-five per cent is the same level that is used in the British advertising code of practice; it is the same in Ofcom guidelines for products that are, say, HFSS—high in fats and sugar. It is a standardised industry mechanism that the regulators brought in, which is why we reflected it in our code of practice to try to bring it in line to create the most robust code of practice we could have.

Q106 **Carol Monaghan:** Having heard the previous panel's evidence, can you see that 35% is not going to be that effective if we are trying not to target under-16s?

**Oliver Strudwick:** We could take it away and look at what the difference would mean in dropping it down. The reason 35% was chosen was to bring it in line with current advertising practices. They have been set up



## HOUSE OF COMMONS

by the regulator because they deem it to be a sufficient amount. Therefore, we have simply used that within our own code of practice, but we are more than happy to take it away and look at what the effect would be if you brought it down to other levels.

Q107 **Chair:** I want to pursue further the issue of gaming. We have heard in another inquiry we are conducting on social media and health that age limits on social media are very difficult to enforce. Earlier today we heard evidence that very many under-16s are seeing the promotion of energy drinks through gaming online. The view expressed was, “We don’t believe that the companies”—your members—“are targeting deliberately, but in effect they know it is hitting children under the age of 16.” Is that not inevitably the case?

**Oliver Strudwick:** Inevitably, I do not think there is any denying that occasionally things will slip in. Our members do their best.

Q108 **Chair:** It is more than occasional, is it not? Gaming by under-16s seeing this material is very widespread.

**Oliver Strudwick:** We can work only on the data we have. We rely on robust data from social media companies to work with our members. Because our members do take it very seriously and it is very much a changing space at the moment, trying to get robust data and ensure that the spirit of our code of practice is reflected in advertising online is constantly under review. We are aware that it is an issue.

Q109 **Chair:** Are you saying that your data show that very few under-16s are seeing this material in gaming online?

**Oliver Strudwick:** We do not have the data. When our members go through more traditional channels—radio, TV—obviously they have quite robust long-standing data to understand the audiences and key demographics.

Our members have the ability to use analytics for social media and work with those companies. I know they are doing that to the best of their ability to try to ensure that the spirit of the code of practice in not marketing and advertising is reflected in their online presence, but, because it is such a fast-changing world and they are relying on data that are not of long standing, they are trying to the best of their ability to ensure they can uphold our code of practice within their online advertising.

Q110 **Chair:** Are you prepared to consider further the evidence we heard earlier today that substantial numbers of under-16s are seeing the promotions of energy drinks through gaming online?

**Oliver Strudwick:** Yes, we are. We constantly review our own code of practice and how it is best placed. We are aware that this is an issue and are considering it.

Q111 **Chair:** Would you consider looking at whether you can tighten your codes



of practice so it is not just about targeting promotions to under-16s—I accept you are clear on that—but about outlets where you know significant numbers of children under 16 are engaging and it is not suitable for promoting energy drinks to those markets?

**Oliver Strudwick:** Yes, most certainly. If that were the case, we would revisit our code of practice and renew it as necessary.

Q112 **Bill Grant:** My question is primarily for James Lowman, representing convenience stores. You very kindly produced—it is to be welcomed—guidance on preventing under-age sales, and within that there is scope for your members voluntarily to introduce a ban on sales of energy drinks to under-16s. Of your 50,000 or so members, have you any data or information on how many actually apply that on a voluntary basis?

**James Lowman:** In a survey carried out in January of this year, 53% of independent retailers that we serve—over 1,200 retailers participated in a telephone survey—said that they included voluntary age restrictions on energy drinks. That number has gone up slightly since the last time we did that a few years ago, when it was 49%. I would not read too much into that increase, but it is about that level. Whether that was due to the advice we issued or some other reason, I cannot say.

To be clear, we provide two pieces of advice. One is our assured advice scheme—it is one of the largest assured advice schemes in the country—with Surrey trading standards. That includes advice on all age-restricted products. On energy drinks, it makes it clear that there is not a legal age restriction, but it encourages our members to listen to requests from local schools and other local stakeholders who have issues.

Separate guidance, which builds on that, adds a little more and talks about some of the ways to manage the conversation with local stakeholders. That might include the introduction of an age restriction.

In some cases those conversations do not go straight to an age restriction; it is often about the time of day. Some of the feedback that our members often get from teachers is: “The problem is that in the morning kids come in having consumed a number of energy drinks. Therefore, if you do not sell in the morning, we are quite happy with what you do for the rest of the day,” depending on whether they are allowed out at lunch time and different local policies.

In other cases the retailer goes for an age restriction. As was introduced in the first session, sometimes there is a clear issue about the quantity of energy drinks consumed. Sometimes only one can is sold, or something like that. We already encourage retailers to have a positive, practical conversation to try to work out the best policy that works locally.

Q113 **Bill Grant:** The figure of 53% is surprisingly high. Maybe it is not always driven simply by the advice that the association gives. What evidence do you have that retailers have been pressurised, for want of a better word, by councils or schools themselves? Is there evidence that that is the



## HOUSE OF COMMONS

driver?

**James Lowman:** In most cases that is the driver, and we see that as a positive thing. I would not necessarily use the word “pressurised”; it is usually a more even-handed conversation than that. We see that as working well. As community retailers, if there is contact from a school—it could be other stakeholders, but it is usually a school—we absolutely engage in that positively, and it has resulted in more of these policies being in place.

**James Bielby:** On the specific issue of schools and education, one of the things our members do is distribute food to schools via the food service network. We are very heavily involved in the school food plan; we are part of the School Food Plan Alliance. School food standards are very clear about the types of drinks that can or should be consumed by children. However, it is not mandatory; it is voluntary; it is partial. For academies and free schools, these rules and standards do not apply. If I may be so bold, one recommendation the Committee might like to make is that the school food plan standards should be mandatory across all maintained schools in the UK.

Q114 **Chair:** Some of your members have chosen to introduce a ban following your guidance or pressure from schools. I guess it is impossible to say from your point of view how well it is enforced by staff in those shops.

**James Lowman:** Yes, but there would be quite strong enforcement and monitoring. If a local school has worked with the retailer on that policy and sees it not being followed, I am sure it would be picked up by the local school. I do not think it necessarily needs a new enforcement system or monitoring by us. It is a good self-policing system that works quite well.

Q115 **Carol Monaghan:** James Bielby and Oliver, both of you in your evidence have talked about a ban on advertising within 100 metres of schools. Why 100 metres? That seems very low. Why not 200 metres or 500 metres?

**James Bielby:** If you take a school in an urban area, for example, a restriction that was wider than 100 metres would preclude any advertising anywhere within, say, London because of the high density of schools and the number of people who live in that area. Based on the evidence about where children see advertising on their way to school, it would certainly be within a 100-metre radius in densely populated areas, and in rural areas you would not necessarily have billboard advertising in the same way.

Q116 **Carol Monaghan:** Even in densely populated areas, most children do not live within 100 metres of the school.

**James Bielby:** No, but they may be travelling in from different areas and will be passing other schools en route, and they might see static advertising on their way. I agree it is a figure you can interrogate, but





## HOUSE OF COMMONS

that is the recommendation. Oliver may have more evidence as to why that figure was alighted upon.

**Oliver Strudwick:** In 2010, when 100 metres was chosen, I think it was based on where children are most likely to see static advertising going to and from schools, taking into account densely populated urban areas. Using that radius was seen as a good way to police static advertising. It may well be the case that that needs to be reconsidered, but we have to look at the effect that would have on advertising and what these locations are.

**James Bielby:** To be clear, in terms of our own evidence we are talking about our members who produce their own energy drinks by their own label. Typically, they do not engage in static adverts, or at all, regardless of whether it is 100 metres, or elsewhere, outside schools.

Q117 **Carol Monaghan:** However, many of the big brands do.

**James Bielby:** We are not talking about them; we are talking only about our own members.

Q118 **Carol Monaghan:** But you are representing big brands that would advertise in this way. I struggle to see how it will have any impact. Maybe you can help me understand that. Even a 500-metre travel to school means they could have 400 metres of advertising, followed by 100 metres of no advertising.

**Oliver Strudwick:** We looked at what you could do directly in and around schools that could be well marshalled and policed, and 100 metres gives a good radius. Teachers and parents could notice these things and, if there was ever a breach, they could report it. The issue we have is that children may not live 100 metres away; they may travel far. They may get trains or buses and see it.

The question is: where do you put in the knife and say this would be an acceptable level? The figure of 100 metres was chosen. What we are saying today is that we support the prevention of sales of energy drinks to under-16s through a voluntary ban and hope that that has the desired effect. Therefore, if you can stop children consuming these drinks, which EFSA feels are unsuitable for them, static advertising should not have an effect on children's consumption in school or around the school.

Q119 **Carol Monaghan:** May I press you a little bit more on compliance? You said parents or teachers can report this. Is that the only way you measure compliance, or do you have ways of checking whether drinks companies or advertising companies are complying with this rule?

**Oliver Strudwick:** We would rely on feedback. When our members look at their marketing and advertising strategies they understand what the code of practice dictates. Therefore, they would apply it to those strategies. If somebody thought, "This looks like static advertising within



## HOUSE OF COMMONS

100 metres,” and they let us know, we would be more than happy to contact our member.

Q120 **Carol Monaghan:** But you are relying on parents and teachers reporting it.

**Oliver Strudwick:** Yes.

Q121 **Carol Monaghan:** Do you think the 100-metre zone prevents students from purchasing energy drinks?

**Oliver Strudwick:** No.

Q122 **Carol Monaghan:** Maybe “deters” is a better word than “prevents.”

**Oliver Strudwick:** It probably does deter them because if they are, let’s say, hanging around school before it starts they could see something that makes them think, “Maybe I’ll just grab that,” but, if they were not able to buy that from the local shop round the corner, it would not be an issue.

**James Bielby:** I do not think it acts as a deterrent as such. It would not encourage them; it would not put it at the front of their mind. I do not think it would act as a deterrent in any meaningful form.

Q123 **Carol Monaghan:** As a teacher, I can tell you that very few students hang about schools before they start; they are usually somewhere else.

We have already heard this morning from NASUWT, which is in favour of an exclusion zone around schools in which energy drinks should not be sold. Is that a good idea? Would you support it?

**James Bielby:** No, on the basis that, as we unpacked earlier, the number of drinks consumed by under-16s is quite low in terms of overall intake, and an exclusion zone around a school would penalise 80% or 90% of adult consumers.

Q124 **Carol Monaghan:** Maybe I should specify an exclusion zone for under-16s purchasing drinks around schools.

**James Bielby:** We support a voluntary ban on under-16s anyway, so I do not see any fundamental difference between the two positions.

**James Lowman:** There could be some unintended consequences and unexpected ways in which that would work. On their route to school some kids will get a bus; some will be independent and able to go to shops, sometimes a long way from school. It does not necessarily stop the purchase of those products on the way to school if we already have schools not allowing those products to be brought into school. Many large and small retailers are already voluntarily not selling them and working with local schools on that. I would be really concerned about an arbitrary exclusion zone for sale around schools. I think it would be a very blunt instrument to address this.



## HOUSE OF COMMONS

Q125 **Carol Monaghan:** I wonder whether the concern is more that some stores feel they may have a competitive advantage if they are not around schools and they can still sell it. Would that be the case?

**James Lowman:** Yes, and this is a challenge in growing a voluntary ban. To be clear, we can share this advice, but ultimately we cannot enforce a voluntary ban. One of the big reasons for that is, as you say, competition. Those who do not comply would have more sales directed towards them anyway, so it has to be on a local basis.

Q126 **Carol Monaghan:** Those who are not complying and selling to under-16s will have a competitive advantage.

**James Lowman:** Yes, exactly.

**Carol Monaghan:** That is quite worrying. It is a driver for this.

Q127 **Chair:** I think it is these reasons that lead you to conclude that you are at least relaxed about Government deciding to have an overall ban.

**James Lowman:** Correct. We are now at a point where there are voluntary bans or policies in place. Either a large company manages a number of stores and controls what happens in them, or independent retailers—about half of them—work with local schools and other stakeholders to have policies that restrict sales to under-16s.

The bit in between—trying to promote voluntary action—does lead to issues of competition law. That would be one concern. How would that be enforced? Some retailers would profit and others would not.

Q128 **Chair:** Irresponsible retailers will benefit at the expense of those who choose to follow it.

**James Lowman:** Those who do not follow that advice would benefit. I think that from where we are now the step on would be a statutory burden.

Q129 **Carol Monaghan:** We take a similar position to the one we took on cigarettes where sales are completely banned for under-16s.

**James Lowman:** That has been the case for a very long time, but the Government, weighing up the evidence and being advised by this Committee and others, would take a view about whether that was justified. If they chose to go in that direction, we would help them to try to make sure that the ban worked really well.

**Chair:** Thank you all very much indeed. We really appreciate your time this morning.