Energy Drinks - WCRF Response

November 2025

World Cancer Research Fund (WCRF) examines how diet, weight and physical activity impact the risk of developing and surviving cancer. As part of an international network of charities, we have been funding life-saving research, influencing global public health policy and educating the public since 1982. While society continues searching for a cure, our prevention and survival work is helping people live longer, happier and healthier lives - free from the devastating effects of cancer.

Central to our work are our 10 Cancer Prevention Recommendations. Developed by experts and rigorously tested by independent scientists, they provide a blueprint for individuals and societies to reduce cancer and other non-communicable diseases. One of our ten recommendations is to limit sugar-sweetened drinks. As high-caffeine energy drinks fall within this category, we support the proposal to ban their sale to children and young people.

As members of the Obesity Health Alliance (OHA), we also endorse its response.

Question 1

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

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

We fully support the implementation of a sales restriction on energy drinks to children. There is strong evidence that regular consumption of sugar-sweetened drinks is a cause of weight gain, as well as increasing the risk overweight and obesity. The main mechanism for this is via an increased risk of excess energy intake relative to expenditure. Greater body weight is a cause of many cancers including oesophagus (adenocarcinoma), pancreas, liver, colorectum, breast (postmenopausal), kidney and endometrium. As such, children and young people should drink water or unsweetened drinks to maintain a healthy weight.

High-caffeine energy drinks already labelled “not suitable for children,” remain easily accessible and heavily marketed, with voluntary measures failing to prevent underage sales or curb consumption, especially for children in more deprived communities. A legal age-of-sale restriction would create a consistent standard across all retailers, support parents and schools, and align with other age-restricted products like alcohol and tobacco. Public support is strong, with 76% of UK adults in favour and higher backing among parents and health and education sectors.

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Evidence shows regular consumption by young people is also linked to headaches, sleep problems, stress, risky behaviours, poor diet and oral health, and negative impacts on attention, learning, and behaviour, which concern parents and teachers. Marketing, branding, peer influence, low cost, and misperceptions of healthiness continue to drive youth consumption.

Question 2

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

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

If you do not agree with the proposal, what should the minimum age of sale be?

We propose setting the age limit for energy drink sales at 18 to align with UK law and the UN Convention on the Rights of the Child, which define anyone under 18 as a child, and because the European Food Standards Agency reports no safe caffeine limit for children. This limit ensures consistency with other age-restricted products like tobacco, alcohol, and gambling, where higher age limits reduce acceptability and access. It also aids practical enforcement, as 18-year-olds have easier access to valid ID, and aligns with international precedent in countries such as Latvia, Lithuania, Estonia, and Poland. Targeting 16–18-year-olds, the highest consumers, maximizes public health impact, supports government health missions, addresses inequalities, and builds on existing voluntary retailer restrictions, with polling showing majority public and parental support for an under-18 limit.

Question 3

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

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

We support banning drinks (except plain tea or coffee) with over 150 mg of caffeine per litre, in line with Food Standards Agency guidance. Moderate caffeine from tea and coffee is generally safe for older adolescents, energy drinks, with high caffeine and other stimulants, pose greater risks. The Post Implementation Review (PIR) should monitor displacement to other high-caffeine products, including sweetened pre-packaged coffees, and the review period should be shortened from five years to one year, to ensure the policy remains effective.

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Question 4

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

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

If you do not agree with our proposal, which sellers, retailers and businesses should be in scope of the ban? (select all that apply)

- **Retailers that primarily sell food and drink (such as supermarkets and convenience stores)**
- **Retailers not primarily selling food and drink (such as clothes retailers and newsagents)**
- **The eating out of home sector (such as restaurants, takeaways and delivery services, pubs and cafes)**
- **Individual sellers**
- **Online sellers, retailers and businesses**
- **None**
- **Don't know**
- **Other retailer**

We strongly support a legal ban on the sale of high-caffeine energy drinks to under-18s across all sellers - online, in-store, and in all venues - to ensure consistent compliance and avoid the inconsistencies of voluntary measures. Public support is high, with recent polling conducted by Savanta and commissioned by the Children's Food Campaign showing around 75–82% of adults and parents backing restrictions across supermarkets, corner shops, and online retailers. Voluntary codes have proven ineffective, making a mandatory legal framework essential to close loopholes and protect children. We also urge the government to apply the ban in all settings where energy drinks are sold, including vending machines, leisure venues, schools, gyms, and cafes, and to consider the policy implications of displaying zero-sugar high-caffeine drinks in prominent store locations.

Question 5

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

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

We recommend implementing age verification at both the point of sale and delivery to enforce the ban on high-caffeine energy drinks for children, following models used for alcohol and tobacco. Currently, third-party verification services are used online, and delivery personnel are expected to confirm age, but these measures are often unreliable - online checks can be bypassed by simply entering a birth date, and delivery drivers may skip verification due to time pressure or lack of training. Online food and drink platforms like Just Eat, Deliveroo, and Uber Eats further now sell age-restricted products through these apps without clear protocols or driver training for age checks, highlighting the need for a review of the security and effectiveness of current methods.

Question 6

To ban the sale of high-caffeine energy drinks to children under 16 years in all locations where these drinks are sold, the Government must also ban their sale from vending machines. Vending machines are automated and often unsupervised, meaning it is not easy to prevent the sale of specific items based on age. The Government has identified 2 main options to apply this policy to vending machines.

Option 1: banning sales from all vending machines regardless of the age of the person buying them Option 1 is the most straightforward for businesses to implement and the relevant authorities to enforce. However, it would stop high-caffeine energy drinks being sold to people aged 16 and over, even though they are not in scope of the proposed ban. This option may also increase the impact on businesses.

Option 2: the business or organisation where the vending machine is located is responsible for the age of sale ban.

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

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

If you do not agree with the proposal, how should the ban apply in vending machines and why?

We strongly support Option 1 in the consultation, as vending machines - commonly found in spaces frequented by children, such as leisure centres, gyms, colleges, and entertainment venues - pose a high-risk point of access for high-caffeine energy drinks, with no practical age verification methods. With the vending market growing post-pandemic and 70% of machines selling snacks, food, or beverages, a legal ban is essential to close this loophole and ensure consistent protection across all points of sale, in line with the UK Food Standards Agency's guidance. Recent polling of 2,018 UK adults shows 76% support banning energy drinks in vending machines, rising to 81% among parents. We urge the government to take a bold approach and include vending machines in the legislation.

Question 7

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

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

If you do not agree with the proposal, who should be liable for any underage sales from vending machines and why?

We agree that the owner, manager, or person controlling the premises where vending machines are located should be held responsible for any illegal sales of high-caffeine energy drinks to children. Experience with tobacco vending machines shows that age verification alone is ineffective, as children can still access them. To ensure compliance and protect minors, banning energy drinks from vending machines altogether is the most straightforward solution.

Question 8

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

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

We believe six months is sufficient for businesses to prepare for the ban, given prior notice, earlier consultations, and existing voluntary measures. Effective implementation will require clear, simplified guidance and additional resources for trading standards and local authorities, who are already stretched. Lessons from The Food (Promotion and Placement) (England) Regulations 2021 show that guidance must be straightforward to ensure compliance is achievable and sustainable.

Question 9

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

- **Yes**
- **No**

- **Don't know**

Yes, we agree, provided that local authorities are appropriately placed and can be properly resourced to carry out this work effectively. Extending powers to assess compliance is a reasonable enforcement approach, and compliance checks could likely be integrated into existing processes for other age-restricted products such as alcohol and tobacco. However, successful implementation will require:

<u>Ringfenced funding:</u> Resources must be earmarked specifically for enforcing age restrictions on high-caffeine energy drinks, rather than being absorbed into general budgets. This ensures that trading standards teams have the capacity to prioritise this work.

<u>Adequate staffing and training:</u> Local authority trading standards teams must have sufficient staff, training, and guidance to carry out checks effectively, including intelligence-gathering and use of test purchases where appropriate.

Experience from The Food (Promotion and Placement) (England) Regulations 2021 highlights the barriers local authorities currently face in taking on extra responsibilities, and the lack of funding that is provided to carry out these duties. In 2023 we conducted a survey with 40 trading standards officers with a responsibility for enforcing the above legislation. There was good awareness of the legislation amongst the officers we spoke to, however training opportunities and the number of inspections carried out were minimal. Officers reported staffing issues and competing priorities as key issues and confidence in reporting of potential breaches in-store was identified as a challenge. This was also echoed in another study with local authority enforcement officers.

Adequately resourced enforcement provides both deterrence and accountability, protecting children from illegal sales and supporting broader public health goals.

Question 10

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

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

If you do not agree with the proposal, how many days is an appropriate length of time to make representations and objections or to discharge liability for a notice of intent?

We agree if this is aligned with approaches for other age-restricted products.

Question 11

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

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

We agree if this is aligned with approaches for other age-restricted products.

Question 12

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

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

We agree if this is aligned with approaches for other age-restricted products.

Question 13

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

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

We agree if this is aligned with approaches for other age-restricted products.

Question 14

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

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

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

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

Please provide any specific information or evidence to support your answer.

If you do not agree with the proposed amounts, what should the fixed monetary penalty for individual, micro and small businesses be?

If you do not agree with the proposed amounts, what should the fixed monetary penalty for medium and large businesses be?

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

Alcohol: The maximum penalty for underage sales is £5,000, as outlined in the Licensing Act 2003, reflecting the high deterrence threshold deemed necessary to prevent breaches.

Tobacco and Vaping Products: Retailers can face on-the-spot fines of £200, with potential fines up to £2,500 for other nicotine products/ repeated offences

Lottery Tickets: Penalties can reach up to £5,000, with potential imprisonment for serious offences up to 2 years

Question 15

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

- **Yes**
- **No**
- **Don’t know**

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

- **age**
- **Disability**
- **gender reassignment**
- **marriage and civil partnership**
- **pregnancy and maternity**
- **race (including colour, nationality, ethnic or national origin)**
- **religion or belief**
- **Sex**
- **Sexual orientation**

The age-of-sale restriction on high-caffeine energy drinks primarily protects children and teens but may also have broader public health benefits. It can reduce risks during pregnancy and breastfeeding and address higher consumption among boys and young men.

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