**Questions for Consultation – LACA Response**

1. Should businesses be prohibited from selling high-caffeine energy drinks to children?

(Tickbox Yes or No Answer)

**Yes.**

1. Are there any other approaches that you think should be implemented instead of, or as well as, a prohibition on sales of energy drinks to children, in order to address the issue of excess consumption of energy drinks by children?

**LACA are keen to ensure that the School Food Standards, which we helped to implement in June 2014, are extended to all schools including academies and free schools. State Schools in England are legally required to follow the Nutrient Food-Based Standards. These mandatory Standards prohibit the sale of manufactured drinks with a high sugar content and this includes energy drinks.**

**Nevertheless, academies and free schools incorporated between 2010 and 2014 are not subject to these standards, although many of them have voluntary introduced them into their catering provision. Extending the Nutrient Food Based Standards to all schools would ensure that children do not purchase or consume such drinks.**

**In addition, LACA would also recommend:**

* **There should be a restriction on the sale of multi-packs. LACA would encourage single-sale.**
* **There should be a reduction in the amount of caffeine and sugar in energy drinks**
1. Which age limit would be most appropriate for a prohibition on sales of energy drinks to children?

(Tickbox Yes or No Answer)

* 16 years old
* **18 years old**

**Context - LACA and our members believe that the age limit should be set at 18 years old. This is in line with the age limit for purchasing alcohol and tobacco. Most importantly it would cover 16 and 17-year olds who are quoted in the consultation as the heaviest users of energy drinks.**

1. Should a prohibition on sales of energy drinks to children apply to any drink that contains over 150mg of caffeine per litre, except coffee and tea?

(Tickbox Yes or No Answer)
**Yes (LACA and our members would back such a move).**

1. Should a prohibition on sales of energy drinks to children apply to all retailers who operate in England, including online businesses and the out-of-home sector (cafes, restaurants, takeaways and so on)?

(Tickbox Answer)

**Yes.**

**Reason - LACA are concerned about the proliferation of fast food and takeaway restaurants around schools. Whilst we help provide children each day with a hot and healthy nutritious meal, we cannot be responsible for the food and drink children consume from outside the school gates. In order to improve attainment and concentration in schools, we would strongly encourage a ban on energy drinks on all retailers to children.**

1. Should children be prevented from buying energy drinks from vending machines?

**In an ideal world it would be preferable to ban the sale of energy drinks from all vending machines. A partial ban will be difficult to monitor and implement.**

1. If children are prevented from buying energy drinks from vending machines, how should this be done?

(Tickbox Answer)

* All sales of energy drinks from all vending machines should be prohibited, regardless of the age of the person buying them.
* Sales of energy drinks from vending machines should be subject to age restrictions, to be enforced by the businesses or organisation on whose property the vending machine is located.
* **All sales of energy drinks from vending machines should be prohibited in specific locations with high child footfall, for example educational establishments, sports centres and youth centres**.

**Context - these types of establishments shouldn’t be stocking energy drinks so close to the school gates. Energy drinks should be served from the counter where possible in Leisure outlets.**
Other approach (please give details of the approach you are suggesting).

1. If the sale of energy drinks to children is prohibited, would 12 months be an appropriate implementation period for all businesses?

**LACA and our members believe that a timeframe of 12 to 18 months would be more than adequate to allow for changes and publicity**

1. If you are a business selling energy drinks, have you already imposed limits on sales to children?

**Our members do not stock energy drinks**

1. If you have not already limited sales of energy drinks to children, have you committed to do so or are you planning to do so in future?

 **N/A**

1. If you have already limited sales of energy drinks to children, have you faced any obstacles in implementing this effectively?

**N/A**

1. If you have already limited sales of energy drinks to children, please explain how this has affected your business, either positively or negatively, providing supporting evidence where possible?

**N/A**

13. If you have any suggestions for how this requirement could be enforced in a way that is fair and not overly burdensome, please provide details.

**LACA would suggest that this could be enforced through Trading Standards, by making it illegal to sell energy drinks to children in the same way it is for selling cigarettes to under 18’s**

14. If you have any further evidence or data you wish to submit for us to consider for our final impact assessment, please provide it here.

**No**

15. If you have any further evidence or data that you would like to submit specifically on the likely cost that may occur to your business as a result of the proposal, please provide it here.

**N/A do not stock energy drinks**

16. Are there any other potential impacts of restricting the sale of energy drinks to children that you think we should consider?

**As the evidence in the consultation suggested, children should avoid energy drinks due to toxic levels of caffeine. It was also reflected in an NHS report of the ingredients of sports and energy drinks and in a review of previous research into their effects on children. Sports drinks have been found to be unnecessary for children and adolescents doing average amounts of physical activity, and that energy drinks are also unsuitable for them because of their high caffeine content.**

17. Do you think that this proposal would be likely to have an impact on people on the basis of any of the following characteristics?

(Tickbox Answer)

* + **Age**

**Context -** **If you are limiting the sale of drinks to over 18’s, then there should be a health and wellbeing benefit to children under 18.**

* + Sex
	+ Race
	+ Religion
	+ Sexual orientation
	+ **Pregnancy and maternity**

**Context -**  **There could potentially be health benefits to the baby and mother, as there are already warnings in place on the containers discouraging pregnant or breast-feeding women.**

* + Disability
	+ Gender reassignment
	+ Marriage/civil partnership

18. Do you think this proposal would help achieve any of the following aims?

(Tickbox Yes or No Answer)

* Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
* Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
* Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.
* Where applicable, please provide more detail on how you think the measure would achieve these aims.
* If you do not think this proposal would help achieve any of these aims, please explain why and whether the proposal could be changed to help achieve these aims.

**No, as it has no bearing on these points**

19. Do you think that this proposal would be likely to have any impact on people from lower socio-economic backgrounds?

**Energy drinks contain high levels of sugar and caffeine and are often cheaper than other soft drinks, which means that they are more readily available to children from lower-income backgrounds. They can often make part of a packed lunch, and we have found that 98.6% of packed lunches do not meet the nutritional standards.**

**Excessive consumption has been linked to a range of health issues in children, from obesity, tooth decay, headaches and sleep problems, to stomach aches and hyperactivity.**

**There are still many retailers who continue to sell these drinks to children, many in areas with high deprivation.**

20. If there are any further matters that you would like to raise or any further information that you would like to provide in relation to this consultation, please give details here.

**LACA fully supports the Government’s proposal to end the sale of energy drinks to children. Our members have been consulted and their views have been included in this response.**

**LACA welcome any moves to improve young people’s diets and a restriction on these very high-sugar drinks would be a welcome contribution.**

**In-school nutrition can help play a key role in helping children understand and familiarise themselves with the food and drink that make up a healthy diet. But, when high-sugar drinks such as energy drinks are available in every shop and supermarket outside of the school gates this is undermined.**

**About LACA**

**LACA, the Lead Association for Catering in Education was formed in 1990. It is the professional body representing 750 catering managers who provide services to all sectors of local authorities across Scotland, Wales and England. These services include meals in the community (‘Meals on Wheels’); social services catering; elected member and staff catering; civic catering and school meals. Without doubt the largest provision of meals and services by the members is school lunches. In the region of 3 million meals are served on a daily basis in more than 23,000 state-maintained schools. The annual turnover is in excess of £360 million. Nearly 100,000 staff are employed in the industry. LACA has been represented and worked closely with Government Departments in England, in particular the Department for Education, the Department of Health, and previously the School Food Trust and the Children’s Food Trust, and also The Welsh Government. In addition, LACA has worked on a number of projects with the Foods Standards Agency.**