

AVA Response to Welsh Government Consultation document: “Proposal to end the sale of energy drinks to children under 16”

Q.1 Do you agree with the proposal to ban the sale of energy drinks to children under 16?

- Yes
- No – the mandatory age limit should be 18
- No – there should be no mandatory age restrictions
- Not sure
- **Other** (please specify)

The AVA considers that a ban across all sectors of business would be unworkable because there is no means at present of restricting sales from machines to certain groups of the population. However, only some 10% of vending machines that sell soft drinks are placed in open public sites. 80% are placed in businesses to provide refreshment for staff, the rest are sited in leisure centres, healthcare and similar sites to which the public have access. The choice of product to be placed in a machine is that of the operator's client/customer. By working with the clients in leisure, healthcare and other public sites, vending operating companies have provided a voluntary restriction on energy drink sales where required. This is a more flexible approach which is responsive to client requirements, than could be achieved through a legislative framework. An overall ban on the sale of energy drinks from vending machines would restrict the choice of the vast majority of customers.

Vending machines are not placed in state schools for those under the age of 16.

Q.2 Should the ban be widened to consider other drinks typically high in caffeine such as tea and coffee?

- Yes
- **No**
- Not sure

Please explain

The AVA response is in line with that of the British Coffee Association. Tea and coffee are the normal drinks of refreshment and hospitality in the UK and they are not marketed as stimulants, unlike energy drinks. Vending machines providing tea and coffee are also mainly located in workplace sites where they provide essential refreshment during the working day. Drinks

machines also provide tea and coffee in public access sites such as leisure centres and healthcare facilities. It is extremely difficult to see how sales of tea and coffee in these sites could be banned for those under 16 without preventing them entirely and therefore restricting the service to our members' clients and their clients' valid customers.

Q.3 Do you agree that the ban should cover all shops, including through online environments?

- Yes
- **No**
- Not sure

Please explain

The AVA does not agree with an outright ban

Q.4 If children are prevented from buying energy drinks from vending machines, how should this be done?

Please explain

Over 65% of AVA members' machines are placed in business and industry (B&I) sites where generally, there are no under 16's. Overall, over 80% of all vending machines are sited in businesses and workplaces, with a small number in higher & further education and 8% in the Leisure sector (AVA 2021 Census).

All AVA Members work with clients in public facing leisure, healthcare and travel sites where unsupervised under 16's can access the machine and do not place energy drinks in machines in these sites unless specifically requested by the client. Therefore, the proposal for restrictive legislation is unnecessary.

Most vending machines in B&I and workplace sites, are in line with current legislation and guidelines, with no age restrictions because there are generally no under 16s on site. Implementing general or vending specific restrictions would have an unnecessarily significant impact on the sustainability of their businesses for our members. It would also cause unnecessary friction with our members' clients, who would not be happy on any restriction of product sales to adults.

From a technical viewpoint, there is no current means of restricting sales of product to a specific age-range in public access sites such as travel or leisure.

Q.5 Do you think the proposals in this consultation document might have an effect on the following?

- Those living in rural areas
- *Specific socio-economic groups*
- Children and young people
- Equality in relation to:
 - Age
 - Sex
 - Race
 - Religion
 - Sexual orientation
 - Pregnancy and maternity
 - Disability
 - Gender reassignment
 - Marriage/civil partnership

If yes, which and please explain

Adult workers – those capable of making their own decision on their need/requirement for energy drinks.

Q.6 We would like to know your views on the effects the consultation would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Please explain

N/A

Q.7 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.

AVA: The Vending & Automated Retail Association is the trade association of the vending industry, representing machine and ingredient manufacturers and suppliers, cup manufacturers and vending machine operating companies throughout the United Kingdom. Vending operator companies in membership represent over 75% of the turnover of the vending industry in the UK.

As representatives of the UK Vending Industry, we have restricted our comments and feedback to those questions we believe directly impact vending.

The UK vending & automated retail industry has an annual turnover of £2.1bn, with a turnover in Wales of approximately £105 millions. It is an industry employing 24,500 people directly in the UK with over 1,200 in Wales; a figure which is supplemented by those employed within the wider vending channel supply chain. AVA members operate over 420,000 vending machines in the UK of which approximately 21,000 are in Wales (AVA Census 2021), vending snacks, food, soft drinks, water, hot and cold beverages.

Vending operators, those who provide, fill and maintain vending machines and Coffee Service companies, with one or two exceptions, small or medium sized companies, often family owned. There are 78 such companies in Wales.

We support the response of the British Soft Drinks Association submission as they are in the best position to answer with authority: The manufacturers and retailers of UK energy drinks do not market or promote the sale of energy drinks to under 16s. The voluntary measures put in place by many retailers to restrict the sale of energy drinks to under 16s have proved to be successful and given that 90% of adolescents' caffeine intake comes from sources other than energy drinks, an outright ban seems to be unnecessary. Implementing costly and complicated Regulations for no proven outcome (given the nominal caffeine intake children get from energy drinks) is not necessary.