

DHSC Consultation: Banning the sale of high-caffeine energy drinks to children AVA Consultation Response, 26 November 2025

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

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

The AVA agrees with the British Soft Drinks Association (BSDA) view. Regulatory action must be based in science. A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

First, energy drinks are safe, regulated foodstuffs and do not present effects that differ from other caffeinated products. Multiple governmental organisations, health authorities and risk assessors across the world, including EFSA, have repeatedly concluded, following robust, scientific evaluations, that energy drinks pose no particular risk for children and adolescents.

Second, energy drinks are not widely consumed in excessive amounts by, and do not contribute significant amounts of caffeine to the diets of, children or adolescents. In fact, the best available government data from European risk assessors shows that about 90% of all caffeine consumed by adolescents in the UK (10-18 years old) comes from sources other than energy drinks.

The Scottish Government in 2023, after its own consultation, ruled out the introduction of mandatory restrictions because these were not supported by the evidence stating: *'we do not think that the evidence base is sufficiently developed to pursue mandatory measures at this time'*.

Third, there is already significant proactive voluntary action by industry. The voluntary Code of Practice on energy drinks, introduced in 2010, contains several stringent points on responsible marketing. BSDA members do not market or promote energy drinks to under-16s, nor do they sample products with this age group. In addition, energy drinks are legally required to declare "High Caffeine Content. Not recommended for children or pregnant or breast-feeding women" followed by the exact caffeine content expressed in mg per 100ml clearly on the label.

- 2.a 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

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

The AVA agrees with the BSDA view. There is no robust scientific evidence to justify a minimum age of sale for energy drinks at any age.

Energy drinks have been marketed worldwide for almost 40 years, and in that time, more than 100 billion energy drinks have been sold and safely consumed. Over many years, robust scientific evidence from

DHSC Consultation: Banning the sale of high-caffeine energy drinks to children AVA Consultation Response, 26 November 2025

leading health authorities, risk assessors and governments has repeatedly confirmed that energy drinks and their ingredients are safe for all age groups, including adolescents.

A substantial body of scientific and medical literature demonstrates that: (1) children and adolescents experience no particular or unique safety effects from caffeine, (2) after infancy, caffeine dose response is a function of body weight (mg/kg), not age, (3) the rate of caffeine clearance in children and adolescents is at least that of adults, and (4) there is no causal link between energy drink consumption and risk taking behaviours, poor health choices, or increase in cardiovascular effects.

These are conclusions from leading health authorities such as UK COT, EFSA, Health Canada and FSANZ. After almost 40 years of market availability, there is still no compelling scientific evidence that would support a causal relationship between the consumption of mainstream energy drinks and negative health outcomes, neither in adults nor in children and adolescents.

These major studies are given insufficient consideration in the Impact Assessment, with repeated preference given instead to observational studies, mostly being cross-sectional studies/surveys which only provide information about temporal associations, a major limitation in the evidence base provided to justify mandatory restrictions.

Regardless, energy drinks are not widely consumed in excessive amounts, and do not contribute significant amounts of caffeine to the diets of children or adolescents.

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

The AVA agrees with the BSDA view. A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate. There is no evidence to support any minimum age of sale.

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

3.a 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

Please provide any specific information or evidence to support your answer, including information on other relevant caffeinated products (optional, maximum 300 words).

The AVA agrees with the BSDA view. A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

Our members support proportionate, evidence-led policymaking that provides long-term regulatory certainty for businesses.

Any changes to food law must follow a clearly defined regulatory process: risk assessment, definition, impact assessment and genuine stakeholder consultation. This process is necessary for the UK Government to comply with its domestic and international obligations and the requirements of the IMA, the

DHSC Consultation: Banning the sale of high-caffeine energy drinks to children AVA Consultation Response, 26 November 2025

WTO's Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary (SPS) agreements. We are concerned that DHSC issued a consultation prior to the necessary and required work being undertaken.

For example, the definition of energy drinks as proposed by the Government is, in fact, not based on a definition of an energy drink. It is a definition used for the purposes of an EU labelling requirement, retained in UK law. However, we are aware that beverages on the UK market that are not considered 'energy drinks' carry the caffeine warning label on a voluntary basis. There is also a similar mandatory labelling requirement statement for foods with added caffeine which are not currently subject to the proposal.

This highlights yet again the vital importance of why a food law regulatory process is required which to date has not been followed by Government, contrary to its domestic and international obligations.

4.a 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

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

The AVA agrees with the BSDA view. Energy drinks and their ingredients are safe, a fact reinforced by regulatory authorities around the world. The 2015 EFSA Opinion confirms the safety of energy drinks and their ingredients and multiple world leading studies, including UK COT, have concluded that there is no scientific justification to treat energy drinks differently than the main contributors to daily caffeine intake (including coffee, tea, and chocolate).

The main ingredients of mainstream energy drinks are caffeine and sugar, and there are many low-sugar or sugar-free varieties or energy drink available. Caffeine and sugar are two of the most studied ingredients. The evidence on other typical ingredients, such as taurine, demonstrates their safety. Regulating energy drinks would therefore effectively create a subcategory of soft drinks with no scientific justification for differing regulatory treatment.

The overall mean intake of caffeine in European countries, including the UK, is within what the 2015 EFSA Opinion considers to be "of no concern," and energy drinks only make a small contribution to this total, behind other sources which comprise the main contributors to daily caffeine intake. We believe that when considering any proposal to restrict the sale of high-caffeine energy drinks, Government must consider total caffeine consumption by those under 16, rather than continuing the current unevidenced narrative which has an unjustified focus on energy drinks. This point has also been made by the Science and Technology Select Committee, the FSA, and COT.

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

DHSC Consultation: Banning the sale of high-caffeine energy drinks to children AVA Consultation Response, 26 November 2025

Please provide any specific information or evidence to support your answer

Any statutory sales ban should be at the point of sale to the end user. However, a mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

6.a 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

You did not agree with our proposal. How should the ban apply in vending machines and why?

The AVA is the trade association of the vending industry, representing machine and ingredient manufacturers and suppliers and vending machine operating companies throughout the UK and Ireland. Vending Operator companies in membership represent approximately 80% of the £3.6bn turnover of the vending industry in the UK. Employing around 19,500 personnel – plus those employed by the wider supplier companies such as machine manufacturers, service and product providers.

The stated objective of this policy is to reduce the consumption of high-caffeine energy drinks to children under 16 years. The Government's preference to implement a blanket ban goes far beyond this objective, preventing the sale of energy drinks to adults through vending machines.

The comparison between banning energy drinks in vending machines and the historic ban on cigarette vending machines is misplaced. The cigarette vending ban was part of a national effort to eradicate smoking—an activity proven to cause serious harm even when used as intended—and aimed to prevent youth access in public venues. Energy drinks, by contrast, are legal, regulated food products that can be consumed responsibly by adults. Unlike the tobacco ban, which addressed an inherently harmful product and a clear enforcement gap, an energy drink vending ban would be disproportionate, penalising adult consumers without delivering meaningful public health benefit.

Data gathered from AVA members to demonstrate financial impact of the proposals to implement a ban across vending shows that a turnover of c£43m. Illustrating a significantly higher cost impact than the Consultation Impact Assessment.

As evidenced in the AVA Census & Market Report 2024, 82% of members' machines are located in 'closed environments', e.g. workplaces, factories, warehouses, staff rooms etc. Areas where under 16-year-olds are simply unable to access. Introducing a blanket ban would prohibit the sale to adults, many who typically work shift patterns in these environments.

~~6.b — If you do not agree with the proposal, how should the ban apply in vending machines and why? Please provide any specific information or evidence to support your answer (optional, maximum 300 words).~~

~~The proposal therefore for a total ban on the sale of energy drinks in vending machines is in stark conflict with robust scientific evidence and disproportionate. It would have a negligible impact on consumption amongst children and adolescents, if any, whilst restricting consumer choice amongst adults, impacting~~

DHSC Consultation: Banning the sale of high-caffeine energy drinks to children AVA Consultation Response, 26 November 2025

~~sales for manufacturers, and removing ~£43m from vending machine operators each year at a time of rising inflation and increased costs faced by industry and consumers alike.~~

~~AVA members already follow a voluntary code of practice (<https://the-ava.com/downloads/AVABDABetterVendingReport2017.pdf>), where we advise energy drinks should not be displayed in vending machines situated in public sites (e.g. leisure centres, shopping malls). Therefore, with over 82% of machines being located in work places and therefore inaccessible to under 16s and the remainder not stocking energy drinks, we believe our industry is already voluntarily preventing the sale of energy drinks to children.~~

~~In situations where a client requests that energy drinks are made available on a public site, age verification technology could be used. However, given the significant cost of the technology, this requirement should only apply in cases where energy drinks are displayed in machines situated in public areas. If a machine is in a 'closed environment,' then it should be deemed that under 16-year-olds are unable to access the machine, and therefore energy drinks can be sold through this channel without the need to install age verification technology.~~

7.a 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

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

~~A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.~~

~~However, if the Government were to introduce a sales ban, the sale of these drinks in vending machines should be restricted in a pragmatic and proportionate manner, by placing the responsibility on the owner of the premises. Operators work with clients to ensure vending machines cater for employee/customer needs. If appropriate measures have been taken (knowledge that machine is in a closed environment, or age verification is installed) then site owners should feel confident that they have complied with any potential regulations.~~

7.b If you do not agree with the proposal, who should be liable for any underage sales from vending machines and why? Please provide any specific information or evidence to support your answer (maximum 300 words).

N/A

8. What would be the impact of a complete ban on sales of high-caffeine energy drinks in vending machines to your business? (optional)

~~If the Government decides to implement a blanket ban across vending, the financial impact on businesses within the industry would be catastrophic. Recent data gathered from members indicates a gross turnover of c£43 million per annum in Energy Drinks in adults only spaces (AVA Research). This indicated that the nett profit impact would be significantly higher than the £1.5m indicated in the consultation impact assessment.~~

DHSC Consultation: Banning the sale of high-caffeine energy drinks to children AVA Consultation Response, 26 November 2025

This cost has implications on the industry and the wider supply chain. The vending industry represents a £3.6bn turnover, a significant contributor to the UK economy. With businesses already grappling with the cost of new regulation, this proposal would represent an additional significant blow to our industry. With the real possibility of job losses and lack of reinvestment, this proposal would unfairly impact the vending industry more than any other retail sector.

The energy drinks sector within the soft drinks market is the fastest growing, therefore a blanket ban unfairly restricts the industry from being able to capitalise on this, unlike the rest of the market.

~~Please provide any specific information or evidence to support your answer (maximum 300 words).~~

~~If the Government decides to implement a blanket ban across vending, the financial impact on businesses within the industry would be catastrophic. Recent data gathered from members indicates a gross turnover of c£43 million per annum in Energy Drinks in adults only spaces. This indicated that the nett profit impact would be significantly higher than the £1.5m indicated in the consultation impact assessment.~~

~~This cost has implications on the industry and the wider supply chain. The vending industry represents a £3.6bn turnover, a significant contributor to the UK economy. With businesses already grappling with the cost of new regulation, this proposal would represent an additional significant blow to our industry. With the real possibility of job losses and lack of reinvestment, this proposal would unfairly impact the vending industry more than any other retail sector.~~

~~The energy drinks sector within the soft drinks market is the fastest growing, therefore a blanket ban unfairly restricts the industry from being able to capitalise on this, unlike the rest of the market.~~

9. How could a ban on vending sales of high-caffeine energy drinks to children under 16 years only work in practice?

With over 82% of vending machines being in closed sites (workplaces) [AVA 2024 Census & Market Report], the industry is already implementing a restriction to under 16s. If a client/operator wishes to sell energy drinks in public sites, age verification soft/hardware could be used. However, this technology should only be required on machines on public sites – and should be a discussion on profitability and implementation between the Vending Operator, the site client/owner and the product brand.

~~Please provide any specific information or evidence to support your answer (maximum 300 words).~~

~~With over 82% of vending machines being in closed sites (workplaces) [AVA 2024 Census & Market Report], the industry is already implementing a restriction to under 16s. If a client/operator wishes to sell energy drinks in public sites, age verification software/hardware could be used. However, this technology should only be required on machines on public sites – and should be a discussion on profitability and implementation between the Vending Operator, the site client/owner and the product brand.~~

10. 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

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

DHSC Consultation: Banning the sale of high-caffeine energy drinks to children
AVA Consultation Response, 26 November 2025

If you do not agree with the proposal, how long should the implementation period be? Enter the number of months. If you do not have an alternative suggestion, please enter '0' (zero). **12**

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

If age verification age verification software/hardware is required on equipment in public facing sites, then industry will need at least 12 months to factor in the cost implications and for the practical delivery and installation of the technology.

11. If you are a retailer or business selling high-caffeine energy drinks, have you already implemented a voluntary ban on sales to children under 16 years? (optional)

- **Yes**
- No
- Don't know
- Not applicable - I am not a retailer or business selling high-caffeine energy drinks

12. 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

Please provide any specific information or evidence to support your answer, including detail of any alternative approaches that could be considered to assess compliance (**optional**, maximum 300 words).

A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

13. 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

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

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?

Enter number of days. Suggestions must be less than 28 days. If you do not have an alternative suggestion, please enter '0' (zero).

DHSC Consultation: Banning the sale of high-caffeine energy drinks to children
AVA Consultation Response, 26 November 2025

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

14. 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

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

15. 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

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

If you do not agree with the proposal, how many days is an appropriate length of time to pay a final notice? Enter number of days. Suggestions must be less than 28 days. If you do not have an alternative suggestion, please enter '0' (zero).

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

16. 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

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

**DHSC Consultation: Banning the sale of high-caffeine energy drinks to children
AVA Consultation Response, 26 November 2025**

A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

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

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

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

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?

For these questions, please enter an amount in pound sterling (£). If you do not have an alternative suggestion, please enter '0' (zero).

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

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

No answer

- Yes
- No
- Don't know

Please provide any specific information or evidence to support your answer (optional, maximum 300 words).

A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

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

- Yes
- No
- Don't know

Please provide any specific information or evidence to support your answer, including the estimated cost (optional, maximum 300 words).

**DHSC Consultation: Banning the sale of high-caffeine energy drinks to children
AVA Consultation Response, 26 November 2025**

Please provide any further information, evidence or data that should inform the new burdens assessment (optional, maximum 300 words).

A mandatory ban on sales of energy drinks to under-16s is not justified by the total body of scientific evidence, actual consumption levels, and is disproportionate.

20. 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

Please provide any specific information or evidence about how the proposal might impact people differently because of any of these protected characteristics, including whether the impact is likely to be positive or negative (optional, maximum 300 words).

A blanket ban across vending machines prevents adults from being able to purchase the product. Given the aim of the policy is to restrict the sale to under 16-year-olds, this unfairly penalises adults who are out of scope of the policy.

Please provide any further evidence or data you want us to consider in our final impact assessment. You can upload up to 3 files.

IMPACT ASSESSMENT REBUTTAL (SEE BELOW)

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

The AVA is the trade association of the vending industry, representing machine and ingredient manufacturers and suppliers and vending machine operating companies throughout the UK and Ireland. Vending Operator companies in membership represent approximately 80% of the £3.6bn turnover of the vending industry in the UK. Employing around 19,500 personnel – plus those employed by the wider supplier companies such as machine manufacturers, service and product providers.

DHSC Consultation: Banning the sale of high-caffeine energy drinks to children
AVA Consultation Response, 26 November 2025

The stated objective of this policy is to reduce the consumption of high-caffeine energy drinks to children under 16 years. The Government's preference to implement a blanket ban goes far beyond this objective, preventing the sale of energy drinks to adults through vending machines.

AVA members already follow a voluntary code of practice (<https://the-ava.com/downloads/AVABDABetterVendingReport2017.pdf>), where we advise energy drinks should not be displayed in vending machines situated in public sites (e.g. leisure centres, shopping malls). Therefore, with over 82% of machines being located in work places and therefore inaccessible to under 16s and the remainder not stocking energy drinks, we believe our industry is already voluntarily preventing the sale of energy drinks to children.

In situations where a client requests that energy drinks are made available on a public site, age verification technology could be used. However, given the significant cost of the technology, this requirement should only apply in cases where energy drinks are displayed in machines situated in public areas. If a machine is in a 'closed environment,' then it should be deemed that under 16-year-olds are unable to access the machine, and therefore energy drinks can be sold through this channel without the need to install age verification technology.

Impact Assessment Response

We understand other options were considered and certain options were dismissed due to the 'impact on adult consumption of high-caffeine energy drinks, which is not the aim and not considered proportionate action.' (page 20) Implementing a blanket ban would prevent adults from being able to purchase energy drinks from vending machines and therefore it must also be deemed as disproportionate.

We are concerned about the references and comparisons to the ban on the sale of tobacco products in vending machines (page 24 & 57). The cigarette vending ban was part of a national effort to eradicate smoking - an activity evidenced to cause serious harm even when used as intended - and aimed to prevent youth access in public venues. Energy drinks, by contrast, are legal regulated food products that can be consumed responsibly by adults. The tobacco ban addressed an inherently harmful product and a clear enforcement gap, an energy drink vending ban would be disproportionate, penalising adult consumers without delivering meaningful public health benefit.

With reference to point 506, the proposal to implement a blanket ban does NOT ensure the ban is consistently applied, due to the disproportionate restriction of trade of energy drinks through vending compared to other retail outlets (page 109)

We are deeply troubled with the recognition of there being "insufficient evidence to understand the proportion of sales to children under 16 years which occur through vending machines" and the subsequent decision to express a preference for a blanket ban of sales through vending (page 155). A blanket ban is not proportionate action due the lack of evidence to identify sales of energy drinks through vending to be one of the root causes.

The vending and unattended retail industry is already naturally restricting the sale of energy drinks to under 16s due to the fact of 82% of machines being in 'closed' environments (such as workplaces), where 16-year-olds simply do not have access to (AVA Census 2024). In addition to this, All AVA members work with clients to follow the existing voluntary guidance, recommending that high-caffeine energy drinks are not sold in vending machines situated in public places where under 16-year-olds have regular access.

The introduction of a mandatory ban would unfairly restrict the ability of those aged 16 years and above from being able to purchase energy drinks. This may be because they do not have a suitable ID at the point of purchase, because of additional policies operated by retailers such as 'Challenge 25' or because, as proposed, they purchase an energy drink at the vending machine at work.

The Impact Assessment recognises this. However, it is not able to quantify this due to a lack of data stating, 'we are unable to estimate the number of lost sales for this reason'. This is but one of a myriad of evidence and data gaps noted throughout the Impact Assessment.

If an operator and site owner are unable to demonstrate this compliance, or choose to sell energy drinks in public sites, age verification technology could be used on these machines. However, this technology should only be required in these instances due to the cost of installing the equipment on the machine. If an operator and client are able to demonstrate that under 16-year-olds are unable to access these machines, we believe this to be sufficient evidence that reasonable measures have been taken to prevent the sale to under 16s. An example being in National Gym chains, where membership and access is restricted to those over 18. There should be no restriction or impediment to age appropriate adults being able to access the nutrition they desire as part of their exercise regime.

The Impact Assessment makes reference to 36% of pupils accessing energy drinks from home or from friends or relatives (page 51). A blanket ban across vending will not address these statistics.

DHSC Consultation: Banning the sale of high-caffeine energy drinks to children
AVA Consultation Response, 26 November 2025

It has also been reported that the affordability of low-cost unbranded energy drinks is a factor in the appeal to younger people (page 52). These products are NOT sold in vending machines. Due to vending machines predominately being in 'closed environments,' consumers' buying behaviour is driven by brand recognition, rather than pricing. Unlike a retail store, operators must carefully select which products to display in the machine due to the space limitations.

We do not agree with the assessment that the cost to industry will be offset by consumers purchasing alternative soft drinks from a vending machine (page 108). The sale of energy drinks in vending machines accounts for 14% of all soft drinks (AVA 2025 Research). Given these machines are in closed environments such as staff rooms, factories, warehouses, gyms, it can be assumed that these products are selected specifically for the caffeine content. Machines in these environments provide a 24/7 service for workers to access refreshments.