

Scottish Government submission of 20 October 2022

PE1919/I Ban the sale of high caffeine products to children for performance enhancement

I write in response to your email of 30 September 2022 on behalf of the Citizen Participation and Public Petitions Committee with regard to Petition PE1919 which states the following:

Calling on the Scottish Parliament to urge the Scottish Government to ban the sale of fast release caffeine gum to under 18s for performance enhancement due to risk of serious harm.

Further to the Scottish Government's response to the petition, sent on 19 January 2022, we note the further points raised by the Committee and offer the following additional information.

Scottish Government consultation on energy drinks

As set out previously, we are considering responses to our consultation on *Ending the sale of energy drinks to children and young people* alongside the evidence. We will publish an independent consultation analysis report and set out our policy response in due course.

Whilst the focus of the consultation was energy drinks, there was an opportunity for respondents to raise concerns in relation to other issues, such as caffeine gum.

We also asked for views on any gaps, issues or unintended consequences in terms of our proposals. As set out in our previous response, we will make the Committee aware of any findings related to caffeinated chewing gum upon the publication of the consultation analysis report.

Current EFSA advice on caffeine

As noted in our previous response, the European Food Safety Authority (EFSA) published its Scientific Opinion on caffeine safety in May 2015. We are not aware of any current plans to review or update this opinion. We, alongside Food Standards Scotland (FSS), continue to monitor any developments with regard to EFSA advice on caffeine. Current guidance for consumers on caffeine, based on the EFSA 2015 opinion, is available on the FSS [website](#).

More generally, we recognise that the evidence base in relation to caffeine, specifically caffeine gum, continues to develop. We will continue to look to the EFSA and others, such as the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment, as that evidence base evolves and consider carefully any implications in relation to current advice on caffeine, including caffeine gum.

Ban on the sale of fast release caffeine products to under 18s.

The Scottish Government is not currently considering a ban on the sale of fast release caffeine products to under 18s. An evidence based approach is central to the development of any policy and we will continue to consider the evidence base with regards to this issue as it continues to develop.

I hope the Committee finds this information helpful.