

# Petitioner submission of 31 July 2023

## PE1919/O: Ban the sale of high caffeine products to children for performance enhancement

I would ask the Committee to seek clarification from UK Athletics on the point about **Strict Liability** in their submission on 10 May 2023.

I understand **Strict Liability** only applies to prohibited substances where athletes commit an anti-doping violation and “***are solely responsible for any banned substance they use, attempt to use, or is found in their system, regardless of how it got there or whether there was any intention to cheat***”.

In the case of someone encouraging a child or young athlete to take legal substances for performance enhancement which could result in them being hospitalised the principle of **Strict Liability** is a red herring. UKA and affiliated clubs will be fully aware they have a legal and moral duty of care to safeguard athletes, particularly minors. I would remind UKA of the advice by **sportscotland** when I raised concerns about fast release caffeine gum promoted in athletics for performance enhancement.

*‘the process of assessing the risk and the steps required to address the concern, regardless of the stimulant, will be covered in a good child wellbeing and protection procedure which most clubs and SGBs (Sports Governing Bodies) will have.’*

It is concerning if UK Athletics, Scottish Athletics and athletics clubs have ignored this advice and do not have a consistent approach to child safeguarding and protection on the use of stimulants.

With regards UK Athletics advising athletes including minors, to follow manufacturer’s guidance on the use of products, I would ask UK Athletics to consider the safety concerns highlighted by Food Standards Scotland (FSS) in [their submission on 4 April 2022](#).

*‘FSS are aware there may be some products on the market that do contain caffeine which, if consumed in one sitting by children and adolescents, would be above the safety levels deemed to not raise safety concerns by EFSA 2015 advice.’*

I understand fast release caffeine gum is one of the products referred to by the FSS which causes safety concerns if consumed in one sitting. It's therefore important the Committee question UK Athletics over their involvement in the use of this substance by young club athletes. If it is unsafe then according to the NSPCC's Child Protection in Sport Unit (CPSU) encouraging a minor to take it for performance enhancement could be a form of physical abuse.

*'in a sport or activity setting, physical abuse may occur where coaches encourage the use of drugs or harmful substances to enhance performance or delay puberty.'*

UK Athletics position on **Strict Liability** where the child is solely responsible appears to contradict NSPCC's guidelines on safeguarding children in athletics.

I understand UK Athletics endorsed fast release caffeine gum and approved of it being handed out to minors at licensed events.

Following concerns about fast release caffeine gum being handed out and promoted at races in Scotland I was advised in an email by Mark Munro, then Head of Scottish Athletics, that they would be notifying all 600 licensed Race Organisers in Scotland of the risks of caffeine in athletics and asking them to:

*'Consider liabilities/ consequences if there is an incident involving an athlete overdosing on caffeine.'*

This would indicate Scottish Athletics have concerns their licensed Race Organisers could be liable if they don't take all reasonable steps to minimise the risks of an athlete being harmed taking legal stimulants, and suggests Scottish Athletics don't accept that young athletes/ runners are solely responsible if they are harmed as claimed by UK Athletics.

Finally, it's disturbing UK Athletics are seemingly unaware of the concerns raised by a sports medicine specialist at World Athletics, the global governing body, who stated:

*"Caffeine is a prime example of a natural substance that is considered safe. While caffeine improves performance, particularly aerobic capacity in endurance athletes, its abuse may lead to fast*

*heart rate (tachycardia), heart rhythm disorders (arrhythmias), high blood pressure, and in some cases sudden cardiac death.”<sup>1</sup>*

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<sup>1</sup> <https://www.escardio.org/The-ESC/Press-Office/Press-releases/Athletes-warned-against-potential-dangers-of-natural-supplements>