

# Food Standards Scotland submission of 4 April 2022

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

Thank you for your letter regarding the above petition and the request from the Committee that sought Food Standards Scotland (FSS) views on the action called for in this petition and the measures taken by the Scottish Government (SG).

As a non-Ministerial office of the Scottish Administration, FSS provides science-based independent advice to Ministers regarding food/feed safety and hygiene and nutrition. As such, we have supported SG led work in this policy area through providing advice on the safety and nutritional aspects of energy drinks.

FSS would therefore support the detail contained within the SG's submission of 19<sup>th</sup> January to the Committee which referenced the European Food Safety Authority's (EFSA) scientific opinion on the safety of caffeine. Advice from FSS to consumers continues to be based on the EFSA 2015 opinion.

Additionally, guidance for consumers has been published on the Food Standards Agency (FSA) [website](#) and referenced on our own [website](#) pages for food additives. We are currently looking to enhance our own guidance around food additives, including caffeine and energy drinks, and will be developing this part of our website over the next few months.

The SG response to the petition also reference labelling rules for high caffeine drinks and foods. In addition to the information provided by SG, it is important to highlight that the requirements of Regulation (EU) No. 1169/2011 (now retained in UK law) requires specific labelling for high caffeine foods where it has been added for a physiological effect. This labelling helps consumers identify foods with high caffeine content in those products where they may not expect to find it. Additionally, the label must state 'Contains caffeine. Not recommended for children or pregnant women'. This must be in the same field of vision as the name of the food along with the amount of caffeine in mg per 100g.

We understand SG are considering the responses to their consultation and evidence, and FSS officials will continue to engage and support SG policy leads in this space to ensure this includes relevant aspects of food safety and nutrition policy advice, for which FSS has responsibility in Scotland. 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 levels deemed to not raise safety concerns by the EFSA 2015 advice. Noting the labelling requirements above and subject to further discussions with SG officials, FSS could consider whether there is merit in reviewing the risk management decisions that were based on the EFSA advice, as part of the overall piece of work being led by SG.

Should the Committee have any further questions, then I would be more than happy to discuss further with them as required.