

Citizen Participation and Public Petitions Committee
Wednesday 2 April 2025
6th Meeting, 2025 (Session 6)

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

Introduction

Petitioner Ted Gourley

Petition summary 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.

Webpage <https://petitions.parliament.scot/petitions/PE1919>

1. [The Committee last considered this petition at its meeting on 15 May 2024.](#) At that meeting, the Committee agreed to write to relevant stakeholders.
2. The Committee wrote to the following youth sport organisations seeking their views on the issues raised by the petition and asking whether they were aware of issues with young people using fast-release caffeine products to assist their performance:
 - Team Scotland
 - UK Youth Development League (Athletics)
 - Scottish Schools Athletic Association.
3. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
4. The Committee has received new written submissions from Team Scotland and the Petitioner, which are set out in **Annexe C**.
5. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
6. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
7. [The Scottish Government gave its initial position on this petition on 19 January 2022.](#)
8. Every petition collects signatures while it remains under consideration. At the time of writing, 69 signatures have been received on this petition.

Action

9. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
March 2025

Annexe A: Summary of petition

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

Petitioner

Ted Gourley

Date Lodged

14 December 2021

Petition summary

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.

Previous action

In my capacity as an athletics coach at Giffnock North AC I raised concerns with UK and Scottish Ministers, Scottish Government officials, MSPs and Senior Executives at Sport Scotland, UK Athletics, Scottish Athletics and Parkrun.

No action was taken as the gum is legal with no age restriction on purchasing it. The Children Commissioner's office has passed on concerns about high strength caffeine gum to Government Officials and suggested I consider the Scottish Parliament's petitions process.

Background information

European Food Standards Agency advise single doses of caffeine >3mg/Kg could compromise the cardiovascular system. There have been sudden cardiac deaths at races where caffeine gum was promoted although there were no investigations of any potential link.

Both Scottish Athletics and sportscotland warned of health risks particularly for U18s with undiagnosed medical issues.

The charity Cardiac Risk in Young state 1 in 300 young people have undetected life-threatening heart conditions. In the UK every week 12 apparently fit young athletes die of undiagnosed cardiac conditions.

The sale of caffeine gum to U18s may well be a violation of the UN Convention on Rights of the Child, a treaty ratified by the government.

Article 3 - "the best interests of a child should be a primary consideration".

Article 19 – all measures must be taken "to protect the child from all forms of physical or mental violence, injury or abuse".

Annexe B: Extract from Official Report of last consideration of PE1919 on 15 May 2024

The Convener: Under our second item, we will continue consideration of petitions that we have considered previously. PE1919, which was lodged by Ted Gourley, calls on the Scottish Parliament to urge the Scottish Government to ban the sale of fast-release caffeine gum—a high-caffeine product—for performance enhancement to under-18s due to the risk of serious harm. We previously considered the petition on 20 September 2023, at which point we agreed to write to the Scottish Government.

We have received a response confirming that the independent analysis of the Government’s consultation on ending the sale of energy drinks to children and young people has been published and that the responses to the consultation

“did not raise any issues associated with fast release caffeine gum”,

although the consultation was not focused specifically on that area. The response also confirms that the Government

“will not be pursuing research on fast release caffeine products”

at this time—in essence, for financial reasons—but that the Government

“will keep this under review for future years.”

We have also received two written submissions from the petitioner, who suggests that labelling for high-strength caffeine gum should include a health warning about potential risks,

“particularly when taking it immediately before or during intense physical exercise”.

The petitioner also believes that the promotion of caffeine gum at public events might be in breach of health and safety regulations. It might be worth noting that workplace health and safety regulation is reserved and that much of the health and safety legislation derives from the Health and Safety at Work etc Act 1974, which focuses primarily on the safety of employees in a workplace.

Colleagues, we were quite struck by the evidence that we heard last September about there being something of a risk here. The Government has not sought to validate that argument and does not feel that it is in a position to do so at the moment. I am reluctant to close the petition at this stage, because I am not yet satisfied that there is no issue of major concern—I do not know yet.

If members have no suggestions for what we might do, I am minded to ask the clerks to give the matter some thought and to come back to us with some suggestions about where we might go. I am not sure how far we can go, but we could find out a little bit more, because I would not want us to have moved on quite so quickly if the issue became a more obvious health problem.

CPPP/S6/25/6/5

Do members agree with that approach?

Members *indicated agreement.*

Annexe C: Written submissions

Team Scotland written submission, 10 December 2024

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

As an organisation supporting performance athletes at a Games, Team Scotland is compliant with the WADA (World Anti-Doping Agency) regulations and a signatory of the UKAD (UK Anti-Doping) major games policy where education is central. As part of education on anti-doping, Team Scotland endorses the messages of assess the need, assess the impact, and assess the risk process on supplements. Caffeine is not a banned substance but is on the 2024 WADA Monitoring Program under stimulants in competition. Should that change, then education to selected athletes will be adapted.

The messaging around Clean Sport and Food First approach is for Scottish Governing Bodies to promote at all levels of sport and in association with **sportscotland** Institute of Sport, these messages are promoted in the run up to a Games by Team Scotland.

Team Scotland is not aware of such products being promoted at sporting events where young people are present or competing. These products are not promoted at Commonwealth Games Federation / Commonwealth Games Scotland sanctioned events.

Petitioner written submission, 12 March 2025

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

I would like to thank the Committee for taking this matter seriously, and for all of their hard work and commitment in trying to get answers from the relevant bodies. The publicity given to the Committee's deliberations on the dangers of caffeine gum and the risk of injury or harm from their use will be valuable and may result in caffeine gum being considered as contributory or causative factor in cases of sudden cardiac deaths of those engaged in athletics or sport.

It's disappointing that the Scottish Schools Athletics Association and the Youth Development League have not responded to the Committee.

The use of stimulants in schools athletics should alarm parents and teachers and, in my opinion, brings athletics into disrepute and goes against the ethos of fair and clean sport. It also raises questions around the legality of a person in a position of trust encouraging a child to take dangerous or harmful stimulants for performance enhancement.

I would challenge UK Athletics and Scottish Athletics on their principal of Strict Liability which holds "the athlete solely responsible for substances they ingest". It is the legal responsibility of the governing bodies and those in a position of trust to ensure that athletics is a safe and healthy environment for children, and to ensure

that no-one harms a child by giving them stimulants. I understand there were changes to the law in 2022 closing the loophole to prevent sport leaders abusing their position of trust. Is it an abuse of a position of trust giving stimulants to children?

Finally, it's surprising Team Scotland claim they "are not aware of such products being promoted at sporting events where young people are present or competing". At the time caffeine gum was handed out in goody bags at UK licensed events, concerns were raised at the highest level, and an executive on the Board of Team Scotland was notified of these concerns.