

Citizen Participation and Public Petitions Committee  
Wednesday 15 May 2024  
9th Meeting, 2024 (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 20 September 2023](#). At that meeting, the Committee agreed to write to the Scottish Government.
2. 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**.
3. The Committee has received new written submissions from the Scottish Government and the Petitioner which are set out in **Annexe C**.
4. [The Committee received 16 written submissions prior to its last consideration of the petition](#).
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial position on this petition on 19 January 2022](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 68 signatures have been received on this petition.

### Action

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

**Clerks to the Committee**  
**May 2024**

## **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 20 September 2023**

**The Convener:** Our next continued petition, 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 to under-18s for performance enhancement, due to the risk of serious harm.

We last considered the petition on 22 February, when we agreed to write to the Scottish Government and UK Athletics.

The Scottish Government responded in April saying that it intended to publish its analysis of the consultation on ending the sale of energy drinks to children and young people before the summer. It duly did so in May 2023, at which point the minister confirmed that the Government would not take forward mandatory measures in that area. The Scottish Government response states that it will consider commissioning further research into the effects of fast-release caffeine products on children and young people, which would be part of its wider considerations of public health research.

In the first of three submissions to the committee, the petitioner welcomed that news and drew our attention to a study that concluded that caffeinated chewing gum acutely increases central arterial stiffness and aortic blood pressure in young healthy men.

The UK Athletics response notes that, although caffeine is not a prohibited substance, it is on the World Anti-Doping Agency's monitoring programme, which includes substances that it wishes to monitor to identify potential patterns of misuse in sport.

UK Athletics advocates a "food first" approach to nutrition and recommends that, if an athlete decides to take a supplement, they only use products that have been tested as part of the Informed Sport risk reduction programme. The petitioner has responded to that information concerned that a consistent approach is not being taken to child safeguarding and protection on the use of stimulants, particularly where fast-release caffeine gum has been handed out at licensed events. The petitioner has also raised concerns about how incidents involving the use of fast-release caffeine gum are recorded and reported by athletics bodies.

Therefore, we still have rather uncomfortable background information here. Do members have any comments or suggestions?

**Foyso Choudhury:** If the Government is going to be releasing something, can we ask whether there is a timeline for that?

**The Convener:** We could write to the Government drawing its attention to the petitioner's submissions in relation to the concerns about fast-release caffeine gum, and we could ask when it might consider that as part of its public health considerations, given that it is an on-going issue and that UK Athletics is concerned and is monitoring these matters, as well. Is the committee content with something along those lines? **Members indicated agreement.**

## **Annexe C: Written submissions**

### **Scottish Government submission, 19 October 2023**

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

Thank you for your email of the 21 September 2023 on behalf of the Citizen Participation and Public Petitions Committee regarding 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.

I note the further points raised by the Petitioner in their submission of 11 September and by the Committee on the 20 September. I offer the following response.

[The Scottish Government has now published an independent analysis report of our consultation on ending the sale of energy drinks to children and young people and an energy drinks evidence brief.](#) Responses received to the consultation did not raise any issues associated with fast release caffeine gum.

In our previous letter to the Committee, we set out that the Scottish Government would consider commissioning research into the effects of fast release caffeine products on children and young people, particularly those participating in physical activity. We have now considered this as part of our wider considerations for public health research and evidence requirements to support our priority policy commitments. Due to committed budgets we will not be pursuing research on fast release caffeine products in 23/24 but we will keep this under review for future years.

I hope the Committee finds this information helpful.

### **Population Health Strategy and Improvement**

#### **Petitioner submission, 6 November 2023**

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

I am writing to thank the Committee and the Chair for all their work over the past two years in gathering evidence of the dangers of high strength caffeine gum for performance enhancement, and for their efforts to have the Scottish Government meet its obligations under the UN Convention on Children's Rights to protect children from substances harmful to their health. It appears the Scottish Government have not considered concerns raised by Food Standards Scotland, a public body established to protect the health and well-being of consumers as set under the Food (Scotland) Act 2015.

A senior environmental health officer, who has followed the petition closely, thought high strength caffeine gum should have a health warning with clear labelling on the

potential health risks. Based on the evidence presented, I believe any warning should consider 'at risk' groups such as under 18s and unscreened athletes, particularly when taking it immediately before or during intense physical exercise for performance enhancement.

Furthermore in the absence of a ban on the sale to under 18s, I was hoping that there was at least a chance the Scottish Government would introduce legislation to require organisations holding running events or athletics events to keep a record of all adverse events, including deaths, and to make enquiries in each case of potential cardiac arrest or collapse, whether caffeine was taken before the event, and to record the answer, and to make this information publicly available on request. This would be similar to an employer's obligation in relation to accidents at work.

### **Petitioner written submission, 25 April 2024**

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

Based on the considerable evidence on the dangers of taking an acute caffeine dose for performance enhancement, I believe it is a breach of health and safety regulations to promote caffeine gum at public events. It was therefore unlawful and the governing bodies should have taken action to ensure public safety at all UK Athletics licensed events.