

## **Draft legislative proposal**

### **Regulation prohibiting the sale of energy drinks to children under 16 years of age**

**Statutory authority:** Stipulated by the Ministry of Health and Care Services [*date*] pursuant to Section 12 cf. 16 of Act No. 124 of 19. December 2003 on food production and food safety etc. (Norwegian Food Act), cf. Delegation Decision 19. December 2003 no. 1790.

#### ***§ 1 Purpose***

The purpose of this regulation is to protect children under 16 years of age against the negative health effects of energy drinks.

#### ***§ 2 Scope***

This regulation prohibits the sale of energy drinks to children under 16 years of age from businesses as defined in Section 4 (1) of the Norwegian Food Act. Food supplements are exempt from the regulation.

This regulation also applies to Svalbard.

#### ***§ 3 Definition of energy drinks***

Energy drinks: non-alcoholic drinks, including powder or tablets that are to be dissolved in liquid, containing caffeine above 15 mg/100 ml when ready-to-drink. This does not include drinks based on coffee, tea or cocoa and drinks containing the words “coffee”, “tea” or “cocoa”.

#### ***§ 4 Age limit***

The sale of energy drinks to persons under 16 years of age is prohibited.

If in doubt about the buyer's age, the seller must request identification to verify that the buyer is over 16 years of age.

The seller of energy drinks must be over 16 years of age. The sale may still take place by a person under 16 years of age if there is a person over 16 years of age having daily supervision with the sale.

#### ***§ 5 Supervision and decisions***

The Norwegian Food Safety Authority supervises and can make the necessary decisions to implement the provisions of this regulation, cf. Section 23 of the Norwegian Food Act.

## **§ 6 *Business quarantine***

If businesses fail to comply with significant orders or grossly violate the provisions given in or pursuant to this regulation, the Norwegian Food Safety Authority can refuse the business to start up or carry out one or more activities for a more closely defined period up to 6 months, cf. Section 25 of the Norwegian Food Act.

## **§ 7 *Coercive fines***

If businesses fail to comply with an individual decision made by the Norwegian Food Safety Authority within a set deadline, the Authority has the right to impose a coercive fine in accordance with Section 26 of the Norwegian Food Act.

## **§ 8 *Punishment***

Intentional or negligent violations of the provisions laid down in this regulation, or individual decisions issued based on this regulation, are punishable in accordance with Section 28 of the Norwegian Food Act.

## **§ 9 *Entry into force***

This regulation enter into force (*date*).