

Tobacco products age restricted sales

Trading Standards Information

www.southwark.gov.uk

1. Introduction

This Service enforces the law prohibiting the sales of certain age-restricted products. We do this by using underage volunteers to attempt test purchases at shops. We also provide advice and education to businesses, parents and children.

2. Main legal requirements

The law prohibits;

- The sale of tobacco products to any child under the age of 18.
- The sale of cigarettes other than in their original packet. (*In other words you cannot break open packs and sell singles etc.*)

The law requires tobacco retailers to;

- Display this warning statement at the point of sale, or in a prominent position where persons purchasing tobacco products can read it.

**IT IS ILLEGAL TO
SELL TOBACCO
PRODUCTS TO
ANYONE UNDER
THE AGE OF 18**

No other form of wording is permitted and the statement must be no less than A3 size (297mm by 420mm). The letters must be at least 36mm in height. Free notices are available from this Service.

3. Definitions

- *tobacco products* means cigarettes and any product containing tobacco intended for oral or nasal use. This includes chewing tobacco such as Gutkha and Pan Masala. The term also covers smoking mixtures intended as a substitute for tobacco and blunt wraps.
- *cigarettes* includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.
- *original packet* means the packet in which the cigarettes were supplied for the purpose of a retail sale by the manufacturer or importer, and 'packet' means any box, carton or other container.

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4. Who does the law apply to?

The law applies to any person or trader who sells tobacco products. Both the actual sales person and the business owner could be prosecuted for any illegal sales. It does not matter if it was believed that the purchase was being made on behalf of an adult or if the person looked like they were over 18.

5. What can I do to avoid underage sales?

Please refer to our separate leaflet entitled *Age restricted sales – best practice guidance*. Make sure all your sales staff read this leaflet and our associated leaflets on proof of age and saying no.

6. Vending machines

Special provisions apply for tobacco vending machines and a separate information leaflet is available.

7. What are the penalties if I sell to underage purchasers?

The Children and Young Persons Act 1933 as amended prohibits underage tobacco sales. On conviction the maximum fine is £2500.

The Children and Young Persons (Protection from Tobacco) Act 1991 prohibits the sale of cigarettes other than in pre-packed quantities of 10 or more. It also requires the display of the A3 warning notice. On conviction the maximum fine is £1000.

8. Further information

If you require further assistance on these requirements, or would like additional information or any point of sale material please contact us at the address given.

A Good Practice Award is available to businesses who have actively demonstrated their commitment to preventing under-age sales.