

Tobacco vending machines

a guide for operators

Trading Standards information

www.southwark.gov.uk

1. The law - advertising

The amount of tobacco advertising that is permitted on tobacco vending machines is controlled by regulations. The amount of advertising differs depending on the nature of the vending machine;

- Where it is **not possible** to see the products inside a vending machine, advertising is restricted to:

One picture of each different type of packet that is available. These must not be larger than the largest face of the packets in question. One of the health warnings '**Smoking Kills**' or '**Smoking seriously harms you and others around you**' must be included.

The health warning must occupy at least 30% of the surface area of the advertisement. It must be surrounded by a black border between 3-4 mm thick which must not interfere with the text. If there is more than one window and button for the same product then only plain text can be used to describe the product without a health warning.

- Where it **is possible** to see the product within the machine a tobacco advert is permitted on the machine. It must be no larger than A5 in size (that is half the size of this A4 information leaflet). 30% of the advert must include the health warning:

'**Smoking kills**' or '**Smoking seriously harms you and others around you**' and

'**NHS Smoking Helpline 0800 1690169**'

2. Underage sales

It is illegal to sell cigarettes or other tobacco products to anyone under the age of 18. This is the case whether or not the cigarettes are for the young person's own use. This applies to sales from vending machines and you should ensure that no one under the age of 18 uses the machine.

Research suggests around 20% of underage smokers buy their cigarettes from vending machines. For this reason the siting and supervision of machines are critical.

From time to time Trading Standards Officers check compliance with the law by using underage test purchasers. If a machine is accessible to a young person and they are able to buy cigarettes from it, a court may order its resiting or removal. Anyone who sells cigarettes to someone under 18 is liable to prosecution. On conviction there is a maximum fine of £2500.

3. Where should the machine be sited?

You need to take steps to ensure the machine is properly sited and is under supervision of a member of staff so that a person under 18 cannot use it.

- Do not put the machine in an unsupervised area such as an entrance or hallway.
- Site the machine near to a bar or counter which is regularly staffed.
- Ensure that staff who would be able to challenge an underage purchaser can see the machine and customers using it.

4. What notices are required on machines?

The following notice must be displayed on every vending machine used for the sale of cigarettes. The notice must be not less than 60mm x 100mm with characters no less than 6mm high.

**THIS MACHINE IS
ONLY FOR THE
USE OF PEOPLE
AGED 18 OR OVER**

It is an offence not to display this warning notice and both the owner of the machine or the premises may be liable to a maximum fine of £1000. Free notices are available from Trading Standards.

5. What else do I need to do?

- Ensure all your employees know and understand the law about age-restricted sales from cigarette vending machines. Make sure they read this leaflet and keep records of who has done so.
- Ensure employees are in a position where they can challenge an underage purchaser attempting to use the machine.
- Ask for photographic proof of age if there is any doubt about the age of a purchaser. A Passport, Photo Driving Licence or a proof of age card bearing the PASS logo are all acceptable forms of age identification. An information leaflet on proof of age cards is available on request.
- Refuse sales if there is any doubt about the age of the purchaser.

6. What happens if the advertising requirements are not complied with?

The advertising controls are contained in the Tobacco Advertising and Promotion (Point of Sale) Regulations 2004. These were made under the Tobacco Advertising and Promotion Act 2002. If convicted of an offence the maximum penalty is an unlimited fine or imprisonment up to 2 years, or both.