

Cigarette Sales to Children

Children and Young Person Act 1933 as amended

Children and Young Persons (Protection from Tobacco) Act 1991 as amended

It is illegal to sell cigarettes or any other tobacco products to anyone under 18. Any retailer found guilty of this offence can be fined up to £2,500.

The law forbids all tobacco sales to children, even if a child says they are for a parent. Even if this is true, the sale will still be illegal.

All cigarettes must be sold in their packs. Retailers who break a pack and sell cigarettes from it to children or adults can be fined up to £1,000.

If your employee sells cigarettes to a child, you (as proprietor) may still be liable under the law.

- It is **not** a defence to say that the child looked older than 18 when they are in fact under age.
- It is **not** a defence to say that you believed the child was buying cigarettes for someone else.

This leaflet covers sales in shops and other retail premises.

Please note that cigarettes, herbal cigarettes, cut tobacco rolled up in paper, tobacco leaf and cigarette papers used for 'roll-ups' are all covered by the legislation.

Enforcement

Trading Standards is responsible for enforcing the law on illegal sales, including the display of warning notices. We have a policy of being active in finding retailers

who break the law, and we encourage members of the public to assist us with this by reporting retailers they see selling tobacco products to children.

The Warning Notice

You must display a notice containing the exact wording given below:

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

Not to scale
Height: 297mm (minimum)
Width: 420mm (minimum)
Minimum character size: 36mm

A full-scale copy of this notice is available from Trading Standards, at the address below.

The above notice must be displayed in a prominent position at the point of sale where customers and staff can easily see it. You must make sure that other notices and advertisements do not cover any part of it. The maximum fine for not displaying a notice is £1,000.

How can you comply with the law?

You must take reasonable steps to make sure a young customer is 18 or over. Valid proof of age documents should bear a photograph of the person and their date of

For help and advice on complying with consumer protection laws

Trading Standards, Loxley House, Station Street, Nottingham NG2 3NG Address for correspondence only

Tel: 0115 844 5018 Email: trading.standards@nottinghamcity.gov.uk

Website: www.nottinghamcity.gov.uk/tradingstandards

birth. Examples include passport, driving licence showing photo and date of birth or a proof of age card. We recommend that the only proof of age cards that you accept are PASS accredited – these bear a genuine PASS hologram.

Any young person who wants to be able to prove their age can get a card from these organisations:

- CitizenCard
www.citizencard.com
- Validate UK
www.validateuk.co.uk 01434 634996

Both of these are PASS accredited. Other cards which you may see are Portman Group and Connexions – these have been discontinued but are still valid as PASS accredited proof of age.

You can also:

- monitor your staff as they are serving. If there is any doubt about the age of a purchaser, **do not sell**;
- put stickers on tills reminding staff to ask for proof of age, or use till prompts on EPOS tills;
- keep records of any training you have given and log all refusals to supply cigarettes;
- do not break open any cigarette packs;
- make sure you display the appropriate warning notice.

This is not an exhaustive list of the precautions that can be taken. **Please make sure all your staff have read and understood this leaflet.**

Vending machines

It is now illegal to sell tobacco products directly to **any member of the public** from vending machines. It is also illegal to display advertisements or pictures of tobacco products on these machines.

You can position a vending machine in part of your premises that is not accessible to the public, for example behind a bar, provided you can guarantee that the public cannot get access. Members of your staff can dispense the products to customers. There must not be any advertising or pictures of tobacco products on the machine.

Be a responsible retailer – don't sell to underage children

Did you know that:

- Smoking is the biggest single preventable cause of death and disability in the UK. It will kill half of the teenagers who currently smoke if they don't stop.
- Tobacco contains nicotine, a drug which is as addictive as heroin. It's not surprising that young people can get addicted within a few weeks of even light smoking. Giving up is harder than people think – the best solution is not to start in the first place.
- Many young people start smoking because they think it will make them look cool and independent and help them to relax. But cigarettes are an addictive stimulant which cause cancer, heart disease and an early death.

Nottingham's NHS Stop Smoking Service, New Leaf, can provide free support and advice on how to quit smoking. They run clinics in over 70 locations across Nottingham and their trained advisors will be able to tailor a quit package to specific needs.

Contact New Leaf on 0800 561 2121.

This leaflet is a brief summary of the law regarding the illegal supply of cigarettes to children. It is not an authoritative document on the law and is only intended for guidance. For further advice please contact Trading Standards.