



## **Assured Advice Tobacco Display Ban**

### Basic display requirements

- From **6 April 2015**, no tobacco retailers will be allowed to openly display tobacco products. Open display has been banned in large shops since 2012.
- This means that no tobacco products – cigarettes, hand-rolling tobacco, cigars and ‘niche’ tobacco products such as chewing tobacco or shisha tobacco - can be visible to customers, except in certain circumstances.
- There are no rules on how to cover tobacco products. They could be
  - kept in a closed cabinet
  - kept anywhere that cannot be seen from a customer area of the shop (care must be taken to check all lines of sight, including those of children)
  - kept behind a drawn curtain
- You are not allowed to reveal tobacco products when just selling tobacco accessories, so cigarette papers and lighters etc. may have to be kept separately.

### When can I display tobacco products?

- Tobacco products (to a maximum of 1.5m<sup>2</sup> – about the area of an internal door) may be displayed for the **minimum length of time necessary** to do the following:
  - **Serve customers.** If the customer is young you must check for proof of age before revealing any tobacco products. If a customer asks to see tobacco products you are allowed to comply with their request.
  - **Restock.** If tobacco products need to be displayed during restocking, it is allowable. Products should not be left visible for any time before the restocking starts or while they are being moved around the shop, after delivery, for instance.
  - **Clean or maintain.** Tobacco products can be displayed if necessary during cleaning and/or maintenance, but only while these activities are being carried out – they should be covered if the activity has paused for any reason.
  - **Train staff.** It is permissible to reveal tobacco products when training staff.
  - **Allow inspection by enforcement staff.** Any display caused by Trading Standards, HMRC, Police or other authorised officers inspecting tobacco products is permitted.

## Underage displays

- It is an **offence** to display tobacco products directly to a customer under the age of 18, even if no sale takes place, so proof of age, where appropriate, must be seen before any display.
- There is **no offence** where the young customer is accompanying an adult customer, or where they see a tobacco product being shown to another customer.

## Pricing of tobacco products

- The price of tobacco products must be available for customers to see and the Regulations permit only three ways of doing this – by displaying a price list on a poster; by having a printed leaflet or booklet available to customers; or by using price labels.
- Whichever method is chosen, there are **general requirements**:
  - Helvetica font should be used if it is available. Arial font is an acceptable alternative if your software does not offer Helvetica;
  - Writing should be in black and in the same size font;
  - There should be no underlining, italics, capitals (except for the first letter of words) or other emphasis used;
  - Only a brand name, pack size, and price can be shown;
  - There is no required order for the products to be listed – they do not, for instance, have to be in alphabetical order.
- One **poster** showing prices per point of sale may be displayed.
  - It must comply with the general requirements;
  - A3 size paper is the biggest that can be used;
  - It must be headed 'Tobacco Products Price List', although sub-headings such as 'Cigarettes' and 'Cigars' can be used;
  - A font size of 30 or less must be used.
- A **price list** in leaflet or booklet form can be available on request at each point of sale, although it can only be shown to be customers who are over 18.
  - It must comply with the general requirements;
  - It must be printed using a font size of 14 or less;
  - It may show pictures of the product as long as they no greater than 50cm<sup>2</sup> (approximately the size of the largest face of a pack of 20 cigarettes);
  - It must be removed from sight once the customer as finished looking at it.
- Individual **price labels** can be used on storage units, either inside or on the front of a storage unit.
  - Labels must comply with the general requirements;
  - Only one price label can be used for each product;
  - Each price label must be no bigger than 9cm<sup>2</sup>;
  - Only a brand name, pack size, and price can be shown.

## What are the penalties for getting it wrong?

- It is a criminal offence to breach the new law that can be punished with a fine or imprisonment. **Owners, managers and employees** could be liable to prosecution if they are responsible for the breach.

- Trading Standards will typically take a progressive approach to enforcement and should not consider prosecution where the breach is due to a genuine misunderstanding or one-off mistake. However, it is advisable to get it right first time by following this advice so that your management is shown in a good light.

## Frequently Asked Questions

What should I tell staff?

You will need to train staff, going through each step of the process of selling tobacco, so that they do not inadvertently do something that puts themselves and you in trouble. The areas to particularly stress are the need to only display tobacco products for the minimum time necessary and to ask for proof of age, where appropriate, before revealing tobacco products as this may be the most likely errors. There is more information at <https://www.nfrnline.com/Public-Affairs/Dont-Keep-Us-in-the-Dark-Campaign> (Going Dark - Employee Guide).

What if I am not complying?

As there is no restriction on how you cover tobacco products, temporary solutions are permissible. It can be expected that members of the general public will complain to Trading Standards if tobacco is openly displayed, it is advisable to do this, rather than risk being found breaking the rules.

Who can sell tobacco products?

This rule has not changed. No licence is needed and unlike alcohol and fireworks, there is no age restriction on anyone selling tobacco products. It is, however, best practice to supervise anyone under the age of 18 who is serving tobacco.

How will anyone know I sell tobacco?

Generic signs, such as 'Tobacco sold here' are not restricted by the law.