

Guidance on the display of all products containing tobacco and the display of tobacco prices



Introduction

As of **6 April 2015**, the ban on open display of tobacco products by large retailers will be extended to all businesses selling tobacco products to the public. It will include not just shops, but also 'on-trade' licenced premises such as pubs and clubs.

This guidance seeks to clarify your responsibilities and give practical advice on how to comply with the law.

Under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010, it will be illegal to display tobacco products, except to people over the age of 18 years in the set of limited circumstances set out in this guidance.

Age verification checks **must** be carried out before any tobacco product is shown to a customer who asks to buy tobacco or asks for information about a tobacco product.

From the aforementioned date, it will also be illegal to display the prices of tobacco products in the relevant premises except in the format listed below.

This guidance is not intended to be definitive or a substitute for the relevant law and independent legal advice should be sought where appropriate. Only the courts can interpret legislation with any authority.

Display of Tobacco products

From 6 April 2015, products containing tobacco cannot be on display to the public and must be covered when stored unless it is during one of the circumstances listed below (It is up to each individual retailer to decide the most appropriate means of removing the tobacco products from public view);

- a) Following requests to buy or see tobacco products by customers over the age of 18 (**Requested Display**)
- b) **Temporary Incidental displays** while staff are actively –
 - i) Assessing stock levels for the purposes of stock control
 - ii) Restocking
 - iii) Undertaking staff training
 - iv) Cleaning the storage unit
 - v) Maintaining the storage unit
 - vi) Refurbishing the storage unit
- c) Following a request by an enforcement officer

In all the cases listed under b), the temporary incidental display **must** arise as a **direct consequence** of the activity and **must only last as long as is necessary** for that activity to be completed. The display must end if the relevant task is interrupted for any reason and is no longer actively being carried out.

More than one temporary incidental display may take place at the same time, provided the tasks are being carried out totally independent of each other, and may only last as long as is necessary to complete each task.

Requested Displays

A retailer does not break the law if other customers in the shop (Including children) see a tobacco product as a consequence of a 'requested display' while a customer is being served and the area displayed **does not exceed 1.5 square metres**.

Temporary Incidental Displays

A retailer does not break the law if a member of the public sees a tobacco product as a direct result of a temporary incidental display provided the display unit is open only for as long as is necessary to complete the task in hand, and the area of the display unit on open display **does not exceed 1.5 square metres**.

It is an offence for tobacco products to be visible while they are being moved around the shop. Retailers must cover or use closed containers to transport tobacco products from the stock room to the display unit.

Under Age Sales

It is possible for a retailer to commit two separate offences by showing and then selling tobacco products to someone under the age of eighteen. Staff **must** be satisfied that all customers asking to see and to buy tobacco are aged 18 or over **before** showing them any tobacco product.

This means retailers must make sure that all staff are trained and understand that age checks **must** be carried out before displaying any tobacco products to customers asking to see or buy them.

Retailers should consider the best way to adapt their existing age of sale policies. We recommends that a 'Challenge 25' policy should be adapted. You can find out more on the 'Challenge 25' policy by visiting www.challenge25.co.uk/tobacco.

Staff will also need to understand that tobacco products must not be left on display after any request to see them has been met.

Generic signs that say "Tobacco sold here" are allowed in any format. There is still a legal requirement to display a sign stating that it is illegal to supply tobacco to anyone under the age of 18.

Tobacco Accessories

Any tobacco accessories such as cigarette papers, pipes and lighters, can continue to be displayed and kept in public view. However, if they are kept within the tobacco display, retailers should consider the arrangements to remove them as **it is an offence to open a tobacco storage unit & to display tobacco products when serving customers with non-tobacco products such as accessories**.

Displaying the price of tobacco products

There are **only** three ways in which tobacco prices can be displayed:

- a) Poster style lists (up to A3 in size) which can be permanently on show. They **must not** exceed 1250 square centimetres (29.7cm x 42cm = 1247.4 cm²)
- b) A list (which can include pictures of products), which **must not** be left of permanent show, but which can be shown to any customer aged 18 or over who asks for information about tobacco products sold.
- c) Price labels, which can be placed on shelving, storage units or tobacco jars. One price label is permitted for each product either on the covered shelf where the product is stored or on the front of the storage unit.

General requirements for all types of price display

All types of price list or label **must** use black Helvetica plain font in the same size throughout the text. An example is shown below;

Black Helvetica plain font looks like this

All letters must be lower case, except for the first letter of each word where appropriate. There must be:

- No Underlining
- *No Italics*
- **No Bold type**
- Or any other distinguishing emphasis allowed.

The background **must** be white. No other colours for either the wording or the background are allowed.

The **only** information that can be given about tobacco products is:

- a) The **brand name** of the product
- b) The **price** of the product
- c) If pre-packed, the number of units in the packet; or if sold by weight, the net weight of the product
- d) For **cigars only**, the country of origin and dimensions (e.g. length & ring gauge)
- e) For **pipe tobaccos only**, the cut and type of tobacco used

Poster Style Lists

Any poster lists must comply with the general requirements above and cannot include any other information about the individual tobacco product themselves or the prices of any other, non-tobacco products. Posters must also;

- be entitled "Tobacco products price list"
- include any of the following sub-headings (no other headings can be used);
 - Cigarettes
 - Hand rolling tobacco
 - Cigars
 - Pipe tobacco
 - Other tobacco

- not exceed an area of 1250 cm²
- have characters **with a maximum of 7mm (30 point font)** in height if used
- have only **one** list per sales area

Picture Price lists

Picture price lists must comply with the general requirements. It is **not** restricted in size, but;

- must **not** be on general or permanent display to customers
- can only be displayed for as long as is necessary for the customer requesting the information to obtain the information they need
- wording to be no higher than 4mm in height (14 point font)
- may contain colour pictures of the actual product, but each picture must **not** exceed 50cm² in size
- only one picture price list is allowed per sales area

Price Labels

Price labels must comply with the general requirements and

- Not be larger than 9cm²
- Must use wording no higher than 4mm in height (14 point font)
- Only one label per product is allowed in each storage unit.

Tobacco adverts

The existing Tobacco Advertising and Promotion (Point of Sale) Regulations, 2004 are revoked. These regulations allowed one A5 advertisement to be displayed at each point of sale for tobacco. **This is no longer allowed.**

Failure to comply

Any person, including shop managers and shop assistants, found guilty of these offences is liable:

- On conviction a fine of up to £5000 or
- On conviction imprisonment up to 2 years

Further advice and Guidance

Further advice can be obtained by contacting Trading Standards on the number at the head of this letter.

In addition, brief guidance has been produced by the Association of Convenience Stores and is available on its [website](#). More detailed guidance notes can be found at www.businesscompanion.info.