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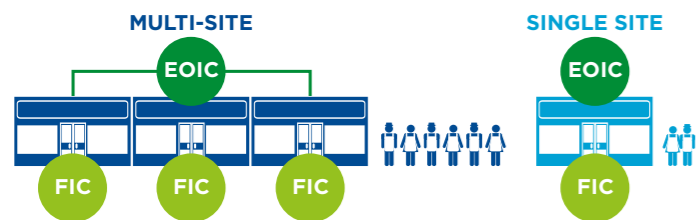
ACS | advice

SELLING TOBACCO

If you sell tobacco in your store, there are a number of regulations that you need to comply with. This guide details your requirements under the Tobacco Display Ban regulations, the UK Standardised Packaging Regulations and the EU Revised Tobacco Products Directive.

1. TOBACCO TRACK AND TRACE

Retailer obligations



Retailers must have an Economic Operator Identifier Code for their business **AND** a Facility Identifier Code for each store they sell tobacco from and for each premises which stores tobacco. Heated tobacco will be included within the track and trace regulations from 20th May 2024.

<p>Retailers will need to make sure that they share their identifier codes with their suppliers when:</p>		<p>Clarification about scanning</p>
<p>1 Ordering tobacco remotely</p> <p>My EOIC code is... My FIC code is...</p>	<p>2 Purchasing tobacco at a cash and carry</p> <p>Can I have your codes please? Yes, my codes are...</p>	<p>Retailers are not required to scan or track tobacco products that they receive in-store or the movement of tobacco products between their stores.</p>

About the codes

Retailers can apply for their identifier codes on Dentsu's (Government appointed ID issuer) website: <https://uk-trackandtrace.dentsutracking.com/>

STEP 1: To apply for an Economic Operator Identifier Code (EOIC)

1. Create account.
2. Provide business details, including: address, country, VAT or Tax number.
3. Provide contact details, including: first name, last name, email, phone number.
4. Once completed, retailers will receive an email with their Economic Operator Identifier Code.

Please note: Businesses do not need to provide their billing information if they do not scan tobacco products.

STEP 2: To apply for a Facility Identifier Code (FIC)

1. Once the Economic Operator Identifier Code has been received, retailers must log into their account.
2. Select facilities, create new facility.
3. Provide information related to the store, including: address and country.
4. Once completed, the Facility Identifier Code is **immediately generated**.

What to look for

Economic Operator and Facility Identifier Codes will contain 13 characters. The first six characters refer to the ID issuer identifier code, which is: QCGDLR. Economic Operator Identifier Codes will include an 'E' while Facility Identifier Codes will include an 'F'. The code will then be followed by six other characters, for example:

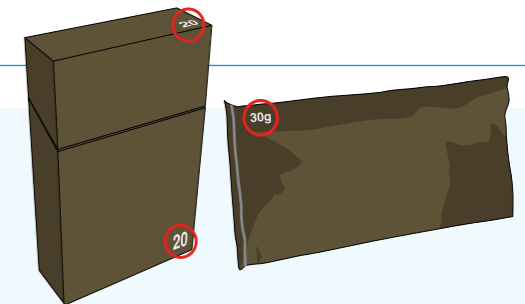
- Economic Operator Identifier Code - QCGDLR**E**ABCDEF.
- Facility Identifier Code - QCGDLR**F**ABCDEF.

2. STANDARDISED PACKAGING AND EU TOBACCO PRODUCTS DIRECTIVE

EU revised tobacco directive

Minimum product sizes

- Retailers must only sell cigarette packs with a minimum pack size of 20 cigarettes and RYO tobacco with a minimum weight of 30g.



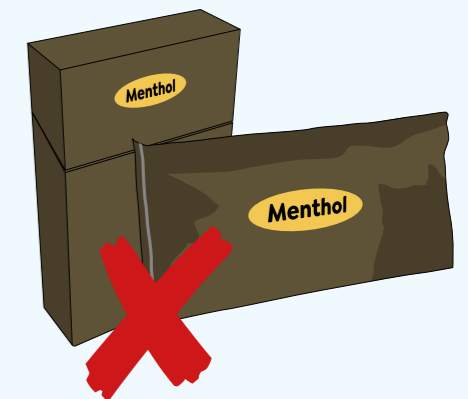
Health warnings

- Retailers must only sell tobacco with health warnings that cover 65% of the front and of the back of pack.
- 'Smokeless' tobacco products, such as heated tobacco, are required to carry a health warning which states: "This tobacco product damages your health and is addictive". The health warning must cover 30% of the front and back of the pack.



Bans cigarettes and RYO tobacco containing characterising flavours

- Retailers have to ensure that any flavoured cigarettes and RYO tobacco, for example, vanilla, spice, herb are **not** on sale. Menthol RYO tobacco must also **not** be sold.
- Retailers have to ensure that any cigarettes and RYO tobacco are not for sale **packaged together** with any flavourings in any of their components such as filters, papers etc or with any technical features allowing modification of the smell, taste or the smoke intensity of the tobacco.
- Cigarillos and cigars are not included in the ban on flavourings.



UK STANDARDISED PACKAGING OF TOBACCO REGULATIONS:

- Requires all cigarette and hand rolling tobacco packaging to be a standard dull brown colour with a matt finish.
- Permit only specified text (such as the brand and variant name) in Helvetica plain font.
- Bans the sale of price marked packs.
- Allow required markings such as health warnings and fiscal marks to remain on packaging.
- Heated tobacco products are not subject to the standardised packaging regulations, but must comply with the display of health warnings (as stated above).



3. TOBACCO DISPLAY BAN (ENGLAND)

Are you compliant?

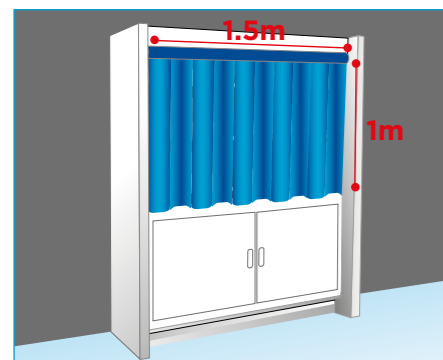
It is illegal to display tobacco products in shops and businesses in England, except to people over the age of 18 in the limited circumstances set out in the law. These rules came into force for larger stores in 2012.

Since the implementation of the display ban in smaller stores in April 2015, ACS has received a number of questions about the regulations. A summary of the questions that have been asked, and the answers to those questions, are available at: <http://www.acs.org.uk/tobacco-display-ban-faqs/>

Non-compliance with the law is a criminal offence. Any person, including shop managers and shop assistants, found guilty of these offences is liable:

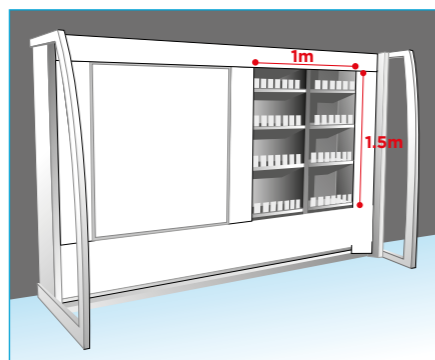
- on summary conviction in a magistrates' court to an unlimited fine on the standard scale, or imprisonment for a term not exceeding six months, or both **OR**
- on conviction on indictment in the Crown Court to imprisonment for a term not exceeding two years, a fine or both.

Examples of possible solutions



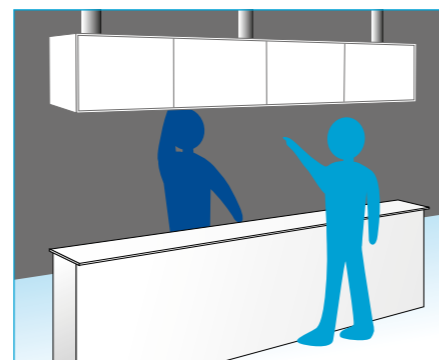
1 Curtain covered display

The rules do not prescribe how you cover your unit. It is therefore possible, and legal, to cover your tobacco display with a curtain. However the curtain must obscure the tobacco completely and when retrieving product from behind a curtain the maximum area that you can display should be less than 1.5m².



2 Sliding doors

The most common example of a cover likely to be in place in retail stores is a sliding doors solution retrofitted to a tobacco display unit.



3 Non-visible storage solutions

Retailers may decide to put in place new under counter, or over counter, solutions that can be open units but must not be visible to customers.

Tobacco storage unit labelling

You may wish to label your tobacco storage unit in order to make it more efficient for staff to locate and retrieve the correct tobacco product. You can use plain black or white single letters arranged alphabetically from A-Z on the outside of the storage unit to indicate the locations of tobacco products inside. The use of labels containing multiple letters or colour coding on the outside of a storage units may breach the law on advertising and promotion of tobacco products so is not recommended.

Regulations on the design of price lists and labelling

The Display Ban legislation permits only three types of price lists and labels for tobacco products. The legislation sets out that each of these must only use black Helvetica or Arial plain font, which is the same size throughout the list, with **NO** underlining, italics or other distinguishing emphasis. It will be an offence to display prices in any other way.

Permitted lists and labelling

1 Display unit poster

One A3 poster may be displayed anywhere in store. In addition to the above, the poster must:

- Be titled 'tobacco products price list'.
- Have wording no larger than size 30 font.
- Only contain the brand name, price and number of units per pack.



2 Counter tobacco catalogue

A product catalogue may be kept at each point of sale, but must not be displayed unless requested by a person over 18. In addition to the above, the catalogue must:

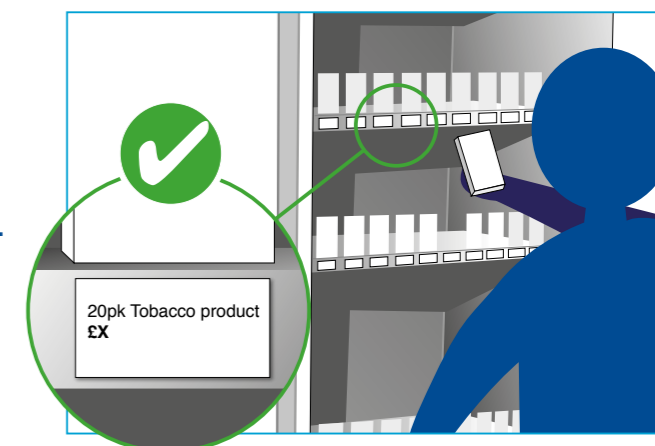
- Have wording no larger than size 14 font.
- Contain images of branded packaging no larger than 50cm² (roughly the size of a standard pack).



3 Price labels

Price labels may be placed on covered shelving or the front of the storage unit. In addition to above:

- Each label must be no larger than 9cm².
- There may only be one label per each location a product is stored.
- Only contain the brand name, price and number of units per pack.



4. A TYPICAL TRANSACTION UNDER THE REGULATIONS



DOs Other than when serving a customer with a tobacco purchase, a tobacco display may be open and visible to customers in the following exceptional scenarios. In all cases the display is only permitted when the activity in question is being actively carried out and must only last as long as is necessary for that activity to be completed.

✓ Requested display

You can open the unit to retrieve one or more products if a customer asks for information about a tobacco product.

✓ Restocking

You can open the unit to assess stock levels or to restock the unit.

✓ Adult customer with child

You can open the unit in response to a request from an adult even if they are accompanied by a child.

✓ Maintenance

You can open the unit for any form of repair or maintenance.

✓ Cleaning

You can open the unit for the purposes of cleaning the unit.

✓ Training

You can open the unit when undertaking any form of staff training exercise.

DON'Ts A display may **NOT** be open and visible in these scenarios:

✗ Displaying to an under-18

Opening the unit at the request of a person under the age of 18.

✗ Sale of non-tobacco items

You are not permitted to open the unit to retrieve or display anything other than tobacco products.

ABOUT THIS GUIDE

This guide is provided by the Association of Convenience Stores in consultation with Buckinghamshire and Surrey Trading Standards and Woking Borough Council. It was last updated in January 2023. Please refer to the ACS website for the most current version of this guidance.

ACS Primary Authority Scheme

This advice was developed by ACS, Buckinghamshire and Surrey Trading Standards, Woking Borough Council and Surrey Fire and Rescue Service; as part of a dedicated primary authority scheme. This means that all the advice that has this mark against it is 'Assured Advice'.

Assured Advice means that if you adopt this policy in your business, then it must be respected by all other local authorities and they cannot ask you to adopt a different policy.



This guide covers a range of different issues of best practice and law. Those that qualify as assured advice are marked by this hallmark.

To benefit from assured advice you must sign up to the ACS scheme. All ACS members can sign up to the ACS Primary Authority Scheme for details of how to join up visit www.acs.org.uk/advice

CONTACT

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