

New E-Cig Age Restrictions: A Guide For E-Cig Retailers

HOW TO AVOID FINES
AND A CRIMINAL RECORD

AN e-cigarette GUIDE
DIRECT

www.ecigarettedirect.co.uk

New legislation is now in force which will extend restrictions on age related sales. This short guide explains what the legislation is, why you need to comply and best practices to avoid fines and even a criminal record.

RESTRICTIONS AND PENALTIES

Selling nicotine inhaling products, cartridges containing nicotine or e-liquid containing nicotine to persons under the age of 18 is now against the law. There are harsh penalties for companies which break the law, including:

- a criminal record and / or a fine for the person who sold to the under-18
- a fine for the company which was responsible for the sale
- a restricted sales order – an order prohibiting the sale on the premises of any tobacco, nicotine product or cigarette papers.

One defence against an accidental sale is due diligence, and following the steps included in this guide will help provide a defence.

CHALLENGE 25/CHALLENGE 21

At ECigaretteDirect we are implementing a Challenge 25 policy, with a policy that anyone who looks under the age of 25 should be asked for ID. An alternative is a Challenge 21 policy.

Acceptable ID includes:

- Driving Licence
- Proof of Age Standards (PASS) Card
- Current Passport

Due to strict policies on tobacco and alcohol, most people lucky enough to look young will be used to age challenges.

SIGNAGE

It is an offence not to display a sign for tobacco sales, with a fine of £1000 for shops which do not comply. Both from a safety point of view and to educate customers, we recommend displaying a poster explaining that sales to under 18's are banned.



At ECigaretteDirect, we've created a custom Challenge 25 poster.

If you'd like a copy for your shop, please let our wholesale account manager, Hannah, know.

During training, emphasise to staff that selling to under-18s affects them personally, with a fine and criminal record. At ECigaretteDirect, we also point out that they will have secret shoppers coming to their shops, and that failure to comply with the policy is a disciplinary offence.

In summary, staff need to know:

- which products are age restricted (although we recommend a complete ban on selling e-cig products and e-liquid to under-18s, even if nicotine free)
- what the age restriction is
- the action they must take if they believe a person under 18 is attempting to buy.

Important: Ensure all staff **sign** to show they have received the training, and understand the regulations. Keep a record of signed training logs. This will assist with showing your due diligence in complying with the regulations.

REFUSALS LOG

A refusals log enables you to show due diligence. Some till systems allow this to be logged electronically, but if you don't have this you can use a paper refusals log. Ensure you keep a copy of your refusals log in case of future challenges. If you'd like a sample refusals log to use in your own shop, just let us know.

TILL PROMPT AND LOG

Trading Standards also advise adding a prompt to your till, to remind staff that to check for ID. Some till system can also be used to log refusals.

SECRET SHOPPING

To ensure compliance with the regulations, we recommend secret shopping with a young looking (but over 18!) shopper. This can be time consuming to organise yourself, and it may be more cost effective to do it with a specialist company.

ONLINE

You'll notice that this guide purely covers shops. In a recent consultation on implementing new EU legislation, the government indicated it believes the need for a credit card is a sufficient guard against under-18s buying nicotine containing products. Despite this, we are now required to use age verification systems.

As new solutions are still being developed, at the time of writing we are being allowed a grace period. In its place, e-cig retailers are expected to have a pop-up to allow for self-verification. For more detail, visit: <http://www.businesscompanion.info/en/quick-guides/underage-sales/online-sales-of-age-restricted-products>

For more information or for free posters
contact our wholesale accounts manager

Hannah Brown
Email hannah@ecigarettedirect.co.uk
Telephone 01792 851919