



Department  
of Health

# **Time for tobacco to cover up - 6 April 2015**

## **Your Questions Answered**

March 2015

## 1. What is happening?

The ending of open displays of tobacco in supermarkets came into effect in 2012. From 6 April 2015, this legislation will extend to any shop or premises selling tobacco (i.e. local newsagents, convenience stores, pubs, hotels, petrol forecourts and clubs).

Adults can still buy cigarettes and tobacco in the usual way but, in England, from 6 April 2015 the law is changing so that:

- all shops will no longer have cigarettes and other tobacco products on open display, except when staff are serving customers and carrying out tasks such as restocking. In most cases, tobacco products will be behind sliding doors as currently happens in large supermarkets.
- you may be asked your age before being served because staff will no longer be allowed to show cigarettes or tobacco to customers under 18 years of age (as well as not being able to sell them to anyone under 18 years).
- tobacco price lists will also look different because they will have to be in a plain format with no tobacco branding.

### - **What about online sales of tobacco?**

The law on display does not apply to websites. The Tobacco Advertising and Promotion Act 2002 etc. (Amendment) Regulations 2006 will continue to apply. Businesses will still be able to show tobacco products and their prices on their online shopping websites.

### - **Does this law apply to a specialist tobacconist?**

There are special provisions for specialist tobacconists as they are not generally frequented by children. Specialist tobacconists will be able to display tobacco products as long as they are not visible from outside the shop.

### - **Does this law apply to wholesalers such as cash and carry businesses?**

If the cash and carry premises is open to people outside the tobacco trade (i.e. the public), then the new law on displaying tobacco products applies. A cash and carry business may meet the definition of a 'bulk' tobacconist and be able to display products in a separate tobacco area or room.

## 2. Why the changes?

### - **Why did the Government change the law?**

Smoking cause nearly 80,000 premature deaths each year in England alone and 66% of regular smokers started smoking before the age of 18.

Evidence shows that colourful and eye-catching tobacco displays in shops can promote the uptake of smoking by children and young people and undermine the resolve of adults who are trying to quit smoking. It is important to protect children and young people from the unsolicited promotion of tobacco products.

The good news is that the number of smokers is down to its lowest ever level with adult smoking prevalence at 18.4% in 2013 and the latest figures show that only 8% of 15 year old pupils are regular smokers, compared with 22% in 2003. This reduction in smoking is a huge achievement. It is likely the result of a combination of tobacco duty increases, the continuing de-normalisation effects of tobacco control policies (i.e. smokefree legislation, the removal of vending machines and legislation on point of sale displays), coupled with national and local action on smoking cessation.

However, around 8 million people still smoke. If we are to continue to reduce smoking prevalence, we must focus on reducing the uptake of smoking by children and young people. These measures are part of wider efforts to reduce levels of smoking.

The most effective way to encourage people to quit smoking and not to take it up in the first place involves a range of actions and a comprehensive approach at both national and local level. Two thirds of smokers started before the age of 18 so efforts to stop the uptake of smoking must focus on teenagers. The Government wants to protect children from becoming addicted to nicotine and the health harms of secondhand smoke. That is why we are also making it illegal to smoke in cars carrying children, introducing a minimum age of sale of 18 for e-cigarettes, introducing standardised packaging of tobacco as well as ending open tobacco displays.

- **Why cover tobacco displays if the Government plans to bring in standardised packaging?**

Sir Cyril Chantler's independent review considered this issue and found that ending open displays of tobacco in shops will not affect the exposure of young people to cigarette branding at other times, such as when friends and family members who smoke take out their cigarette packets. In the wake of the ban on advertising and promotion, tobacco packaging has become one of the tobacco industry's leading promotional tools.

Sir Cyril concluded that it is "highly likely that standardised packaging would serve to reduce the rate of children taking up smoking" and that the policy would "very likely lead to a modest but important reduction over time on the uptake and prevalence of smoking and thus have a positive impact on public health."

Nonetheless, standardised packing would not be implemented until 2016 at the earliest, so we need to do what we can now to reduce tobacco promotion.

- **Is restricting the display of tobacco a slippery slope to a nanny state on other products such as unhealthy food, or alcohol?**

No. It is right that tobacco is treated uniquely in regulatory terms, because it is an addictive harmful consumer good. Around half of all regular smokers are eventually killed by a smoking-related illness. It is the only product that kills half of its consumers if used as directed by the manufacturer. Smoking is the primary cause of preventable premature death, accounting for almost 80,000 deaths in England each year.

### **3. How will the law work in practice?**

- **How will I know if a shop still sells cigarettes and how much they are?**

Adults who smoke will continue to be able to buy cigarettes and tobacco exactly as they do now and shops will be able to publicise that tobacco is for sale. Unbranded generic signs such as 'Tobacco sold here' are allowed in any format.

The law allows for shops to provide price lists when requested by someone over age 18.

- **What about display of smoking accessories – i.e. tobacco papers and lights? Do these have to be covered up?**

Tobacco accessories, for example tobacco papers, pipes and lighters, can continue to be displayed and kept in public view. Retailers may need to consider new arrangements if accessories are currently kept in the main gantry as it will be an offence to display tobacco products when serving customers with non-tobacco products.

- **How will the law be enforced?**

Local authority trading standards officers will be responsible for enforcing this law.

- **What will happen if my local shop/petrol station still has tobacco products on open display after 6 April 2015?**

We appreciate that the vast majority of retailers run responsible businesses and take seriously their responsibilities to abide by the law. However, non-compliance could occur as a result of a lack of awareness or understanding of the legislation which might be addressed by the provision of information, guidance and support from local authority trading standards officers. Local trading standards officers are there to help businesses understand the law and become compliant. We realise this may take some businesses a little time.

## **5. What will the likely impact be?**

- **Will this actually reduce smoking uptake in children and young people?**

The policy is likely to lead to a modest, but important reduction over time in the uptake and prevalence of smoking and thus have a positive impact on public health. It is likely to have only a gradual effect on the number of people smoking in the longer term – primarily by reducing the uptake of smoking by children and young people. Most people start smoking in their teenage years so it is right that we do all we can to make tobacco less visible and appealing to children and young people.

- **What's the likely impact on my local shop – will it have to close from losing profits?**

Other than the initial costs of covering tobacco display gantries, which in many cases will be covered by the tobacco industry who own most of the gantries, the impact will be minimal. The Government recognises the difficulties being faced by some small businesses in the current economic climate which is why the implementation date for small shops was delayed until 2015. This was to give small businesses longer to prepare and to benefit from the range of solutions developed for larger shops (where the law came into effect in April 2012).

In terms of sales of tobacco, the immediate effect is considered to be small. It is also helpful to note that retailers make only small profit margins from tobacco products – they

make a similar profit from a pack of chewing gum as a £6 pack of cigarettes. Tobacco sales will decline gradually but not overnight as the main impact will be on reducing uptake amongst young people not on current smokers.

- **What is the impact of covered displays on shops and small retailers in terms of transaction times?**

There is evidence to show that display bans do not increase customer serving times. Even when standardised packaging was introduced in Australia, evidence shows that retail staff quickly adjust and that any increases in serving time are short lived before returning to normal.

- **Will this lead to increased illegal tobacco sales?**

There is no evidence from countries that have stopped tobacco displays in shops that ending displays increases the illicit trade. The experience in larger shops shows that adult smokers will continue to buy their cigarettes and tobacco as they do now. We understand from the Irish Government that stopping tobacco displays in the Republic of Ireland in July 2009 has not caused the illicit trade to increase there. Recent figures show that fewer people in the UK are smoking illicit tobacco, with the market for illicit cigarettes down to 9% in 2012/13 (from 22% in 2000/01) and for hand-rolling tobacco down to 36% in 2012/13 (from 61% in 2012/13). Associated annual revenue losses (from duty and VAT) have fallen from almost £3.4 billion to around £2 billion over this period.

**6. Where can I go for further information?**

Detailed guidance is available on the Trading Standards Institute's 'Business Companion' website [www.businesscompanion.info](http://www.businesscompanion.info). In addition, concerned members of the public can contact their local council for advice.