



This guidance document contains Assured Advice under the ACS Primary Authority Scheme. For more details visit www.acs.org.uk/assured-advice

ACS | advice

SELLING VAPES RESPONSIBLY

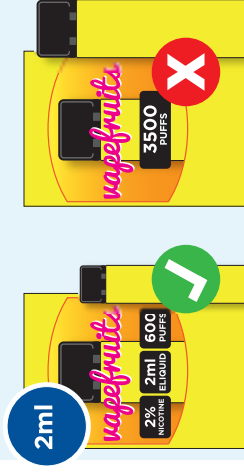
This guide explains how to source and sell vapes (otherwise known as e-cigarettes) responsibly. These are products that heat a nicotine containing liquid to generate an aerosol.

1. HOW TO RECOGNISE LEGITIMATE PRODUCTS

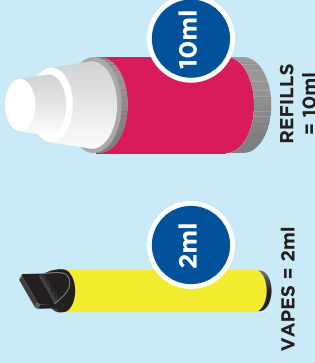
There are strict requirements for vapes that are allowed to be placed on the UK market. Check the following to ensure the products you stock are legitimate:

The maximum tank size is 2ml. This is equivalent to around 600-650 puffs for disposables.

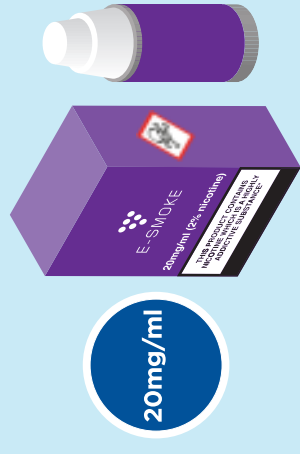
Products advertising significantly more usage than this are illegal.



The maximum size of refill containers is 10ml.

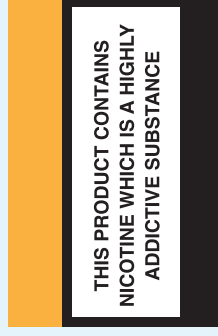


The maximum nicotine content allowed for vapes is 20mg/ml.



Health warnings must cover 30% of the front and back of the pack.

The health warning must read:



Any variation on this wording is not allowed.

List of ingredients in nicotine-containing liquid, if present.

3x Flavoured eLiquid

INGREDIENTS

Vegetable Glycerine (<80%)
Monopropylene Glycol (<20%)
Flavouring: cookie, cherry, almond.
0.6% Nicotine

The product must indicate the nicotine content and delivery per dose.

Nicotine content
6-8 mg per
cartridge

Batch number.



Recommendation to keep the product out of the reach of children.



Vapes that are charged from the mains electrical supply should bear the CE mark or UKCA mark. The UKCA (UK Conformity Assessed) mark became part of UK law when the UK left the EU and must be included on all packaging from January 2023 onwards]



Packaging must also contain the manufacturer or importer name and contact details.

Imported and distributed by
E-Smoke Ltd
90 Eastern Road,
Slough SL3 1XS
Tel: 01753 100100
Email: info@e-smoke.co.uk

Offers and discounts, product safety/health claims are prohibited on packs.



All vapes and refill containers must be tamper-evident and have child-resistant packaging. Electronic/electrical products must be disposed of separately from household waste, more information about recycling vapes and WEEE regulations is available on page 7.



2. PREVENTING UNDERAGE SALES

It is illegal to sell vaping products to anyone under 18. Anyone doing so is committing an offence, and both the business owner and staff members who made the sale can be penalised.

Challenge 25

ACS recommends the use of Challenge 25 policies for all underage sales.

Challenge 25 is a store policy based on two simple principles:

1. All staff serving customers should be trained to 'think 25'. This means if a customer is seeking to buy an age restricted product (of any kind), the staff member should ask themselves the question – 'does the person in front of me look like they might be under the age of 25 years?' If the answer is yes, then they should ask the person for a valid proof of age. If the identification confirms they are over the legal age of purchase for that product, then it can be sold to them.
2. The store policy is clearly communicated to customers, usually through the use of visible in-store signage.

Posters are available to download and print from <https://www.acs.org.uk/challenge25>

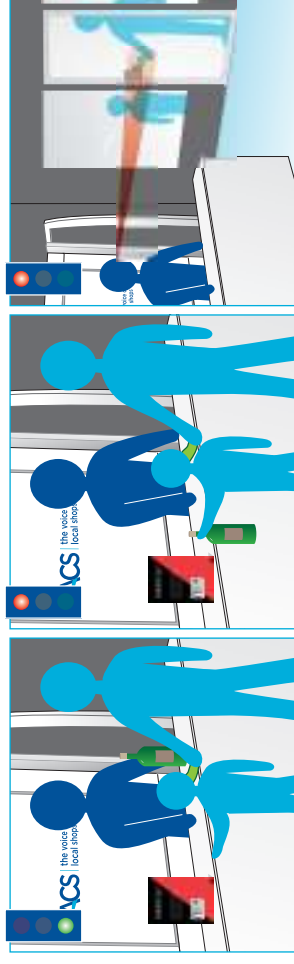


3. PROXY SALES

It is an offence for an adult to purchase nicotine inhaling products on behalf of someone under age. This is commonly called a 'proxy sale'. You should consider adopting a common approach to identifying and preventing proxy sales across all age restricted products.

It can be very difficult to know if an adult intends to buy an age restricted product for or on behalf of someone who is underage. Therefore, you are only expected to act when an obvious proxy sale is taking place. More information on common scenarios that retailers may encounter when dealing with attempted proxy sales is available in the ACS Assured Advice guide on Preventing Underage Sales.

To mitigate proxy purchasing, some manufacturers might enforce product-quantity limits that restrict bulk orders that may be distributed to those underage. Check and comply with manufacturer product-quantity limits if they have such policies in place.



4. ONLINE SALES

For retailers that sell vapes online through a delivery service or online ordering platform, ACS recommends conducting ID checks before any goods are delivered to a customer. More information about selling age restricted products online is available in the ACS Assured Advice guide on Preventing Underage Sales.

5. ADVERTISING

Retailers that advertise vapes should consult advice on the restrictions on advertising e-cigarettes and refill containers from the Department of Health and Social Care and from the Advertising Standards Authority.



MEDICATED E-CIGARETTES

- E-cigarettes which are licensed as medicines are exempt from the age restriction and can be sold to persons under 18.
- E-cigarettes that contain over 20mg/ml of nicotine are required to be licensed as medicines.
- You can check if e-cigarettes you stock are licensed as medicines by visiting the Medicines and Healthcare products Regulatory Agency (MHRA) website here: www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products

6. UK NATIONS



ENGLAND AND WALES

The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 came into effect on 1 October 2015 and makes it an offence:

- For retailers to sell vapes to anyone under the age of 18. (Vapes which are licensed as medicines are exempt from the age restriction – see next page).
- For the proxy purchase of vapes.

Sanctions

- If a retailer sells an vape to someone under the age of 18, both the retailer and staff member who made the sale are liable on summary conviction to a fine not exceeding level 4 (£2,500 at time of publication) on the standard scale.
- The fixed penalty for the proxy purchase of vapes is £90. The fine applies to the person who purchases or attempts to purchase for someone under the age of 18.



SCOTLAND

The Health (Tobacco, Nicotine Etc. and Care)(Scotland) Act makes it an offence:

- For retailers to sell vapes to anyone under the age of 18. (Vapes which are licensed as medicines are exempt from the age restriction – see below).
- For failing to implement an age verification policy for the sale of vapes.
- For the proxy purchase of vapes.

- To sell vapes from a premises which is not registered on the Scottish Tobacco Retailers Register.
- For any person under the age of 18 to sell a tobacco product, cigarette papers, or Nicotine Vaping Product without authorisation from a person over the age of 18.

The Act also implements further restrictions on vapes media advertising which is yet to be confirmed by Scottish Ministers

Sanctions

- If a member of staff sells vaping products to someone under the age of 18, they are liable on summary conviction to a fine not exceeding level 4 (£2,500 at time of publication) on the standard scale.
- If a retailer fails to implement an age verification policy for the sale of vapes, they are liable on summary conviction to a fine not exceeding level 2 (£500 at time of publication) on the standard scale.
- If a retailer allows staff under the age of 18 to sell a tobacco product, cigarette papers, or Nicotine Vaping Product without authorisation they are liable on summary conviction to a fine not exceeding level 1 (£200 at time of publication) on the standard scale.
- A person who purchases or attempts to purchase vapes for someone under the age of 18 is liable on summary conviction to a fine not exceeding level 5 (£5,000 at the time of publication) on the standard scale.
- A retailer who continues to sell vapes without registering to sell vapes is liable on summary conviction to a fine not exceeding £20,000, imprisonment for a term not exceeding 6 months, or both.

7. RESPONSIBLE SOURCING

Vapes must be notified to the MHRA before being legal to place on the UK market. When sourcing new products, check the Notified Product lists on the MHRA website at <https://cms.mhra.gov.uk/ecig> if the product isn't listed, the supplier is not permitted to provide it for sale in the UK.

If a product is not listed on the MHRA website in the Notified Products List, it is not allowed to be sold in the UK.

Side effects and safety concerns with vapes or refill containers can be reported to MHRA through the Yellow Card reporting system. Retailers and consumers can report products that are either defective or non-compliant to your local Trading Standards or email TPDsafety@mhra.gov.uk

The best way to ensure that you are only stocking legal products is to source from reputable companies with UK offices or authorised representation, or from recognised wholesalers.

8. BEST PRACTICE: RECYCLING VAPES

Disposable vapes contain lithium batteries and other electrical elements, and as such should not be thrown away. Customers can take these products to household waste and recycling centres, and some councils have special arrangements to take back electrical devices alongside other kerbside recycling.

If you are WEEE registered (Waste, Electrical and Electronic Equipment regulations) you should provide a facility for vapes to be taken back. This facility should be separate from other battery recycling bins. Not all vapes are included within the WEEE (Waste, Electrical and Electronic Equipment) regulations so check with your vape supplier about their inclusion within the regulations. Further details on compliance with WEEE regulations can be found at <http://recycleyourelectricals.org.uk>



ABOUT THIS GUIDE

This guide is provided by the Association of Convenience Stores in consultation with Buckinghamshire and Surrey Trading Standards. It was last updated in November 2022. 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

Relevant legislation and additional guidance

- **Tobacco and Related Product Regulations (2016):**
<https://www.legislation.gov.uk/ukSI/2016/507/contents/made>
- **MHRA Notified Products List:**
<https://cms.mhra.gov.uk/ecig>
- **MHRA Retailer Guide:**
<https://bit.ly/3nnvUlj>
- **Yellow Card Reporting System:**
<https://yellowcard.mhra.gov.uk>
- **Restrictions on advertising electronic cigarettes (DHSC):**
<https://www.gov.uk/government/publications/proposals-for-uk-law-on-the-advertising-of-e-cigarettes/publishing-20-may-not-yet-complete>
- **ASA Code Section 22, Electronic Cigarettes:**
https://www.asa.org.uk/type/non_broadcast/code_section/22.html

CONTACT

For more details on this guidance, contact a member of the ACS team on 01252 515001.

For more details on ACS:

Visit: www.acs.org.uk

Call: 01252 515001

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