

27<sup>th</sup> March 2020

Mrs Badenoch MP  
Exchequer Secretary to the Treasury  
HM Treasury  
The Correspondence and Enquiry Unit  
1 Horse Guards Road  
London  
SW1A 2HQ

Dear Exchequer Secretary

**COVID-19: Implications for upcoming tobacco regulations on tobacco track and trace and menthol cigarettes ban**

The COVID-19 outbreak has placed significant pressure on the 33,500 local shops that ACS (the Association of Convenience Stores) represents. Our members have kept up with exceptional consumer demand and have adapted their business to accommodate significant operational challenges. In light of these pressures, our members have raised concerns about the additional burden that the upcoming menthol cigarettes ban and the sell through period for unmarked cigarettes and hand-rolling tobacco products in the track and trace system will have on their business. Both regulations are due to come into effect on 20<sup>th</sup> May 2020, and as such, we are seeking clarity whether the government will take consideration the capacity of retailers, larger and small, to comply and communicate the changes effectively during the COVID-19 outbreak and what measures, such as the relaxation of enforcement, can be introduced to support businesses.

We have previously raised concerns about barriers for retailers and wholesalers to comply with their scanning and reporting requirements under track and trace, and this an ongoing issue for our members. However, retailers and wholesalers have also raised concerns about the high levels of unmarked cigarettes and hand-rolling tobacco products still entering the supply chain and their capacity to comply with the sell through period. Typically, representatives from tobacco suppliers will visit stores to support independent retailers with the transition but the COVID-19 outbreak means that they cannot do this. Instead, retailers will have to allocate additional staff resources to organise and remove affected stock. They may also be left out of pocket as it is dependent on the tobacco supplier as to whether they will accept exchanges of non-compliant stock. The COVID-19 outbreak has brought uncertainty which means that resources in-store are already stretched and having cash flow is more essential than ever.

As well as the concerns above, the menthol cigarettes ban brings additional challenges because there is still very low awareness about the ban amongst consumers. Retailers are communicating a wide range of messages to protect staff and consumers during the outbreak, which means any communications about the menthol cigarettes ban would have a limited impact. Consumer awareness is key to ensure a smooth introduction of a ban, and without it, confrontations could occur in-store, and at a time where staff colleagues are already facing frustration from customers.

ACS supports both the tobacco track and trace system and the menthol cigarettes ban but the timing of these policies is now incredibly challenging as retailers are faced with the COVID-19 crisis. Therefore, we are asking you to delay their implementation or relax their enforcement during this challenging time.

Yours sincerely



James Lowman  
Chief Executive

CC: Parliamentary Under Secretary of State (Minister for Prevention, Public Health and Primary Care)