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TOBACCO DISPLAY BAN



The law on the display of all products containing tobacco and the display of tobacco prices changed in April 2015 for small stores. 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.

1. ARE YOU COMPLIANT WITH THE TOBACCO DISPLAY BAN?

The law on the display of all products containing tobacco and the display of tobacco prices changed in April 2015 for small stores. 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/>

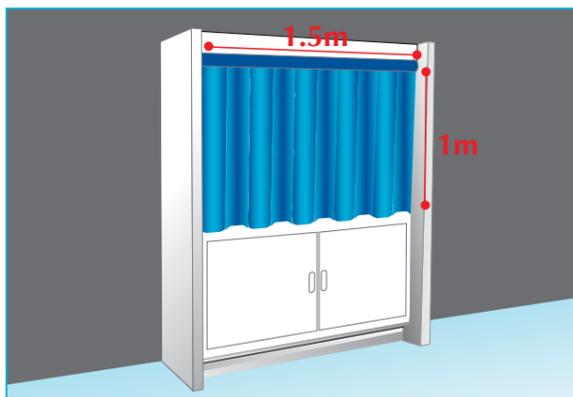
Non-compliance with the new law is a criminal offence. Any person, including shop managers and shop assistants, found guilty of these offences is liable:

- 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.

2. EXAMPLES OF POSSIBLE SOLUTIONS

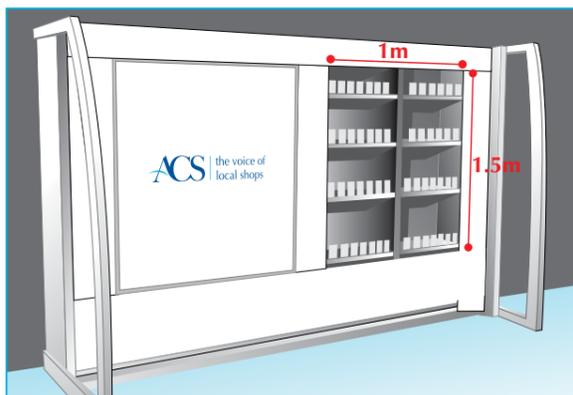
1 Curtain covered display

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.

3. REGULATIONS ON THE DESIGN OF PRICE LISTS AND LABELLING

General information

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 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.



Displaying to an under-18



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



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.



Sale of non-tobacco items



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

DON'Ts

A display may NOT be open and visible in these scenarios:

5. 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 February 2018. 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

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

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Visit: www.acs.org.uk

Call: 01252 515001

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