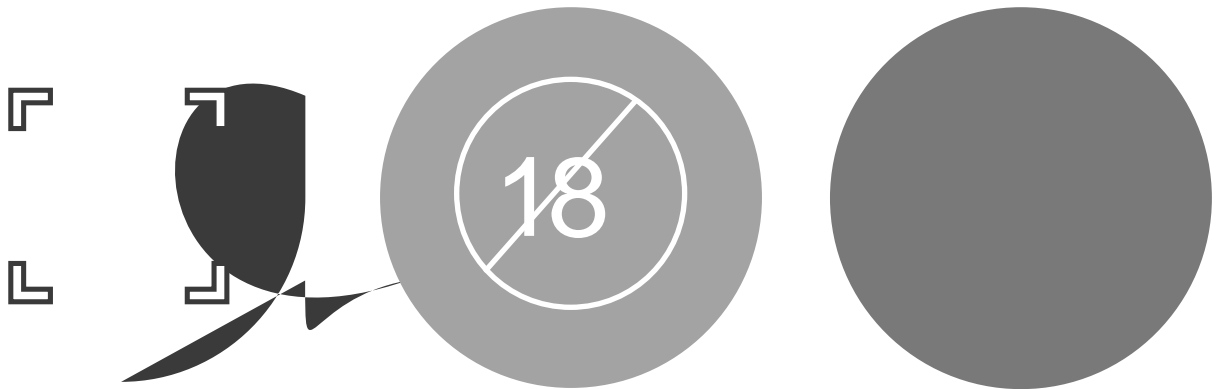


TOBACCO CONTROL SURVEY ENGLAND 2019/20

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Chartered Trading Standards Institute



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Summary

This report presents results from a survey of trading standards activities carried out in England from the financial year April 2019 to March 2020.

An online survey was emailed to all councils undertaking tobacco control activities in England on 15 April 2020 (151 councils in total). The deadline for completion of the survey was 20 May 2020. The survey was completed by 135 councils, which is a response rate of 90%.

Grateful thanks are extended to all trading standards officers who made every effort to respond to the survey. This has been a challenging time of national lockdown in accordance with Government requirements to tackle COVID-19.



Introduction

This is the eighth Tobacco Control Survey report produced by the & KDUWHUHG 7UDGLQJ 6WDQG DUGV , QVWLWXWH & 76 a survey of tobacco control activities carried out by trading standards services between April 2019 and March 2020.

The survey has been supported by the Department of Health and Social Care (DHSC) and includes questions made at the request of HM Revenue and Customs (HMRC) in relation to the nature of the illegal tobacco market at the local level in England.

The core areas of trading standards activity remain largely those associated with the enforcement of tobacco control legislation, namely:

- testing the supply of both tobacco and nicotine inhaling products to young people under the age of 18 by the conduct of test purchase operations with underage young persons at retail premises
- tackling the supply of illegal tobacco products - that is, brands that are not for legitimate supply in the UK, counterfeit / smuggled tobacco products
- assessment of compliance with the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015 (SPoT) across a variety of business settings

This year the survey asks respondents to identify the priority given to tobacco control activities by their council and to identify what might enhance this priority; this data is to be used to help identify where additional effort is required to promote activities.

Whilst this survey presents data for English councils, it should be noted that there are a number of joint services now operating - that is, two or more council areas with one trading standards service. Where this structure exists, data has been requested for each separate council area.

...create a smokefree generation. We will have achieved this when smoking prevalence is at 5% or below. To deliver this, the Government sets out the following national ambitions which will help focus tobacco control across the whole system:

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Methodology

The 2019/20 survey questionnaire was developed jointly by the DHSC and CTSI.

7 REDFFR FRQWURO OHDG RIÀFHUV ZLWKLQ FRXQFLOV ZHUH DGYLVHG response rate. Towards the end of the survey period, trading standards services that had not completed the survey were contacted individually and encouraged to do so.

The link to the 2019/20 online questionnaire was emailed to all Tobacco Focus Group³ members to be GLVWULEXWHG WR DOO FRXQFLOV RQ \$SULO DQG E\ WKH HQG P completed by 135 councils, which is a response rate of 90%. Although the vast majority of councils responded the base does vary, as not every question is applicable to every respondent.

The tables below show the response rate to the survey by both council type and region.

TABLE 1: RESPONSE RATE BY COUNCIL TYPE

COUNCIL TYPE	TOTAL NUMBER IN EACH TYPE	NUMBER OF RESPONDENTS	RESPONSE RATE
County	26	25	96%
London Borough	33	25	76%
Metropolitan District	36	33	92%
Unitary	55	52	95%
Base	150	135	90%

TABLE 2: RESPONSE RATE BY REGION

REGION	TOTAL NUMBER IN REGION	NUMBER OF RESPONDENTS	RESPONSE RATE
Central England	14	13	93%
East of England	11	11	100%
London	33	25	76%
North East	12	10	83%
East Midlands	8	7	88%
North West	23	21	91%
South East	19	18	95%
South West	15	15	100%
Yorkshire & Humber	15	15	100%
Base	150	135	90%

3. Tobacco Focus Group is comprised of a trading standards representative from each English region. The group is hosted by CTSI and supported by the DHSC

£000
England between 1 April 2019 and 31 March 2020, unless otherwise stated.

Figures are reported as a percentage of the total number of respondents to this survey (135), unless otherwise stated.

All percentages included in the report have been rounded to the nearest whole percentage.



Tobacco control activities

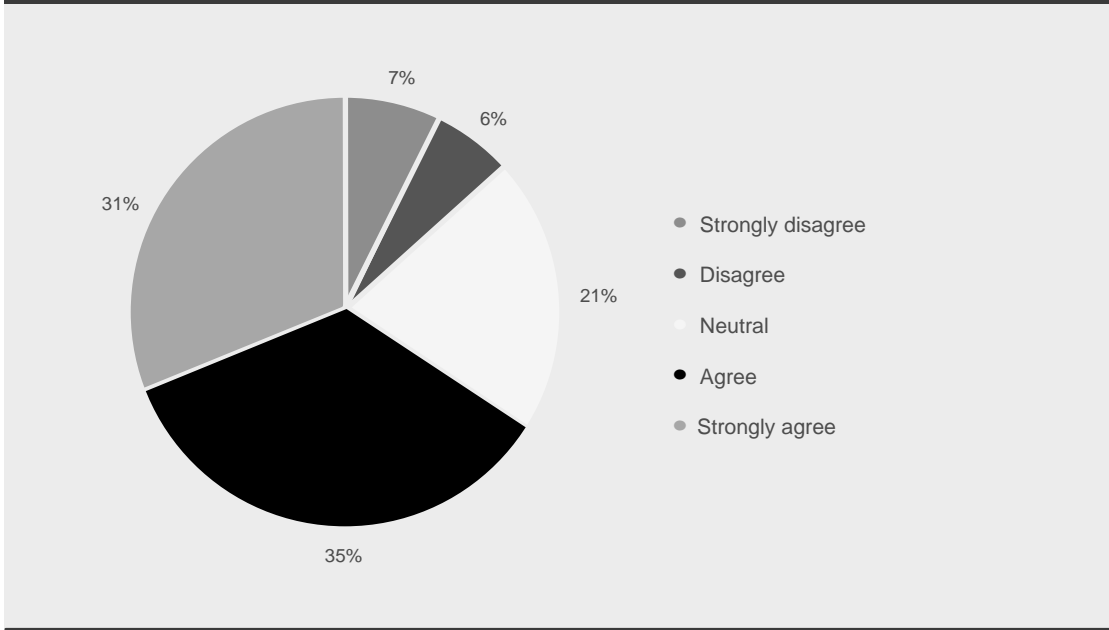
PRIORITY GIVEN TO TOBACCO CONTROL ACTIVITIES

There are more than 250 pieces of legislation assigning separate statutory duties to trading standards – a number that continues to rise with the addition of new legislation, including most recently the legislation related to the coronavirus (COVID-19) pandemic.

The primary role of trading standards services is to protect consumers from unfair trading and support business growth by enforcing national legislation at a local and regional level. The activities of trading standards services range from food and product safety labelling and testing, weights and measures, prevention of doorstep crime and scams, and animal health and welfare. Against this backdrop of

Two thirds (66%) of respondents agreed with the statement, saying they either strongly agree or agree, 21% responded neutral and 13% said they disagree or strongly disagree.

FIGURE 1: MY COUNCIL PRIORITISES TOBACCO CONTROL ACTIVITY



Respondents were asked in their opinion what would encourage / assist their council to give a higher priority to tobacco control activities in 2020-21?

The overwhelming response was an increase to funding and resources.

TABLE 3: WHAT IN YOUR OPINION WOULD ENCOURAGE / ASSIST YOUR COUNCIL TO GIVE A HIGHER PRIORITY TO TOBACCO CONTROL ACTIVITIES IN 2020-21?

RESPONSE	PROPORTION (%)
Increased funding and resources	78%
Greater publicity both internal and external	5%
Increased intelligence gathering	5%
Greater collaboration with HMRC	1%
Already a priority / not a serious issue	5%
Other	5%

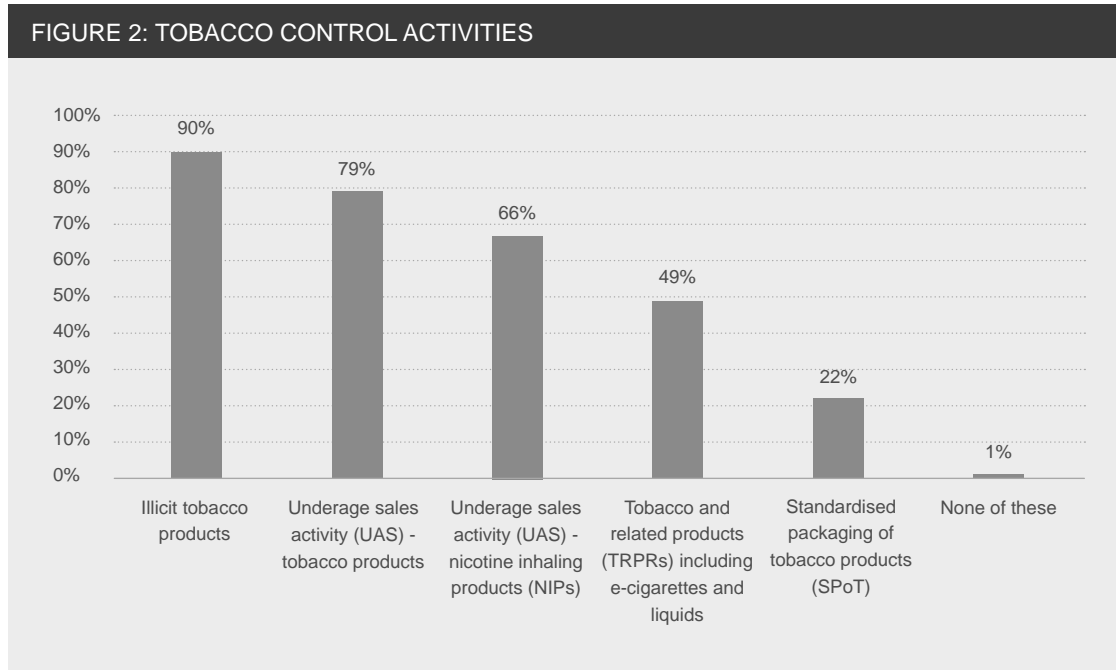


TOBACCO CONTROL ACTIVITIES

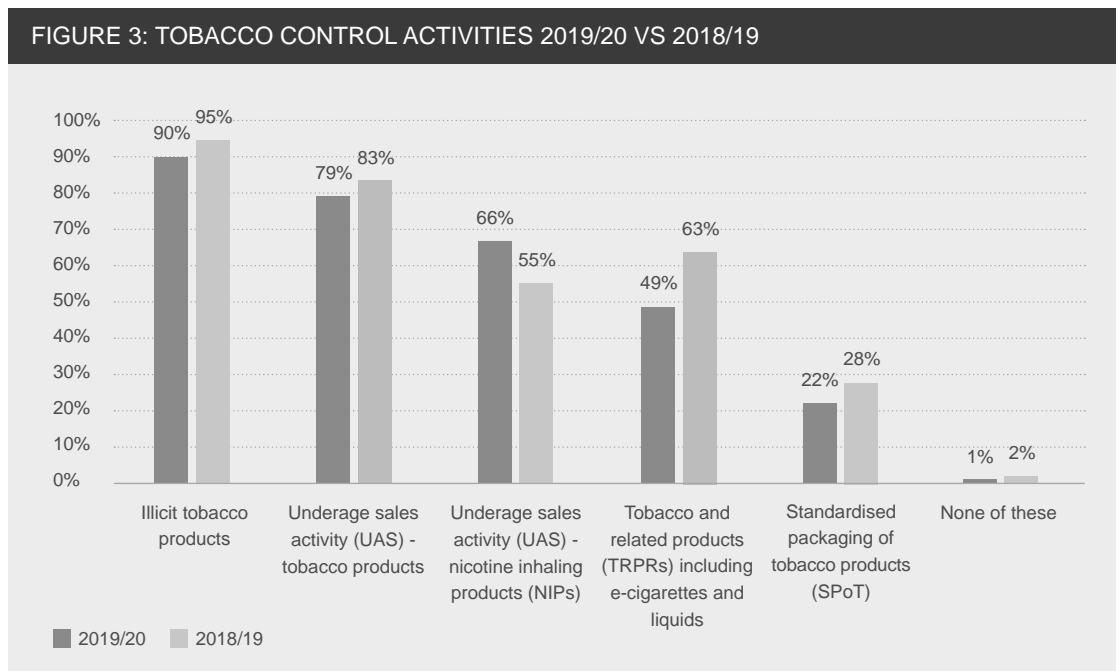
Respondents were asked which core tobacco control activities (from a list of seven) their council undertakes

99% of councils undertook at least one type of activity. One council replied no to all the activities outlined.

The activity most frequently undertaken was work related to illicit tobacco products (90%), with the least common activity (22%) being activities in relation to SPoT.



Apart from activities related to nicotine inhaling products, which have shown an 11% increase from the previous survey, there has been a slight reduction in activities undertaken across the other TRPRs.



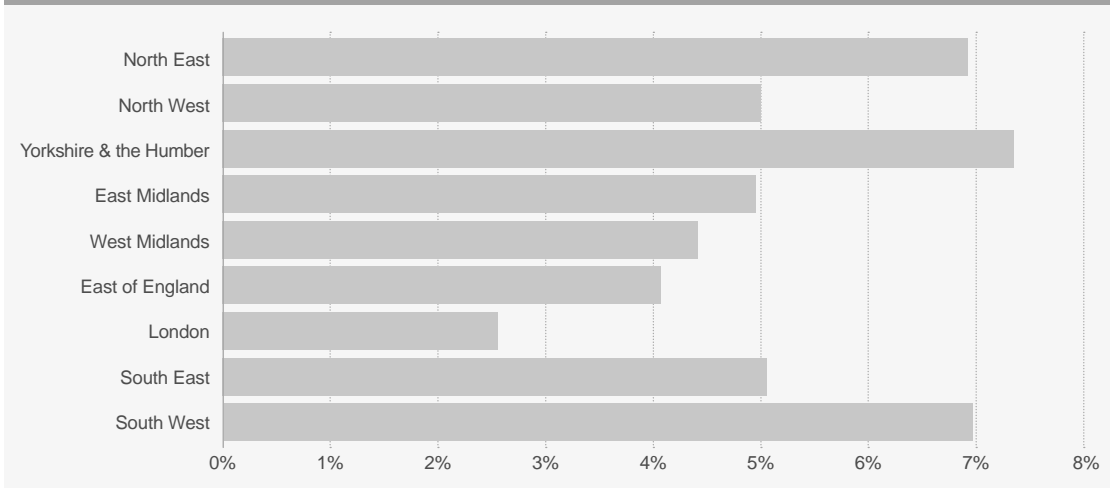


Underage Sales

This section of the report details activities undertaken in relation to the supply of tobacco and nicotine inhaling products to young people under the age of 18.

There is a commitment by the Government to reduce the prevalence of 15-year-olds who regularly smoke to 3% or less by the end of 2022⁴. This remains an ambitious target given that 11% of boys and girls aged 15 describe themselves as current smokers⁵. It is interesting to note that there is regional variation in the percentage of young people who smoke regularly, with the Yorkshire and the Humber region reporting highest prevalence at over 7% and London the lowest at less than 3%.

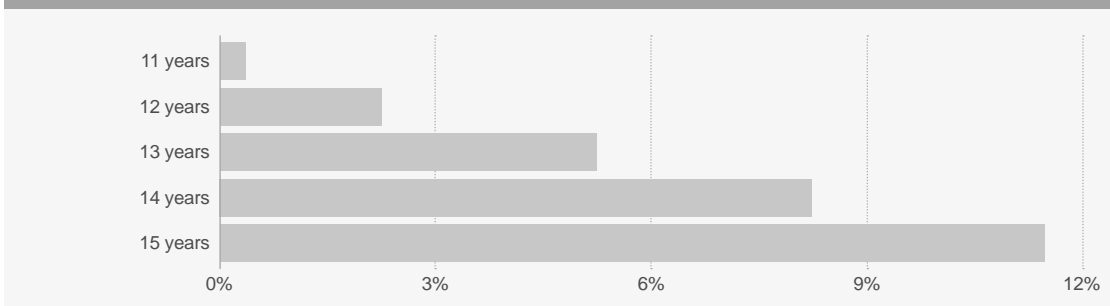
FIGURE 4: SMOKING PREVALENCE OF YOUNG PEOPLE ACROSS THE REGIONS ⁶



It is illegal to supply cigarettes to young people under the age of 18; however, when questioned, 23% of regular smokers (young) stated that they obtained their cigarettes from shops, with 57% stating that they have been given the cigarettes by friends⁶. This is a decline in young people stating they obtained their cigarettes from retail premises and an increase from friends. The supply of tobacco from a retail premises to an under 18-year-old is a criminal offence and thus continued effort by trading standards to reduce the supply of tobacco to under-18s is desirable.

Although current and regular use of e-cigarettes is reported as low by young people – at 6% and 2% respectively⁷ – the following chart shows how use of e-cigarettes changes with age; note, however, that the data includes 11-15 years old and does not capture the use by 16-17 year olds.

FIGURE 5: CURRENT E-CIGARETTE USE BY AGE OF YOUNG PERSON ⁹



4. DHSC Op.Cit

5. Smoking, Drinking and Drug Use Among Young people in England 2018 [published 2019] available at: <https://digital.nhs.uk/data-and-information/publications/statistical/smoking-drinking-and-druguse-among-young-people-in-england/2018/part-2-young-people-who-smoke> [accessed online 17 June 2020]

6. NHS ibid

7. NHS ibid

8. NHS ibid

9.

FIGURE 6: NUMBER OF TEST PURCHASE OPERATIONS AND THE NUMBER RESULTING IN A SALE BEING MADE

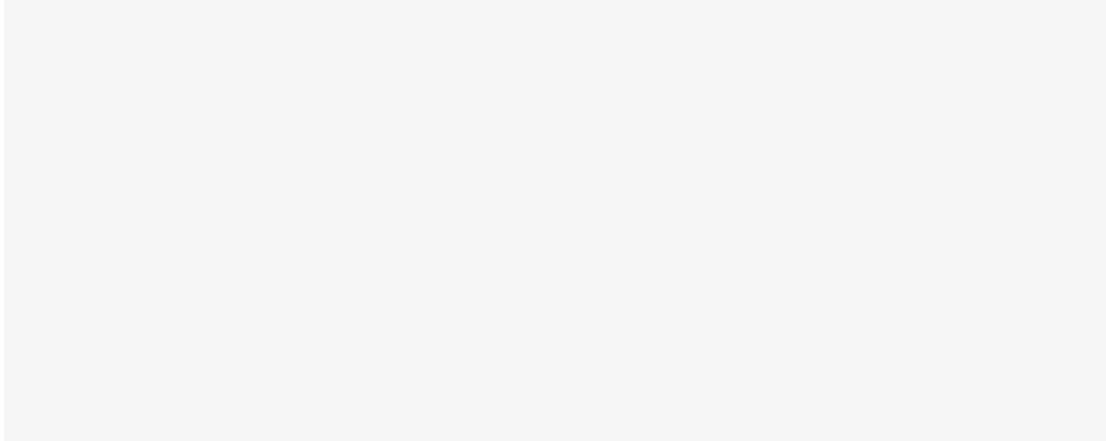
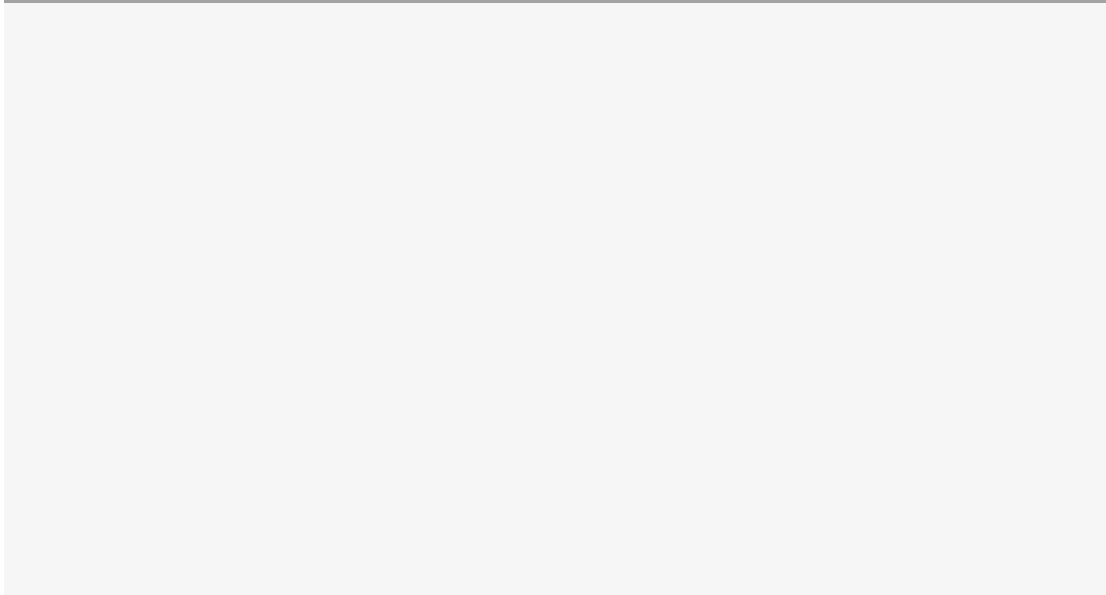


FIGURE 7: PERCENTAGE OF TEST PURCHASE OPERATIONS RESULTING IN ILLEGAL





TYPE OF PREMISES

Councils were asked to provide a breakdown of test purchase operations undertaken by trading VWDQGDUGV RIÀFHUV E\ SUHPLVHV W\SH

Analysis has only been conducted where councils undertook visits and were able to provide an accurate breakdown across all premises types; all 78 councils that undertook test purchase operations were able to provide this detail.

In total 1,124 test purchase operations were undertaken by these councils, with the largest proportion of visits being undertaken at convenience stores (57%), followed by off-licences (17%); the smallest proportion were undertaken at markets / car boot sales and pubs / clubs (<0.5%). No test purchase operations were carried out at private homes.

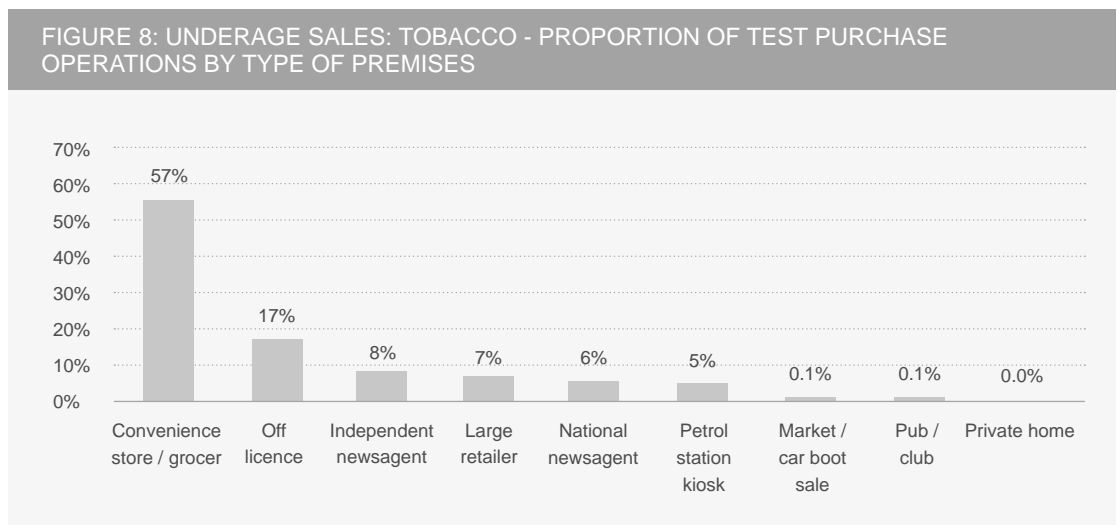


TABLE 5: PROPORTION OF TEST OPERATIONS RESULTING IN ILLEGAL SALES BY PREMISES TYPE

TYPE OF PREMISES	NUMBER OF SALES	NUMBER OF TESTS	PERCENTAGE SALES
Large retailer	12	83	14%
Convenience store / grocer	79	639	12%
National newsagent	10	68	15%
Independent newsagent	20	89	22%
Off-licence	9	186	5%
Petrol station kiosk	9	57	16%
Market / car boot sale	0	1	0%
Pub / club	0	1	0%
Private home	0	0	N/A
Number of councils providing data		78	

NICOTINE INHALING PRODUCTS (NIPS)

66% of all councils conducted activities in relation to underage sales for NIPs; an increase of 11% over 2018/19 results.

It is noted that an enforcement project commissioned by the DHSC was carried out by trading standards during 2019-20.



COMPLAINTS AND ENQUIRIES RECEIVED

87 out of the 89 councils conducting activities in relation to underage sales of NIPs could provide detail on the complaints and enquiries received about them.

72% of all councils reported dealing with complaints and enquiries in relation to underage sales of NIPs; where respondents were able to provide detail, they had received a total of 218 complaints and enquiries.

, I WKL V À JXUH LV XVHG DV DQ LQGLFDWLRQ RI WKH OLNHO\ SLFWXUH an estimated total of around 225 complaints and enquiries about underage sales from retail premises were received in England in 2019/20.

COMPLAINTS AND ENQUIRIES RECEIVED BY PREMISES TYPE

Councils were asked to provide a breakdown of the complaints and enquiries received by premises type.

Analysis has only been conducted where councils received complaints and enquiries, and were able to provide an accurate breakdown across all premises types for complaints and enquiries. All 87 councils that had received complaints and enquiries were able to provide this detail.

TABLE 6: PROPORTION OF COMPLAINTS AND ENQUIRIES RECEIVED BY PREMISES TYPE

TYPE OF PREMISES	COMPLAINTS AND ENQUIRIES RECEIVED
Specialist e-cigarette supplier	50%
Large retailer	5%
Convenience store / grocer	15%
National newsagent	1%
Independent newsagent	10%
Pharmacy national chain	1%
Pharmacy independent	0%
Market stall / car boot sale	4%
Discount shop	6%
Petrol station kiosk	1%
Mobile phone shop	5%
Online retailer	2%
Base number of complaints and enquiries	218
Number of councils providing data	87

Of the 218 complaints and enquiries received by these councils, the largest proportion were received about specialist e-cigarette suppliers (50%), followed by convenience stores / grocers (15%); no complaints or enquiries were received about independent pharmacies.

TEST PURCHASE OPERATIONS FOR NICOTINE INHALING PRODUCTS

54% of all councils carried out test purchase operations with volunteer young persons for NIPs. This is a slight increase on the 51% of councils that carried out test purchase operations for NIPs in 2018/19.

The following section of the report provides a detailed breakdown of enforcement work for underage test purchase operations by volunteer young persons and the resulting illegal sales. The following charts provide a summary of the number of test purchase operations and sales of NIPs made at retail premises.

88 councils that conducted test purchase operations reported the number of tests conducted; this was a total of 548.

, I WKLV ÀJXUH LV XVHG DV DQ LQGLFDWLRQ RI WKH OLNHO\ SLFW an estimated total of around 580 test purchase operations for nicotine inhaling products across England in 2019/20.

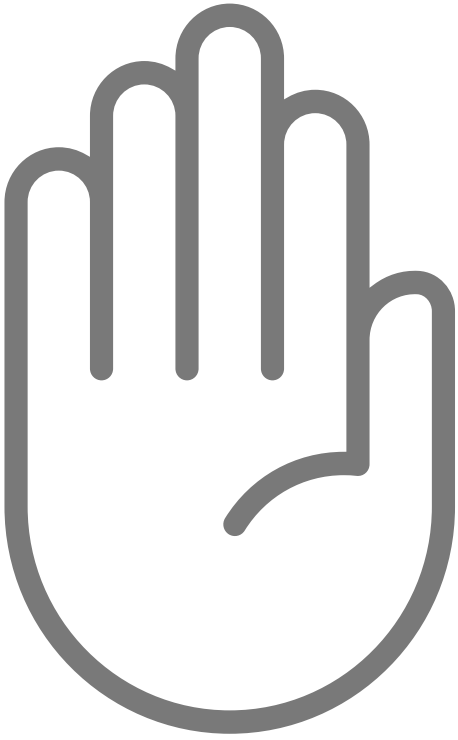
PROPORTION OF VISITS TO PREMISES RESULTING IN ILLEGAL SALES

TYPE OF PREMISES

Councils were asked to provide a breakdown of test purchase operations undertaken by trading
VWDQGDUGV RIÀFHUV E\ SUHPLVHV W\SH

Analysis has only been conducted where councils undertook visits and were able to provide an accurate breakdown across all premises types; 73 councils that undertook test purchase operations were able to provide this detail.

In total 621 test purchase operations were undertaken by these councils, with the largest proportion





Examples of other premises include:

- social media, including Facebook
- takeaways
- shisha lounges
- café and coffee shops
- street sellers
- travel agent

VISITS BY TRADING STANDARDS OFFICERS

117 councils were able to provide detail on the number of visits undertaken by trading standards

RIÀFHUV RI WKHVH FRXQFLOV KDG YLVLWHG SUHPLVHV LQ UHODW visits were undertaken.

,I WKLW ÀJXUH LV XVHG DV DQ LQGLFDWLRQ RI WKH OLNHO\ SLFWXUH an estimated total of around 4,400 premises were visited across England in 2019/20 in relation to illicit tobacco products.

VISITS BY TRADING STANDARDS OFFICERS BY PREMISES TYPE

Councils were asked to provide a breakdown of the visits undertaken by premises type.

Analysis has only been conducted where councils undertook visits and were able to provide an accurate breakdown across all premises types for visits by WUDGLQJ VWDQGDU all 117 councils were able to provide this detail.

The largest proportion of visits by trading standards RIÀFHUV ZDV GLUHFWLYH small retailers (60%), followed by off-licences (20%); the smallest proportion were undertaken at national newsagents, petrol station kiosks and markets / car boot sales (<0.5%).

TYPE OF PREMISES	VISITS UNDERTAKEN (%)
Large retailer	1%
Small retailer	60%
National newsagent	0%
Independent newsagent	10%
Off-licence	20%
Petrol station kiosk	0%
Market / car boot sale	0%
Pub / Club	2%
Private home	2%
Other	5%

SEIZURE OF ILLICIT TOBACCO PRODUCTS

87% of all councils that undertook work in relation to illicit tobacco products had seized illicit tobacco products.

93 out of the 119 councils that seized illicit tobacco products were able to provide detail of the amount seized; the three most frequently seized illicit tobacco products were:

- cigarette brands that are not for legitimate sale in the UK; these were seized by 76% of councils, with a median of 25,000 sticks per council
- counterfeit cigarettes; these were seized by 72% of councils, with a median of 16,000 sticks per council
- counterfeit hand-rolling tobacco; this was seized by 62% of councils, with a median average of 17.05 kg per council

Seized by the smallest proportion of councils (5%) were counterfeit tobacco packaging / pouches.

TYPE OF PRODUCT	PERCENTAGE SEIZING
Cigarette brands not for legitimate retail in the UK	
Counterfeit cigarettes	
Genuine non-UK duty paid cigarettes	
Counterfeit hand-rolling tobacco	
Genuine non-UK duty paid hand-rolling tobacco	
Raw tobacco	
Counterfeit tobacco packaging / pouches	
Shisha	
Smokeless tobacco	
Other	

PROPORTION OF ILLICIT CIGARETTES SEIZED IN SPOT PACKAGING

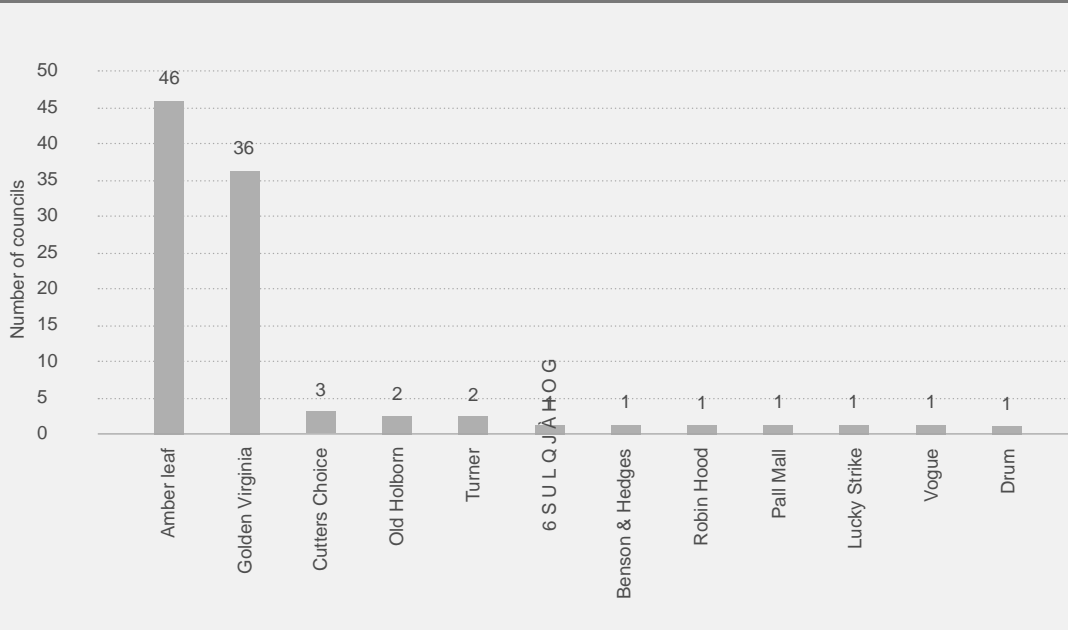
73 councils stated that they had seized either counterfeit cigarettes or genuine non-UK duty paid cigarettes and provided detail on the proportion of illicit cigarettes seized that were in SPoT packaging. 48 councils reported such seizures; for those that reported the seizures the median proportion was 10%.

PROPORTION OF ILLICIT HAND-ROLLING TOBACCO SEIZED IN SPOT PACKAGING

72 councils stated that they had seized counterfeit hand-rolling tobacco or genuine non-UK duty paid hand-rolling tobacco and provided detail on the proportion of illicit hand-rolling tobacco seized that was in SPoT packaging. 44 councils reported such seizures; for those that reported the seizures the median proportion was 10%.



FIGURE 13: ILLICIT TOBACCO - HRT BRANDS MOST FREQUENTLY FOUND IN SPOT PACKAGING

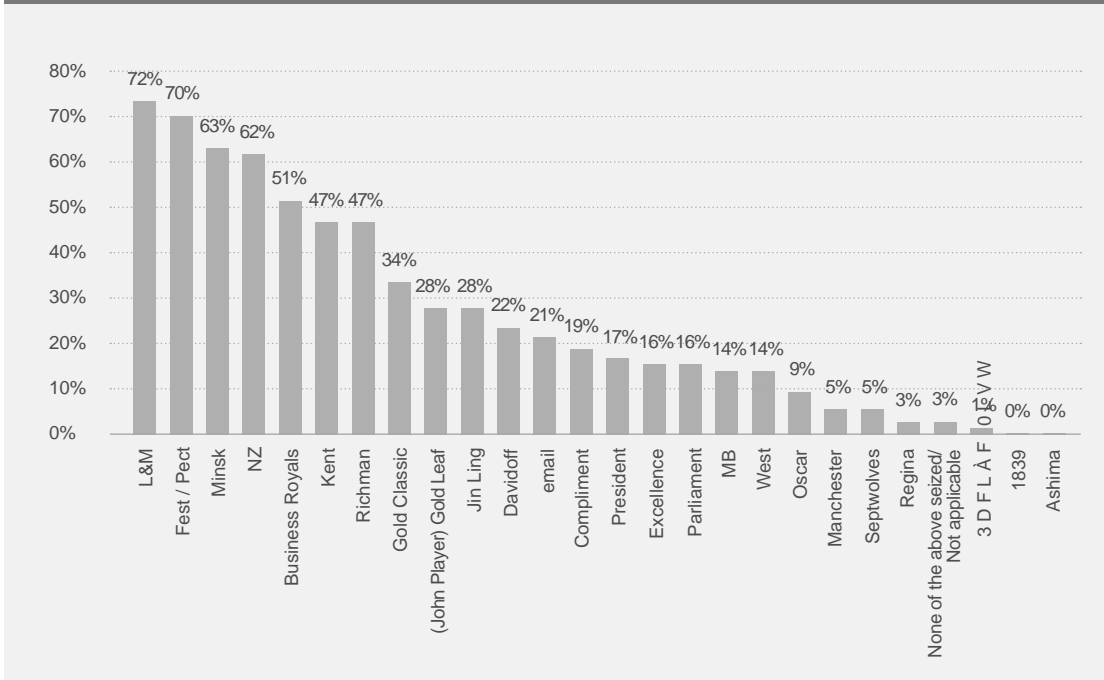


CIGARETTE BRANDS THAT ARE NOT FOR LEGITIMATE SALE IN THE UK

94 councils stated which cigarette brands not for legitimate sale in the UK they had seized; the three brands that were most frequently reported being seized were:

- L&M (72% of councils)
- Fest / Pect (70% of councils)
- Minsk (63% of councils)

FIGURE 14: ILLICIT TOBACCO: CIGARETTE BRANDS NOT FOR LEGITIMATE SALE IN THE UK



31% of councils stated other brands; see Appendix A for details.

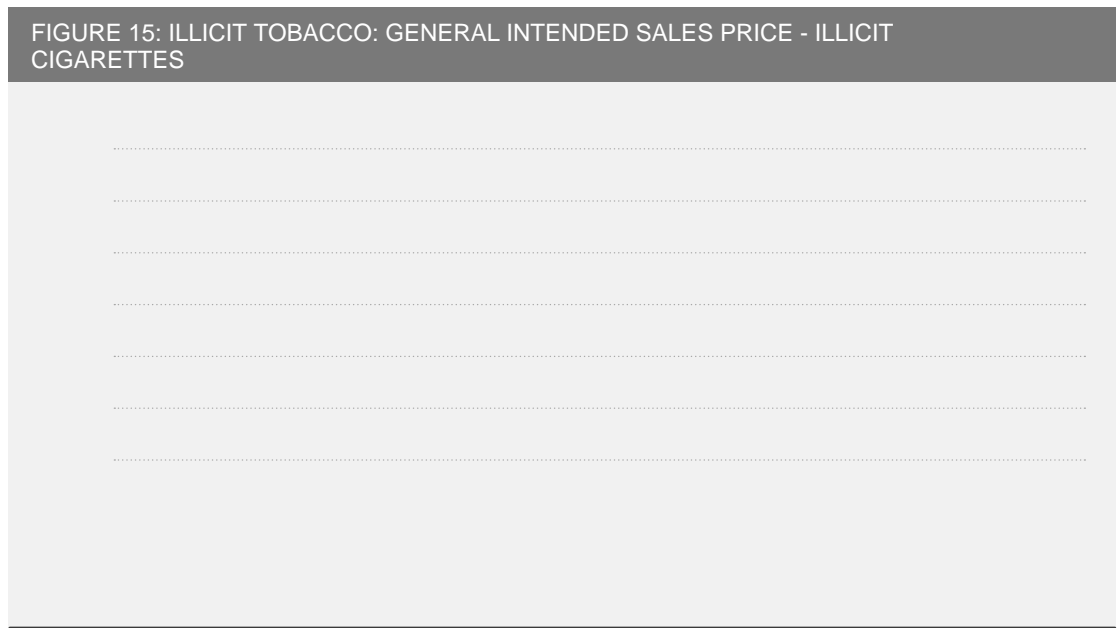


ILLCIT CIGARETTE SEIZURES: GENERAL INTENDED SALES PRICE

94 respondents that reported seizures of any illicit cigarettes (cigarettes not for legitimate sale in the UK, counterfeit cigarettes or genuine non-uk duty paid cigarettes) were asked to select the general intended sale price of the cigarettes seized.

32% of councils reported that the general intended sales price was £3.01 to £4, whilst 26% of councils reported that the general intended sales price was £4.01 to £5.

0% of councils reported that the general intended sales price of cigarettes was £3 or less, 16% of councils did not know the general intended sales price of the seized illicit cigarettes.



ILLCIT HAND-ROLLING TOBACCO BRANDS

94 councils stated which hand-rolling tobacco brands not for legitimate sale in the UK they had seized, the three brands that were most frequently reported being seized were:

- Amber Leaf (83% of councils)
- Golden Virginia (78% of councils)
- Cutters Choice (32% of councils)

Tobacco and Related Products

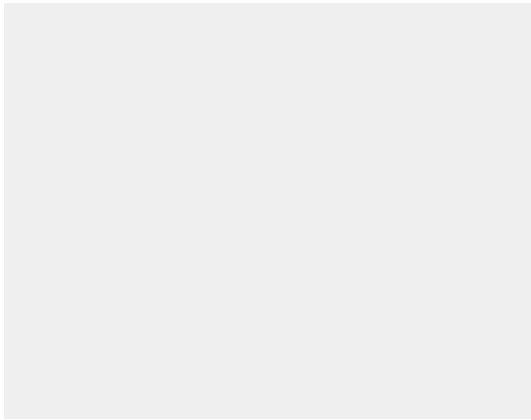
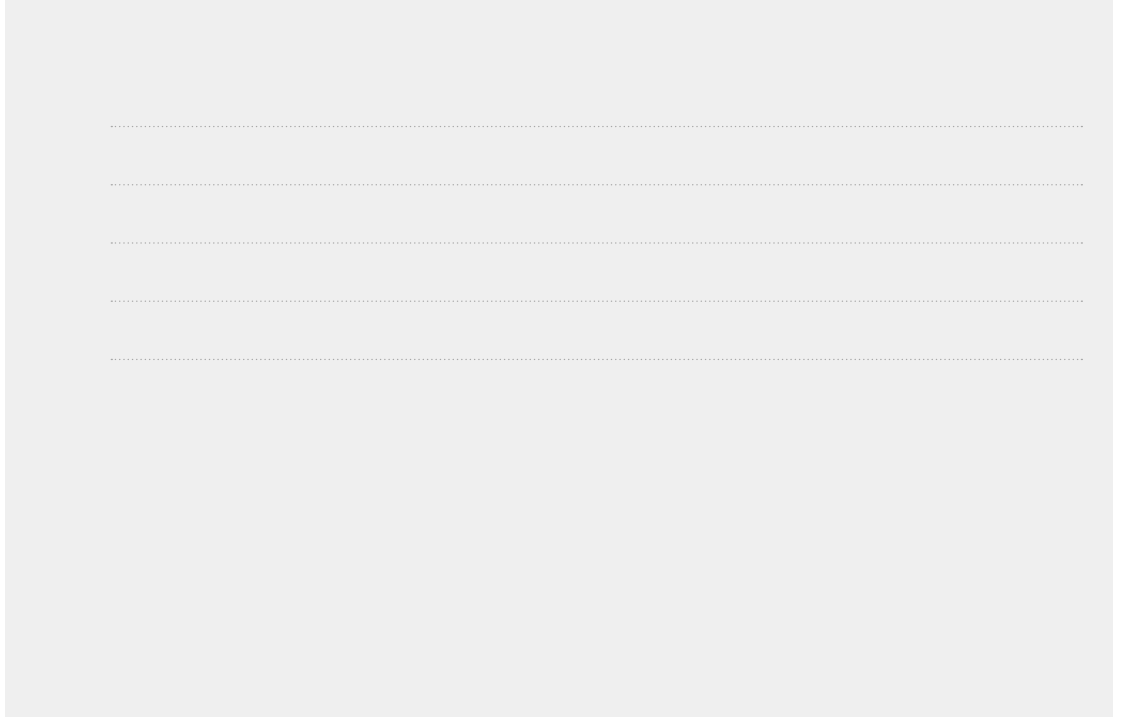


FIGURE 19: TRPRS: PROPORTION OF PREMISES WHERE NON-COMPLIANT NICOTINE INHALING PRODUCTS WERE FOUND



Other includes wholesaler, discount store and primary authority partner.

STANDARDISED PACKAGING OF TOBACCO PRODUCTS REGULATIONS 2015

22% of all councils undertook tobacco control activities in relation to the Standardised Packaging of Tobacco Products Regulations 2015 (SPoT).

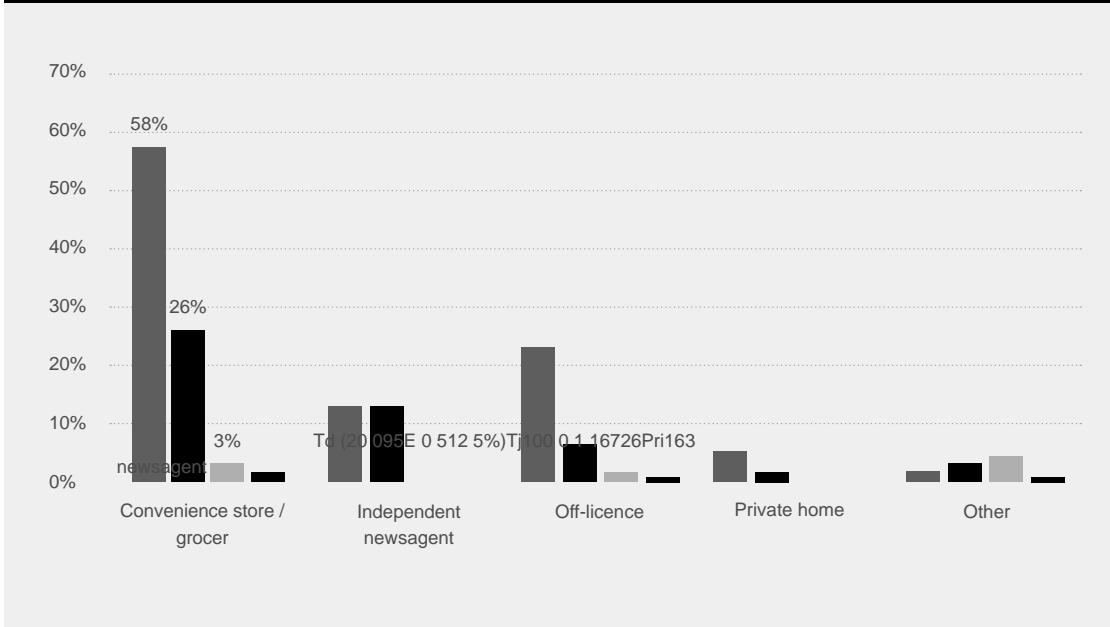


PREMISES WHERE PRODUCTS WERE NON-COMPLIANT WITH SPOT

Councils were asked to provide detail on which premises type tobacco products were found to be non-compliant. 27 councils were able to provide detail.

No non-compliant tobacco products were found at large retailers, national newsagents, petrol station kiosks, markets / car boot sales, pubs / clubs and online.

FIGURE 20: PREMISES WHERE PRODUCTS WERE NON-COMPLIANT WITH SPOT



Actions taken

	Warning (verbal or written)	Restricted Sales order	Restricted premises order	Prosecution	Other
UAS tobacco	213	0%	0%	21	22
UAS NIPs	134	0%	0%	6	34
Illicit tobacco - trade marks	526	N/A	N/A	195	71
TRPRs any	328	N/A	N/A	127	34
SPoT any	290	N/A	N/A	81	38

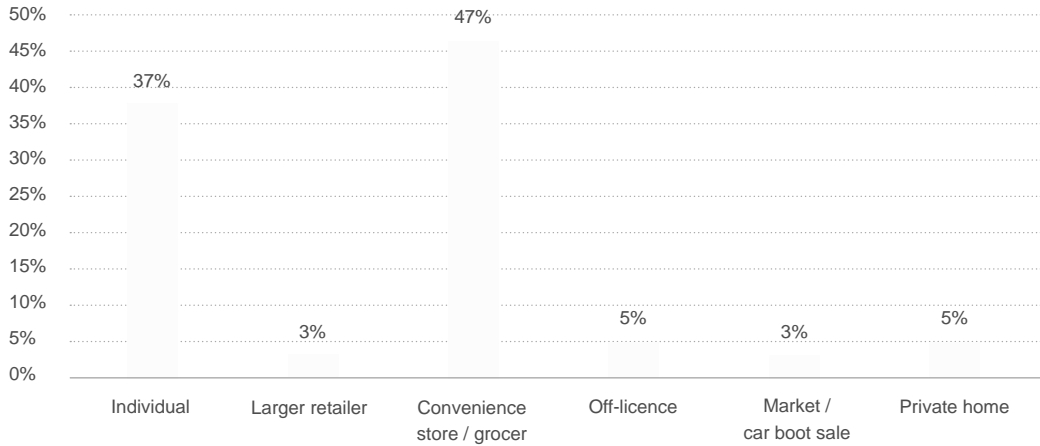


ACTIONS TAKEN UAS TOBACCO

FRXQFLOV LGHQWLÀHG HLWKHU LQGLYLGXDO RU WKH EXVLQHVV W sale of tobacco.

From the 38 respondents none had taken actions against national newsagents, petrol station kiosks or pubs / clubs.

FIGURE 21: PROPORTION OF ACTIONS TAKEN AGAINST INDIVIDUAL OR BUSINESS TYPE UAS TOBACCO

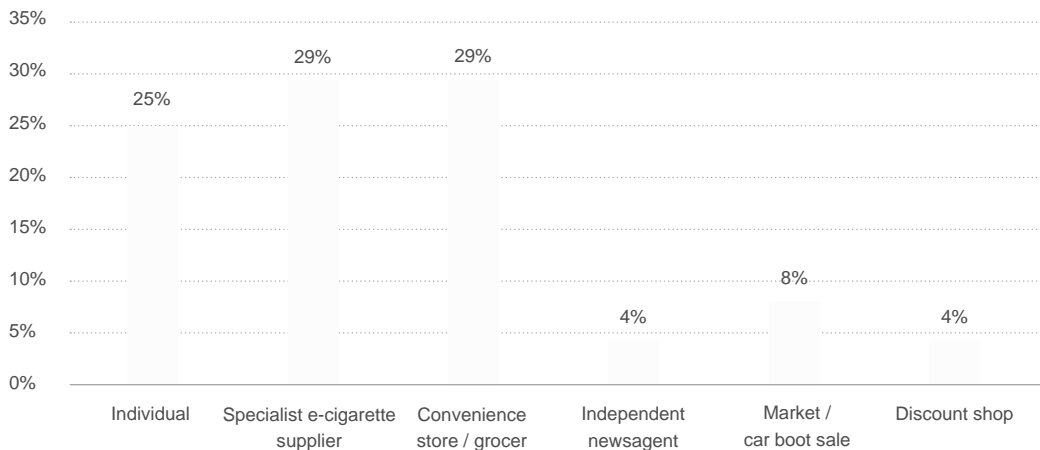


ACTIONS TAKEN UAS NIPS

FRXQFLOV LGHQWLÀHG HLWKHU LQGLYLGXDO RU WKH EXVLQHVV W sale of nicotine inhaling products.

From the 24 respondents none had taken actions against large retailers, national newsagents, pharmacies, petrol station kiosks, mobile phone shops and online retailers.

FIGURE 22: PROPORTION OF ACTIONS TAKEN AGAINST INDIVIDUAL OR BUSINESS TYPE UAS NIPS



ACTIONS TAKEN ILLICIT TOBACCO

50%
45%
40%
35%
30%
25%
20%
15%
10%
5%
0%

Conclusion

The types of tobacco control activity undertaken by trading standards services in 2019/20 remain broadly the same as 2018/19. Apart from activities relating to Illicit tobacco products and underage sales activities related to nicotine inhaling products, which have shown an 11% increase from the previous survey, there has been a slight reduction in activities undertaken across the other categories. Most Q R W D E O \ W K H U H L V D V L J Q L À F D Q W U H G X F W L R Q I undertaking activities relating to TRPRs.

It is encouraging to note that 66% of respondents stated that their council prioritised tobacco control as an activity despite the resourcing pressures that most trading standards services are under.

TOBACCO AND RELATED PRODUCTS REGULATIONS 2016

APPENDIX B: ILLICIT TOBACCO: OTHER HRT BRANDS NOT FOR LEGITIMATE SALE IN THE UK

Flandria
Fosters
Golden Duchess
Marlboro HRT
Old H
Originelle Virginia
Red Bull
Riverstone
Robin Hood
Virginia Gold

Chartered Trading