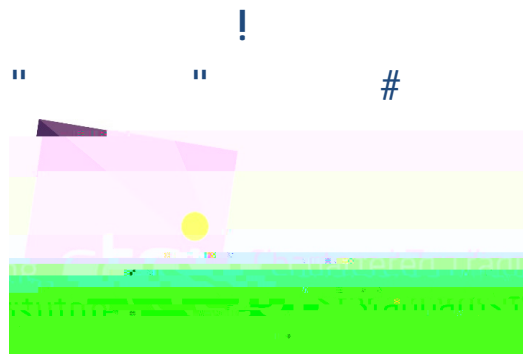


The Tobacco and Related Products Regulations 2016 came into full effect in May 2017; this report provides an overview of the compliance of nicotine inhaling devices with these Regulations across participating Regions in England



© The Chartered Trading Standards Institute  
May 2017\*

Summary . Key Points 2

Phase 1) – Nicotine Inhalation Products 2

10 Introduction 1

2. Purpose 1

3. Scope 1

20 Method 2

201 Method) – Modifications 3

30 Phase 1) Results 6

5.1 Phase 3 – Visits by premise type 6

302 Phase 14 TRPRs Product % compliance 4 ! cigarettes 7

30201 Phase 1 4 ! cigarettes non5 compliance 7

30202 Pretr6. 7269. 2

'=MM7R> . /!> P, (-T'

-

The Department of Health and Social Care (DHSC) has requested that a rapid review of business compliance is undertaken by Trading Standards Services (TSS) in England to establish a base line of compliance and a report of the findings published. The Tobacco and Related Products Regulations 2016 contain several distinct areas of product compliance hence this particular review has been conducted in three phases.

This is the third phase of a DHSC supported project delivered and managed by TSS. The primary purpose is to assess the compliance of nicotine inhaling products with the Tobacco and Related Products Regulations 2016<sup>1</sup>.

These Regulations came into force on the 21 May 2016 with a transition period that ended on the 21 May 2017. From 21 May 2017 all relevant products sold or supplied to the 34 markets must be fully compliant with these Regulations.

## 2. P3&P5S)

The purpose of this review is to assess levels of regulatory compliance by retail businesses with the Tobacco and Related Products Regulations 2016 specifically in relation to the supply of nicotine inhaling products i.e. ) cigarettes and refill containers.

## 3. S 5P)

This was designed to be a rapid review of business compliance carried out by Trading Standards Services (TSS) across a number of authorities in England. A total of 317 compliance visits have been made during phase 3 of the review. A separate review has been undertaken of on line retailers. The data arising from this review will be included in the National Tobacco Control Survey for 2016:

---

<sup>1</sup> the Tobacco and Related Products Regulations 2016 available online at <http://www.legislation.gov.uk/uk/2016/307/contents/made> (accessed 17 April 2017)

The overall review has been carried out by trading standards services in three phases as detailed below

The key below provides greater detail of activity in each phase

In advance of the compliance monitoring activity, each participating TSS was provided with guidance and a data collection sheet.



The following sections present the results of compliance monitoring in Phase 3. This phase was undertaken by TSS in the North West, South West and Eastern Regions. In summary this phase considered:

### 5.1 PHASE 3 – VISITS TO SPECIALIST (CATEGORY) BUSINESSES WITH +\*@.

The greatest percentage of visits were made to specialist (category) businesses with +\*@.

10% of the total were made to other premises that included: Bar (e) retailers; mobile phone shops; pharmacies; market stalls; petrol stations; off licences; photocopying shops and head shops.

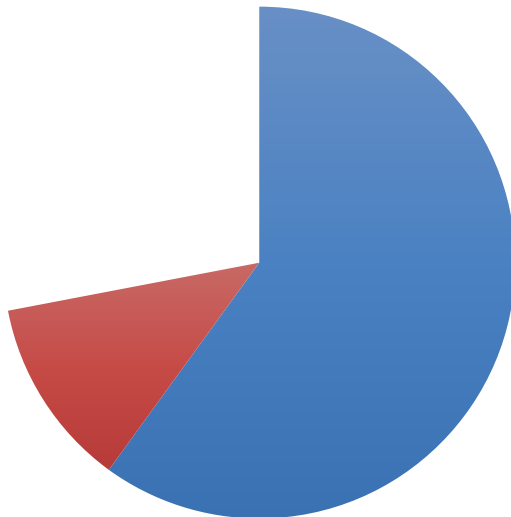


Chart 1) Compliance visits by premise type Phase 1







30101 P; 7' ! 1 4 R! :(&& %, -T7(-!R' -, -5%, MP&(7-!%

=here non-compliant products were found at 12G visits a variety of reasons were (seen however the most often recorded reason was Multiple indicating that the product assessed had several aspects of non-compliance.

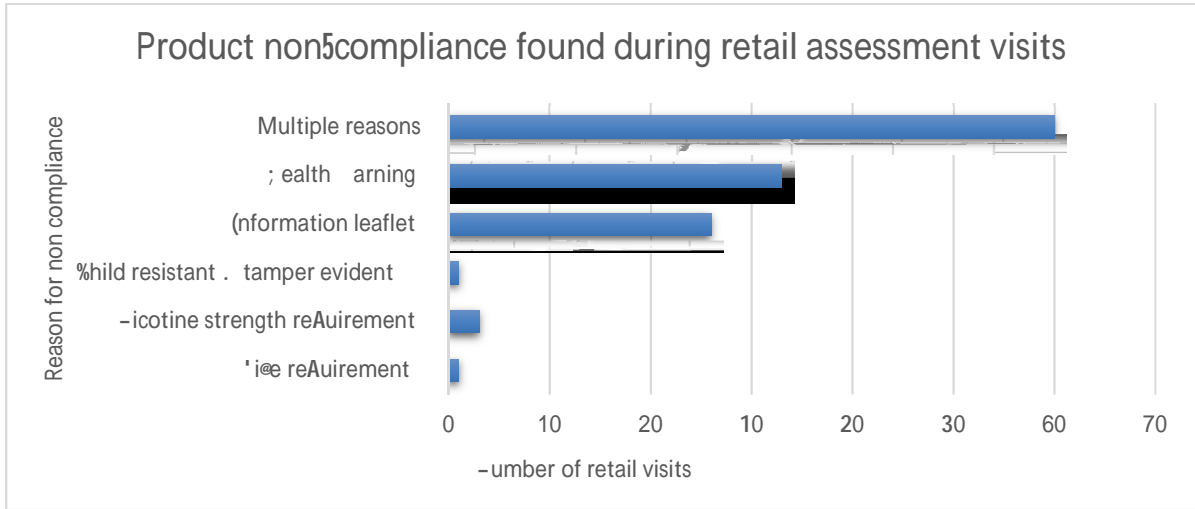


Chart 6) Reasons for Refill container product non-compliance

30102 PR!M('!' E(T; -, -5%, MP&(7-T R! :(&& %, -T7(-!R'

6 total of 65 non-compliant products were found at 12G different premises during this review. The greatest proportion of non-compliant products were found in convenience stores and independent newsagents respectively. 10% of products assessed in specialist suppliers were found to be non-compliant.

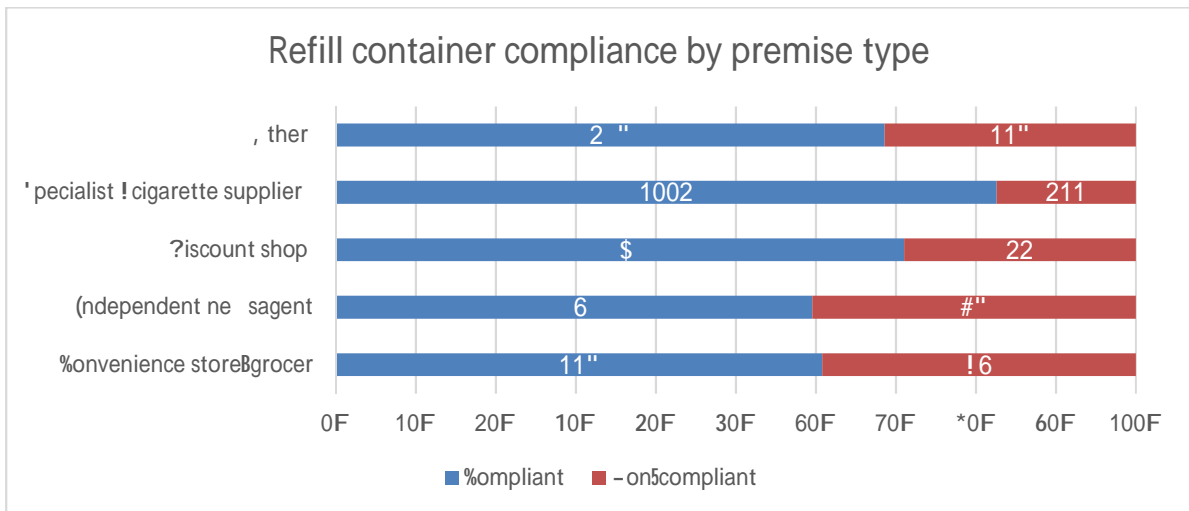
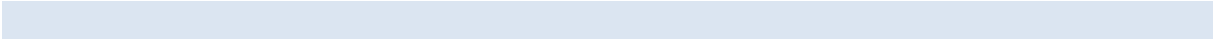


Chart 7) Refill container compliance by premise type





- =here advice and guidance has been provided to a business but this has failed to bring about compliance; it is recommended that TSS follow their own enforcement policies and escalate their enforcement actions accordingly.

