

Say NO to illegal tobacco sales. Help protect your health, your community and your business

Sales of illegal tobacco damage your business and your community. Far from being a victimless crime, the trade in illegal tobacco has serious health implications. The cost of tobacco is a proven motivation for smokers to decide to quit. The availability of cheap illegal tobacco removes this motivation, causing smokers to suffer the adverse health effects of smoking for longer. The availability of illegal tobacco also affects legitimate businesses. They suffer from decreased sales of tobacco and other associated purchases, this can cause businesses to fold, meaning loss of jobs and local community assets such as your corner shop.

- **Report illegal tobacco activity** to trading standards www.tssw.org.uk/report-it
- **You cannot be traced** and you won't be asked for your name.

Reporting sales of illegal tobacco helps to




- Safeguard legitimate businesses.
- Stop organised criminal activity in the community.
- Prevent children from obtaining cigarettes at "pocket money prices".
- Prevent children from becoming addicted to smoking.
- Prevent children from coming into contact with unknown and potentially undesirable individuals.
- Encourage individuals to kick the habit.

Find out more: www.tssw.org.uk

Find us online

Follow **Trading Standards South West** and keep up to date with our activity in the region.

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Cheap Tobacco Protect your business against it

Trading Standards South West



Illegal tobacco can cost you dearly

It's illegal to sell tobacco that's:

Counterfeit

Fake but made to look like the real thing: in standardised packaging, old style packaging or looking like it's a non-duty paid product.

Non-duty paid

A genuine brand with foreign labelling in non-standardised packaging, designed to be sold outside the UK and smuggled back in.

Other cigarettes & tobacco

Made for the illegal market, these brands are unknown and unregulated. They are unlikely to be in standardised packaging.

up to
£10k
fine

Tobacco sales and the law

- All tobacco products must now be in standardised packaging.
- All tobacco retailers must display a statutory notice at point of sale, stating "IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18".
- All tobacco displays must now be covered.
- Selling, having in your possession, custody or control for sale, counterfeit tobacco contravenes the Trademarks Act.
- All tobacco purchased must have "UK DUTY PAID" printed on the packaging.
- People arriving in the UK can only bring tobacco for **personal use**. Resale is a criminal offence.
- Cigarettes must comply with the Reduced Ignition Propensity safety standard. This ensures that cigarettes self-extinguish if not continuously smoked.
- ILLEGAL cigarettes that are either fake or manufactured directly for the illegal market are likely to exceed the permitted levels of tar and carbon monoxide.

Protect your business

- Source tobacco products from a reputable supplier, and don't buy from unknown individuals.
- Ensure your staff aren't selling tobacco illegally.
- Prevent under age sales by insisting on appropriate ID and record instances of refusals to sell to individuals. For further information regarding the training and implementation of a robust age verification system, please visit www.proofofage.org.uk
- **Report any illegal activity to trading standards via the anonymous on-line reporting form www.tssw.org.uk/report-it**

Trading Standards officers, now have the power to refer cases to HMRC for further investigation, where businesses or individuals have been found to sell illegal tobacco.

HMRC, where appropriate, will administer the penalties and ensure the appropriate sanction is applied and enforced.

Depending on the severity of the breach, rule-breaking businesses could:

- Receive a penalty of between £2,500 and £10,000 for the supply of products which contravene Tobacco Track & Trace (TT&T)
- Have their tobacco products seized
- Lose their license to buy tobacco for resale in the UK by having their Economic Operator ID withdrawn

Penalties and fines

10
years

maximum prison sentence and/or an unlimited fine for selling, having in your possession, custody or control for sale of counterfeit tobacco under the Trade Marks Act.

5
years

maximum prison sentence for participating in activities of an organised crime group.

2
years

maximum prison sentence and/or a fine, up to £5,000 for selling tobacco that is not compliant with standardised packaging.

3
months

maximum prison sentence and/or a fine, up to £5,000 for selling cigarettes that do not comply with the Reduced Ignition Propensity Safety standard.

Certain offences, such as selling counterfeit tobacco products may also trigger investigations under the Proceeds of Crime Act 2002.

This may result in having cash seized and your assets being frozen including bank accounts, property and vehicles.

up to
£1k
fine

Failure to display the correct statutory notice

up to
£2.5k
fine

Selling to under 18's

up to
£5k
fine

Selling tobacco without the fiscal Mark "UK DUTY PAID"

up to
£20k
fine

Breaching terms of RPO or RSO. Repeat offenders risk a restricted premises order (RPO), a restricted sales order (RSO) or both.

Your premises licence is at risk if you are caught selling illegal tobacco. On conviction, the court may withdraw your personal licence.

The underage sale of tobacco products, the sale, possession, custody or control for sale of counterfeit products and the failure to display the statutory warning notice are, in addition to being criminal offences, also domestic infringements of Civil Law by virtue of Part 8 of the Enterprise Act 2002.

This leaflet may constitute consultation under the Act, if an enforcement order is sought at a later date in order to prevent further breaches.