

# A SUMMARY OF IMPERIAL BRANDS' RESPONSE TO THE DHSC CONSULTATION: CREATING A SMOKEFREE GENERATION AND TACKLING YOUTH VAPING

SUBMITTED 6 DECEMBER 2023

## ABOUT IMPERIAL

Imperial Brands PLC (IMB) is a FTSE 100 business headquartered in Bristol in the UK and parent company of a dynamic international business specialising in tobacco and non-tobacco brands.

Imperial Tobacco UK (ITUK), together with Imperial Brands PLC, is the Bristol-based trading operation of IMB which distributes Imperial Tobacco's products to the UK market. Alongside our core tobacco brands, our commercial focus is also on our Next Generation Product (NGP) portfolio. These NGPs offer several alternative choices for those adult smokers who are looking to transition to a potentially reduced harm alternative. Included in our portfolio is blu, a market leader in the UK vape category.

## IMB RESPONSE TO THE DHSC CONSULTATION

We welcome the opportunity to contribute to the DHSC consultation on *Creating a Smokefree Generation and Tackling Youth Vaping* and from the outset state our support for the UK's Smokefree 2030 ambition – as well as for regulation of tobacco and vaping that is proportionate and evidence-based. As a responsible manufacturer, we agree with many of the policy proposals contained within the consultation document, and we were encouraged to see many of the specific policies we have long advocated for – such as a ban on flavour descriptors with a specific youth appeal and an excise duty on vapes – included among the proposals.

However, we urge policymakers to consider the unintended consequences of introducing a generational ban on tobacco products, which would be both unworkable and unenforceable, and would see an explosion of illicit trade in tobacco – not to mention increasing the number of abusive incidents against retailers. Furthermore, there is no evidence that a generational ban would reduce smoking rates, yet there is a wealth of evidence on the unintended negative impacts of a prohibitionist approach.

## UK GOVERNMENT'S RESPONSE TO KHAN'S INDEPENDENT REVIEW

By the Government's own admission, the UK is a global leader in tobacco control, with a legislative framework that is regarded as "one of the most comprehensive in the world." Over the last 20 years a suite of increasingly restrictive tobacco control policies has been introduced, and at every stage, the tobacco industry has complied.

The Government's long anticipated response to the independent Khan Review (2022) was delivered by (now former) Public Health Minister Neil O'Brien in April 2023, with the Minister ruling out Khan's New Zealand-style age of sale proposal in his keynote speech, saying that the [UK] Government prefers to focus on helping people quit rather than imposing bans: "The Khan Review last year advocated the New Zealand approach – a full phase out of smoking, with the age of sale increasing over time to cover all adults. This would be a major departure from the policy pursued over recent decades which has emphasised personal responsibility and help for people to quit. And it is the help for current smokers to quit that we want to focus on."

IMB urges the UK Government to conduct a full impact assessment before proceeding with legislation.

IMB's response to each of the consultation questions is set out below.

## AGE OF SALE

**Question: Do you agree or disagree that the age of sale for tobacco products should be changed so that anyone born on or after 1 January 2009 will never be legally sold (and also in Scotland, never legally purchase) tobacco products?**

~~Agree~~

Disagree ✓

~~Don't know~~

**Please explain your answer and provide evidence or your opinion to support further development of our approach.** (maximum 300 words)

IMB has been carrying on the business of selling regulated, lawful tobacco products in the UK for over 120 years. IMB has made a significant investment in its UK business and a material contribution to the UK economy and workforce. The proposal will have a fundamental impact on IMB, its business, assets, and goodwill that it has built up.

The consultation questions and timeframe do not seek information on these issues or provide a fair opportunity for IMB to explain its position. Moreover, the proposal will give rise to significant unintended consequences:

- 1. Smokers' transition to less harmful products:** the proposal includes products that present potentially reduced levels of risk compared to combustible tobacco and which are used by many (ex-)smokers as a cessation aid (e.g. heated tobacco).
- 2. Personal freedoms/liberty:** the proposal represents an unprecedented intrusion upon the right of adults of full capacity to engage in private activities, imposed on an arbitrary, and discriminatory, basis by reference to date of birth.
- 3. Increase in illicit trade:** This is inevitable as the New Zealand Government acknowledged. The South African Government *reversed* its decision to prohibit the sale of tobacco products when the illicit market flourished - 93% of smokers purchased tobacco despite the ban<sup>1</sup>.
- 4. Burden on retailers:** the proposal will impose an additional burden on retailers and slow down transaction times in store. In a survey, 62% of retailers said that the ban would be costly to their business.<sup>2</sup>
- 5. Need for Government investment:** National Trading Standards lack the resources to properly enforce existing age of sale regulations and control the illicit tobacco market.
- 6. Economic impact:** Tobacco duty receipts, contributing more than £10bn to the public purse each year<sup>3</sup>, will be dramatically curtailed, and the ban will likely result in displacement of economic activity to other economies.

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<sup>1</sup> [The temporary ban on tobacco sales in South Africa: lessons for endgame strategies](#), BMJ, 2022

<sup>2</sup> [Japan Tobacco International survey of retailers](#)

<sup>3</sup> [Tobacco duty tax receipts in the United Kingdom from 2000/01 to 2022/23](#), Statista, April 2023

## PROXY SALE

**Question: Do you think that proxy sales should also be prohibited?**

~~Yes~~

No ✓

~~Don't know~~

**Please explain your answer and provide evidence or your opinion to support further development of our approach.** (maximum 300 words)

We are opposed to the proposal to increase the age of sale and in that context, to the prohibition of proxy sales.

Without exception, IMB supports legislation – and enforcement of that legislation – preventing sales to minors. Our *International Marketing Standard* is unequivocal and prohibits the sales of tobacco products to those under 18 years of age in the UK.

Proxy sales of tobacco to those who are under-18 should be justifiably penalised, as they are for alcohol or any other age-restricted categories of products or services.

We do not see how prohibiting proxy sales could be practically enforced given the difficulty of determining whether, for example, a thirty-six-year-old adult, born on 31 December 2008 – and who is perfectly *legal* to purchase tobacco – is in fact completing a purchase (say the date is 4 July 2045) on behalf of another adult, also thirty-six-years old, but who was born on or after 1 January 2009.

## OTHER TOBACCO PRODUCTS

**Question: Do you agree or disagree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation?**

~~Agree~~

Disagree ✓

~~Don't know~~

**Please explain your answer and provide evidence or your opinion to support further development of our approach.** (maximum 300 words)

We feel strongly that products with potential to reduce risk, used by many ex-smokers, such as heated tobacco products, should **not** be captured by the new legislation. Heated tobacco products have the potential to reduce harm. Heating and not burning tobacco means substantially lower levels of chemicals are inhaled when compared to cigarette smoke.

As they are used by many ex-smokers as a cessation aid, we believe their inclusion in the new legislation would be detrimental to the Smokefree 2030 objective. Including heated tobacco products sends the wrong message about their harm reduction potential and may discourage existing adult smokers from switching. Treating heated tobacco products the same as combustible tobacco products would be a step backwards in our efforts to reduce the harms associated with smoking.

Additionally, tobacco accessories such as papers should not be captured by the new legislation. Cigarette papers are used by consumers for products that will not be captured by the new legislation (e.g. herbal smoking products that contain no tobacco or nicotine) – without cigarette papers, consumers will not be able to use these lawful, less harmful products. Cigarette papers are also easy to counterfeit and their inclusion within the new legislation would open the door for even more enforcement challenges.

## WARNING NOTICES

**Question:** Do you agree or disagree that warning notices in retail premises will need to be changed to read ‘it is illegal to sell tobacco products to anyone born on or after 1 January 2009’ when the law comes into effect?

~~Agree~~

Disagree ✓

~~Don't know~~

**Please explain your answer and provide evidence or your opinion to support further development of our approach.** (maximum 300 words)

We do not support the proposal to increase the age of sale as set out by the Government, therefore we do not see the need to change warning notices in retail premises. However, we believe that there should be greater enforcement of the existing point of sale regulations that include requirements for retailers to display the statutory A3 warning notice.

## RESTRICTING VAPE FLAVOURS

**Question: Which option or options do you think would be the most effective way for the UK Government and devolved administrations to implement restrictions on flavours?** (You may select more than one answer – maximum 300 words)

Option 1: limiting how the vape is described ✓

~~Option 2: limiting the ingredients in vapes~~

~~Option 3: limiting the characterising flavours (the taste and smell) of vapes~~

Vape products offer adult smokers the potential to reduce the health risks associated with smoking. Flavours are an important part of this consumer offering. Most adult consumers who have moved from combustible to non-combustible forms of nicotine have used flavoured products in their transition journey. Flavours are therefore an important harm reduction tool. Limiting the ingredients and/or limiting the characterising flavours (taste and smell) will undermine that.

Our packaging designs are clearly intended for adult nicotine consumers only, and are not styled using imagery designed to appeal to minors. Our packaging will never feature cartoon figures and entertainment characters that are primarily of appeal to youth. Flavouring on packaging should not be illustrated with designs of food, drink or other consumer products that appeal primarily to youth audiences. We do not use any names, descriptors, packaging, or labelling intended to target youth or be appealing to youth, and we make clear that the product is designed for adult smokers and nicotine users only.

Unfortunately, not all manufacturers and retailers are as responsible as IMB in their design, marketing, and sales of next generation nicotine products. This has led to products that use flavours – along with inappropriate packaging, advertisements, names, and formats – appearing to target minors. This type of marketing is unacceptable. It undermines responsible players, the reputation of the vape category as a credible harm reduction tool, and the harm reduction potential of vape products.

Rather than poorly targeted and counterproductive bans on flavours we support a targeted approach to address ‘inappropriate’ products. We call upon the Government to address irresponsible product design and marketing, to strengthen the approval/notification process from the outset, and to step up enforcement against those who flout marketing and age of sale rules.

**Question: Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people?** (maximum 300 words)

~~Option A: flavours limited to tobacco only~~

~~Option B: flavours limited to tobacco, mint and menthol only~~

Option C: flavours limited to tobacco, mint, menthol and fruits only ✓

Flavours with descriptors that are likely to appeal to youth (e.g. sweets, dessert-based) should not be permitted for lawful sale. Adult-orientated flavours (such as tobacco, menthol, and fruit) should be permitted provided they are marketed responsibly.

We believe that some restrictions on how flavours are marketed are justified, specifically those that are likely to appeal to youth. These include:

- Desserts/Bakery (sweets, custard, cookies, doughnuts, toffee, ice cream)
- Sweets (sherbet, bubble-gum, sweets)
- Beverages (cola, soda, lemonade, milkshakes, Vimto)

However, responsibly marketed flavours designed for adult consumers (menthol, fruit) should be permitted in the market. Flavours play a critical role in encouraging adult smokers to switch to vape products and are known to prevent relapse. Many former adult smokers report moving to non-tobacco flavoured liquids as a way of switching permanently away from combustible tobacco, thus directly contributing to tobacco harm reduction and declining smoking rates.

**Question: Do you think non-nicotine e-liquid, for example shortfills, should also be included in restrictions on vape flavours?**

Yes ✓

No

Don't Know

**Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)**

IMB supports non-nicotine-containing vape products being regulated, excised, and treated as nicotine products. We would support this proposal as it would equalise the regulations on products designed to circumvent regulation (such as “shortfills”).

The absence of regulation has led to an increase in nicotine-free products, including open system “shortfills”. The Government must close this dangerous gap by including the term “non-nicotine e-liquid” in UK vaping regulations. Several European markets have captured nicotine-free products in their vape regulations and we encourage the UK Government to do the same.

Flavours of non-nicotine e-liquid with descriptors that are likely to appeal to youth (e.g. sweets, dessert-based) should not be permitted for lawful sale. Adult-orientated flavours (such as tobacco, menthol, and fruit) should be permitted provided they are marketed responsibly.

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## REGULATING POINT OF SALE DISPLAYS

**Question: Which option do you think would be the most effective way to restrict vapes to children and young people?**

~~Option 1: vapes must be kept behind the counter and cannot be on display, like tobacco products~~

Option 2: vapes must be kept behind the counter but can be on display ✓

**Please explain your answer and provide evidence or your opinion to support further development of our approach.** (maximum 300 words)

The most effective way to restrict access of vapes to children and young people is to consistently enforce the existing age of sale regulations at point of sale.

Restricting the display of products is ineffective. The display of products plays a vital role in the consumer purchasing process. It is an important aspect of the consumer purchasing process, providing consumers with the information to select from the wide range of products, brands, and price-points that are available in retail outlets – including potentially reduced-risk vape products.

It is counterproductive for vape products to be treated the same as combustible tobacco in relation to display restrictions. Reducing the visibility of vape products may hinder adult smokers seeking to switch. By making vape products less visible, we risk creating a situation where adult smokers who are considering switching to a potentially reduced-risk product are less likely to find the products they need. This would be a step backwards in our efforts to reduce smoking-related harms. We believe that consumers should have access to accurate information about all the options, and that they should be able to make informed choices through increased awareness and education via visibility of the products on the shelf.

As a responsible manufacturer, we have a zero-tolerance approach to youth use and access to our products. We follow strict retail guidelines on in-store placement and displays and do not place our products near children's products, such as confectionery or toys. These rules should be enshrined in the law.

Treating vapes like traditional tobacco products sends the wrong message about the relative risks of different nicotine products. It is established that the relative risk of vape products is reduced comparable to continued use of combustible tobacco. It is important that regulatory measures are risk-proportionate to the product to reflect this reality.

**Question: Do you think exemptions should be made for specialist vape shops?** (maximum 300 words)

The most effective way to restrict children and young people's access to vapes is to consistently enforce the existing age of sale regulations at the point of purchase. However, if the Government is minded to restrict point of sale displays, then any restrictions should be applied equally across all retail channels with no exceptions. If it is the Government's aim to reduce the appeal of vape products to children and young people, then it falls to reason that the same restrictions should apply to all retail outlets. There is no evidence to support an exemption on the grounds that children and young people infrequently visit specialist vape stores.

As a responsible manufacturer, we have a no tolerance approach to youth use and access to our products. We do not place our products near children's products, and we follow strict guidelines on in-store placement and displays.



**Question: If you disagree with regulating point of sale displays, what alternative measures do you think the UK Government and devolved administrations should consider?** (maximum 300 words)

Vape products are already age-restricted and are subject to strict marketing rules, however, greater enforcement of these rules is needed. We recognise that where a youth use issue has been identified the strengthening of restrictions could be an effective tool to address this, whilst enabling continued access by adult smokers. By making vapes less visible, we risk creating a situation whereby adult smokers looking to switch are less likely to find the products they need.

The most recent figures from ASH show that 48% of under-18s who access vaping products do so through a retailer.<sup>25</sup> Despite requirements for retailers to verify a customer's age, some do not enforce these regulations effectively. A common-sense alternative to regulating point of sale displays would be to introduce a retailer licensing scheme to improve discipline across the retail environment, help prevent youth access, and to improve product compliance at the retail level. Polling from the Social Market Foundation shows that this is one of the public's preferred proposals for vape regulation, with 84% in favour.<sup>26</sup>

A regime which includes increasing fines, followed by revocation of the licence for repeated breaches, would justify the costs of introducing and maintaining such a scheme and would have the added benefit of deterring retailers from selling illicit or non-compliant vapes.

Since 2017, retail stores in Scotland wanting to sell tobacco or nicotine vapour products must register to do so. Registration is centralised, free, and was introduced to give Trading Standards further powers to tackle youth access and illicit trade. The Scottish Government implemented a registration scheme rather than a licensing scheme due to the increased burden on local authorities and retailers required by licensing. This model could be used as the basis for a similar roll out in England and indeed the rest of the UK.

## REGULATING VAPE PACKAGING AND PRODUCT PRESENTATION

**Question: Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict the way vapes can be packaged and presented to reduce youth vaping?** (maximum 300 words)

Option 1: prohibiting the use of cartoons, characters, animals, inanimate objects, and other child friendly imagery, on both the vape packaging and vape device. This would still allow for colouring and tailored brand design ✓

~~Option 2: prohibiting the use of all imagery and colouring on both the vape packaging and vape device but still allow branding such as logos and names.~~

~~Option 3: prohibiting the use of all imagery and colouring and branding (standardised packaging) for both the vape packaging and vape device.~~

We adhere to robust, industry-leading International Marketing Standards, which set out clear guidance on how we market and present our products. We do not use any names, descriptors, packaging, or labelling intended to target youth or be appealing to youth, and we make clear that the product is designed for adult smokers and nicotine users only.

Our packaging designs are clearly intended for adult nicotine consumers, and are not styled using imagery that is particularly appealing to youth. Our packaging will never feature cartoon figures and

entertainment characters that are primarily of appeal to youth. Flavouring on packaging should not be illustrated with designs of food, drink or other consumer products that appeal primarily to youth audiences. We strongly believe that all vape manufacturers should adhere to the same high standards.

There is no evidence that the removal of all imagery, colouring and branding for both the vape packaging (standardised packaging) or the device will lead to a reduction in youth vaping rates. We believe that treating vape products like traditional tobacco products sends the wrong message about the relative risks of different nicotine products. It is established that the relative risk of vape products is reduced comparable to continued use of combustible tobacco and it is important that regulatory measures are risk-proportionate to the product to reflect this reality.

## RESTRICTING THE SUPPLY AND SALE OF DISPOSABLE VAPE PRODUCTS

**Question: Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes? That is, those that are not rechargeable, not refillable or that are neither rechargeable nor refillable.** (maximum 300 words)

We strongly oppose restrictions on the sale and supply of disposable vapes. In line with our corporate purpose, we seek to offer adult consumers a choice of potentially reduced risk products. Disposable vapour products form part of that offering. Our research shows that adult smokers who are considering a switch may be more likely to try vaping using a disposable vape which is lower cost, rather than a refillable vape product which has a higher price point.

All our vape products focus solely on meeting the expectations of existing adult smokers and nicotine users. Our disposable products and packaging are clearly labelled “18+” and “Not for use by non-smokers and non-vapers”. We have made a conscious choice not to provide information about our disposable products on social media - contrastingly, some disposable vape manufacturers use social media to market their products to consumers and are enabled by a distinct lack of enforcement preventing them from doing so.

We have a zero-tolerance approach to youth access and use. We are committed to working with all stakeholders to reinforce the message that our disposable products are solely for use by existing adult smokers and adult nicotine users only.

We recognise the sustainability challenges associated with disposable products; we ensure full compliance with existing environmental regulations and communicate responsible disposal guidance to our consumers.

Marketed responsibly, disposable vape products have a credible and important role to play in tobacco harm reduction. They are an important option for adult consumers who value convenience and who would otherwise continue to smoke combustible products.

**Question: Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?** (maximum 300 words)

We disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply. In line with our corporate purpose, we seek to offer adult consumers a choice of potentially reduced risk products. Disposable vapour products form part of that offering and offer adult consumers a low-barrier access point to potentially reduced risk products. If the option to purchase disposable vape products is removed or restricted, we believe that many smokers will revert to smoking combustible tobacco products, rather than choose to purchase a product that requires refilling or recharging.

**Question: Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced?** (maximum 300 words)

Should the Government wish to pursue restrictions on disposable vapes, we agree that an implementation period must be no less than six months. A full Impact Assessment must be conducted and specific measures consulted upon ahead of implementation.

## NON-NICOTINE VAPES AND OTHER CONSUMER PRODUCTS

**Question: Do you think the UK Government and devolved administrations should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes?** (maximum 300 words)

IMB supports non-nicotine-containing vape products being regulated, excised, and treated as nicotine products. We would support this proposal as it would equalise the regulations on products designed to circumvent regulation (such as “shortfills”).

The absence of regulation has led to an increase in nicotine-free products, including open system “shortfills”. The Government must close this dangerous gap by including the term “non-nicotine e-liquid” in UK vaping regulations. Several European markets have captured nicotine-free products in their vape regulations and we encourage the UK Government to do the same.

**Question: Do you think the UK Government and devolved administrations should regulate other consumer nicotine products such as nicotine pouches under a similar regulatory framework as nicotine vapes?** (maximum 300 words)

We support proportionate, evidence-based regulatory frameworks. It is established that the relative risk of other nicotine products, such as nicotine pouches, is reduced comparable to continued use of combustible tobacco. It is important that regulatory measures are risk-proportionate to the product to reflect this reality.

Nicotine pouches have a very favourable harm reduction profile: given the absence of tobacco, tobacco combustion, and inhalation activity, it is clear that high quality nicotine pouches may offer an even greater harm reduction potential than heated tobacco, and vape products – which themselves have already had a demonstrable impact on many national smoking rates and offer significant harm reduction potential. Given the vast potential of nicotine pouches for public health, we believe further scientific exploration, regulatory engagement, and public health advocacy is warranted.

We are engaging with UK regulators, both to educate them about the product and its harm reduction potential vis-à-vis combustible tobacco. It is important for regulators to consider nicotine pouches in the context of combustible tobacco, and the potential benefits for adult smokers who transition to them. We propose reasonable regulations that would address public policy concerns without damaging the harm reduction potential of the category.

## AFFORDABILITY

**Question: Do you think that an increase in the price of vapes would reduce the number of young people who vape?** (maximum 300 words)

The UK vape category has grown substantially over the last 10 years. Arguably, this category has now hit critical mass and should be the subject of excise. Therefore, an appropriate outcome of this consultation would be a clear statement of intent that an element of excise will be introduced on the vape category in the UK, a step that would bring a much-needed element of control and scrutiny that currently does not exist.

The raising of prices through excise should not be the primary aim. A price incentive must remain for current smokers to switch to a potentially less harmful category. UK regulators should take the opportunity to learn from the many European markets that have already adopted vape excise in a consistent manner:

- The excise base used is always volume-based and quoted per litre or per millilitre (rather than based on nicotine content (i.e. mg per millilitre));
- Excise applies to the consumable part of the product only – the liquid, not the device/hardware; and
- Excise levels vary, yet all fall within a narrow banding – generally €0.10-0.30c per millilitre.

IMB recommends that 3 key principles are reflected in the formulation of any UK policy response in this area:

1. Excise should apply equally to all liquids irrespective of nicotine strength or delivery format;
2. Excise should be fully specific and should apply as function of the unit volume multiplied by the given rate per millilitre; and
3. The excise rate should fall within a range of £0.10 – 0.20p per millilitre – but should not exceed £0.20p at least in year one.

## PENALTIES

### **Question: Do you think that fixed penalty notices should be issued for breaches of age of sale legislation for tobacco products and vapes?**

Powers to issue fixed penalty notices would provide an alternative means for local authorities to enforce age of sale legislation for tobacco products and vapes in addition to existing penalties.

Yes ✓

No

Don't know

### **Please explain your answer and provide evidence or your opinion to support further development of our approach.** (maximum 300 words)

We believe that fixed penalty notices (FPNs) should be issued for breaches of age of sale legislation for tobacco products and vapes as a deterrent to retailers. Such FPNs go hand-in-glove with the introduction of a retailer licensing scheme to improve discipline across the retail environment, help prevent youth access, and to improve product compliance at the retail level. Polling from the Social Market Foundation shows that this is one of the public's preferred proposals for vape regulation, with 84% in favour.<sup>26</sup>

A regime which includes increasing fines, followed by revocation of the retailer licence for repeated breaches, would justify the costs of introducing and maintaining such a scheme and would have the added benefit of deterring retailers from selling illicit or non-compliant vapes. The revenue generated from penalties should be ring-fenced for Trading Standards to ensure better future enforcement.

### **Question: What level of fixed penalty notice should be given for an underage tobacco sale?**

£100

£200

Other ✓

### **Please explain your answer and provide evidence or your opinion to support further development of our approach.** (maximum 300 words)

The level of the FPNs must be set at a level that acts as an effective deterrent. One or two hundred pounds is not an adequate level. A regime which includes increasing fines, followed by revocation of the retailer licence for repeated breaches, would justify the costs of introducing and maintaining such a scheme and would have the added benefit of deterring retailers from selling illicit or non-compliant vapes. The revenue generated from penalties should be ring-fenced for Trading Standards to ensure better future enforcement.

**Question: What level of fixed penalty notice should be given for an underage vape sale?**

£100

£200

Other ✓

**Please explain your answer and provide evidence or your opinion to support further development of our approach.** (maximum 300 words)

As above, the level of the FPNs must be set at a level that acts as an effective deterrent. One or two hundred pounds is not an adequate level. A regime which includes increasing fines, followed by revocation of the retailer licence for repeated breaches, would justify the costs of introducing and maintaining such a scheme and would have the added benefit of deterring retailers from selling illicit or non-compliant vapes. The revenue generated from penalties should be ring-fenced for Trading Standards to ensure better future enforcement.