

Vape products. Know the rules

Protect your business by only stocking legal products.

The Tobacco and Related Products Regulations 2016 (TRPRs) set out rules covering e-cigarettes. They:

- restrict e-cigarette tanks to a capacity of no more than 2ml
(This may be difficult to identify from the packaging information. If the volume supplied is given in “puffs”, evidence currently suggests that 600 puffs would be the highest limit for 2ml products. It is likely that anything over 650 puffs will contain more than the legal volume limit and so should not be on sale.)
- restrict the maximum volume of nicotine-containing e-liquid for sale in one refill container to 10ml
- restrict e-liquids to a nicotine strength of no more than 20mg/ml
- require nicotine-containing products or their packaging to be child-resistant and tamper evident
- ban certain ingredients including colourings, caffeine and taurine
- include new labelling requirements and warnings
- require all e-cigarettes and e-liquids be notified and published by the MHRA before they can be sold

Nicotine-containing liquid must:

- **not** contain certain additives (but can contain flavours). Prohibited additives include vitamins or other additives that create an impression that it has health benefits or reduces health risks; caffeine, taurine or other additives or stimulants that are associated with energy and vitality; additives that give colouring effects to any emissions.
- **not** contain substances other than the ingredients that were part of the formal notification to the MHRA
- **not** include ingredients (except nicotine) that pose a risk to human health

An e-cigarette or refill container must

- be child-resistant and tamper-evident,
- protect against breakage and leakage and have a mechanism to ensure that refilling can take place without leakage (this does not apply to disposable e-cigarettes).

Labelling Information

Each packet of the e-cigarette or refill container must have on it:

- a list of all ingredients in descending order by weight
- nicotine content and delivery per dose
- batch number
- recommendations to keep the product out of reach of children

- the health warning '**This product contains nicotine which is a highly addictive substance**'. It must appear on the front and back surfaces of the packet and cover 30% of that area.

Only these exact words are allowed. If you see other warnings or wording, such as “Nicotine is an addictive chemical” then the product is **not** legal for sale in the UK.

In addition to the exterior packet labelling information, each packet must include a leaflet with instructions for storage and use, including a reference that the product is not recommended for use by young people and non-smokers, along with other safety information and the producer's contact details.

Product presentation

An e-cigarette or refill container must meet the following requirements. The packet and any outer container pack or box etc. may **not** include anything (including text, symbols, names, trademarks, figurative or other types of sign) which:

- promotes or encourages consumption by creating a false impression about its characteristics, health effects, risks or emissions. Prohibited claims would include that the product is 'safe' or 'risk-free' or has any health benefits.

Any representation of a food ingredient, such as a picture of fruit on the pack, are only allowed if the product actually contains that ingredient or flavouring. Any reference to food ingredients should not suggest the product is a 'healthy' option.

Various products have been found using imagery, words, font types and other styling that is likely to mislead consumers and also infringe Intellectual Property (IP) rights of well-known brand holders. For example;



As well as being in breach of the TRPRs labelling law, brand holders actively pursue claims for misuse of or damage to their brands/trademarks through the Courts, seeking substantial damages.

- suggests it is less harmful than other e-cigarettes or refill containers, has vitalising, energising, healing, rejuvenating, natural or organic properties or has other lifestyle benefits. Prohibited claims include comparative safety claims vs other e-cigarette products or for benefits from using the product or from its ingredients, including any suggestion of effects on energy or health.

Pictures or images of energy drinks for example are not allowed. Words like “energy”, “mild” or similar in the product name, or any description of an ingredient as of ‘natural’ origin or organically produced are prohibited.

- refers to taste, smell or other additives (except flavourings) or their absence

- suggests that a particular e-cigarette or refill container has improved biodegradability or other environmental advantage
- must **not** resemble a food or a cosmetic product. The presentation of the product must not mislead consumers as to the nature of the product. It should be clear that the product is not a food or cosmetic product. References to foods or food ingredients are only permissible in the name or on the pack as factual descriptions of a flavour ingredient of the product, provided the nature of the product is clear.



These are all examples of misleading and trademark (IP) infringing illegal items

- must **not** contain printed vouchers, offer discounts, free distribution, two-for-one or other similar offers

These requirements include **all** elements of the product, its name and the design and content of its packaging and labelling. This includes words, pictures, graphics, colours, shapes, styles etc.

Cannabidiol (CBD) / Tetrahydrocannabinol (THC) vape products

Various vape products have been found on sale that claim to contain CBD, THC or have images related to marijuana implying some link. These are often a concern.

They are frequently packaged in a way in nicotine containing refill containers that are likely to create the impression that the product has a health benefit, which is prohibited.

THC is the principal psychoactive constituent of cannabis. **THC vape juice is illegal in the UK.**

Currently CBD oil is legal to sell in the UK, and this includes the sale of CBD vape juice. However, UK law dictates that any CBD oil sold must contain no nicotine. It must also contain no detectable THC.

Products must not mislead consumers by suggesting they provide any form of “high” from their use.

Consider carefully the stock you are thinking of buying. If you are found offering products for sale that are unlawful, you face not only the loss of profits by seizure of the goods by Trading Standards, but also the potential of prosecution through the Courts. Upon conviction penalties include unlimited fines and even imprisonment.

You can find more free business advice online at www.businesscompanion.info

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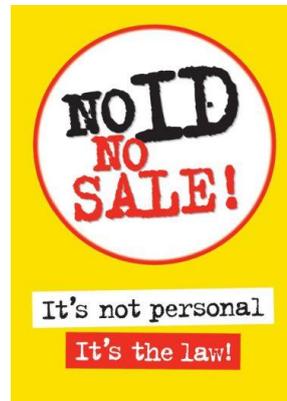
Protect your business by not selling to young people under 18

The Council's Trading Standards Service is responsible for the enforcement of consumer law, including the Tobacco and Related Products Regulations 2016 (TRPR) (which govern nicotine vaping products) and The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015.

We work proactively with our partners, including the Metropolitan Police and carry out inspections (including with detection dogs) and test purchase operations using volunteer young persons and Proof of Age/Challenge 21/25 test purchases to assess retailer behaviour and age verification systems. We provide free business advice to our local retailers, as well as posters and refusals books to assist effective age verification procedures.

You can find out more about the Proof of Age Standards Scheme (PASS) and Challenge 21/25 including free downloads of posters and other materials such as refusal books here

<https://www.pass-scheme.org.uk/downloads> or here <https://noidnosale.com/>



We also monitor online sales platforms and work with the platform providers to identify and take-down listings of illegal products and where sellers fail to comply with the age verification requirements.

We regularly receive reports of concerns regarding reported unlawful sales. Anyone can pass information or concerns to us via the national Citizens Advice Consumer Service by calling 0808 223 1133 or by visiting <https://www.citizensadvice.org.uk/consumer>

The law

Selling a nicotine inhaling product to anyone aged under 18 is a criminal offence. This includes both devices, cartridges and refill substances (e-liquids).

Buying a nicotine inhaling product for anyone under 18 is a criminal offence (what is known as a proxy sale, where an adult buys the product for the young person).

Protect your business by having in place effective age verification checks and making sure all staff are trained in and regularly reminded of the rules.

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