Introduction

The National Federation of Retail Newsagents (NFRN) would like to thank the Scottish Parliament’s Health and Sport Committee for the opportunity to present the views of its members on the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill, in particular on the issue of nicotine vapour products (NVPs).

The NFRN is one of Europe’s largest employer’s associations, representing over 15,000 independent retailers across the British Isles. We are a membership led organisation that is democratically structured; policy is made by annual conference and its implementation is overseen by our National Council and National Executive Committee.

The NFRN assists the independent retailer to compete more effectively in today’s highly competitive market, through the provision of practical help and assistance, commercial support, deals and buying opportunities, training, expertise and service. It also represents its members’ interests at governmental and parliamentary level, as well as within the news and magazine industry.

Response

Question 1: Do you support the Bill’s provisions in relation to NVPs?

A minimum purchase age of 18 for NVPs

The NFRN is supportive of plans to introduce a minimum age for the purchase of e-cigarettes. As the representative body for responsible independent retailers, many of our members already enforce an age restriction on the sale of these products, therefore we are delighted that retailers will now be supported by the law with the introduction of this policy.

We believe it is important to ensure that the minimum age for purchase of NVPs is in line with other age restricted products, such as tobacco and alcohol. This is a small but vital factor as it supports retailers as they carry out their role as the barrier to stop young people accessing these products. By applying a consistent age restriction to various products retailers are not faced with unnecessary concerns about verifying different minimum age limits for different products.

Prohibiting the sale of NVPs via vending machines

The NFRN continues to assist government plans to restrict access by young people to NVP products and believes an important element of this is to ban the sale of these products from vending machines. Whilst retailers are working hard to uphold minimum age restrictions their work can be easily undermined if young people can access these products from a vending machine.
Requiring NVP retailers to register on the tobacco retailer register

The NFRN has always been an advocate of the tobacco retailers’ register in Scotland and has often presented it as a case of best practice to other devolved governments trying to introduce a similar system. This is because the register has been produced with the retailer in mind. In particular, the scheme in operation in Scotland does not obligate retailers to pay a fee to register, therefore eliminating concerns about adding additional costs to businesses, nor does it establish any burdensome administrative requirements such as re-registering habitually.

However, plans to include e-cigarettes, whilst supported by the NFRN, are of concern due to the requirement that retailers already registered for the purpose of selling tobacco will have to update their entry on the register. The NFRN believes it is important that the government makes use of the register to inform those already registered that they will need to update their details if they sell NVPs. This will assist retailers that may not be well informed about the changes happening, or those that mistakenly believe they are already covered because they registered that they sell tobacco products.

Prohibit ‘proxy-purchasing’ of NVPs for under 18s

A long time goal of the NFRN, we were delighted that proxy purchasing was extended to tobacco products and are pleased that it will now be extended to cover NVPs too.

Many of our members have often expressed how frustrating it is to refuse the sale of a product to a young person, for an adult to come in and buy it for them. Retailers act as the barrier to young people accessing these products and carry out their role with little support from others, and yet this loophole undermines all of their work. The introduction of proxy purchasing for age restricted products has been an imperative step in the right direction to continue to build and develop the barrier between young people and access to these products and now NVPs.

However, the NFRN suggests that following these changes, awareness of them should be made a priority to ensure that not only do retailers know about them and can use them to support their work to prevent young people from accessing these products, but that members of the public are fully aware about their existence too. Retailers need support in carrying out this legislation and greater awareness of these laws would go some way towards assisting them in carrying out their role within the law.

Restrict domestic advertising and promotions of NVPs

The details set out in the Bill are unclear at present. The NFRN believes that the proposal for exceptions to be made for specialist trade shops and an exception allowing certain forms of advertising and promotion at point of sale need to be detailed more extensively to ensure that retailers are aware of the exact requirements and restrictions being placed on them.
However, the NFRN believes that advertising should be restricted. We are against lifestyle advertising and restrictions on price promoting or incentives should be stopped. Similarly, advertising near schools and before the watershed should be extended to cover NVP products.

**Implement an age verification policy for the sale of NVPs**

As the representative organisation of responsible retailers we continue to recommend that members operate a Challenge 25 policy. Nonetheless, we do not feel that this should be prescribed in law. Many of our members use the Challenge 21 policy and operate it with the same success as the Challenge 25 policy, so we feel they should not be unnecessarily required to change their processes.

The NFRN is concerned by plans in the Bill to allow Scottish Ministers the power to make regulations to amend the age (up or down). As the age for access to these products is unlikely to be amended up or down there should be no reason for the age verification policy to change.

However, we are encouraged by the proposal that Scottish Ministers may issue guidance on matters relating to age verification policy, in particular guidance and training. We urge the Minister to use this power and strongly advocate support of retailers carrying out these processes.

**Ban staff under the age of 18 from selling tobacco and NVPs**

The NFRN supports the Scottish Government’s intention to require staff under the age of 18 to receive authorisation from a member of staff over the age of 18 to sell tobacco and NVP products to a customer. However, many members have expressed concerns about the unintended consequence this many have on their capacity to employ a person under the age of 18.

Whilst many independent retailers do not sell alcohol products (which already have an age requirement for selling), the introduction of this policy will have a much greater impact on the trade, as many do sell tobacco and NVP products. As a result it may lead many independent retailers to consider avoiding employing a person under the age of 18. This is because they often have very few staff on duty and so would be dependent on all members of staff being able to sell tobacco products without supervision.

Although the Bill provides an exception to this requirement which allows persons under 18 to make sales where a registered person has authorised a person under 18 to make sales at the premises, noted in the register against that registered person’s name, it would not alleviate the concerns of independent retailers.

**National Federation of Retail Newsagents**