The Scottish Wholesale Association (SWA) is the official trade association for Scotland's wholesaling businesses. Many SWA members have substantial retail interests, particularly in local convenience stores, as well as supplying thousands of independent retailers across the country. Wholesalers also provide cash and carry services, food service delivery to restaurants and caterers as well as on sales services to licensed premises. SWA Supplier Members include the suppliers and manufacturers to the industry including food, confectionery, alcohol and tobacco manufacturers.

Tobacco sales and sales of nicotine vapour products represent a significant component of some wholesale businesses while other members do not sell tobacco or NV products. SWA members are aware that the sale of NVPs is a rapidly growing market however it still remains a small percentage of sales compared to overall tobacco market sales.

SWA accept that the Scottish Government is proceeding in a precautionary manner given that nicotine within NVPs is addictive. We would welcome the Government taking an evidence based approach to this matter. There is clearly a need for further research into the health effects of NVPs as well as their ability to act as an effective cessation tool.

Data from the Office for National Statistics released in 2014 indicates that those who use e-cigarettes, are almost entirely current or former smokers. Fewer than 1 in 300 people who have never smoked currently use e-cigarettes.

SWA would urge the Health & Sport Committee to remain focussed on the need to reduce harm reduction. NVPs have a role to play in tobacco harm reduction and it would be harmful and potentially counter productive not to publicise the option for existing smokers to switch to tobacco harm reduction products such as NVPs.

Chapter 1

Section 2 Sale of nicotine vapour products to persons under 18

SWA welcomes the creation of an offence of selling NVPs to people under 18. SWA agree that age restrictions should be clear and consistent and welcome moves to bring the sale of NVPs in line with existing age restrictions on sale of tobacco.

Section 3 Age Verification Policy

SWA agrees with this section. Currently nobody under 18 is allowed in the tobacco and age restricted products rooms of cash and carries, either selling these products or as a customer. These are separate rooms with separate till points. These rooms are necessary for security reasons and to comply with the tobacco display ban. Only traders can enter these premises, not members.
of the general public. E-cigarettes may or may not be currently stored in these age restricted rooms, however it would be reasonable for wholesalers to store them there. Alcohol is also stored in these rooms, so it would be simpler to keep all age restricted products in the same area.

Section 4 Sale by persons under 18

SWA agree with the general principle underpinning this section however we would query whether the exemption at 4C (3) allowing only the registered person for those premises to authorise sales by persons under 18 in premises which are noted in a registered person’s entry in the Register might prove to be a significant restriction on a small retailer. It might be more reasonable to allow that a senior staff member or responsible person be authorised to do so in all premises in the absence of the registered person.

Section 6 Purchase of NVPs on behalf of persons under 18

SWA wholesale members sell to retail and other trade customers rather than to members of the public. Therefore the issue of proxy purchase doesn’t apply to members. However, SWA are generally supportive of all measures to discourage sale of tobacco and NV products to under 18s and would support this section.

Section 7 Extension of vending machine prohibition

SWA are not aware of any members selling e-cigarettes from vending machines. As the market grows it may be sensible to apply this belt and braces approach.

Section 8 Register of tobacco and nicotine vapour product retailers

SWA would want to keep the registration process as simple as possible, particularly for the retailer. If NVP products are to be regulated we would prefer to have them covered by the existing Scottish Retail Tobacco register scheme. Wholesalers currently check the register when retailers are purchasing tobacco products in the tobacco and age restricted product room. The most practical solution is to have both tobacco products and NVPs covered by the same retailer register.

Chapter 2

Section 17 Advertising and brandsharing

SWA don’t support this section. SWA retain concerns at the restriction of advertising of NVPs given the current evidence of their potential to support smokers attempting to give up tobacco products. Wholesalers deal with trade customers and would store and display NVPs within an age restricted products room. Given the continued lack of knowledge about the properties of NVPs amongst trade customers and the general public promotional materials may prove effective tools in encouraging switch to NVPs.
Section 18 & 19 Free distribution, nominal pricing and sponsorship

SWA retain similar concerns to those expressed above in relation to Section 17. NVPs are legal products which are currently accepted by scientists and tobacco campaigners to be potential tools to assist individuals to stop smoking. NVPs are a different product from tobacco. Advertising should be able to communicate their potential to reduce harm. We would urge the Health & Sport Committee to base decisions on the available evidence of risk and of harm reduction.

Scottish Wholesale Association