Request and Response:

Re: FOI 67903300 - Selling of E-Cigarettes to Under 18's

I refer to your freedom of information enquiry regarding nicotine inhaling products.

1. ‘I would be grateful if you can point me towards this trading standards report as I can't seem to find it online anywhere.’

The project to which you refer was conducted on behalf of the Department of Public Health by local authorities and co-ordinated by the Chartered Institute of Trading Standards. The following links may be of some use to you;


If you require any further information Jane McGregor at the institute may be able to help. You can contact the institute by calling General enquiries 01268 582200 institute@tsi.org.uk or the Press Office 01268 582240 pressoffice@tsi.org.uk

2. ‘Also, I am keen to know what a council can do to enforce the laws.’

Information about the law that applies to the sale of NIPs can be found at https://www.businesscompanion.info/en/quick-guides/underage-sales

The relevant legislation is;

- The Children & Young Persons Act 1933 (as amended by The Children & Young Persons (Sale of Tobacco etc) Order 2007)
- Children & Families Act 2014
- The Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015
- The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notice) (England) Regulations 2015

Legislation can be accessed at http://www.legislation.gov.uk/

When a sale is made to a person under the permitted age, an authority may;

- Do nothing
- Educate the business with a view to them achieving compliance
- Issue an informal caution (cannot be cited in Court at a later date)
• Issue a Simple Caution (can be cited in Court at a later date)
• Prosecute the offender

3. ‘how I should go about sending the FOI - i.e. do I send it directly to the council or would there be a separate authority with more information on the matter? As reading the enquiry number: FS12030013 it seems as though a council does not hold such information.’

Trading Standards is a local authority service, if you require further information then you will need to make a request to each authority.

What information they hold will depend on the level of work that they have carried out into the sale of NIPs to minors.

I cannot comment on FS12030013.

If you wish to receive further information in regards to this request or wish to submit a Freedom of Information Request please forward your request to info_management@sandwell.gov.uk or Information Management Unit, Sandwell Council House, Freeth Street, Oldbury, West Midlands, B69 3DE.