

Information for Traders

Point of Sale Advertising of Tobacco - Including Vending Machines & Specialist Tobacconists

The Tobacco Advertising and Promotion (Point of Sale) Regulations 2004 strictly control the amount of advertising permitted where tobacco products are sold.

These regulations ensure that advertising of tobacco, which is also banned on billboards and in newspapers and magazines, is very strictly controlled at the Point of Sale, with the maximum area of advertising being restricted to A5 in size (half the size of this A4 guidance note).

It is an offence to advertise in any way other than within the strictly controlled guidelines.

What does this mean?

In practical terms, you cannot advertise tobacco products within your premises other than at point of sale and any advertising that you do will be restricted to an A5 size in total.

Posters in shop windows, sandwich boards outside premises, awnings that carry a tobacco brand or logo that advertise tobacco products will be therefore be prohibited.

What is meant by Point of Sale?

This is the point where your gantry or display unit is fixed. You may therefore advertise at this place but no where else in the premises. If you have more than one point of sale within the premises then you may only advertise at one point. (If the premises are occupied by more than one business, then each business within the premises may have one point of sale).

What sort of advert can I have?

The advert must be 2 dimensional and may be one single advert or several provided that the total area does not exceed A5 in size.

The advert can include the following information:

- the name, or emblem or any other feature of the tobacco product
- the price of a packet and the size that the price relates to

The advert must include the warning:

- "Smoking Kills "or "Smoking seriously harms you and others around you "
and
- "NHS Smoking Helpline 0800 1690169"

This warning must cover 30% of the area of the advert, be indelible, legible, black text on a white background, with font size so that the text occupies the greatest possible proportion of the area, and surrounded by a black border 3-4 mm in width.

You may not have any advertisement that is displayed electronically on a screen or contains a moving image or background or an image that changes colour or is lit by flashing lights.

Vending Machines

No advertisement is permitted other than a picture of the product for sale, which may be no larger than the surface area of the largest face of the packet, and must contain the identical Health warning required on the most visible surface of the tobacco product which is depicted in the picture. This must occupy no less than 30% of the area of the advert and be surrounded by a black border 3-4mm in width.

These pictures may be of some or each of the products for sale in the vending machine.

Specialist Tobacconists

These are defined as those whose business comprises of at least 50% of its sales from cigars, snuff and pipe tobacco and specialist tobacco products for example: papers, pipes, lighters.

Tobacco advertisements at specialist premises will be permitted provided they comply with the following requirements:

- the advert is in, or fixed to, the outside of the specialist tobacconist premises,
- it is NOT for cigarettes or hand rolling tobacco,
and
- that it complies with the regulations for specialist tobacconists

The Regulations require that a health warning is displayed AND the following information:

" NHS Smoking Helpline 0800169 0169"

Where the advertisement is for smoking tobacco the warning must be either:

"Smoking Kills" or " Smoking seriously harms you and others around you "

or , in the case of other tobacco advertisements the warning:

" Tobacco Products can damage your health and are addictive"

The warning must constitute not less than 30% of the total area of the advertisement and must be given in the prescribed manner. It will be an offence to advertise in any other way.

Specialist Tobacconists will also be required to comply with the Point of Sale Regulations with regards to the advertising of cigarettes or hand rolling tobacco at point of sale

Useful Links

- Tobacco Age Change (External Link) - <http://www.tobaccoagechange.co.uk/>

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This advice is designed to provide basic guidance to traders. It is **not** a complete or authoritative statement of the law. For further advice or assistance on this or any other Trading Standards legislation, please contact your nearest office. We will be pleased to offer this information in larger print or translated into any language on request.

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