

## Trading Standards Vapes Enforcement Update

This paper is an update on the latest position with vapes, both at a national policy and funding level, and an update on our local work related to vapes.

### **National Position:**

On 29<sup>th</sup> January the Government announced the results of the consultation “Creating a smokefree generation and tackling youth vaping” and its intention to ban disposable vapes, restrict vape flavours, packaging, and placement in shops. In mid March some draft legislation concerning the banning of disposable vapes was released for comment which suggests that the ban will come into force in April 2025. The deadline for comments to be returned was 24<sup>th</sup> March and the Service fed back on some technical issues, including powers, within the proposed legislation. In late March the government also tabled the Tobacco and Vapes Bill which (alongside legislation to ban the sale of tobacco products to anyone born after 1<sup>st</sup> January 2009) includes provisions for legislation to enact some other areas covered in the consultation such as the display of vapes within shops and the use of fixed penalty notices in relation to offences under the bill: [Tobacco and Vapes Bill - Parliamentary Bills - UK Parliament](#)

Of £30m funding initially announced to go alongside the changes, there is still uncertainty how much of this will be directed towards Trading Standards and how this might be done. The majority is expected to go to HMRC and Border Force. We continue to make representations to the Government via the Association of Chief Trading Standards Officers (ACTSO) as to how any money allocated could be maximised. The most likely options suggest that the funding will not be allocated to each LA individually.

A proportion of a smaller amount of funding announced by central government in April (£3m nationally) is available to the Service through Op Joseph and we continue to make use of this for storage and disposal costs, which are significant considering the complexity of the products and the need for care in both areas to avoid fires and health risks of unknown chemical components of illegal vapes.

Vapes continue to regularly make national media stories and headlines including these in the last couple of months:

[Lancashire vape warning after child falls unconscious - BBC News](#)

[Ministers consider new vaping tax at Budget - BBC News](#)

[Eltham teens treated in hospital after using spiked vape - BBC News](#)

[Sex abuser used vapes to groom 14-year-old girl - BBC News](#)

[Students constantly thought about next vape, says head teacher - BBC News](#)

And these stories since the last report to the Joint Committee:

[Disposable vape ban: 'It can't come soon enough' - BBC News](#)

[How dangerous is vaping and what is the disposable vape ban? - BBC News](#)

[Disposable vapes to be banned for children's health, government says - BBC News](#)

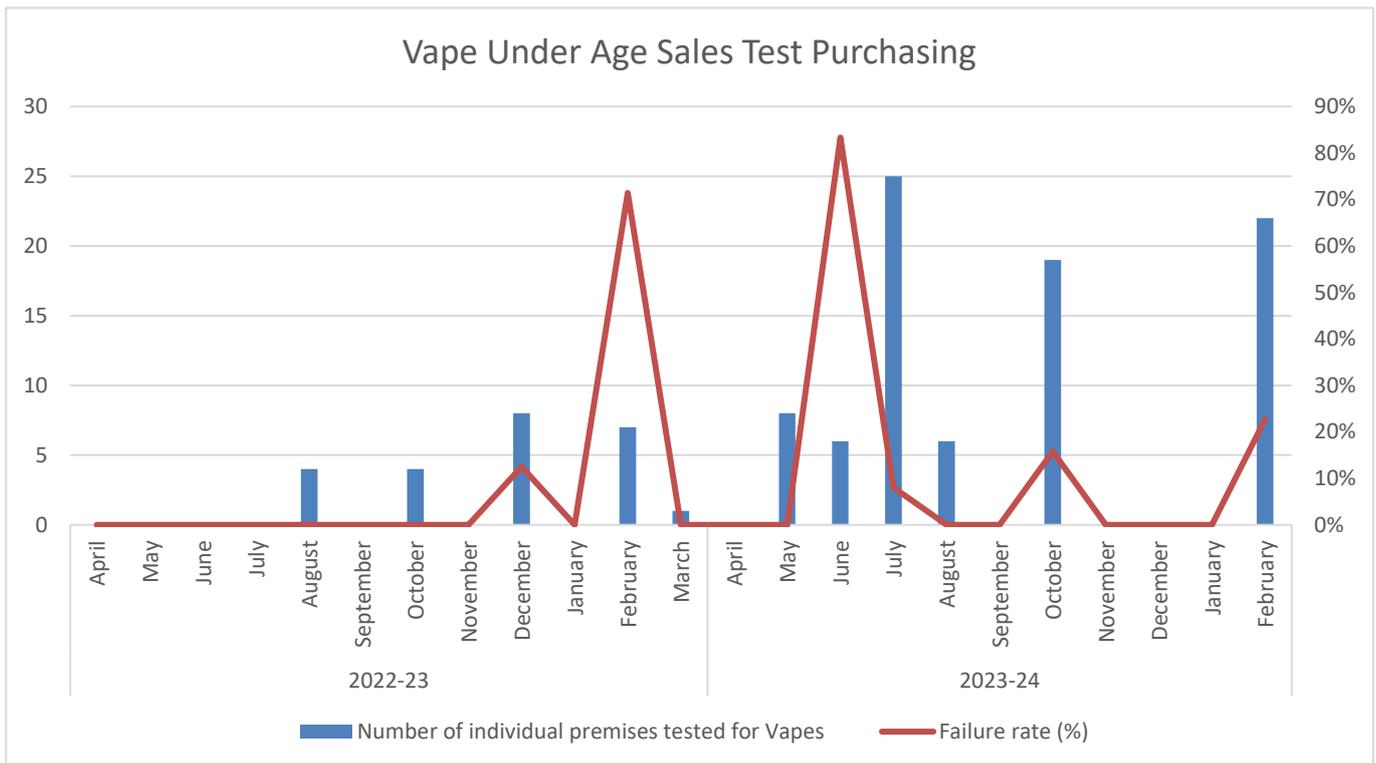


[Youth vaping: The impact of e-cigarette use in schools - BBC News](#)  
[Child vaping health dangers highlighted by new campaign - BBC News](#)

**Local Position:**

Locally we received 214 complaints or pieces of information about illegal vapes and alleged underage sales of vapes from April 2022 to the end of March 2023. Since the beginning of April 2023 to mid March we have received 248. These reports have been received from a mixture of residents and partner organisations such as the police. These numbers are starkly higher than any other area of our work including other age restricted products.

Consequently, the Service has been doing an increased amount of underage test purchasing of vapes (86 so far this year, compared to 24 in last year). The failure rates vary between operations which may have different test purchasers and may be in different locations.



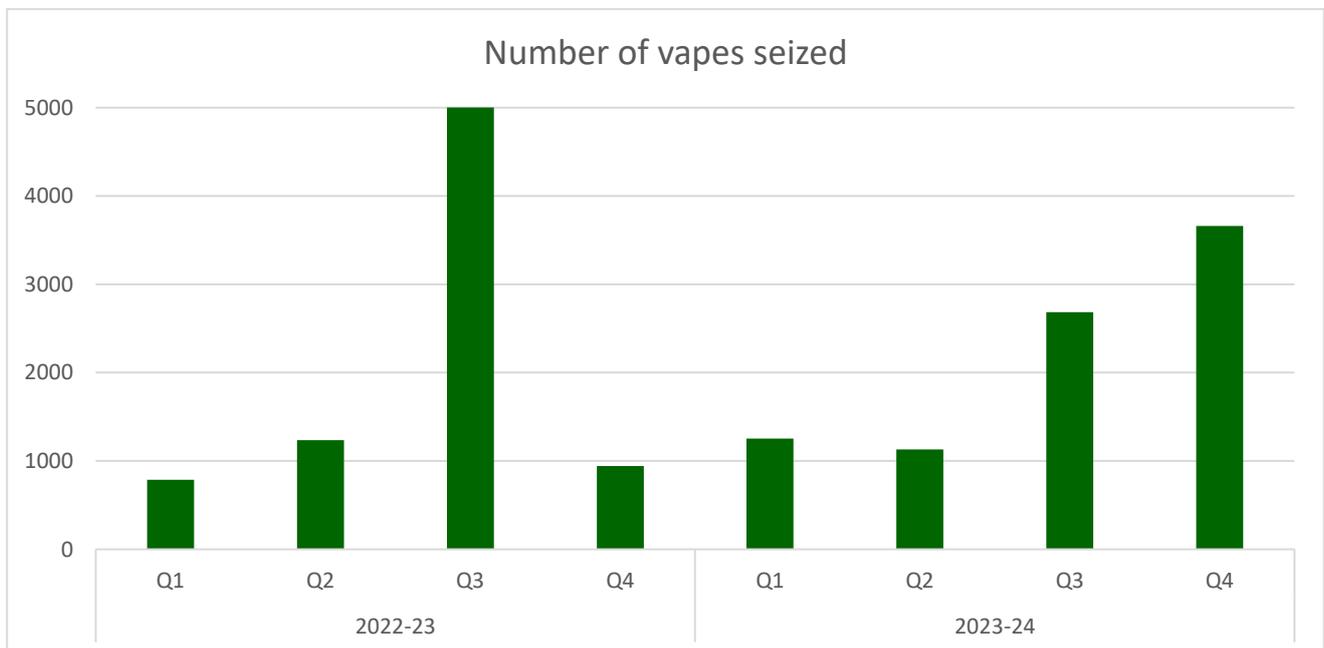
12 investigations into the underage sale of vapes have been completed during the year, with one prosecution being completed. In that case the defendant initially sold a vape to a 16-year-old test purchaser in February 2023 and was given both verbal and written advice. This was followed up by a further attempt and in June 2023 the defendant again sold to the test purchaser despite a till prompt to remind her to check the purchaser's age. She accepted responsibility for her actions and pleaded guilty at court in March. She was fined



£276, with £100 victim surcharge and was ordered to pay £700 of the Service’s costs. In another case the matter has been dealt with by means of a Simple Caution. The remaining 10 have been dealt with by means of a written warning and/or advice and will be followed up with repeated test purchases to ensure this advice is being acted upon.

Since the end of November, on a 2-year fixed contract, we have an officer funded by Buckinghamshire Council’s Public Health Team to focus on the enforcement of illegal tobacco, vapes and age restricted products. This is particularly helpful due to a high level of non-compliance in some areas of Buckinghamshire which is causing us to need to do a high level of work and use a range of different enforcement approaches.

We are conducting frequent enforcement activity around vapes, not only carrying out under-age test purchases but also looking for illegal vapes for sale which are then seized to remove them from the marketplace. This latter activity is carried out in local retail premises and in other locations which we become aware of. We work closely with partners, including the police, licensing teams and schools, to share information and sometimes to conduct enforcement operations. We also now have access to sniffer dogs who have learnt to identify vapes enabling us to locate hidden vapes in the same way as we have been doing for some time to identify hidden tobacco. Between April 2023 and mid March the Service has seized over 9,400 vapes compared to just under 8,000 in the previous year.



10 investigations into illegal vapes have been completed this year with advice / written warnings being the outcome in all cases so far, alongside which the businesses loses the seized vapes. There are a number of investigations ongoing both into more complex situations and where the illegal vapes have been found more recently. As with underage sales, the Service carries out repeat checks on businesses where previous problems have been found and advice given.



As well as visiting shops to look for illegal vapes, sometimes information from partners suggests there are problems in other places. A more unusual operation that we worked with Surrey Police on recently involved the seizure of illegal vapes being sold from the boot of a car parking outside schools, some of which were particularly child appealing. Below are some examples of social media posts about work in this area:

**Trading Standards @Bucks\_SurreyTS · 3d** ...  
 Officers secure a success in court!  
 Another step forward in the battle to stop the sales of **Vapes** to children was made last week, as an Aylesbury trader was successfully prosecuted for selling **Vapes** to under-age children. Report information here.  
[orlo.uk/EmgKi](http://orlo.uk/EmgKi)



**Trading Standards @Bucks... · 25/01/2024** ...  
 A very successful day for our officers in Buckinghamshire, they **seized** a huge haul of illicit vapes and tobacco with the aid of a very smart sniffer dog from [@WagtailUK\\_dogs](https://www.wagtailuk.com). Report illegal tobacco here: [orlo.uk/Ktj4d](http://orlo.uk/Ktj4d)



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**Trading Standards @Bucks... · 13/09/2023** ...  
 @Bucks\_SurreyTS 's early start at Kempton Market last week. We **seized** suspected counterfeit trainers and unsafe vapes. Great partnership work [@The\\_ACG](https://www.theacg.org) [@The\\_IPO](https://www.theipo.org) [@SouthEastROCU](https://www.southeastrocu.org) [@SurreyPolice](https://www.surreypolice.org) & brand reps. Report counterfeit goods: [orlo.uk/5ufu2](http://orlo.uk/5ufu2) #BuyReal



**Trading Standards @Bucks... · 03/11/2023** ...  
 Last week our officers were test purchasing. One premises not only sold a nicotine **vape** to our 15 year old volunteer, but the **vape** contained 4000 puffs (maximum permitted is 600 puffs)

Over 1100 illicit vapes were seized from the premises and investigations continue!



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Despite the signalled intention of government to ban them in the future, officers are still finding examples of child appealing vapes on sale. Below are two examples:



In addition to illegal vapes on sale being seized the Service has also carried out work with partners to restrict the import of illegal vapes through Heathrow.



In one situation at premises importing goods through Heathrow, Border Force contacted the Service for help with a shipment of 20,000 vapes that they were concerned about. The vapes were labelled as 0% nicotine and contained 22ml of liquid. If they contained no nicotine they would not be an age restricted product (under the current legislation) and would not be caught by other requirements such as the 2ml limit of liquid for nicotine containing vapes and 20mg of nicotine in total. We had a sample tested which showed that the products contained 28mg of nicotine, so breached the regulations in multiple ways. This was enough information for the shipment (worth around £500,000 at retail level) to be prevented from entering the country.

More recently Op Joseph has allocated the DHSC central Government funding to also be used to conduct work targeting vape compliance at the borders, including Heathrow. We have been working with the other Local Authorities also involved at Heathrow to develop a plan to most efficiently use this funding. Because of the dynamic situation with consultation on changing legislation and taxes for vapes we are keeping the activity at Heathrow under review at regular intervals, which will enable us to change approach if necessary.

On top of the problems with vapes being used for their intended purpose, there is a developing concern that vapes can also be used as a vehicle for other purposes. In February we received a safety alert in relation to particular vapes, with information that

some had been found to contain a psychoactive substance. Officers had noticed the brand in a shop we had been to the previous week so went out the same day and seized the affected stock pending investigation which is ongoing. There have been a number of cases across the country where vapes are thought to be contaminated with other products leading to concerning reactions by the user (see media links above).

We continue to support schools in Surrey by providing information through the Healthy Schools initiative and asking them to contact us if they have an issue with vapes they would like us to support them with.

[Advice and wider support - managing vapes in schools | Healthy Surrey Vaping | SchoolsWeb \(buckscc.gov.uk\)](#)

Recently government has responded to concerns about vaping in schools by referring to a statutory obligation for each school to have a behaviour policy in place. (see document [CBP-9932.pdf \(parliament.uk\)](#))

We are also working with our Public Health colleagues in Buckinghamshire as part of the whole system approach on a pilot scheme to identify how we can work with businesses near schools to support them to not supply illegal vapes, tobacco and alcohol.

The Tobacco Control strategy groups in each authority has offered us the opportunity to discuss information sharing with the smoking cessation support organisations and this has yielded some useful information but we continue to work to improve the channels to support this process.

We continue to share the work we are doing to prevent underage and illegal vape sales through social media and other communications opportunities that arise. For example at the end of January BBC Radio Surrey spoke to one of the team to discuss the steps being taken to prevent underage and illegal vape sales:  
[BBC Radio Surrey \(starts at 1:37:21\)](#)

We continue to provide advice to businesses on their obligations to sell legal vapes and only to over 18's. This advice may be direct to a single business or through our Primary Authority Partners, particularly the Association of Convenience Stores (ACS).

With the ACS we have reviewed the [advice to their members](#) about selling vapes (both from a safety perspective and considering they are an age restricted product) to ensure it is up to date. Recently we have developed some new guidance with them about the recycling obligations for vape retailers: [ACS Recycling Vapes Guidance](#):

The graphic is a dark teal poster with white and green text. At the top left is the ACS logo with the tagline 'the voice of local shops'. The main title 'VAPE RECYCLING' is in large, bold, white and green letters, with 'The basics' in smaller white text below it. A circular call to action at the bottom left says 'Get the full guide at ACS.org.uk'. On the right side, there are four recycling symbols (a triangle with arrows) followed by text detailing retailer obligations: 1. 'All retailers who sell vapes need to offer recycling facilities in store'. 2. 'At a minimum, this is on a one-for-one basis (customer returns a vape when they buy a new one)'. 3. 'Retailers are responsible for setting up a collection service, and must have vapes collected at least every three months'. 4. 'Retailers must also make information available to customers about the vape collection service they offer'.



## OPERATING A VAPE RECYCLING SERVICE IN YOUR SHOP

Vapes are no longer part of the Distributor Takeback Scheme (DTS). As a result, all retailers selling vapes must offer their customers a recycling bin for vaping products.

This guidance outlines how retailers can collect used vapes in store, store them safely and arrange collections on a regular basis.

Enforcement action against retailers who do not comply with the regulations will begin from April 2024.

A best practice guide for retailers developed by the Association of Convenience Stores

### OPERATING A VAPE RECYCLING SERVICE IN YOUR SHOP

#### Retailers Who Sell Vapes Must Provide Vape Recycling Bins

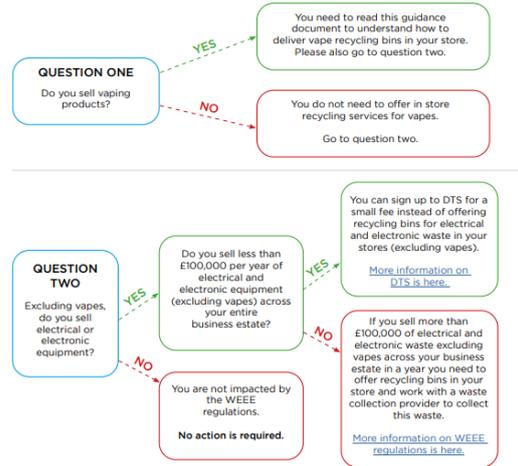
The Government has decided that vapes will no longer be part of the Distributor Takeback Scheme.

This change in government policy means **ALL RETAILERS SELLING VAPES must offer their customers a recycling bin for vaping products. Enforcement action will start from April 2024.**

This guidance document aims to explain how convenience retailers operating in the UK can offer vape recycling bins in their stores and be compliant with the WEEE regulations.

#### What do I need to do next?

Answer question 1 and question 2 to work out what you need to do next.



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