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# **E-cigarette retailers - Advice leaflet**

## **Selling nicotine inhaling products**

## **Age**

It is illegal to sell nicotine inhaling products (including e-cigarettes/vapes or refills) to anyone under 18. If you do sell these products to anyone under 18 you can receive a Fixed Penalty of £250, or you may face prosecution and be fined up to £5000.

## **Identification**

All age restricted products should only be sold to people who have photographic identification proving they are over 18.

## **Test purchasing**

We carry out test purchases for nicotine inhaling products to check that retailers comply with the law. During the test purchases we send children into retail premises to try to buy these age-restricted products. We can prosecute or fine anyone who commits an offence related to the sale of age-restricted nicotine inhaling products.

## **Complying with the law**

* Introduce a written policy, such as ‘No ID, No Sale’ or ‘Challenge 21/25’, for the sale of nicotine inhaling products and make sure your staff understand this policy and sign it.
* Carry out formal training with your staff on a regular basis that tests their knowledge and understanding of the law and their responsibilities. Keep written records of this training and what it includes and have staff sign it.
* Consider introducing till prompts.
* Keep records of any occasion when you or your staff have challenged a person regarding their age, including any refusals to sell an age restricted product. Place this ‘Challenge Register’ near the till to allow staff to access it easily as well as acting as a reminder to them.
* Carry out regular supervision of your staff to make sure that your policies and procedures are being implemented.

## **Product requirements**

These apply to e-cigarettes (including rebuildable devices and components and replacement parts) and to e-liquids (refill containers for e-cigarettes):

* Maximum tank size of an e-cigarette, 2ml (when assembled if necessary) (Max 600 puffs for disposable e-cigarettes)
* Maximum strength of nicotine-containing liquid if present, 20mg/ml nicotine
* Maximum volume of a nicotine-containing refill container, 10ml
* Tamper-evident and child-resistant packaging

## **Labelling requirements**

* On pack as sold (must be on bottle or device if no outer packaging):
* List of ingredients in nicotine-containing liquid, if present
* Indication of nicotine content and delivery per dose
* Batch number
* Recommendation to keep the product out of the reach of children
* Prominent health warning in black text on a white background on front and back - “This product contains nicotine which is a highly addictive substance”

Prohibited on packs – offers and discounts, product safety / health claims

Unless all these details are included on the pack, an accompanying leaflet must include:

* Instructions for use and storage, including instructions for refilling where appropriate
* Contra-indications, warnings for specific risk groups and possible adverse effects, addictiveness and toxicity
* Contact details of the producer; also a contact within the UK if the producer is based outside the UK (this may be an EU contact for products supplied in Northern Ireland)

**Exceptions where these are not required**

* Identical replacement parts where you and the consumer can clearly identify from the labelling the notified e-cigarette product for which the part is a replacement
* Parts such as battery units that do not come into contact with nicotine-containing liquid when in use
* A disposable e-cigarette or e-liquid product containing 0mg nicotine when sold

## **Notification requirements**

Always check with your supplier that the products you are offered have been notified to MHRA. You can verify this by checking the MHRA published lists of notified products, updated weekly, available online at [ECIG Dynamic Search | MHRA](https://cms.mhra.gov.uk/ecig-new). If a product has not been notified the manufacturer or importer may not supply it to you.

Please note the existence of an EC-ID or GB-ID is not an indication of compliance and products must not be supplied until the notifications have been published as a notified product by the competent authority in each national market.

Additional information is available at [E-cigarettes: regulations for consumer products - GOV.UK](https://www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products)

Other Regulations continue to apply to e-cigarettes and e-liquids including:

## **The Electrical Equipment (Safety) Regulations 2016**

These Regulations set out the requirements that must be met before electrical equipment can be placed on the NI market. The purpose of the legislation is to ensure safe equipment is placed on the market by requiring manufacturers to show how their equipment meets the ‘principal elements of the safety objective’.

## **The Electromagnetic Compatibility Regulations 2006**

These Regulations regulate the electromagnetic compatibility of equipment. They require equipment to comply with an adequate level of electromagnetic compatibility. They set out the requirements that must be met before electrical and electronic equipment can be placed on the NI market. The purpose of the legislation is to ensure safe equipment is placed on the market by requiring manufacturers to show how their equipment meet the ‘essential requirements’.

## **Plugs and Sockets etc. (Safety) Regulations 1994**

These Regulations require that domestic mains powered appliances are fitted with a standard plug conforming to BS 1363.

## **The General Product Safety Regulations 2005**

These Regulations provide the basis for ensuring the safety of consumer goods by imposing certain controls. They set out the requirements that must be met before products can be placed on the NI market. The purpose of the legislation is to ensure that consumer products are safe before they can be placed on the market in NI. This is done by requiring producers to ensure that consumer products meet the general safety requirement.

## **Classification, Labelling & Packaging Regulations (EC No. 1272/2008)**

These Regulations ensure that the hazards presented by chemicals are clearly communicated to workers and consumers in the European Union through classification and labelling of chemicals and requires the following information:

* the name, full address and telephone number of a person in an EEA State who is responsible for supplying the substance
* identification of the constituents of the preparation which result in it being classified as a dangerous preparation (e.g. Nicotine)
* the signal word: DANGER
* Hazard statements:
* Toxic if swallowed
* Toxic in contact with skin
* Toxic to aquatic life with ling-lasting effects
* nominal mass or nominal volume
* Pictogram
* Tactile warning label - (raised triangle):

**Note** Information under CLP may vary due to strength of nicotine

In addition, Annex VIII of the EU CLP Regulation applies in EU member states and in NI. Importers and downstream users placing hazardous mixtures on the NI market are required to provide specific information on their products to the National Poisons Information Service (NPIS) in accordance with Annex VIII. This will provide them with a Unique Formula Identifier (UFI) code for traceability. Further information on submitting chemical information to the NPIS is available at

[Submitting chemicals information to the National Poisons Information Service - GOV.UK](https://www.gov.uk/guidance/submitting-chemicals-information-to-the-national-poisons-information-service)

Further guidance on compliance with Annex VIII of CLP and the need for a UFI code is available at;

<https://www.hseni.gov.uk/news/how-create-unique-formula-identifier-ufi-chemicals>

## **For more information visit contact Lisburn & Castlereagh City Council**

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