

## OTHER PROVISIONS OF TOBACCO LEGISLATION CONCERNING RETAILERS

Smoking is prohibited in all retail outlets under the workplace smoking ban and suitable 'no smoking' signage should be displayed on the premises.



Packs of cigarettes should be sold in packets containing no less than 20 cigarettes. It is an offence to sell sweets and confectionary to children that have been manufactured in such a way as to resemble a tobacco product.



## NEW LEGAL DEVELOPMENTS

For imported tobacco goods, it is required under law that the warning notices and information notices concerning nicotine, tar and carbon monoxide on tobacco products must appear in both the Irish and English languages and this came into effect on October 1st 2008.

For tobacco goods already on sale before October 1st 2008 a year has been allowed for changes to be made and a date of October 1st 2009 has been given to comply.

From **1 July 2009**, no advertising or display of cigarettes or tobacco products will be permitted in retail outlets, other changes that will be introduced at this time include; introduction of a closed container / dispenser provision, tighter controls on the location and operation of tobacco vending machines, and introduction of a retail register for tobacco retailers.



**HSE**  
**ENVIRONMENTAL**  
**HEALTH**

**THE ROLE OF  
THE RETAILER IN  
TOBACCO  
CONTROL**

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## INTRODUCTION:

Tobacco use continues to be the leading cause of preventable death in Ireland. Each year almost 7,000 people die prematurely from the effects of tobacco and thousands of others become ill because of tobacco-related diseases.

In an attempt to lower the death rate from smoking and protect the health of the nation the government has introduced laws to control the sale of tobacco products - cigarettes, cigars, pipe tobacco etc and its use in the workplace.



In conjunction with the Office of Tobacco Control, the Environmental Health Officers (EHOs) of the Health Service Executive enforce most of the tobacco control legislation in Ireland. These laws include the restriction of advertising and marketing of tobacco products and the prohibition of the smoking of tobacco products in certain places.

## SMOKING AND YOUNG PEOPLE

Restricting sales of tobacco products to children is very important. Studies by the Office of Tobacco Control found that

- 78% of smokers started smoking before they reached the age of 18.
- 16% of 12-17 year olds smoke and spend an average of 30 per week on cigarettes.
- 92% of these teenagers say they were not asked for identification the last time they purchased cigarettes.

## ROLE OF THE RETAILER IN THE SALE OF TOBACCO PRODUCTS

It is illegal to sell cigarettes in any premises to anyone under the age of 18 years, even if they are for someone else.



Both the **seller and the owner or manager** of the shop/licensed premises etc can be prosecuted for selling to someone under 18 years and the maximum penalty is €3000 per breach by summary conviction in the district court or to imprisonment for a term not exceeding 3 months or both.

Sales from cigarette vending machines to under-18s are also illegal. Even if the vending machine is not owned by the person running the business it is still their responsibility to ensure that it is only being used by adults. Locating the vending machine in an area easily supervised or the use of a token system is recommended.

As good practice shops should display signs stating that tobacco products will not be sold to under-18's and that customers may be asked for I.D. to prove their age.

It is also recommended that all retailers inform and train their staff on these legal provisions and on the required procedures to avoid an underage sale. The Office of Tobacco Control has developed an Information Guide for retailers and staff which outlines the law in relation to sales to minors, together with frequently asked questions.

The guide is available in English, Irish, Chinese (Mandarin) and Polish. A staff training DVD has also been developed by the Office of Tobacco Control to assist retailers in this regard. These resources are available from [www.otc.ie](http://www.otc.ie)

Environmental Health Officers routinely carry out spot checks, known as test purchases, to ensure shops are not selling cigarettes to children.

## TEST PURCHASING

Test purchasing involves a supervised volunteer minor, typically aged 14-17, who attempts to purchase cigarettes.

In 2006 the High Court upheld the use of test purchases by EHOs, and that evidence obtained during test purchases is admissible in court.

EHOs involved with test purchasing ensure the minor involved in the purchase can do so safely and that they have the consent of their parents or guardian.

Test purchasing is one of the most effective ways of enforcing the law with respect to the sale of tobacco to minors and that the use of children in test purchasing is not contrary to public policy.

Test purchasing is an important means of protecting children from the dangers of smoking and addiction to tobacco products.