

Are you ready for the tobacco display ban?

The law on the display of all products containing tobacco and the display of tobacco prices is changing in the Isle of Man. **From 1 July 2016**, it will be illegal to display tobacco products in shops and businesses, except to people over the age of 18 in the limited circumstances set out in the law.

Non-compliance with the new law is a criminal offence. Any person, including shop managers and shop assistants, found guilty of these offences is liable:

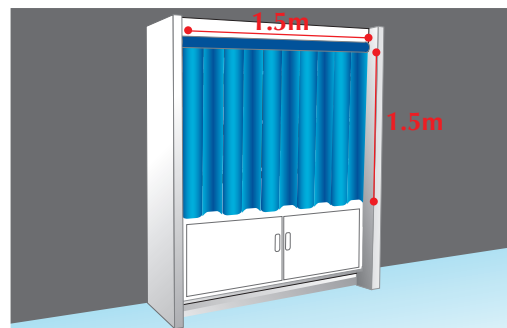
- on summary conviction to custody for a term not exceeding 6 months, or a fine not exceeding £5,000, or both
- OR**
- on conviction on information to custody for a term not exceeding 2 years, a fine, or both.

This leaflet is designed to provide simple guidance. A more comprehensive guide developed by the Department of Health and Social Care and the Office of Fair Trading (Trading Standards) is available at: www.gov.im/oft or www.gov.im/publichealth

Examples of possible solutions

1 Curtain covered display

The rules do not prescribe how you cover your unit. It is therefore possible, and legal, to cover your tobacco display with a curtain. However the curtain must obscure the tobacco completely and when retrieving a product from behind a curtain the maximum area that you can display should be less than 1.5m x 1.5m.



2 Sliding doors

The most common example of a cover likely to be in place in retail stores is a sliding doors solution fitted to a tobacco display unit.



3 Non-visible storage solutions

Retailers may decide to put in place new under counter, or over counter, solutions that can be open units but must not be visible to customers.



A typical transaction under the new regulations

Need advice on the regulations? Contact Trading Standards (OFT):
T 686500 E iomfairtrading@gov.im W www.gov.im/oft



DOs Other than when retrieving a tobacco product for a customer, a tobacco display may only be open and visible to customers in the following exceptional scenarios. In all cases the display is only permitted when the activity in question is being actively carried out and must only last as long as is necessary for that activity to be completed.

DON'Ts A display may NOT be open and visible in these scenarios:

Requested display

You can open the unit to retrieve one or more products if a customer asks for information about a tobacco product

Restocking

You can open the unit to assess stock levels or to restock the unit

Adult customer with child

You can open the unit in response to a request from an adult even if they are accompanied by a child

Displaying to an under-18

Opening the unit at the request of a person under the age of 18

Maintenance

You can open the unit for any form of repair or maintenance

Cleaning

You can open the unit for the purposes of cleaning the unit

Training

You can open the unit when undertaking any form of staff training exercise

Sale of non-tobacco items

You are not permitted to open the unit to retrieve or display anything other than tobacco products

Regulations on the design of price lists and point of sale information

The Tobacco Control Regulations 2015 permit only three types of price lists and labels for tobacco products. The legislation sets out that each of these must only use black Arial or Helvetica plain font, which is the same size throughout the list, with NO underlining, italics or other distinguishing emphasis. It will be an offence to display prices in any other way. Retailers must still ensure they comply with Price Marking legislation which requires the price of goods to be clearly displayed in-store.

Permitted lists and labelling

1 Display unit poster

One A3 poster may be displayed anywhere in store. In addition to the above, the poster must:

- Be titled 'Tobacco products price list'
- Have wording no larger than size 30 font
- Only contain the brand name, price and number of units per pack



2 Price list on request

A tobacco product price list may be kept at each point of sale, but must not be displayed unless requested by a person aged 18 or over.

In addition to the above, the list:

- Must have wording no larger than size 14 font
- Can contain images of branded packaging no larger than 50cm² (roughly the size of a standard pack)



3 Price labels

Price labels may be placed on covered shelving or the front of the storage unit.

In addition to the above:

- Each label must be no larger than 9cm² (e.g. 2cm x 4.5cm)
- There may only be one label per each location a product is stored
- Each label can only contain the brand name, price and number of units per pack

