



UNDERAGE SALES ADVICE PACK

Aberdeen City Trading Standards Service
Telephone - 03000 200292
Email - tradingstandards@aberdeencity.gov.uk
<http://aberdeen.tradingstandards.uk>



Underage Sales

Some products are age-restricted. This means that you must be over a certain age to buy them. Anyone who sells these products to underage people commits a criminal offence.

Aberdeen Trading Standards Service has produced this information booklet to provide retailers with information on how they can avoid breaching the laws relating to these products. It shows them how to work out someone's age, spot fake identification (ID) and helps them to record details of any refused purchases. Owners, managers and staff should periodically read this booklet to remind themselves of the rules governing age restricted sales.

This information booklet and other useful documents are available to download from the Aberdeen City Council trading standards website.

Underage Sales Advice Pack Contents

- **Information Book -**

This book offers retailers advice and information about the way the law affects sales of age-restricted products. In the main, these laws are enforced by the Trading Standards Service. The book can be used for training your staff and can also be used to record that the training has been done.

- **Refusals Record Book -**

This record book makes it easy to keep details of each refusal. Keep it available near the tills.

- **Posters -**

There is a "Think 25" poster which explains that you will ask anyone who looks younger than 25 years old for some proof of age. It shows your customers the different types of identification that are acceptable to prove their age.

Place the poster where it can be seen by customers so that your staff can use it to explain your shop policies.



What Are Age-Restricted Products?

Because of the harm they cause, the supply of a wide range of products to underage people is illegal. These are called age-restricted products and the term ‘underage sales’ is commonly used to describe their supply to young people.

What Age Restrictions Apply?

PRODUCT	MINIMUM AGE	PENALTY
CIGARETTES / TOBACCO PRODUCTS 	18 This is not just cigarettes but any product containing tobacco and also any smoking related product such as filters and papers.	£2500 Or you may be given an on the spot Fixed Penalty of £200. A court is also able to impose a Banning Order to prohibit you from selling tobacco products.
ALCOHOL 	18	£5000 You can also have your licence taken away.
FIREWORKS 	18	£5000 You can also get up to 6 months in prison.
PARTY POPPERS, CRACKER SNAPS, NOVELTY MATCHES, THROW DOWNS 	16	£5000 You can also get up to 6 months in prison.
NICOTINE VAPOUR PRODUCTS INCLUDING E-LIQUIDS 	18	£2500 Or you may be given an on the spot Fixed Penalty of £200. A court is also able to impose a Banning Order to prohibit you from selling these products.





PRODUCT	MINIMUM AGE	PENALTY
KNIVES 	18	£5000 You can also get up to 6 months in prison.
BUTANE CIGARETTE LIGHTER REFILLS 	18	£5000 You can also get up to 6 months in prison.
AEROSOL SPRAY PAINTS 	16	£2500
FILM DVDS, VIDEOS & COMPUTER GAMES 	12, 15, 18	£5000 You can also get up to 6 months in prison.
NATIONAL LOTTERY TICKETS 	16	£5000 Camelot may also impose other sanctions such as the removal of the terminal.
PETROL 	16	£20,000 You can also get up to 6 months in prison.

Employers and individual employees may both be prosecuted if an age-restricted product is sold to an underage person.

Aberdeen City Trading Standards Service

Telephone - 03000 200292

Email - tradingstandards@aberdeencity.gov.uk

<http://aberdeen.tradingstandards.uk>



Warning Notices

If you sell certain products you must display warning notices in your premises for customers to see:

If you sell cigarettes, you must display a notice like this where the cigarettes are sold.

(The notice must be at least 297mm x 420mm with lettering at least 36mm high)

**IT IS ILLEGAL TO
SELL TOBACCO
PRODUCTS TO
ANYONE UNDER
THE AGE OF 18**

If you sell fireworks, a notice like this must be prominently displayed.

**IT IS ILLEGAL TO SUPPLY
CATEGORY F2 FIREWORKS OR
CATEGORY F3 FIREWORKS TO
ANYONE UNDER THE AGE OF 18,**

**IT IS ILLEGAL FOR ANYONE
UNDER THE AGE OF 18 TO
POSSESS CATEGORY F2
FIREWORKS OR CATEGORY F3
FIREWORKS IN A PUBLIC PLACE**

If you sell spray paints, you must display a notice like this in a prominent position.

**IT IS ILLEGAL TO SELL
A SPRAY PAINT
DEVICE TO ANYONE
UNDER THE AGE OF 16**



Age verification

There is a legal requirement that your shop has implemented an age verification policy for the sale of cigarettes, tobacco or nicotine vapour products and e-liquids

This policy must be kept in a tangible form at the registered premises and be available for inspection.

It can be difficult to guess how old a person is. Some young people look older than they actually are. It is unreasonable to ask an employee to guess the age of a customer and there can be consequences if they get it wrong. To try and avoid this all retailers must adopt a policy to check customers who look at least 25.

“Think 25” is a policy which helps to deal with the difficulty of assessing a customer’s age. Put simply, if a customer appears to be under 25 they will be asked to prove they are over the legal age to purchase a product; for example, 18 for cigarettes.

Asking for identification at a higher age limit than the legal age for sale of the product, allows for a margin of error and means that you are less likely to make an illegal sale.

“Think 25” works best if customers know about it. A poster advertising the “Think 25” policy is available to download. It should be displayed where salespeople can refer to it when they ask customers for proof of age.

If your customers know you have a “Think 25” policy it makes it easier to ask for identification without causing offence.

Customers should not be asked their age. Always ask to see their identification (ID).

A sample age verification policy is available to download from the trading standards website.

Till Prompts

Many stores have electronic tills and scanning systems which allow till prompts to be set up. Messages are then displayed every time an age-restricted product is scanned and this acts as an extra reminder for the till operators.



REMEMBER IF IN DOUBT REFUSE THE SALE



Proof of Age

If your **“Think 25”** policy and any **till prompts** are used properly, they will lead to requests for the customer to provide some proof of their age.

The only acceptable forms of proof of age are:

- **PASS Accredited Proof of Age Cards** such as the Aberdeen Accord Card. Valid proof of age cards will all feature the “PASS” hologram.
- **UK Photo driving licence.**
Be careful with these as they can be issued when a person is 17 years old.
- **Passport**
- **A Biometric National Identity Card**
- **A National Service Card**

Birth certificates are not an acceptable method of proving a person’s age as they carry no photo and can be passed between friends; neither are Student Union cards.

If a customer becomes angry because you have asked for identification and/or have refused a sale -

- If necessary, call a manager/supervisor for help.
- Do not get involved in an argument.
- Apologise for the inconvenience.
- Explain the legal issue.
- Refer them to the Trading Standards Service. The telephone number is on the front of this “Information Book”, on your “Refusals Book” and on the **“Think 25”** poster.





Beware of Fakes

Fake proof of age and identity cards are readily available through novelty shops and the internet.

Your staff need to be careful when accepting any ID. They will need to check:

- that the photo looks like the person presenting it,
- the date of birth,
- that the proof of age card features the "PASS" hologram, and
- whether there are any signs of alterations having been made such as scratches or cellotape.



A Young Scot National Entitlement Card (NEC) is a free electronic smart card for all young people aged 11 to 26. The card was created by the Scottish Government, Young Scot and local councils including Aberdeen City Council. Most schools issue the cards. They are also available FREE from all local councils.

The cards include a verified date of birth and a photograph of the young person. In addition the Young Scot NEC includes the PASS hologram.

In addition to the Young Scot NEC you may see the following proof of age cards. They are all acceptable because they all have the PASS hologram.

- Citizen Card
- Age Entitlement Card
- ONE-ID4U Card
- Validate UK Card



Training

The most important part in making sure that underage sales do not happen is to ensure that you and your employees are trained properly. Training should be given to all employees whether they are paid or unpaid. Anyone selling age-restricted products need to know about their legal obligations.

Training should cover the following -

- Knowledge of the age limits for the products you sell.
- The consequences of selling a product illegally.
- Practical training on what ID is acceptable, how to check ID and how to refuse a sale.
- How to deal with difficult customers.
- Recording refused sales of age-restricted products in the **Refusal Record Book**.
- Making sure your employees understand how difficult it is to judge a person's age and instructing them to use the **"Think 25"** policy and ask for proof of age.

Training should be updated on a regular basis.

Check that everyone understands the training and monitor that they are following your instructions.

- Do they have the confidence to ask for proof of age?
- Do they have the skills required to refuse a sale?

Keep records of the training and instruction given to employees.

You can use the pages at the back of this booklet to record details of all training. This will allow you to keep a check on who has received training and be able to show that it has been provided.



.Offences relating to Tobacco, Tobacco Products & Smoking Related Materials

- **It is an offence if you sell tobacco, tobacco products or smoking related materials to a person under 18.** Even if they say “they’re for my mum”, it makes no difference, even if it is true. If you are not sure that the customer is over the age of 18, ask for proof of age. If you are still not sure refuse the sale.
- **It is an offence if you sell unpackaged cigarettes.** It is illegal to sell cigarettes which are not contained in a pack of at least 20.
- **It is an offence if you do not display the A3 size Statutory Warning Notice.** (see page 4)
- **It is an offence if you do not register as a Tobacco Retailer with the Scottish Government.** All tobacco retailers must register themselves and all their outlets. It is free and only needs to be done once.
- **It is an offence for those under 18 years old to buy or attempt to buy tobacco products.**
- **It is an offence for anyone aged 18 or over to buy or attempt to buy tobacco products for someone under 18.**
- **It is an offence if you do not have a tangible age verification policy available for inspection.**
- **It is an offence for anyone under the age of 18 to sell tobacco products unless they are authorised to do so by a responsible person**

Tobacco products and smoking related products (in places where tobacco products are offered for sale) must be stored out of public sight except in limited (temporary) circumstances.

Briefly the circumstances allowing you to display tobacco are:

1. Following requests to buy or see tobacco products from a customer (a “requested display” in the legislation), and
2. Incidental displays while staff are actively:
 - assessing stock levels for the purposes of stock control
 - restocking
 - undertaking staff training
 - pricing
 - cleaning the storage unit
 - refurbishing the storage unit
 - refitting the storage unit

These laws are enforced by the Trading Standards Service. Anyone who breaks them could face a fine, prosecution and a criminal record. You may be given a Fixed Penalty Notice for £200.

If there are three infringements of these tobacco laws within a two-year period, a Court can order a retailer to stop selling tobacco from their premises.

Aberdeen City Trading Standards Service

Telephone - 03000 200292

Email - tradingstandards@aberdeencity.gov.uk

<http://aberdeen.tradingstandards.uk>



Tobacco & NVP Prices

The Price Marking Order 2004 states that where goods are offered for retail sale, the selling price must be given to consumers in writing.

You must display the price of all of your tobacco & NVP products.

For Tobacco products there are special rules which specify how the price is displayed

1. Menu Type Display
2. Shelf Edge Labels
3. Prices Available on Request
(please note that this method is not enough on its own to comply with the Price Marking Order 2004)

There are strict rules concerning the size, layout and size of each of these price display methods.

Information on how to display tobacco prices is available to download from the Trading Standards website.

Tobacco Products

- All tobacco products must only be sold in standardised (plain) packaging. These packets are a dark green and 65% of the fronts and back must be covered with health warnings. Price marked packs are not permitted.
- Cigarettes can only be sold in packs which contain a minimum of 20 cigarettes.
- Roll your own tobacco can only be sold in packs with a minimum weight of 30g.
- Flavoured tobacco and cigarettes (other than menthol) must not be sold.



Aberdeen City Trading Standards Service

Telephone - 03000 200292

Email - tradingstandards@aberdeencity.gov.uk

<http://aberdeen.tradingstandards.uk>



Nicotine Vapour Products

The law which regulates the sale of Nicotine Vapour Products including E-Liquids is The Health (Tobacco, Nicotine Etc. and Care) (Scotland) Act 2016.

It defines a Nicotine Vapour Product as -

- a) a device which is intended to enable the inhalation of nicotine-containing vapour by an individual,
- b) a device which is intended to enable the inhalation of other vapour by an individual but is intended to resemble and be operated in a similar way to a device within paragraph (a),
- c) an item which is intended to form part of a device within paragraph (a) or (b),
- d) a substance which is intended to be vaporised by a device within paragraph (a) or (b) (and any item containing such a substance).

Safety of Nicotine Vapour Products

- Nicotine Vapour Products can only be sold in packaging which features a health warning.
- Electronic cigarette refill liquids can only be sold in quantities with a maximum size of 10ml.
- Electronic cigarettes and refill liquids can only be sold if they contain a maximum of 20mg/ml of nicotine (unless they are licenced medicines).
- Disposable Electronic Cigarettes, cartridges and tanks can only be sold if they have a capacity of no more than 2ml.

- It is an offence not to register with the Scottish Government if you are a retailer of Nicotine Vapour Products.
- It is an offence if you sell nicotine vapour products including e-liquids to a person under the age of 18.
- It is an offence to sell refill liquids in cartridges and containers in quantities of over 10ml.
- It is an offence if you sell disposable e-cigarettes, cartridges or tanks with a capacity of over 2ml.
- It is an offence if you sell refill liquids and electronic cigarettes if they contain more than 20mg/ml of nicotine. Only licenced medicines can contain more.
- It is an offence if you do not operate an have a tangible age verification policy available for inspection.
- It is an offence for anyone aged 18 or over to buy or attempt to buy nicotine vapour products for someone under the age of 18.
- It is an offence for anyone under the age of 18 to sell nicotine vapour products without getting the sale authorised by someone over 18.

Aberdeen City Trading Standards Service

Telephone - 03000 200292

Email - tradingstandards@aberdeencity.gov.uk

<http://aberdeen.tradingstandards.uk>



DVDs, Video Games, Videos for sale and hire

- It is an offence to supply, or offer to supply, media containing video recordings (be they DVD, Blu-Ray or any other format), video games, and computer games to any person who has not attained the age specified on the recording.
- It is illegal to supply video recordings, video games, and computer games without the required labelling on them or their case.
- It is illegal to supply an 'R18' video other than from a licensed sex shop.

Remember You Commit an Offence

- If you supply "videos" to someone who is underage, or
- If you supply a "video" which is not correctly labelled, or
- If you supply a R18 "video" unless the supply is from a licensed sex shop.

Spray Paint Sales

- It is illegal to sell a spray paint device to anyone under 16.
- If you are still not sure refuse the sale.
- Make sure the statutory warning notice is displayed and can be seen clearly at all times.

Remember You Commit an Offence

- If you break the law and sell spray paints to a person who is under 16.
- If you do not display the warning notice so it can be easily seen (see page 4)



Firework Sales

- It is an offence to sell fireworks to anyone under 18. If you are not sure that the customer is over the age of 18, ask for proof of age. If you are still not sure, refuse the sale.
- It is an offence to sell caps, party poppers, throw-downs, category 1 sparklers, etc. to anyone under 16.
- You must be licensed with Trading Standards to keep fireworks.
- Fireworks must not be sold separately if they are intended to be sold together as a pack.
- Make sure you display the required statutory warning notice and ensure that it can always be seen clearly
- Fireworks intended for sale to the public must comply with the safety standard for fireworks BS EN 15947 and be CE marked.

Remember You Commit an Offence

- If you sell fireworks to someone under 18 years of age.
- If you sell caps, party poppers, throw-downs, novelty matches etc. to anyone under 16.
- If you do not display the warning notice so it can be easily seen (see page 4).



What Happens Now?

You must have an age verification policy at your shop if you sell Alcohol, Tobacco or Nicotine Vapour Products.

It is important that you have a written set of business policies. These policies should include all of the actions that your business takes to avoid the sale of restricted products to underage customers.

You can incorporate your age verification policy into these written policies.

Your business policies should also include your procedures for the following –

- **Staff Training –**
Each member of staff should have their own training record. It is vitally important that you keep records of the training your staff undertake. The records should be signed by the employee after every training session.
- **Your Refusal Register/System –**
It is important that all your staff record every occasion that they refuse a sale for failure to provide valid identification or under the suspicion the product was being bought as part of a proxy purchase.

Due Dilligence

It is a defence for a person charged with an offence of selling tobacco or Nicotine Vapour Products to someone under 18 to prove that the person or any employee took all reasonable precautions and exercised all due diligence to prevent the offence being committed.

Written business policies; which include your age verification policy, completed training and up to date refusal records may demonstrate that you and your employees have taken all reasonable precautions and exercised due diligence to avoid the sale of tobacco or Nicotine Vapour Products to anyone under the age of 18.





Aberdeen City Trading Standards Service

Telephone - 03000 200292

Email - tradingstandards@aberdeencity.gov.uk

<http://aberdeen.tradingstandards.uk>

