

# Tobacco Advertising at the Point of Sale

## *A Guide for Specialist Tobacconists*



This guide has been prepared to assist specialist tobacconists to meet the requirements of the Tobacco Advertising and Promotion (Specialist Tobacconists) Regulations, and the Tobacco Advertising and Promotion (Point of Sale) Regulations. It is not an exhaustive document, but does try to cover most aspects of the Regulations. In particular, advice is given on:-

- The definition of a specialist tobacconist
- The type of advertising permitted for different types of tobacco products
- Requirements to give necessary health warnings and health information
- The meaning of 'point of sale'
- Where to get further information

The Regulations, made under the Tobacco Advertising and Promotion Act 2002, come into force on 21<sup>st</sup> December 2004.



This is one of a series of leaflets prepared by the Wales Heads of Trading Standards Group. For details of other leaflets in the series, please contact your local Trading Standards Department - contact details are provided at the end of this leaflet.

## What is a Specialist Tobacconist?

A specialist tobacconist is a shop selling tobacco products by retail, where more than 50% of sales on the premises are of cigars, snuff, pipe tobacco and smoking accessories, such as pipes, lighters and papers.

Separate requirements apply to retailers selling tobacco products as part of a more general business – please refer to the leaflet PSG/8. The same leaflet explains how the law applies to tobacco vending machines.

## What advertising can specialist tobacconists display?

The type of advertisement that can be displayed depends upon the product being advertised, as explained below.

### Adverts for products other than cigarettes or hand-rolling tobacco

At specialist tobacconists, any number of tobacco advertisements are permitted for products **other than cigarettes or hand rolling tobacco**, provided that:-

1. Each advertisement is in, or fixed to the outside of the specialist tobacconist premises
2. Each advertisement includes an area in which the following is displayed, parallel to the floor:-

- The health information ‘ **NHS Smoking Helpline 0800 169 0 169**’
- Where the advertisement is for smoking tobacco, the health warning ‘**Smoking kills**’, or **Smoking seriously harms you and others around you**’
- In the case of other advertisements, the health warning ‘**Tobacco products can damage your health and are addictive**’.

The above health warning and information must cover an area of at least 22.5cm<sup>2</sup>, where the total area of the advertisement is greater than 75cm<sup>2</sup>, otherwise it must cover an area at least 30% of the advertisement, and be:-

- Indelible, legible, and irremovably printed on the advertisement, or affixed by a permanent sticker
- Printed in black Helvetica bold type on a white background. (*This leaflet has been printed in Helvetica type*)
- Centred in the area in which it is printed
- In the same font size throughout, large enough to ensure that the text occupies the greatest possible proportion of the required surface area, and
- Surrounded by a black border between 3mm and 4mm in width, which does not interfere with the text.

## Advertisements for cigarettes or hand-rolling tobacco

In respect of the advertising of **cigarettes or hand-rolling tobacco**, specialist tobacconists must comply with the same rules as general retailers of tobacco products, i.e., the Tobacco Advertising and Promotion (Point of Sale) Regulations. Thus only one advertisement is permitted on the premises, and this must be at the point of sale. The advertisement is restricted in size to A5 (i.e. 148mm x 210mm, or half the size of this leaflet). The advertisement must be in a two-dimensional format, and may comprise a single advert, or more than one, provided that the total surface area does not exceed A5 size.

The advertisement for cigarettes or hand-rolling tobacco **must include** the following, to comprise not less than *30% of the total surface area of the advertisement*:-

- The health warning '**Smoking kills**', or
- The health warning '**Smoking seriously harms you and others around you**', and
- The health information '**NHS Smoking Helpline 0800 1690169**'

The above health warning and information must be:-

- Indelible, legible, and irremovably printed on the advertisement
- Printed in black Helvetica bold type on a white background
- Centred in the area in which it is printed
- In the same font size throughout, large enough to ensure that the text occupies the greatest possible proportion of the 30% surface area required, and
- Surrounded by a black border between 3mm and 4mm in width, which does not interfere with the text.

The advertisement **may also include**:-

- The name, emblem or other feature of the tobacco product being advertised, for example a symbol, motto, print, colour, picture or artwork associated with the identity of the product
- The price of a packet of the product advertised, and the size of the packet to which the price relates

## Are there any other restrictions?

Yes. Advertisements for cigarettes or hand rolling tobacco are prohibited outright if they are displayed electronically on a screen or are lit by flashing lights, or if they contain an image or background that moves or changes colour.

## What is the point of sale?

As outlined above, an advertisement for **cigarettes or hand rolling tobacco** can only be displayed at the point of sale. This is defined as a point within any fixed or moveable premises at which a gantry or display unit is fixed.

Remember that if there is more than one point of sale on the premises, then the advertisement can only be displayed at one of them. However, if the premises are occupied by more than one business, then each business within the premises may have one point of sale.

## Getting it Right

It is essential that all tobacco advertising be removed from the premises if it is no longer permitted. Failure to comply with the above requirements is a criminal offence carrying maximum penalties of a £5000 fine, or six months imprisonment, or both.

Only limited defences are available to the retailer, for example, he may seek to prove that he did not know, and had no reason to expect that the purpose of an advertisement was to promote a tobacco product.

## Where Can I get More Information?

- The Trading Standards Service of your local council should be able to help with most of your queries. Contact details are given below:

**TORFAEN  
COUNTY  
BOROUGH**  **BWRDEISTREF  
SIROL  
TORFAEN**

**Trading Standards**  
Torfaen County Borough Council  
County Hall  
Cwmbran NP44 2WN  
[trading.standards@torfaen.gov.uk](mailto:trading.standards@torfaen.gov.uk)  
tel: 01633 648384