



## SCOT - The Scottish Coalition on Tobacco response to the Tobacco and Primary Medical Services (Scotland) Act 2010 Consultation on Tobacco Draft Regulations

### Introduction

The Scottish Coalition on Tobacco (SCOT) is a dynamic coalition of partners which campaigns on all matters related to tobacco and health. Members aim to further reduce the harm caused by tobacco in Scotland and to campaign for better tobacco control.

We welcome the opportunity to respond to this consultation. SCOT strongly supported the Tobacco and Primary Medical Services (Scotland) Bill and worked hard to strengthen the measures to reduce the attractiveness and availability of tobacco to young people as the Bill progressed through the Scottish Parliament.

We firmly believe that the regulations and any ensuing guidance must directly underpin the Act's public health objectives. We welcome the Scottish Government's leadership in this. We support the draft regulations, subject to a number of comments below which we believe would strengthen the regulations' contribution to public health.

Many individual SCOT members will respond to this consultation directly in more detail. This response will focus on maximising the public health impact of the regulations.

### 1. Display of Tobacco and Prices Regulations: Display of Tobacco

#### ***1.1. Do you agree that tobacco retailers should be allowed to implement the Act by displaying tobacco and smoking related products in the way set out in the regulations?***

We strongly support these regulations. Tobacco remains the largest single cause of death and ill-health in Scotland, causing nearly 13,500 deaths each year<sup>i</sup>. These early deaths are preventable - progress can be made in reducing the toll smoking takes in Scotland by encouraging existing smokers to quit and preventing the 15,000 young people in Scotland who start each year<sup>ii</sup> from taking it up in the first place.

There is robust evidence to demonstrate that large and elaborate tobacco gantries are a form of tobacco promotion and that prohibiting them will reduce recruitment to smoking while helping existing smokers to cut down and quit<sup>iii</sup>.

These robust regulations will effectively limit the visibility and availability to children of this lethal product in Scotland's shops and must not be weakened.

***1.2. Do you agree that specialist tobacconists, cash and carries and duty free shops should be allowed to implement the Act by displaying and advertising tobacco products and smoking related products in the way set out in the regulations?***

SCOT believes that bulk and duty-free tobacconists should be required to comply with the same regulations as other tobacco retailers and calls for the removal of 4.(1)(c). If this exemption is maintained, there is a risk customers may have to pass through the areas selling tobacco to reach other goods. Therefore, if the exemption is maintained, SCOT would ask the regulation is amended to require that shop layout or design does not require customers to pass through the area where tobacco products are displayed, and that the tobacco area is subject to age restriction and verification on entrance.

***1.3 Do you agree that these proposed regulations set out an effective, proportionate and workable approach?***

Yes. We also believe that the timetable contained in the draft regulations allows sufficient time for both large and small retailers to adapt to the changes in law, and should be maintained.

***1.4 Do you believe that these regulations are enforceable?***

Historically, the tobacco industry has exploited any room for manoeuvre given to it in regulation. To avoid loopholes in tobacco display ban legislation, as seen in other countries such as Ireland, it is important that the regulations are as tight as possible and supported by effective guidance. The suggested area of allowable display (set at approximately the size of one tobacco product) should be maintained; as should the stipulation that displays in specialist tobacconists should not be visible from outside the premises. Abuse of any loopholes should be avoided through strong guidance and enforcement.

## **2. DISPLAY OF TOBACCO AND PRICES REGULATIONS: DISPLAY OF PRICES**

***2.1. Do you agree that tobacco retailers should implement the Act by being allowed to display price lists for tobacco and smoking related products in the way set out in the regulations?***

While price lists in some form are necessary, only one list per tobacco area is required. On-request price lists should only be available to over-18s.

## **3. REGULATION OF MOVEABLE STRUCTURES AND FIXED PENALTY NOTICES**

***3.1. Do you agree that retailers selling tobacco from a moveable structure should provide the information set out in the regulations to register for the tobacco sales registration scheme?***

SCOT supports these regulations. Retailers who sell tobacco from moveable structures should provide information for registration and enforcement as is the case with other retailers. It is unclear why vessels are omitted – it is preferable that they are included in the regulations from the beginning, to avoid possible loopholes.

## 4. REGISTER OF TOBACCO RETAILERS REGULATIONS

### ***4.1. Do you agree that retailers selling tobacco should provide the information set out in the regulations to register for the tobacco sales registration scheme?***

We support these regulations. Retailers will be able to register quickly and at no cost, and the register will significantly improve information available to enforcement officers.

## 5. PRESCRIBED DOCUMENTS REGULATIONS

### ***5.1. Do you agree with the identity cards set out in these regulations?***

We support these regulations. The Young Scot card is PASS approved and is freely available to all young people in Scotland.

## 6. DISPLAY OF WARNING STATEMENT REGULATIONS

### ***6.1. Do you agree with the dimensions of the warning statement as set out in the regulations?***

We support these regulations which re-state the existing requirements.

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<sup>i</sup> Health Scotland, ISD Scotland and ASH Scotland. An atlas of tobacco smoking in Scotland: A report presenting estimated smoking prevalence and smoking-attributable deaths within Scotland. [Online]. NHS Scotland/Scottish Public Health Observatory. 2007. Available from: <http://www.scotpho.org.uk/nmsruntime/saveasdialog.asp?IID=3907&SID=3256> [Accessed 1 June 2010]

<sup>ii</sup> Taulbut, M. Gordon, D and McKenzie, K. Tobacco smoking in Scotland: an epidemiology briefing. [Online]. Edinburgh: NHS Health Scotland and Scottish Public Health Observatory. 2008. Available from:

<http://www.scotpho.org.uk/nmsruntime/saveasdialog.asp?IID=4210&SID=3590> [Accessed 1 June 2010]

<sup>iii</sup> Hastings G, MacKintosh AM, Holme I, Davies K, Angus K, Moodie C. *Point of Sale Display of Tobacco Products*. Centre for Tobacco Control Research [online]. August 2008. Available from:

[http://info.cancerresearchuk.org/prod\\_consump/groups/cr\\_common/@nre/@pol/documents/generalcontent/crukmg\\_100ast-3338.pdf](http://info.cancerresearchuk.org/prod_consump/groups/cr_common/@nre/@pol/documents/generalcontent/crukmg_100ast-3338.pdf) [Accessed 1 June 2010]