



Q & A on the Tobacco Bill

The Tobacco and Primary Medical Services Bill is currently under consideration in the Scottish Parliament. It aims to prevent young people smoking by reducing the availability and visibility of cigarettes to children. The bill would introduce four key measures:

1. Banning the display of cigarettes at point of sale
2. Banning cigarette vending machines
3. Creating a register for tobacco retailers
4. Introducing stricter sanctions against retailers.

ASH Scotland recognises that many retailers are uneasy about some of the changes to the way that tobacco will be sold. We know that retailers haven't yet heard the whole story about what these changes will mean.

ASH Scotland believes that there are opportunities for retailers in removing displays. Space will be freed up to promote and sell other products rather than one that causes such harm. With smoking rates in decline, this could be a great opportunity for retailers to prepare for a much healthier future.

Tobacco remains Scotland's biggest killer with 24% of all deaths due to smoking. It costs the NHS in Scotland more than £409 million every year to treat smoking related diseases, it costs the Scottish economy £837 million, and the social cost of dealing with a preventable early death and illnesses is immeasurable. We hope this Q&A will help even out the debate which has led some shopkeepers to be worried about proposals which could ultimately benefit the health of Scotland's future generations – something we can all support.

Here we have provided ten questions and answers on issues that have come up during the debate on the tobacco bill:

[Q1. What evidence do you have to show that removing tobacco displays will reduce youth smoking?](#)

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Q1. What evidence do you have to show that removing tobacco displays will reduce youth smoking?

A. There is compelling research evidence that shows young people are highly impressionable and disproportionately influenced by tobacco displays, that these displays promote smoking to children and young people, and are a factor in young people experimenting with cigarettes. We have evidence from countries that have introduced similar policies that it can help to reduce youth smoking when used within a package of measures.

The highly addictive nature of tobacco, while not being responsible for the first cigarette that a smoker tries, does lead many young people who experiment with smoking to become addicted. A child who starts smoking at age 14 or younger is fifteen times more likely to die of lung cancer than someone who never smokes.

Q2. As tobacco sales are a driver of footfall, won't these measures restrict business?

A. 90% of smokers know exactly what brand they want before they even enter the shop, so footfall should not be affected. Smokers over 18 will still be able to purchase cigarettes and retailers to sell tobacco products, they will just have to be stored out of sight. From the retailer's point of view, it is the availability, not the display of the product that matters. Tobacco products also offer less profit for the retailer when compared to other items which offer a higher mark-up and could fill the display space.

Q3. What about other countries that have seen shop closures?

A. There is no evidence that removing cigarette displays has led to shop closures or that retailers have suffered disproportionate economic harm. Canada has introduced a display ban and bankruptcy figures show no increased reported closing of shops as a result. In a 2009 economic study, the Canada Convenience Stores Association (CCSA) made no mention of the tobacco display ban, either as a significant impact on the sector or as a contributing factor to shop closures. In addition, Canada's largest convenience store operator reported a 41% increase in profits last year.

Q4. What backing do the Tobacco Bill measures have from the public?

A. There have been several opinion polls carried out and they all show strong majority support for the policies. There is no doubt that the public would like to see children protected from the harms of smoking.

A YouGov plc opinion poll carried out across Scotland in March this year found removing retail displays of tobacco was supported by 57% of those surveyed (with 21% opposing, and 23% neither supporting nor opposing or undecided); the possession of a valid licence as a prerequisite to selling tobacco was supported by 89% of those surveyed (with 4% opposing, and 7% neither supporting nor opposing or undecided); and the suspension of a licence for more than one offence was supported by 86% of those surveyed (with 5% opposing, and 9% neither supporting nor opposing or undecided).

Q5. What about the expense and trouble removing displays will cause?

A. Removing displays is a health measure. The cost to health, lives and the NHS must be weighed up against the one-off costs of removing displays and introducing new storage. The change to point of sale displays will not be introduced until 2013 for small retailers to allow for a long lead-in time that could be planned into general redesign and maintenance plans.

Removing these displays will give retailers an opportunity to free up the prime space that takes pride of place in every shop, and rent it out to other companies who want to promote their products. In addition, removing the gantries means that retailers will not have equity tied up in a large stock which is needed to fill a gantry but can have the stock they need for their customers in a new storage solution that is most suitable for their shop.

There are many solutions for cigarette storage from simple drawers, cabinets, and overhead hangers to retail automated machines. These mean that retailers do not have to turn their back on customers when getting their cigarettes and in some cases can serve their customers quicker.

In Ireland the Act to introduce a tobacco display ban was passed in 2004, and it was announced in July 2008 that the display ban would come into force on 1 July 2009. Now, the most common form of tobacco product display in Ireland is the Retail Vending Machine (RVM). By 2008 over two thirds of Irish retailers had installed these automated tobacco dispensers, with support from the tobacco industry. The RVMs had advertising fascias which were then replaced with opaque inserts – supplied by tobacco manufacturers - to comply with the display ban legislation which came into force on 1 July.

Q6. Won't removing cigarettes from view mean it is easier for counterfeit or smuggled cigarettes to be mixed in with legal duty paid products?

A. There is no evidence to show that this would happen. Trading standards officials who will carry out the enforcement have said a ban on displays will not hamper their checks for illicit tobacco products.

ASH Scotland does not believe that the majority of retailers who are responsibly and legally selling tobacco will suddenly decide to become criminals and start selling illegal products just because cigarettes are put out of sight.

Q7. Will a ban lead to increased smuggled tobacco and displace smokers from legitimate outlets to illegal ones?

A. Again, there is no evidence to suggest people will start to buy from illegal outlets. A customer who currently buys the same brand of cigarettes from their local shop on the way to work every day, for example, has usually decided to buy that brand before they even enter the shop. Their cigarettes will still be available. A display ban is about stopping advertising to young people not stopping adult smokers buying tobacco or shops selling it.

ASH Scotland believes that the supply of illicit tobacco is a serious criminal activity that must be tackled appropriately. We have called for both Trading Standards and

HMRC to have adequate resources to do so. The new bill brings in large fines for unregistered sellers, aimed at clamping down on smuggled tobacco.

Q8. Why do we need a register for selling tobacco?

A. A tobacco register will mean that all outlets selling tobacco, from large supermarkets to small mobile shops, will be registered and be on an even playing field for the first time.

Earlier this year the Scottish Government launched its Enhanced Tobacco Sales Enforcement Programme which aims to cut the number of retailers prepared to sell cigarettes to under 18s by 50% by 2011. Under this scheme, each year, at least 10% of retailers will be subject to test purchasing and at least 20% will receive a visit from trading standards officers to offer help and advice. This extra activity will crack down on those selling tobacco illegally and therefore protect responsible law-abiding retailers. This is why effective and regular enforcement of the law is vital for this bill to succeed. It is also important that there is a register for trading standards to know where tobacco retailers are located so they are able to offer information, advice, and support.

Q9. Why do we need new penalties for those who break the law?

A. For the first time, irresponsible retailers will face clear and immediate penalties including Fixed Penalty Notices and Banning Orders when are found by trading standards officer to be selling tobacco to under-18s. At present the only route for enforcement officers is through the costly and time consuming court system which has led to very few prosecutions. The new penalties will give enforcement officers new tools to enforce existing tobacco sales law and act as a deterrent to those who sell to underage people.

If a retailer is consistently found to be selling to under-18s then they can be banned from selling tobacco for a period of time. Responsible retailers who do not sell to under-18s will benefit from this crackdown on rogue retailers.

Q10. Should there be a law to outlaw the proxy purchase of tobacco?

A. Buying cigarettes from shops is still the main source for 15 year old smokers and this must be tackled. ASH Scotland is not opposed to proxy purchase being made illegal as part of a package of measures to restrict the availability and visibility of cigarettes to young people.