

December 2009

Cancer Research UK response to the consultation on proposed tobacco control regulations for England (under the Health Bill 2009)

Displays of tobacco products

1. Do you believe that these proposed regulations set out an effective and workable approach to removing the display of tobacco products?

Overall, Cancer Research UK considers that the proposed regulations broadly set out an effective and workable approach to removing the display of tobacco products. As a health charity we do not feel best placed to comment on the specifics of implementation, but we are aware that regulations developed in other jurisdictions go further.

We strongly support the implementation of cost effective solutions which ensure that tobacco products (and accessories) are displayed as little as possible, including when they are being stored, moved, restocked and served to the customer and that the use of price lists is restricted as far as possible to minimise tobacco promotion whilst ensuring that current smokers have the information they need.

In order to support the spirit of the law as far as possible in line with the above, please find below a few areas where we believe the regulations could be strengthened; made more effective and easier to enforce.

2. Do you believe that the proposed regulations are comprehensive and cover all types of sales of tobacco?

Cancer Research UK would like the Government to strongly consider extending the regulations to include smoking accessories such as cigarette papers, filters and lighters. Many manufacturers of smoking accessories have links to tobacco companies. There are various examples of accessory marketing campaigns, competitions and sponsorships particularly aimed at young people, which would strongly seem to be trying to create a positive image of smoking (Hastings et. al (2008) Point of Sale Display of Tobacco Products, The Centre for Tobacco Control Research, University of Stirling). Accessory marketing is not covered in the 2002 Tobacco Advertising and Promotion Act and there is the potential for accessories to be further used as a promotional vehicle. The 'roll your own' tobacco sector continues to show growth in sales and therefore the promotion of cigarette papers is particularly worrying.

3. Do you believe that these proposed regulations are proportionate and avoid imposing unnecessary burdens on businesses to achieve removing the display of tobacco products?

Evidence from those jurisdictions that have already introduced display bans suggests that the implementation burden to retailers can be kept minimal. International experience shows that low cost solutions to re-fit retailer displays are possible and the lead-in time of 2011 for large retailers and 2013 for smaller retailers will also ensure they have the opportunity to prepare and adjust to the proposals.

4. Do you believe that these proposed regulations are enforceable?

As a health charity, we do not feel best placed to comment on whether these regulations are enforceable and we would defer to those within trading standards and local authorities. However, we have highlighted areas in this response where we think the regulations could be tightened, which would help with effective enforcement.

Enforcement should also be supported by appropriate and well resourced communications campaigns to retailers.

5. Do you agree that having separate tobacco display areas is an effective and workable approach for retailers of bulk tobacco products?

Cancer Research UK would like to see the regulations tightened further for retailers of bulk tobacco products in line with the draft Scottish regulations. In the draft Scottish regulations duty free shops and wholesalers are required to have a separate tobacco area that is continually manned and that customers would have to request to enter. Tighter regulations are necessary as many sellers of bulk produce are accessed by families, including "cash and carry" and "duty free" outlets. Also, under the current proposals customers are able to pass through separate tobacco areas to get to other areas of the store, which could create "tobacco corridors."

6. Do you have any other comments on the proposed regulations?

We would also recommend that the regulations prohibit the use of any device which gives added prominence to products in storage units including lighting, sound, colour or motion.

Regulating display of prices of tobacco products

7. Do you believe that these proposed regulations set out an effective and workable approach to making information available for customers and staff, without creating avenues for promotion?

We recommend that the requirements for the design of price lists are simplified as much as possible and standardised for both types of price list and the price labels, to avoid confusion and to make it as easy as possible for retailers to comply. As the regulations stand, there may be opportunities for product promotion.

The use of the phrase "advertising on storage units" in section 1.10 should be changed to "price labels for storage units". "Advertising" implies that the labels could be used to promote particular products rather than just indicating where they are kept. This wording is also inconsistent with wording later in the document, where it says, "price labels for storage units". The wording should be changed to avoid confusion and to ensure there is no opportunity for product promotion.

We believe that there should only be one single price list per store on display and an illustrated version only on request. As the regulations currently stand, a price list can be displayed at each till where tobacco products are sold. Cancer Research UK would be concerned if shops were allowed to have multiple price lists and signs denoting that tobacco is sold around the store. This would give young people the impression that tobacco products are easily available and that smoking is 'normal' behaviour. 90% of adult smokers know what brand of cigarette they will buy before entering a shop, therefore only a small amount of information on what products are sold is needed.

8. Do you have any comments on the proposed requirements for the design of price lists?

We recommend that the requirements for the design of price lists are simplified as much as possible and standardised for both types of price list and the price labels, to avoid confusion and to make it as easy as possible for retailers to comply.

9. Do you believe that the proposed sizes and allowable features of labels on storage units will meet the need for the efficient operation of shops?

We do not feel best placed to comment on specifics regarding the operation of shops, but as the regulations stand it is unclear whether the price labels should be on the inside or outside of display cabinets. We strongly recommend that labels are inside or under storage units and cannot be used as a form of promotion.

10. Do you believe that these proposed regulations are enforceable?

We are not best placed to comment on enforcement of the regulations, but we believe that it will be easier for retailers to comply if the requirements on price lists are simpler, as detailed above.

11. Do you have any other comments on the proposed regulations?

No.

Specialist tobacconists

12. Do you believe that specialist tobacconists should be allowed to display and advertise tobacco products in the ways set out in the proposed regulations, given the nature of their business?

It would be desirable that specialist tobacconists are not exempt from the regulations given that they are not age restricted premises. However, as the regulations stand, it is essential that their displays of tobacco are not seen from outside of the shop.

13. Do you believe that these proposed regulations set out an effective and workable approach for specialist tobacconists?

The proposed regulations set out a reasonable and workable approach for specialist tobacconists, however ideally we would like them to comply fully with the regulations and to have to remove tobacco products from display.

14. Do you believe that these proposed regulations are enforceable?

Again, we are not best placed to comment on this area but we consider these regulations to be enforceable.

15. Do you have any other comments on the proposed regulations?

No.

Limited children's access to tobacco vending machines

16. Do you believe that these proposed regulations set out an effective and workable approach to reducing under-age sales of tobacco from vending machines?

Please see separate consultation response.