



BARNSELY

Metropolitan Borough Council

Guidance for Vape shops and premises selling E-cigarettes and E-liquids.

Primary Legislation

Tobacco and Related products Regulations 2016

Classification, Labelling and Packaging of Chemicals Regulations 2017

General Product Safety Regulations 2005

E-cigarettes

This covers single use e-cigarettes that contain nicotine and Refillable e-cigarettes.

Tank size no greater than 2ml in capacity

Packaging must be labelled correctly with **“This product contains Nicotine, which is an addictive substance”** covering 1/3 of the two largest surface areas.

Single use products must not have a strength greater than 20mg/ml and carry the appropriate safety Warnings for the strength of the nicotine product.

The Container or box should state the name and address of the manufacturer/importer of the product within the EU/UK for tractability, there should be an identifier to identify where the product was made and identify the batch from which the product comes

E-liquids containing nicotine

These must not be in containers larger than 10ml, multiple packages of 10ml containers are permitted

The outer packaging and bottle must have the health warning **“This product contains nicotine which is an addictive substance”** on the two largest surfaces covering a 1/3 of that surface area, or if a circular container is repeated twice in a continuous band covering 1/3 of the surface area.

The bottle/container must have a tactile warning attached to it, this must be on the side of the product no more than 50 mm from the base of the bottle, and the tactile warning is not permitted to be on the lid of the bottle.

The container must have the appropriate instructions for safe use and filling of the e-cigarette and be fitted with an appropriate cap that will fit into the e-cigarette and control the rate at which the liquid is dispensed.

The container/box must also have the appropriate safety warnings for the strength of nicotine it contains.

The e-liquid must not contain a colour, vitamins or banned substances such as caffeine and Taurine.

The ingredients must be listed in descending order of quantity using the correct INCI names.

The product must be marked with a batch number and expiry date clearly on the bottle/ container.



BARNSLEY

Metropolitan Borough Council

The Container and bottle should state the name and address of the manufacturer/importer of the product within the EU/UK for tractability

The lid/cap must be child resistant

Nicotine Shots

These must have the tactile warning as above, the correct safety warning with regard to the strength of the product.

They must have the require warning statement and even though they are designed to be added to a short fill bottle they should be no larger than 10 ml in size, no stronger than 20mg/ml and have a dripper that complies with the regulations as mentioned above

The ingredients should be listed in descending order using the INCI names

The product must be marked with a batch number and expiry date clearly on the bottle/ container

The Container and bottle should state the name and address of the manufacturer/importer of the product within the EU/UK for tractability

No Colours are permitted

The lid/cap must be child resistant.

Short fills

The products, although not caught by the Tobacco and Related Products regulations, are caught by the Classification, Labelling and Packaging regulations and the Product Safety regulations.

Therefore they must comply in the following way

They must have a child resistant lid on the container

They must be marked with the ingredients list in descending order using INCI names

The product must be marked with a batch number and expiry date clearly on the bottle/ container

The Container and bottle should state the name and address of the manufacturer/importer of the product within the EU/UK for traceability

CBD Products

The Container and bottle should state the name and address of the manufacturer/importer of the product within the EU/UK for traceability

Must have a THC content of 02% or lower.

Packaging must be child resistant.

Must be marked with the appropriate warnings and instructions for the specific product type.

Must not have any medical claims or information on any packaging, leaflets or brochures. No verbal claims or information can be made. (These would make the product a medicine under the control of MHRA and would require it to be licenced and only sold from pharmacies)



BARNSELEY

Metropolitan Borough Council

Modifiers

These products will require the health warnings displayed on the two largest areas of the packaging, they are not like-for like replacement parts for the original product. They would modify/personalise the product.

So these would include variant wicks, coils, tanks but not batteries.

They should state the name and address of the manufacturer/importer of the product within the EU/UK for tractability; this is a safety requirement. They should also have a batch identifier on the product.

The supply of bulb tanks or small coils with an e-cigarette would be seen as the supply of a tank larger than 2ml.

Aftersales accessories that the consumer fits themselves are still caught by this legislation.

Replacement parts

These parts are a like for like replacement for parts of an e-cigarette whether from the original manufacturer or after-market part, they must be marked with the name and address of the producer and a batch identifier, but do not need the health warning, these are safety requirements re traceability.

Squonk Boxes

Due to the requirement for the tank on a device to be no larger than 2ml, squonk boxes have been made illegal if supplied with the squonk bottle. The supply of squonk bottles with a Squonk device would be the supply of an e-cigarette with a tank of over 2ml.

Chargers

All chargers must comply with the UK plugs and sockets requirements and must be of UK three pin design. They must also be electrically safe and CE marked, with the name and address of Manufacturer and EU/UK representative if different.

Age restricted sales

All e-cigarettes, E-liquids and e-cigarette parts and CBD products are age restricted and **must not** be sold to persons under the age of 18.

It is advisable for premises to operate a challenge 21 or preferably a Think 25 policy to ensure staff are carrying out checks that customers who look this age or lower are asked to provide I.D. to prove they are over the age of 18. This would form part of the business due diligence system.

The proxy purchasing of these products is also an offence, although the offence is committed by the buyer and not the seller, please be aware if young people are loitering outside or nearby the premises they may ask an adult to buy for them.

Other issues

Please ensure that you price the items clearly in your premises, this could be via a physical or electronic catalogue accessible by customers or pricing on items or the display shelving.



BARNSLEY

Metropolitan Borough Council

There is a requirement that a business correctly identify the legal entity that customers are purchasing from, and where any communication can be sent. This could be done by a notice within the shop premises or on any receipts provided as long as the details are clear, legible and correct.

Further guidance can be found on the following link

<https://www.businesscompanion.info/en/quick-guides/underage-sales/tobacco-and-nicotine-inhaling-products>

Or from your trade association.

This advice is provided as guidance for businesses by Barnsley MBC , this guidance may change if there are changes in the legislation, It is not designed to be a replacement for professional advice; only the courts can give an authoritative interpretation of the law.

Businesses trading in the Barnsley area can seek further advice on tobacco products by emailing tradingstandards@barnsley.gov.uk or telephoning 01226 773743.