

CONSULTATION QUESTIONS

Age restriction for e-cigarettes

1. Should the minimum age of sale for e-cigarette devices, refills (e-liquids) be set at 18?

Yes x ☐ No ☐

2. Should age of sale regulations apply to:

a. only e-cigarette devices and refills (e-liquids) that contain nicotine or are capable of containing nicotine, or

b. all devices / refills (e-liquids) regardless of whether they contain or are capable of containing nicotine?

a ☐ b x ☐

3. Whom should the offence apply to:

a. the retailer selling the e-cigarette

a ☐

b. the young person attempting to purchase the e-cigarette

b ☐

c. both

c x ☐

4. Should sales of e-cigarettes devices and refills (e-liquids) from self-service vending machines be banned?

Yes ☐ No x ☐ Have age verification like in Ireland and Spain

5. Should a restriction be in place for other e-cigarette accessories?

Yes ☐ No x ☐

6. If you answered “yes” to question 5, which products should have restrictions applied to them?

NA

Proxy purchase for e-cigarettes

7. Should the Scottish Government introduce legislation to make it an offence to proxy purchase e-cigarettes?

Yes X ☐ No ☐

Domestic advertising and promotion of e-cigarettes

8. Should young people and adult non-smokers be protected from any form of advertising and promotion of e-cigarettes?

Yes ☐ No x ☐ Place over 18's on media.

9. In addition to the regulations that will be introduced by the Tobacco Products Directive do you believe that the Scottish Government should take further steps to regulate domestic advertising and promotion of e-cigarettes?

Yes ☐ No x ☐

10. If you believe that regulations are required, what types of domestic advertising and promotion should be regulated?

- | | |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------|
| a. Bill boards | a <input type="checkbox"/> |
| b. Leafleting | b <input type="checkbox"/> |
| c. Brand-stretching (the process of using an existing brand name for new products or services that may not seem related) | c <input type="checkbox"/> |
| d. Free distribution (marketing a product by giving it away free) | d <input type="checkbox"/> |
| e. Nominal pricing (marketing a product by selling at a low price) | e <input type="checkbox"/> |
| f. Point of sale advertising (advertising for products and services at the places where they were bought) | f <input type="checkbox"/> |
| g. Events sponsorship with a domestic setting | g <input type="checkbox"/> |

11. If you believe that domestic advertising and promotion should be regulated, what, if any, exemptions should apply?

None

12. Are you aware of any information or evidence that you think the Scottish Government should consider in relation to regulating domestic advertising in relation to impacts on children and adults (including smokers and non-smokers)?

no

13. Are you aware of any information or evidence that you think the Scottish Government should consider in relation to regulating domestic advertising in relation to impacts on business, including retailers, distributors and manufacturers?

Comments

Inclusion of electronic cigarettes on the Scottish Tobacco Retailer Register

14. Do you agree that retailers selling e-cigarettes and refills should be required to register on the Scottish Tobacco Retailers Register?

Yes x ☒ No ☐

15. Do you agree that the offences and penalties should reflect those already in place for the Scottish Tobacco Retailers Register?

Yes x ☐ No ☐

16. If you answered 'no', to question 15, what offences and penalties should be applied?

na

E-cigarettes – use in enclosed public spaces

17. Do you believe that the Scottish Government should take action on the use of e-cigarettes in enclosed public spaces?

Yes ☐ No x ☒

18. If you answered 'yes' to Question 17, what action do you think the Scottish Government should take and what are your reasons for this?

NA

19. If you answered, 'no' to Question 17, please give reasons for your answer.

NA

20. Are you aware of any evidence, relevant to the used of e-cigarettes in enclosed spaces, that you think the Scottish Government should consider?

Product is for and targeted at ADULT consumers over 18. There is NO evidence that vapour contains the dangers tobacco smoke emits

Smoking in cars carrying children aged under 18

21. Do you agree that it should be an offence for an adult to smoke in a vehicle carrying someone under the age of 18? (Assuming you are referring to just tobacco smoking not vaping)

Yes x ☒ No ☐

22. Do you agree that the offence should only apply to adults aged 18 and over?

Yes x ☐ No ☐

23. If you answered 'no' to Question 22, to whom should the offence apply?

Comments

24. Do you agree that Police Scotland should enforce this measure?

Yes x ☐ No ☐

25. If you answered 'no' to Question 24, who should be responsible for enforcing this measure?

Comments

26. Do you agree that there should be an exemption for vehicles which are also people's homes?

Yes ☐ No ☒ it's an enclosed space

27. If you think there are other categories of vehicle which should be exempted, please specify these?

Comments

28. If you believe that a defence should be permitted, what would a reasonable defence be?

Comments

Smoke-free (tobacco) NHS grounds

(This should be left to all the local NHS trusts, hospitals & GP practices to decide)

29. Should national legislation be introduced to make it an offence to smoke or allow smoking on NHS grounds?

Yes ☐ No ☐

30. If you support national legislation to make it an offence to smoke on NHS grounds, where should this apply?

- a. All NHS grounds (including NHS offices, dentists, GP practices) a ☐
b. Only hospital grounds b ☐
c. Only within a designated perimeter around NHS buildings c ☐
d Other suggestions, including reasons, in the box below

(This should be left to all the local NHS trusts, hospitals & GP practices to decide)

31. If you support national legislation, what exemptions, if any, should apply (for example, grounds of mental health facilities and / or facilities where there are long-stay patients)?

Comments**(This should be left to all the local NHS trusts, hospitals & GP practices to decide)**

32. If you support national legislation, who should enforce it?

(This should be left to all the local NHS trusts, hospitals & GP practices to decide)

33. If you support national legislation, what should the penalty be for non-compliance?

(This should be left to all the local NHS trusts, hospitals & GP practices to decide)

Comments

34. If you do not support national legislation, what non-legislative measures could be taken to support enforcement of, and compliance with, the existing smoke-free grounds policies?

(This should be left to all the local NHS trusts, hospitals & GP practices to decide)

Comments

Smoke-free (tobacco) children and family areas

(This should be for each local council to decide)

35. Do you think more action needs to be taken to make children's outdoor areas tobacco free?

Yes ☐ No ☐

36. If you answered 'yes' to Question 35, what action do you think is required:

- a. Further voluntary measures at a local level to increase the number of smoke-free areas a ☐
- b. Introducing national legislation that defines smoke-free areas across Scotland b ☐
- c. That the Scottish Government ensures sufficient local powers to allow decisions at a local level as to what grounds should be smoke-free c ☐
- d. Other actions. Please specify in the box below

Comments (This should be left to all the local NHS trusts, hospitals & GP practices to decide)

37. If you think action is required to make children's outdoor areas tobacco-free, what outdoor areas should that apply to?

Comments (This should be left to all the local NHS trusts, hospitals & GP practices to decide)

Age verification policy 'Challenge 25' for the sale of tobacco and electronic cigarettes

38. Do you agree that retailers selling e-cigarettes, refills and tobacco should be required by law to challenge the age of anyone they believe to be under the age of 25? **No consistency here 18 surely?**

Yes ☐ No ☐

39. Do you agree that the penalties should be the same as those which are already in place for selling tobacco to someone under the age of 18?

Yes ☐ No ☐ **Retailer should request 18 verification**

Unauthorised sales by under 18 year olds for tobacco and electronic cigarettes

40. Do you agree that young people under the age of 18 should be prohibited from selling tobacco and non-medicinal e-cigarettes and refills unless authorised by an adult?

Yes x ☐ No ☐

41. Who should be able to authorise an under 18 year old to make the sale, for example, the person who has registered the premises, manager or another adult working in the store?

Any employee over 18. Not practically commercially

42. Do you agree with the anticipated offence, in regard to: **not clear**

a. the penalty

a ☐

b. the enforcement arrangements

b ☐

Equality Considerations

43. What issues or opportunities do the proposed changes raise for people with protected characteristics (age; disability; gender reassignment; race; religion or belief; sex; pregnancy and maternity; and sexual orientation)?

Not applicable

44. If the proposed measures are likely to have a substantial negative implication for equality, how might this be minimised or avoided?

Not applicable

45. Do you have any other comments on or suggestions relevant to the proposals in regard to equality considerations?

Not applicable

Business and Regulatory Impacts Considerations

46. What is your assessment of the likely financial implications, or other impacts (if any), of the introduction of each of these proposals on you or your organisation?

As the MD and Founder of this business, success and expansion is down to vaping as a substitute for smoking burnt tobacco is beneficial which means less smoking. We only target adults over the age of 18 who are adult smokers. Our packaging and messaging reflects this. Greater regulation = greater potential of poor quality, contraband, cheap imitations & poor quality products. Restrictions to sale of e cigarette products = less health benefits & business benefits.

47. What (if any) other significant financial implications are likely to arise?

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48. What lead-in time should be allowed prior to implementation of these measures and how should the public be informed?

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49. Do you have any other comments on or suggestions relevant to the proposals in regard to business and regulatory impacts?

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As a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC), Scotland has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. We will still carefully consider all consultation responses from the tobacco industry and from those with links to the tobacco industry and include them in the published summary of consultation responses.

Hello. I thought I might add a final foot note to this document to set out our stall and demonstrate how we operate as a professional organisation with some facts about our business and what our customers tell us. Its fact adult consumers are using our devices and e liquids as a complete substitute or on a part time basis to reduce the amount of burnt tobacco they consume. Vaping NOT Smoking can only benefit to society and as a sector should be allowed to grow as a category. We welcome standard to be upheld and quality ensured. Vaping does give benefits to society & aid burnt tobacco reduction to the over 18 committed adult smoker.

We deliver sector compliance, product quality, innovation, corporate responsibility & exceptional customer service. Our superior branded products taste great, powered by reliable technology, designed with ease of use & functionality in mind.

We sell disposable & rechargeable 'lookalike' stick products, liquid refillable devices, e liquids and e cigars. Our easy to navigate transactional website is www.rokuniversal.co.uk

We also use a third party to manage our actual customer feedback process. These reviews are posted online warts and all – see here

<https://www.ekomi.co.uk/review-rok-premium-electronic-cigarettes.html> and we have achieved a 99.6% positive feedback from the last 1,205 responses. See for yourself what positive effects e cigarettes have on their lives and the loved ones around them.

Smoke Without Sin Limited is a UK privately owned company and established specialist in the development, sales and marketing of premium electronic cigarettes and e liquids since 2009. Our flagship brand is ROK.

Supply Chain:

We have two production partners in China, both whom deliver great quality products. Greg Forster has been to Shenzhen on a number of occasions to visit suppliers for due diligence and investigate other potential suppliers. All our products have been ROHS & CE tested in the UK.

ROK believe in taking care of the environment & have a battery producers compliance scheme in place. Our Environmental Agency Number is BPRN01943. Our WEEE registration number is RM06830.

Our packaging is sector compliant. We carry all the correct text & warning logos to the correct size and CHIP stickers are where they should be. All packaging has been checked to comply as child proof and tamper proof by a UK Government body. Each kit, cartomiser carton & eliquid we sell has batch codes lazered to the product packs and outers.

We also send our imported cartomisers & liquids to UK testing facilities and have not had concerns from the reports we have received back.

The Hertfordshire Trading Standards Officer makes the occasional visit (we invite him in) & he spends little time here. He wishes all e cig businesses operated to our fastidious standards.

We have and will never make any unjust or false claims of our product, performance or cessation abilities. Any claims we do make can be substantiated.

All our advertising is checked with CPA and carries 'Contains nicotine. Over 18 only' messaging. Our website has an 'Over 18s' check system in place for new visitors.

Greg Forster
Managing Director

Comments