| Agenda Item | 10 |
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| Report No | RES/50/26 |

# The Highland Council

**Committee:** **Corporate Resources**

**Date:** **19 November 2026**

**Report Title:** **Highland Council Response to Consultation on Tobacco and Vapes: packaging, appearance and display**

**Report By:** **Assistant Chief Executive - Corporate**

## 1 Purpose/Executive Summary

1.1 The Tobacco and Vapes Act 2026 brings in significant new provisions to regulate the sale of these products. These include the extension of restrictions to pouches and other such products, a ban on vape advertising and the "generational ban" on tobacco sales (i.e. anyone born on or after 1 January 2009 will never be legally allowed to buy tobacco products). The Act also enables ministers to introduce further provisions through secondary legislation and proposals include restrictions on displays of vapes in shops and limitations on flavourings and packaging.

1.2 The timing of the Consultation process meant that it was not possible to request committee approval before submitting the response, but the Chair and Vice-Chair were able to approve the wording before it was submitted in time for the 2 October deadline. The response is mostly technical and enables the Council to show its support for these important consumer protection measures.

## 2 Recommendations

2.1 Members are asked to:

i. **Note** the report and **agree** to homologate the response submitted to the Tobacco and Vapes consultation.

## 3 Implications

3.1 **Resource** - There are no resource implications arising directly from this report.

3.2 **Legal** - The purpose of the Consultation is to obtain feedback to help inform further regulation of the sale of tobacco and vapes. Any changes which are enacted in law will be enforced by the Council's Trading Standards team.

3.3 **Risk** - There are no risk implications arising directly from this report.

3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** - There are no Health and Safety risk implications arising directly from this report.

3.5 **Gaelic** - there are no Gaelic implications arising from this report.

## 4 Impacts

4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.

4.3 This is an update report and therefore an impact assessment is not required.

## 5 Background

5.1 The Tobacco and Vapes Act received royal assent in April this year, with the provisions coming into force from October. It widens the scope of product regulation by including previously unregulated products such as nicotine pouches and herbal cigarettes. Further, new statutory restrictions prohibiting the advertisement, promotion, and sponsorship of vapes take effect next year. Perhaps the most far-reaching provision is the "generational ban" on buying all tobacco products, the age for which will increase each year meaning that no one born after 1 January 2009 will ever be permitted to buy cigarettes. These changes are already in law and are not part of this current consultation.

5.2 The Council's Trading Standards team regularly contributes to a wide range of responses to Government consultations, submitted by The Society of Chief Officers of Trading Standards in Scotland (SCOTSS) and the UK Chartered Trading Standards Institute (CTSI). This has also occurred in relation to this Consultation but the very significant community interest in these topics in Highland makes this a suitable topic for the Highland Council to also take a position and submit a response.

## 6 Consultation Response

6.1 The Consultation is long and and contains much technical detail. It is reproduced in full in the Appendix to this report. In summary, it does the following:

- Supports a broad and consistent approach to regulating tobacco, vaping and other nicotine products, with similar controls applying across product types where appropriate.

- Emphasises the need to reduce the attractiveness of these products to children and young people, including through restrictions on branding, colours, imagery, flavours and product design.

- Supports extending controls that already apply to tobacco products to newer nicotine and vaping products, to avoid gaps in the regulatory framework.

- Calls for legislation that is clear, practical and capable of responding to future developments in product design, packaging and marketing.

- Highlights the importance of enforceable measures that are straightforward for businesses to understand and for Trading Standards to monitor and enforce.

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| Designation: | Assistant Chief Executive - Corporate |
| Date: | 13/10/2026 |
| Author: | David MacKenzie, Trading Standards Manager |
| Background Papers: | None. |
| Appendices: | Appendix 1 – Consultation Response |

**Appendix 1**

# Response to the Government Consultation: Tobacco and Vapes: packaging, appearance and display

https://www.gov.uk/government/consultations/tobacco-and-vapes-packaging-appearance-and-display

The Consultation document is reproduced below, with Highland Council responses highlighted in bold.

## Tobacco packaging

### Proposals for further plain packaging requirements

We propose to introduce plain packaging requirements for:

- all tobacco products (including but not limited to cigars, cigarillos, pipe tobacco, waterpipe tobacco, smokeless and heated tobacco)
- heated tobacco devices
- herbal smoking products
- cigarette papers

These requirements would broadly align with existing requirements for cigarettes and hand-rolling tobacco.

An overview of the existing requirements for cigarettes and hand-rolling tobacco is set out below.

### Colour

Pantone 448C (drab dark brown) colour with a matt finish.

### Branding

Brand name permitted once each on front, top and bottom of pack. It must:

- be in a centred position
- be in Pantone Cool Gray 2 C
- be in Helvetica font size 14 point or less
- have only the first letter capitalised

The variant name must follow the same requirements other than to be size 10 point or less and positioned immediately below the brand name.
No promotional images or logos, additional colours or markings are allowed.

### Shape

Specified packaging shapes. For cigarettes this is cuboid only and for hand-rolling tobacco this is cuboid, cylindrical or pouch.

### Packaging materials

Specified packaging materials. For cigarettes this is carton or soft material only.

**Minimum size**
20 pack for cigarettes, 30 grams for hand-rolling tobacco.
Some products may require specific plain packaging requirements, for example hand-rolling tobacco pouches are permitted to have a re-sealable sticker and cigarette packets have a lining. If we proceed with the policy, we will engage further on the details of the plain packaging measures for specific products.
Do you agree or disagree with our proposal to introduce the plain packaging requirements outlined above for all tobacco products? This does not include cigarettes and hand-rolling tobacco which already have strict plain packaging requirements.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to introduce the plain packaging requirements outlined above for heated tobacco devices?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to introduce the plain packaging requirements outlined above for herbal smoking products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to introduce the plain packaging requirements outlined above for cigarette papers?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers. This could include, for example, sharing your views on which tobacco products plain packaging requirements should or should not be introduced for, or specific elements of our proposals which you agree or disagree with. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**Highland Council supports extending plain packaging requirements to all tobacco products, heated tobacco devices, herbal smoking products and cigarette papers. A consistent approach across these product categories would reduce the scope for packaging and branding to increase appeal, particularly among children and young people, while reinforcing the health risks associated with smoking and tobacco use.**

**Extending the requirements would also address potential regulatory gaps and reduce the risk of manufacturers shifting branding, promotional activity or product differentiation to categories subject to less stringent controls as restrictions on other products increase. Regulation should be preventative and future-proof, rather than responding only after problematic marketing practices become established.**
**For heated tobacco devices, plain packaging would ensure newer tobacco products are subject to the same principles as traditional tobacco products. Given that these devices can resemble modern consumer electronics, restrictions would help prevent packaging and design features from presenting tobacco use as modern or desirable.**

**For herbal smoking products and cigarette papers, inclusion within the regime would provide consistency with other smoking-related products, reduce opportunities for novelty packaging and branding, and help prevent the normalisation or glamorisation of smoking. Trading Standards experience has identified examples of cigarette paper packaging that could appeal to younger consumers, supporting the case for regulation in this area.**

**A single, comprehensive regime would provide greater clarity for businesses and enforcement authorities, reduce the potential for regulatory arbitrage between product categories and make it easier to identify non-compliant products.**

**The regulations should be clear, objective and sufficiently prescriptive, including detailed requirements for colours, branding, fonts, finishes and other packaging features, to minimise ambiguity and prevent circumvention. The same requirements should apply across all sales channels, including online sales, to ensure a consistent level of protection and avoid restrictions being undermined through alternative routes to market.**

**Text health warnings on the packaging of heated tobacco devices and cigarette papers**

We propose to introduce text health warnings on the packaging of heated tobacco devices and cigarette papers. All tobacco products and herbal smoking products already have these warnings. The wording of warnings will reflect the harms of using each product.

Do you agree or disagree with our proposal to introduce text health warnings on the packaging of heated tobacco devices?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal to introduce text health warnings on the packaging of cigarette papers?

- **Agree**
- Neither agree nor disagree

- Disagree
- Don’t know

Please explain your answers. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support the introduction of text health warnings on the packaging of heated tobacco devices and cigarette papers.**
**For heated tobacco devices, health warnings would reinforce that these are tobacco products and are not risk free, helping to communicate the associated health risks and providing greater consistency across tobacco product categories. This would reduce the potential for newer tobacco products to be perceived as harmless alternatives to smoking.**

**For cigarette papers, although the products do not themselves contain tobacco, they are age-restricted products primarily intended for use with tobacco. Health warnings would therefore provide an appropriate health message at the point of purchase and use and reinforce their association with tobacco consumption.**

**To support effective compliance and enforcement, the wording, format, size and positioning of warnings should be clearly prescribed and applied consistently. In the case of cigarette papers, requirements should be proportionate and take account of the practical limitations presented by smaller pack formats.**

**Standardised warnings would provide a straightforward visual compliance check for Trading Standards and may assist in identifying illicit or non-compliant products where prescribed warnings are absent, incorrect or presented in a non-standard format.**

**Picture health warnings on the packaging of more products and devices**

All smoked tobacco products currently require picture health warnings, excluding individually wrapped cigars and cigarillos, and packs of large cigars that weigh more than 3 grams each. These products only require text warnings on their packaging. Smokeless tobacco products, heated tobacco devices and herbal smoking products currently do not have picture health warnings.

We propose to introduce picture warnings on the packaging of:
- all tobacco products (including all cigars and cigarillos, smokeless tobacco and heated tobacco)
- heated tobacco devices
- herbal smoking products

We do not propose including picture warnings for cigarette papers due to the typically smaller size of the packaging.

Do you agree or disagree with our proposal to introduce picture health warnings on the packaging of all tobacco products? This builds on requirements that are already in place for most tobacco products.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal to introduce picture health warnings on the packaging of heated tobacco devices?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal to introduce picture health warnings on the packaging of herbal smoking products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree that picture health warnings should not be required on the packaging of cigarette papers? We do not propose including picture health warnings on cigarette papers due to the small size of the packaging.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answers. This could include, for example, sharing your views on which tobacco products health warning requirements should or should not be introduced for. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support the introduction of picture health warnings on all tobacco products, heated tobacco devices and herbal smoking products. Picture warnings are more prominent and impactful than text-only warnings, providing a clear and immediate reminder of the health risks associated with smoking and tobacco use. Extending their use across all tobacco product categories would promote regulatory consistency and reduce the risk of some products being perceived as less harmful because they are subject to less prominent warning requirements.**

**For heated tobacco devices, picture warnings would help communicate clearly that these are tobacco products and are not risk-free. Their inclusion would ensure a consistent approach across tobacco categories and reduce the potential for packaging or presentation to be used to differentiate or promote such products.**

**We also support the application of picture warnings to herbal smoking products. Although these products do not contain tobacco, they are intended to be smoked and are not without health risks. Picture warnings would help**

**counter any perception that products described as "herbal" are harmless and would support a consistent approach across smoking-related products.**

**The requirements should clearly prescribe the size, format and positioning of warnings, while taking account of the different packaging formats used across product categories. Standardised warnings would support effective enforcement by providing a straightforward visual compliance check and assisting Trading Standards in identifying potentially illicit or non-compliant products.**

**We agree that picture health warnings should not be required on cigarette paper packaging. The small size of many packs creates practical difficulties in displaying a warning that remains meaningful and legible. As cigarette papers are primarily intended for use with tobacco products that would themselves carry picture warnings, the proposed text warning represents a proportionate approach while maintaining an appropriate health message. Any exemption should be clearly defined to ensure it applies only to cigarette papers and does not create an unintended route to avoid picture warning requirements for other products.**

**Pack inserts in packaging for all tobacco and herbal smoking products and heated tobacco devices**

Quit themed pack inserts will soon be introduced for cigarettes and hand-rolling tobacco following previous consultation. We propose to also include quit themed pack inserts in the packaging of:

- all tobacco products (including products such as such as cigars, cigarillos, pipe tobacco, waterpipe tobacco and smokeless and heated tobacco)
- heated tobacco devices
- herbal smoking products

We do not propose including pack inserts in cigarette papers due to the small size of the packaging.

Do you agree or disagree with our proposal to introduce pack inserts for all tobacco products? This does not include cigarettes and hand-rolling tobacco which we are addressing separately to this consultation.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to introduce pack inserts for heated tobacco devices?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to introduce pack inserts for herbal smoking products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree that pack inserts should not be required in the packaging of cigarette papers? We do not propose including pack inserts for cigarette papers due to the small size of the packaging.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answers. This could include, for example, sharing comments on specific tobacco products for which you do or do not think pack inserts should apply. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support the introduction of quit-themed pack inserts for tobacco products, heated tobacco devices and herbal smoking products.**

**Pack inserts provide a valuable opportunity to communicate evidence-based cessation information directly to consumers at the point of use. Extending this requirement across relevant product categories would promote a consistent approach and help ensure that consumers are signposted to appropriate cessation support regardless of the product used.**

**The content of inserts should be standardised, evidence-based and subject to periodic review to ensure that messages remain accurate, relevant and aligned with available cessation services.**

**We support the inclusion of quit-themed inserts within heated tobacco products. Consumers of these products should have access to the same cessation information and support as users of other tobacco products. Inserts could also reinforce the distinction between switching tobacco products and achieving complete cessation, while directing consumers towards appropriate support services. Requirements should ensure that inserts are supplied with the product in a manner that makes them readily visible to consumers and prevents omission at the point of sale.**

**We also support the inclusion of inserts within herbal smoking products. Although these products do not contain tobacco, they are intended to be smoked and are not without health risks. Inserts could therefore provide appropriate information encouraging smoking cessation and promoting relevant support services. The prescribed content should, however, be proportionate and product-specific, recognising that messages focused on nicotine dependence may not be appropriate for non-nicotine products.**

**We agree that quit-themed inserts should not be required within cigarette paper packaging. Given the limited size and format of many cigarette paper packs, such a requirement may be impractical and disproportionate.**

**Consumers using cigarette papers would ordinarily receive cessation information through the packaging of the tobacco products with which they are used, while the proposed text health warning would provide a more practical means of conveying an appropriate health message. On that basis, we consider the proposed exemption for cigarette papers to be justified.**

**Time allowed to implement new packaging requirements**

If and when new requirements are introduced, manufacturers will need time to update their packaging to comply. Retailers may also need time to sell old stock that does not comply with new law.

There should be a long enough notice period before new requirements come into force. This period would start from when the details of the new requirements are made clear. We have not yet decided what is the best way to share those details, but it could be, for example, in a government response to this consultation or when regulations are presented to the relevant national Parliament.

We propose that a minimum notice period of 12 months would be enough. This would mean all products covered by our tobacco packaging proposals would need to comply with any new requirements by the end of a 12-month implementation period. However, a longer or shorter notice period may be needed, and we welcome views on this.

Do you agree or disagree with our proposed implementation period of no less than 12 months (from when the detail of any new requirements is clear)?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments on whether the proposed implementation period should be shorter or longer, or on implications that the proposed implementation period could have for manufacturers, retailers or other groups. Please reference any evidence that you have considered to support your response. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We consider 12 months should represent the maximum implementation period. This would provide sufficient time for manufacturers, importers and retailers to make necessary changes while avoiding unnecessary delays to the public health benefits the measures are intended to achieve.**

**To support compliance, the final requirements and any accompanying guidance should be published well in advance of implementation. Transitional arrangements should clearly specify the treatment of existing stock, including the date from which non-compliant products may no longer be supplied at retail. Clear and consistent arrangements will provide certainty for businesses and assist Trading Standards with enforcement.**

**Heated tobacco device appearance**

**Restricting the colour and finish of heated tobacco devices**

We propose to restrict the colour of heated tobacco devices to Pantone 448C (drab dark brown) with an opaque matt finish. Pantone 448C is the same colour as cigarette and hand-rolling tobacco packaging.
Restricting the colour of the device in this way would also prevent certain aesthetic features on the device, such as the presence of cosmetic lights.

Do you agree or disagree with our proposal to restrict the colour of heated tobacco devices to Pantone 448C (drab dark brown) with an opaque matt finish?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree that heated tobacco devices should be banned from having cosmetic lights? This will not apply to functional lights, like those that indicate charge level.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers. This could include, for example, sharing comments on whether restricting heated tobacco devices to an alternative colour may be more effective, or whether technical exemptions are required. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support restricting the colour of heated tobacco devices to Pantone 448C and restricting cosmetic lighting and other non-functional design features. Applying the same visual restrictions used for tobacco packaging would support a consistent regulatory approach and reinforce that heated tobacco devices are tobacco products that carry health risks. Standardising device appearance would reduce opportunities for branding, product differentiation and features that may increase appeal, particularly among children and young people, or cause these products to be perceived as lifestyle or consumer electronic goods.**

**We consider that decorative or cosmetic lighting serves no clear public health purpose and may increase product appeal. Limiting lighting to features that are genuinely necessary for operation, such as indicating battery, charging or device status, would be a proportionate approach.**

**To support compliance and enforcement, the requirements should be clear, objective and comprehensive. In particular, the regulations should specify the required colour standard, finish and application across all visible device components. Any exemption for functional lighting should be narrowly defined, with consideration given to limiting the colour, duration and operation of permitted lights to prevent them being used to circumvent the intent of the restrictions.**

**Clearly prescribed requirements would provide certainty for businesses and assist Trading Standards in identifying non-compliant products through straightforward visual inspection.**

**Restricting branding, imagery and artwork on heated tobacco devices**

We propose to ban heated tobacco devices from having images or artwork on them, except for any image that is a regulatory requirement, such as required warnings.

We also propose to limit branding to a single brand name, which would be subject to a set font, size and colour on the device.

Do you agree or disagree with our proposal to restrict all branding, imagery and artwork on heated tobacco devices?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments on which of the proposed restrictions you do or do not think should apply. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support the proposed restrictions on images, artwork and branding on heated tobacco devices.**

**Images, decorative artwork and prominent branding are not necessary for the operation of the product and may be used to increase its attractiveness, including to children and young people. Restricting branding to a single brand name displayed in a prescribed font, size and colour would allow products to be identified while substantially reducing opportunities for the device itself to be used as a form of advertising or promotion.**

**These restrictions would complement the proposed controls on colour and other design features, supporting a consistent approach to reducing the visual appeal of heated tobacco products and reinforcing their association with tobacco use.**

**We consider it important that the requirements are sufficiently comprehensive to prevent circumvention through logos, symbols or other design elements that could function as branding or promotion. Any permitted regulatory markings should be clearly specified within the legislation.**

**From an enforcement perspective, clearly prescribed requirements relating to the content, size, colour and positioning of permitted branding would provide an objective standard against which compliance can be assessed and assist Trading Standards in identifying non-compliant products.**

**Restricting digital screens on heated tobacco devices**

We propose that digital screens on heated tobacco devices are restricted to only display safety and status information, such as battery levels.

Do you agree or disagree that digital screens on heated tobacco devices should be restricted to only the display of safety and status information such as battery level, and be greyscale in colour (black, white and grey only)?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments if you think there should be any exemptions to this proposal. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support restricting digital screens on heated tobacco devices to essential safety and operational information and requiring displays to be presented in greyscale.**

**There is no public health justification for screens to display entertainment, promotional or other non-essential content. Such features may increase product appeal, particularly among children and young people, by making devices resemble consumer electronic products. Limiting displays to essential information, such as battery, charging or device status, would retain necessary functionality while reducing this appeal.**

**The legislation should clearly define what constitutes permitted safety and operational information to prevent the display of promotional, decorative or other non-essential content. Consideration should also be given to preventing prohibited functionality from being enabled through software updates, mobile applications or device connectivity after purchase.**

**We would further support an explicit prohibition on games, rewards systems, promotional notifications and other interactive features that may increase product appeal or encourage repeated engagement with the device.**

**Consideration should be given to limiting connectivity where this could be used to circumvent the requirements.**

**Clearly prescribed requirements relating to permitted screen content and greyscale displays would provide certainty for businesses and support effective enforcement by Trading Standards.**

**Stopping heated tobacco devices imitating other products**

We propose to limit the potential appeal of heated tobacco devices by stopping them from looking like other products, such as drink bottles and game devices.

This proposal aligns with the restrictions we are proposing for vape devices. It will ensure that heated tobacco devices do not appear more attractive than vapes.

Do you agree or disagree that heated tobacco devices should not be permitted to mimic the design of other products and items? The objective of this proposal is to limit the appeal or attractiveness of heated tobacco devices.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments if you think there should be any exemptions to this proposal. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support restricting heated tobacco devices from being designed to resemble other products. Devices should remain readily identifiable as age-restricted tobacco-related products and should not be designed or presented in a way that may increase their appeal, particularly to children and young people, or obscure their true nature.**

**The legislation should adopt a broad and future-proof approach rather than relying solely on a prescribed list of products that devices must not resemble.**

**Any examples provided should be illustrative rather than exhaustive, supplemented by a general prohibition on designs that mimic consumer products or otherwise disguise the nature of the device.**

**Such an approach would provide greater regulatory certainty, reduce opportunities for circumvention through novel designs, and assist Trading Standards in assessing compliance and identifying non-compliant products.**

**Time allowed to implement new device requirements**
If and when new requirements are introduced, manufacturers will need time to ensure their devices are compliant. Retailers may also need time to sell old stock that does not comply with new law.

There should be a long enough notice period before new requirements come into force. This period would start from when the details of the new requirements are made clear. We have not yet decided what is the best way to share those details, but it could be, for example, in a government response to this consultation or when regulations are presented to the relevant national Parliament.

We propose that a minimum notice period of 12 months would be enough. This would mean heated tobacco devices would need to comply with any new requirements by the end of a 12-month implementation period. However, a longer or shorter notice period may be needed, and we welcome views on this.

Do you agree or disagree with our proposed implementation period of no less than 12 months (from when the detail of any new requirements is clear)?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments on whether the proposed implementation period should be shorter or longer, or on implications that the proposed implementation period could have for manufacturers, retailers or other groups. Please reference any evidence that you have considered to support your response. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We consider 12 months should represent the maximum implementation period. This would provide sufficient time for manufacturers, importers and retailers to make necessary changes while avoiding unnecessary delays to the public health benefits the measures are intended to achieve.**

**For the purposes of compliance and enforcement, we consider it essential that the regulations specify a clear date from which non-compliant products may no longer be supplied at retail. This would provide certainty for businesses, support consistent interpretation of the requirements, and facilitate effective enforcement by Trading Standards.**

**Vaping and nicotine product packaging and flavour descriptors**
**Definition of vaping products**

Throughout this section, we refer to ‘vaping products’. This includes vapes, as well as other vape components and refill containers sold separately from the device.

**Restricting the colour on packaging for all vaping and nicotine products**

We propose that the packaging for vaping and nicotine products should be white. Do you agree or disagree with our proposal to restrict the colour of packaging of all vaping products to white?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal to restrict the colour of packaging of all nicotine products to white?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answers. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support the principle of standardised packaging for vaping and nicotine products. Standardised packaging would reduce the use of branding, colours and design features that may increase product appeal, particularly among children and young people, and would promote a more consistent approach across non-medicinal nicotine products.**

**It is also important to consider the interaction between standardised packaging and retail display requirements. If products remain visible at the point of sale, large displays of uniform white packaging may still be visually prominent despite reduced brand differentiation.**

**To support compliance and enforcement, the prescribed colour and finish should be objectively defined. Standardised packaging requirements should apply consistently across vaping and nicotine products to prevent promotional activity shifting towards products subject to less stringent controls.**

**Restricting imagery, branding, text and other promotional features**

We propose that the packaging for all vaping and nicotine products should not include imagery, and that all text on the packaging, including any branding or brand names, should be in a standard colour, font and typeface.

There should be no other promotional features on the outside or inside of packs or attached to the packaging, such as links to social media accounts or any feature that suggests a financial benefit, such as vouchers or discounts.

We recognise that there may be a case to allow packaging of vaping products to display a picture of the product contained inside (for example, a mouthpiece). We welcome views on whether any limited exemptions may be appropriate in the free text box.

Do you agree or disagree with our proposal to introduce the restrictions to imagery, branding, text and promotional features outlined above for the packaging of all vaping products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal to introduce the restrictions to imagery, branding, text and promotional features outlined above for the packaging of all nicotine products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answers. This could include, for example, your views on whether there should be any exemptions or further restrictions. You may also indicate any elements of the proposal you disagree with and why, or elements you feel could be further strengthened. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support these restrictions for vaping and nicotine products. Images, distinctive typography and other visual design features enable packaging to**

**act as a form of advertising and can contribute to these products being presented as lifestyle products rather than age-restricted nicotine products.**

**Restricting imagery and standardising the presentation of brand names and other permitted text would retain sufficient product identification while significantly reducing opportunities for visual promotion and youth-oriented branding.**

**We particularly support the prohibition of promotional features, including vouchers, competitions, loyalty schemes and links to social media. The requirements should be sufficiently comprehensive and future-proof to prevent circumvention through QR codes, logos, symbols or other mechanisms that serve a similar promotional purpose.**

**Equivalent restrictions should apply across vaping and nicotine products to prevent promotional activity shifting to product categories subject to less stringent controls.**

**To support effective compliance and enforcement, the regulations should include clear and objective specifications for permitted text, branding and promotional content, enabling Trading Standards to assess compliance consistently and identify non-compliant products more readily.**

**Restricting the shape, materials and safety features of packaging for all vaping and nicotine products**

We propose that packaging used for vaping and nicotine products should use uniform shapes. For example, the packaging for devices or coils should use a similar shape, such as a rectangular cuboid, depending on their dimensions.

We also propose that manufacturers should not use materials that enhance a product's appeal, such as:

- glossy plastics
- holographic foils
- other tactile features, for example fuzzy or velvety materials

Do you agree or disagree with our proposal that packaging for all vaping products should have uniform shapes, and that there should be restrictions on materials and finishes that can enhance appeal?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal that packaging for all nicotine products should have uniform shapes, and that there should be restrictions on materials and finishes that can enhance appeal?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Vapes are already required to have child-resistant and tamper-evident packaging. We propose to introduce this requirement for all vaping and nicotine products.
Do you agree or disagree with our proposal that packaging for all vaping products should be both child-resistant and tamper-evident?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal that packaging for all nicotine products should be both child-resistant and tamper-evident?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers. This could include, for example, indicating any elements of the proposal that you disagree with and why, if there are elements that you feel could be further strengthened or other features that should be included. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support requiring standardised packaging formats and restricting packaging materials, finishes and design features that may increase product appeal. Features such as unusual shapes, textures, glossy finishes and holographic effects are not necessary to convey product information and can instead be used for brand differentiation and promotion. The requirements should be clearly defined and sufficiently future-proof to prevent the use of alternative packaging techniques that achieve a similar effect. A consistent approach should apply across vaping and nicotine products to avoid promotional activity shifting to less regulated categories.**

**We also support child-resistant and tamper-evident packaging requirements for vaping and nicotine products. These are important safeguards, particularly given the risks associated with accidental access to or ingestion of nicotine products by children.**

**The legislation should clearly specify which product and packaging components must be child-resistant and tamper-evident, how the new requirements interact with existing provisions, and the technical or testing standards that apply. Clear and objective requirements would provide certainty for businesses and support consistent enforcement by Trading Standards.**

**Restricting flavour descriptions on vaping and nicotine products packaging**
**Single lead flavour**

We propose to restrict flavour descriptors on the packaging for vaping and nicotine products to a single, recognised flavour name, like apple or strawberry. This would include restricting hyphenated or combined flavour names, such as blueberry-apple.

Do you agree or disagree with our proposal to restrict flavour descriptors on the packaging of all vaping products to a single lead flavour?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to restrict flavour descriptors on the packaging of all nicotine products to a single lead flavour?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

**Concept, sensory, food and drink categories**

We also propose restricting any concept or sensory words from being used to describe a flavour.

A concept name refers to any flavour name that does not directly describe a recognisable food, drink or natural flavour. Instead, the word conveys a mood, an idea, a brand or even a number or codename, rather than describing an actual flavour. This could include flavour names such as:

- 'Unicorn Dream'
- 'DC100'

A sensory name refers to a recognisable taste, smell or sensation experienced when using a vape or nicotine product, such as 'Mint Blast'.
Do you agree or disagree with our proposal that concept and sensory flavour descriptors should be restricted on the packaging of all vaping products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal that concept and sensory flavour descriptors should be restricted on the packaging of all nicotine products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

We also propose restricting descriptor names of certain food and drink categories that appeal to children and young people. This includes flavours like:

- confectionery and sweets (such as 'Chocolate', 'Candy' and 'Bubblegum')
- desserts and cakes (such as 'Brownie' and 'Cheesecake')
- alcohol and other drinks (such as 'Cola')

Do you agree or disagree with our proposal that confectionery, sweets, dessert and cake name descriptors should be restricted on the packaging of all vaping products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal that confectionery, sweets, dessert and cake name descriptors should be restricted on the packaging of all nicotine products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal that alcohol and drink name descriptors should be restricted on the packaging of all vaping products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal that alcohol and drink name descriptors should be restricted on the packaging of all nicotine products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answers. This could include, for example, your views on any elements of the proposal that you disagree with and why, or any flavour names that you believe should or should not be restricted. You may also wish to comment on whether there should be any differences in how these restrictions apply to vaping and nicotine products. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We are concerned that the wide range of vaping product flavours, particularly sweet and fruit flavours, contributes significantly to the appeal of these products among children, young people and individuals who do not smoke.**

**While flavours may have a role in supporting smoking cessation, the current extent and variety of flavour options risks promoting vaping products as lifestyle products rather than alternatives for adult smokers. We understand that there will be a further consultation on flavours and we welcome the opportunity to further detail our concerns on flavours at that point.**

**We strongly support the suggested restrictions on flavour descriptors, including concept, sensory, confectionery, dessert, sweet, alcohol and drink-related descriptions. Such terms are unnecessary to provide factual product information and can instead act as promotional tools that increase appeal, particularly among children and young people.**

**However, restrictions on descriptors alone are unlikely to be fully effective if substantially similar flavours remain available under alternative names. Controls on flavour descriptions should therefore be considered alongside restrictions on permitted characterising flavours.**

**Equivalent requirements should apply to non-medicinal nicotine products to prevent promotional activity shifting to less regulated product categories. The legislation should also be sufficiently broad and future-proof to prevent circumvention through alternative terminology, flavour-enhancing accessories, QR codes, digital marketing or other emerging promotional techniques.**

**Any exemptions for authorised medicinal nicotine replacement products should be clearly defined.**

**We are concerned that the proposals may create a significant enforcement loophole if flavour, sensory and concept descriptions remain permissible within brand names. Restricting flavour descriptors while allowing brand names such as *Unicorn Dream*, *Lost Mary Ice* or similar terms could undermine the policy intent, as the same promotional message would continue to be communicated to consumers through branding rather than product descriptions. Consideration should therefore be given to restricting brand names by prohibiting the creation of new flavour- or sensory-themed brand names, or introducing a general prohibition on brand names that convey flavour, sensory, concept or lifestyle associations. Without such measures there is a significant risk of manufacturers adapting branding strategies to circumvent the restrictions.**

**Product information on and inside vaping and nicotine products packaging**

We propose that the packaging of all vaping and nicotine products should have:

- a full list of ingredients, including flavour agents
- expiration details
- an age restriction symbol, for example a crossed-out 18 symbol
- a standardised display of nicotine strength, for example in milligrams, millilitres or as a percentage
- nicotine delivery per puff or pouch, where relevant

We also propose that relevant products should have a nicotine warning label on the front and back of the packaging. For example, this warning could say ‘This product contains nicotine which is a highly addictive substance’. Packaging should also have clear instructions on appropriate waste disposal.
Where applicable, we propose that certain products have an instruction leaflet to inform users of any appropriate warnings and the adverse effects of nicotine.

Do you agree or disagree with our proposal to require the consumer information listed above on and inside the packaging of all vaping products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal to require the consumer information listed above on and inside the packaging of all nicotine products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers. This could include, for example, sharing comments on any elements of the proposal that you disagree with and why, if there are areas that you feel could be further strengthened or areas that have been missed and should be included. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support clear, standardised statutory information requirements for vaping and non-medicinal nicotine products, including ingredients, flavouring agents, nicotine strength, health warnings, age restrictions, expiry information and appropriate disposal instructions.**

**The requirements should be aligned with existing labelling obligations to avoid duplication, inconsistency and uncertainty regarding compliance responsibilities.**

**We particularly support the standardised presentation of nicotine strength to ensure information is readily identifiable, understandable and comparable across products. Where nicotine delivery declarations are required, these should be supported by a prescribed testing methodology and clear requirements for substantiation to ensure consistency and enforceability.**

**Clear disposal information is also important, particularly for products containing batteries or other components that may present environmental or safety risks.**

**We would welcome consideration of statutory product standards for non-medicinal nicotine products, including maximum nicotine strengths, to provide greater consistency across this developing market.**

**More generally, we consider that packaging, labelling and flavour restrictions should be viewed as a comprehensive package of measures. The regulatory framework should be sufficiently robust and future-proof to prevent promotional activity or product differentiation simply shifting to alternative packaging features, descriptors, accessories or product categories as individual restrictions are introduced.**

**Time allowed to implement new packaging requirements**

If and when new requirements are introduced, manufacturers will need time to update their packaging to be compliant. Retailers may also need time to sell old stock that does not comply with the new law.
There should be a long enough notice period before new requirements come into force. This period would start from when the details of the new requirements are

made clear. We have not yet decided what is the best way to share those details, but it could be, for example, in a government response to this consultation or when regulations are presented to the relevant national Parliament.

We propose a minimum notice period of 12 months would be enough. This would mean all products in scope of our vaping and nicotine product packaging proposals would need to comply with any new regulatory requirements by the end of a 12 month implementation period. However, a longer or shorter notice period may be needed, and we welcome views on this.

Do you agree or disagree with our proposed implementation period of no less than 12 months (from when the detail of any new requirements is clear)?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments on whether the proposed implementation period should be shorter or longer, or on implications that the proposed implementation period could have for manufacturers, retailers or other groups. Please reference any evidence that you have considered to support your response. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We consider a maximum implementation period of 12 months to be appropriate for the proposed packaging and flavour requirements. This would provide manufacturers, importers and retailers with sufficient time to implement any necessary changes to packaging, labelling, flavour descriptions and product specifications.**

**Transitional provisions should clearly address the treatment of existing stock and specify the point in the supply chain at which the new requirements apply. We support a clearly defined end date after which non-compliant products may no longer be supplied at retail, as this would provide certainty, support consistent compliance and facilitate effective enforcement.**

**Vape device appearance**

**Restricting the colour and finish of vapes**

We propose restricting the colour of vape devices, including all visible parts, to:

- white, black or grey, with only one of those colours per device
- a matt finish
- no variation in shades or opacity

Do you agree or disagree with our proposal to limit the colour of a vaping device (including all visible parts) to white, black or grey with a matt finish?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree that vape devices should be banned from having cosmetic lights? This would not apply to functional lights, such as those that indicate charge level.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answer. This could include, for example, sharing comments on whether you think no restrictions should apply, if you think only a subset of the proposed colours should be allowed or if you think alternative colours should be allowed. Equally, you may want to highlight technical exemptions that should be considered. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support restricting vape devices, including all visible components, to a single permitted colour with a matt finish. Standardising device appearance would reduce opportunities for visual branding and product differentiation and help prevent vaping products being presented as lifestyle products or consumer gadgets, particularly to children and young people.**

**We do not consider that the removal of cosmetic design features would prevent adult smokers from accessing or identifying vaping products for smoking cessation purposes. When combined with retail display restrictions, standardised device designs may also help reduce the normalisation of vaping and children's exposure to vaping products and branding.**

**The requirements should be clear, objective and sufficiently comprehensive to prevent circumvention through contrasting components, alternative finishes or other design innovations intended to achieve the same promotional effect. We also support prohibiting cosmetic lighting on vape devices. Decorative lighting serves no essential function and may increase product appeal, particularly among younger consumers. Any exemption should be limited to lights that are genuinely necessary for operational purposes, such as communicating battery, charging or device status.**

**To prevent abuse of such exemptions, the legislation should clearly define permitted functional lighting and restrict the use of multiple colours, flashing effects, animations or other decorative features. Clearly prescribed requirements would provide certainty for businesses and support consistent enforcement by Trading Standards.**

**Restricting branding, imagery, and artwork on vapes**

We propose that vapes are banned from having images or artwork, except for where these may be a legal requirement, such as warnings.

We also propose that branding should be limited to a single brand name, which would be subject to a set font, size and colour on the device. This aligns with the restrictions we are proposing for heated tobacco devices.

Do you agree or disagree with our proposal to restrict all branding, imagery and artwork on vapes?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments on whether you think none or only some of the proposed restrictions should apply. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support prohibiting images, artwork and other decorative features on vape devices, and limiting branding to a single brand name displayed in a prescribed font, size and colour. Such features are not necessary for product functionality and can increase product appeal, particularly among children and young people.**

**Permitting a single standardised brand name would allow product identification while substantially reducing opportunities for advertising and promotion. The requirements should be sufficiently comprehensive to prevent circumvention through logos, symbols, patterns, slogans or other design elements that perform a branding or promotional function.**

**The legislation should clearly prescribe the permitted font, size, colour and positioning of the brand name, as well as any markings required for regulatory purposes. Clear and objective requirements would support consistent compliance and enable Trading Standards to assess products against a straightforward visual standard.**

**Restricting the digital screens on vapes**

We propose that digital screens on vapes are prohibited, except for screens which display safety and status information such as battery and liquid levels.

Do you agree or disagree that digital screens on vapes should be restricted to only the display of safety and status information such as battery level, and be greyscale in colour (black, white and grey only)? This would not include lights that indicate status information, such as when the device is being recharged.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments if you think there should be any exemptions to this proposal. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support restricting digital screens on vaping products to essential safety and operational information and requiring displays to be presented in greyscale.**

**Entertainment, promotional and other non-essential content is not required for product functionality and may increase the appeal of vaping products, particularly among children and young people, by making them resemble consumer electronic devices.**

**The legislation should clearly define permitted safety and operational information, such as battery or charging status, and be sufficiently robust to prevent prohibited content or features being enabled through software updates, applications or device connectivity.**

**Clearly prescribed requirements for screen content and appearance would provide certainty for businesses and support effective enforcement by Trading Standards through straightforward compliance checks.**

**Stopping vapes imitating other products**

Currently vapes can and do copy the design of other products, such as highlighter pens, refillable water bottles and game devices.

We propose to limit the potential appeal of vapes by stopping them from looking like other products.

Do you agree or disagree that vapes should not be permitted to mimic the design of other products and items? The objective of this proposal is to limit the appeal or attractiveness of vapes.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answer. This could include, for example, sharing comments if you think there should be any exemptions to this proposal. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support prohibiting vaping products from being designed to resemble other products. Vaping products should remain readily identifiable as age-restricted products and should not be designed in a manner that increases their appeal to children and young people or obscures their true nature. The legislation should adopt a broad and future-proof approach, with examples of prohibited designs being illustrative rather than exhaustive. The provisions should apply to products whose overall appearance could reasonably cause them to be mistaken for another consumer product, thereby reducing opportunities for circumvention through novel designs.**

**Time allowed to implement new device requirements**

If and when new requirements are introduced, manufacturers will need time to ensure their devices are compliant. Retailers may also need time to sell old stock that does not comply with new law.

There should be a long enough notice period before new requirements come into force. This period would start from when the details of the new requirements are made clear. We have not yet decided what is the best way to share those details, but it could be, for example, in a government response to this consultation or when regulations are presented to the relevant national Parliament.

We propose that a minimum notice period of 12 months would be enough. This would mean all vapes would need to comply with any new regulatory requirements by the end of a 12 month implementation period. However, a longer or shorter notice period may be needed, and we welcome views on this.

Do you agree or disagree with our proposed implementation period of no less than 12 months (from when the detail of any new requirements is clear)?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments on whether the proposed implementation period should be shorter or longer, or on implications that the proposed implementation period could have for manufacturers, retailers or other groups. Please reference any evidence that you have considered to support your response. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We consider a maximum 12-month implementation period to be appropriate for the proposed vape device appearance requirements. This should provide sufficient time for manufacturers, importers and retailers to implement any necessary changes and manage existing stock.**

**However, where measures are intended to address the circumvention of existing requirements, such as the 2ml tank capacity limit, we consider that a shorter implementation period may be justified. As compliant products are already available, a shorter timescale would help prevent continued supply of products designed to exploit gaps in the current regulatory framework.**

**Retail display**

**Requested temporary and incidental display in Scotland**

Tobacco products and smoking-related products can be shown to a customer following a request, we call this a requested temporary display. Requested temporary displays enable informed purchasing decisions.

As a result of a requested temporary display, other people nearby may also incidentally see these products. Current legislation in Scotland also makes

allowances to enable restocking, staff training, pricing and display unit maintenance where necessary. We call this an incidental display.

**Retail display of tobacco products, smoking-related products, heated tobacco devices and herbal smoking products in Scotland**

**Tobacco products and smoking-related products**

We propose that the requested temporary display of tobacco products and smoking-related products should only be allowed from behind a sales counter, and not another location within a retail setting.

Do you agree or disagree with our proposal to introduce a legal requirement that the requested temporary display of tobacco products and smoking-related products must take place from behind a sales counter?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

**Heated tobacco devices and herbal smoking products**

We propose to ban the retail display of heated tobacco devices and herbal smoking products in Scotland. As part of this, we propose that the existing restrictions and allowances that apply to the retail display of tobacco products and smoking-related products should apply to these products too.

This includes:

- restricting the display of products in places where they are offered for sale
- allowances for incidental displays and requested temporary displays
- permitting the same maximum visible areas (0.1 square metres)

We also propose that the requested temporary display of these products should only be allowed from behind a sales counter, and not another location within a retail setting. This is the same way as we are proposing to make this a legal requirement for tobacco products and smoking-related products.

To make it more practical for the retailers of waterpipes like shisha to comply with regulations due to their size, we are also proposing an expansion of the maximum permitted area of display as a result of a requested temporary display or incidental display for waterpipes.

Do you agree or disagree with our proposal to restrict the display of heated tobacco devices? This would include the requirement that their requested temporary display must take place from behind a sales counter.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to restrict the display of herbal smoking products? This would include the requirement that their requested temporary display must take place from behind a sales counter.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree that the maximum visible area of display unit permitted as a result of a requested or incidental display of herbal smoking products or heated tobacco devices in Scotland should be 0.1 square metres?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

**Waterpipes**

We propose to expand the maximum visible area of display unit permitted as result of a requested or incidental display for waterpipes like shisha, due to their size.
If we expand the area of display, what size do you think it should be increased to?

- 0.5 square metres
- **1 square metre**
- 1.5 square metres
- Don't know
- Other (please specify)

**Smoking-related products**

The current list of 'smoking-related products', as defined by the Tobacco and Primary Medical Services (Scotland) Act 2010, includes:

- cigarette papers
- cigarette tubes
- filters that do not form part of a tobacco product or smoking-related product
- apparatus for making cigarettes
- cigarette holders
- pipes for smoking tobacco products (which would include waterpipes like shisha)

Do you agree or disagree that the current list of smoking-related products reflects all tobacco-related devices used for smoking currently available to purchase?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers. This could include, for example, sharing comments on why you think our proposed restrictions should or should not apply to certain types of products, or comments in relation to the proposed maximum visible area of display unit permitted as a result of a requested or incidental display for waterpipes, like shisha. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support requiring temporary displays of tobacco and smoking-related products to take place behind the sales counter. This would provide a clear and consistent rule for retailers and enforcement authorities and reduce the risk of displays being visible elsewhere in premises. While Trading Standards experience indicates that compliance is generally good, a statutory requirement would remove ambiguity, establish a consistent national standard and reduce the scope for differing interpretations by retailers and enforcement authorities. The legislation should clearly define the sales counter area, particularly in premises with multiple tills, self-service checkouts or unconventional layouts, to ensure consistent interpretation and enforcement.**

**We support extending retail display restrictions to heated tobacco devices and herbal smoking products. Applying the same maximum visible display area as currently applies to tobacco products would ensure consistency. As heated tobacco devices are used with tobacco products, and herbal smoking products are smoked in a similar manner to tobacco, allowing them to be openly displayed could undermine the purpose of the existing display restrictions. Applying the same display rules to these products would provide clear and consistent requirements for retailers and enforcement authorities.**

**We consider that the proposal to increase the display size for waterpipes will create confusion. These products widely vary in size and it would be easier to have them off display completely, and subject to a picture price list. When a request to buy the product is made, the retailer can show the picture price list then retrieve the product for the customer. However, we consider it more important that display restrictions for smoking-related products are reviewed to ensure consistency between retailers. Currently, products such as waterpipes may be openly displayed in premises that do not sell tobacco, while the same products are restricted where tobacco is sold. Display requirements should be based on the nature of the product rather than whether a retailer also sells tobacco. Ensuring these products are always covered by a display restriction would create a fairer trading environment, reduce opportunities for circumvention and provide greater clarity for businesses and enforcement authorities.**

**We are not aware of any tobacco-related smoking devices currently on the market that are not already captured by the existing categories of smoking-related products. However, the legislation should be sufficiently future-proof to capture new or novel products as they emerge. Consideration should be given to including a clearly defined catch-all provision for products that perform the same or a substantially similar function to those already listed. This would help prevent legislative gaps, reduce the need for frequent amendments, and provide greater certainty for businesses and enforcement authorities.**

**Display of prices for heated tobacco devices and herbal smoking products in Scotland**

Current regulations in Scotland restrict the display of prices for tobacco products and smoking-related products in places where tobacco products are offered for sale.

Prices must be presented in a consistent format using specific fonts and can only include the:

- brand name of the product
- number of units in the package or the net weight of the product
- price of the product

For cigars, the information displayed can also include the country of origin and dimensions. For pipe tobacco, it can include the cut and type of tobacco used.

Retailers can display prices for tobacco products and smoking-related products in 3 formats:

- a single price list, which can be permanently displayed at each point of sale but must be text-only and meet size and font requirements
- a picture price list, which can include product images and can only be shown in response to a request by a customer
- small price labels, which can be placed on the covered shelf or display unit where the product is kept, pending sale

We propose to apply the same principles for the display of prices to:

- heated tobacco devices
- herbal smoking products

Do you agree or disagree with our proposal to restrict the display of prices of heated tobacco devices?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal to restrict the display of prices for herbal smoking products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answers. This could include, for example, sharing comments on why you think our proposed restrictions should or should not apply to certain types of products. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support applying price display restrictions to heated tobacco devices and herbal smoking products in line with those already in place for tobacco and smoking-related products. This would prevent price displays from being used as an alternative means of promotion while still allowing consumers access to the information needed to make purchasing decisions.**

**Permitted information and display formats should be clearly and exhaustively prescribed to prevent promotional content being incorporated into price displays and to provide consistent requirements for retailers and enforcement**

**authorities. Consideration should also be given to the interaction with other price display legislation, including the Price Marking Order.**

**Exemptions to display regulations for tobacco products, smoking-related products, heated tobacco devices and herbal smoking products in Scotland**

In Scotland, there are exemptions that allow tobacco products, smoking-related products and their respective prices to be on display inside certain premises. These premises include:

- trade tobacconists
- specialist tobacconists
- bulk tobacconists and duty-free tobacco areas

We propose to maintain current exemptions for tobacco products and smoking-related products for relevant trade premises and specialist tobacconists. If and when additional retail display restrictions are brought in, we also propose that relevant trade premises and specialist tobacconists will continue to be allowed to display the following products, and their prices:

- heated tobacco devices
- herbal smoking products

We propose to remove the bulk tobacconist exemption for tobacco products and smoking-related products and to not replicate it for any other products in scope of this consultation, because these products may be visibly accessible to the public, including children and young people.

**Display exemptions for trade premises**

Do you agree or disagree with our proposal to allow for the display of heated tobacco devices and prices in relevant trade premises in Scotland?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal to allow for the display of herbal smoking products and prices in relevant trade premises in Scotland?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answers. If you have comments on business exemptions to our display proposals, please include them here. This could include, for example, why you think certain exemptions should or should not be considered as well as any additional exemptions you think are necessary. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**Display exemptions for specialist tobacconists**

Do you agree or disagree with our proposal to allow for the display of heated tobacco devices and prices in specialist tobacconists in Scotland?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to allow for the display of herbal smoking products and prices inside specialist tobacconists in Scotland?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers. This could include, for example, sharing comments on why you think proposed exemptions should or should not be considered as well as any additional exemptions you think are necessary. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support extending the existing trade premises and specialist tobacconist exemptions to heated tobacco devices and herbal smoking products.**

**The criteria for qualifying as relevant trade premises or a specialist tobacconist should remain clearly defined, with existing conditions and safeguards continuing to apply. This would provide clarity for businesses and enforcement authorities while ensuring the exemptions are limited to the circumstances for which they are intended.**

**Display exemptions for bulk tobacconists**

Do you agree or disagree with our proposal to remove and not replicate the bulk tobacconist exemption for all products in scope of this consultation?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. Where possible please include any information on any costs to bulk tobacconists associated with removing this exemption for tobacco products. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support removing the existing display exemption for bulk tobacconists and duty-free areas. Where displays can be visible to the public, there is no clear justification for different treatment, as this may undermine the objective of reducing the visibility and promotion of these products.**

**Definition of vaping products**

Throughout this section, we refer to 'vaping products'. This includes vapes, as well as other vape components and refill containers sold separately from the device.

**Restricting the display of vaping and nicotine products across the UK**

We propose that the display of vaping products and nicotine products is restricted.

We propose that the same allowances for temporary and incidental displays as we have proposed for most other products within scope of this consultation are applied across the UK. This includes a temporary requested display taking place behind a sales counter. This would make the maximum visible area permitted for a requested temporary display or incidental display:

- 1.5 square metres in England, Wales and Northern Ireland
- 0.1 square metres in Scotland

We also propose that a requested temporary or incidental display of vaping or nicotine products must not result in the display of:

- tobacco products (and smoking-related products in Scotland)
- cigarette papers
- heated and other tobacco-related devices
- herbal smoking products

Do you agree or disagree with our proposal to restrict the display of vaping products? This would include the requirement that their requested temporary display must take place from behind a sales counter.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal to restrict the display of nicotine products? This would include the requirement that their requested temporary display must take place from behind a sales counter.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree that the requested temporary or incidental display of vaping and nicotine products should not result in the display of tobacco products (and smoking-related products in Scotland), cigarette papers, heated and other tobacco devices or herbal smoking products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answers. This could include, for example, sharing comments on why you think our proposed restrictions should or should not apply to certain types of products. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support the introduction of retail display restrictions for vaping and nicotine products. The current visibility of these products in retail settings can**

**contribute to their appeal and normalisation, particularly among children and young people. Restricting open display would reduce exposure to age-restricted products while continuing to allow adult consumers to purchase them on request.**

**We also support applying equivalent requirements to nicotine products. As controls on tobacco and vaping products are strengthened, it is important to avoid creating opportunities for promotional activity to shift to other nicotine product categories.**

**Display of prices of vaping and nicotine products across the UK**

Across the UK, we propose to apply the same principles for the display of prices of tobacco products to:

- vaping products
- nicotine products

We propose that the price lists for vaping and nicotine products are permitted to also include nicotine strength and ingredients. This will help consumers make informed purchases.

We propose that separate price lists must be used for vaping and nicotine products and for tobacco products, for both permanently displayed price lists and picture prices lists, given vaping and nicotine products carry lower levels of harm than tobacco products.

Do you agree or disagree with our proposal to restrict the display of prices for vaping products, and allow for additional information on nicotine strength and ingredients?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Do you agree or disagree with our proposal to restrict the display of prices for nicotine products and allow for additional information on nicotine strength and ingredients?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don’t know

Please explain your answers. This could include, for example, sharing comments on why you think our proposed restrictions should or should not apply to certain types of products. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support the proposed price display requirements for vaping and nicotine products, including the use of separate price lists for tobacco products. Separate price lists would ensure consumers receive only the information relevant to their intended purchase, without unnecessary exposure to tobacco product information.**

**We support the inclusion of nicotine strength on price lists, as this provides consumers with clear information to compare products and make informed choices.**

**The content and format of price lists should be clearly prescribed and limited to factual product information to prevent them being used as a means of advertising or promotion. A consistent approach across vaping and nicotine products would provide clarity for businesses and support effective enforcement by Trading Standards.**

**Exemptions to display restrictions of vaping and nicotine products across the UK**

Across the UK, it is permitted to display tobacco products inside premises that are only accessible to people working in the tobacco trade as long as this is not visible to the public from the outside. We propose to have this exemption to allow for relevant trade premises to display vaping products and nicotine products.

Do you agree or disagree with our proposal to allow for the display of vaping products in relevant trade premises?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to allow for the display of nicotine products in relevant trade premises?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers. If you have comments on business exemptions to our display proposals, please include them here. This could include, for example, why you think certain exemptions should or should not be considered as well as any additional exemptions you think are necessary. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support a limited exemption for specialist vape shops and relevant trade premises, provided product displays and advertising are not visible from outside the premises and access is restricted to adults.**

**Any exemption should be subject to clear eligibility criteria. For specialist vape shops, consideration should be given to limiting the exemption to businesses that specialise in vaping products and equipment, or where such products account for the majority of sales. Equivalent provisions should apply to trade premises dealing in nicotine products where access is restricted to those engaged in the trade.**

**Exemptions to display restrictions for vaping and nicotine products in pharmacies in England, Wales and Scotland**

We welcome views on exemptions that allow a limited display of vaping and nicotine products inside community pharmacies in England, Wales and Scotland. For example, this could include locked transparent display units. This could help people to try to quit smoking, while restricting accessibility to young people.

However, we do not propose that the same exemption applies to vape shops, since they are not clinical settings.

Do you agree or disagree that community pharmacies in England, Wales and Scotland should be permitted an exemption to allow for the limited display of vaping and nicotine products?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, why you think certain exemptions should or should not be considered as well as any additional exemptions you think are necessary. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We support, in principle, a limited exemption for community pharmacies where vaping or nicotine products are supplied as part of smoking cessation support. Any exemption should be tightly controlled, with products held in secure displays, not available for self-service, and presented in a manner that does not promote their use.**

**It is important that any exemption does not imply that non-medicinal vaping or nicotine products are licensed medicines or clinically approved cessation treatments. Consideration should be given to linking the exemption to the provision of smoking cessation advice, rather than applying automatically to all pharmacies.**

**Time allowed to implement all new display restrictions**

If and when new requirements are introduced, retailers will need time to update their shops to comply with the necessary changes.

There should be a long enough notice period before new requirements come into force. This period would start from when the details of the new requirements are made clear. We have not yet decided what is the best way to share those details, but it could be, for example, in a government response to this consultation or when regulations are presented to the relevant national Parliament.

We propose that a minimum notice period of 6 months would be enough. This would mean the display of products in scope would need to comply with any new requirements by the end of a 6-month implementation period. However, a longer or shorter notice period may be needed, and we welcome views on this.

Do you agree with our proposal that there should be a minimum of 6 months' notice (from when the detail if any new requirements is clear)?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments on whether the proposed implementation period should be shorter or longer, or on implications that the proposed implementation period could have for manufacturers, retailers or other groups. Please reference any evidence that you have taken into account to support your response. (Optional, maximum 600 words. Please do not include any personal information in your response.)

**We consider a six-month implementation period to be appropriate for the proposed retail display requirements. As the changes relate primarily to product display and storage within retail premises, rather than product redesign or manufacturing processes, businesses should be able to achieve compliance within this timeframe.**