

# SELLING SMOKING PRODUCTS AND THE LAW

The Alternative Trade Association is committed to keeping you informed on current regulations and have produced this quick guide for you and your business.

## It is PROHIBITED for retailers to:

- Offer incentives to customers to purchase a tobacco product.
- Sell products that share the name of a cigarette brand such as an 'Embassy' lighter.
- Sell smuggled or counterfeit tobacco products.
- Allow smoking in their retail premises.
- Sell tobacco products to anyone under the age of 18 (16 in Northern Ireland).
- Sell rolling papers to anyone under the age of 18 (16 in Northern Ireland).
- Sell non-child resistant lighters

## Retailers MUST:

- Request to see ID of any young person purchasing tobacco products if there is any doubt about their age.
- Only sell legitimate UK duty paid stock carrying current health warning.
- Display a statutory notice in a prominent position visible at the point of sale. The statutory notice must be A3 with characters no less than 36mm high and stating: "It is illegal to sell tobacco products to anyone under the age of 18" (16 in Northern Ireland).

**It is illegal to sell tobacco products to anyone under the age of 18**

## Retailers are PERMITTED to:

- Advertise rolling papers and accessories in store.
- Allow an employee of any age to sell tobacco products as long as they ensure that the customer is over 18 years of age.

For further information on any of these legislation topics, please contact your Wholesaler.



## **Charter on the sale of smoking products and smoking paraphernalia**

- Strictly no sales of any smoking paraphernalia to Under 18's.
- The use of the hemp leaf symbol on any advertising, external window hoardings or external sign hoardings, is discouraged.
- Harm minimisation information and contact details for help and advice on drug problems (i.e. Ask Frank posters & leaflets) should be available at all times.
- The disclaimers supplied in your ATA membership pack should be prominently displayed within your shop at all times.
- The ATA window stickers supplied should be displayed in a prominent position within your premises.
- It is against the law to sell anything if you know that it is to be used for an illegal purpose. You must not engage in conversations that compromise this. If a customer discusses drugs or drug taking you should immediately ask them to leave your premises.
- All publicity including catalogues, web pages and advertising should carry the ATA logo, the website address ([www.the-ata.org.uk](http://www.the-ata.org.uk)) and the Smoke Aware website address ([www.smoke-aware.co.uk](http://www.smoke-aware.co.uk)).
- All websites selling smoking products should carry a conspicuous link to the ATA website and the Smoke Aware website.



**I agree to uphold the charter of the Association and to at all times display the Association's disclaimers in prominent positions within my shop, to display the ATA's logo and link to the ATA's website and the Smoke Aware website if I have a webpage.**

**I understand that the ATA logo is copyrighted and can only be used by myself with the permission of the ATA on the understanding that I abide by the charter and aims of the ATA in good faith. If I am asked to cease displaying the ATA logo on my premises or on my website by the ATA I will comply immediately.**

***I agree to the above. Please make me a member of the ATA***

Full Name: (please print) \_\_\_\_\_

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

**Business Name and Address and Contact Phone Numbers**

Business Name
Address
Contact Telephone
Email

Please send this form back to the Wholesaler who sent you the information pack.

If you have received more than one pack please send to all the Wholesalers who sent you the packs.

# CANNABIS SEED SALES

## PLEASE NOTE:

It is **illegal** to cultivate any plant of the genus cannabis within the UK without a licence from the Home Office.

Please do not ask any questions which could lead us to believe you intend to germinate the seeds within the UK.

It will then be a criminal offence to sell them to you.

Please respect our position.



ALTERNATIVE • TRADE • ASSOCIATION

**Alternative Trade Association Member**  
**Buy With Confidence**

# **CUSTOMER NOTICE**

# **WARNING**

# **MISUSE OF DRUGS ACT**

# **1971**

Section 9a of the Mis-Use of Drugs Act 1971 makes it an offence if a person supplies or offers to supply anything which may be used for the cultivation or taking of drugs if that person believes that it may be used for the unlawful cultivation or taking of drugs.

***Nothing that we sell is for the purpose of cultivation, preparation or the taking of illegal drugs.***

**PLEASE DO NOT ASK ANY QUESTIONS WHICH COULD LEAVE US TO BELIEVE YOU INTEND TO USE ANY OF OUR PRODUCTS ILLEGALLY. IT WILL THEN BE A CRIMINAL OFFENCE TO SELL THEM TO YOU. PLEASE RESPECT OUR POSITION.**



ALTERNATIVE • TRADE • ASSOCIATION

**Alternative Trade Association Member**  
**Buy With Confidence**



**To be signed by your staff and retained on the employee file.**

Section 9a of the Mis-Use of Drugs Act 1971 makes it an offence if a person supplies or offers to supply anything which may be used for the cultivation or taking of drugs if that person believes that it may be used for the unlawful cultivation or taking of drugs.

Nothing that we sell is for the purpose of the preparation, cultivation or taking of illegal drugs. Under NO CIRCUMSTANCES should you sell anything from these premises to anyone if you believe the purchaser intends to use it for the preparation, cultivation or taking of illegal drugs. If a customer clearly indicates that he or she intends to use any of our merchandise for an illegal purpose you should refuse to sell it and ask the customer to leave.

This is important. You must understand that you PERSONALLY commit an offence (and may be imprisoned or fined, or both) if you contravene section 9a. If you are ever in doubt as to the legal position you should consult the management.

I confirm that I have read and understood the above.

Staff Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

**Witnessed by:**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_



## Introducing the Alternative Trade Association

Dear Trader,

You may or may not be aware of the recent changes proposed by the government regarding our industry. A statement by Jacqui Smith, the Home Secretary, given to the House of Commons, set out a few disturbing proposals which you should know about.

The Advisory Council on the Misuse of Drugs (ACMD) made some recommendations to the Home Secretary regarding the sale of 'cannabis paraphernalia' and the sale of cannabis seeds. With regard to the sale of cannabis seeds the ACMD recommended investigating:

"whether it might be practical to bring cannabis seeds within the scope of the Misuse of Drugs Act.

The ACMD also recommended that :

"The Home Office should assess the extent to which the trade in cannabis paraphernalia might be more effectively regulated".

In her statement to the House of Commons the Home Secretary proposed, amongst other things;

"possible changes to legislation and powers used to curtail the sale and promotion of cannabis paraphernalia" and "I also want to see more action against the trade in cannabis paraphernalia and will work with ACPO (Association of Chief Police Officers) to look at how existing legislation and powers can be used by the police, local authorities and other partners to curtail the sale and promotion of these items".

The threat to our livelihoods is clear and present. We need to take action now if we wish to have a business in the future.

You are receiving this letter due to the coordinated action of a coalition of UK wholesalers, attempting to stop these misguided proposals becoming law. In order for this to happen we need to take action now. It is very important that our collective voices are heard and that we retain the best counsel and advice for our fight against any change in the current legislation.

## **WHAT YOU CAN DO**

- Adhere to the code of conduct that is enclosed within this pack.
- Remove from all window displays any reference to cannabis, or images of the cannabis leaf.
- Immediately implement an over 18's policy with regard to the sale of all smoking paraphernalia, including cigarette papers. This is currently the law in the UK.
- Display the enclosed disclaimer in prominent positions around your premises.
- Anyone who discusses drugs or drug taking on your premises should be asked to leave immediately.
- Display the ATA logo on the front of the store or in a prominent place to show you are following our guidelines and are a member of the organisation. There is power in numbers.
- DO NOT admit any wrongdoing, your trade is legal. Contact your wholesaler if you have any problems with the police or Trading Standards, we have a legal team ready to fight for your right to trade.
- Adhere to the guidelines enclosed or we will NOT be able to represent you.

## **WHAT WE ARE DOING FOR YOU**

- We have prepared this pack to inform you on how to keep your business safe.
- Retained legal counsel ready to defend any actions taken against the industry.
- Preparing to launch a media offensive designed to safeguard your jobs.
- Made a website designed to educate people on the risks of smoking and the problems of abusing any substances.
- Keep you informed of any legislative changes that will affect your business.

Together and united we are strong, individually we are weak and vulnerable. It is now that you have to act. Some of the guidelines may go against your previous instincts, but you do need to follow them in full to benefit from the legal advice we are offering you.

So please fill in the form attached and send it back to your wholesaler so we know that you are following the guidelines.

Together we can make a difference and defend our industry.

Best regards

**Alternative Trade Association**