

PRESS RELEASE

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For immediate release

Illegal sales of tobacco and vapes to under 18s in Scotland give cause for concern as Trading Standards find one in five retailers are willing to break the law.

Ongoing work by Trading Standards Officers in Scotland testing sellers of tobacco and nicotine vaping products (vapes) has found that 1 in 7 premises visited sold cigarettes, and 1 in 5 sold vapes to an under 18 volunteer. These are significantly worse results than expected and may in large part be caused by the child appealing nature of vapes, and their wide availability in shops and service premises.

Trading Standards Officers work in partnership with the Scottish Government to monitor and support sellers, who need to comply with regulations associated with the retail sale of both tobacco and vaping products. Officers work with young (under-18) volunteers locally and in tightly controlled test purchase situations to check that sellers are abiding by the law by asking for proof of age where appropriate and refusing to sell to children. Those found to be selling to under-18s can be issued with fixed penalty notices or even be banned from selling these products.

Last year, officers with young volunteers attempted 662 test purchases of vapes and 251 test purchases of tobacco at premises across Scotland with 131 failures for vapes, and 36 failures for tobacco, where sales were made to under 18s. In total 263 fixed penalties were issued by Trading Standards Officers. A full report can be found on the [SCOTSS website](#), details below in notes.

The last few years have seen a massive surge in the popularity of single use vapes, and although these are now banned in Scotland, vapes remain a relatively cheap and child-appealing product and even the newer reusable ones are being discarded carelessly after use.

Alex Connell, Chair of SCOTSS commented:

"The health of young people is a key priority for Trading Standards and smoking is the greatest threat to their health and development, especially for younger children. These results are very concerning and we will be stepping up efforts this year to support sellers with advice and continue to take enforcement action where sellers break the law. "

She continued:

"NVPs can be a useful cessation aid for smokers who want to give up smoking, but they are not intended as a lifestyle product for young people. The bright packaging colours and sugary and fruity flavours are child appealing, and they are too easily available, we would like to see the same display rules applied to NVPs that are applied to tobacco, i.e. they are kept out of sight in store."

John Herriman, Chief Executive at the Chartered Trading Standards Institute, said:

"These findings from our colleagues in Scotland are extremely concerning. The law is clear: tobacco and vaping products must not be sold to children. Yet far too many retailers are failing in both their legal and moral duty to protect young people from harm.

"Trading Standards Officers are on the frontline of enforcing these rules, but they cannot do this effectively without the resources needed for boots-on-the-ground action.

“CTSI continues to urge Government to prioritise the Tobacco and Vapes Bill in the parliamentary timetable. This legislation is essential to provide the powers and protections needed, including measures to reduce the child appeal of the brightly packaged, flavoured vapes currently flooding UK marketplaces.”

Sheila Duffy, Chief Executive of ASH Scotland, said:

“It is deeply disappointing that some retailers are selling addictive and health harming tobacco and recreational nicotine products such as vapes to children.

“It is vital that retailers are held to account for under-age sales of cigarettes which, when used as manufacturers intend, will kill up to two thirds of consumers and e-cigarettes containing toxic chemicals that can damage developing lungs and brains over time.

“Progress to pass the UK Government’s Tobacco and Vapes Bill and additional funding for trading standards teams in Scotland is urgently required to enforce future restrictions on the visibility and availability of recreational nicotine products to protect children and young people.”

Luke McGarty, Head of Policy & Public Affairs at SGF said:

“SGF believes in responsible community retailing and Nicotine Vaping Products and tobacco products should never be marketed or sold to children. There must be a clear message that anyone found intentionally or repeatedly breaking the law will be punished and could possibly lose their operating licences.

“Our members are well versed in selling age restricted products, and have strict measures in place such as Challenge 25, refusal registers and till prompts to ensure this can’t happen. We recommend that anyone selling these products sign up to the Scottish Tobacco Register and implement similar precautions.

“SGF also works closely with Trading Standards and the Scottish Government to ensure compliance across the Scottish convenience sector, with our Retailers Guide to tobacco and vaping regulation available free on our website, and regular advice issued to members.”

ENDS

Notes for Editors:

For press queries and further details on this work, email Ken Daly, SCOTSS Coordinator at coordinator@scotss.org.uk or call 07720538349

1. The Society of Chief Officers of Trading Standards in Scotland (SCOTSS) represents the 31 local authority Trading Standards services in Scotland. SCOTSS was established in 1996 and helps support and coordinate the activities of Scotland local authority trading standards teams. It is a Scottish Charitable Incorporated Organisation SC047951 and works closely with other governmental and regulatory organisations, such as the Competition and Markets Authority, the Office of Product Safety and Standards, Trading Standards Scotland, and the Scottish Government.
2. Trading Standards Officers in Scottish councils advise on and enforce laws that govern sales of tobacco and nicotine vaping products (also commonly referred to as vapes or e-cigarettes), which most importantly cannot legally be sold to persons under 18 years of age. There are also rules which forbid the display of tobacco in store and oblige sellers of tobacco or vapes to register with the Scottish Government. Since 2010, SCOTSS has worked with Scottish Government to manage an Enhanced Tobacco Sales Enforcement Programme (ETSEP) that monitors the sales of tobacco (and vapes) to under 18s across Scotland through test purchase and enforcement visits by Trading Standards.
3. The principal legislation that regulates tobacco and NVP sales is, [The Tobacco and Primary Medical Services \(Scotland\) Act 2010](#), and [The Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016](#), along with a range of other secondary legislation.
4. Single Use or disposable vapes were banned from 1 June 2025 in Scotland under [The Environmental Protection \(Single-use Vapes\) \(Scotland\) Regulations 2024](#).
5. Local authorities carry out inspections and monitor or investigate complaints, they work with businesses to help achieve compliance but ultimately, can instigate prosecutions or take civil actions against those who break the law. For the full report on under-age sales work in 2024/25 see the annual report on the [SCOTSS website here](#).
6. In all instances where premises were found to sell tobacco or vapes to persons under the age of 18, follow up visits were made by local authority officers to give advice or to test compliance again.