

## PRESS RELEASE

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For immediate release

### **SCOTSS release results of underage sales of tobacco and vapes checks in Scotland that show high levels of illegal sales to kids.**

Ongoing work by Trading Standards Officers in Scotland testing sellers of tobacco and vapes has found that more than 1 in 7 premises visited sold cigarettes, and more than 1 in 5 sold vapes to an under 18 year old volunteer. These are disappointing results given the harmful nature of tobacco and the significant advisory work that is done by local council officers. The illegal sale of vapes is even more widespread, and we feel this is partly due to their easier accessibility and prominence 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 677 test purchases of vapes and 289 test purchases of tobacco at premises across Scotland with 148 failures for vapes, and 38 failures for tobacco, where sales were made to under 18s. In total 207 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. We have also seen significant growth in the sale and use of other nicotine products, such as pouches and strips, which are at the moment unregulated by health legislation and have reportedly caused severe oral and gum injuries to children with pouches containing excessive levels of nicotine. We look forward to the new Tobacco and Vapes Act 2026 and subsequent regulations making a real difference to the protection of young people in this sector of the market.

#### **Chris Bell, 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. “*

*He continued:*

*“Vapes 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 hope that the same display rules are applied to vapes that are applied to tobacco under the new Tobacco and Vapes legislation, i.e. they are kept out of sight in store.”*

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

**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 vapes containing addictive nicotine and toxic chemicals that can damage developing lungs and brains over time.*

*“Progress on implementing the UK Government’s Tobacco and Vapes Act and the potential introduction of a ban on displaying vapes and nicotine pouches in Scotland would be welcome. Additional funding for trading standards teams across the nation is vital to ensure future restrictions on the visibility and availability of recreational nicotine products can be comprehensively enforced to protect children and young people.”*

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

*SGF is fully committed to responsible retailing, and we work closely with both Trading Standards and the Scottish Government to promote high standards of compliance across Scotland’s convenience sector. Alongside regular updates and practical guidance for our members.*

*We firmly believe that vape and tobacco products should never be marketed or sold to underage children, and there must be a strong and visible deterrent for those who deliberately or repeatedly break the law. Including tough penalties and the potential loss of their operating licence.*

*Our members have extensive experience in the responsible sale of age-restricted products and follow robust procedures to prevent underage sales. These include Challenge 25, refusal registers, and electronic till prompts that support staff in making the right decision. We encourage all tobacco and vape sellers to join the Scottish Tobacco Register and adopt similar safeguards*

ENDS

## Notes for Editors:

For press queries and further details on this work, email Ken Daly, SCOTSS Coordinator at [coordinator@scotss.org.uk](mailto: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 in Scotland 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. A new Act received Royal Assent on 29<sup>th</sup> April [The Tobacco and Vapes Act 2026](#) which introduces significant new legislation around the age of sale of tobacco and will impact on other sectors such as vapes and nicotine products.
5. Single Use or disposable vapes were banned from 1 June 2025 in Scotland under [The Environmental Protection \(Single-use Vapes\) \(Scotland\) Regulations 2024](#).
6. 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 2025/26 see the annual report on the [SCOTSS website here](#).
7. 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.