

Produced in Partnership with ALTA

UNDERAGE SALES

Information Booklet



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UNDERAGE SALES

Some products are age-restricted. This means that you have to be over a certain age to buy them. Anyone who sells these products to underage people commits a criminal offence.

Aberdeenshire Trading Standards Service has produced this information booklet, in conjunction with ALTA (Aberdeenshire Local Tobacco Alliance) to provide retailers with information, on how they can avoid breaching the laws relating to these products. It shows them how to work out someone's age, spot fake identification (ID) and helps them to record details of any refused purchases. Owners, Managers and staff should periodically read this booklet to remind themselves of the rules governing age restricted sales.

This information booklet is available free of charge for retailers who sell age-restricted products. If you have any questions or need any further guidance, please contact us for details.

UNDERAGE SALES ADVICE PACK

Information Booklet

This booklet offers advice and information to retailers of the law as it affects sales of age-restricted products. In the main, these laws are enforced by the Trading Standards Service. The book can be used for training your staff and can also be used to record that the training has been done.


Posters



Enclosed is a poster which explains the type of identification that is acceptable as proof of age. It also advertises that you have a **"Think 25"** policy and will ask anyone who looks under 25 years old for some proof of their age. Place the poster where it can be seen by customers so that your staff can use it to help explain your shop policies.

WHAT ARE AGE-RESTRICTED PRODUCTS?




Because of the harm they cause, the supply of a wide range of products to underage people is illegal. These are called age-restricted products and the term 'underage sales' is commonly used to describe their supply to young people.

WHAT AGE RESTRICTIONS APPLY?

PRODUCT	MINIMUM AGE	PENALTY
<p>Cigarettes/Tobacco Products</p> 	<p>18</p> <p>This is not just cigarettes but any product containing tobacco and also any smoking related product such as filters and papers.</p>	<p>£2500</p> <p>Or you may be given an on the spot Fixed Penalty of £200. A court is also able to impose a banning order to prohibit you from selling tobacco products.</p>
<p>Alcohol</p> 	<p>18</p>	<p>£5000</p> <p>You can also have your licence taken away.</p>

<p>Fireworks</p> 	<p>18</p>	<p>£5000</p> <p>You can also get up to six months in prison.</p>
<p>Party Poppers, Cracker Snaps, Novelty Matches, Throw Downs</p> 	<p>16</p>	<p>£5000</p> <p>You can also get up to six months in prison.</p>

PRODUCT	MINIMUM AGE	PENALTY
<p>Knives, knife blades, razor blades and axes</p> 	<p>18</p>	<p>£5000</p> <p>You can also get up to six months in prison.</p>
<p>Butane Cigarette Lighter Refills</p> 	<p>18</p>	<p>£5000</p> <p>You can also get up to six months in prison.</p>
<p>Aerosol Spray Paints</p> 	<p>16</p>	<p>£2500</p> <p>You can also get up to six months in prison.</p>

<p>Film DVDs, Videos & Computer Games</p> 	<p>12, 15, 18 (check classification of case)</p>	<p>£5000</p> <p>You can also get up to six months in prison.</p>
<p>National Lottery, Health Lottery & Instant Win Tickets</p> 	<p>16</p>	<p>£5000</p> <p>You can also get up to two years in prison. Camelot may also impose other sanctions such as the removal of the terminal.</p>
<p>Petrol</p> 	<p>16</p>	<p>This would be an infringement of your licence conditions.</p>

Employers and individual employees may both be prosecuted if an age restricted product is sold to an underage person.

WARNING NOTICES – REQUIRED BY LAW

If you sell certain products you must display warning notices in your premises for customers to see.

If you sell cigarettes, you must display a notice like this in a prominent position that is readily visible to people purchasing cigarettes, cigars, rolling tobacco and other tobacco related products.

(The notice must be at least 297mm x 420mm with lettering at least 36mm high)

**IT IS ILLEGAL TO SELL TOBACCO
PRODUCTS TO ANYONE UNDER
THE AGE OF 18**

If you sell fireworks, a notice like this must be prominently displayed.

(The notice must be at least 297mm x 420mm with lettering at least 16mm high)

**IT IS ILLEGAL TO SELL ADULT FIREWORKS AND SPARKLERS TO
ANYONE UNDER THE AGE OF 18**

and

**IT IS ILLEGAL FOR ANYONE UNDER THE AGE OF 18 TO
POSSESS ADULT FIREWORKS IN A PUBLIC PLACE**

**If you sell spray paints, you must display a notice like this in a prominent position.
(The notice must be A4 size and each letter must be 13mm high or more)**

**IT IS ILLEGAL TO SELL A SPRAY
PAINT DEVICE TO ANYONE
UNDER THE AGE OF 16**

“Think 25”

Operate the “Think 25” policy in your shop

It can be difficult to guess how old a person is. Some young people look older than they actually are. It is unreasonable to ask an employee to guess the age of a customer and there can be consequences if they get it wrong. To try and avoid this we are asking that all retailers adopt a “Think 25” policy.

“Think 25” is a policy which helps to deal with the difficulty of assessing a customer’s age. Put simply, if a customer appears to be under 25 they will be asked to prove they are over the legal age to purchase a product; for example, 18 for cigarettes.

Asking for identification at a higher age limit than the legal age for sale of the product allows for a margin of error and means that you are less likely to make an illegal sale.

“Think 25” works best if customers know about it. We have supplied you with a poster advertising the “Think 25” policy. It should be displayed where a sales person can make

reference to it whilst asking a customer for proof of age.

If your customers know you have a “Think 25” policy it makes it easier to ask for identification without causing offence.

Customers should not be asked their age. Always ask to see their identification (ID).

Till Prompts

Many stores have electronic tills and scanning systems which allow till prompts to be set up. Messages are then displayed every time an age-restricted product is scanned and this acts as an extra reminder for the till operators.

Are there any other measures that can help reduce underage sales?

You may wish to have the barcodes on age restricted products covered by a label (for example indicating “check age”) which will need to be removed before the sale can take place. Again, this means that sales staff have time to stop and assess the age of the customer before selling.

REMEMBER IF IN DOUBT REFUSE THE SALE

PROOF OF AGE

If your **“Think 25”** policy and, perhaps, **till prompts** are used properly, they will lead to requests for the customer to provide some proof of their age.

The only acceptable forms of proof of age are:

- » **PASS Accredited Proof of Age**
Cards such as the Young Scot National Entitlement Card (NEC).
- » **UK Photo driving licence** – be careful with these as they can be issued when a person is 17 years old.
- » **Passport**
- » **A Biometric National Identity Card**

Birth certificates are not an acceptable method of proving a person’s age as they carry no photo and can be passed between friends; neither are Student Union Cards.

If a customer becomes angry because you have asked for identification and/or have refused a sale:

- » If necessary call a manager/supervisor for help.
- » Do not get involved in an argument.
- » Apologise for the inconvenience.
- » Explain the legal issue.
- » Refer them to the Trading Standards Service. The telephone number is on the bottom of this “Information Booklet” and on the **“Think 25”** poster.

ADULTS BUYING FOR AN UNDER-AGED PERSON

Proxy purchasing is a term used to describe a situation where a person over the legal age, buys an age-restricted product on behalf of someone who is too young.

For example an under 18 year old person gives money to an adult to buy cigarettes for them. This could be an older brother, sister, friend or even a stranger who has been approached nearby. The adult buying the cigarettes commits a criminal offence.

WHAT CAN YOU DO?

Be Vigilant

Signs to look out for –

- » Are there young people congregating in the vicinity of the shop?

- » Have you recently refused a sale to a young person and an adult is attempting to buy the same product immediately afterwards?
- » Is someone paying separately for a number of different products, perhaps using lots of small change?

Make sure your staff are aware of the issue of proxy purchasing and the consequences.

REFUSAL RECORD BOOK

It is very important that you monitor that your staff are following the training and instruction that you give. Instructing your staff to make a record of every time they refuse to sell an age restricted product and keeping a record is important. It shows that you and your employees regularly check a person's age and refuse to sell to underage people. It also shows that your employees are following the training they have been given.

IF YOU SUSPECT A PROXY PURCHASE – DON'T SELL!

BEWARE OF FAKES

Fake proof of age and identity cards are readily available through novelty shops and the Internet.

Your staff need to be careful when accepting any ID. They will need to check:

- » That the photo looks like the person presenting it
- » The date of birth
- » That the proof of age card features the "PASS" hologram, and
- » Whether there are any signs of alterations having been made such as scratches or sellotape over a photo.



A Young Scot National

Entitlement Card (NEC) is a free electronic smart card for all young people aged 11 to 25. The card was created by the Scottish Government, Young Scot and local councils including Aberdeenshire Council. Most schools issue the cards. They are also available FREE from all local councils.

The cards include a verified date of birth and a photograph of the young person. In addition the Young Scot NEC includes the PASS hologram.

In addition to the Young Scot NEC you may see the following proof of age cards. They are all acceptable because they all have the PASS hologram.

- » Citizen Card
- » Age Entitlement Card
- » One-ID4U Card
- » Validate UK Card

TRAINING

The most important part in making sure that underage sales do not happen is to ensure that you and your employees are trained properly. Training should be given to all employees whether they are paid or unpaid. Anyone selling age restricted products needs to know about their legal obligations.

Training should cover the following:

- » Knowledge of the age limits for the products you sell.
- » The consequence of selling a product illegally.
- » Practical training on what ID is acceptable, how to check ID and how to refuse a sale.
- » How to deal with difficult customers.
- » Recording refused sales of age-restricted products in the Refusal Record Book.
- » Making sure your employees understand how difficult it is to judge a person's age and instruct them to use the **"Think 25"** policy and ask for proof of age.

Training should be updated on a regular basis. Check that everyone understands the training and monitor that they are following your instructions.

- » Do they have the confidence to ask for proof of age?
- » Do they have the skills required to refuse a sale?

Keep records of the training and instruction given to employees.

Make sure they date and sign the training records at the back of this booklet. This will allow you to keep a check on who has received training and be able to show that it has been provided.

OFFENCES RELATING TO TOBACCO, TOBACCO PRODUCTS & SMOKING RELATED MATERIALS

- » **It is an offence if you sell tobacco, tobacco related materials to a person under 18.**
Even if they say “they’re for my Mum”, it makes no difference, even if it is true. If you are not sure that the customer is over the age of 18, ask for proof of age. If you are still not sure refuse the sale.
- » **It is an offence if you sell unpackaged cigarettes.**
It is illegal to break a pack and sell individual cigarettes from it to anyone.
- » **It is an offence if you do not display the A3 size Statutory Warning Notice (see page 7)**
- » **It is an offence if you do not register a Tobacco Retailer with the Scottish Government.**
All tobacco retailers must register themselves and all their outlets. It is free and only needs to be done once.
- » **It is an offence for those under 18 years old to buy or attempt to buy tobacco products.**
- » **It is an offence for anyone aged 18 or over to buy or attempt to buy tobacco products for someone under 18.**
- » **It is an offence for anyone to sell tobacco products from an automatic vending machine.**

After April 2015 tobacco products and smoking related products (in places where tobacco products are offered for sale) must be stored out of public sight except in limited (temporary circumstances).

The requirements of the new legislation are explained in guidance issued by the Scottish Government. Retailers can also ask enforcement officers for advice on the introduction of this legislation or contact their representative trade organisation.

Briefly the circumstances allowing you to display tobacco are:

1. Following requests to buy or see tobacco products from a customer (a "requested display" in the legislation), and
2. Incidental displays while staff are actively:
 - » assessing stock levels for the purposes of stock control
 - » restocking
 - » undertaking staff training
 - » pricing
 - » cleaning the storage unit
 - » refurbishing the storage unit
 - » refitting the storage unit

From that same date, price lists and price labels for tobacco products must only be displayed in the specific formats set out in legislation.

Only three types of tobacco price display will be permitted from the relevant dates:

1. **Poster style lists**
(up to A3 in size) which can be permanently on show.
2. **A price list available on request**
(picture price list), which must not be left on permanent show but which can be shown to any customer who asks for information about tobacco products or smoking related products sold.
3. **Price labels**
Which can be placed on shelving, storage units or tobacco jars. One price label is permitted for each product either on the covered shelf where the product is stored or on the front of the storage unit where the particular product or smoking related product is held pending sale.

These laws are enforced by the Trading Standards Service. Anyone who breaks them could face a fine, prosecution and a criminal record. You may be given a Fixed Penalty Notice for £200.

If there are three infringements of these tobacco laws within a two year period, a Court can order a retailer to stop selling tobacco from their premises.

DVDs, VIDEO GAMES, VIDEOS FOR SALE AND HIRE

- » It is an offence to supply, or offer to supply, media containing video recordings (be they DVD, Blu-Ray or any other format), video games, and computer games to any person who has not attained the age specified on the recording.
- » It is illegal to supply video recordings, video games, and computer games without the required labelling on them or their case.
- » It is illegal to supply an 'R18' video other than from a licensed sex shop.

Remember You Commit an Offence

- » If you supply "DVDs/video games/videos" to someone who is underage, or
- » If you supply a "DVDs/video games/videos" which is not correctly labelled, or
- » If you supply a R18 "DVDs/videos" unless the supply is from a licensed sex shop.

SPRAY PAINT SALES

- » It is illegal to sell a spray paint device to anyone under 16.
- » If you are still not sure refuse the sale.
- » Make sure the statutory warning notice is displayed and can be seen clearly at all times.

Remember You Commit an Offence

- » If you break the law and sell spray paints to a person who is under 16.
- » If you do not display the warning notice so it can be easily seen (see page 7).

FIREWORK SALES

- » It is an offence to sell fireworks to anyone under 18. If you are not sure that the customer is over the age of 18, ask for proof of age. If you are still not sure, refuse the sale.
- » It is an offence to sell caps, party crackers, poppers, throw-downs, novelty matches etc. to anyone under 16.
- » You must be registered with Trading Standards to keep fireworks in your shop and all fireworks must be stored and displayed for the sale in a safe and secure manner.
- » Fireworks must not be sold separately if they are intended to be sold together as a pack.
- » Make sure you display the required statutory warning notice and ensure that it can be seen clearly at all times.
- » Fireworks intended for sale to the public must comply with the safety standard for fireworks, currently BS 7114, and be labelled accordingly.

Remember You Commit an Offence

- » **If you sell fireworks including sparklers to someone under 18 years of age.**
- » **If you sell caps, party crackers, poppers, throw-downs, novelty matches etc. to anyone under 16.**
- » **If you do not display the warning notice so it can easily be seen (see page 7).**

CIGARETTE LIGHTER REFILLS AND OTHER VOLATILE SOLVENTS

- » Never sell cigarette lighter refills to anyone under 18 years of age.
- » Never sell to a person aged under 18 years, if they are buying more than 2 or 3 of the same item, or making repeated purchases over a short period of time.
- » Be suspicious if the person appears drunk or has the smell of solvent on their clothes or breath.
- » Be alert to spots and sores around the buyer's mouth and nose.
- » Look out for excessive giggling or rowdy, silly or strange behaviour.
- » If in any doubt, do not sell the substance being requested by the customer.
- » Abuse of solvents can be a matter of life or death for the young person concerned. So be vigilant at all times when selling solvents.

Other commonly abused products which are classed as solvents are:

- » Solvent based adhesives
- » Aerosol air fresheners
- » Hairspray
- » Petrol
- » Dry cleaning agents
- » Nail varnish/varnish removers
- » Typewriter correction fluids
- » Paint thinners/removers

Remember You Commit an Offence

- » **If you supply solvents or volatile substances to any person, knowing that these substances will be abused and will endanger their health or life, regardless of age.**

WHAT HAPPENS NOW?

The Trading Standards Service in Aberdeenshire hope that all businesses in the area which sell age-restricted products will:

1. adopt a **"Think 25"** policy.
2. only accept **PASS** cards, **Photo Driving Licences, Passports and Biometric National Identity Cards.**
3. train (and periodically remind) all employees of the requirements contained in this information pack, and
4. check the **Refusal Record Book** regularly.

Aberdeenshire Council Trading Standards Service is required by the Scottish Government to undertake a programme of covert test purchasing using young volunteers to help ensure that illegal sales are not made.

If illegal sales are detected the Trading Standards Service will investigate the cause. Appropriate enforcement action will be

taken against the seller, the manager and/ or the owner. This action can include receiving a warning, receiving a Fixed Penalty Notice or being reported to the Procurator Fiscal.

If there is a nearby business which competes with yours but does so in an unfair manner by selling to underage customers, let the Trading Standards Service know, so that they can take action.

Please contact Aberdeenshire Council Trading Standards Service if you require any further advice or support.

STAFF TRAINING RECORD

Please sign and date to indicate that you have read and understood the information in this booklet.

DATE	NAME	SIGNATURE

Please sign and date to indicate that you have read and understood the information in this booklet.

DATE	NAME	SIGNATURE

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 **Underage Sales
Information & Advice**



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