



Chartered Trading
Standards Institute

CTSI statement on current issues relating to the sale of vapes in the UK



The issue of non-compliant vapes

Non-compliant vapes have flooded the UK market and CTSI is very concerned about the volume of non-compliant vapes that are currently in circulation.

The current regulations specify that vapes are required to have tanks to a capacity of no more than 2ml; a nicotine strength of no more than 20mg/ml; and their labels display manufacturer details and health warnings. Any vapes that have contents exceeding these amounts are illegal products and should not be sold to consumers.

While there is no definitive health risk to using non-compliant vapes, the MHRA strongly advises consumers not to use them as the true content is unknown, along with any possible health risks.

Trading Standards teams across the UK are overwhelmed by the volume of non-compliant vapes being sold by retailers, with 1.4 tonnes of illegal vapes seized in the last six months of 2022 in the North East of England alone. While Trading Standards Officers are working tirelessly to try and combat the tidal wave of non-compliant vapes being sold by retailers, there is a wider issue of faults in the supply chain.

Based on test purchasing, around 1 in 3 vape products may be non-compliant - this may include having the wrong health warning, the wrong tank size, a higher concentration of nicotine, containing CBD, incorrect labelling - or all of the above



Support and clarification

At a national level, CTSI and Trading Standards teams need urgent support and clarification from the Government (DHSC) as the scale of non-compliant vapes and the concerns around underage sales are snowballing, and getting out of hand.

We currently lack a national picture of what is happening – and our local teams require support to help co-ordinate efforts.

Trading Standards teams are working to address reports of non-compliance but we are spread very thinly enforcing laws on a range of issues from food standards to product safety. We need more boots on the ground to help enforce regulations, and advise businesses.

betterRetailing reports that sales of disposable vapes are over 138million per annum. With 1 in 3 products potentially being non-compliant, that's more than 45million non-compliant products being sold every year

On the points about minimising the appeal of vapes to people under the age of sale, intelligence led test purchasing finds that around 1 in 3 shops sell vapes to those knowingly under the age of sale. There are growing concerns from the public about the appeal of vapes as a lifestyle accessory for young people rather than what they were originally developed for, which was as a highly effective aid to support smokers to quit.

The costs of disposal of vapes are also significant. For example, in Kent, where the TS team has seized 300K from ports the Local Authority will be seeking costs under forfeiture but nothing is guaranteed. At the high end that would cost £240k to get rid of but even at the low end it is £52.5k

What are we calling for?

Trading Standards teams need clearer direction from Government on this issue including from DHSC and relevant agencies particularly in relation to non-compliant products. We also need manufacturers to publish batch numbers of non-compliant products so that retailers know what they should not be selling.

We need greater resources to support us in undertaking enforcement work.

There needs to be a wider review of the TRPR regulations to make sure they are keeping up with product development and market changes.

We should explore restrictions to stop young people taking up vaping without impacting on the move from smoking to vaping. This could include reducing the “youth appeal” of vaping, for example the banning of cartoon characters or light up vapes, restrictions on the colours of packaging as well as the promotion of vapes on social media platforms such as TikTok. Also, to look at where the products are positioned in stores – often in smaller shops next to the confectionery.

We should toughen up the sanctions available for those producers, suppliers, retailers who don't comply with the law. For example, there are trials in place that could be extended to TS teams to issue restorative justice sanctions which would entail suppliers paying for the costs of Local Authorities to seize and then dispose of non-compliant vapes. These costs should not be borne by Local Authorities but by the importers, distributors and suppliers of vape products.