

TOBACCO RETAILER 2025



SUMMER 2017

Welcome to Regional Public Health's Tobacco Retailer 2025 newsletter for retailers and shop-owners.

This newsletter will be published bi-annually to give you up to date information and news.

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Selling or not selling tobacco

This information sheet is for retailers who sell tobacco products. It's your choice about whether or not you sell tobacco products. Have you ever thought about **not selling tobacco products**? Are you paying a lot of money up front to stock tobacco, or perhaps your tobacco sales have been declining over the years? Maybe you are worried about being the target of burglaries.

The New Zealand Government is committed to a goal of New Zealand becoming smokefree by 2025.

The smoking rate for teenagers is not much lower than the adult smoking rate.

About 3000 New Zealand children aged 14 and 15 years old are daily smokers.

Early experimentation can lead to a lifetime addiction to smoking.

We can support you to become a tobacco free retailer and join the growing number of retailers in New Zealand who don't sell tobacco. There are plenty of benefits, including helping your community to be healthier and attracting new customers.

The law

If you do sell tobacco products, then this information sheet outlines your obligations under the Smoke-free Environments (SFE) Act 1990.

The sale of cigarettes, tobacco, toy products and herbal smoking products to people under 18 years of age (minors) is prohibited under the SFE Act. The law requires that all staff take reasonable precautions and exercise due diligence to prevent the sale of tobacco products to people under 18.

The SFE Act also requires a complete ban on the display of tobacco products.

We cover these two issues in more detail in this newsletter.



If you break the law, you risk prosecution
If someone looks under 25 – ask for ID
No ID – No sale

Selling tobacco to minors is prohibited

The sale of cigarettes, tobacco and herbal smoking products to minors is an offence. The Ministry of Health's policy is to issue an Infringement Notice to the seller or to prosecute where breaches are identified. If the owner also failed to train staff, they may receive an infringement fine or be prosecuted.

The Infringement Notice fee is \$500 for an individual or \$1,000 for a body corporate (i.e. a company). In the case of a successful prosecution, the maximum fine that can be ordered by the Court is \$5,000 for an individual or \$10,000 for a body corporate.

Acceptable forms of identification include a New Zealand or International Passport, New Zealand photo drivers licence or Evidence of Age Card (Hospitality New Zealand (HANZ) 18 Plus Card).

Staff must check the date of birth on the identification.



If you or your staff have any doubt about someone's age or the validity of their identification you must **refuse to sell**.

Tips

- Put an age checking sticker (till sticker) near the counter as a quick reference for staff. The sticker will need to be updated every year.
- Supervise junior staff and don't allow them to sell tobacco without approval from a senior staff member or manager. Use a log book to record incidents and a description of the minor trying to purchase.

Things to look for

- Check the identification carefully under good lighting – hold it up to the light.
- Handle the identification to detect any unusual features such as raised lettering.
- Check there is no transparent cover over the original date of birth, or a replacement photo.
- Look at both sides and at the edges for imperfections.
- If still in doubt, ask the customer to put their signature on a piece of paper and compare the signatures.

- **Retailers who sell to minors can be prosecuted in Court and fined up to \$10,000 (for a body corporate) or \$5,000 (for an individual).**
- **Any person selling tobacco or herbal products to a person under 18 could receive an instant fine of up to \$1,000.**

Signage and display

It is **illegal** to:

- have signage advertising tobacco products or mentioning tobacco or cigarettes, and
- display tobacco products.

A person who without reasonable excuse allows a tobacco product, tobacco package or tobacco carton to be visible or advertises a tobacco product could be fined up to \$10,000.

Tobacco products must be concealed at all times except to the extent necessary to make a sale. Tobacco storage units must only be opened briefly to retrieve the selected products to make the sale and then closed immediately. To reduce the chances of non-compliance, you should restock when you are closed or during quiet times. Tobacco products must not be visible to the public, either inside or outside your premises.

If a customer wishes to purchase a tobacco product but is unsure what to purchase, you must show the customer the product list detailing the tobacco products available. You must not show the range of tobacco products available in the storage unit(s).

- **Retailers who, without a reasonable excuse, allow a tobacco product tobacco package or tobacco carton to be visible are liable to a fine of up to \$10,000.**

Training

Staff need to be aware of the requirements of the SFE Act.

You should provide regular training with your staff around selling tobacco. New staff should have this training as part of their orientation. Current staff should receive regular refresher training.

After each training, staff should sign a log to say they received the training.

Training should cover:

- the law
- rules around minors/underage
- fake identification (IDs)
- signage
- security.

Provide your staff with regular training.

Make sure staff sign the training record saying they have received the training.

Which of these young people should you ask ID for when selling cigarettes?

It can be difficult to tell someone's age. Always ask for identification (ID) if a customer wanting to buy cigarettes looks under the age of 25 years.



Answer: All of them! They are all under 18 years old.

If you have any questions you can contact us at Regional Public Health on 04 570 9002 and ask to speak to a Smoke-free Enforcement Officer.