



## **Underage Sales**

### **Trader Advice Pack**

Dear Retailer,

As a responsible retailer, I am sure that you have the same concerns as Trading Standards regarding the sale of age-restricted goods to underage purchasers. We also understand that in today's busy retail environment that it can be difficult to keep up with all the relevant legal requirements.

With this in mind we have produced this pack to assist you and your staff in complying with the law in relation to underage sales. (This pack covers all products and you may not sell some of the products that are referred to in this pack.)

I'm sure you are aware, Trading Standards conduct test-purchasing operations on age-restricted products using volunteer children. If a sale is made, we will investigate what precautions the retailer took to avoid the sale occurring. Our findings will then influence what further action we will take.

This pack is designed to aid you in documenting training that is provided to employees and also to show that you as a retailer are monitoring how effective that training has been. and log any refusals.

I hope this pack assists you in preventing the illegal sale of age-restricted products. If you require further advice or clarification, please contact Cumberland Trading Standards Service.

## How to use this pack

Information sheets are provided to remind you and your staff of the laws that govern different age-restricted goods. Once you and your staff have read these sheets, the record of training document should be signed to acknowledge that the responsibilities under the law have been understood. (*Template below*)

We suggest that you go through each information sheet with each member of staff individually to ensure that they fully understand the information. You should only sign the record of training once you are satisfied that the information sheet has been read and understood by the member of staff.

An example of a refusal record is also included in the pack. By using a refusals record you are able to monitor which of your staff are, or are not, refusing the sale of age-restricted products and therefore identify staff who may require a review of their initial training. We suggest that where it is apparent from the refusal record that a member of staff is not refusing to sell age-restricted products that this is investigated further. We would recommend that the manager checks the refusal record on a regular basis and makes a record of when the checks have been carried out.

We would expect staff to be receiving refresher training on a regular basis and the refresher training should also be documented. The record of training can be used to record the refresher training. All records of training and refusal logs should be retained so that they can be produced in evidence later if necessary.

## **Alcohol - 18**

- It is illegal to sell alcohol to anyone under 18.
- Staff under the age of 18 must not sell alcohol without knowledge of the sale by the owner, designated premises supervisor or other employee over 18.
- If you are not sure that the person is 18 (alcohol) ask for proof of age.
- Some shops operate a Challenge 25 scheme. If the person looks under 25 then you ask for ID. That way you can significantly reduce the likelihood of selling to a person aged under 18.
- If you are still unsure refuse the sale. You may wish to record the details in a refusals register to show that you are refusing sales. (*template below*)
- It is illegal for anyone to attempt to purchase alcohol under the age of 18.
- It is illegal for a person over 18 to buy alcohol for a person under the age of 18 (proxy purchase)
- If you sell alcohol to a person under 18 your premises licence or personal licence may be at risk.
- Only recognised forms of identification should be accepted such as a PASS accredited proof of age card with hologram, photo driving licence, passport or military ID card.

### **You may commit an offence if:**

**You or your employees sell alcohol to a person under 18.**

**A member of staff under 18 sells alcohol without the knowledge of the owner, designated premises supervisor or an employee who is over 18.**

**You are under 18 and you sell alcohol without the appropriate supervision.**

## **Tobacco -18**

- It is illegal to sell tobacco or tobacco related products (e.g. tobacco papers) to anyone under the age of 18.
- It is illegal to break open a pack and sell single cigarettes to anyone – child or adult. Tobacco should always be sold in its original packaging. This packaging will have marked on it statutory warnings and information.
- A statutory warning sign must be displayed if tobacco or tobacco products are being sold. The size and wording of this sign is strictly controlled. The sign must state:-

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

This poster can be downloaded from the website [Download 'No ID, No Sale!' items for printing \(noidnosale.com\)](http://noidnosale.com)

#### **You may commit an offence if:**

**You sell tobacco or tobacco products to anyone under 18.**

**You break open packs and sell single cigarettes.**

**You fail to display the statutory warning signs.**

## **Solvents and Lighter Refills - 18**

- Solvents include lighter fluid, aerosol air freshener, hairspray, cooker cleaner, glues, tippex thinner.
- It is illegal to sell substances to persons under 18 if you know or think that the substance or its fumes are likely to be inhaled for the purpose of 'getting high'. Look out for children buying large quantities or frequently purchasing the above products. It is up to you to decide if you think the substance will be used in this way.
- It is also an offence to sell substances which you think will be sniffed, to persons acting on behalf of someone who is under 18.
- It is an offence to sell cigarette lighter refill canisters containing butane to anyone under 18.
- If you are not sure that the customer is over 18 ask for proof of age
- If you are still unsure refuse the sale
- If you suspect that an older person is buying on behalf of someone under 18 to inhale, refuse the sale.

### **You may commit an offence if:**

**You sell cigarette lighter refill canisters containing butane to anyone under 18.**

**You sell 'sniffable' substances to anyone under 18 or someone acting on their behalf, if you know or think they will be used for 'getting high'.**

## **Knives – 18**

- It is an offence to sell any knife to a person under 18, or to sell them any similar item, which is made or adapted for use for causing injury to a person. (There is an exemption for folding pocket knives with a blade less than 3 inches long and razor blades in a sealed cartridge with less than 2mm of the single edge blade exposed).
- If you do not believe the customer is over 18 (or 25 if a Challenge 25 policy is in place) ask for proof of age (passport/photo driving licence/PASS accredited proof of age card)
- If you are still unsure refuse the sale.
- It is an offence to market a knife in a way that suggests it is suitable for combat, or otherwise encourage behaviour involving the use of the knife as a weapon.

### **You may commit an offence if:**

**You sell a knife to an under 18.**

**You market a knife which suggests it could be used as a weapon.**

**You sell a flick knife.**

## **Lottery tickets/scratch cards – 16**

- It is illegal to sell lottery tickets to someone under the age of 16.
- It is illegal to sell scratch cards to someone under the age of 16.
- If you do not believe the customer is over 16 (or 21 if a Challenge 21 policy is in place) ask for proof of age (passport/photo driving licence/PASS accredited proof of age card)
- If you are still unsure refuse the sale.
- It is illegal for members of staff under 16 to sell lottery tickets or scratch cards.

### **You may commit an offence if:**

**You sell a lottery ticket or scratch card to someone under 16.**

**A member of staff under 16 sells lottery tickets or scratch cards.**

## Video, DVDs – Certificated age

- It is illegal to supply a “video” recording to a person who has not attained the age specified in the classification.
- It is illegal to supply a video recording without the required labelling on it and its case.
- If you are unsure of the customer’s age ask for proof of age (passport/photo driving licence/PASS accredited proof of age card)
- If you are still unsure refuse the sale.
- It is illegal to supply and “R18” video other than in a licensed sex shop.

### Categories of “video” recording certificates are as follows:



Universal – It is impossible to tell what might upset a particular child. The U classification is suitable for children aged 4 years and over and set within a particular morale framework offering reassuring counterbalances to any violence or terror.



Universal – particularly suitable for young children



Parental Guidance – general viewing, but some scenes may not be suitable for young children



Suitable only for persons of 12 years and over



Suitable only for persons of 15 years and over



Suitable only for persons of 18 years and over



**Restricted to be supplied only in a licensed sex shop** and to persons of not less than 18 years.

### You may commit an offence if:

**You supply videos to someone underage.**

**You supply a video which is not correctly labelled.**

**You supply an R18 video unless your business is a licensed sex shop.**



## **Fireworks – 18**

- It is an offence to sell fireworks to anyone under 18.
- You must be licensed with Cumberland Council to store fireworks for sale.
- It is an offence to sell caps, party poppers, throwdowns, novelty matches etc. to anyone under 16.
- If you are unsure of the customer's age, ask for proof of age (passport/photo driving licence/PASS accredited proof of age card)
- If you are still unsure refuse the sale.
- Fireworks can only be sold during the following periods unless a special year-round licence is obtained:
  - 15<sup>th</sup> October to 10<sup>th</sup> November
  - 26<sup>th</sup> December to 31<sup>st</sup> December
  - First day of Chinese New Year and the 3 days immediately before this
  - On the day of Diwali and the 3 days immediately before this
- You must display a notice which states: -

“It is illegal to sell adult fireworks or sparklers to anyone under the age of 18 and it is illegal for anyone under the age of 18 to possess adult fireworks or sparklers in a public place”

which complies with the legislation (as the notice has to comply with certain size requirements)

## **You may commit an offence if:**

**You sell fireworks to someone under 18.**

**You sell caps, party poppers, throwdowns, novelty matches etc. to anyone under 16.**

**You store fireworks without being registered or licensed.**

**You sell fireworks outside the specified periods without the appropriate license.**

**You do not display a ‘fireworks notice’.**

## **Aerosol Paints - 16**

- It is illegal to sell aerosol paints to anyone under 16.
- “aerosol paint container” means a device which:
  - a. contains paint stored under pressure and
  - b. is designed to permit the release of the paint as a spray
- If you do not believe the customer is over 16 (or 21 if a Challenge 21 policy is in place) ask for proof of age (passport/photo driving licence/PASS accredited proof of age card)
- If you are still unsure refuse the sale

### **You may commit an offence if:**

**You sell aerosol paints to anyone under 16.**

## **Nicotine Inhaling Products (Vapes)– 18**

- It is illegal to sell nicotine inhaling devices to anyone under 18.
- This covers nicotine inhaling devices such as e-cigarettes, certain component parts and e-liquids that contain nicotine.
- It is an offence to sell vapes containing nicotine to anyone under 18.
- If you are not sure that the customer is over 18 ask for proof of age
- If you are still unsure refuse the sale
- If you suspect that an older person is buying on behalf of someone under 18 to inhale, refuse the sale.

**You may commit an offence if:**

**You sell Vapes containing nicotine to anyone under 18.**

**You knowingly sell Vapes to an older person, if you suspect they are for someone under 18.**



**Trading Standards**

***Advise, Enforce, Protect.***

## Underage Sales – Record of Training

I have read and understand the information sheets indicated below.

[illegible]

## Refusal Record

[illegible]

