

## **TOBACCO – SUPPLIED BY A LEGITIMATE RETAILER OR FROM A CAR BOOT IN PUB CAR PARK?**

No moral adult can object to effective measures to discourage children starting to smoke tobacco. But unfortunately the legislation brought in by the last government to ban tobacco displays was not soundly based on evidence and could even be counter-productive. The RSA has consistently argued that the evidence cited by the pro-ban lobby to link the type of displays found in the UK with increased tobacco use by young people was very weak indeed. The danger with a display ban is that it removes a key difference between legitimate retailers and other individuals selling smuggled or counterfeit produce, with no thought of proof of age or other niceties.

The Health Act 2009 banned the open display of tobacco but gave the minister power to allow exceptions – there was a recent consultation leading to proposals on the way the absolute ban would be tempered to allow practical store operation. However, the end result would still be an expensive adaptation or replacement of display fixtures and a more difficult operation for staff.

Three major tobacco companies have launched applications for a judicial review of the banning of tobacco displays under the Health Act 2009. Imperial tobacco are arguing that the law is unreasonable and disproportionate, BAT argues that it discriminates against smaller companies and hinders new entrants to the market, in breach of EC competition law, whilst JTI argues that the ban would encourage the illicit market.

These companies may well be pushing at an open door, since the Conservatives have committed to a review of the policy and the LibDems have also expressed reservations on the display ban.

Evidence from the first few months of a tight restriction on tobacco displays in the Republic of Ireland seems to show that it has made no impact on tobacco sales. Despite this, the Scottish parliament is going ahead to consider a very tight display ban, heralded in some quarters as the toughest in the entire world.

**The RSA's stance is that in the current period of uncertainty, the implementation date for curtailing the display of tobacco needs to be postponed (currently 2011 for large stores, 2013 for most rural retailers) and the issue looked at afresh. We call upon Andrew Lansley, the new Minister for Health, to act quickly on this important issue.**

**The RSA is the first choice, credible and trusted point of contact for the rural small store sector. Through a network of links with Government Ministers, politicians of all parties, civil servants, national and governmental organisations and the media the RSA ...**

- 1. represents the business interests of its members**
- 2. ensures their views are properly heard**
- 3. influences policy and opinion**

#### **4. lobbies for equity and proportionality in matters impacting upon our industry.**

##### **How?**

- Proactive initiatives, getting in early and actually being able to influence Policy Making and decision makers in advance, are critical to our success in this area.
- The RSA's Steering Group meets quarterly to discuss the output and its members, all experienced retailers representing a broad spectrum of rural stores, assist with developing RSA policy, action plans and campaigns.
- Regular Press releases (see 'information' section) to trade and national media ensure high profile and inform a wider audience.
- The RSA attends a quarterly meeting with Camelot, to ensure the interests of rural shops are represented
- The RSA Sounding Board is a panel of RSA members, who are consulted to provide data and feedback on 'hot issues' and give robust evidence for submissions.
- Formal written responses are made to the many lengthy consultation documents published in advance of proposed legislative change, which inform Government and decision makers, and flag up potential unintended consequences for the sector forming the basis of a Regulatory Impact Assessment.