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Consultation on Tobacco Display and Sale Regulations Scottish Grocers' Federation (SGF) Submission

Introduction

1. The Scottish Grocers' Federation (SGF) is the trade association for the Scottish convenience store sector. It is the authoritative voice for the trade to policy makers.
2. The SGF brings together retailers throughout Scotland, from the Scottish Co-operatives, SPAR, Nisa, Costcutter, Keystore and local independents. Our members sell a wide selection of products and services throughout local town centre, rural and community stores. According to recent statistics (2007) there are just over 5,600 convenience stores throughout Scotland, with annual sales in excess of £3.2 billion.
3. The vast majority of our members will be significantly affected by the display ban regulations. Our intention is to make a constructive contribution to the consultation, in which we will outline our view of the operational implications of the proposed regulation.
4. Our contribution to this consultation should not be interpreted as a weakening of SGF's opposition to the principles of a display ban. We are unconvinced that banning display will have the stated impact on youth smoking and contend that those jurisdictions that have imposed a ban already have not seen associated declines in youth smoking.
5. The information provided and the suggestions made in this response do not advocate in anyway that retailers believe that compliance with this measure will be easy or low cost. Compliance with this legislation will be extremely burdensome and disruptive

International Comparisons

6. The draft regulations prescribe the display of an area of tobacco or smoking related products whilst retrieving a product for the purpose of a sale or requested display is allowed provided that an area no greater than 120 sq cm is displayed.
7. SGF has compared the suggested approach to the approach in other jurisdictions that have already considered or are considering implementing a tobacco display ban including Canada, Ireland and Australia which show that these draft regulations represent the most inflexible and burdensome approach in the world.
8. In Canada, the state which comes closest to these draft regulations is Ontario which stipulates that the maximum display area must be no larger than 30.5 cm in height by 61 cm in length (an area around 1869 sq cm) and must be opened one at a time¹.
9. Seven of the nine jurisdictions in Canada which have a complete tobacco display ban have regulations which allow retailers flexibility in how they store their tobacco, as long as it is out of sight while transactions are not taking place.
10. SGF would recommend that the Scottish Government does not seek to imitate and exceed the restrictions in one Canadian state but look to afford the greater flexibility that is allowed by 7 of the 9 that are pursuing a ban.
11. The Republic of Ireland was among the first European countries to ban tobacco displays, a measure which came into force on 1st July 2009. The regulations that supported the Public Health (Tobacco) Act allowed retailers to remove tobacco from sight any way they wanted, as long as the tobacco was stored in a closed, opaque container². Irish retailers are not regulated on what is and is not permissible in terms of display.
12. Similar to the situation in Canada, this approach to regulation has not led to non-compliance in store. The most recent research from the Office of Tobacco Control (OTC) shows that despite the relatively short lead in time 97% of Irish stores are complying with display ban legislation³.

¹ http://www.mph.gov.on.ca/english/healthsmoke_free/fact_sheets/RetailerDisplayFactsheet.pdf

² http://www.dohc.ie/publications/tobacco_guidance.html

³ <http://www.otc.ie/article.asp?article=457>

13. Five Australian territories are considering or have passed legislation to ban the display of tobacco (New South Wales, Western Australia, Victoria, Tasmania and Australian Capital Territory). Of these jurisdictions we are not aware of any that have such inflexible regulations.
14. There is no research to suggest that the means by which a retailer achieves compliance impacts on the effectiveness of a display ban. Nor is there any evidence that a light touch regulatory approach would lead to greater rates of non-compliance by retailers.

England and Wales - Regulations

15. The draft regulations proposed in the Welsh consultation are the same as those which will apply for retailers in England. Following the consultation in England, which closed in January 2010, the UK Government amended regulations to strike a balance between the concerns of retailer groups and the concerns of public health organisations and increased the allowable permitted display area from 1,500 sq cm to 7,500 sq cm. This increase in area will enable retailers greater flexibility to install retrofit/low cost storage solutions in existing gantry spaces.
 16. Whilst we recognise that regulations relating to tobacco display ban are a devolved matter for all UK administrations, we would like to stress the importance for retailers that there is parity between the different administrations.
 17. Many retail companies operate across borders, and will be seeking to have bulk purchase solutions where possible. It is crucial that they will be able to purchase solutions that are compliant in all administrations. This will also enable them to devise one training package for their stores, saving on cost. A consistent message within a company will mean better compliance with regulations and less room for error.
 18. It should not be the case that Scottish retailers are placed at a competitive disadvantage to their English counterparts due to inflexible regulations resulting in Scottish retailers being forced to purchase high cost storage solutions.
 19. We would therefore urge the Scottish Government to reconsider the draft regulations, which have the potential to be extremely burdensome for retailers. We would advocate regulations that give retailers greater
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flexibility, enabling them to choose how they cover their tobacco, to ensure the best fit for their store. It is important that the regulations allow for a cost-effective solution to be fitted to existing gantry units.

Tobacco Display Ban - Ineffective

20. The aim of the measure was to reduce the prevalence of young people starting smoking. However, it is clear from academic evidence and evidence from countries that had already introduced the ban, that merely stopping young people from seeing tobacco in store is not effective in reducing youth smoking.

- **Iceland** - academics have identified the in-depth work done at community level as the most crucial aspect in declining smoking rates not the display ban
- **Canada** - there is no link between the implementation of a ban and reduction in youth smoking. In fact the latest Health Canada survey has shown a 2% increase in youth smoking⁴.
- **New Zealand** – Government recently rejected the introduction of a Display Ban because his Government did not find conclusive evidence that this is the most effective strategy
- **Wakefield**⁵- An academic study used to support the argument for display ban is actually equivocal about the impact. It concludes that young people are more likely to believe they can buy tobacco in stores with displays but no evidence that this is the case.
- **Henriksen**⁶- A study also used to support arguments for the display ban takes place in California and actually finds in-store advertising rather than display a decisive factor. These forms of advertising have been banned in the UK for a number of years.

Implementation Dates

21. We are concerned about the implementation dates stated in the regulations. While we agree with the need for staggered implementation dates between large and small stores, the compliance date of October 2011 for large stores and October 2013 for small

⁴ http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/stat/survey-sondage_2008-2009/result-eng.php

⁵ 'An experimental study of the effects of schoolchildren of exposure to point-of-sale cigarette advertising and pack display' in *Health Education Research* 2006 21

⁶ 'An experimental study of the effects of schoolchildren of exposure to point-of-sale cigarette advertising and pack display' in *Health Education Research* 2006 21 (3) pp.338-347

stores is unrealistic, considering the significant changes that will have to be made in-store.

22. Implementing the display ban will require significant investment from retailers, and they will not be able to begin this process until they are certain about the content of the regulations. Only when they are certain what will be required can retailers start designing, planning and refitting their tobacco gantries. They will also have to retrain staff to ensure that they understand and comply with the regulations.
23. For businesses with a large number of premises, this process presents a significant logistical challenge. It also presents a challenge for smaller stores, who will be relying on solutions to filter down through the market. Even if the regulations were fully finalised, the current timeframes would be extremely tight.
24. It is also worth considering that in Scotland there is currently a legal challenge. This would lead to further uncertainty and could easily see the regulations not being finalised until the end of 2010 or the start of 2011.
25. The timing of these regulations for Scottish retailers is unfortunate in the current trading climate, following 'hard on the heels' of the significant costs retailers are already absorbing following the implementation of the Licensing (Scotland) Act 2005.
26. For all retail business to comply with the regulations will be an operational and a financial burden. This burden will only be increased if the implementation timeframe is insufficient. SGF recommends that the implementation dates should be extended to October 2012 for large stores and October 2014 for small stores.

Implications of Draft Regulations

27. The majority of retailers will be seeking to retrofit solutions onto existing gantries. These will be the most effective solutions and will allow shops to comply with the minimum amount of disruption to their business.
28. The regulations as currently drafted allow for 120 sq cm of tobacco area to be displayed during a requested transaction. We have taken as a working presumption that a typical tobacco storage and display unit in our sector will be 2m high by 1.5 m across and the individual shelf height is around 15 cm.

29. This small maximum allowable space, the most draconian of its kind, will mean that this gantry type will need to have around 240 separate louvres, flaps or other coverings in order to comply.

Cost

30. The Partial Impact Assessment refers to a solution presented to the Scottish Government that involves covering each row of tobacco on the gantry with an opaque plastic fronting. They assume the cost of materials for a small shop would be around £160 and for a medium sized shop £320.

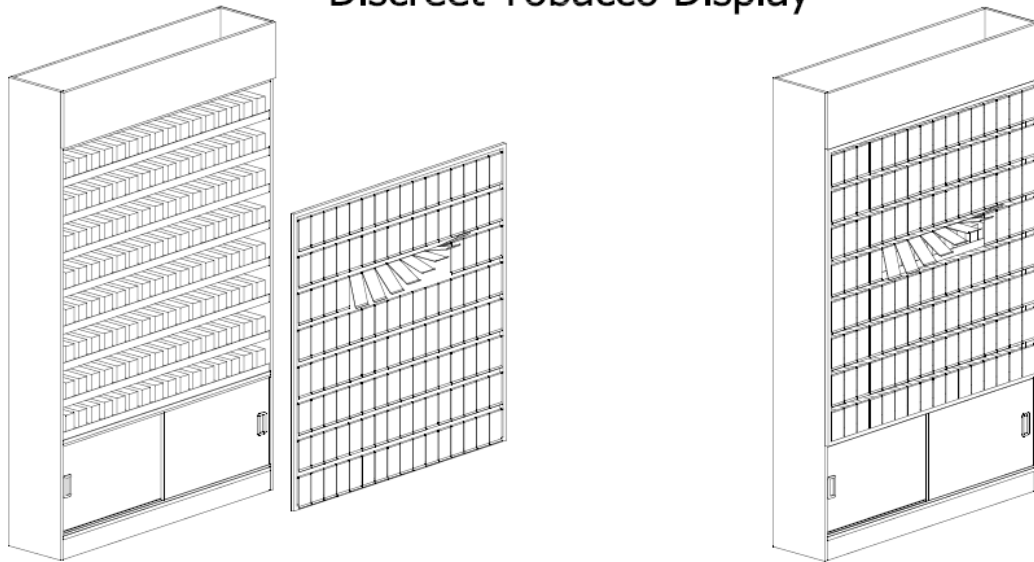
31. SGF has previously stated our concerns regarding this figure, which does not take into account shipping and installation. Furthermore, many are questioning what such cheap materials would look like and how many retailers would adopt such a flimsy covering. From conversations with retailers it is clear that a short-term solution would not be viable in Scottish convenience stores. Retailers will instead be looking to install a solution that is longer lasting and more durable into their stores.

32. Once design, durable materials, professional fitting, sustainable disposal methods and management time/disruption are considered we fear the true cost of implementing the ban will rise significantly, back in the direction of the figures originally published in the Scottish Government RIA⁷.

33. SGF asked a UK based retail fittings company to come up with a possible retrofit solution that would be compliant with the draft regulations, and to provide a costing. Below is an image of their solution:

⁷ <http://www.scotland.gov.uk/Publications/2009/02/27120518/1>

Discreet Tobacco Display



(for illustration purposes only)

34. The flaps are suspended from a railing above each shelf and swing from this rail. The flaps are 120 sq cm and are compliant with the draft regulations.
35. Their estimate was that to install this flap system on this size gantry would cost £1400 + VAT.
36. The company stated that as an area of tobacco no greater than 120 sq cm can be displayed, due to the number of flaps that would be required to cover a 1.5 m gantry (around 240), a workable, robust retrofit solution would be challenging and a drawer system would be better and less complicated.
37. A drawer system would require a new gantry. Their estimate was that to install this system on this size gantry would cost £1825+VAT.

Transaction Times

38. Quick transaction times are crucial for the successful operation of a convenience store. Unlike larger supermarkets, many customers visit a convenience store to top up their main weekly grocery shop and do not expect to be queuing for a long time. Generally, layouts of stores are also geared towards fast transactions and limited queues.

39. Customers' rate 'speed of service' when choosing whether to shop in an independent convenience store⁸. 18% of convenience store shoppers also state that speed of service/short queues' as top importance for deciding whether to shop at a convenience store⁹. Tobacco, sold legally to over 18s, is a frequently shopped category in convenience stores. It has a turnover of typically 22% in a convenience store. This means any impact on transaction time for tobacco sales will have a significant impact on stores.
40. The Partial Impact Assessment Display of Tobacco and Prices states that as the Scottish Government is not specifying where and how tobacco products are stored, it is not known how significant an increase in transaction time may be. However, it assumes that allowing retailers to retain gantries may mitigate such issues. SGF does not accept this.
41. SGF estimates that the transaction time of a retailer using a louvre (flap) system will take at the very minimum an additional fifteen seconds. The reasons identified for this are:
- Customers will no longer be able to see what is on offer or the prices of different brands as simply as they do now. A proportion of customers will take time to establish if the retailer stocks the brand they want and the price it is sold at.
 - Staff will be slowed in their service speed as they answer customers' queries and remember where to locate the product.
 - Retrieving the product will take longer.
42. SGF estimates that the additional on-going costs to the convenience store industry in Scotland of increased transaction times, not taking into consideration loss of sales of non tobacco products due to a customer walking away because the queue is too long, equates to £5.46 million p.a. measured in additional staff time (£1092 per store).
43. In an attempt to recover this additional cost some retailers may have to review their staff complement and/or reduce staff hours.
44. The average independent c-store shopper spends £5.15¹⁰. Each person who walks away because the queue is too long represents a loss of business. This could result in a significant decrease in income, not due to a decrease in tobacco sales but due to the operational difficulties involved in selling a packet of cigarettes.

⁸ HIM! (2008) Convenience Tracking Programme

⁹ HIM! (2008) Convenience Tracking Programme

¹⁰ HIM! (2008) Convenience Tracking Programme

45. The regulations could result in there being over 200 flaps on each gantry. As a result it will be difficult to get a sense of the stock levels of the entire gantry and will slow down the process of restocking significantly as staff will not remember what stock is needed or where everything goes.

Robustness

46. Following discussions with retailers it is clear that any solution that involves a number of separate component parts and in particular hinged flaps is likely to break frequently. Hinges that are pulled down by gravity are weak. These flaps will be used repeatedly throughout the day via transactions and restocking. Therefore they will be prone to breaking.
47. There are also health and safety implications to consider as well as security issues. Currently staff can easily locate product and remove it from the display unit at varying levels with ease. Under the new regulations staff will have to read small text at different distances and eye level. Not only will this be uncomfortable and even impossible for some staff members but also it will put staff in the vulnerable position of having their back to the customer for longer periods of time.

Security

48. Another vitally important function of tobacco display units is that they act as highly secure storage for the product that is a likely target for thieves in burglaries, ram raids and armed robberies.
49. All modern gantries are fitted with a slide down shutter that locks to enable retailers to securely store tobacco overnight. A retrofit flap solution would impede the existing security function of units.
50. Paragraph 44 refers to staff having their backs turned to customers. As well as placing the member of staff in a vulnerable position it also increases the opportunity for customer theft as the sales floor is unsupervised.

Incidental Display

51. Whilst opposed to the draft regulation that an area no greater than 120 sq cm is displayed when retrieving a product for the purpose of a sale or requested display, SGF welcomes the inclusion of a number of exemptions including stocktaking, restocking, staff training and refurbishment. Product availability remains the most important factor

for convenience shoppers¹¹. If a store is unable to offer customers their preferred brand, many will no longer shop at the store. Therefore it is important that the regulations allow for efficient restocking.

52. Due to the small maximum display area and therefore the amount of flaps required to cover a gantry, SGF is concerned any solution would be prone to mechanical issues over time. We would therefore request that maintenance of the premises where the tobacco business is carried on is included in regulation 4(2).
53. SGF believes these exemptions are proportionate. It must not be the case that the vast majority of retailers who abide by the regulations are unfairly penalised due to the actions of a few rogue retailers who may be looking for 'a way round' the regulations.
54. Whilst SGF welcomes the flexibility around the area of exemptions we are concerned challenges could arise due to different interpretations of the regulations i.e. displaying tobacco for longer than necessary to carry out exempted business. SGF is concerned that enforcement will be challenging due to the small maximum display area allowed. We would advise that a proportionate approach is taken to enforcement around these measures. We are keen to work with Government on Guidance around this area.

Restricted Display

55. Feedback from members was that the most effective solutions would be for the regulations to restrict display rather than to completely prohibit it.
56. In the debate surrounding the impact of displays on young people's attitude to smoking, it is clear that there are certain practices that cause most concern amongst tobacco control groups. These include:
 - 'power walls' of one brand
 - use of gantry space to identify one brand
 - the use of lights to draw attention to certain brands
 - banning price marked packets
57. Restrictions have been introduced in countries including Western Australia, Singapore and New Zealand. These measures include introducing a maximum display area, a limitation on the number of product facings and the prohibition of any tobacco related paraphernalia.

¹¹ 42% of shoppers say it is the most important factor when shopping in convenience stores HIM! (2008) Convenience Tracking Programme

58. SGF is keen to be involved in discussions around what display measures would be restricted under alternative regulations, to ensure minimum cost and compliance burden for retailers.

59. Restricting displays would be a more proportionate act than introducing regulation that banned display completely. Depending on what options might be adopted, it is likely that only superficial alterations would be required to gantries. It has the potential to be a non cost solution to implement and by allowing retailers to use existing equipment it would prevent the operational difficulties inherent in a total display ban model

Options for Retailer Compliance

60. Due to the inflexibility of the draft regulations retailers may have to consider alternatives to retrofit solutions. There are options that do not use the existing gantry units.

Under the Counter Solution Dispensing System

61. Some convenience stores are located in purpose built premises, but many are located in older buildings where alterations would be complicated and costly. Accommodating 'under the counter' storage is very difficult as convenience stores often do not have a large shop counter and the space is already allocated for scanning and lottery equipment in addition to cables and electrical connections.

62. SGF estimates under the counter installation of a 'vend up' dispensing unit will cost in the region of £10,000 +. This breaks down as follows:

Smokythek 3 lane system	£7200	Under counter vending system
Shop fitting retro fit cost	2000	Joinery work required to reconfigure existing checkout to accommodate new system
2 bays of shelving	600	To Shelf area vacated by cig gantry
I.T. Staff	200	Half day work to remove and re-install all systems from the checkout
Major variation application	1000	Change in store layout and operating plan would be required
Loss of trading income	600	Based on lost income as the store would have to be closed to carry out the changes
Total	£11600	

63. There has been strong agreement from retailers that an under the counter solution would not be feasible in the majority of stores.

Overhead Storage

64. Overhead storage solutions are used to store tobacco mainly in countries such as the U.S and Canada.
65. In these countries convenience stores tend to be larger, purpose built stores. In the UK stores are often smaller, converted buildings.
66. Therefore, for the majority of UK stores that tend to be in buildings where the ceilings are not the appropriate height or unable to support this kind of weight, overhead storage solutions are unsuitable.

Vending

67. Vending machines are found extensively in Ireland. To make such a machine compliant with a display ban, the front of the machine must be covered.
68. The cost of purchase and installation for this type of vending machine is approximately £5,000 per machine. It should also be considered that this might increase for stand-alone independents that will not have the necessary purchasing power to negotiate discounts.
69. It is clear that many retailers will not have the option of installing a vending machine solution in-store due to the prohibitive costs. However, it remains an option for a significant portion of retailers, particularly those with security concerns.
70. Cost increases dramatically when you move away from solutions that can be retrofitted onto existing gantries. Many retailers will need to install a cost effective solution, and therefore the regulations must be flexible enough to allow retailers to install a solution into their gantry in a way that is practical.

Display of Prices

71. Regarding the draft regulations for display of price labels, price lists and requested price lists we understand that the requirements are heavily prescriptive in order to address concerns that these labels may become tools for discreet marketing. However, we do have concerns regarding the practicalities of some aspects of the regulations
72. SGF supports the Government's intention to allow price labels. Obviously it is important the staff will be able to locate the product when serving customers.
73. At the start of the ban, all staff will be unfamiliar with the placement of product stored on the gantry and will need to read the labels in order to locate the product. While in time this process may be sped up, as certain staff members are able to remember where popular products are situated on the gantry, they will need to locate less popular brands using the product location label.
74. It must also be remembered that the convenience store sector experiences high staff turnover. In many instances the staff serving tobacco will not be familiar with the layout of the gantry and will therefore need to be able to use the price labels.
75. As drafted the price label would have to comply with the following regulations:
- One indication per separate location
 - Maximum 9 sq cm
 - Maximum 4mm (12pt)
76. We are concerned about the maximum font size of these labels. A maximum size of 12 pts is too small and will not enable retailers to locate the product efficiently.
77. We understand that 12pt was chosen as it is the size of font on EPOS labels. These labels contain the name and price of the product, and for tobacco are used predominately for stock control and ordering purposes. In addition the font is generally printed in upper case. They are not used to help staff locate products or to instruct prices and are unsuitable as a basis for a label which will do this job.
78. We understand the small lettering is in order for customers not to see the name of the product. It must be borne in mind that there will be a gap between the gantry and the till, and another distance across the counter between the till and the customer. This distance will mean

even making the font slightly larger will not allow customers to clearly read the product name.

79. SGF is not aware of any strong evidence that suggests allowing the customer to see the name of the product written in a standard typeface will impact on attitudes to smoking. In the face of this lack of evidence it is not proportionate to put this excessive burden on retailers that will restrict staff from doing their job effectively.

80. SGF recommend that the maximum font size permissible in these product labels is 20 pts (5mm).

Price Lists

81. Retailers will be allowed to display a price list at each till that can sell tobacco. This price list will have to conform to stringent regulations.

82. SGF understands the prescriptive regulations. However we would advise that a proportionate approach is taken to enforcement around these measures. We are keen to work with Government on Guidance around this area.

83. It is also worth noting that these are complex regulations. The Scottish Government will have to ensure that there is appropriate contact with all retailers to ensure that they fully understand these regulations. We would recommend face-to-face visits by trading standards prior to the ban's implementation.

84. In addition it is vital the general public is made aware of the impending changes.

Price Lists Available on Request

85. The regulations also allow retailers to have a pictorial price list to show on request to customers who want to see the range of products for sale. It should also provide a tool for assisting customers for whom English is not their first language.

86. There are aspects of the regulations that have the potential to be disproportionately enforced. For example the regulations state that the price list must only be made available on request of the customer. Does this mean the retailer cannot offer it to a customer who is having trouble reading or understanding the written price list?

87. This presents a problem, as most people will not be aware that a pictorial price list is on offer if they ask at the counter.
88. There is also the issue of how long a pictorial price list may be left on display. At a busy time lists may be left on the counter by mistake, or by a customer who has finished consulting it. The retailer should not face action for such eventualities.
89. SGF would ask that Guidance around these issues is carefully considered and outlines the need for proportionate enforcement. SGF is keen to be involved in the drafting of this Guidance.
90. SGF would strongly oppose the creation of a new offence where a crime is committed if an employee shows tobacco products or a requested price list to someone under 18, even if they do not actually sell this product to them. Many retailers make full use of EPOS till systems to help staff remember to check the age of their customers. By adding this offence, this helpful check will be too late and significant penalties could be imposed that are not proportionate.

Regulation of Moveable Structures and Fixed Penalty Notices

91. SGF agrees that retailers who sell tobacco from a moveable structure should be required to register to sell tobacco, as is the case with other retailers.
92. SGF understands the fixed penalty scheme is in line with other fixed penalty schemes in Scotland and appears fair. An escalator for cumulative offences should deter repeat offenders and lead to improved standards in responsible retailing.

Register of Tobacco Retailers

93. SGF understands the intention of a registration scheme is to encourage and support responsible retailing. In addition, it is hoped a Register of Tobacco Retailers will support enforcement agencies in tackling the illicit tobacco trade in Scotland. HMRC estimated that approximately 17% of all cigarettes and 59% of all hand rolling tobacco consumed in the UK in 2006/07 was non duty paid.
94. It is important the application process to be placed on the Register is simple and straightforward. We would support a National Register that would allow a single application process for both single and multiple site retailers. The application process should be free both now and in the long term. It should be possible to apply on-line but arrangements must also be in place for retailers, who do not have access to IT facilities or the appropriate IT skills, to easily complete the necessary paperwork via an alternative method.
95. The six-month lead in time to apply to be on the register is helpful. Many thousands of retailers will be significantly affected by the requirement to register to sell tobacco. Roll out of the Register must be supported by a comprehensive awareness-raising programme to ensure that retailers understand their responsibilities.
96. SGF would ask that Guidance around this issue is carefully considered and outlines the need for proportionate enforcement. SGF is keen to be involved in the drafting of this Guidance.

Banning Orders

97. There are already requirements to display notices at the point of sale. Whilst we do not object to a requirement for a notice to be displayed, we are concerned the proposed dimensions of the notice outlined in the regulations will lead to space restrictions at the point of sale. For this reason we would recommend the dimensions of the notice are decreased from 297mm by 420 mm (A3) to 297mm by 210 mm (A4) and font size reduced to 18mm (72 pt).

Prescribed Documents Regulations

98. SGF members focus on the prevention of underage sales through operational measures including the use of Challenge 21 and Challenge 25 policies supported by highly visible in-store marketing materials.

99. We are extremely supportive of increasing the use of cards bearing the PASS hologram as a form of proof of age, such as the Young Scot Card, and their addition to the list of acceptable identification documents. This will be consistent with alcohol legislation.

100. Young adults need to be made aware of the proof of age element of the Young Scot card and its addition to the list of acceptable identification. The Scottish Government should support a consumer awareness campaign to educate young people.

Display of Warning Statements Regulations

101. SGF supports these regulations that are a restatement of regulations already in force.

Conclusion

102. SGF remains opposed to a ban on tobacco displays. The evidence that the measures will impact on youth smoking rates is unconvincing and does not justify the burden the ban will place on retailers.
103. However, as throughout the passage of the Tobacco and Primary Medical (Scotland) Act 2010, SGF is committed to working with the Scottish Government to ensure the regulations that accompany the Bill will be workable for retailers and place minimum compliance burden.
104. There is no academic evidence, nor any evidence from countries which have already introduced a display ban, that how a retailer covers display impacts on youth smoking. Countries that have implemented a display ban have opted for a more flexible approach than the Scottish Government's current draft regulations. There is no evidence that a flexible approach leads to non-compliance with the regulations.
105. Due to the significant financial investment and extensive changes required to implement a display ban plus uncertainties over timescales due to a legal challenge, SGF believes the implementation date should be postponed until 2014 for small shops and 2012 for large shops.
106. It is clear from retailer feedback as well as the situations in other markets that the regulations must allow for a solution that can be retrofitted onto existing gantries. This enables the most cost effective solution.
107. The current draft maximum requested display area of 120 sq cm does not allow for a cost effective or workable solution to be retrofitted onto existing gantries. The number of louvres or flaps needed to cover the gantry increases the transaction time and also leads to problems regarding robustness and security, which will mean such a solution, would be impractical.
108. We would like to stress the importance for retailers that there is, at the very least, parity between the different UK administrations relating to regulations. Scottish retailers would be placed at a severe disadvantage if they had to purchase a more expensive storage solution compared to their English and Welsh counterparts due to different regulations. Many retailers operate across UK borders and must be able to purchase low cost solutions, which are compliant across all UK administrations. SGF would welcome consideration of a restricted display as mentioned in this document.
109. The extra transaction time will lead to additional costs which will have to be recovered elsewhere in the business.
110. We request that maintenance of the premises where the tobacco business is carried on is included in regulation 4(2).
111. The regulations will lead to significant changes in the way retailers operate their business. It is important retailers are made fully aware of their

responsibilities and the general public is made aware of the changes prior to the regulations coming into force. This should be carried out via a trade and consumer awareness raising programme.

112. The Scottish Government should sponsor an awareness raising programme to ensure young people and retailers are aware of the proof of age element of the Young Scot card.
113. There are concerns regarding the maximum font size permissible for price labels. The current maximum size of 4 mm is not large enough for them to be easily read by staff. Considering the impact a display ban will already have on transaction times, this must be increased to allow staff to locate product quicker and with more ease.
114. The illicit trade continues to be a route to market for many young people. SGF would support a commitment from the Scottish and UK Governments for increased resources to be dedicated to apprehending street and 'white van man' sellers, which is one of the biggest threats to a successful tobacco youth access prevention programme.

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For further information on any of the points raised in this submission, please contact John Drummond j.drummond@scotgrocersfed.co.uk or Katie Mackie k.mackie@scotgrocersfed.co.uk or Tel: 0131 343 3300.