

# **TOBACCO ADVERTISING AND PROMOTION ACT 2002**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 6: Specialist tobacconists***

27. Specialist tobacconists may continue to advertise specialist products (ie other than cigarettes and hand-rolling tobacco) within, and on the outside of, their premises. This reflects the fact that they sell products which are generally not bought or used by children and young people. There are some 350 such shops in the country.
28. *Subsection (1)* permits advertisements of specialist products (not cigarettes or hand-rolling tobacco). It also enables the Secretary of State and the Scottish Ministers to make regulations to specify further conditions in relation to advertising in specialist shops to ensure that this exemption is not used inappropriately.
29. *Subsection (2)* sets out a definition of specialist tobacconists. These are retailers who specialise in tobacco products other than cigarettes and hand-rolling tobacco, specifically, cigars, snuff, pipe tobacco and smoking accessories. These are products which do not appeal to children. The sale of these goods must account for the principal part of the specialist's income; those who merely sell cigars, snuff, pipe tobacco and smoking accessories as a sideline will not qualify.
30. *Subsection (3)* sets out the basis for determining whether a shop falls within the definition of specialist tobacconist in subsection (2). *Subsection (3)(b)* ensures that new specialist tobacconists may benefit from the defence in section 6(1).
31. *Subsection (4)* clarifies the meaning of "shop". Some specialist tobacconists operate from shops within shops, for example in a department store. Such shops within shops may comprise a self-contained cigar room and a counter area which is not physically marked off from the remainder of the store; where this happens advertising for cigars and other specialised products may only take place within or immediately outside the self-contained area. The display elsewhere of all tobacco products will be subject to section 4(3) and the regulations pursuant to it. This does not prevent there being signposting for customers elsewhere in the store to indicate where the specialist tobacconist is located, so long as that signposting does not itself constitute a tobacco advertisement (eg if it is covered in branding).