

Vapes, e-cigarette devices and refills rules on nicotine products

Trading Standards information

www.southwark.gov.uk

Introduction

The law regulates the sale of vapes and electronic cigarettes that contain nicotine, or which can take nicotine refills. Vaping liquids (e-liquids) that contain nicotine are also regulated.

The law covers any product used for the consumption of vapour containing nicotine via a mouthpiece as an e-cigarette. The rules also apply to components, such as the tank or cartridge regardless of whether the product is refillable, rechargeable or disposable.

Main legal requirements - retailers

You can only supply vapes, e-cigarettes, or refill containers, that comply with the product, information and labelling requirements outlined in the table in section 3.

When buying new supplies of vapes or e-liquid products, you can check the producer has done what they must do by checking the [MHRA website](#). If you cannot find the product on the MHRA website ask your supplier to confirm that the product complies with the Tobacco Products Directive (TPD) and has been notified to MHRA via the GB portal. If a producer has not notified the product, or it does not comply with the TPD, they must not supply it to you.


You also have waste disposal responsibilities under the WEEE Regulations (Waste Electrical & Electronic Equipment) – watch the GOV.UK video at <https://youtu.be/er2KKydl2k>

Product requirements – retailer checklist for nicotine products

Vapes and refill container products must comply with the following requirements – use the following table as a checklist for your stock of devices and liquids.

If you cannot answer **yes** to all the questions then it is illegal to sell the product.

Note that because nicotine is such a toxic substance separate requirements also apply about hazard warnings. A tactile warning for visually impaired users must be present on products that contain nicotine. High strength nicotine could be potentially fatal on contact or ingestion.

Legal requirements – devices and liquids	Yes	No
Vaping devices and liquids must be supplied with an information leaflet with prescribed safety instructions, warnings and UK based contact details		
The leaflet must include a statement that the product is not recommended for use by young people and non-smokers		
Liquid containing nicotine presented for sale must be in: a dedicated refill container with a maximum 10ml volume or; a disposable electronic cigarette, a single use cartridge, or a tank, in a volume not exceeding 2 millilitres		
The capacity of the tank of a refillable electronic cigarette must not exceed 2 millilitres – (this amount is unlikely be able to achieve over 600 puffs so beware of higher claims)		
The liquid containers in devices and refills must be child-resistant, tamper-evident and be protected against breakage and leaking		
The concentration of nicotine must be no more than 20 milligrams per millilitre		
Legal requirements – labelling and warnings etc.	Yes	No
The front and back of each pack (as presented for retail sale) must be labelled: 'This product contains nicotine which is a highly addictive substance' in black Helvetica bold type font on a white background which must cover 30% of both the front and back surfaces, no other languages are permitted		
Ingredients must be listed in descending order of weight		
A batch number must be labelled		
A recommendation to keep the product out of reach of children must be present		
The nicotine content of the product and the delivery per dose must be labelled (there is no requirement to state number of puffs)		
No claims present about health or lifestyle benefits or organic or natural properties		
No references to taste or smell or other additives other than flavourings		
No element or feature or name resembles a food or a cosmetic product		
Legal requirements – electrical safety and age restrictions	Yes	No
Electrical products must be marked with the UK Conformity Assessment mark or, until 1 st January 2023 must bear a CE mark (or both). They must comply with UK electrical product safety regulations. Mains chargers must be supplied with an approved UK 3 pin plug 		
You must not sell nicotine inhaling products to anyone under the age of 18		

Legal requirements – devices and liquids	Yes	No
Adults must not purchase a nicotine inhaling product for anyone under the age of 18		

The full requirements are in regulation 36 - 38 of the Tobacco and Related Products Regulations 2016

Legal requirements for producers

A producer is anyone who manufactures or imports into the UK e- cigarettes or refill container products and anyone who brands someone else’s products as their own.

- Producers must submit information about their products through the online GB Portal (pre-Brexit it was the European Common Entry Gate (EU-CEG) notification portal)
- Notifications must be submitted six months before the intended date of the product being placed on to the UK market. When the notification is published the product may be placed on to the UK market regardless of whether the six month period has elapsed
- Any product which is substantially modified will be classed as a new product and must go through the notification process
- If a UK notification has already been submitted by the manufacturer for a product that you import you do not need to submit a new one. This is also the case if you are just re-branding the product
- Producers must inform the MHRA if they have reason to believe that a notifiable product is unsafe, not of good quality or not compliant with the regulations and provide details of the risk to human health and safety and any corrective action taken
- Producers must not manufacture or import e-cigarettes and refill containers that do not comply with the product and labelling requirements outlined in sections 3

What happens if these requirements are not complied with?

These requirements were introduced by the Tobacco Products Directive (TPD) from 20th May 2017. Failure to comply is a criminal offence under the Tobacco and Related Products Regulations 2016. Depending on the type of breach both the seller and any business (and owner) in the supply chain could be prosecuted. On conviction the courts may impose a fine or two years imprisonment or both. In addition goods may be seized by Trading Standards Officers and forfeited by the courts.

Further information

If you require further assistance or information on tobacco, vapes etc. please contact us or visit the [business companion website](#). Alternatively, please see guidance on the [GOV.UK](#) website. You can check products are registered here:

www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products#submitted-products

Example of e-liquids and vaping device with the mandatory warning statement



PLEASE NOTE that only the Courts can interpret statutory legislation with authority and this leaflet is subject to revision or amendment without notice. (Ref: E-cigs 1.5 – Oct 2024)