businesscompanion
trading standards law explained

Tobacco, vapes, etc: packaging, labelling, advertising and tracking

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best

practice that is likely to help you avoid breaking the law.

Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

To fully understand this guidance, it is important to note the difference between the United Kingdom and Great Britain:

- UK: England, Scotland, Wales and Northern Ireland
- GB: England, Scotland and Wales

This guidance is for England, Scotland and Wales

There are laws in place that are designed to reduce the appeal of tobacco products (particularly to young people), to prevent misleading claims about the benefits of tobacco products and to make the required health warnings more noticeable. The overall aim is to reduce rates of smoking.

In order to address the problem of illegal trade in tobacco products, there are requirements for systems of traceability and security features to be implemented.

The law

The Tobacco and Related Products Regulations 2016 deal with the manufacture, presentation and sale of tobacco and related products, including herbal products for smoking, vapes and refill containers, as well as smokeless and novel tobacco products.

Note: the legal terms used to describe vapes and associated products are 'electronic cigarettes' (e-cigarettes), 'nicotine inhaling products' (English and Welsh law) and 'nicotine vapour products' (Scots law); the generic term 'vapes' is used in this guide.

The Standardised Packaging of Tobacco Products Regulations 2015 standardise the packaging of certain tobacco products by requiring the removal of all promotional features. The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode and calibration mark are permitted but must be in a standardised format and the UK duty-paid mark must be displayed. The packaging must be a specific shape and in a certain colour; all other colours, trademarks, logos and promotional graphics are prohibited.

This guide will help you to understand your obligations to ensure that all tobacco and related products that you offer for supply or sale in the UK comply with both sets of regulations. There are some general rules that apply to all tobacco products, which you will find at the beginning of the guide. For ease of reference, the other key requirements of both sets of regulations have been combined in a way that clearly identifies how they apply to each type of product.

The Tobacco Products (Traceability and Security Features) Regulations 2019 deal with traceability and security features systems for tobacco products. Details can be found in the 'Track and trace' section towards the end of this guide.

General labelling requirements for tobacco products

General conditions for all health warnings

Warnings on tobacco products make users aware of the health risks associated with smoking. There are rules that apply to all health warnings on tobacco products:

- A health warning must cover the entire area that is reserved for it and must not be commented on or altered in any way. It must be in English, fully visible, permanent, irremovably printed on the pack and surrounded by a black border. For a unit pack of a tobacco product other than cigarettes or hand-rolling tobacco in a pouch, the warning may be printed on a sticker fixed to the pack as long as the sticker is irremovable
- A health warning must remain intact when the pack is opened. However, the combined health warning (described in more detail below) may be split in the case of a unit pack with a flip-top lid. This is fine as long as the graphical integrity, visibility of the text and smoking cessation information remains in place

A health warning must not:

- Be partially or totally hidden or interrupted by wrappers, jackets or boxes (except when a unit pack is inside a container pack)
- Be partially or totally interrupted by any other item, such as a tax stamp, price mark or security feature
- Partially or totally hide or interrupt any tax stamp, price mark, tracking and tracing mark, security feature or any other mark required by law

General rules about the presentation of all tobacco products

These are rules that prohibit the packaging of tobacco products from misleading consumers.

No one may produce or supply a tobacco product where the package labelling or the product itself contains the following elements or features (including texts, symbols, names, trade marks, figurative signs and other types of sign):

- Promotion of a tobacco product or encouraging its consumption by creating a false impression about its characteristics, health effects, risks or emissions
- Information about the nicotine, tar or carbon monoxide content
- Suggestion that the tobacco product:
    - Is less harmful than others
    - Aims to reduce harmful effects of smoke
    - Has vitalising, energising, healing, rejuvenating, natural or organic properties, or has other health or lifestyle benefits
- Reference to taste, smell, flavourings or additives or their absence (flavours are permitted in tobacco products other than cigarettes and hand-rolling tobacco, but these are not permitted to be depicted or mentioned on the packets)
- Resemblance to a food or a cosmetic product
- Suggestion that a particular product has improved biodegradability or other environmental advantage
- Printed vouchers or offer discounts, free distribution, two-for-one or similar offers

Labelling requirements by product

Tobacco products for smoking

(does not include large cigars, individually wrapped cigars or cigarillos)

Combined health warnings:

- A unit pack (single pack) and any container pack (multi-pack) of a tobacco product for smoking must carry a combined health warning consisting of a text warning and a corresponding colour photograph as listed in the picture library in Schedule A1 to the Tobacco and Related Products Regulations 2016 (see the link in 'Key legislation' below), as well as the smoking cessation statement 'Get help to stop smoking at www.nhs.uk/quit'
- There is one set of pictures (no rotation between sets)
- It must appear on the front and back surfaces of the unit pack as well as any container pack using the same warning and photograph on each surface; it must be in a format that includes the requirement to cover 65% of the area of the surface on which it appears
- The technical specifications for the layout, design and shape of the combined health warnings are set out in Schedule A1 to the Tobacco and Related Products Regulations 2016

General warnings and information messages:

- A unit pack and any container pack of a tobacco product for smoking must carry the general health warning, 'Smoking kills - quit now', and an information message, 'Tobacco smoke contains over 70 substances known to cause cancer'
- The format for the health warning includes a requirement that it must cover 50% of the area of the surface on which it appears:
    - On most unit packs of cigarettes this means the general warning must appear on one secondary surface of the pack and the information message must appear on the other secondary surface
    - On a unit pack of cigarettes or hand-rolling tobacco in a shoulder box, the general warning and the information message must be complete on the larger of the two split parts of the box
    - On a cylindrical unit pack of hand-rolling tobacco that has a lid, the general warning must appear on the outside of the lid and the information message must appear on the inside surface of the lid
    - There are specific rules that apply to the general warning and information message that appears on a unit pack of hand-rolling tobacco in the form of a rectangular pouch

Large cigars and individually wrapped cigars and cigarillos

The Regulations only apply to a unit pack or container pack that contains a single cigar or cigarillo, or two or more cigars each with a unit weight of more than three grams.

A unit pack and any container pack must carry the general health warning 'Smoking kills - quit now' and one of the text warnings that is listed in Annex I to assimilated Directive 2014/40/EU *on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products* (see the link in 'Key legislation' below). The text warnings listed in Annex I continue to apply to these products.

There are rules that cover the rotational use of text warnings by producers.

The format for the general health warning includes a requirement that it must appear on the most visible surface of the pack and cover 30% of that area.

The text warning must appear on the next most visible surface (or if the pack has a hinged lid, the surface that appears when the pack is opened) and cover 40% of that area.

Smokeless tobacco products

This means a tobacco product that is consumed in a way that does not involve a combustion process. It includes chewing tobacco and nasal tobacco.

Health warnings:

- A unit pack and any container pack of a smokeless tobacco product must carry the health warning 'This tobacco product damages your health and is addictive'
- The format for the health warning includes a requirement that it appears on both the front and back surfaces of the pack and covers 30% of that area

Herbal products for smoking

A herbal product for smoking is defined as "a product based on plants, herbs or fruits which contains no tobacco and that can be consumed via a combustion process". The Standardised Packaging of Tobacco Products Regulations 2015 do not apply to herbal products for smoking but the Tobacco and Related Products Regulations 2016 contain requirements as set out below.

Health warnings:

- A unit pack and any container pack of a herbal product for smoking must carry the health warning 'Smoking this product damages your health'
- The format for the health warning includes a requirement that it appears on both the front and back surfaces of the unit pack and any container pack, and covers 30% of that area

A unit pack and any container pack of a herbal product for smoking must not state that it is free of additives or flavourings. Nor must it include any element or feature (including texts, symbols, names, trade marks, figurative signs or other types of sign) that:

- Promotes or encourages the consumption of a herbal product for smoking by creating a false impression about its characteristics, health effects, risks or emissions
- Includes any information about nicotine, tar or carbon monoxide content
- Resembles a food or cosmetic product
- Suggests a particular herbal product for smoking:
    - Is less harmful than other herbal products for smoking
    - Aims to reduce the effect of some harmful components of smoke
    - Has vitalising, energising, healing, rejuvenating, natural or organic properties
    - Has other health or lifestyle benefits

Standardised packaging requirements

Cigarette packs, individual cigarette sticks and hand-rolling tobacco packs must be produced and supplied in standardised packaging, which means they have to meet requirements laid down in the Standardised Packaging of Tobacco Products Regulations 2015.

Cigarette packs:

- The only permitted colour for the external packaging of a unit or container packet of cigarettes is Pantone 448C (drab dark brown) with a matt finish
- The internal packaging must be either white or Pantone 448C with a matt finish
- Unit packets must be made of carton or soft material and cuboid in shape (bevelled or rounded edges are permitted)
- The packaging's surface must be smooth and flat and have no irregularities of shape or texture
- Flip-top or shoulder boxed lids are permitted
- Slim packets are prohibited but slim individual cigarette sticks are allowed
- Inserts and additional material are prohibited
- Any internal lining must be silver coloured foil (with no variation in tone or shade) with a white paper backing
- Wrappers must be clear and transparent, and not coloured or marked (except for any black marks required to cover a barcode), smooth and flat with no irregularity of shape or texture

A unit packet of cigarettes must contain a minimum of 20 cigarettes.

Individual cigarette sticks:

- Cigarette paper, filter, casing or other material forming part of a cigarette must be plain white with a matt finish, apart from the end of the cigarette, the colour of which can imitate cork
- Brand and variant names are permitted on the cigarette itself, subject to conditions

Hand-rolling tobacco:

- The only permitted colour or shade for the external packaging of a unit or container pack of hand-rolling tobacco is Pantone 448C (drab dark brown) with a matt finish
- The internal packaging must be either white or Pantone 448C with a matt finish
- Unit packets may be cuboid (bevelled or rounded edges are permitted), cylindrical or take the form of a pouch
- Packets must be smooth and flat (if cuboid) with no irregularities of shape or texture
- Wrappers must be clear and transparent, and not coloured or marked, with no irregularities or shape or texture
- The internal packaging must be either white or Pantone 448C with a matt finish
- Inserts and additional materials are prohibited, except for cigarette papers or filters as long as they are not visible before the packet is opened
- Any tabs for resealing the packet must be clear and transparent, and not coloured or marked
- Any foil seal that forms part of the internal packaging must be silver coloured with no variation in tone or shade

A unit packet of hand-rolling tobacco must contain at least 30 g of tobacco.

The packaging of cigarette packs, individual cigarette sticks or hand-rolling tobacco must not make a noise, nor contain or produce a smell that is not normally associated with the product. In addition, packaging must not change after retail sale; this means that features such as heat activated inks, inks that appear fluorescent in certain light and removable tabs are not allowed.

The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode, and calibration mark are permitted on the packaging but must be in a standardised format and the UK duty-paid mark must be displayed.

Take note that whilst large cigars, individually wrapped cigars and cigarillos must carry health warnings, the standardised packaging requirements do not apply to cigars and cigarillos, nor are there any restrictions on the number of these products in a unit packet.

Other requirements

Images of tobacco products aimed at consumers

Be aware that if you publish an image of a unit or container pack of a tobacco product (when it is lawful to do so according to tobacco advertising rules), the pack must comply with all the labelling and packaging requirements set out in both the Standardised Packaging of Tobacco Products Regulations 2015 and the Tobacco and Related Products Regulations 2016.

No vitamins, colourings or prohibited additives in tobacco products

No one may produce or supply a tobacco product containing:

- Vitamins or other additives that create an impression that it has health benefits or reduces health risks
- Caffeine, taurine or other additives or stimulants that are associated with energy and vitality
- Additives that give colouring effects to any emissions
- Additives that aid inhalation or nicotine uptake in the case of tobacco products for smoking
- Additives with CMR properties or that can affect CMR properties (carcinogenic, mutagenic or toxic for reproduction)

No flavoured cigarettes or hand-rolling tobacco

Cigarette packs, individual cigarette sticks or hand-rolling tobacco (including any filter, paper, package or capsule component of the product) must not be produced or supplied with a characterising flavour. A filter, paper or capsule must not contain tobacco or nicotine; technical features that would modify the smell, taste or smoke intensity of a product are not allowed.

Track and trace

Under the Tobacco Products (Traceability and Security Features) Regulations 2019, unit packets of cigarettes and hand-rolling tobacco that have been manufactured in or imported into the UK must:

- Have unique identifiers (UIDs) on the packaging
- Have packaging to which five specific security features have been applied
- Be scanned at particular points in the supply chain

Traders that manufacture, import, store, transload (move from one vehicle to another) and sell tobacco products must register with an ID issuer for business and product IDs.

HM Revenue and Customs (HMRC) can impose penalties on traders that do not comply with track and trace requirements. See 'Tobacco track and trace penalties' on the GOV.UK website for more information.

Product requirements for vapes

The Tobacco and Related Products Regulations 2016 set out rules covering vapes. No one must produce or supply a vape or refill container unless they meet the following requirements:

- Nicotine-containing liquid for retail sale must be in a dedicated refill container in a maximum volume of 10 ml; in a disposable vape, single-use cartridge or a tank the maximum volume is 2 ml
- The capacity of the tank of a refillable vape must not be more than 2 ml
- There is a nicotine limit of 20 mg per ml that applies to nicotine-containing liquids in a vape or refill container

Disposable vapes sometimes display a typical number of puffs on the packaging. Typically, a disposable vape would provide 600 puffs or the equivalent of 20 cigarettes.

Nicotine-containing liquid must:

- Be manufactured using only ingredients of high purity
- Not contain certain additives (see the 'No vitamins, colourings or prohibited additives in tobacco products' section of this guide) but can contain flavours
- Not contain substances other than the ingredients that were part of the formal notification process laid down in the Regulations
- Not include ingredients (except nicotine) that pose a risk to human health

In normal use, the vape must deliver a consistent dose of nicotine.

A vape or refill container must be child-resistant and tamper-evident, protect against breakage and leakage, and have a mechanism to ensure that refilling can take place without leakage (this does not apply to disposable vapes).

Information and labelling

No one may produce or supply a vape or refill container unless it meets the requirements set out below:

- Each unit packet of the vape or refill container must include a leaflet with the following information:
    - Instructions for storage and use, including a reference that the product is not recommended for use by young people and non-smokers
    - Contra-indications
    - Warnings for specific risk groups of people
    - Possible adverse effects
    - Addictiveness and toxicity
    - The producer's contact details
- each unit packet of the vape or refill container must include:
    - A list of all ingredients in descending order by weight
    - Nicotine content and delivery per dose
    - Batch number

    - Recommendations to keep the product out of reach of children
- Each unit packet and any container pack must carry the health warning 'This product contains nicotine which is a highly addictive substance'. It must appear on the front and back surfaces, and cover 30% of that area

Product presentation

A vape or refill container must meet the following requirements before it is produced or supplied. The unit packet and any container pack may not include any element or feature (including text, symbols, names, trademarks, figurative or other types of sign) which:

- Promotes or encourages consumption by creating a false impression about its characteristics, health effects, risks or emissions
- Suggests it is less harmful than other vapes or refill containers, has vitalising, energising, healing, rejuvenating, natural or organic properties or has other lifestyle benefits
- Refers to taste, smell or other additives (except flavourings) or their absence
- Suggests that a particular vape or refill container has improved biodegradability or other environmental advantage

A vape or refill container must not contain printed vouchers, offer discounts, free distribution, two-for-one or other similar offers.

UK duty-paid mark

In the future, vaping products will need to display the UK duty-paid mark. This is being introduced in a phased two-stage process; with a few exceptions, a vaping product produced or imported:

- Before 1 October 2026 must be stamped by 1 April 2027
- On or after 1 October 2026 must be stamped at or before the time it passes an excise duty point

Advertising

Vapes and refill containers cannot be advertised or promoted, directly or indirectly:

- On TV or on-demand TV
- On radio
- Through internet advertising, commercial email and any other information society services
- In certain printed publications, such as newspapers, magazines and periodicals

The following activities are also prohibited:

- Sponsorship of television and radio programmes that promote vapes
- Product placement of vapes

The rules on advertising do not prevent you from supplying information about vapes and refill containers as long as it is supplied at the request of a consumer and given in a non-promotional manner.

The requirements of the Standardised Packaging of Tobacco Products Regulations 2015 do not apply to vapes or refill containers.

Batteries

There are risks involved in replacing the batteries in vapes, particularly if those batteries are not specifically designed for vape use. See 'Batteries' for more information.

Notifications

Tobacco products and herbal products for smoking

All producers of tobacco products and herbal products for smoking to be sold in GB must use the GB Domestic Tobacco Products Notification System to provide certain product information before they can supply them; this includes ingredients and emissions information, market research and sales data. Producers must also notify of the withdrawal of a product from the market.

Retailers should ensure, before they purchase tobacco products, that they have been properly notified and not subsequently been withdrawn; this particularly applies to products like shisha, blunts and chewing tobacco. Retailers can do this by checking the list of notified tobacco or herbal products for smoking published on the GOV.UK website (withdrawn products do not appear on the list of notified products; there is no separate list of withdrawn products) or perhaps by obtaining written assurances from their suppliers. Products that have not been notified or have been withdrawn cannot be supplied and may be seized by Trading Standards.

Nicotine-containing vapes and refill containers

All producers of nicotine-containing vapes and refill containers must submit information about their products to the Medicines and Healthcare Regulatory Agency (MHRA), using a GB portal. This includes ingredients and emissions information, toxicology data, information on the nicotine dose and uptake when used normally and a description of the components of the product. Producers must also notify of the withdrawal of a product from the market.

Retailers should ensure, before they purchase these products, that they have been properly notified and not subsequently withdrawn. They can do this by checking the list of submitted vape products on the MHRA website or, if they cannot find them on the list, they should ask their supplier to confirm that they comply with the requirements of the Regulations and have been notified to MHRA. Products that have not been notified or have been withdrawn cannot be supplied and may be seized by Trading Standards.

Offences and defences

Tobacco and Related Products Regulations 2016

A person is guilty of an offence if they breach a provision of the Tobacco and Related Products Regulations 2016.

There is a general defence available to suppliers of tobacco or other related products that they exercised all due diligence to avoid committing the offence. The same defence is available to anyone who has

committed an offence related to advertising and sponsorship. There are further defences available to anyone who has committed offences relating to vape advertising: that they did not know and had no reason to suspect that the advertisement was a vape advertisement or that the newspaper, periodical or magazine contained a vape advertisement.

Standardised Packaging of Tobacco Products Regulations 2015

A person who produces or supplies a tobacco product in breach of the Standardised Packaging of Tobacco Products Regulations 2015 is guilty of an offence. It is a defence if the person neither knew nor had reasonable grounds for suspecting that the tobacco product was supplied in breach of the 2015 Regulations.

Underage sales

Information on underage sales of tobacco etc can be found in 'Tobacco and vapes'.

Further information

Detailed tobacco packaging guidance and guidance on the distribution and advertising of vapes has been produced by the DHSC.

HM Revenue and Customs has produced guidance on tobacco product traceability and guidance on vaping duty.

In March 2022, the DHSC published reviews of the 2015 and 2016 Regulations:

- *Post-Implementation Review of Tobacco Legislation: the Standardised Packaging of Tobacco Products Regulations 2015*
- *Post-Implementation Review of Tobacco Legislation: the Tobacco and Related Products Regulations 2016*

These reviews looked at how the regulations have affected businesses since they came into force and how they could be improved.

The Medicines and Healthcare products Regulatory Agency (MHRA) has produced a vape guidance hub, which gathers together all of its guidance documents on the subject. The hub includes information for producers that are putting a new product on the UK market. It also contains guidance on how to work out whether, in legal terms, you are a 'retailer' or a 'producer'.

For more information on vapes, please see 'Vaping products' and 'Chemical safety of vapes', which can be found in Business Companion's Business in Focus section. Please note that the 'Vaping products' guidance is for England only.

Trading Standards

For more information on the work of Trading Standards services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

In addition to the information covered in the above guide, under the Tobacco Products (Traceability and Security Features) Regulations 2019, HMRC officers can issue a notice requiring compliance where requirements of the Regulations have not been met; non-compliant products can be seized and may be liable to forfeiture.

In this update

Information about vaping duty added.

Last reviewed / updated: May 2026

Key legislation

- Assimilated Directive 2014/40/EU *on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products*
- Standardised Packaging of Tobacco Products Regulations 2015
- Tobacco and Related Products Regulations 2016
- Tobacco Products (Traceability and Security Features) Regulations 2019
- Vaping Duty Stamps (Requirements, Reviews and Appeals) Regulations 2026

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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