# Tobacco and vapes: packaging, appearance and display - Department of Health and Social Care

## Notes on the Consultation

### Current timeline for Tobacco and Vapes Act Implementation

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| **April 2026** | Tobacco and Vapes Act becomes law |
| **Feb-May 2026** | Smoke-free and vape-free spaces consultation (England only) |
| **July-Oct 2026** | Consultation on packaging, appearance and display (UK) |
| **October 2026** | Ban on sales of all nicotine products (e.g. nicotine pouches) to under-18s |
| | *Excise duty on vapes comes into effect (HMRC)* |
| | Ban on vending machines for tobacco, vaping & other nicotine products |
| | Ban on distribution of heavily discounted or free nicotine products |
| **End 2026 (?)** | Consultation on smokefree and vapefree spaces (Wales/Scotland) |
| **Jan 2027** | Ban on sales of all tobacco products to anyone born on/after 1 Jan 2009 |
| **Early 2027 (?)** | Consultation on retail licensing of tobacco, vapes and nicotine products (UK) |
| **June 2027** | Ban on all tobacco and vaping product advertising and sponsorship |

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## Core areas covered and responses

The Consultation is lengthy and some areas have stronger/clearer evidence for a public health approach than others and/or will have a larger or more visible impact. Key proposals are set out in the table below, with the FPH response and rationale.

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| Apply packaging requirements in place for cigarettes and rolling tobacco (drab green packaging, picture warnings, etc) to other tobacco products, including cigars, cigarette papers and herbal smoking products | Agree – we view this as closing a loophole that only existed because of industry lobbying.<br><br>Filters are not included but should be.<br><br>Very consistent view on this across public health |
| Apply packaging and display requirements in place for cigarettes and rolling tobacco to heated tobacco, including making packaging and product colour 'drab green' as for other tobacco products | Agree – very limited evidence that these products are any less harmful than cigarettes etc<br><br>Noting that this should be extended to making cigarettes themselves drab green for consistency<br><br>Very consistent view on this across public health |
| Require all vaping and nicotine products to have plain white packaging and for vapes themselves to be black, white or grey | Agree – reduces appeal to children and young people, maintains difference in appearance between vapes and more harmful tobacco products<br><br>Some variation of opinion across public health, including some who argue that vape packaging and devices should be subject to same regime as heated tobacco products |
| Restrict flavour descriptors to a single 'lead flavour' and ban multiple flavours (e.g. 'strawberry-cherry'), conceptual ('unicorn'), food/drink ('chocolate'), sensory ('mint blast') descriptors | Agree – noting that we think the most effective way to implement is through an agreed list of descriptors.<br><br>Note that this is just about descriptors, future consultations may look at chemical composition etc, but it has always been our view that descriptors are the most important element in flavours<br><br>Some variation of opinion across public health, with some arguing that whilst |

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| | those obviously targeting young people ('unicorn') should go, removing others will reduce appeal to smokers who might use vapes to quit |
| Restrict retail display of vapes and nicotine products in same way as for tobacco products | Agree – but note that as this does not maintain distinction between tobacco and vapes, display cover should include wording that vapes are available for purchase for smoking cessation on the unit<br><br>Note that this is likely to have the greatest impact on the high street, as there are no exemptions for 'specialist vape shops' (there are for specialist tobacconists, which we recommend removing in another section of the Consultation)<br><br>Some variation of opinion across public health, including some who argue that display restrictions should be less for these products as they are less harmful |
| Exempt pharmacies from vape and nicotine product display restrictions | Disagree – we have liaised with pharmacy colleagues on this, we agree that this creates inaccurate perceptions of vapes as medicinal products and creates incentives for pharmacists to encourage vape purchase rather than support/referral to HMQ<br><br>Some variation of opinion across public health, including some who argue that this exemption would support smoking cessation |

## General principles

- The Consultation follows multiple calls for evidence. This evidence is summarised in the UK impact assessments (see links above). There are sections for any additional data or evidence on impacts, but as the Faculty is not itself commissioning any additional data analysis or evidence reviews we have not included any material here
- The Consultation requires respondents to specify whether they are responding in relation to Northern Ireland, Wales and England or Scotland. We have developed the response in relation to the former. Differences are relatively small and technical, due to variation in specific existing legislation
- The Consultation covers a wide range of questions, but in many cases the public health principles informing the response are the same. There is therefore a recognised degree of repetition in the answers
- Highlighting where proposals reflect the stated objectives of the Act and or wider policy goals that reflect these objectives:
    - Reducing uptake and continued use of smoking and other tobacco products
    - Reducing uptake of vaping and other nicotine products amongst non-smokers in particular children and young people
    - Ensuring consumers understand the harms of different products so that they can make informed choices about use and are supported to quit where that is their preferred outcome
    - Supporting greater public understanding that tobacco, vapes and nicotine products are highly addictive and are therefore not normal consumer products and should not be marketed as such
- The design of the Act, recognising that regulation requires balancing objectives that may be in tension (e.g. reducing uptake of vaping amongst children and young people and maintaining availability of vapes to adult smokers), enables governments to review the impact of regulation and to amend. This means that evaluation of measures adopted is critical
- Many/most of the proposals enjoy substantial public support and reflect change that people feel are desirable or necessary for the health and wellbeing of populations and communities
- There need to be clear plans for evaluation and a commitment from policymakers to revisit legislation/regulation if measures are not achieving the stated objectives of the Act
- Proposals need to be considered in an integrated way. Most of the individual proposals included in this Consultation depend on an integrated approach to implementation across all proposals to maximise benefits in relation to the objectives of the Act. A number of proposals would strongly benefit from

implementation of regulation, such as retail licensing of the sale of tobacco and nicotine products, that will be covered in future Consultations

- Consideration needs to be given to enforcement. This includes ensuring enforcement is adequately funded, ensuring that whatever level of resources are available they are deployed in ways that maximise the benefits of regulation in terms of the objectives of the act (e.g. considering the risk that enforcement activity is diverted from addressing more harmful to less harmful products) and that the regulations themselves are designed to support efficient, effective and equitable enforcement (for example, through considering how Trading Standards Officers can clearly identify and act on breaches of regulations). Implementation of proposals that address these issues will also serve to address concerns in relation to the availability of illicit products, which the evidence suggests has fallen in recent years, when regulation has been at its strictest
- Proposals need to consider how industry and retail might respond to regulation in ways that undermine its effectiveness in relation to the objectives of the Act, in particular incentives to develop new or altered products that can appeal to new markets of non-smokers/vapers in particular children and young people
- Where the proposals regulate vapes in ways that are not currently applied to tobacco products, it is important that this is highlighted
- Where the proposals do not have a clear description of what the final form of regulation would be, recommendations for this based on public health evidence/perspective have been highlighted