

Tackling the illegal vape market

Context

- Around 1/3 of the UK vape market is comprised of illegal products.¹
- Opinion survey of 6,000 UK adults in May 2024 revealed that 21% were aware of illegal vapes being sold in their area within the past three months.²
- Illegal vapes are unlikely to have been notified to the Medicines and Healthcare products Regulatory Agency (MHRA).³
- Illegal vapes may contain chemicals or levels of chemicals as evidenced by independent laboratory testing, that are not compliant with UK regulations.⁴
- The illegal vape market has been linked to other forms of serious criminality.⁵

Government response

- Trading Standards leads on tackling illegal vapes and through Operation Joseph has seized millions of illegal vapes.⁶
- An additional Government resource of £3 million was provided to Trading Standards in 2023.⁷ Later in 2023, the previous Government also proposed that a further sum of £30 million per year should be provided for law enforcement to tackle illegal tobacco and vaping.⁸
- The Budget in March 2024 announced the planned introduction of excise on vaping products, effective from 1st October 2026.⁹ The excise varies depending on the nicotine strength.
- Proposed introductions of on-the-spot fines alongside existing penalties.¹⁰

ELFBAR position

- ELFBAR works closely with UK Trading Standards on a case-by-case basis and supports closer cooperation together with law enforcement. The company's UK partner distributor has a primary authority agreement with Kent Trading Standards.
- Trading Standards actions are welcome, but this requires consistent application of resources and investment to tackle this ongoing problem.
- ELFBAR would support the new Government reintroducing at least £30 million per year for law enforcement to tackle illegal tobacco and vaping.
- ELFBAR supports the introduction of excise on vapes, but rates should be proportionate to ensure smokers are not deterred from switching to vaping to quit smoking.
- ELFBAR has acted against more than 230 companies worldwide involved in counterfeit manufacturing, storage, and transportation.¹¹

¹ <https://www.tradingstandards.uk/media/3178685/ctsi-statement-on-vapes-1.pdf>

² Opinion survey of 6,000 UK adults (May 2024)

³ <https://www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products>

⁴ <https://www.bbc.co.uk/news/health-65614078>

⁵ <https://crimestoppers-uk.org/news-campaigns/news/2024/jan/wales-warning-as-criminals-use-vapes-to-groom-vulnerable-children>

⁶ <https://www.bbc.co.uk/news/business-68099182>

⁷ <https://www.thetimes.com/uk/healthcare/article/tories-promise-3m-crackdown-on-illegal-under-18-vape-sales-v3hm9drrr>

⁸ <https://www.gov.uk/government/publications/tobacco-and-vapes-bill-factsheets/tobacco-and-vapes-bill-enforcement-factsheet>

⁹ <https://www.gov.uk/government/consultations/vaping-products-duty-consultation#:~:text=Consultation%20description,off%20increase%20in%20tobacco%20duties.>

¹⁰ <https://www.gov.uk/government/publications/tobacco-and-vapes-bill-factsheets/tobacco-and-vapes-bill-enforcement-factsheet>

¹¹ <https://www.prnewswire.co.uk/news-releases/elfbar-and-lost-mary-unveil-progress-in-combatting-illicit-vapes-302128253.html>

- ELFBAR's partner distributor is a member of the Anti-Counterfeiting Group (ACG), Association of Convenience Stores (ACS), Scottish Grocers' Federation, Federation of Wholesale Distributors (FWD), Retail NI and Independent British Vape Trade Association (IBVTA).
- ELFBAR is working with the ACS and SGF to report illegal vapes in conjunction with FACT¹² and their partnership with Crimestoppers.
- ELFBAR supports the introduction of a retail licensing scheme that would also provide a structure or system for checking licensed retailers.

¹² <https://www.fact-uk.org.uk/>