**Public Bill Committee on Tobacco and Vapes**

**Written evidence on the retail licensing and product registration powers in the Bill submitted by Action on Smoking and Health (ASH)**

**January 2025**

1. ASH is a public health charity established by the Royal College of Physicians in 1971 to advocate for policy measures to reduce the harm caused by tobacco. ASH receives funding for its full programme of work from the British Heart Foundation and Cancer Research UK.

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# Summary

1. The Bill sets out two new areas to regulate tobacco, vapes, non-medicinal nicotine products, herbal smoking products and cigarette papers in order to improve compliance, protecting children and legitimate businesses. These are:
* A new retail licensing scheme across England and Wales (and amends the Scottish and Northern Irish retail registers) to support enforcement of regulations at retail level.
* A new product registration scheme to ensure legitimate products on the UK market meet UK standards and allow them to be removed from the market where they do not.
1. The purpose of these powers is to strengthen pre and post market controls of products and improve enforcement at retail level. The retail licensing scheme will be new to England and Wales and will update and strengthen existing retail registers in Scotland and Northern Ireland. The registration scheme replaces the existing notification scheme for vaping and tobacco products, conferring new powers and broadening the reach to cover all nicotine products. Both retail licensing and product registration will require further consultation and regulations following Royal Assent.
2. ASH supports these stronger controls on the supply chain. Powers in the bill must be high level with more complex detail defined via further regulations to allow them to be updated and respond to changing market and evidence.

**Recommendation: The current powers in the bill to create retail register and product registration should be preserved. Amendments to weaken these controls on the supply chain or prescribe how the powers are used should not be accepted.**

# Retail licensing

## Rationale for public health licensing scheme

1. Tobacco is a uniquely harmful consumer product that kills up to two in three of lifetime users. There are no other legal products on the market that compare in terms of the harm it causes. However, any type of enterprise can currently sell tobacco, in contrast to other harmful products like alcohol, which require retailers to hold a licence.
2. A licence is a valuable regulatory tool that allows enforcement agencies to more effectively enforce existing regulations and places tighter controls on the supply chain. A licence for tobacco retailers would support the already effective illicit tobacco strategy. It will provide an important additional tool to ensure the market for vapes and other nicotine products is controlled, supporting the enforcement of the planned 2026 excise tax on vape liquids and the June 2025 ban on the sale of single-use vapes.
3. There are also significant issues at retail level regarding the sale of vaping products. The sale of products that do not meet UK standards is widespread. While better controls are needed throughout the supply chain, stronger enforcement powers at retail level will support compliance.
4. The ASH survey of 11-17 year olds finds that among those who vape and smoke roughly half purchase products from shops (48% vapes, 54% tobacco)[[1]](#footnote-2) making the retail setting a major source of underage products. The introduction of progressive age of sale restrictions strengthens the case for taking greater control of the retail environment. Businesses that flout the law now are likely to continue doing so when new regulations come into force.
5. The Bill sets out a range of powers of a licensing scheme to be developed under regulations. These include:
	* Prohibiting the granting of license, including in respect of premises within an area of a description specified in the regulations
	* Inspecting premises ahead of awarding a license
	* Charging a licensing fee
	* Attaching conditions to a license
	* Making provision around the duration and renewal of licenses, including powers to remove licenses
6. It is important that the Government has wide-ranging powers to ensure the scheme remains flexible and adaptable and allowing Local Authorities to shape their preferred retail environment.
7. Attaching conditions to licenses supports broader government objectives. For example, licenses could be restricted to retailers who comply with existing legal requirements, such as offering vape recycling facilities. It could also make it easier to refuse licenses to places or individuals known to have breached the law in the past.

## Impact on small retailers

1. A robust retail licensing scheme is essential to ensure the impact of new laws are not undermined. Licensing will protect honest small businesses, who are currently undercut by criminal gangs selling illicit products, and safeguard young people by regulating vaping and nicotine products.
2. The University of Edinburgh have analysed sales data from over 1500 small retailers in the UK from 2019 and 2022 (see [Appendix 1](#_Appendix_1:_Tobacco)). This updates an analysis conducted by ASH in 2016 using similar sales data. [[2]](#footnote-3) Their full report is appended to this submission. They find that:
	* Small retailers generally make very low profit margins from selling tobacco itself. By contrast vapes have a much bigger margin. In 2022 the average margin for vape products in small retail settings was 37.1% and 8.5% for tobacco, compared to 21.0% across all product types.
	* Contrary to claims by the tobacco industry, tobacco is a declining driver of “footfall” in small retailers, included in 13% of transactions in 2022 compared to 21% in 2016.
	* While footfall for vapes was lower than for tobacco in 2022 (93 transactions a week compared to 315 for tobacco) it had increased 9-fold since 2019 where vapes made up 10 transactions per week. It seems likely that the continued growth in the vape market means that vape sales now rival those of tobacco sales for many small retailers.
3. The proposed retail licensing system needs to take account of the changing nature of the retail environment for nicotine and the likely continued decline of tobacco and the possible replacement with other nicotine products.
4. The majority of retailers are supportive of incoming government regulations. A 2024 survey of a random sample of 904 managers or owners of independent shops selling tobacco in England and Wales found the following:[[3]](#footnote-4)
	* 51% support raising the age of sale one year every year (26% oppose)
	* 71% support mandatory age verification (20% oppose)
	* 65% support creating a smokefree generation (17% oppose)
	* 79% support fixed penalty notices for breaches of age of sale regulations (13% oppose)
5. In a similar survey, conducted by ASH in 2022[[4]](#footnote-5),strong retailer support was also found for regulatory action. Additional questions asked then, but not in the 2024 survey, included:
	* 81% support the introduction of a tobacco licence (9% oppose)
	* 84% support quicker action when offences take place (4% oppose)
	* 79% support closure orders for repeated breaches of tobacco laws (11% oppose)
	* 69% support a proposal to prohibit colours, cartoon characters, and names of sweets which might appeal to children on e-cigarette and vaping product packaging (14% oppose).
6. Previous changes to tobacco regulations, such as banning point-of-sale displays and introducing standardised packaging, have not significantly burdened small retailers. Surveys show that around three-quarters of shop owners reported no impact or a positive impact from these changes.

## Administration

1. Local authorities already administer licensing schemes in other areas such as alcohol. These administrative processes can be adapted to minimise any burden on businesses. However, while many retailers who sell tobacco also sell alcohol and there may be potential to administer some licenses together, there are some other considerations:
	* Many retailers that sell vapes do not currently sell alcohol, so any scheme designed to reduce the burden must not inadvertently create an incentive to sell additional health harming products.
	* The alcohol licensing model does not have a specific public health objective, and research shows that there is not currently an association between retail licensing and health outcomes.[[5]](#footnote-6) Given the primary intention of the Bill is to reduce harm from tobacco, it is vital that the licensing scheme is built around public health objectives.
	* A large proportion of vape sales are online (32% of adult vapers and 13% of underage vapers buy online). Careful consideration is needed to ensure that online retailers are required to meet the same standards as bricks and mortar retailers and how this should be administered.
2. A key part of the consultation process should be to identify the ways in which administration can be streamlined without compromising the objectives of the Bill or wider Government health objectives and to address the additional complexity of the vaping retail market which has many more businesses than the tobacco market who may be unfamiliar with seeking a licence to sell products.

# Product registration

## Current schemes

1. The Bill creates a new registration scheme for all non-medicinal nicotine and tobacco products to replace the existing notification schemes for vapes, tobacco and smoked herbal products and creates a scheme for other non-medicinal products such as nicotine pouches. Currently the competent authority for the vapes notification scheme is the MHRA and for tobacco and smoked herbal products is OHID.
2. A new scheme is necessary to ensure that no products can be placed on the UK market without pre-market scrutiny and that there are sufficient powers to ensure those that come to market meet the standards set out in law. The current schemes do not comprehensively cover all products, nor do they have the powers or resources to ensure products fully meet all UK regulations.
3. The current vape notification scheme has over 47k products notified by a large number of different companies. Relatively low barriers to notifying products were appropriate when regulations were first introduced in order to maximise the numbers of products that were part of the legitimate supply chain. However, as the requirements on products will increase following passage of the Tobacco and Vapes Bill and the size and profitability of the market has grown it is appropriate to strengthen requirements on producers to improve the quality of products available to British smokers looking for safer alternatives and to limit appeal to teenagers and non-smokers.
4. Some limitations of the current schemes include:
	* Pre-market assessment of products is limited to contents of products and whether they include any ingredients that are banned, whether the strength of nicotine is legal and the volume of liquid in products. They are not required or able to make a judgement on the design or branding of products.
	* Companies are required to provide toxicological information about the ingredients but this does not have to be specific to the product.
	* Post-market surveillance is limited by the capacity and resources of the competent authority and its powers.

## A new strengthened registration scheme

1. A new registration scheme for vapes (and other nicotine products) should seek to drive up product standards through more effective pre and post market action. This should include:
	* Requiring far more specific toxicological information.
	* Increased resources to test products, with businesses required to meet costs or carry out tests.
	* The ability to more easily remove products which are found to not meet standards.
	* Expansion of the parameters against which products must be notified/ registered to include branding, product design, child resistance, breakage, leakage, total potential device capacity.
	* Requirements under vape excise tax that companies registered for tax stamps first have products registered to the competent authority.
	* Evidence that manufacturers have control of their supply chain, and the ability to remove products where they don’t.
	* Responsible person requirements meaning that those not fitting these requirements will not have their products registered or can have their product removed if they fail to meet requirements in the future.
	* Updated fee requirements that ensure submitters maintain up to date notifications when no longer in production (annual fees).
	* Legal mechanisms to withhold, restrict and remove product publications on the basis of non-compliance at supply.
2. Given the complexity of defining a new registration scheme for vapes and other products we recommend that the powers are not limited on the face of the Bill but deployed following further consultation to define a proportionate regime which balances consumer safety with business burden and the need for a sufficient vaping market to enable smokers to switch. The Government also needs flexibility to be able to respond to future changes in the evidence and the market.
3. To be successful the new registration scheme will require sufficient funding, access to expertise, ability to require detailed pre-market information from those registering products, close links with enforcement agencies and sufficient powers to remove products from registration as necessary. These should be key considerations as DHSC develop this scheme following royal assent.

## Action needed by Government to support development of registration scheme

1. Government needs to provide further clarity on its policy goals in relation to vaping and other nicotine products to support the development of regulations to underpin the new registration scheme. Such goals could include:
* Reduce the appeal of non-medicinal nicotine products to children and non-smokers
* Improve the quality of non-medicinal nicotine products to limit the potential of future harm to health
* Improve the quality of non-medicinal nicotine products as an aid to quitting smoking
* Reduce the environmental impact of non-medicinal nicotine products
* Reduce the availability of non-compliant products
1. Government should communicate its policy goals and likely approach to the new registration scheme at the earliest opportunity to provide clarity to the market. Alongside this, clarity is needed about how different aspects of the Tobacco and Vapes Bill will interact with each other and other ongoing legislation in this area and the impact of policy activity in other areas.

# Appendix 1: Tobacco and vape profits: Analysis of EPOS data from small retailers in the United Kingdom in 2019 and 2022

**Data report**

20.12.24

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**Introduction**

The Action on Smoking and Health (ASH) report ‘Counter Arguments: How Important is Tobacco to Small Retailers?’ (2016) described profits from tobacco transactions in convenience stores in the UK. The ‘Counter Arguments’ report used Electronic Point of Sale (EPOS) data, provided by The Retail Data Partnership (TRDP), to assess the number, sales value, and profits of tobacco transactions in September 2015. The research presented in this report updates the analysis presented in the ‘Counter Arguments’ report using TRDP EPOS data from September 2019 and 2022 to assess how the financial role of tobacco within small stores in the UK has changed in recent years. The analysis replicates the research design, methods and results tables described in the ‘EPOS Data Report’ document, which accompanied the ‘Counter Arguments’ report. In addition, this analysis also compares profits from tobacco transactions to profits from transactions including vapes.

This report first presents a summary of the key findings from the analysis, and then a description of the analysis’ methods and results. An additional document, with a more detailed description of the results of the analysis and some interpretation of the findings, is contained in the file ‘TRDP tobacco profits in 2019 and 2022\_Supplementary results description’. Further results tables from sensitivity analysis, assessing tobacco and vapes sales in June 2019 and June 2022, are contained in the document ‘TRDP tobacco profits in 2019 and 2022\_Supplementary results tables’.

**Summary of key findings**

* Between September 2019 and September 2022, the average number of weekly transactions per TRDP store which included tobacco declined from 350 to 315, a fall of 10.1% (Table R4).
* The proportion of stores’ weekly transactions which included tobacco declined from 13.4% to 12.8% between September 2019 and 2022 (Table R4).
* The proportion of tobacco transactions which included non-tobacco products, increased September 2019 to 2022, from 63.6% to 68.3% (Table R4).
* The percentage of stores’ total gross sales value accounted for by tobacco sales declined slightly from 27.5% in September 2019 to 25.0% in September 2022 (Table R1).
* Between September 2019 and 2022 gross profit margins on tobacco products increased by 1.0% to 8.5% in tobacco only transactions and to 8.4% for transactions including both tobacco and non-tobacco products, but profit margins from non-tobacco products had larger increases, rising by 2.0% for non-tobacco only transactions to 27.2% and by 1.4% in mixed, tobacco and non-tobacco, transactions to 27.6% (Table R2a).
* The proportion of store profits accounted for by tobacco products declined slightly between the September 2019 and September 2022, falling by 1.1% from 11.3% to 10.1% (Table R3).
* Between September 2019 and 2022 the proportion of store profits provided by non-tobacco products bought alongside tobacco also declined slightly, falling by 0.5% to 9.0% (Table R3).
* While factory-made cigarettes (FMC) dominated tobacco sales in both September 2019 and 2022, the number of units of FMC products sold per store declined between these years by 12.9%, while the number of RYO products sold increased by 8.2%, and the number of units of cigarillos sold more than doubled (Table R13).
* The average weekly number of transactions per store which included vapes rose sharply between September 2019 and 2022 from 10 to 93 (Table R10).
* In September 2022, the number of vape transactions per store was, however, still less than a third the number of tobacco transactions (Table R10 and Table R4) and the total gross value of vape sales was just 16.8% of the gross value of tobacco sales (Table R1 and Table R7).
* Profit margins from vapes were far higher than those of tobacco products, with an average of 37.1% for vape products compared to 8.5% for tobacco products in September 2022 (Table R14).
* Although there were considerably fewer transactions including vapes than tobacco, in September 2022 gross profits per store from vape sales were equivalent to 73.4% of the value of tobacco profits, as a consequence of vapes’ high profit margins (Table R3 and Table R9).
* In September 2022, the gross profits value of non-vape products bought alongside vapes was, however, less than a quarter of the value of co-purchases bought with tobacco (Table R3 and Table R9), reflecting the lower likelihood of vape shoppers making co-purchases and the relatively small number of vape transactions in total.

**Methods**

**Retail data extract**

The TRDP has provided the University of Edinburgh and University of Sheffield with an extract of retail data, which includes data for sales weeks during the years 2019 and 2022. The convenience stores that were the source of this retail data are clients of TRDP, which use their EPOS and data services.This EPOS dataset contains cases which describe the sales date, product type, sales units, gross price and cost price of products sold in stores. The data includes all sales of barcoded and non-barcoded ‘hot key’ products recorded by TRDP EPOS within the stores. Within the data there is also a transaction id, which is a unique code identifying each transaction or basket of goods, and a store id, identifying the store in which the transaction took place.

**Time period**

This analysis compares sales in 2019, prior to the Covid-19 pandemic, to data from 2022, the most recent year for which TRDP data had been provided to the University of Edinburgh and University of Sheffield. The analysis focusses upon comparison of data from the weeks 7-13 September 2019 and 7-13 September 2022. These data weeks were selected because they were close to the dates of the week of data used in the ASH ‘Counter Arguments’ report, which was from 21-27 September 2015. In addition, sensitivity analysis was also completed for this report using TRDP data from the weeks 7-13 June 2019 and 7-13 June 2022.

**Store selection**

In the ‘Counter Arguments’ report stores were selected for the analysis if they had weekly turnover of £5,000 or more in 2015. To be consistent, this 2015 figure was adjusted for inflation (ONS RPI All Items Index) and turnover thresholds were set of over £5,500 in 2019 and over £6,500 in 2022, following exclusion of some product types and sales with outlying prices (described further below). Stores were included in the data if they met these turnover thresholds in both the September and June analysis weeks in 2019 and 2022.

Petrol station forecourts stores and stores that reported no tobacco sales, were excluded from the analysis. Stores that reported no vape sales were however retained in the dataset. The total number of UK stores selected for the analysis was 1,503.

**Store region**

The group of TRDP stores in this analysis are located across regions of the UK (Table M1). There are however relatively few stores located in some areas, relative to their total population, in particular, Northern Ireland and London, and relatively large numbers of stores located in other areas, such as Wales.

Methods Table M1. Region of store location



**Store business type**

Among the group of study stores, approximately one in five are independent stores and the remaining four-fifths were members of symbol groups (Table M2). The most common symbol group was Premier/Premier Express which accounting for 62.7% of the total stores.

Methods Table M2. Independent and symbol group stores



**Product type selection**

This analysis includes products recorded by the EPOS both through the scanning of barcodes and the use of ‘hot keys’. Hot keys are commonly used to record sales of products that do not have barcodes, like weighted products, or as ‘short cuts’ for sales of popular products. Products of all types were retained in the data, except for payment services, work services and carrier bags. The payment services and products, that were excluded from the data, were products such as PayPoint, PayZone, Paystation, charitable donations, gift vouchers, phone cards and travel cards. Work services that were excluded were services like newspaper delivery and repair services. Removal of the records of these product types, resulted in approximately 2% of total data cases being excluded from the analysis in each study week.

The data in this analysis includes lottery tickets and weighted products, product types that were excluded from analysis presented in the ’Counter Arguments’ report. Some of the possible implications for the analysis of the inclusion of these products types are described below.

**Price exclusions**

Product sales were excluded from the study if their price data within the TRDP dataset were missing, negative, extreme or anomalous. All product types were excluded if they had a gross sales value over £200. Tobacco and vape products were excluded if they had gross sales value of less than one pound and 50 pence, respectively. Products were also excluded if they had gross profits value of greater than £50 or gross profit margins of greater than 70 per cent. Whole transactions (baskets of goods purchased by one customer) with combined gross sales value over £200 were also excluded. Approximately 1% of total cases were excluded in each study week due to these pricing issues.

**Tobacco and vape product types**

In this analysis ‘tobacco’ products are defined as products which contain tobacco leaf. This tobacco category includes factory-made cigarettes (FMC), roll-your-own (RYO) tobacco, cigars, pipe tobacco, heated tobacco, snuff and chewing tobacco. The tobacco category excludes smoking accessories, such as cigarette papers, tips, lighters, matches, and pipes, unless they were included within tobacco leaf products, for example ‘2 in 1’ RYO products which include both rolling tobacco and cigarette papers.

This analysis uses the term ‘vape’ products to refer to electronic nicotine delivery system (ENDS) products, which are battery-powered devices that are used to inhale nicotine vapour. The definition of vape products in the analysis includes disposable vape devices, vape liquids, vape pod or cartridge refills and vape kit, such as reusable vape devices, batteries and coils.

**Transactions**

In this analysis the TRDP transaction id codes were used to identify baskets of goods purchased by customers. Tobacco sales transactions were categorised as tobacco only, non-tobacco only or ‘mixed’ tobacco and non-tobacco. Similarly, vape transactions were defined as vape only, non-vape only or ‘mixed’ vape and non-vape products.

**Price measures**

The TRDP data extract contains gross sales price which is the product price paid by the customer in the store and cost price data which is the product price paid by the retailer to the wholesaler or manufacturer. Gross profits were defined for each product sold as the gross sales price, excluding VAT, minus the cost price. Cost price data was absent from approximately a quarter of cases in the data weeks from September and June, 2019 and 2022. Where cost price data was missing, estimated cost price figures were defined. Cost price estimates were calculated based upon the profit margins of similar types of products sold in the same store where their cost price data was available. If cost price estimates were not available for a product type within a store, cost price estimates were based instead upon similar products sold in other stores within the same region or, if this regional data was absent, cost price data from across the UK.

Cost price data was not present within the TRDP data for lottery tickets as retailers’ payments for lottery tickets sales are based on commissions. National Lottery retailers in the UK receive commissions of 5% on draw-based games and 6% on scratchcards, plus a small proportion of some prize pay outs. Based on these commission figures lottery profit margins in this analysis were estimated to be 5.5% of the gross sales value for lottery draws and 6.5% for lottery scratchcards.

TRDP gross sales and profit values from 2019 and 2022 were analysed without adjustment for inflation.

**Comparison of data in this study with the ‘Counter Arguments’ report data**

The data analysed in this report and the data presented in the ‘Counter Arguments’ report are both based upon data extracts from TRDP EPOS. The groups of stores and the sales cases selected for these analyses, however, have differences in their characteristics that should be considered when comparing results from these analyses. Among the stores used in the ‘Counter Arguments’ report 34.6% were independent, but only 19.8% of stores included in the current study were independent. Average gross weekly sales among the stores in the ‘Counter Arguments’ report was £14,816.02 in September 2015, while in the current study the equivalent figure for September 2019 was £14,627.51, rising to £17,798.81 in September 2022.

The sales assessed in the current study includes hot key sales, used for products such as weighted produce and lottery tickets, which were excluded from the ‘Counter Arguments’ report. The advantages of including products that were entered in the EPOS using hot keys is that this provides a fuller picture of all the items that were sold in the stores. Hot keys are used to record the sale of some items that can be important to store footfall, like lottery tickets, and may be used for popular high selling items even if they have barcodes, to increase the speed by which they can be entered in the EPOS. In the current analysis hot key sales accounted for approximately 11-12% of the total data cases in the study weeks. Hot key lottery ticket sales, comprised approximately 5-7% of total data cases. There are also some disadvantages to the use of hot keys sales data in analyses, as these sales typically have more missing data and data error than sales data entered into the EPOS using barcodes. These data problems can affect variables that are important to this analysis, in particular, product type, units sold and cost price. The inclusion of hot key data in this analysis has meant that a greater proportion of cases within the dataset had missing cost price data and sales prices outside expected levels than there would have been if only barcoded sales had been included in the analysis. Hot keys, however, are rarely used to enter tobacco products into the EPOS and so the inclusion of hot key sales within the dataset will not have a significant impact on the volume or value of tobacco product sales within the analysis.

The inclusion in the current analysis of products, like lottery tickets and weighted products, that were excluded from the ‘Counter Arguments’ report will have resulted in a relatively higher proportion of non-tobacco products in the data and a lower proportion of tobacco transactions that were defined as tobacco only. Lottery tickets have very low profit margins compared to most other products sold in convenience stores, and so inclusion of their sales will also reduce overall profit margins for non-tobacco products found in the current analysis.

**Results description**

Key results from the analysis of sales during the weeks 7-13 September 2019 and7-13 September 2022 are described below. In addition, some results from analysis of weeks 7-13 June 2019 and 7-13 June 2022, presented in supplementary results tables (see file ‘TRDP tobacco and vape profits 2019 and 2022\_Supplementary results tables’) are described where these differ significantly from those found for the September weeks analysed.Some comparisons are also made to results from the analysis of September 2015 data presented in the ‘Counter Arguments’ report, with the caveat that this sales data from 2015 differs in some ways from the 2019 and 2022 data, as described above.

Declining numbers of tobacco transactions, 2019-2022

* The proportion of TRDP transactions that included tobacco declined between September 2019 and September 2022 from 13.5% to 12.8% (Table R4). The weekly average per store count of tobacco TRDP transactions fell from 350 in September 2019 to 315 in September 2022, a decline of 10.1% (Table R4), and a marked change from the figure of 558 found in the analysis of September 2015 data presented in the ‘Counter Arguments’ report.
* Analysis of data from June 2019 and 2022 however found a smaller fall in the average weekly number of tobacco transactions of just 1.7% (Supplementary results tables; Table S4). Figures for total transactions indicate that transactions per store declined by 5.4% between September 2019 and 2022, but between June 2019 and 2022 there was no decrease. This suggests that smaller declines in the number of tobacco transactions between the years 2019-2022 found in the June data compared to the September data may reflect wider retail patterns that effected all product types.

A growing proportion of tobacco transactions included non-tobacco products, 2019-2022

* The proportion of total tobacco transactions that included non-tobacco products increased between September 2019 and September 2022, from 63.6% to 68.3% (Table R4). These figures were also larger than the September 2015 figure in the ‘Counter Arguments’ report, which found that 59.7% of total tobacco transactions included non-tobacco products. The growing number of tobacco transactions that include non-tobacco products is likely to reflect, in part, the increase in the average number of products within transactions (Table R15).

The proportion of stores’ total gross sales value accounted for by tobacco sales declined slightly, 2019-2022

* Although the average number of tobacco transactions per store in September 2019 and 2022 fell, the sales value of tobacco items within these transactions increased significantly (Table R5) and the proportion of stores total gross sales value per week accounted for by tobacco decreased by only a small percentage, declining from 27.5% of gross sales value in September 2019 to 25.0% in and September 2022 (Table R1). The equivalent figures in the ‘Counter Arguments’ report indicated that 25.1% of weekly gross sales value was accounted for by tobacco in September 2015.

Profit margins increased for both tobacco and non-tobacco products, but non-tobacco products had larger increases, 2019-2022

* Between September 2019 to September 2022 the percentage profit margins found for tobacco products in tobacco only transactions and in mixed tobacco and non-tobacco transactions increased by 1.0% to 8.5% and 8.4%, respectively, but the profits for non-tobacco products increased by a greater amount, rising in non-tobacco only transactions by 2.0% to 27.2% and in mixed transactions by 1.4% to 27.6% (Table R2a). Profit margins found in this analysis of 2019 and 2022 data were higher for both tobacco and non-tobacco products than those in the 2015 data presented in the ‘Counter Arguments’ report.

The proportion of store profits provided by tobacco products declined slightly, 2019-2022

* The percentage of stores’ total gross profits accounted for by tobacco declined from 11.3% to 10.1%, between the September 2019 and September 2022 weeks, a fall of 1.1% (Table R3). Figures for the June weeks indicated a fall of 0.5% in percentage of store profits from tobacco, 2019-2022 (Supplementary results tables; Table S3). The proportions of total store profits provided by tobacco sales were, however, considerably higher in both 2019 and 2022 than the figure reported in the ‘Counter Arguments’ report for 2015 of 8.5%.

The proportion of store profits provided by non-tobacco products bought alongside tobacco declined slightly, 2019-2022

* During the time period September 2019 to September 2022, there was a small decline in the percentage of store profits accounted for by non-tobacco products in mixed transactions, falling by 0.5% to 9.0% (Table R3). These 2022 figures, are considerably lower than those in the ‘Counter Arguments’ report which found that 13.1% of total store profits were accounted for by non-tobacco products in mixed transactions in 2015. This suggests that although the proportion of total tobacco transactions that include non-tobacco products has increased, as the total number of tobacco transactions has fallen the profits from non-tobacco products bought alongside tobacco have become less significant to these stores.

Fewer sales of factory-made-cigarette (FMC) products, but growth in roll-your-own (RYO) and cigarillos product sales, 2019-2022

* Sales of tobacco products were dominated in September 2019 and September 2022, by FMC which accounted for more than three quarters of the total units of tobacco products sold in both these weeks, but over this time period the number of units of FMC products sold declined by 12.9% while the number of units of the second biggest-selling tobacco product, RYO, increased by 8.2%, and units of cigarillos, the third biggest-selling tobacco product, more than doubled (Table R13).

Vape sales have risen sharply since 2019 and by 2022 contributed significantly to stores’ gross profits due to their high profit margins, but were associated with fewer co-purchases than tobacco

* The weekly average number of vape products sold per store increased eight-fold between September 2019 and 2022, rising to 129 units per week (Table R13). Vapes sales in September 2019 were dominated by e-liquids, but in September 2022 85.7% of vape product units sold were disposable vapes (Table R13). The average weekly number of transactions per store including vapes rose sharply to reach 93 in September 2022 (Table R10), however this figure was still considerably lower than the 315 transactions which included tobacco (Table R4) and the total gross value of vape sales was equivalent to just 16.8% of the gross value of tobacco sales (Table R1 and Table R7).
* Although the number and gross value of vape products sold per store in September 2022 were far lower than that of tobacco, gross profits from vape sales were equivalent to 73.4% of the value of tobacco gross profits in this week (Table R3 and Table R9). These high gross profits from vape products reflected their very high profit margins, with an average of 37.1% compared to 8.5% for tobacco in September 2022 (Table R14). When the most popular types of vape and tobacco products were compared, the data indicates that by September 2022 the average gross profits per store from disposable vapes were approximately the same as that from FMC (Table R14).
* Gross profits per store from co-purchases bought alongside vapes were however considerably lower than profits from co-purchases bought with tobacco, with a value of less than a quarter of that of co-purchases bought with tobacco in September 2022 (Table R3 and Table R9). Although 60.2% of vape transactions in this week included non-vape products Table R10), this figure was less than the 68.3% of tobacco transactions that included non-tobacco products (Table R4) and the total number of vape transactions was much lower in than the number of tobacco transactions.

**Results tables - September 2019 and September 2022**

Results tables list

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**Tobacco transactions**

**Value of weekly sales of tobacco and non-tobacco products**

Results Table R1. Weekly sales value per store; tobacco transactions; September 2019 and September 2022



**Tobacco gross margins**

Results Table R2a. Gross margins; tobacco transactions; gross margins value-based mean; September 2019 and September 2022



\*mean gross margin percentage = sum of all transactions’ gross margin per cent values/number of transactions

Results Table R2b. Gross margins; tobacco transactions; gross profits and gross sales value-based mean; September 2019 and September 2022



\*\*mean gross margin percentage = sum of all transactions’ gross profits values/sum of all transactions’ gross sales values\*100

**Weekly profits from sales of tobacco and non-tobacco products**

Results Table R3. Weekly profits per store; tobacco transactions; September 2019 and September 2022



**Number of tobacco transactions per week**

Results Table R4. Weekly number of transactions per store; tobacco transactions; September 2019 and September 2022

**Value per transaction of tobacco and non-tobacco product sales**

Results Table R5. Sales value per transaction; tobacco transactions; September 2019 and September 2022



**Profit per transaction of tobacco and non-tobacco product sales**

Results Table R6. Profits per transaction; tobacco transactions; September 2019 and September 2022



**Vape transactions**

**Value of weekly sales of vape and non-vape products**

Results Table R7. Weekly sales value per store; vape transactions; September 2019 and September 2022



**Vape gross margins**

Results Table R8a. Gross margins; vape transactions; transaction gross margin-based mean; September 2019 and September 2022



\*mean gross margin percentage = sum of each transaction’s gross margin per cent value/number of transactions

Results Table R8b. Gross margins; vape transactions; transaction gross profits and gross sales-based mean; September 2019 and September 2022



\*\*mean gross margin percentage = sum of each transaction’s gross profits value/sum of each transaction’s gross sales value\*100

**Weekly profits from sales of vape and non-vape products**

Results Table R9. Weekly profits per store; vape transactions; September 2019 and September 2022



**Number of vape transactions per week**

Results Table R10. Weekly number of transactions per store; vape transactions; September 2019 and September 2022



**Value per transaction of vape and non-vape product sales**

Results Table R11. Sales value per transaction; vape transactions; September 2019 and September 2022



**Profit per transaction of vape and non-vape product sales**

Results Table R12. Profit per transaction; vape transactions; September 2019 and September 2022



**Tobacco and vape product types**

**Tobacco and vape product units and gross sales by product type**

Results Table R13. Tobacco and vape product units and gross sales by product type; September 2019 and September 2022



**Tobacco and vape gross profits by product type**

Results Table R14. Tobacco and vape product gross profits by product type; September 2019 and September 2022



**Total stores, transactions and products**

**Total numbers of stores, transactions and product units**

Results Table R15. Total numbers of stores, transactions and product units; September 2019, September 2022



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