

# Heart of the South West Trading Standards Service



Mr Ari Salah  
Zakopane Supermarket  
16 Market Street  
Torquay  
Devon  
TQ1 3AQ

County Hall  
Topsham Road  
Exeter  
EX2 4QD

Fax: 01392 382159

Please ask for: Melanie Walker

Date: 17 October 2023

Dear Ari,

**Ref: 002246**

## **The Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015, The Tobacco and Related Products Regulations 2016 & The Children and Families Act 2004**

Every year the Heart of the South West Trading standards Service provide advice and guidance to a variety of businesses throughout Devon and Somerset. This advice can be given during a trading standard's visit or because of a consumer complaint or trade enquiry. **In this instance this service has conducted a visit and discovered the sale of illegal Vapes taking place from your premises.**

During a visit on 9<sup>th</sup> August 2023 the following illegal vape products were seized:

BRAND	Nic	Quantity
R&M Tornado 7000	2%	92
ELUX 3500	2%	49
ELUX 2500	2%	5
Boss 7000	2%	21
VCAN	2%	4
R&M Tornado 7000	2%	48
ELF Box 5000	2%	91
EYONE 6000 puffs	2%	2
R&M Tornado 7000	2%	8
ELF Box 5000	2%	90
EYONE 3500	2%	131
R&M Tornado 7000	2%	34

Commissioned by Devon, Plymouth, Somerset and Torbay Councils  
[www.devonsomersettradingstandards.gov.uk](http://www.devonsomersettradingstandards.gov.uk)

For consumer advice, call 0808 223 1133  
For business advice, call 01392 381381 from Devon, 01752 304147 from Plymouth,  
0300 123 2224 from Somerset or 01803 208025 from Torbay  
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Head of Trading Standards Fakir Osman

EYONE 3500	2%	90
R&M Tornado 7000	2%	114
ELF Box 5000	2%	30
R&M Tornado 7000	2%	110
ELF Box 5000	2%	10

I would like to take this opportunity to advise you of your obligations under the abovementioned legislation to prevent the sale of Nicotine Inhaling Products (e-cigarettes, Vapes etc) to anyone under the age of 18 because local authorities are responsible for the enforcement of legislation relating to the sale of age-restricted products including alcohol and tobacco.

Businesses that sell age restricted products should adopt an age-verification policy details of which can be found here:

<https://www.gov.uk/government/publications/age-verification-policy-example>

The standard age-verification policy is for businesses to adopt either a “Challenge 21” or “Challenge 25” policy which means youngsters who appear to be under the age of 21 or 25 are asked to produce proof-of-age identification bearing their photograph, date of birth and/or a PASS holographic mark. The Heart of the South West Trading Standards Service strongly recommend a “**Challenge 25**” policy.

Please note that despite the actual seller being responsible for any sales the owner of the business also has a responsibility to make sure that anyone selling any age-restricted products on their behalf complies with the law. The owner can be liable for any sales that take place – whether they were present or not.

Any person, whether they are the owners of the business or the person selling age-restricted products, may be found guilty in the Magistrates courts of an offence which could result in a fine dependent on the age-restricted product sold.

There are defences against prosecution if it can be demonstrated that all due diligence has been exercised to prevent underage sales. In terms of such a system of due diligence, this service strongly recommends the following steps:

Where the person’s age is not KNOWN then proof-of-age identification should be asked for and if none is forthcoming the sale should be refused.

Another reasonable step that can be taken is to ensure that anyone selling age restricted products is able to carry out this instruction, bearing in mind their age and confidence. For best effect training should be put in writing and signed for so that you have a record of it. Training should be regularly refreshed. Setting up and regular monitoring of a refusal log will demonstrate whether everyone is confident in asking for proof-of-age. It is hoped that you will review your procedures and ensure that they are effectively implemented to avoid any illegal sales. Further information about refusals registers and training can be found at:

<http://www.devonsomersettradingstandards.gov.uk/businesses/understanding-your-rights-responsibilities/age-restricted-products/>

The following link also has helpful information with regards to preventing underage sales such as payment methods and using disclaimers:

[Tobacco and nicotine inhaling products | Business Companion](#)

[Online sales of age-restricted products | Business Companion](#)

We also strongly recommend the use of the **No Proof of Age No Sale (NPOANS)** Toolkit prepared by Trading Standards South West (TSSW), a partnership of local authority trading standards services working together to ensure regional best practice in underage sales work. Currently you can subscribe to this toolkit free of charge and it can be found at:

<http://www.tssw.org.uk/>

As already stated, the Service recommend a “**Challenge 25**” policy and information and posters appertaining to this policy can be found in the above toolkit as well as information on how to prevent sales on-line.

**Product requirements (The Tobacco and Related Products Regulations 2016)**

**36.—**(1) No person may produce or supply an electronic cigarette or refill container unless it complies with paragraphs (2) to (8), so far as relevant to the product concerned.

(2) Nicotine-containing liquid which is presented for retail sale must be in—

(a) a dedicated refill container in a volume not exceeding 10 millilitres; or

(b) a disposable electronic cigarette, a single use cartridge, or a tank, in a volume not exceeding 2 millilitres.

(3) The capacity of the tank of a refillable electronic cigarette must not exceed 2 millilitres.

(4) Nicotine-containing liquid which is presented for retail sale in an electronic cigarette or refill container must not contain nicotine in excess of 20 milligrams per millilitre.

For the purposes of the regulations, the term ‘e-cigarettes’ includes Vapes and disposable Vapes (also known as Puff Bars, Elf Bars, Geek Bars etc.).

Disposable Vapes are restricted to a tank size of 2ml as the regulations state. A good indicator of whether the tank size is compliant can be the number of puffs they claim to produce. A tank size of 2ml will give around 600 puffs so anything in excess of this would be an indication that the tank size is too large and they cannot be legally sold in UK.

Please note that this information is intended for guidance only and only the courts can give an authoritative interpretation of the law.

I hope this information was helpful but, in the meantime, please do not hesitate to contact me should you require any further information.

Yours sincerely



Melanie Walker  
Trading Standards Officer  
Intelligence and Investigation Team

## Melanie Walker

---

**From:** Melanie Walker  
**Sent:** 23 October 2023 12:10  
**To:** [REDACTED]  
**Subject:** Surrender of Illegal / non-compliant Vapes  
**Attachments:** Zakopane form 2-sxg-EV3-goods disclaimer.pdf

**Categories:** Egress Switch: Unprotected  
**Switch-Draft:** classification="public";

Good morning Ari,

Following our visit last week (17/10/23) please see attached surrender form for the Vapes we removed – as explained we request that you voluntarily sign these over for destruction as they are products which cannot be legally sold in the UK.

Please sign the attached form and return to me asap – a photograph of the signed form via email will suffice

In addition to the letter I handed to you please see the following links which contain further guidance on the sale of Vapes and Tobacco products.

- [ACS Advice - Vaping August 2023.pdf](#)
- [Tobacco, vapes, etc: packaging, labelling, advertising and tracking | Business Companion](#)

Please do not hesitate to contact me if you have any questions

Kind regards

Mel

*Mel Walker*

**Trading Standards Officer**  
**Lead Officer – Age Restricted Products**  
**Tel:** [REDACTED]

**Heart of the South West Trading Standards Service**

A joint service commissioned by Devon, Plymouth, Somerset and Torbay councils



01392 383000

Trading Standards, County Hall, Topsham Road, Exeter EX2 4QD

[www.devonsomersettradingstandards.gov.uk](http://www.devonsomersettradingstandards.gov.uk)

For clear practical consumer advice call the [Citizens Advice Consumer Service](#) on 0808 223 1133



County Hall  
Topsham Road  
Exeter  
EX2 4QD

Mr Ari Salah  
Zakopane Supermarket  
16 Market Street  
Torquay  
TQ1 3AQ

Email: [tradingstandards@devon.gov.uk](mailto:tradingstandards@devon.gov.uk)  
Fax: 01392 382159

Please ask for: Melanie Walker

Date: 18/12/23

Dear Mr Salah,

## **The Tobacco and Related Products Regulations 2016**

An investigation report regarding you has been passed to me as the nominated deputy for our Head of Service for enforcement action to be considered. I have reviewed the circumstances of the alleged offences.

On 9<sup>th</sup> August 2023 an enforcement visit was conducted at your business premises, Zakopane Supermarket, 16 Market Street, Torquay, TQ1 3AQ. During the visit trading standards officers discovered and seized 929 e-cigarettes (disposable Vapes) that did not comply with the requirements of the Tobacco and Related Products Regulations 2016. A further visit was conducted on 17<sup>th</sup> October 2023 where officers again discovered 170 disposable Vapes that did not comply with the requirements of the Tobacco and Related Products Regulations 2016. On both occasions you were present and have stated that you are the person responsible for the business.

The following offences are alleged:

1 - On 9<sup>th</sup> August 2023, at Zakopane supermarket, 16 Market Street, Torquay, TQ1 3AQ, you were in possession for supply of a quantity disposable electronic cigarettes in breach of Regulation 37 of the Tobacco and Related Products Regulations 2016

contrary to Regulation 48(d) of the Tobacco & Related Products Regulations 2016, as amended.

2 - On 17<sup>th</sup> October 2023 at Zakopane supermarket, 16 Market Street, Torquay, TQ1 3AQ, you were in possession for supply of a quantity disposable electronic cigarettes in breach of Regulation 37 of the Tobacco and Related Products Regulations 2016

contrary to Regulation 48(d) of the Tobacco & Related Products Regulations 2016, as amended.

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Head of Trading Standards - Fakir Mohamed Osman

The maximum penalty for a breach of the Tobacco and Related Products Regulations 2016 is an Unlimited Fine and /or imprisonment for a term not exceeding 6 months.

**From the information as reported I have reasonable cause to believe that an offence may have been committed. On this occasion it has been decided that no formal enforcement action will be taken. I trust though, that there will be no reoccurrence of this incident as I must warn you that any further contraventions of a similar nature may result in the Service deciding to take formal action.**

Should you wish any clarification on the matter, please contact Melanie Walker, Trading Standards Officer on [REDACTED]

Yours Faithfully,

A black rectangular box redacting the signature of Alex Fry.

Alex Fry

Operations Manager (Intelligence and Investigations)

# Heart of the South West Trading Standards Service



Mr Ari Salah  
Zakopane Supermarket  
16 Market Street  
Torquay  
Devon  
TQ1 3AQ

County Hall  
Topsham Road  
Exeter  
EX2 4QD

Tel: [REDACTED]

Fax: 01392 382159

Please ask for: Melanie Walker

Date: 15 January 2024

Dear Ari,

**Ref: 002246**

**The Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015, The Tobacco and Related Products Regulations 2016 & The Children and Families Act 2004 Tobacco and Related Products Regulations 2016**

**Following my previous visits to your premises I would like to ensure that you have all the information to enable you to trade within the regulations in future with regards to Age Restricted Products (nicotine inhaling products, tobacco products etc).**

I would like to take this opportunity to advise you of your obligations under the abovementioned legislation to prevent the sale of Nicotine Inhaling Products (e-cigarettes, Vapes etc) to anyone under the age of 18 because local authorities are responsible for the enforcement of legislation relating to the sale of age-restricted products including alcohol and tobacco.

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Head of Trading Standards Fakir Osman

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### **Vape product requirements (The Tobacco and Related Products Regulations 2016)**

**36.—**(1) No person may produce or supply an electronic cigarette or refill container unless it complies with paragraphs (2) to (8), so far as relevant to the product concerned.

- Nicotine-containing liquid which is presented for retail sale must be in—

(a) a dedicated refill container in a volume not exceeding 10 millilitres; or

(b) a disposable electronic cigarette, a single use cartridge, or a tank, in a volume not exceeding 2 millilitres.

(3) The capacity of the tank of a refillable electronic cigarette must not exceed 2 millilitres.

(4) Nicotine-containing liquid which is presented for retail sale in an electronic cigarette or refill container must not contain nicotine in excess of 20 milligrams per millilitre (2% nicotine).

For the purposes of the regulations, the term 'e-cigarettes' includes Vapes and disposable Vapes (also known as Puff Bars, Elf Bars, Geek Bars etc.).

Disposable Vapes are restricted to a tank size of 2ml as the regulations state. A good indicator of whether the tank size is compliant can be the number of puffs they claim to produce. A tank size of



2ml will give around 600 puffs so anything in excess of this would be an indication that the tank size is too large and they cannot be legally sold in UK.

I would also like to take this opportunity to warn you that selling illegal tobacco products (cigarettes and hand rolling tobacco) is an offence under the Tobacco and Related Products Regulations 2016. There are also offences under the Customs and Excise Management Act 1979 (fraudulent evasion of duty etc.) the Tobacco Products Duty Act 1979 (possession and sale of unmarked tobacco), the Standardised Packaging of Tobacco Regulations 2015 and, should any contraband prove to be counterfeited, the Trade Marks Act 1994.

Offences under the abovementioned legislation carry a maximum sentence of up to 10 years imprisonment and/or an unlimited fine and monies being recovered by the courts to cover the cost of any tax evasion.

If any illegal tobacco products allegedly being sold from your premises prove to be counterfeit, then offences under the Trade Marks Act 1994 would apply. These are classified as “lifestyle offences” under the Proceeds of Crime Act 2002, and the Heart of the South West Trading Standards Service may also conduct a financial investigation which could result in the confiscation of **any assets** which have been gained as a result of this criminal activity.

I would also like to take this opportunity to warn you of the money laundering provisions of the Proceeds of Crime Act 2002, this means that landlords of any rented premises can be contacted to explain that any rent they receive from premises selling any type of illegal tobacco could be considered to be “criminal property” and they may be subjected to criminal prosecution.

Heart of the South West Trading Standards Service have the lawful right to pursue action against you to prevent, detect and disrupt this type of criminal activity and we will work closely with Devon and Cornwall Police and HM Revenue & Customs to achieve this .

The following link also has helpful information with regards to preventing underage sales such as payment methods and using disclaimers:

[Tobacco and nicotine inhaling products | Business Companion](#)

[Tobacco and vapes | Business Companion](#)

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As already stated, the Service recommend a “**Challenge 25**” policy and information and posters appertaining to this policy can be found in the above toolkit as well as information on how to prevent sales on-line.

Please note that this information is intended for guidance only and only the courts can give an authoritative interpretation of the law.

I hope this information was helpful but, in the meantime, please do not hesitate to contact me should you require any further information.

Yours sincerely

A handwritten signature in blue ink is visible above a large black rectangular redaction box.

Melanie Walker  
Trading Standards Officer  
Intelligence and Investigation Team

## Melanie Walker

---

**From:** POWERS Neil 18492 [REDACTED]  
**Sent:** 02 June 2025 11:15  
**To:** Melanie Walker  
**Subject:** RE: Zakopane UAS TP

Hi Mel,

Apologies for the late reply.

I can confirm that we carried out a Test Purchase Op at the location on 22<sup>nd</sup> January 2025.

2 of our Cadets entered the premises and selected alcohol from the display. At the point of sale, their ages were not challenged and the staff on duty were issued with warning letters for this.

The staff on duty that evening were –

Seller – Salah, contact number [REDACTED]

Manger – [REDACTED]

Kind Regards

Neil.



**Neil POWERS**

Police Sergeant 18492

Landline: [REDACTED]

Community policing delivered with competence, compassion and a common sense approach

**Torquay Town Centre, Wellswood, Torre and Upton Neighbourhood Team Leader – South Devon**

Torquay Police Station, South Street, Torquay, Devon TQ2 5AH

**Need to contact the police? [Click B4UCall](#)**

**Partner Agency Information Sharing Form - [Click Here](#)**

**In an emergency always call 999**

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**From:** Melanie Walker [REDACTED]  
**Sent:** 27 May 2025 21:42  
**To:** POWERS Neil 18492 [REDACTED]  
**Subject:** Zakopane UAS TP

Hi Neil,

I cannot find the original email but recall that you conducted an UAS TP at Zakopane for alcohol in Jan which was positive. Following our most recent illegal tobacco visit I am submitting an alcohol licence review so was wondering if you could send me over the details of the TP please so that I can include it.

I believe it was on Wed 22 Jan.

Many thanks

*Mel Walker*

**Trading Standards Officer  
Lead Officer – Age Restricted Products  
Tel: [REDACTED]**

**Heart of the South West Trading Standards Service  
A joint service commissioned by Devon, Plymouth, Somerset and Torbay councils**

[REDACTED]  
Trading Standards, County Hall, Topsham Road, Exeter EX2 4QD

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To find approved local traders, to recommend a business for the scheme, or to apply to join Buy With Confidence visit [www.buywithconfidence.gov.uk](http://www.buywithconfidence.gov.uk).

[Privacy notice](#)

[Email disclaimer](#)

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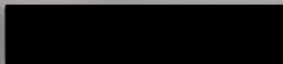


**BETWEEN:**

Zakopane Turkish LTD  
(the "Landlord")

OF THE FIRST PART

AND

  
(the "Tenant")

OF THE SECOND PART

(individually the "Party" and collectively the "Parties")

**IN CONSIDERATION OF** the Landlord leasing certain premises to the Tenant and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, the Parties agree as follows:

**BACKGROUND:**

1. This is an agreement to create an Assured Shorthold Tenancy as defined in Section 19A of the Housing Act 1988 or any successor legislation as supplemented or amended from time to time and any other applicable and relevant laws and regulations.
2. The Landlord is the owner of residential property available for rent and is legally entitled to grant this tenancy.

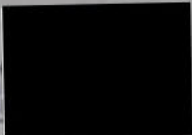
**AGREEMENT:**


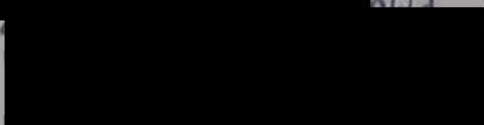


**LET PROPERTY**

1. The Landlord agrees to let to the Tenant, and the Tenant agrees to take a tenancy of the flat, known as and forming First Floor Flat, 16 Market St, Torquay TQ1 3AQ, UK (the "Property"), for use as residential premises only.
2. No pets or animals are allowed to be kept in or about the Property.
3. The Tenant and members of the Tenant's household will not smoke anywhere on the Property nor permit any guests or visitors to smoke on the Property.

**TERM**

IN WITNESS WHEREOF Mr Hewa Ahmedy has duly signed and Zakopane Turkish LTD has duly  
affixed its signature by a duly authorised officer under seal on this 01 day of  
06, 24.

Signed for and on behalf of  
Zakopane Turkish LTD by Mr Ari  
Salah. 

  
  
  
Address 

The Tenant acknowledges receiving a duplicate copy of this Agreement signed by the Tenant and  
the Landlord on the 01 day of 06, 2024.



### Drawers in bedroom 1

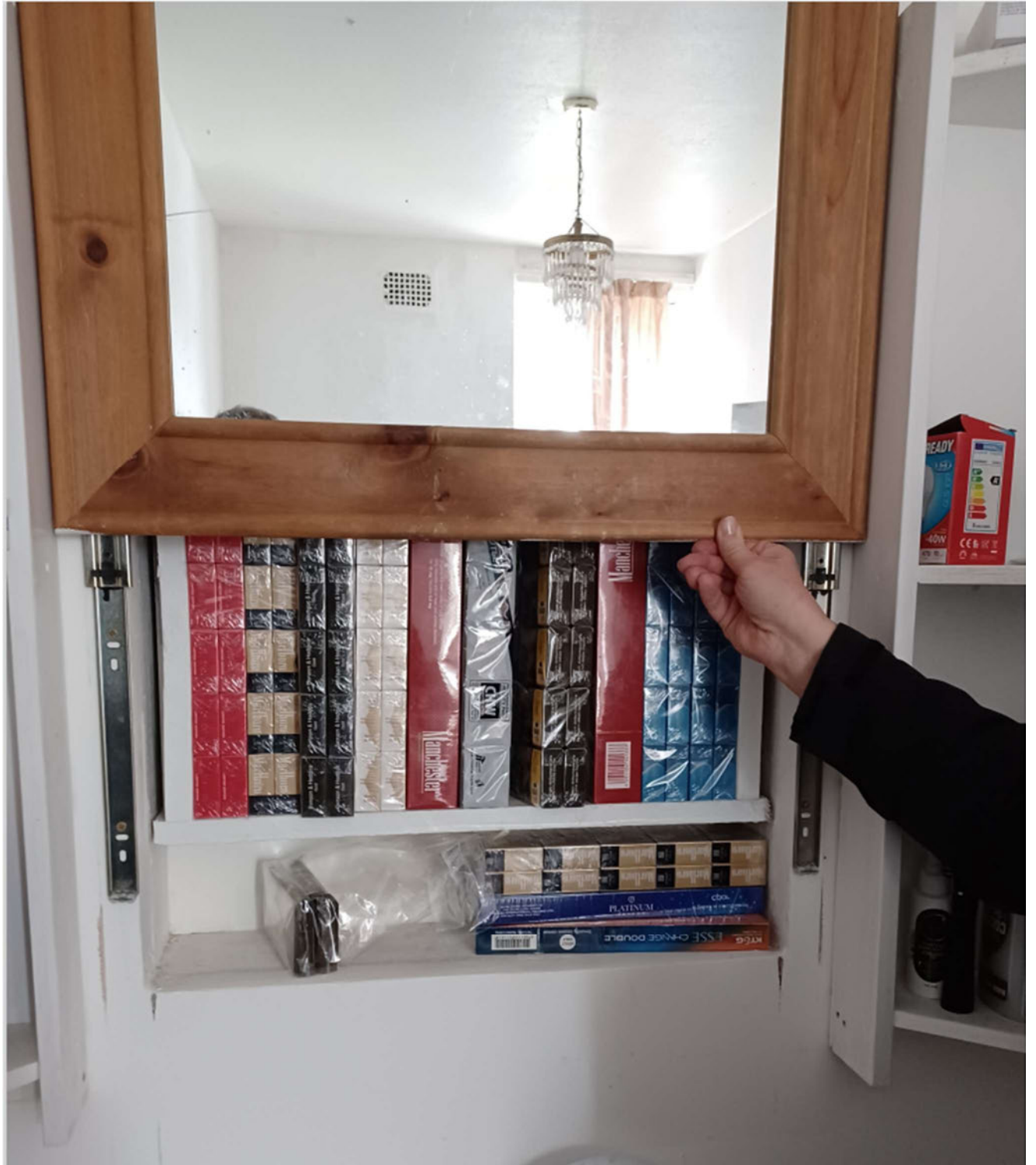








Sliding mirror concealment in Bedroom 2







**BARNSLEY**

Metropolitan Borough Council

**PERSONAL LICENCE HO**



**Name: Ari Salah**

**Number: 080476**

**Expiry:**

**INDEFINITE**