

## Statement of witness

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967,s.9)

Statement of 

Age of Witness (if over 18 enter 'over 18')

This statement (consisting of 6 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1 The purpose of this statement is to provide insight relating to the impact, the sale  
2 and supply of illegal tobacco and vapes, has on the community in the South West.

3 I am the above named person and I am a Principal Trading Standards Officer  
4 seconded to the Regional Trading Standards Investigation Team (South West),  
5 hosted by Bristol City Council.

6 I have specialised in Illegal tobacco investigations for the past 16 years. During the  
7 last 7 years I have worked for the Regional Investigation Team listed above,  
8 specialising in illegal tobacco and more recently the issues surrounding vapes,  
9 assisting a number of Local Authorities in the South West. I also represent the  
10 region at the National Tobacco Focus Group and the Vape Expert Pannel, hosted by  
11 the Chartered Trading Standards Institute and funded by the Department for Health  
12 and Social Care.

13  
14 The South West region considers the sale of illegal tobacco and vapes to be such a  
15 serious issue, that it falls within their top five priorities, within the regional control  
16 strategy. As of January 2021, I have been responsible for managing the regions

17 participation in the national illegal tobacco disruption program, Operation CeCe. A  
18 collaboration of HMRC funding and assistance via National Trading Standards to  
19 each Local Authority in the South West. The purpose of Op CeCe is to direct  
20 resources using intelligence and disrupt identified organised criminal groups profiting  
21 from the sale of illegal tobacco at local retail level.

22  
23 My role is also part funded by a number of directors of public health within the South  
24 West, of which, Devon, Somerset and Plymouth Public Health contributes. Within  
25 this element of my role, I assist local authorities and their public health colleagues  
26 with advice, training and enforcement on all other nicotine containing products. In  
27 this instance, the sale and supply of illegal tobacco and vapes.

28  
29 When discussing illegal tobacco, it is important to distinguish between the three main  
30 categories that it falls into and the terms used to describe each one.

31 **Counterfeit** – This tobacco claims to be an established, well-known brand,  
32 manufactured with the permission of the owner, but it's not. It is fake.

33 **Other unknown brands** – Made specifically for the illegal market, these brands are  
34 unknown and unregulated. They are manufactured to look like well established UK  
35 brands.

36 **Non-duty paid** – Legitimately produced tobacco for sale outside of the UK, to  
37 comply with the laws of the country it is supplied in. Purchased from that country at a  
38 lower price, brought back to the UK, and re-sold at a fraction of the UK retail cost.

39  
40 Illegal tobacco harms our community for several reasons:

1. Illegal tobacco typically sells between £4.50 to £9.50, dependant on its illegality, for 20 cigarettes and between £5.00 to £18.00 for 50g of hand rolling tobacco. As of 17/03/2025 legal cigarettes cost between £12.10 to £18.50 and a legal 50g pouch of hand rolling tobacco between £36.50 to £45.50, both dependant on the brand. As part of the wider 5 year Government strategy “Towards a Smokefree Generation – A Tobacco Control Plan for England” which references and re-enforces the continued high taxation on tobacco products as playing its part in achieving a reduction in smoking cessation. Illegal tobacco undermines this element of the strategy, making smoking “more accessible” which undermines quit attempts.

2. The affordability of illegal tobacco allows young people to start smoking at a very early age, often before they are 18 (the minimum legal age at which a person can smoke) the term “pocket money prices” is used to reflect this issue. If a child starts smoking before the age of 15 this doubles the chance that they will continue to smoke into their adulthood.

3. Shops that are prepared to sell illegal tobacco are not concerned about who they sell illegal tobacco to and are unlikely to have robust underage sales policies with “Challenge 21” type procedures or a refusals book, in place. Therefore, this makes it readily available without challenge.

4. Illegal tobacco avoids the payment of duty to the detriment of the public purse to the tune of around £2.8 billion per year.

65 5. The sale of illegal tobacco is considered “low risk, high reward”, with profits equal  
66 to that of other serious and organised criminal activity being made. The sale and  
67 supply of illegal tobacco has direct links into and associated with Organised Criminal  
68 Groups. The profits made from the sales are put back into the group to fund other  
69 criminal activity, therefore perpetuating the criminal cycle within the community.

70  
71 6. Whilst tobacco is a harmful product, it is perfectly legal to sell compliant tobacco  
72 products. Shops that sell such legal tobacco products are at a price disadvantage to  
73 shops that sell illegal tobacco products. This is likely to have an adverse effect on  
74 small local businesses.

75  
76 7. The Standardised Packaging of Tobacco Products Regulations, came into effect  
77 on 20 May 2016, giving retailers one year in which to sell through non-compliant  
78 stock. As of the 21 May 2017, it is a legal requirement that all cigarettes and hand  
79 rolling tobacco sold in the UK, is to be in a standardised (plain) packaging, (dark  
80 green/olive colour). A contributing factor in the introduction of these regulations was  
81 to make cigarettes and hand rolling tobacco packaging less attractive to young  
82 people and to prevent its uptake in new smokers.

83  
84 8. The Tobacco and Related Products Regulations, came into effect on 20 May  
85 2016, also giving retailers one year in which to sell through non-compliant stock. As  
86 of the 21 May 2017, it is a legal requirement that all cigarettes, hand rolling  
87 tobacco and nicotine containing vapes sold in the UK, are to comply with the  
88 labelling requirements of these regulations.

90 **9.** In my experience cigarettes and tobacco which are either counterfeit, or made  
91 specifically for the illegal market, are more likely not to adhere to safety standards or  
92 a standardised manufacturing process. We do not know what conditions these  
93 products are manufactured in. The factories may be in a poor state of repair, or they  
94 may even be manufactured /packed at a home address. This is likely to present a  
95 greater risk for other contaminants to be present and in unknown quantities. The  
96 safety standards mentioned are the legal limits placed on nicotine, carbon monoxide  
97 and tar levels. These are often exceeded, in some instances by up to 80%.

98  
99 **10.** Cigarettes are required by law to incorporate safety features that mean that they  
100 do not continue to burn when not actively smoked – this is known as reduced ignition  
101 propensity. Counterfeit, or cigarettes made for the illegal market, do not contain this  
102 safety feature which detrimentally affects fire safety within the home. There are  
103 incidents known nationally where fatal house fires have been directly linked to illegal  
104 cigarettes.

105  
106 A “vape”, the name currently used to define a disposable electronic (e) –  
107 cigarette. This phenomenon is a relatively new method of a nicotine delivery system  
108 and is making headlines, with its popularity amongst children and young people, with  
109 fruity, sweet flavours, marketed in bright colours and packaging. These devices are  
110 regulated under the previously mentioned, Tobacco and Related Products  
111 Regulations. Amongst other things, these regulations govern their labelling, tank  
112 size and nicotine strength.

113 These three elements, mentioned above, are what I would initially screen for, when  
114 carrying out any enforcement activity. If any of these elements are incorrect, they



will be liable for seizure, upon which further detailed examinations, could take place at a later date.

Due to their popularity amongst children and young people, Trading Standards Nationally, are concerned with these devices being used by and sold to minors, (children under 18). As previously mentioned in **paragraph 3** above, shops that are prepared to sell illegal tobacco are not concerned about who they sell illegal tobacco to and are unlikely to have robust underage sales policies with “Challenge 21” type procedures or a refusals book, in place. Therefore, this makes the vapes readily available without challenge.

Signed:  (witness)

Date: 04/04/2025