

Tobacco and vapes: packaging, appearance and display

Our response

Tobacco packaging

Proposals for further plain packaging requirements

Q: Do you agree or disagree with our proposal to introduce the plain packaging requirements outlined above for all tobacco products?

Agree.

About us

[Consumer Scotland](#) is the statutory body for consumers in Scotland. Established by the Consumer Scotland Act 2020, we are accountable to the Scottish Parliament. The Act defines consumers as individuals and small businesses.

Our purpose is to improve outcomes for current and future consumers, and our strategic objectives are:

- To enhance understanding and awareness of consumer issues by strengthening the evidence base
- To serve the needs and aspirations of current and future consumers by inspiring and influencing the public, private and third sectors
- To enable the active participation of consumers in a fairer economy by improving access to information and support

Consumer Scotland uses data, research and analysis to inform our work on the key issues facing consumers in Scotland. In conjunction with that evidence base we seek a consumer perspective through the application of the consumer principles of access, choice, safety, information, fairness, representation and redress. We have a particular focus on three consumer challenges: affordability, climate change mitigation and adaptation, and consumers in vulnerable circumstances.

Our response to this Call for Views is focussed on reducing and preventing consumer harm, which includes small businesses acting as consumers when purchasing stock from wholesalers, distributors, or other suppliers.

General points

- Consumer Scotland recognises that that tobacco and vape products are legal and adult consumers may purchase and use products that carry an inherent health risk. However, consumers must be enabled to make informed choices at the point of purchase and this requires a wider information campaign.
- To prevent 'nicotine tourism' and maximise the prevention of consumer harm, it is important that regulations are streamlined throughout the UK and we welcome the four-nations approach that is being taken .

Consumers in Vulnerable Circumstances

- These proposals must effectively reduce the potential for harm of consumers in vulnerable circumstances, including young people and those on lower incomes. However, adult consumers should still be able to access vapes as a smoking cessation tool - or as a risk-accepting lifestyle choice - as long as they are appropriately informed.¹ This aligns with the consumer principle of choice. We expand on this in the section on product information.
- The recently published report [Vaping and smoking among Scottish adolescents – results from the ASH Smokefree GB Youth survey 2026](#) contained a Scotland sample of 767 children aged 11-17 and found that current and 'ever' use of vapes and cigarettes had remained around the same levels as in the previous two years.² It found that vaping remains the most popular nicotine-based product amongst this age group. While we have focussed our responses on vaping, our statements also apply to the other product categories.
- The Scottish Health Survey 2024 found that adult consumers who live in the most deprived parts of Scotland continue to be more likely to smoke and vape than those in the least deprived areas.³ While only 7% of those in the least deprived (5th) quintile said they were current cigarette smokers, amongst those in the most deprived (1st) quintile this was 23%. The 2023 edition of the survey found a similar pattern in vaping (6% vs 26%). The 2024 survey also found those in the most deprived quintile tend to smoke more heavily, with a mean of 12.6 cigarettes per day against 7.5 in the least deprived quintile. As income and employment indicators together are weighted at 56% of the SIMD scores, consumers in more deprived quintiles are likely to have less disposable income, whilst being more likely to be exposed to the harms associated with smoking and vaping.⁴ A reduction in the use of these products carries both health and financial benefits for consumers, particularly for those, living in the most deprived parts of Scotland and we consider that these proposals have the potential to contribute to this.

- In this context, we also note that from 1 October 2026, small businesses will have to pay Vaping Products Duty of £2.20 per 10ml of vaping liquid they purchase.⁵ The cost of this may be passed on to individual consumers. Close monitoring of how this impacts on consumer purchasing behaviours, including amongst young consumers and consumers on lower incomes, would help to establish to what extent affordability deters the use of vapes including as a smoking cessation tool. It may also be useful to assess the impact of there being a smaller price difference between vaping and smoking and it is important that the UK Government is aware of and responsive to any unintended consequences.

Vaping and nicotine product packaging and flavour descriptors

Restricting the colour on packaging for all vaping and nicotine products

Q: We propose that the packaging for vaping and nicotine products should be white. Do you agree or disagree with our proposal to restrict the colour of packaging of all vaping products to white?

Neither agree nor disagree.

- Evidence suggests that adolescents are generally less likely to want to try vaping if it comes in plain packaging, and that they think a ban on colourful packaging would be effective to prevent uptake.⁶ The ASH Scotland report “Vaping and smoking among Scottish adolescents – results from the ASH Smokefree GB Youth survey 2026” found that 80.9% of participants supported a ban on bright colours. A 2025 study led by researchers from University College London and King’s College London using the 2024 ASH Youth Survey and other data found that standardising packaging and limiting flavour descriptors reduces the appeal of these products to adolescents. Given the above, we consider that both the packaging and the appearance of the vapes themselves should be subject to limitations on colours and appealing flavour descriptions.
- However, evidence suggests that consumers may associate white packaging with healthcare qualities and black with sophistication and luxury.⁷ We appreciate that there may be a need to use a different colour for vapes than Pantone 448C (drab dark brown) which is already in use for cigarette packaging, to differentiate between the product types and associated harm. However, to prevent unintended consequences, we encourage the UK Government to explore the existing evidence base and test with young consumers what colouring would make them least likely to want to try vaping products.
- As evidence suggests low awareness (13.6%) and use (0.8%) of heated tobacco products (“HTPs”) amongst adolescents in Scotland, we have not responded to the section of this consultation relating to heated tobacco devices.⁸ However, we consider that the evidence we cite in relation to vapes supports introducing similar restrictions on such products to prevent take-up. This protects the interests of both adolescents and adults, as the National Institute for Health and Care Excellence (NICE) does not consider HTPs suitable as a smoking cessation tool.⁹

Vape device appearance

Restricting the digital screens on vapes

Q: We propose that digital screens on vapes are prohibited, except for screens which display safety and status information such as battery and liquid levels. Do you agree or disagree that digital screens on vapes should be restricted to only the display of safety and status information such as battery level, and be greyscale in colour (black, white and grey only)? This would not include lights that indicate status information, such as when the device is being recharged.

Agree.

- We consider this proposal particularly through the lens of adolescents, as evidence indicates the significance for this age group of factors such as marketing, social influences, enticing flavours, and the addictive effects of nicotine.¹⁰ While UK evidence is limited and we are not aware of any data collection around the use and motivations around use of vapes with digital screens (“smart vapes”), there is some evidence to suggest that smart vapes can have a gamifying effect that appeals to adolescents. A 2025 survey of 13 to 27-year olds in the United States by the CDC Foundation (Centers for Disease Control and Prevention) found that 37% of those who vaped (n=574), had used smart vapes in the past 30 days.¹¹ Amongst those aged 13-17 this was 43%. While these numbers cannot be directly extrapolated for use in Scotland, they may indicate the potential appeal of smart vapes for this group of consumers.
- It is our understanding that it is not necessary for the functionality of either vapes or heated tobacco devices to be equipped with a digital screen as simple light indicators can indicate low battery levels. We consider that any digital screen should be monochrome and strictly limited to those functions required for their safe usage to prevent increasing the appeal to adolescents.

Product information on and inside vaping and nicotine products packaging

We propose that the packaging of all vaping and nicotine products should have:

- a full list of ingredients, including flavour agents
- expiration details
- an age restriction symbol, for example a crossed-out 18 symbol
- a standardised display of nicotine strength, for example in milligrams, millilitres or as a percentage
- nicotine delivery per puff or pouch, where relevant

We also propose that relevant products should have a nicotine warning label on the front and back of the packaging. For example, this warning could say ‘This product contains nicotine which is a highly addictive substance’. Packaging should also have clear instructions on appropriate waste disposal. Where applicable, we propose that certain products have an instruction leaflet to inform users of any appropriate warnings and the adverse effects of nicotine.

Do you agree or disagree with our proposal to require the consumer information listed above on and inside the packaging of all vaping products?

Agree.

- In line with the consumer principles of information, choice, and safety, it is important that consumers are able to easily understand the health risks, nicotine levels, and age restrictions at the point of purchase. Those using vapes for smoking cessation, and those who wish to cease vaping, should be able to easily identify nicotine levels to support a gradual reduction in nicotine consumption.
- To aid clarity, the wording and the way the information is displayed should be standardised and easily recognisable. Health risks and age restrictions should be clearly set out to be instantly visible.
- Product information inside packaging is usually seen post-purchase. We consider that, while the proposed measures may have a positive impact, they should be paired with a wider campaign of information provision and consumer education. We consider that the UK and devolved Governments should devise and implement clear, localised public awareness campaigns around new regulations and the reasoning for it, with a focus on adolescent consumers and consumers on low incomes.

Time allowed to implement new packaging requirements

Q: If and when new requirements are introduced, manufacturers will need time to update their packaging to be compliant. Retailers may also need time to sell old stock that does not comply with the new law. There should be a long enough notice period before new requirements come into force. This period would start from when the details of the new requirements are made clear. We have not yet decided what is the best way to share those details, but it could be, for example, in a government response to this consultation or when regulations are presented to the relevant national Parliament.

We propose a minimum notice period of 12 months would be enough. This would mean all products in scope of our vaping and nicotine product packaging proposals would need to comply with any new regulatory requirements by the end of a 12 month implementation period. However, a longer or shorter notice period may be needed, and we welcome views on this. Do you agree or disagree with our proposed implementation period of no less than 12 months (from when the detail of any new requirements is clear)?

Neither agree nor disagree.

- Given the addictive nature of tobacco and vape products, time is of the essence. In order for the proposals to prevent harm they must prevent addiction, and opportunities to expedite implementation may need to be explored. We note that the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) and the CTSI Scotland have expressed concerns about the proposed 12-month implementation period, citing the swift turnover of stock their officers see. While we are not aware of any evidence of what would be a feasible, alternative timescale to achieve this, we would welcome a fuller understanding of the rationale for the proposed 12-month period. We would encourage the government to consider the feasibility and implications of a reduced implementation period, for example 6 or 9 months. The introduction of the Vaping Products Duty on 1 October 2026 may also provide an opportunity to monitor HMRC data on product turnover, which could help inform final decisions regarding implementation timescales.

- Effective enforcement will be critical to the successful implementation of any regulatory regime. It is therefore essential that the grounds for enforcement action, associated timeframes, processes for issuing notices, and other key operational requirements are clearly defined and practicable.
- Trading standards services in Scotland face significant pressures and there is a need to ensure that new enforcement duties are paired with sufficient resourcing. We share the concerns expressed by trading standards organisations around their ability to effectively enforce new regulations without appropriate resources being made available.
- As these proposals will also impact on small businesses as consumers, it is important that tailored information and guidance is provided to them in advance, to protect them against purchasing high levels of stock that may become non-compliant before they are able to sell it. **We recommend that the Scottish Government explores how best to contact every business or head office of multiple businesses on Scotland's Tobacco and Vapes Register, and informs them of any regulations following from these and future proposals that may affect them, as soon as they have been passed.** This will help minimise or prevent the sale of illicit stock to consumers, protect small businesses from mis-selling by wholesalers, and curb additional pressures on trading standards officers. We understand that as of June 2026 there were 11,672 businesses registered, and this number will increase with the introduction of a registration duty for businesses selling nicotine or herbal smoking products. While we appreciate that electronic communications will be possible in many cases, we consider it important that attempts are also made to contact those who have not provided an email address, by means of post.

For more information, contact Eva Ablett, Policy Manager (Consumer Markets) at Consumer Scotland: eva.ablett@consumer.scot

References

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