

# If in doubt, check it out.

The UKVIA guide to compliant retailing of disposable vape products in the UK

## Are disposable vaping devices covered by the Tobacco Products Directive (TPD)/ Tobacco and Related Products Regulations (TRPR)

Yes, all nicotine containing disposable devices must follow all of the current TPD/TRPR regulations.

## What are the regulations around disposables?

Disposable devices must conform with the following:

- Have a tank/reservoir capacity of no more than 2ml
- Have a nicotine level no higher than 20mg/ml (2%)
- They must be registered with the Medicines and Healthcare products Regulatory Agency (MHRA) and appear on the MHRA's website as approved
- Packaging must contain the elements listed below:
  - » Nicotine Health Warning (TPD)
  - » Classification, Labelling and Packaging Regulation (CLP)/Hazard Pictograms (CLP)
  - » Signal Word (CLP)
  - » Hazard Statements (CLP)
  - » Precautionary Statements (CLP)
  - » Tactile Warning Devices (TWD)/Tactile Triangle (CLP)
  - » Nicotine Content (TPD)
  - » Nicotine Dose Per Puff (TPD)
  - » Capacity/CLP Nominal Quantity (CLP)
  - » Advisory Statement (TPD / CLP)
  - » Manufacturer/Importer Details (Good Practice)
  - » Manufacturing Location (Good Practice)
  - » Product Identifiers (CLP)
  - » Supplemental Information (CLP)
  - » Unique Formula Identifier (UFI) Code (CLP)
  - » Ingredient List (TPD)
  - » Batch Number (TPD)
  - » Expiry or Manufacture Date (Good Practice)

## My supplier says that they have an Exclusive Chip Identification (ECID) number and that is all I need to legally sell disposables is that right?

Not necessarily. The manufacturer or brand create the ECID number when they submit their application to the MHRA for approval. However the ECID number only becomes valid when it is approved and most importantly appears on the MHRA's website as approved. If in doubt, check it out.

## My supplier says that his products are notified but they are not on the MHRA's website yet, can I sell them?

No, the MHRA issued guidance in July to clarify this.

## What was the MHRA guidance?

### Supply of New Products from 1 January 2021:

To supply new e-cigarette products in Great Britain (England, Scotland and Wales) and Northern Ireland you must notify your products via the appropriate notification system for each region. To supply a product to Great Britain you are required to notify using the MHRA submission portal. To supply a product to Northern Ireland you will continue to use EU-CEG.

Once you have successfully submitted your notifications, they will be reviewed for compliance by the MHRA. If the notification meets the required standards it will be published [here](#). Once your product notification has been published you will be able to legally supply the goods in the region for which they have been notified.

Please note that it is an offence to supply any notifiable product until the notification has been completed and published on the MHRA website. Unnotified products that have not been included on the published lists may be subject to seizure by enforcement authorities.

If you are currently supplying a product that has not been notified and published, you should complete a notification immediately, following the guidance below. All affected products must be withdrawn from supply until publication has been achieved.

### **The MHRA has made some changes to the wording on their website recently. What was that?**

The MHRA's guidance for vaping retailers previously read:

*“When sourcing new supplies of any e-cigarette or e-liquid product, check that details of the notification for the product have been published in the list of Notified Products.*

*“If you cannot find the product on the MHRA's website, ask your supplier to confirm that the product complies with the TRPR and has been notified to the MHRA. If a producer has not notified the product or it does not comply with the TRPR, they may not supply it to you.”*

The new wording says:

*“When sourcing new supplies of any e-cigarette or e-liquid product, check that a compliant notification has been published in one of the Notified Product lists above.*

*If you cannot find the product on the MHRA's website, ask your supplier to confirm that it has been published and provide details to enable you to confirm the product's status. If a product has yet to achieve publication status, they may not supply it to you.”*

Link : [E-cigarettes: regulations for consumer products](#) - GOV.UK (www.gov.uk)

### **How can I check if the product is approved with the MHRA?**

You can check the status of the ECID number or product name [here](#). This is the new system and list all products published post 31 Dec 2020. You just need to type the name in the brand or sub-brand box and it should come up automatically.

Then [check the legacy lists](#). Our advice is to check both lists (A-I and J-Z) and use the find function of excel (ctrl F). If you know the ECID use this.

Important note *\*Being on the list does not necessarily mean that the product is listed correctly. For example with disposable vape products they must be listed as “ELECTRONIC CIGARETTE – DISPOSABLE” it is not acceptable to be listed as a refill container.\**

### **I have seen devices on the market that claim to have 1,500+ puffs, are they legal?**

No, as a simple rule of thumb devices over 500/600 puffs will contain a liquid capacity greater than the 2ml maximum.

### **What happens if I am caught selling illegal disposables?**

Companies caught selling products that are non-compliant can face prosecution, risk having their stock seized and receive fines of up to £5,000 per instance.