

# Report to the Tyne and Wear Trading Standards Joint Committee

23 June 2022

## Safety of electronic cigarette products known as “Disposable Puff Bars” or “Bars”

---

**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,  
Gateshead Council**

---

### Purpose of the report

To provide Committee with an update on the issue related to the safety of certain electronic cigarette products known as “Disposable Puff Bars” or “Bars” and the response from the five local authorities within the region to this emerging issue.

1. The Medicines and Healthcare products Regulatory Agency (MHRA) is the competent authority for a notification scheme for e-cigarettes and refill containers in Great Britain and Northern Ireland and is responsible for implementing the majority of provisions under Part 6 of the Tobacco and related Products Regulations (TRPR) and the Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020.
2. The TRPR introduced rules which ensure:
  - minimum standards for the safety and quality of all e-cigarettes and refill containers (otherwise known as e-liquids)
  - that information is provided to consumers so that they can make informed choices
  - an environment that protects children from starting to use these products.
3. The requirements:
  - restrict e-cigarette tanks to a capacity of no more than 2ml
  - restrict the maximum volume of nicotine-containing e-liquid for sale in one refill container to 10ml
  - restrict e-liquids to a nicotine strength of no more than 20mg/ml
  - require nicotine-containing products or their packaging to be child-resistant and tamper evident
  - ban certain ingredients including colourings, caffeine, and taurine
  - include new labelling requirements and warnings
  - require all e-cigarettes and e-liquids be notified to the MHRA before they can be sold
4. The 2020 Regulations sets out the requirements for new products to be notified from 1 January 2021. This means that:
  - Producers placing products on the Northern Ireland market will be required to notify using the EU Common Entry Gate (EU-CEG) system for the notification of tobacco and e-cigarette products.

- Producers placing products on the Great Britain market will be required to notify on the Great Britain domestic system.
  - Notifiers will be required to pay one fee if they notify in relation to placing products on one of the Great Britain or Northern Ireland markets and the same one fee if they notify in relation to placing products on the two markets.
5. A producer is anyone who manufactures or imports these products or who re-brands any product as their own. Retailers do not need to submit information for any products they sell unless they also qualify as a producer.

### **Advice for consumers**

#### **Reporting an adverse reaction via Yellow Card**

6. If any consumer feels unwell after using an e-cigarettes product they can report side effects and safety concerns with e-cigarettes or refill containers to the MHRA through the Yellow Card Scheme.
7. Yellow Card reports submitted to the MHRA are added to their vigilance database where reports are looked at by their specialist team of assessors. Reports are assessed for potential patterns of concern by their team of scientists, doctors, and pharmacists. Should any potential safety concerns be identified the MHRA are able to take regulatory action to safeguard the public.
8. The e-cigarette Analysis Profile contains data for all spontaneous suspected adverse reactions, or side effects, which have been reported to the MHRA, via the Yellow Card scheme from healthcare professionals and members of the public involving a nicotine-containing e-cigarette. Only adverse reaction reports to nicotine-containing e-cigarettes appear on the Analysis Profile, reports of other product safety or quality concerns associated with e-cigarettes are shared with local Trading Standards officers and Public Health England as appropriate.

#### **Notified products for Great Britain and Northern Ireland**

9. The Tobacco and Related Products Regulations 2016 sets out the requirements for e-cigarettes and refill containers. Producers must submit information about their products to the MHRA through the MHRA Submission Portal and European Common Entry Gate (EU-CEG) notification portal for UK wide supply.

### **Advice for retailers**

10. When sourcing new supplies of any e-cigarette or e-liquid product, retailers are advised to check that a compliant notification has been published in one of the Notified Product lists. If the product cannot be found on the MHRA's website, then the retailer should ask their supplier to confirm that it has been published and provide details to enable them to confirm the products status. If a product has yet to achieve publication status, they may not supply it to the retailer.
11. A retailer does not need to notify any products they sell unless they are also a 'producer' of the product. A producer is anyone who manufactures or imports e-cigarette or refill container products and anyone who re-brands them as their own.
12. If a retailer imports or re-brands products, they should check with their supplier whether they have already made a UK notification for the specific product that is

to be sold. If they have done so, the retailer does not need to submit a duplicate notification.

### The Response from Local Authorities

13. The issue of non-conforming electronic cigarette products appearing on the market, has caused a great deal of concern to local authority Trading Standards services nationally. There appears to be a great deal of misunderstanding 'intentionally or otherwise' on what the legislation does permit to be marketed, on behalf of both retailers and producers. Market surveillance, responding to complaints, has taken place and where appropriate enforcement actions have been taken.
14. Officers with the City of Newcastle upon Tyne were involved in an enforcement action in November 2021, which resulted in the seizure of some £190,000 worth of non-compliant products. The action followed concerns expressed by schools in the city that underage pupils were accessing the non-compliant products.



### Recommendation

15. The Committee is asked to note the information. Further information can be sought at: <https://www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products>  
<https://www.chroniclelive.co.uk/news/north-east-news/newcastle-ecigarettes-police-haul-crime-22241826>

---

Contact: Paul Leighton, City of Newcastle Upon Tyne,  
[paul.leighton@newcastle.gov.uk](mailto:paul.leighton@newcastle.gov.uk)

---