

23 September, 2020

Local tobacconist banned from selling tobacco following recent convictions

Tobacco retailers in South Eastern Sydney are being warned they may face heavy fines and bans if they sell illicit tobacco.

The warning from South Eastern Sydney Local Health District's (SESLHD) Public Health Unit comes after the proprietor of a tobacconist store at 42A Gymea Bay Road, Gymea was banned from selling any tobacco products for a period of three months. Environmental Health Officers assisted by Miranda Police issued a Public Health Act Prohibition Order banning tobacco products being sold until 28 November, 2020.

The Prohibition arose after the proprietor was convicted and fined at Sutherland Local Court on 25 June, 2020 and again on the 27 August, 2020 for the same offences. He was caught selling illicit, under the counter packets of cigarettes that did not display the prescribed graphic health warnings. On the 25 June, 2020 he was also fined for selling cigarettes to a minor and displaying smoking and vaping accessories visible to the public.

Professor Mark Ferson, Director, SESLHD Public Health Unit, said complaints from a concerned resident led to the successful prosecutions and subsequent ban.

"This retailer may be banned from selling tobacco products for 12 months if he is convicted again," Professor Ferson said.

"Plain packaging and graphic health warnings are effective in helping smokers quit. Illicit, black market tobacco, which is always sold much cheaper, encourages smoking."

Under the Public Health (Tobacco) Act 2008, it is an offence to sell tobacco products without appropriate health warnings, selling tobacco and e-cigarettes and their accessories to minors, or to sell single cigarettes. The maximum penalty for a first offence is \$11,000 for an individual, increasing to \$55,000 for repeated breaches, and up to \$110,000 for corporations.

"Compliance with the legislation is closely monitored. Authorised officers from the SESLHD Public Health Unit conduct random inspections and can issue warnings, seize tobacco or initiate prosecutions against retailers that break the law," Professor Ferson said.

Since 2014, the NSW Government, through the Cancer Institute NSW, has invested more than \$70 million on anti-tobacco public education campaigns and tobacco control initiatives. The NSW Ministry of Health and Cancer Institute NSW have invested \$17.3 million on tobacco control in 2019-20. This includes public awareness and education campaigns, quit smoking support, compliance and enforcement of strong smoke-free and retailing laws, and targeted programs for vulnerable groups with high smoking rates.

NSW has seen a consistent downward trend in the prevalence of smoking. Among NSW adults, smoking has decreased from 22.5% in 2002 to 14.8% in 2018.

Pleasingly, fewer young people are smoking in general, with rates declining from 10.3% in 2005 to 6.4% in 2017.

All members of the community can help reduce children's access to cigarettes and vapes, and the sale of unbranded tobacco, by reporting suspected breaches of the law to the Public Health Unit on 9382 8333 or to the Tobacco Information Line on 1800 357 412. All complaints are dealt with confidentially.

To seek help to quit smoking, visit icanquit.com.au or call the Quitline on 13 78 48.