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9 October 2023

James

By email: fyi-request-23932-612b7fa5@requests.fyi.org.nz

Ref: H2023031010

Tēnā koe James

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to Manatū Hauora (the Ministry of Health) on 23 August 2023.

On 20 September 2023, the due date for responding to your request was extended pursuant to section 15A(1)(b) of the Act. Please find a response to each part of your request below:

“Under the OIA please detail how many retailers have been fined for selling vapes to an underage person and the dates of prosecution.

Between 1 June 2022 and 31 July 2023, one infringement notice was issued to a company for the sale of a regulated product to a person younger than 18 years.

For context, the sale of a regulated product to a person younger than 18 years commits an offence and is liable for a fine of \$200 in relation to a breach of section 41(2) of the Smokefree Environments and Regulated Products Act 1990; or \$1,000 in the case of a manufacturer, an importer, or a distributor; or \$500 for a person selling notifiable (vaping) products to people younger than 18 years.¹

Please detail how many individuals have been fined for selling vapes to an underage person and the dates of prosecution.

Between 1 June 2022 and 31 July 2023, 95 infringement notices were issued to an individual for the sale of a regulated product to a person younger than 18 years.

Please detail how many enforcement officers are currently enforcing vaping regulations and requirements? Please detail the number of enforcement officers that specifically deal with enforcing vaping regulations and requirements by year from 2017 through to July 2023 (which will be a half year number to date)”

The Vaping Regulatory Authority (Manatū Hauora) and the National Public Health Service (Te Whatu Ora – Health New Zealand) are jointly responsible for making sure industry is

¹ Section 41 of the Smokefree Act: [Supplying regulated product to people younger than 18 years prohibited](#).

following vaping laws. The VRA works closely with Smokefree Enforcement Officers in NPHS, the Ministry's Enforcement team, and other enforcement agencies as needed to ensure new requirements are well understood and that compliance is high. Te Whatu Ora Smokefree Enforcement Officers undertake controlled purchase operations (CPOs) across the motu, with minors seeking to purchase vaping products or tobacco products.

As at 3 October 2023, Manatū Hauora has six employees working in compliance roles at a national level. However, Te Whatu Ora – Health New Zealand carries out regional compliance. If you are interested in information held by their agency, a request for official information can be made to Te Whatu Ora by emailing hnzoia@health.govt.nz.

I trust this information fulfils your request. If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: oiagr@health.govt.nz.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā



Jane Chambers
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Public Health Agency | Te Pou Hauora Tūmatanui