

6 July, 2015

Local business fined after employee sold cigarettes to minors

A tobacco retailer in South Eastern Sydney has been prosecuted for not exercising due diligence in ensuring employees complied with tobacco laws, after one of their workers sold cigarettes to minors.

Sixian Qiu & Yaozhu Liang, proprietors of a grocery store in Kirrawee, recently pleaded guilty before Magistrate Bugden at Sutherland Court for their employee selling cigarettes to 14-year-olds on 22 September 2014.

They were each fined \$500 with the Magistrate warning them he would impose the maximum penalty if it happened again.

Professor Mark Ferson, Director, Public Health Unit, South Eastern Sydney Local Health District, said the case is a strong reminder that retailers can be held liable for failure to train their employees.

“Under the Public Health (Tobacco) Act 2008, it is a criminal offence to sell cigarettes to minors. The maximum fine for this offence is \$11,000 for an individual and up to \$110,000 for companies,” he said.

“State-wide compliance by retailers with sales to minors laws is high at 93.7%. However despite long efforts to educate and remind retailers of the penalties they could face if caught selling cigarettes to those under the age of 18, it is worrying that some retailers continue to sell to minors.”

Professor Mark Ferson said the laws aimed to lower the number of tobacco users and consequently decrease the death and disease caused by smoking, as well as those subjected to cigarette smoke.

“The harmful effects of tobacco are proven. The government introduced public policies including plain packaging and health warnings in an attempt to minimise that harm,” he said.

“Everybody selling tobacco should know their responsibilities under the law. There really should be no excuse. These laws have been in place for a long time. Retailers might think it is good for business but it is not good for the health of our community.

“These fines should be a timely reminder for retailers to check ID and think twice before selling cigarettes, and especially to train their staff to do so.”

Members of the community can help reduce the harm caused by smoking cigarettes by reporting possible breaches of the law to the SESLHD Public Health Unit on 02 9382 8333 or to the Tobacco Information Line on 1800 357 412. All complaints will be dealt with confidentially.