| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1768  Responded to: 5th August 2024 |
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Your recent request for information is replicated below, together with our response.

## Between January 2024 and June 2024, how many businesses or individuals in your local area / jurisdiction, have faced legal action (charged/cautioned etc.) for selling vapes (or similar products) to people under the age of 18?

We have carried out a search of our crime recording system based on the following, potentially relevant crime classifications:

* Selling cigarettes to persons under 16
* Sale of drink to person under 18
* Wholesaler selling liquor to person under 18
* Wholesaler permitting person under 18 to sell alcohol
* License holder of off sales permit person under 18 to sell alcohol
* Person under 18 buying excisable liquor or consuming in bar
* Purchasing excise liquor for consumption by person under 18
* Confiscation of alcohol from person under 18
* Selling loose cigarettes
* Not displaying notice cigarettes sold to 16 and over

The table below details detected crimes, for the period January - June 2024.   
Detected crimes are those where an accused has been identified and there exists a sufficiency of evidence under Scots Law to justify consideration of criminal proceedings.

|  |  |
| --- | --- |
| **Crime/Offence** | **Period** |
| Person under 18 buying excisable liquor or consuming in bar | 4 |
| Purchasing excise liquor for consumption by person under 18 | 14 |
| Sale of drink to person under 18 | 4 |
| Selling cigarettes to persons under 16 | 10 |

## Between January 2024 and June 2024, how many times have the police been involved in (attended / charged / investigated etc.) cases of 'spiking' in relation to spiked vapes or similar products?

Police Scotland continues to investigate reports of 'spiking'.

Spiking, whether by adding drugs or alcohol to someone’s drink, or by injection, or any other method, without their consent, is a criminal offence. It can put people at significant risk of harm.

Officers are not always able to determine the reasons why a perpetrator carries out an assault in this way, but every report is taken seriously and investigated robustly.

Police Scotland continues to work with a range of partners, locally and nationally, to ensure pubs and clubs are safe spaces for all. We are working in communities, with licensees, pubs and clubs, to provide advice and support and to offer bystander training to help spot the signs of when someone may be at risk. We have also reached out to student communities to offer advice, support and reassurance.

We would encourage anyone who believes they have had their drink spiked or who has been assaulted in this way to contact Police Scotland on 101 or in an emergency 999.

In relation to crime data, I would advise you that crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classifications.

Whilst there is no classification for ‘spiking’ specifically, I have considered your request in terms of the most *potentially relevant* crime classifications as follows:

* Drugging - Is a Crime at Common Law when drugs are feloniously administered with intent to produce stupefaction. There need be no further intent, and it is not necessary that injury to the person be caused.
* Administering a substance for sexual purposes - Section 11 of the [Sexual Offences Scotland Act 2009](https://www.legislation.gov.uk/asp/2009/9/section/11) refers.

The results of that search were thereafter individually reviewed, and I can confirm that for the period January - June 2024, Police Scotland have recorded 1 such crime of relevance - which states that the method of administering was a ‘vape or similar product’.

Please note that all statistics are provisional and should be treated as management information. Data was extracted from Police Scotland systems and are correct as of 31st July 2024.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.