

ILLICIT TOBACCO CASES

	Date	Name	Offence Details	Penalty & Costs Awarded	Defendant' Ward	Offence Location Ward
1	06/04/2018 Birmingham Crown Court	Jambaz Ahmadzai	Tobacco and Related Products Regulations 2016 and Trade Marks Act 1994 Pleaded guilty to six offences: two of supplying 898 packs of cigarettes and tobacco of various brands and 220 packs of snuff from Metro Express, 704 Alum Rock Road, Birmingham, which failed to carry the health warnings required on the packaging and a further offence relating to the supply of 84 packs of snuff which failed to carry the health warnings required and 3 offences relating to packets of cigarettes of various brands and hand rolling tobacco which bore registered trademarks without the consent of the trade mark holders.	18 month Community Order with 100 hours unpaid work x 6 To run concurrently POCA Confiscation Order: £22,230.00	Washwood Heath	Washwood Heath
2	11/06/2018 Birmingham Crown Court	Mastu Tarin	Tobacco and Related Products Regs 2016 Trade Marks Act 1994 Four offences: 2 offences of supplying 112 packets of cigarettes of various brands, 25 pouches of hand rolling tobacco and 111 packets of snuff from Murad Superstore, 347-349 Ladypool Road, Birmingham, which did not carry the required health warnings and two offences relating to the possession of 16 packets of Mayfair cigarettes and 9 pouches of hand rolling tobacco which bore registered trademarks without the consent of the trade mark holders.	Community Order x 12 months 80 hours unpaid work POCA Confiscation Order: £16,000.00	Sparkhill	Sparkbrook & Balsall Heath East
3	22/10/2018 Birmingham	Nawzad Khidr Howla	Trade Marks Act 1994 Tobacco and Related Products Regulations 2016	Howla: 12 month Community Order with 100 hours	Perry Barr	Lozells & East Handsworth

	Magistrates' Court	Sywash Mashkhaty	Both pleaded guilty to five offences; four relating to the possession of 26 pouches of hand rolling tobacco and 184 packets of cigarettes at International Supermarket, 117 Villa Road, Birmingham which bore registered trademarks, namely Golden Virginia, Amber Leaf, Mayfair and Richmond, without the consent of the trade mark holders and one offence of supplying 1308 packets of cigarettes of various brands which did not carry the required health warnings.	unpaid work Mashkhaty: 12 month Community Order with 150 hours unpaid work Each ordered to pay £2,258 costs (£4,516 requested)		
4	24/07/2019 Birmingham Magistrates' Court	Shadab Khan	Tobacco and Related Products Regulations 2016 Trade Marks Act 1994 Pleaded guilty to four offences; one of having in possession for supply at Subhan Newsagents, 181 Havelock Road, Washwood Heath, Birmingham 939 packets of cigarettes of various brands and 7 pouches of hand rolling tobacco which failed to carry the health warning in accordance with the requirements. Three offences of having in possession, custody or control in the course of a business, 120 packets of Richmond Cigarettes, 79 packets of Benson & Hedges Gold and 28 Apple Mobile phone covers which bore signs identical to or likely to be mistaken for registered trademarks without the consent of the proprietors.	£400 fine (£100 x 4) £3,557 costs (£3,557 requested)	Alum Rock	Alum Rock
5	30/8/2019 Birmingham Crown Court	Dildar Khan	Tobacco and Related Products Regulations 2016, Trade Marks Act 1994 & Fraud Act 2006 Pleaded guilty to six offences; one of possessing for supply 35 packets of cigarettes at Zahir Supermarket, 476-478 Bordesley Green, Birmingham which failed to carry the	12 month Community Order with a 20 day rehabilitation activity requirement focusing on criminal behaviour POCA On-going	Heartlands	Heartlands

			required health warnings, one of possessing for supply 335 packs of oral tobacco which was prohibited as tobacco for oral use must not be produced or supplied, three offences of possessing hand rolling tobacco which bore registered trademarks without the consent of the trade mark holders and one offence of carrying on a fraudulent business, namely offering counterfeit hand rolling tobacco and cigarettes, not lawfully permitted to be sold in the UK.			
6	19/09/2019 Birmingham Crown Court	Akbar Madani Esfahani	<p>Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, Consumer Protection Act 1987 & Trade Marks Act 1994</p> <p>Pleaded <u>not guilty</u> to four offences; two of possessing for supply at Norooz Convenience Store, 161 Hagley Road, Edgbaston, Birmingham, 262 packs of cigarettes of various brands which did not show the visible warnings on the surface of the products and did not show the picture health warnings on the packaging, one relating to 11 packets of cigarettes which bore the registered trademark "Mayfair" without the consent of the trade mark holder and one offence of possessing for sale 32 packets of various flavours of Al Fakher brand tobacco shisha which did not bear the safety warning or pictorial representations as required</p> <p>Found guilty after trial at Magistrates Court and committed to Crown Court for sentence.</p>	<p>Total fine £3,000 (£750 x 4)</p> <p>£5,000 costs (£17,000 requested)</p> <p>POCA Confiscation Order: £36,493</p> <p>Forfeiture and destruction of all items was ordered</p> <p>Notice of Appeal against conviction received.</p>	Weoley & Selly Oak	Ladywood

TOBACCO SIMPLE CAUTIONS (April 2018-October 2019)

August 2019

Tobacco and Related Products Regulations 2006 & Standardised Packaging of Tobacco Products Regulations 2015

Two cautions were issued for selling tobacco products for smoking which breached regulations in that the colour of the packaging was incorrect and they did not carry health warnings

Premises Licence Reviews

Extra Supermarket, 187 High Street, Erdington; had its licence revoked following seizure of 183 packs illegal cigarettes and 184 bottles of illegal alcohol.

24/7 Convenience Express, 41 Horsefair, B1 1DA; had its licence revoked following seizure of tobacco from a briefcase behind the counter.

Drinks R Us , 3 Little Bromwich Road, B9 5JU; illicit alcohol seized on two occasions with a small amount of illicit tobacco on the first occasion, licence was revoked and the owner appealed; the appeal was subsequently withdrawn.

Kani Mini Market, 27-29 Grove Lane, Handsworth, B21 9ES; seizure of 1626 packs of illicit cigarettes from a van behind the shop. They surrendered their licence just prior to the review hearing.