



Trading Standards

Guidance For Traders Who Carry Out Botox® and Cosmetic Filler Treatments

The guidance in this fact sheet gives practical steps to help retailers and staff avoid underage sales taking place.

The Law

The Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 makes it an offence to arrange and administer such treatments to children under 18 years of age.

What am I not allowed to do?

You commit a criminal offence if you administer botulinum toxin (commonly known as 'Botox'®), or a filler by way of injection for a cosmetic purpose to a person under 18 in England, even if they have the permission of someone over 18*.

A filler is a substance used for dermal or mucous membrane filling (whether or not designed to be so used).

It is also an offence to make arrangements or book an appointment to provide these treatments to anyone under the age of 18.

Registered doctors, nurses, dentists and pharmacists can still provide the treatments to under 18s, but only in cases where the treatment has been approved by a doctor.

Dual checking process

As it is now an offence to 'make arrangements' for one of the treatments to be provided to a person under 18, you should require customers to demonstrate proof of age prior to booking an appointment (whether face-to-face, over the phone or online).

You must also take steps to verify the age of that customer again on the appointment date before carrying out the procedure.

Do I need to display a statutory notice?

No, but you are advised to have adequate signs to inform consumers of the minimum legal age for a botulinum toxin or cosmetic fillers procedure.

What do I need to do if I employ staff?

As someone who carries on an aesthetic beauty business you are responsible for your staff and any underage sales they make. You may commit an offence even when not in the shop. You should therefore ensure your staff are fully trained. This also includes family members or friends who may help out.

Staff should receive regular training which should be recorded and signed by the staff to confirm that they have understood it. Members of staff should be advised that they may personally commit a criminal offence.

Guidance leaflets for training staff are available from Trading Standards free of charge.

Should I use a Refusal Book?

It is recommended that a Refusal Book is used so that all refusals to allow someone to have this type of cosmetic procedure are recorded by staff. By doing this, you can then see all staff are vigilant and making refusals as you instructed. The owner or manager should check the book regularly and sign the book to record these checks. Refusal books are available free of charge from Trading Standards.

Challenge 25

It can often be difficult for staff serving customers to determine a person's age. To help staff avoid making mistakes it is advised that you adopt the "Challenge 25" policy.

Challenge 25 requires staff who are working in your premises to ask the customer for ID if they don't think that they look 25. The customer may then be served if they can prove that they are aged 18 or over.

Challenge 25 posters are available from Trading Standards free of charge.

What Proof of Age is acceptable?

Only accredited Proof of Age Standard Scheme (PASS) cards, photo driving licenses or a passport should be accepted as proof of age.

If there is any doubt about a person's age, identification to prove their age should be requested.

You should always operate a no proof – no sale policy where there is any doubt.

What if I fail to comply?

A person who carries on an aesthetic beauty business commits a criminal offence if a person under 18:

- Is allowed to make arrangements to administer botulinum toxin, or a filler by way of injection for a cosmetic purpose; and / or
- A person administers a botulinum toxin, or a filler by way of injection for a cosmetic purpose to a person under 18 (*except for regulated medical professionals only in specified circumstances)

The penalty is one of an unlimited fine.

** There are medical exemptions when treatments are prescribed by a doctor on medical Grounds*

This factsheet is a summary of the law and is intended as general guidance only and should not be taken as being an authoritative legal document.

For specific advice, contact: -

Trading Standards
Places Directorate
Wigan Council
PO Box 100
Wigan
WN1 3DS
Email: regulation@wigan.gov.uk
www.wigan.gov.uk