

STREETS LEGAL

Potent 'legal highs' are being sold to young people in petrol stations, fish and chip shops and even pet shops, a *Druglink* investigation has found.

By Max Daly

So-called 'legal highs', such as synthetic cannabinoids, stimulant powders and poppers, are commonly bought from head shops and websites.

But now they are also being sold from an expanding range of outlets such as petrol stations, take-aways, tattoo parlours, newsagents, tobacconists, car boot sales, sex shops, gift shops, market stalls and pet shops.

The majority of these outlets are situated in the north of England in places such as Newcastle, North Tyneside, Barnsley, Huddersfield, York, Wakefield, Hull and Middlesbrough.

A snapshot survey carried out in Newcastle of 116 people, mainly teenagers aged 16-17, found that, of those who had recently bought 'legal highs', 45 had purchased them from head shops, while 20 had bought them from a petrol station or take-away food shop.

Rachael Hope, drug strategy co-ordinator at Newcastle City Council, said the new trend would further normalise the use of 'legal highs' by young people.

"We already have several head shops in the city centre selling 'legal highs'. Some of them distribute flyers to young people. But now we are seeing other outlets selling them. There is a petrol station just outside the city centre that has synthetic cannabinoids on display behind the counter on a cardboard display rack like peanuts in a pub."

The phenomenon of non-head shops selling 'legal highs' is a familiar story in New Zealand, where these drugs have been available alongside ice cream and soft drinks from local corner shops known as 'dairies' since 2010.

In the UK this new trend hit the headlines in August when a local newspaper revealed that poppers were being sold under the name Liquid Gold at a Shell garage in Barnsley, South Yorkshire. The manager of the garage told the paper that staff did not sell the

drug to under-21s and only supplied it from behind the counter. The story was repeated in some national newspapers and Shell quickly removed the product from sale.

THE EXPANSION OF ALTERNATIVE LEGAL HIGH OUTLETS COMES IN THE WAKE OF INCREASING MEDIA AND POLITICAL PRESSURE ON THE AUTHORITIES TO CLAMP DOWN ON HIGH STREET HEAD SHOPS

Not all these venues are restricting sales to legal drugs. According to one source, a Tyneside tattoo parlour currently selling 'legal highs' is allegedly stocking up on a brand of synthetic cannabinoids in advance of its likely classification as an illegal drug, with the intention of capitalising on the increased price of the drug once it is illegal.

The expansion of alternative legal high outlets comes in the wake of increasing media and political pressure on the authorities to clamp down on high street head shops.

However, enforcement agencies face significant barriers in restricting the sales of 'legal highs' because the Misuse of Drugs Act 1971 only covers banned drugs and the Medicines Act 1968 is easily side-stepped by manufacturers putting 'not for human consumption' on products.

Despite these difficulties, authorities are finding imaginative ways of tackling the sales, according to Kevin Flemen, who runs the KFx drug consultancy.

He points out that in Yorkshire, the Intoxicating Substance Supply Act (1985) has been successfully applied to prosecute retailers selling synthetic cannabinoids to under-18s. Introduced to combat volatile substance abuse, the Act makes it an offence to supply any product to a person under 18 where it is thought the substance is likely to be inhaled for intoxication. But Flemen says that so far this legislation has been rarely used.

Some head shop chains have opened themselves up to prosecution under the Medicines Act, even though they label products 'not for human consumption'. Internal staff guidance at one of Britain's largest head shop chains shows that they are aware the substances they sell will be used as intoxicants. "It may therefore be possible for the Medicines and Healthcare Products Regulatory Agency's borderline products team to re-evaluate such products," says Flemen.

Under consumer protection and product regulation laws, Trading Standards officers can act where products are mislabeled or don't accurately describe products. "There is significant scope under the Trades Description Act, for example, to prosecute for products which are 'not fit for stated purpose' such as synthetic cannabinoids sold as incense or stimulant powders sold as bath salts and plant foods."

However, when Chester Council's trading standards unit brought a case against 'Gogaine' seller Sean Ellman (son of Labour MP Louise Ellman) accusing him of breaching consumer laws at his Chester head shop, it collapsed, because they had not correctly tested the product.

The Trading Standards Institute admits that its members are split on what to do about 'legal highs', with some maintaining that drugs are not a trading standards issue.