

Highlights in Tobacco Control: Practical Ideas Online

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Youth and Tobacco - Addressing Enforcement Gaps

Youth find ways to obtain tobacco in a variety of ways, and it takes work on many fronts to curtail their access. Here are several ideas for addressing enforcement and access issues in your community:

- DSHS Substance Abuse Services funds eleven prevention resource centers (PRCs) across the state to provide communities with prevention information, resources and expertise. Contact them to find out how they can help. To locate the PRC in your region of the state, click <http://www.tcada.state.tx.us/prc/index.shtml> and click on your county, or call 1-888-PRC-TEXX. The DSHS regional tobacco specialists are another good source.
- Train groups to conduct Operation Storefront. This project teaches youth and adult sponsors to monitor quantity and placement of in-store tobacco advertising and to record violations. Contact Darah Waldrip at 512-458-7111 ext. 3294 for more information or reporting forms.
- Distribute flyers on Minor-in-Possession laws to middle and high schools, possibly as part of a presentation at meeting for parent/teacher organizations, staff, campus police or community members. The flyer is included in this issue.



These activities help fulfill contract goals related to preventing tobacco initiation in youth.

Ads Highlight Consequences

Research shows that teens consider potential loss of their drivers' license as an effective deterrent to using tobacco, but many of them are unaware of the penalties for underage tobacco possession. This disconnect is especially true outside the comprehensive program area. Fewer than half of teens know they can lose their license if cited for tobacco possession.

The DSHS *Worth It?* campaign is designed to help teens understand the legal and health consequences of tobacco use so they can weigh the risks for themselves. Current spots highlight adult smokers who began smoking as teens and are now dealing with the consequences. These ads will run in an upcoming media buy. Radio and television spots will run from January through May in Beaumont/Port Arthur and January through February in Houston. The ads are available outside the comprehensive program area for anyone who is able to secure placement.



DSHS also has radio and television ads related to enforcement. The "Enforcing it is Easy" spots include both adult and youth focused ads.

Please contact Darah Waldrip at 512-458-7200 if you need copies of any of the ads.

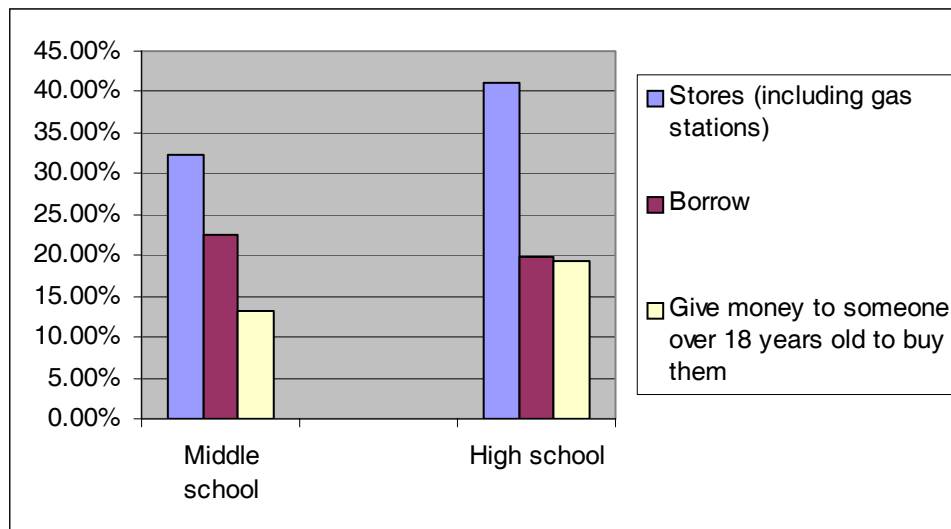
Dear Dr. Phil (Huang),

Reducing youth access to tobacco products is one part of a comprehensive tobacco program. Is it any harder for kids today to obtain tobacco than it was a few years ago?

Retail and vending machine tobacco sales to minors have gone down in the last several years, so we are encouraged that kids are having a tougher time getting tobacco from those sources, but youth are also finding other ways to acquire it. Between 2000 and 2004 there were statistically significant reductions in cigarette sales to youth from vending machines and from stores. And, more youth in Jefferson County, for example, are being asked to show proof of age when attempting to purchase tobacco.¹ In spite of this, nearly one-third of middle school and 60% of high school youth believe it is still easy to access tobacco products.¹

Data from the 2004 Youth Tobacco Survey¹ show the main ways youth gain illegal access to tobacco products:

- Stores (including gas stations) 32.3% middle and 41.2% high school youth
- Borrow - 22.4% middle and 19.8% high school youth
- Give money to someone else over 18 years old to buy them - 13.1% middle and 19.2% high school youth



At the same time, there has been an increase in the use of the Internet to purchase cigarettes among underage youth. 38.2% of middle school youth and 16.2% of high school youth report purchasing cigarettes over the Internet during the past 30 days. Internet and mail order cigarette retailers often operate in violation of numerous federal, state and local tax laws. Actions have been taken nationally this year to reduce access through the Internet. In March 2005 all the major credit card companies agreed not to process payment of Internet transactions from cigarette sales. This fall United Parcel Service and several other vendors announced they would no longer deliver tobacco products to individual consumers.

What are some things we can do to further reduce access to tobacco by those younger than 18?

- Publicize penalties outlined by minor-in-possession (MIP) laws*.
- Discourage parents and other adults from purchasing or giving tobacco to minors.
- Educate retailers who have been issued violations of the MIP laws in the past. About 10% of stores inspected are found to be in violation of the Retailer Sales/ Youth Access law*.

References

1. Hu S, Meshack A, & McAlister A, 2000 – 2004 Trends in Youth Access to Tobacco Products, Jefferson County, May 23, 2005 presentation to Texas Department of State Health Services.

* Attachment: Summary of Tobacco Retailer Sales, Youth Access & MIP laws

Buying or Selling Tobacco Products to Minors

These facts may be found on the Texas Comptroller's Web site.

Click http://www.window.state.tx.us/taxinfo/taxpubs/tx96_541.html for more information.

Retailers and Employees

Texas law sets out stringent rules for buying and selling tobacco products at the retail level. Violation of any of the following laws is a Class C misdemeanor. Additionally, retailers can be fined up to \$1,000 or have their cigarette or tobacco product permits suspended. Permits can be revoked if retailers commit multiple offenses.

- Retailers and their employees cannot sell or give tobacco products or coupons for tobacco products to anyone under 18.
- Free samples of tobacco products cannot be given to anyone under 18.
- Retailers must notify their employees of the consequences of violating the law within 72 hours of when the employee begins selling tobacco products. Employees must sign a statement that the law has been explained and that they understand and will comply with the law. Retailers must have a signed statement for each employee must keep it for 60 days after the individual leaves employment.
- Retailers must prominently display warning signs to employees and customers about the tobacco law and the penalties for violations of the law. Signs are available free of charge to retailers from the Comptroller.
- In any business open to minors, tobacco vending machines cannot be placed where customers have direct access.
- Customers cannot have direct access to cigarettes or other tobacco products. (Some exemptions apply.)

In addition to these Class C misdemeanors, other Texas laws affect the buying and selling of cigarettes and other tobacco products.

- Cigarettes cannot be sold in packages containing fewer than 20 cigarettes. The fine for this violation is \$100.
- Retailers and their employees must ask for identification from all customers under age 27 who try to buy cigarettes or tobacco products.
- Retailers are responsible for training and supervising employees regarding the tobacco laws.
- Retailers are subject to random inspection by state and local law enforcement officials.

Minors and Parents

Texas law also applies to minors and their parents.

- Minors cannot buy, use, or possess tobacco, with this exception: a minor may possess tobacco in the presence of an adult parent, guardian, or spouse, or in the presence of an employer if possession of the product is required in performing duties as an employee.
- Minors who violate the tobacco law can be fined up to \$250 and may be required to attend a tobacco awareness program or participate in a tobacco-related community service. Parents of a minor convicted of a violation may be required to attend the tobacco awareness program with their child.
- A minor's driver license can be suspended or denied if the minor is convicted of a violation of the tobacco law and does not attend a tobacco awareness program or perform tobacco-related community service.

Tobacco Industry Marketing Fact sheet

These facts may be found on the CDC's Web site.

Click http://www.cdc.gov/tobacco/factsheets/Tobacco_Industry_Marketing_Factsheet.htm for more information.

Tobacco Industry Marketing Expenditures

- In 2003, cigarette companies spent \$15.2 billion, or more than \$41 million per day, on advertising and promotional expenses, the most ever reported by the major cigarette manufacturers.¹ This amounted to more than \$53 for every person in the United States,^{1,2} or \$333 for each adult smoker,^{1,3} and was a nearly 22% increase over the previous year.¹ Tobacco industry advertising and promotional expenditures more than doubled since 1998.¹
- The major cigarette manufacturers reported spending \$156.4 million on magazine advertising in 2003, an increase of 46.2% from 2002.
- Spending on "outdoor" advertising totaled \$32.6 million in 2003, up 34.8% from the \$24.2 million spent in 2002.
- Spending on point-of-sale promotional materials (ads posted at the retail location but excluding outdoor ads on retailer property) was \$165.6 million in 2003.
- Money spent giving cigarette samples to the public was \$17.9 million in 2003.
- Price discounts paid to cigarette retailers or wholesalers to reduce the price of cigarettes to consumers totaled \$10.8 billion in 2003.
- The five major U.S. smokeless tobacco manufacturers spent \$236.7 million on smokeless tobacco advertising and promotion in 2001 (the latest year with available data).⁴ The smokeless tobacco industry spent \$17.8 million on sports and sporting events in 2001.⁴

Tobacco Industry Marketing and Specific Populations

Marlboro is the cigarette brand preferred by 49% of smokers aged 12 to 17 years, followed by Newport (24%) and Camel (10%).⁵ These are the brands most heavily advertised in the United States.⁶

Women have been extensively targeted in tobacco marketing, and tobacco companies have produced brands specifically for women.⁷ Such marketing toward women is dominated by themes of social desirability and independence, which are conveyed by advertisements featuring slim, attractive, and athletic models.⁷

Certain tobacco products are advertised and promoted disproportionately to members of racial/minority communities.⁸ For example, marketing toward Hispanics and American Indians/Alaska Natives has included advertising and promotion of cigarette brands with names such as Rio, Dorado, and American Spirit, and the tobacco industry has sponsored Tet festivals and activities related to Asian American Heritage Month.⁸ Research suggests that three African-American publications—*Ebony*, *Jet*, and *Essence*—receive proportionately higher profits from cigarette advertisements than do mainstream publications.⁸

References

- 1 Federal Trade Commission. *Cigarette Report for 2003*. Washington, DC: Federal Trade Commission; 2005. Available at <http://www.ftc.gov/reports/cigarette05/050809cigrpt.pdf>. (PDF-216KB) Accessed: September 2005.
- 2 Census Bureau. United States General Demographic Characteristics, 2004 American Community Survey. Washington, DC: U.S. Department of Commerce, Census Bureau; 2003. Available at http://factfinder.census.gov/servlet/MYPTable?_bm=y&-qr_name=ACS_2004_EST_G00_MYP1_15&-geo_id=01000US&-ds_name=ACS_2004_EST_G00_&-scrollToRow=1. Accessed: September 2005.
- 3 CDC. Cigarette smoking among adults—United States, 2003. *Morbidity and Mortality Weekly Report* 2005;54(20):509-513. Available at <http://www.cdc.gov/mmwr/PDF/wk/mm5420.pdf>. (PDF-241KB) Accessed: September 2005.
- 4 Federal Trade Commission. *Smokeless Tobacco Report for the Years 2000 and 2001*. Washington, DC: Federal Trade Commission; 2003. Available at: <http://www.ftc.gov/os/2003/08/2k2k1smokeless.pdf>. (PDF-61KB) Accessed: September 2005.
- 5 Substance Abuse and Mental Health Services Administration. *The National Survey on Drug Use and Health: 2004 Detailed Tables, Tobacco Brands*. Rockville, MD: Substance Abuse and Mental Health Services Administration, Office of Applied Studies; 2005. Available at <http://oas.samhsa.gov/nsduh/2k4nsduh/2k4tabs/Sect7peTabs60to69.pdf>. (PDF-111KB) Accessed: September 2005.
- 6 CDC. Changes in cigarette brand preferences of adolescent smokers—United States, 1989–1993. *Morbidity and Mortality Weekly Report* 1994;43(32):577–581. Available at <http://www.cdc.gov/mmwr/PDF/wk/mm4332.pdf>. (PDF-557KB) Accessed: March 2005.
- 7 U.S. Department of Health and Human Services. *Women and Smoking: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Public Health Service, CDC, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2001. Available at http://www.cdc.gov/tobacco/sgr/sgr_forwomen/sgr_women_chapters.htm. Accessed: March 2005.
- 8 U.S. Department of Health and Human Services. *Tobacco Use Among U.S. Racial/Ethnic Minority Groups—African Americans, American Indians and Alaska Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, CDC; 1998. Available at <http://www.cdc.gov>