Center for Public Health
and Tobacco Policy

Influencing Youth at the POS

The POS Problem:

Factsheets Describing the Point of Sale Tobacco Marketing Problem and its Impact on Youth

Oct. 2012

The POS Problem - Introduction

These Point of Sale (POS) Marketing factsheets are designed to assist your community education efforts surrounding the problem of point of sale tobacco marketing. Community education about the influence of tobacco marketing in the retail environment is an opportunity to build momentum for policy change aimed at reducing youth tobacco initiation and overall use.

What is the POS Problem?

Point of Sale Tobacco Marketing encourages youth to try tobacco products.
The vast majority of the tobacco industry's marketing is focused on the point of sale – the retail establishments where tobacco is sold. For tobacco companies, these retail locations are the primary place where they can recruit new tobacco users, 90 percent of whom are minors. Tobacco marketing inside the retail environment is often found in the form of "power walls." The term "power wall" refers to tobacco product displays set up behind the cash register. Research indicates that youth exposure to tobacco marketing in the retail environment is correlated to youth tobacco use. Because the industry is focused on the point of sale, tobacco control educators and policy makers need to focus their attention there as well.

What can be done about it?

Tackle this problem by educating and mobilizing your communities.
Ultimately, state or local laws aimed at reducing youth exposure to tobacco product displays and other tobacco marketing at the point of sale is the most impactful mechanism for reducing youth exposure to tobacco marketing. To realize this goal, communities must first understand that point of sale tobacco marketing is a significant contributor to youth tobacco use and that measures may be taken to reduce youth exposure to POS marketing.

What resources are available to assist my education efforts?

The Center for Public Health and Tobacco Policy offers written materials and technical assistance regarding the POS problem.
The Center is a resource throughout your education process, publishing written materials for various audiences and offering technical assistance to local governments and policymakers working to reduce tobacco use. Stay connected to Center resources:
Website: **http://www.tobaccopolicycenter.org/**
Facebook: **Center for Public Health and Tobacco Policy**
Twitter: ***http://twitter.com/CPHTP***

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The POS Problem in Numbers

Virtually all convenience stores sell tobacco products.

- **99.79%** of convenience stores sell cigarettes.[1]
- **99.4%** of convenience stores sell (non-cigarette) Other Tobacco Products.[2]
- **85%** of cigarette sales may be made at conveniences stores.[3]

Virtually all convenience stores display tobacco marketing.

- **92%** of convenience stores contain at least one tobacco branded marketing item, such as an advertisement or display.[4]

Youth frequent convenience stores.

- **70%** of youth visit convenience stores at least once a week.[5]

Youth are vulnerable to tobacco use initiation.

- 11-14 year olds who visited convenience, liquor, or small grocery stores at least twice a week appear **more than twice as likely** to begin smoking as those who rarely visited such stores.[6]
- **3,800** youth (under age18) smoke their first cigarette each day in the United States.[7]
- **99%** of adults who are daily smokers begin by age 26.[8]
- **88%** of adults who are daily smokers begin by age 18.[9]

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[1] Center for Tobacco Policy and Organizing, Cigarettes Generate Big Revenue for Convenience Stores: Analysis of 2011 State of the Industry Report (2011); http://www.center4tobaccopolicy.org/CTPO/_files/_file/Cigarettes%20Generate%20Big%20Revenue%20August%202012.pdf.
[2] *Id.*
[3] *Id.*
[4] Ellen C. Feighery et al., *Retailer Participation in Cigarette Company Incentive Programs is Related to Increased Levels of Cigarette Advertising and Cheaper Cigarette Prices in Stores*, 38 PREVENTIVE MED. 876, 879 (2004).
[5] U.S. DEP'T OF HEALTH & HUMAN SERVICES, OFFICE OF THE SURGEON GENERAL, PREVENTING TOBACCO USE AMONG YOUTH AND YOUNG ADULTS: A REPORT OF THE SURGEON GENERAL 12 (2012), *available at* http://www.cdc.gov/tobacco/data_statistics/sgr/2012/consumer_booklet/pdfs/consumer.pdf.
[6] Lisa Henriksen, Nina Schleicher, Ellen Feighery, and Stephen Fortmann, *A Longitudinal Study of Exposure to Retail Cigarette Advertising and Smoking Initiation*, 126 PEDIATRICS 232, 232 (2010) (longitudinal study of 1681 ethnically diverse adolescents aged 11-14 years found smoking initiation increased 64% for those exposed to retail tobacco advertising and pack displays up to twice a week and more than doubled for those exposed to retail tobacco marketing more than twice per week).
[7] U.S. DEP'T OF HEALTH & HUMAN SERVICES, *supra* note 5 at 16.
[8] *Id.* at 2.
[9] *Id.*

Center for Public Health and Tobacco Policy

NEW ENGLAND LAW BOSTON 1908

Your Local Store May Serve as a Recruitment Center . . .

- Tobacco advertisements effectively target nonsmoking youth, contrary to industry claims that their advertisements are only targeted to adult smokers and adult non-smokers.[1]
- Nearly two-thirds of stores that sell tobacco products participate in industry marketing programs.[2]
- 92% of retail stores contain at least one tobacco branded marketing item, such as an ad or display.[3]
- The typical retail store has more than 12 tobacco promotional items on display.[4]
- Retailers were paid a combined $411 million by the tobacco industry in 2010 to sell and display tobacco products in accordance with tobacco industry design.[5]
- Point-of-sale cigarette displays act as cues to smoke, even among those not explicitly intending to buy cigarettes, and those trying to avoid smoking.[6]
    - 33.9% of recent quitters experience an urge to buy cigarettes as a result of seeing a retail cigarette display.[7]

… for New Youth Smokers:

- Tobacco messaging is often placed at eye level for young children (at or below three feet high).[8]
    - 18.8% of stores have tobacco advertisements at or below three feet.[9]
    - 16.8% of tobacco retail outlets have tobacco products displayed at or below three feet.[10]
- The odds of smoking initiation are notably higher for youth who regularly visit stores where point-of-sale marketing is prevalent.[11]
    - 70% of teenagers shop in convenience stores at least once per week.[12]
    - An estimated 1/3 of teenage experimentation with smoking can be directly attributed to tobacco advertising and promotional activities.[13]
    - Tobacco advertising is more influential on teenage smoking behavior than peer pressure.[14]
- Studies have found a direct, positive relationship between tobacco advertising and likelihood of youth smoking, regardless of youth impressionability.[15]
- Youth are more than twice as likely as adults to recall tobacco advertising.[16] In fact, one survey found that while only 25% of adults recalled seeing tobacco advertising the past 2 weeks, 43% of youth aged 12-17 recalled seeing advertising.[17]
- Stores popular with middle school students contained twice as much shelf space for Marlboro, Camel, and Newport cigarettes – the cigarette brands most popular with teens – in comparison to other stores in the same community.[18]

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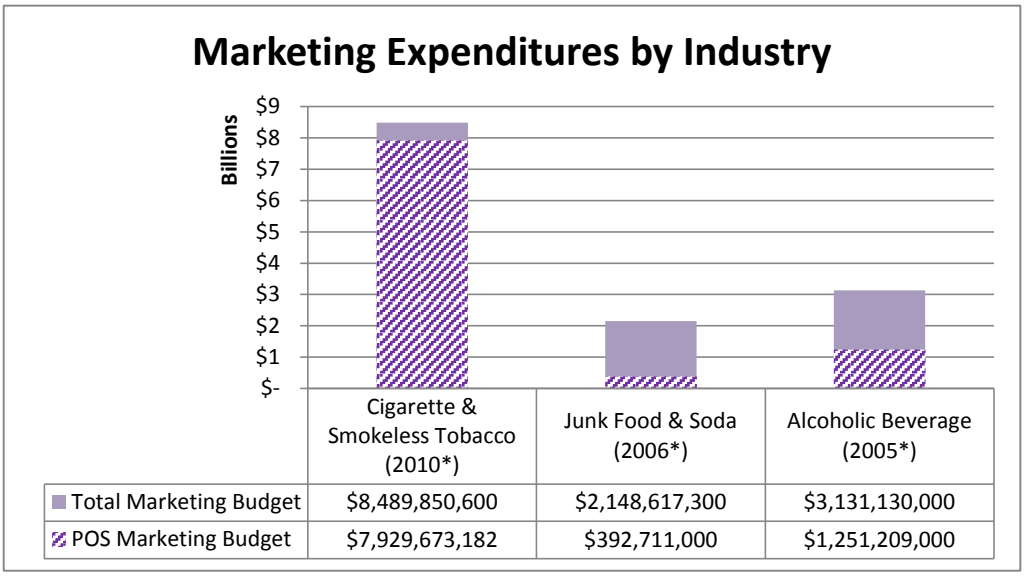
[1] *See* Joseph R. DiFranza et al, *Tobacco Promotion and the Initiation of Tobacco Use: Assessing the Evidence for Causality*, 117 PEDIATRICS e1237 (2006), *available at* http://pediatrics.aappublications.org/cgi/content/abstract/117/6/e1237?rss=1.
[2] Ellen C. Feighery et al., *Retailer Participation in Cigarette Company Incentive Programs is Related to Increased Levels of Cigarette Advertising and Cheaper Cigarette Prices in Stores*, 38 PREVENTIVE MED. 876, 879 (2004).
[3] *Id.* at 884.
[4] *Id.* at 882.
[5] FED. TRADE COMM'N, CIGARETTE REPORT FOR 2009 AND 2010, at 4 (2012); FED. TRADE COMM'N, SMOKELESS TOBACCO REPORT FOR 2009 AND 2010, at 3 (2012).
[6] Melanie Wakefield et al., *The Effect of Retail Cigarette Pack Displays on Impulse Purchase*, 103 ADDICTION, 322, 322-23 (2008).
[7] *Id*. at 324.
[8] Nicola Evans et al., *Influence of Tobacco Marketing and Exposure to Smokers on Adolescent Susceptibility to Smoking*, 87 J. NATL. CANCER INST. 1538-1545 (1995).
[9] *See id.*
[10] *See id.*
[11] *Big Tobacco Knows It Works And Will Greatly Increase The Likelihood That Kids Will Try Smoking*, TOBACCO FREE: BROOME AND TIOGA, http://tobaccofreebt.org/adreduction (last visited Jan. 21, 2012). , *See*, Lisa Henrikson et al., *A Longitudinal Study of Exposure to Retail Cigarette Advertising and Smoking Initiation*, 126 PEDIATRICS 232, 236 (2010), *available at* http://pediatrics.aappublications.org/content/126/2/232.full.html, (finding youth between 11 and 14 years old who regularly visited stores with point-of-sale tobacco ads were at least twice as likely to try smoking as those who made less frequent visits).
[12] U.S. DEP'T OF HEALTH & HUMAN SERVICES, OFFICE OF THE SURGEON GENERAL, PREVENTING TOBACCO USE AMONG YOUTH AND YOUNG ADULTS: A REPORT OF THE SURGEON GENERAL 12 (2012) *available at* http://www.cdc.gov/tobacco/data_statistics/sgr/2012/consumer_booklet/pdfs/consumer.pdf.
[13] Evans, *supra* note 8.
[14] *See id*.
[15]U.S. DEP'T OF HEALTH & HUMAN SERVICES, OFFICE OF THE SURGEON GENERAL, PREVENTING TOBACCO USE AMONG YOUTH AND YOUNG ADULTS: A REPORT OF THE SURGEON GENERAL 508 (2012); *see also* Reiner Hanewinkel et al., *Cigarette Advertising and Adolescent Smoking*, 38 AM. J. PREVENTATIVE MED. 359, 366 (2010), *available at* http://www.cfah.org/hbns/archives/viewSupportDoc.cfm?supportingDocID=897. ("[T]he association between tobacco advertising and youth smoking is specific to tobacco advertising content and not simply a marker of an adolescent who is generally receptive to marketing.").
[16] Tobacco-Free Kids, Smoking and Kids, June 12, 2012, http://www.tobaccofreekids.org/research/factsheets/pdf/0001.pdf.
[17] Tobacco-Free Kids, Tobacco Marketing to Kids 4, October 9, 2012, http://www.tobaccofreekids.org/research/factsheets/pdf/0008.pdf.
[18] Lisa Henriksen et al., *Reaching Youth at the Point of Sale: Cigarette Marketing is More Prevalent in Stores Where Adolescents Shop Frequently*, 13 TOBACCO CONTROL 315, 316 (2004), *available at* http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1747887/pdf/v013p00315.pdf (evaluating California retailers).

Tobacco Companies Spend Far More on Marketing and Point-of-Sale Marketing than Junk Food, Soda and Alcohol Companies Spend - Combined.



	Cigarette & Smokeless Tobacco (2010*)	Junk Food & Soda (2006*)	Alcoholic Beverage (2005*)
Total Marketing Budget	$8,489,850,600	$2,148,617,300	$3,131,130,000
POS Marketing Budget	$7,929,673,182	$392,711,000	$1,251,209,000

*The most recent available FTC data.

- 93.4% ($7.93 billion) of tobacco product manufacturers' $8.49 billion marketing budget was spent on point-of-sale marketing.[1]
  - Cigarette manufacturers spent 95% ($7.61 billion) of their $8.05 billion marketing budget on point-of-sale marketing;[2] and
  - Smokeless tobacco manufacturers spent 71% ($316 million) of their $444.2 million marketing budget on point-of-sale marketing.[3]
- 18% ($0.39 billion) of junk food and soda manufactures' $2.15 billion marketing budget was spent on point-of-sale marketing[4]; and
- 40% ($1.25 billion) of alcoholic beverage manufactures' $3.13 billion marketing budget was spent on point-of-sale marketing.[5]

In sum:

- Tobacco product manufactures spent nearly three billion dollars more on marketing ($8.49 billion) as junk food, soda and alcoholic beverage manufactures combined ($5.28 billion).
- Tobacco product manufactures spent over five times more on point-of-sale marketing ($8.49 billion) than junk food, soda and alcoholic beverage manufactures combined ($1.64 billion).

[1] FED. TRADE COMM'N, CIGARETTE REPORT FOR 2009 AND 2010 (2012); FED. TRADE COMM'N, SMOKELESS TOBACCO REPORT FOR 2009 AND 2010 (2012). Tobacco Industry consists of the 5 largest cigarette manufacturers and 5 major smokeless tobacco companies.

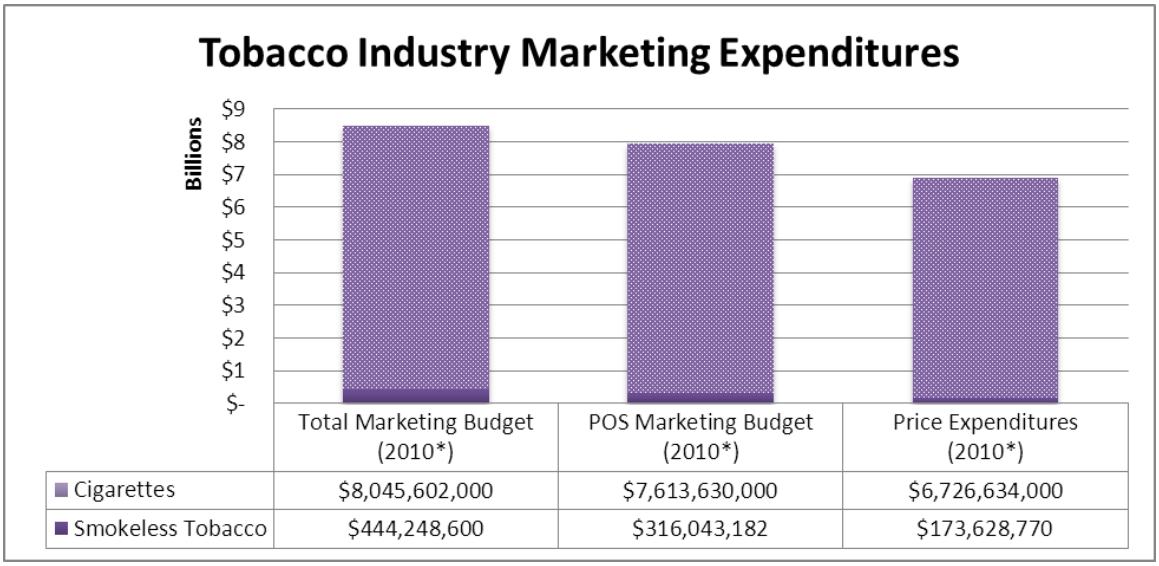
[2] FED. TRADE COMM'N, CIGARETTE REPORT FOR 2009 AND 2010 (2012). Data obtained from the five leading cigarette manufacturers in the United States. The ultimate parent companies of these manufacturers are Altria Group, Inc., (the ultimate parent of Philip Morris); Commonwealth Brands, Inc.; Lorillard, Inc. (the ultimate parent of Lorillard Tobacco Co.); Reynolds American, Inc. (the ultimate parent of R.J. Reynolds Tobacco Co. and Santa Fe Natural Tobacco Company, Inc.); and Vector Group Ltd. "Point of Sale" expenditures are comprised of expenditures on "Coupons," "Point of Sale," "Price Discounts," "Promotional Allowances – Retailers," "Promotional Allowances – Wholesalers," "Retail Value Added – Bonus Cigarettes" and "Retail Value Added – Non-Cigarette Bonus" as defined in the report.

[3] FED. TRADE COMM'N, SMOKELESS TOBACCO REPORT FOR 2009 AND 2010 (2012). Data obtained from the five major smokeless tobacco manufacturers in the United States. The ultimate parent companies of these manufacturers are North Atlantic Trading Company, Inc. (the parent of National Tobacco Company LP); Reynolds American, Inc. (parent of R.J. Reynolds Tobacco Company and Conwood Company, LLC); Swedish Match North America, Inc.; Swisher International Group, Inc. (the parent of Swisher International, Inc.); and UST, Inc. (the parent of United States Smokeless Tobacco Company). Also included is sales and expenditure data for a joint venture between Swedish Match North America and Lorillard Tobacco Company. "Point of Sale" expenditures are comprised of expenditures on "Coupons," "Point of Sale," "Price Discounts," "Promotional Allowances – Retailers," "Promotional Allowances – Wholesalers," "Retail Value Added – Bonus Smokeless Tobacco Product" and "Retail Value Added – Non-Smokeless Tobacco Bonus" as defined in the report.

[4] FED. TRADE COMM'N, MARKETING FOOD TO CHILDREN AND ADOLESCENTS: A REVIEW OF INDUSTRY EXPENDITURES, ACTIVITIES AND SELF REGULATION (2008), *available at* http://www.ftc.gov/os/2008/07/P064504foodmktingreport.pdf *and* http://www.ftc.gov/os/2008/07/P064504foodmktingreportappendices.pdf. Data were obtained from the 44 primary food and beverage product marketers to children and/or adolescents. For the products in these food categories, the companies accounted for 60% to 90% of U.S. sales. "Junk food and soda" is comprised of **Snack Foods** (snack chips, pretzels, snack nuts, popcorn, snack bars, crackers, cookies, processed fruit snacks, gelatin and pudding), **Candy/Frozen Desserts** (chocolate and other candy bars, other chocolate candy, hard candy, chewy candy and sour candy, ice cream, sherbet, sorbet, frozen novelties, frozen yogurt and frozen baked goods), **Baked Goods** (snack cakes, pastries, doughnuts and toaster baked goods—*excludes bread, rolls, bagels, breadsticks, buns, croissants, taco shells and tortillas*) and **Carbonated Beverages** (all carbonated beverages, both diet and regular). Food categories not included are fruits and vegetables, restaurant foods, breakfast cereal, dairy products, fruit juice and non-carbonated beverages, and prepared foods and meals. "Point of Sale" expenditures are comprised expenditures for promotions "In-store" and on "Premiums," as defined in the report.

[5] FED. TRADE COMM'N, SELF REGULATION IN THE ALCOHOL INDUSTRY (2008), *available at* http://www.ftc.gov/os/2008/06/080626alcoholreport.pdf. Data obtained from twelve major alcohol suppliers: Anheuser-Busch Companies, Inc.; Miller Brewing Co., Inc.; Molson Coors Brewing Co.; Heineken USA, Inc.; Diageo North America; Bacardi U.S.A., Inc.; Pernod Ricard USA; Brown-Forman Corp.; Constellation Brands; InBev USA; Absolut Spirits Company, Inc.; and Beam Global Spirits & Wine, Inc. "Point of Sale" expenditures are comprised of expenditures made on "Other Point-of-Sale Advertising and Promotions," "Promotional Allowances," "Retail Value-Added" and "Specialty Item Distribution," as defined in the report.

Tobacco Companies Spend Billions Marketing and Discounting their Products at the Point of Sale



	Total Marketing Budget (2010*)	POS Marketing Budget (2010*)	Price Expenditures (2010*)
Cigarettes	$8,045,602,000	$7,613,630,000	$6,726,634,000
Smokeless Tobacco	$444,248,600	$316,043,182	$173,628,770

*The most recent available FTC data.

Tobacco Industry spends billions of dollars marketing their products:

- In 2010 cigarette and smokeless tobacco manufacturers spent a combined $8.49 billion marketing their products.[1]

Nearly all Tobacco Industry's marketing budget is devoted to POS marketing:

- 93.4% ($7.93 billion) of tobacco product manufacturers' $8.49 billion marketing budget was spent on point-of-sale marketing.[2]
  - Cigarette manufacturers spent 95% ($7.61 billion) of their $8.05 billion marketing budget on point-of-sale marketing;[3] and
  - Smokeless tobacco manufacturers spent 71% ($316 million) of their $444.2 million marketing budget on point-of-sale marketing.[4]

POS price discounts comprise an overwhelming share of Tobacco Industry POS marketing:

- 81.3% ($6.9 billion) of tobacco product manufacturers marketing budget was spent on price discounting at the point-of-sale.[5]
  - Cigarette manufacturers spent 83.6% ($6.73 billion) of their $8.05 billion marketing budget on price discounting at the point-of-sale.[6]
  - Smokeless tobacco manufacturers spent 40% ($177.7 million) of their $444.2 million marketing budget on price discounting at the point-of-sale.[7]

[1] FED. TRADE COMM'N, CIGARETTE REPORT FOR 2009 AND 2010 (2012); FED. TRADE COMM'N, SMOKELESS TOBACCO REPORT FOR 2009 AND 2010 (2012).

[2] FED. TRADE COMM'N, CIGARETTE REPORT FOR 2009 AND 2010 (2012); FED. TRADE COMM'N, SMOKELESS TOBACCO REPORT FOR 2009 AND 2010 (2012). Tobacco Industry consists of the five largest cigarette manufacturers and five major smokeless tobacco companies. Tobacco Industry consists of the five largest cigarette manufacturers and five major smokeless tobacco companies. The ultimate parent companies of the five largest cigarette manufacturers are Altria Group, Inc., (the ultimate parent of Philip Morris); Commonwealth Brands, Inc.; Lorillard, Inc. (the ultimate parent of Lorillard Tobacco Co.); Reynolds American, Inc. (the ultimate parent of R.J. Reynolds Tobacco Co. and Santa Fe Natural Tobacco Company, Inc.); and Vector Group Ltd. The ultimate parent companies of the five largest smokeless tobacco manufacturers are Altria Group, Inc. (the parent company to UST, Inc., which is now known as UST LLC.); North Atlantic Trading Company, Inc. (the parent of National Tobacco Company LP); Reynolds American, Inc. (parent of R.J. Reynolds Tobacco Company and American Snuff Company, LLC); Swedish Match North America, Inc.; and Swisher International Group, Inc. (the parent of Swisher International, Inc.). Cigarette manufacturers' "Point of Sale" expenditures are comprised of expenditures on "Coupons," "Point of Sale," "Price Discounts," "Promotional Allowances – Retailers," "Promotional Allowances – Wholesalers," "Retail Value Added – Bonus Cigarettes" and "Retail Value Added – Non-Cigarette Bonus" as defined in the report. Smokeless tobacco manufacturers' "Point of Sale" expenditures are comprised of expenditures on "Coupons," "Point of Sale," "Price Discounts," "Promotional Allowances – Retailers," "Promotional Allowances – Wholesalers," "Retail Value Added – Bonus Smokeless Tobacco Product" and "Retail Value Added – Non-Smokeless Tobacco Bonus" as defined in the report.

[3] FED. TRADE COMM'N, CIGARETTE REPORT FOR 2009 AND 2010 (2012). Data obtained from the five leading cigarette manufacturers in the United States. "Point of Sale" expenditures are comprised of expenditures on "Coupons," "Point of Sale," "Price Discounts," "Promotional Allowances – Retailers," "Promotional Allowances – Wholesalers," "Retail Value Added – Bonus Cigarettes" and "Retail Value Added – Non-Cigarette Bonus" as defined in the report.

[4] FED. TRADE COMM'N, SMOKELESS TOBACCO REPORT FOR 2009 AND 2010 (2012). Data obtained from the five major smokeless tobacco manufacturers in the United States. "Point of Sale" expenditures are comprised of expenditures on "Coupons," "Point of Sale," "Price Discounts," "Promotional Allowances – Retailers," "Promotional Allowances – Wholesalers," "Retail Value Added – Bonus Smokeless Tobacco Product" and "Retail Value Added – Non-Smokeless Tobacco Bonus" as defined in the report.

[5] FED. TRADE COMM'N, CIGARETTE REPORT FOR 2009 AND 2010 (2012); FED. TRADE COMM'N, SMOKELESS TOBACCO REPORT FOR 2009 AND 2010 (2012). Tobacco Industry consists of the five largest cigarette manufacturers and five major smokeless tobacco companies. Cigarette manufacturers' price discounting expenditures are comprised of "Price Discounts," "Coupons," and "Retail-value-added – Bonus Cigarette" as defined in the report. Smokeless tobacco manufacturers' price discounting expenditures are comprised of "Price Discounts," "Coupons," and "Retail-value-added – Bonus Smokeless Tobacco Product" as defined in the report.

[6] FED. TRADE COMM'N, CIGARETTE REPORT FOR 2009 AND 2010 (2012). Cigarette manufacturers' price discounting expenditures are comprised of "Price Discounts," "Coupons," and "Retail-value-added – Bonus Cigarette" as defined in the report.

[7] FED. TRADE COMM'N, SMOKELESS TOBACCO REPORT FOR 2009 AND 2010 (2012). Smokeless tobacco manufacturers' price discounting expenditures are comprised of "Price Discounts," "Coupons," and "Retail-value-added – Bonus Smokeless Tobacco Product" as defined in the report.

PHARMACIES SEND MIXED MESSAGES: GIVING THE GREEN, YELLOW, AND RED LIGHTS TO SMOKING

Pharmacists, consumers, and tobacco users agree that pharmacies should promote healthy living and discourage the use of products that impede healthy lifestyles. Pharmacies that sell tobacco products undermine this notion and endanger public health by:

- Sending contradictory messages to customers, offering tobacco alongside medicine and products meant to address illnesses caused or exacerbated by tobacco use. For example, many rely on pharmacies to provide medications for asthma, emphysema, cardiovascular disease, and cancer.[1]

- Implicitly understating the harmfulness of tobacco. It is no secret that tobacco is both addictive and lethal, yet the availability of tobacco products in pharmacies legitimizes its use, and falsely suggests that pharmacists support tobacco consumption.[2]

- Perpetuating misconceptions about the popularity, acceptability, and accessibility of tobacco. Social acceptability of tobacco is an important determinant of tobacco initiation and cessation.[3]

- Increasing the retail density of tobacco, consequently increasing tobacco consumption.[4] The more places that tobacco is sold, the greater the number of individuals exposed and likely to succumb to tobacco marketing messages and product use.

- Impeding tobacco cessation attempts by displaying tobacco products and its advertising alongside tobacco cessation products.[5] Further, tobacco product displays trigger an increased urge for the product in users and former users, often resulting in impulse purchases by adults and youth attempting to reduce or quit use.[6]

Prohibition of tobacco sales by pharmacies is one approach within a comprehensive public health effort to reduce tobacco consumption by changing cultural and social norms about tobacco use.[7] Pharmacies cannot completely assume the role of "public health facilities"[8] while encouraging those behaviors that are harmful to the public's health. *Prohibiting the sale of tobacco by pharmacies assists in reducing the availability, visibility, and social acceptability of tobacco.*[9] Disassociating tobacco products with pharmacies denormalizes tobacco consumption, debunks assumptions that tobacco is healthy, and "contribute[s] to the long-term goal of reducing and ultimately eliminating tobacco use and addiction."[10]

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[1] Jerome E. Kotecki et al., Pharmacists' Concerns and Suggestions Related to the Sale of Tobacco and Alcohol in Pharmacies, 23 J. COMMUNITY HEALTH 359, 364(1998); Mitchell H. Katz, Banning Tobacco Sales in Pharmacies, 300 J. AM. MED. ASS'N. 1451, 1451 (2008). (Patients visit pharmacies to purchase medications to treat their diseases and many of these diseases are worsened by tobacco).
[2] *Eliminating the Sale of Tobacco Products in Pharmacies*, AMERICAN HEART ASS'N, (June 4, 2009), http://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_304805.pdf . (Allowing tobacco sales in pharmacies implicitly sends the message that it is not so dangerous to smoke).
[3] *Id.* (Removing tobacco products is another step in our longstanding efforts to denormalize tobacco products. Social unacceptability has been repeatedly shown to be an important influence on both initiations and quitting).
[4] Joanna E. Cohen & Lise Anglin, Outlet Density: a New Frontier for Tobacco Control, 104 ADDICTION 2, 3 (2009).
[5] *Eliminating the Sale of Tobacco Products in Pharmacies*, AMERICAN HEART ASS'N, (June 4, 2009); Jack E. Finchman, *An Unfortunate and Avoidable Component of American Pharmacy: Tobacco*, 72 Am. J. Pharmaceutical Educ. 1, 1-3 (2008). ("More than 8 out of 10 of the pharmacies continuing to sell cigarettes also displayed cigarette advertising. Over-the-counter nicotine replacement (NRT) products were sold by 78% of pharmacies. Following a bizarre placement scheme, 55% of pharmacies selling cigarettes displayed these NRT products immediately adjacent to the cigarettes.").
[6] Nigel Gray, Powerwalls Prey on the Susceptible, 103 ADDICTION 329, 330 (2007) (commenting on M. Wakefield, et al., *The effect of retail cigarette pack displays on impulse purchase*, 103 ADDICTION 322 (2008)). Nearly 37.7% of smokers attempting to quit agree that the presence of tobacco displays elicits an urge to smoke.
[7] Brief for Tobacco Control Legal Consortium, Public Health institute, et al. as Amici Curiae Supporting Appellees at 4, Phillip Morris U.S.A. Inc. v. City of S.F., 957 F. Supp. 1330 (1997) (No. 08-17649), WL 1063781.
[8] *Id*. at 15.
[9] *Id*. at 5.
[10] *Id*. at 3, 8.

TOBACCO RETAILER NUMBER, DENSITY & LOCATION

Effects on Youth and Other Vulnerable Populations

The overwhelming majority of adult tobacco users began using tobacco and became addicted by the age of 18.[1] If one has not started using tobacco by then, he or she probably never will.[2] In New York, 12.6 percent of high school, and 3.3 percent of middle school students are current tobacco users.[3]

The number, density and location of tobacco retailers significantly affect adolescent tobacco use.[4] Research indicates that adult tobacco use is also influenced by these factors.[5] Additionally, studies show that the number and density of tobacco retailers serving vulnerable populations are disproportionately high and influence high tobacco use rate in these communities.[6]

Increased numbers and density of tobacco retailers translates to increased tobacco use.

- There are currently around 23,000 tobacco retail stores in New York State – one for every 190 kids.[7]
- The more tobacco retailers, the greater the access for young people and the more likely young people are to obtain and use tobacco products.[8]
- Additionally, increased density of tobacco retailers is correlated with increased tobacco use, including youth smoking.[9]
- Despite this — or likely because of this — there is a higher concentration of tobacco retailers in areas with high proportions of minors.[10]
- Despite this — or likely because of this — there is a higher concentration of tobacco retailers in areas with high proportions of disadvantaged residents.[11]

➢ Accordingly, reducing tobacco retailer density is a viable policy for reducing the prevalence of youth tobacco use.

Youth are more likely to use tobacco when tobacco retailers are located within a short distance of their schools.

- In New York State, 51% of tobacco retailers are located within 1,000 feet of an elementary or secondary school.[12]
- Tobacco advertising is more prevalent inside of tobacco retailers located near schools.[13]
- Youth exposure to tobacco advertising can lead to an increase in youth initiation of smoking, especially when tobacco retailers are located near schools.[14]
- When several tobacco retailers are located near a school, youth may be more likely to experiment with smoking[15] and purchase their own cigarettes.[16]
- Schools with higher rates of student smoking tend to be surrounded by a larger number of tobacco retailers in the neighborhood around the school.[17]

A retail licensing system regulating the number of tobacco retailers and their location can reduce youth tobacco initiation.

- Local governments can limit and gradually reduce the number of retail outlets, without hurting existing local businesses, by restricting the issuance of new licenses (renew only existing licenses).
- Local governments could also utilize a licensing scheme in conjunction with zoning ordinances to restrict tobacco retailers from areas frequented by children, such as near schools, libraries, playgrounds, and youth-oriented businesses (e.g., video arcades) and residential areas.[18]

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[1] U.S. DEP'T. OF HEALTH & HUMAN SERVS., PREVENTING TOBACCO USE AMONG YOUTH AND ADULTS: A REPORT OF THE SURGEON GENERAL 8 (2012).
[2] *Id.*
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Center for Public Health and Tobacco Policy

NEW ENGLAND LAW BOSTON

Providing legal expertise to support tobacco control policy.

The Center for Public Health & Tobacco Policy (Center) is a resource for the New York and Vermont tobacco control communities that is funded by the Departments of Health in New York State and Vermont. The Center is located at New England Law | Boston.

The Center works with the New York State and Vermont Tobacco Control Programs and their contractors and community coalitions to develop and support policy initiatives that will reduce tobacco-related morbidity and mortality. Offered services include research, policy development, technical assistance, and educational programming.

What we do –

Research & Information Services

- provide the latest news on tobacco law and policy through our legal and policy reports, fact sheets, quarterly newsletters, and website

Policy Development & Technical Assistance

- respond to specific law and policy questions from the Vermont and New York State Tobacco Control Programs and their community coalitions and contractors, including those arising from their educational outreach to public health officials and policymakers
- assist local governments and state legislators in their development of initiatives to reduce tobacco use
- develop model ordinances for local communities and model policies for businesses and school districts

Education & Outreach

- participate in conferences for government employees, attorneys, and advocates regarding critical initiatives and legal developments in tobacco policy
- conduct smaller workshops, trainings webinars, and presentations focused on particular policy areas
- impact the development of tobacco law through *amicus curiae* ("friend of the court") briefs in important litigation

Find us online

www.tobaccopolicycenter.org

The Center's website provides information about recent tobacco news and case law, New York and Vermont tobacco-related laws, and more. Current project pages include: tobacco-free outdoor areas; tobacco product taxation; smoke-free multiunit housing; and retail environment policies. The website also provides convenient access to reports, model policies, fact sheets, and newsletters released by the Center.

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Requests for Assistance

The Center is funded to support the Vermont and New York State Tobacco Control Programs and community coalitions. The Center also assists local governments and other entities as part of contractor-submitted requests. If we can help with a tobacco-related legal or policy issue, please contact us.

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