

# CAMPAIGN For TOBACCO-FREE Kids®

## CIGARETTE COMPANY YOUTH ACCESS INITIATIVES: INEFFECTIVE

Preventing and reducing tobacco product sales to youth takes strong state laws with tough penalties that are rigorously enforced. But time after time, the big cigarette roll out various so-called anti-youth-access programs, which the cigarette companies claim will stop cigarette sales to youth and make further governmental efforts to prevent and reduce youth smoking unnecessary. But the cigarette companies' programs never get the job done, as set forth below.

- In 1990, the tobacco industry launched an initiative called "It's the Law," which provided retailers with educational materials about not selling to kids. Beyond sending decals and signage to some retail stores, this program was never effectively implemented. Studies in the *American Journal of Public Health* found that compliance with the program was extremely low and it was not effective.<sup>1</sup> A 1994 Philip Morris email revealed the true purpose of the It's the Law (ITL) initiative, stating:

"We have two objectives for the ITL program -- 1) To provide an alternative to legislative/mandated policy actions; and 2) To improve PM's image regarding the youth issue."<sup>2</sup>

- Later in the 1990s, Philip Morris and the other major cigarette companies launched similar programs, including "Action Against Access" and "We Card." Like the previous versions, these were half-efforts, at best. For example, an audit of "Action Against Access" by former U.S. Senator Warren Rudman found that the program was not implemented completely and that retailers did not take it seriously. Two years after the program had been in place, Philip Morris had penalized only sixteen tobacco retailers out of the tens if not hundreds of thousands illegally selling to kids.<sup>3</sup>
- More recently, a study found that tobacco product retail stores with the tobacco industry's "We Card" signs had average youth sales rates roughly equal to stores with no signs at all, and were significantly more likely to make illegal sales to minors than those retail outlets with government-sponsored no-youth-sales signs.<sup>4</sup>
- A 1995 memo from Philip Morris executive Ellen Merlo confirms that the tobacco industry was forced to address the youth access issue because it needed to "find solutions. . . on the one issue that this industry is most vulnerable on [youth access]." Going further, Merlo said: "If we don't seize the initiative the government and the antis will take it away from us."<sup>5</sup> Along the same lines, another Philip Morris executive wrote that same year: "If we can frame proactive legislation or other kinds of action on the Youth Access issue... we will be protecting our industry for decades to come."<sup>6</sup>
- Voluntary industry-sponsored programs like "We Card" simply cannot include all or even most of the key characteristics required for any retailer anti-youth-access program to work effectively. Based on solid research findings, state attorneys general and other experts have recommended that any effort to reduce youth access to tobacco products include each and all of the following key elements:
  - > Mandatory participation by all tobacco retailers
  - > Designating an agency in the state with clear responsibility for enforcement
  - > Providing adequate, guaranteed funding for enforcement
  - > Licensing of vendors by the enforcing agency; licensing should be self supporting
  - > Making frequent and realistic compliance checks, with a goal of 95% compliance
  - > Meaningful penalties including graduated fines and ultimately, license suspension
  - > No preemption of local ordinances
  - > Education and awareness efforts for merchants and the public.<sup>7</sup>

So far, the cigarette companies have not supported the establishment of programs with these characteristics to stop illegal sales of tobacco products to youth in the states, but continue to promote "We Card" and other voluntary or half-way measures that simply do not work.

***Campaign for Tobacco-Free Kids, March 8, 2005 / Eric Lindblom***

**Related Campaign Factsheets**

(Available at <http://tobaccofreekids.org/research/factsheets>)

- *Enforcing Laws Prohibiting Cigarette Sales to Kids Reduces Youth Smoking*
- *A Long History of Empty Promises: The Cigarette Companies' Youth Anti-Smoking Programs*
- *The Cigarette Companies Cannot Survive Unless Kids Smoke*
- *Tobacco Company Marketing to Kids*
- *Tobacco Company Quotes on Marketing to Kids*
- *Tobacco Industry Continues to Market to Kids*
- *Tobacco Marketing That Reaches Kids: Point-of-Purchase Advertising and Promotions*
- *Philip Morris and Targeting Kids*
- *Tobacco Company Marketing to College Students Since the Multistate Settlement Agreement was Signed*
- *Where Do Youth Smokers Get Their Cigarettes?*

---

<sup>1</sup> DiFranza, J & L Brown, "The Tobacco Institute's "It's the Law" Campaign: Has It Halted Illegal Sales of Tobacco to Children," *American Journal of Public Health* 82(9):1271-73 (September 1992); DiFranza, J, et al., "Youth Access to Tobacco: The Effects of Age, Gender, and "It's the Law" Programs," *American Journal of Public Health* 86(2):221-24, February 1996. See, also, DiFranza, J & W Godshall, "Tobacco Industry Efforts Hindering Enforcement of the Ban on Tobacco Sales to Minors: Actions Speak Louder than Words," *Tobacco Control* 5(2):127-31, Summer 1996.

<sup>2</sup> Crawford, D., email to Slavitt, J., "RE: Sting Operations," May 9, 1994, Philip Morris Bates Number 2023587951.

<sup>3</sup> Kirshenbaum, M., et al., *Smoke & Mirrors: How the Tobacco Industry Buys and Lies Its Way to Power and Profits*, Advocacy Institute, August 1998.

<sup>4</sup> Cowling, D & D Robbins, "Rates of Illegal Tobacco Sales to Minors Varies by Sign Type in California," Research Letter, *American Journal of Public Health*, 90(11):1792-93, November 2000.

<sup>5</sup> Ellen Merlo, Philip Morris memo, "JJM Speech," February 9, 1995, Philip Morris Bates Number: 2044046016.

<sup>6</sup> 6-page draft Philip Morris speech, "Jm to Pm Invitational Importance of Youth Issue," Feb 10, 1995, PM Bates number: 2044046017/6022

<sup>7</sup> For a review of relevant scientific research, see Stead, L. & T. Lancaster, "A Systematic Review of Interventions for Preventing Tobacco Sales to Minors," *Tobacco Control* 9:169-176, Summer 2000.