



LETHAL

LURE



[TOBACCO'S HARD SELL]

BAITING THE HOOK (\$)

What do you notice when you and your children walk up to the cash register in a convenience store? Have you ever stopped to think of the powerful messages that surround you as you pay for your items? The tobacco industry has, and they've moved in on this fairly unregulated area, called the point of sale, to bait both consumers and store owners.

Hard Sell Tactics

- Paying store owners to display advertisements.
- Providing store owners with “power walls”—excessive displays of tobacco packages, commonly visible in the checkout area, in quantities that far exceed what is needed for short-term sales.
- Competing and paying for power wall space and signage such as beside candy, mints and gum.
- Price discounts, couponing and giveaways.
- Targeted marketing (i.e., Promoting different products in different socioeconomic areas. Strongly targeting low-income and minority neighborhoods).



THE TOBACCO INDUSTRY SPENDS \$1 MILLION PER HOUR TO PROMOTE PRODUCTS IN THE RETAIL ENVIRONMENT.

IN 2011, THEY SPENT 87% (\$7.4 BILLION) OF THEIR MARKETING BUDGET ON POINT OF SALE MARKETING.

SMOKELESS TOBACCO MANUFACTURERS SPENT OVER \$280 MILLION OF THEIR MARKETING BUDGET ON POINT OF SALE MARKETING.

THE HEALTH AND ECONOMIC IMPACT OF TOBACCO USE IS STAGGERING:

- **TOBACCO USE REMAINS THE NUMBER ONE CAUSE OF DEATH IN OUR COUNTRY.**
- **SMOKING AND SECONDHAND SMOKE ARE NOW RESPONSIBLE FOR MORE THAN 480,000, OR CLOSE TO HALF A MILLION, PREMATURE DEATHS ANNUALLY.**
- **IF CURRENT TRENDS CONTINUE, 5.6 MILLION OF TODAY'S YOUTH UNDER AGE 18 WILL DIE PREMATURELY DURING ADULTHOOD FROM THEIR SMOKING.**
- **ECONOMIC COSTS DUE TO SMOKING IN THE U.S. ARE NOW ESTIMATED TO BE AT LEAST \$289 BILLION AND COULD BE UP TO \$333 BILLION FROM LOST PRODUCTIVITY.**
- **MORE THAN 87% OF ALL LUNG CANCER DEATHS ARE CAUSED BY SMOKING AND EXPOSURE TO SECONDHAND SMOKE.**
- **BETWEEN 1965 AND 2014, 2.5 MILLION PEOPLE DIED DUE TO EXPOSURE TO SECONDHAND SMOKE, INCLUDING 263,000 FROM LUNG CANCER CAUSED BY SECONDHAND SMOKE.**



IN MINNESOTA:

- **THE HEALTH CARE COSTS IN MINNESOTA DIRECTLY CAUSED BY SMOKING AMOUNT TO \$2.06 BILLION ANNUALLY.**
- **STATE AND FEDERAL MEDICAID COSTS FOR SMOKING-CAUSED HEALTHCARE IN MINNESOTA TOTAL \$465 MILLION ANNUALLY.**
- **MINNESOTA LOSES \$1.27 BILLION IN SMOKING-CAUSED PRODUCTIVITY EACH YEAR.**

THE COST

72% OF YOUTH WHO USE SMOKELESS TOBACCO ALSO SMOKE CIGARETTES.

A CDC NATIONAL YOUTH TOBACCO STUDY PUBLISHED IN 2013 FOUND THAT 76% OF CURRENT YOUNG E-CIGARETTE USERS ALSO SMOKE REGULAR CIGARETTES.

THE PERCENTAGE OF US MIDDLE AND HIGH SCHOOL STUDENTS WHO TRIED ELECTRONIC CIGARETTES MORE THAN DOUBLED FROM 2011 TO 2012 ACCORDING TO THE US CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC).

FOR YOUNG PEOPLE, THESE MILD, SWEET PRODUCTS SERVE AS THE ENTRY TO TRYING MORE POTENT PRODUCTS AND ACQUIRING A TASTE FOR STRONGER TOBACCO.

REELING THEM IN

The tobacco industry is also increasingly promoting non-cigarette tobacco products, such as moist snuff, chew, dip and snus, dissolvable tobacco, electronic cigarettes, as well as little cigars and cigarillos. While cigarettes cannot be flavored, non-cigarette tobacco products can contain flavoring and come in flavors such as bubble gum, cotton candy, grape and chocolate.



UNSUSPECTING TARGETS

- **DOCUMENTS OBTAINED FROM TOBACCO COMPANIES SHOW EVIDENCE THAT CORPORATE MARKETERS HAVE TARGETED RETAIL STORES NEAR SCHOOLS AND PLAYGROUNDS IN AN EFFORT TO ATTRACT YOUNG SMOKERS.**

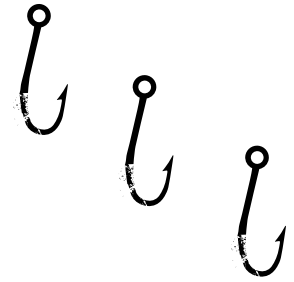
- **STUDIES HAVE FOUND THE ODDS OF SMOKING INITIATION ARE NOTABLY HIGHER FOR YOUTH WHO REGULARLY VISIT STORES WHERE POINT OF SALE MARKETING IS PREVALENT.**

- **YOUTH ARE MORE THAN TWICE AS LIKELY AS ADULTS TO RECALL TOBACCO ADVERTISING. 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.**

- **34% OF RECENT QUITTERS REPORT EXPERIENCING AN URGE TO BUY CIGARETTES AFTER SEEING A RETAIL CIGARETTE DISPLAY.**



TACKLING THE PROBLEM



Point of Sale is still one of tobacco's major marketing strongholds. Creating policies that restrict how, where and to whom tobacco products are being marketed and sold will help reduce the ability the industry has to initiate and hook young people. It will increase smokers' chances of quitting and help decrease the disease, disability and death related to tobacco use. Policy options that can be used to restrict tobacco sales in your community include:

Number, Type and Location of Tobacco Retailers

- Capping the number of tobacco retailers.
- Increasing the license fee and/or penalties for retailers.
- Prohibiting tobacco sales near schools, parks, medical facilities or places of worship.
- Restricting tobacco retailer proximity to other retailers, thus reducing density.
- Prohibiting the sale of tobacco in pharmacies.
- Prohibiting the sale of imitation tobacco products such as candy, gum and jerky chew.

Point of Sale Advertising & Products

- Restricting product placement.
- Placing limits on all store advertising regardless of content.
- Prohibiting the sale of all flavored tobacco products.
- Setting a minimum package size for non-cigarette tobacco products like cigars and cigarillos.
- Increasing the age limit to sell tobacco products to 18.

Restriction on Promotions and Discounts

- Prohibiting price discounting and multi-pack offers.
- Prohibiting tobacco coupon redemption.



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STATEWIDE HEALTH IMPROVEMENT PROGRAM

Made possible from a Community Transformation Grant, Centers for Disease Control and Prevention and the Minnesota Department of Health's Statewide Health Improvement Program

SOURCES:

Center for Public Health and Tobacco Policy, Influencing Youth at the POS, Oct. 2012.
<http://www.tobaccopolicycenter.org/documents/NY%20Fall%20trainings%20fact%20sheets.pdf>

California Department of Public Health, Tobacco in the Retail Environment, 2013.
http://www.cdph.ca.gov/programs/tobacco/Documents/Tobacco%20Retail%20Environment%20Fact%20Sheet_Easy%20Print.pdf

Legacy, @Tobacco Fact Sheet, Minnesota, April 2013

American Cancer Society, Electronic Cigarette Use Doubles Among Teenagers, 2013
<http://www.cancer.org/cancer/news/electronic-cigarette-use-doubles-among-teenagers>

 AMERICAN LUNG ASSOCIATION.
IN MINNESOTA

ELECTRONIC CIGARETTES



Background

Electronic cigarettes (e-cigarettes) are battery operated devices that simulate smoking. They contain cartridges filled with liquid nicotine, flavorings and other chemicals. While e-cigarettes do not contain tobacco, they do contain various levels of tobacco-derived nicotine.¹ There is no government oversight of electronic cigarettes or e-liquid.² Early studies found detectable levels of cancer-causing chemicals in two leading brands of e-cigarettes.¹ There are over 250 e-cigarette brands on the market, and the three largest tobacco companies (R.J. Reynolds, Phillip Morris and Lorillard) are investing significant time and money developing and promoting these new products.

Even though it is against the law, e-cigarettes are marketed as a less harmful alternative to smoking traditional cigarettes, and ads encourage smokers to use them indoors and in places where smoking is prohibited. Ads, featuring celebrities, can be found in magazines, on the radio and on television. While the FDA has warned about advertising e-cigarettes as safe alternatives to smoking, ads continue to imply this safety message.

Public Health Concerns



- E-cigarettes are untested, unregulated products. Without Food and Drug Administration (FDA) oversight, there is no way to know what chemicals are in e-cigarettes or how much nicotine is being inhaled.^{1,2}
- Lack of regulation makes studying the short and long-term health effects challenging.
- There is no evidence that using e-cigarettes or inhaling the secondhand emissions is safe. Studies have shown heavy metals, carcinogens, fine particles, and nicotine in e-cigarette emissions.¹
- E-cigarettes are not proven to help quit smoking.¹
- E-liquid is usually flavored to smell and taste like candy or fruit and research shows flavored tobacco products appeal to youth.³ E-juice also contains highly concentrated nicotine; contain with skin can be harmful to users and just a small amount can poison a child.^{1,4}
- A CDC study found e-cigarette use among middle and high school students more than doubled between 2011 and 2012.⁵
- E-cigarettes can complicate smoke-free indoor air laws because it can be difficult to distinguish e-cigarettes from traditional cigarettes.

E-cigarettes and e-liquid are often sold at e-cigarette lounges, where customers may taste-test and use products in a social environment, complete with couches, televisions and refreshments, for an unlimited amount of time. This practice is an exploitation of the “sampling” loophole in Minnesota’s Clean Indoor Air Act.



The FDA has the ability to regulate these products, but has not yet taken action. In Minnesota, e-cigarettes are taxed as a tobacco product and cannot be sold to minors. However, they are not covered under Minnesota’s Clean Indoor Air Act, so smoking them indoors and in public places is not against state law.

As a result, many Minnesota communities have decided to regulate e-cigarettes at the local level.



Sources

- 1 German Cancer Research Center (Ed.) Electronic Cigarettes – An Overview. Heidelberg, 2013
- 2 U.S. Food and Drug Administration. FDA and Public Health Experts Warn About Electronic Cigarettes. July 2009.
- 3 U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.
- 4 National Capital Poison Center. (2013). Electronic Cigarettes (e-Cigs): E-Liquid and Smoke Juice Are Dangerous for Kids. Accessed 15 Jan 2014, <http://www.poison.org/poisonpost/sep2013/ecigarettes.htm>
- 5 Centers for Disease Control and Prevention. (2013). Tobacco Product Use Among Middle and High School Students - United States, 2011 and 2012. Morbidity and Mortality Weekly Report, 62(45), 893-897.

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IN MINNESOTA

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Regulatory Options for Communities

Requiring e-cigarette stores and lounges to be licensed tobacco retailers.

Update indoor air laws to include e-cigarettes, preventing their use in public places like restaurants, malls, and movie theaters.

Prohibit product sampling in tobacco shops.

Require that e-cigarettes and e-juice be kept behind the counter and out of a child’s reach, like other tobacco products.

Prohibit moveable places of business (such as kiosks) or vending machine sales.

SAMPLING: HOOKAH BARS & VAPING LOUNGES

Background

Hookah and electronic cigarettes (e-cigarettes) are novel tobacco products that are growing in popularity, especially among youth and young adults. Hookah is a water pipe that is used to smoke tobacco, also known as shisha, which is heated using coals or wood burning embers. Shisha is a sticky mixture of tobacco, honey or molasses, and other flavorings such as bubble gum, peanut butter, grape and mint.^{1,2}

E-Cigarettes are battery-operated devices that simulate smoking. They contain cartridges filled with liquid nicotine (derived from tobacco plants), flavorings and other chemicals, often referred to as e-liquid.³

Although selling different tobacco products, e-cigarette (or vaping) lounges and hookah bars function similarly in that they create an inviting, social environment where people can use tobacco indoors for unlimited periods of time.

Hookah bars often sell coffee or alcohol and are becoming increasingly common around colleges and universities.² E-cigarette lounges invest in comfortable furniture and large televisions, where people not only purchase e-cigarettes and e-liquid, but also taste-test and use the product indoors for an unlimited amount of time.

In Minnesota, hookah bars are required to have a tobacco license, but only a few cities have updated their policies to require licenses for e-cigarette shops.

Public Health Concerns

Freedom to Breathe, Minnesota's Clean Indoor Air Act, has an exemption for sampling. Sampling is the practice of allowing customers to try tobacco products in licensed retail tobacco shops. The exemption's intent was to allow customers to briefly sample cigars or bulk tobacco before purchasing. Hookah bars and e-cigarette lounges exploit this exemption by allowing customers to sample tobacco products for long periods of time in a social environment.



Sampling normalizes indoor smoking, e-cigarette use and nicotine addiction. Visible smoking increases adolescent perceptions that smoking is socially acceptable and more common than it actually is.⁴ Hookah smoke and e-cigarettes contain nicotine, and users risk addiction.¹⁻³ These products are often perceived as less harmful than cigarettes, but they pose health risks. A typical 45 minute hookah session is the equivalent of smoking 100-200 cigarettes, and early studies of e-cigarettes are not proven to be safe alternatives to traditional cigarettes.¹⁻³

Many hookah bars and e-cigarette lounges or kiosks are located within malls or have adjoining businesses where secondhand smoke and emissions can become not only a nuisance, but a serious public health issue.



Regulatory Options for Communities



Minnesota cities and counties can pass ordinances more restrictive than the state law – the Minnesota Clean Indoor Air Act and Freedom to Breathe Act are not preemptive.

Cities and counties can close the indoor sampling loophole by doing both of the following:

- Prohibiting smoking in licensed retail tobacco shops
- Making sure electronic cigarettes are added to the definition of smoking

Sources

1 WHO Study Group on Tobacco Product Regulation. Waterpipe Tobacco Smoking: Health Effects, Research Needs and Recommended Actions by Regulators. Geneva, Switzerland; 2005. Available from, http://www.who.int/tobacco/global_interaction/tobreg/Waterpipe%20recommendation_Final.pdf

2 American Lung Association. Hookah Smoking: A Growing Threat to Public Health Issue Brief. Smokefree Communities Project, 2011. Available from, <http://www.lung.org/stop-smoking/tobacco-control-advocacy/reports-resources/cessation-economic-benefits/reports/hookah-policy-brief.pdf>

3 German Cancer Research Center (Ed.) Electronic Cigarettes – An Overview. Heidelberg, 2013

4 Wakefield, M & Forster, J. (2005) Growing Evidence for New Benefit of Clean Indoor Air Laws: Reduced Adolescent Smoking. Tobacco Control, 14, 292-293. Available from, <http://tobaccocontrol.bmj.com/content/14/5/292.full.pdf+htm>

5 "Vaping at the Vapor Loft Vape Lounge in Orange, CA." by Lindsay-Fox is licensed under CC BY 2.0

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CANDY OR TOBACCO

Background

Other tobacco products (OTP) include non-cigarette tobacco products like cigars, little cigars and cigarillos, smokeless tobacco (chew tobacco or snus), and dissolvable tobacco. Often these products resemble candy.

Other tobacco products are regulated differently than cigarettes, but are no less harmful or addictive.^{1,2}

- Flavored cigarettes (except tobacco or menthol) are prohibited, but this prohibition does not apply to OTP. This means OTP can come in many flavors such as strawberry, grape, and chocolate.
- Currently, federal law does not require non-cigarette tobacco products (i.e. cigars or other OTP) to be sold in any minimum pack size, unlike cigarettes sold in packs of 20.

Imitation tobacco products are candy or snacks designed to look like tobacco products. Examples of imitation tobacco include Big League Chew, gum cigars, candy cigarettes, and jerky chew.

Public Health Concerns

OTP is designed to attract a new generation of customers, keep smokers smoking, and circumvent regulation and taxation.

- OTP can come in brightly colored packaging and is available in fruit, candy, and alcohol flavors, which can mask the harshness and taste of tobacco and appeal to youth.²⁻⁵
- OTP can be sold individually or in small pack sizes of 2-6, which appeals to youth^{2,5}
- Many of the newest products, like Snus, are products that are very inconspicuous and are marketed as being a strategy to skirt smoke-free or tobacco-free policies.³ One local High School Senior using Camel Snus in class shared: "It's easy, it's super-discreet and none of the teachers will ever know what I'm doing".
- Although cigarette use is going down among young people, OTP use remains high and in some cases, has increased.⁴⁻⁶
- According to the American Academy of Pediatrics, these products have been shown to promote tobacco use by children and youth.⁷



HEALTH OUTCOME	CIGARETTES	SMOKELESS TOBACCO	CIGARS CIGARILLOS LITTLE CIGARS	HOOKAH
Addiction to Nicotine	x	x	x	x
Heart Disease	x	x	x	x
High Blood Pressure	x	x	x	x
Infertility	x		x	x
Low Birth Weight	x		x	x
Lower Physical Fitness	x	x	x	x
Lung Cancer	x		x	x
Lung Disease (COPD, Emphysema)	x		x	x
Multiple Cancers	x	x	x	x
Reduced Bone/Joint Health	x		x	x
Poor Oral Health	x	x	x	
Pre-term Birth	x			
Respiratory Irritation & Infection	x		x	x
SIDS	x			
Stillbirth	x			
Stroke	x	x	x	
Infectious Diseases				x



According to the American Academy of Pediatrics, these products have been shown to promote tobacco use by children and youth.⁷ OTP use poses many serious health risks. Smoking cigars is as harmful as smoking cigarettes and can lead to many types of cancer, heart disease, and lung conditions like COPD.² Smokeless tobacco use is linked to multiple cancers, heart disease and poor oral health.⁸

— Regulatory Options for Communities —

Minimum Pack Size/Minimum Price. State and local governments can create a standard minimum pack size for cigars to ensure these products are priced comparatively to traditional cigarettes.⁵

- Restrict the sale of single non-cigarette tobacco products, such as single little cigars or cigarillos.
- Set a minimum price for tobacco products to eliminate the availability of cheap, flavored tobacco products.

Limit Flavoring. The Tobacco Control Act indicates that state and local governments can regulate the sale and distribution of tobacco products, which includes restricting or eliminating the sale of flavored non-cigarette tobacco products.⁵

Eliminate the sale of imitation tobacco products.

Sources

- 1 National Cancer Institute. Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9. Bethesda (MD): National Institutes of Health, National Cancer Institute, 1998. Accessed 2014 Jan 13.
- 2 American Legacy Foundation, Cigars, Cigarillos & Little Cigars Fact Sheet (2009), available at http://www.legacyforhealth.org/PDF/Cigars-Cigarillos-and-Little-Cigars_FactSheet.pdf
- 3 U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.
- 4 King, BA, Tynan, MA, Dube, ST, & Arrazola, R. (2013). Flavored-Little-Cigar and Flavored-Cigarette use Among U.S. Middle and High School Students. *Journal of Adolescent Health*, 54(1), 40-46.
- 5 Tobacco Control Legal Consortium. (2012). Regulating Tobacco Products Based on Pack Size. Available from: http://publichealthlawcenter.org/sites/default/files/resources/tlc-guide-regulating-packsizes-2012_0.pdf
- 6 Centers for Disease Control and Prevention. (2013). Tobacco Product Use Among Middle and High School Students — United States, 2011 and 2012. *Morbidity and Mortality Weekly Report*, 62(45), 893-897.
- 7 American Academy of Pediatrics. (2014). Tobacco Product Control. Available from: https://www2.aap.org/richmondcenter/Policy_AdvocacyResources.html
- 8 American Legacy Foundation, Smokeless Tobacco (2013), available at http://www.legacyforhealth.org/content/download/581/6920/version/3/file/LEG-FactSheet-Smokeless_Tobacco-AUGUST2013.pdf
- 9 Gum Cigar Photo – from Flickr, creative commons license for use, but we should probably list the source with our other sources. "Cigar Candy" by zombiete is licensed under CC BY 2.0
- 10 Big League Chew – from Flickr "Big League Chew..." by JeepersMedia is licensed under CC BY 2.0

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Background

Point of sale (POS) promotion includes in-store activities that encourage customers to “buy now”, such as coupons, discounts, special offers, and/or multipack offers. These promotions are important tobacco industry strategies to maintain customers by keeping prices low. POS advertising includes signs and functional items with positive brand imagery. Together, POS promotions and advertising build relationships with consumers. **The tobacco industry spends \$1 million per hour advertising and promoting tobacco products in stores – the vast majority of their advertising and promotions budget -- amounting to \$8.366 billion in 2011.**¹

Public Health Concerns

While most tobacco advertising is restricted on TV, radio, and other mediums, tobacco ads are prevalent at the point of sale. Ads often target children and adolescents. Tobacco advertising and promotions still entice far too many young people to start using tobacco.² The more young people are exposed to cigarette advertising, product displays and promotional activities, the more likely they are to smoke.^{3,4}

In addition to encouraging youth to begin tobacco use, exposure to tobacco marketing and advertising:

- Distorts youth perceptions of availability, use and popularity of tobacco use.⁴
- Increases impulse purchases and undermines quit attempts by triggering urges to smoke among former smokers and smokers who are trying to quit.⁴
- Fuels health disparities. Tobacco companies are market and discount their products more often in low-income and minority neighborhoods.⁵



— Regulatory Options for Communities —

By placing restrictions on tobacco promotions or advertising, communities can reduce the amount of tobacco advertising minors are exposed to and keep tobacco prices high by disallowing the tobacco industry's tactics to undercut tobacco taxes and minimum price laws.

While there are a number of options for communities interested in regulating tobacco advertising or promotions, several of the more common options include:

- Restricting coupon redemption, multi-pack offers and discounts as part of tobacco retailer licensing agreements.
- Restrict all advertising regardless of its content (content-neutral advertising restriction).
- Limit the size, type and/or number of tobacco ads.

Size: Limit advertisements to a certain percentage of the total window area or frontage of retailer.

Type: Prohibit electronic, scrolling, or otherwise dynamic advertising, specify types of materials, colors, or typefaces to be used, or specify a minimum quality of construction.

Number: Limit the number of advertisements each business can post.

- Limit the time, place, and/or manner (but not content) of tobacco advertising.

Time: Allow tobacco advertising in retail stores to be visible only when youth are in school or under night-time curfews.

Place: Prohibit tobacco advertising at stores near schools or within a certain distance (ex. 10 ft) of the cash register.

Manner: Prohibit outdoor signage or sandwich-board advertisements.



Sources

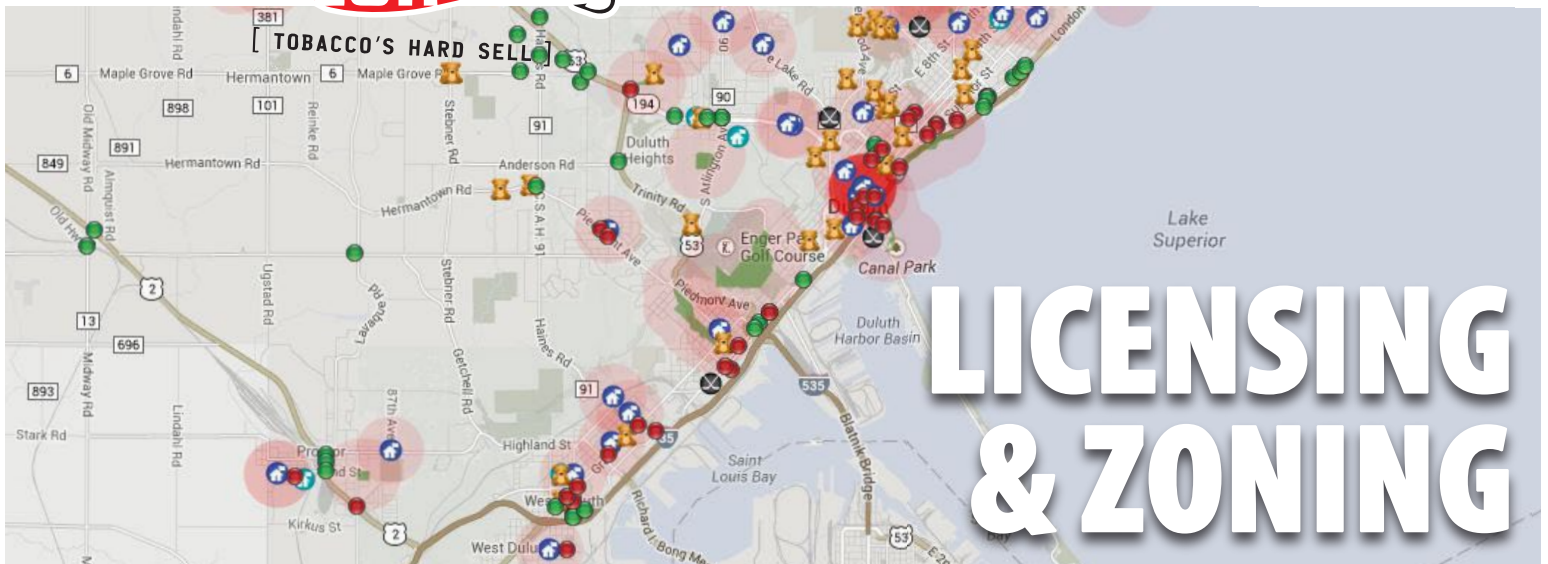
- 1 Federal Trade Commission. Cigarette Report for 2011. Washington: Federal Trade Commission, 2013.
- 2 U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.
- 3 National Cancer Institute. The Role of the Media in Promoting and Reducing Tobacco Use. Tobacco Control Monograph No. 19. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute. NIH Pub. No. 07-6242, June 2008.
- 4 Paynter, J. & Edwards, R. The impact of tobacco promotion at the point of sale: a systematic review. (2009). *Nicotine & Tobacco Research*, 11(1), 25-35.
- 5 Barbeau, E.M., Wolin, K.Y., Naumova, E.N., & Balbach E. Tobacco Advertising in Communities: Associations with Race and Class. (2005). *Preventive Medicine*, 40(1), 16-22.

For more information: Tobacco Control Legal Consortium. Restricting Tobacco Advertising. May 2011. Available from, <http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-guide-restricttobadvert-2011.pdf>

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— Background —

Minnesota cities and counties require a license to sell tobacco products. There are annual license fees to sell tobacco as well as fines and terms for revocation for license violations. The state of Minnesota requires annual compliance checks for retailers with tobacco licenses.

Local governments can update and strengthen licensing and zoning ordinances that regulate how and where tobacco is sold; these measures can be effective at protecting youth from increased risk of tobacco addiction.

— Public Health Concerns —

Lack of Compliance Checks. Despite the state requirement, many cities do not conduct tobacco retailer compliance checks and often cite inadequate funds as the reason. Annual license fees should cover the administration of the license, including compliance checks which hold tobacco retailers accountable for selling an addictive product.

Retail availability of tobacco matters to communities because it:

- Correlates with elevated tobacco use in kids and adults, and contributes to health disparities.^{1,2} Studies show that youth smoking increases with tobacco retailer density near schools and that stores near schools have more exterior tobacco advertising.³
- Increases exposure to tobacco marketing and branding, which is known to increase tobacco use and sabotage quit attempts.^{4,5}
- Perpetuates the social norm that tobacco use is common, available and accessible.
- Fuels health disparities because high retailer density is more common in low-income and minority neighborhoods.



— Regulatory Options for Communities —

Licensing and zoning regulations are strong strategies that impact how and where tobacco is sold.

- Set a license fee that adequately covers the cost administering the license, including the state required annual compliance checks.
- Include or update the fee structure and penalties for license violations, such as selling to minors.
- Reduce the density of tobacco retailers in a community.
 - Limit or restrict the sale of tobacco near youth-oriented facilities like parks, playgrounds or schools.
 - Require a minimum distance between tobacco retailers.
 - Limit the number of tobacco retailers allowed within a community.
Example: Cap licenses at one retailer per 1,000 residents. Current retailers above the cap can be grandfathered.
- Restrict the type of businesses that can sell tobacco, such as pharmacies.
- Prohibit employees under the age of 18 from handling the sale of tobacco products



The sale of tobacco products – the number one cause of preventable death and disease – is fundamentally inconsistent with the commitment to improving health. Recently, CVS announced its decision to end sales of tobacco products, joining other large corporations, like Target, in making this commitment.



Sources

- 1 Novak, SP, Reardon, SF, Raudenbush, SW, & Buka, SL. (2006). Retail Tobacco Outlet Density and Youth Cigarette Smoking: A Propensity-Modeling Approach. *American Journal of Public Health*, 96(4), 670-676.
- 2 Yu, D, Peterson, NA, Sheffer, MA, Reid, RJ, & Schnieder, JE. (2010). Tobacco Outlet Density and Demographics: Analysing the Relationships with a Spatial Regression Approach. *Public Health*, 124(7), 412-416.
- 3 Counter Tobacco. "Licensing and Zoning". Available from, <http://countertobacco.org/licensing-zoning-and-retailer-density>
- 4 Paynter, J. & Edwards, R. The impact of tobacco promotion at the point of sale: a systematic review. (2009). *Nicotine & Tobacco Research*, 11(1), 25-35. Carter, O.B., Mills, B.W. & Donovan, R.J. The effect of retail cigarette pack displays on unplanned purchases: results from immediate post-purchase interviews. (2009). *Tobacco Control*, 18(3), 218-221.
- 5 Donovan, R.J., Jancey, J. & Jones, S. Tobacco point of sale advertising increases positive brand user imagery. (2002). *Tobacco Control*, 11(3), 191-194.

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Glossary of Terms

Cigarillos: Longer and slimmer than a large cigar. Cigarillos typically do not contain a filter. Cigarillos come in brightly colored packaging and youth-friendly flavors. They are also sold individually or in small pack sizes of 2-6.

Dissolvable Tobacco: Tobacco products made of finely milled tobacco that dissolve in the mouth, so spitting is not required. Containing various amounts of nicotine per use, these new products include strips and tablets that dissolve on the tongue as well as toothpick-sized sticks that are placed between the upper gum and lip. Currently, these products are not available in Minnesota; test marketing by Camel, Skoal, and Marlboro has been unsuccessful.

Dual Use: Concurrent use of multiple tobacco products, often in combinations of traditional cigarettes, smokeless tobacco, and/or electronic cigarettes.

Electronic Cigarettes: Also known as e-cigarettes and personal vaporizers, are battery operated nicotine delivery devices that simulate smoking. Users puff on the device, which vaporizes a liquid, commonly referred to as e-juice or e-liquid, that contains tobacco-derived nicotine, flavoring, and other chemicals.

E-Cigarette Lounges: Also referred to as Vaping Lounges, these establishments provide a social space for customers to gather and use or learn to use electronic cigarettes. This practice is currently exploiting a loophole in the Minnesota Clean Indoor Air Act, which allows "sampling".

Harm Reduction: The tobacco industry's strategy of encouraging smokers to switch to another "less harmful" product, rather than address becoming tobacco-free, in order to reduce their risk of smoking-related illnesses.

Hookah: Hookahs are typically tall, narrow glass water pipes with one or more flexible hoses through which moist, sweetened, and flavored tobacco (called shisha) is smoked.

Hookah Bar: An establishment where consumers, typically young adults, gather to smoke hookah as a social activity.

Imitation Tobacco: Edible products designed to replicate tobacco products and target youth, such as Big League Chew, candy cigarettes, gum cigars, and jerky chew.

Little Cigars: Little cigars (or small cigars) are often filtered and resemble traditional cigarettes; they are sold in packs of 20, like cigarettes. However, cigarettes are rolled in white paper, while little cigars are wrapped in brown paper that contains tobacco leaf. Little cigars come in brightly colored packaging and youth-friendly flavors like chocolate, grape, and strawberry.

Glossary of Terms (Cont.)

Other Tobacco Products (OTP): Umbrella term for all tobacco products other than cigarettes. Examples include smokeless tobacco, little cigars and cigarillos, and dissolvable tobacco.

Point of Sale (POS): The retail environment in which tobacco products are sold.

Point of Sale Advertising: Advertising or product displays that contain brand imagery and build relationships with consumers at the place where they will buy tobacco. Advertising attracts the attention of the shopper and reminds them of previously seen selling messages.

Point of Sale Promotion: The variety of activities in the retail environment designed to increase the sale of tobacco products by giving consumers a “reason to buy now”, such as discounts, special offers, and multipack offers.

Powerwall: Large and usually multiple shelving displays of cigarettes found behind counters at convenience stores, gas stations, and other tobacco retailers. These displays are effective tobacco promotional vehicles. Powerwalls are highly engineered by tobacco companies to maximize visual intrusiveness, instigate impulse purchases and convey the message that cigarettes are popular and desirable..

Retailer Density: A measure of the amount of clustering of tobacco retailers in a defined geographic area, most often measured as the number of tobacco retailers per 1000 population. Neighborhoods, cities or other areas with too many retailers are considered “tobacco swamps”.

Sampling: Refers to the practice of trying a tobacco product inside the retail environment. The Minnesota Clean Indoor Air Act included an exemption to allow customers to try a cigar or loose leaf tobacco before purchasing. Hookah bars and e-cigarette lounges have exploited this exemption by marketing themselves as a place to smoke hookah or use e-cigarettes in a social setting for long periods of time.

Snus: Snus refers to small pouches of pasteurized tobacco. Snus is both smokeless and spitless, making it very discreet to use.

Vaping: The verb the e-cigarette industry uses to describe the use of an electronic cigarette. Similarly, they refer to the secondhand emissions produced by an e-cigarette as “vape”.

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