INTRODUCTION

Why Target the Store Environment for Anti-tobacco Work?

During the 1990s, California's tobacco control movement led the way to protect workers, the public and family members from exposure to secondhand smoke. An aggressive and concerted campaign carried out at the state and local levels resulted in unprecedented changes which have yet to be realized in any other state in the nation.

- By 1995, hundreds of local ordinances and a statewide smoke-free indoor workplace law made most California indoor public places and worksites smoke-free.[1]
- In 1998, the statewide smoke-free workplace provisions were extended to bars and gaming clubs, resulting in virtually all indoor workplaces becoming smoke-free.[1]
- In 1999, 93.4% of indoor workers reported working in a smoke-free workplace.[2]
- In 1999, 72.8% of California adults reported that their homes were completely smoke-free, up from 50.9% in 1990.[2]
- In 1999, 47.2% of California smokers reported that their homes were smoke-free, up from 20.1% in 1993.[2]

This data demonstrates both the remarkable success of California's war on secondhand smoke, as well as an opportunity to turn our attention to another serious problem—the store environment. What makes the store environment so important that we need to intervene with a statewide effort? See framing document, <u>Why California Needs Strong Tobacco Control Policies in the Retail Environment</u>.

The importance of the store environment to tobacco companies is vividly illustrated by the actions of British American Tobacco (BAT), the world's second largest tobacco company and maker of Kool, Kent and Lucky Strike cigarettes. BAT is creating "branded" stores such as Barclay convenience stores and Lucky Strike cinema complexes in Europe. BAT noted that in-store promotions were once used to complement a traditional advertising campaign, but today they are replacing it. BAT predicted that in five years it would spend less than 30% of its budget on traditional advertising with the balance primarily going to in-store communications.[3]

Numerous signs in the U.S. point to the store environment as being the next major battlefield with the tobacco companies. Consider these facts:

- In the decade from 1987 to 1997, spending on point-of-sale tobacco advertising jumped from $856 million in 1987 to $2.74 billion in 1997. This represents an increase from 33% of tobacco company expenditures on advertising and promotions to 48 percent.[4]

In 2000, tobacco companies spent $9.57 billion on marketing up 16.2% from 1999). FTC Report

- Nationally, the percentage of stores with tobacco promotions (e.g., two packs of cigarettes for the price of one and a gift with purchase) increased significantly following implementation of the Master Settlement Agreement (MSA).[5]
- In states with a comprehensive tobacco control program, the offer of a gift with the purchase of Marlboro cigarettes was significantly more common than in states without a comprehensive tobacco control program.[6]
- California experienced a significant increase in point-of-sale tobacco advertising between 1999 to 2000 with the average number of tobacco ads and promotions rising from 17.1 to 19 per store. The increase in tobacco ads and promotions was primarily attributable to a 33% increase in tobacco signs with the average number of signs per store increasing from 11 to 15.[7]
- In 2002, only 40.1% of tobacco retailers displayed Stop Tobacco Access to Kids Enforcement (STAKE) Act age-of-sale warning signs or federal age of sale warning signs.[8]
- Stores displaying only tobacco industry age-of-sale signs sold tobacco to minors at a higher rate than did stores that had a government age-of-sale warning sign in California.[9]
- Posting only tobacco industry signs such as “We Card” and “It’s the Law” is the equivalent to having no age-of-sale sign posted at all.[9]

Marketing

Stores are a hot commodity when it comes to promoting tobacco sales. Tobacco companies compete fiercely for prime placement of their products and for promotions designed to stimulate sales. They spend more of their marketing dollars on the retail outlet than on any other advertising venue.[10]

The retail outlet has become the tobacco companies’ major communication channel to reach present and future customers. The 1998 MSA, which left the retail venue unregulated, appears to have accelerated tobacco industry spending on marketing to $9.57 billion in 2000; this is a 42% overall increase from 1998. Of this record amount, about 80% was spent directly in retail outlets. Spending on point-of-sale (POS) marketing programs, which include POS advertising and promotional allowances, was $4.3 billion dollars or 45% of the total expenditures. Tobacco companies also spent $3.5 billion dollars on retail value-added items such as gifts with purchase and multi-pack discounts, accounting for another 37% of the total expenditures. This is in sharp contrast to what tobacco companies spent on traditional print venues; newspaper and magazine advertising accounted for only 18.8% of their 2000 marketing dollars.[10]

Tobacco industry POS advertising targets consumers at the place where they buy tobacco products. And it works. Marketing at the point-of-sale has been found to boost average tobacco sales by 12 to 28 percent.[11,12] In all likelihood, this type of marketing increases smokers' daily consumption by cueing them to light up or buy cigarettes. And while it affects current smokers' resolve to quit or consider quitting, it encourages former smokers to resume their habit by reminding them of their favorite brand every time they visit a store.[13]

There is little doubt that youth are exposed to these tobacco industry POS ads; many stores frequented by youth are saturated with these ads. Advertising in stores may be related to increased uptake and maintenance of smoking among youth.[14] While only a few studies have looked at the extent and impact of youth exposure to tobacco ads in stores, three out of four teenagers shop at a convenience store at least once a week,[15] leaving little doubt that many teens are routinely exposed to in-store tobacco marketing messages. In fact, a high percentage of 7th grade students (62%) recall seeing cigarette advertising in stores, and children who report seeing ads were shown to be 38% more likely to have experimented with smoking.[16]

The concentration of marketing resources spent by tobacco companies in retail outlets ensures unavoidable exposure to powerful pro-smoking cues by all shoppers, including children. Just as the use of other marketing venues (e.g., billboards, youth oriented magazines) has been restricted in recent years, there is a need to reduce the amount of tobacco advertising and promotions in stores.

Illegal Sales

In 2002, the rate of illegal tobacco sales rose to 19.3% from 17.1% in 2001 and 12.8% in 2000.[7] Additionally, a study conducted in California found that older youth are sold tobacco at dramatically higher rates; 17 year olds are 10 times more likely than 15 year olds to be able to purchase cigarettes.[17] Youth who flash their ID at the clerk while attempting to purchase cigarettes were four times more likely to be able to purchase cigarettes than youth who just asked for a pack.[17] In California, non-traditional tobacco retailers sell tobacco to minors at a rate much greater than do traditional retailers such as supermarkets, gas stations and convenience stores. While the overall rate of illegal tobacco sales to minors in 2002 was 19.3%, donut shops had a sales rate of 33.3%, discount/gift shops had a sales rate of 32.4% and stores classified as deli/meat/produce market had a sales rate of 30%. In more than 110,000 inspections in 36 states, the Food and Drug Administration found that tobacco sales to minors were significantly higher after 5 p.m., and significantly higher on Saturdays than on any other day of the week.[18]

A number of studies demonstrate that enforcing tobacco age-of-sale laws results in merchants' altering their practices and in reductions in illegal tobacco sales to minors.[19 20, 21] In California, the STAKE Act and its enforcement have had a beneficial effect on reducing minors' access to tobacco.[22] Even if some retailers refuse to sell to minors, however, access to tobacco products continues to exist in other parts of the community. While tobacco sales in California to 15 to 16 year olds declined by 65% (from 37% in 1994 to 12.8% in 2000),[23] they rose to 19.3% in 2002.[7]

The efficacy of enforcement programs alone to reduce youth prevalence is unclear. But new policies and enforcement practices are believed to establish a normative climate in which providing tobacco to minors and tobacco use by youth are not acceptable.[24] The more difficult it is for minors to find retailers willing to sell them tobacco products, the less likely they are to become regular users. There is some evidence that comprehensive community tobacco control programs that include enforcement do reduce youth smoking. A study conducted in 14 Minnesota communities found that those with a comprehensive tobacco control program and enforcement had youth smoking rates 25% below those in the control communities.[25]

Status of Regulating the Store Environment in California

Even though tobacco companies spend enormous amounts of money to promote their products at the point-of-sale, previous efforts to restrict tobacco product advertising focused largely on more traditional venues, such as billboards, and left the retail outlet relatively free of regulation.

The only nationwide limits on point-of-sale advertising are contained in the Master Settlement Agreement (MSA) between the State Attorneys General and the tobacco companies. Two provisions affect advertising in retail outlets:

- A limit on the size of storefront signs (either outside the store or inside the store window facing outward) to no more than 14 square feet; and
- A ban on the use of cartoons in all advertising.[26]

Currently, there are no other federal limits on tobacco marketing in stores. In 1996, however, the U.S. Food and Drug Administration (FDA) proposed regulations on tobacco products that included limits on tobacco marketing in stores. For example, the FDA regulations would have required that all point-of-sale advertising use only black-and-white text, and would have banned self-service displays.[27] Unfortunately, in 2000, the U.S. Supreme Court ruled that the FDA lacks authority to regulate tobacco products. As a result of this decision, none of the FDA regulations are in effect.[28]

In addition to national efforts to regulate tobacco advertising, local governments have sought to impose restrictions on storefront and in-store tobacco advertising in locations that minors frequent (e.g., by prohibiting tobacco ads within 1,000 feet of schools and playgrounds). By 2001, approximately 40 California cities and counties had passed local ordinances limiting tobacco advertising either outside or inside stores. [29]

But in June of 2001, a U.S. Supreme Court decision put a halt to such efforts. In *Lorillard Tobacco Co. v. Reilly*, the Supreme Court ruled that Massachusetts's regulations limiting cigarette advertising near schools and playgrounds were both preempted by federal law (the Federal Cigarette Labeling and Advertising Act) and a violation of the First Amendment's right to free speech.[30]

Because the Supreme Court's decision in *Lorillard v. Reilly* is binding on California, communities in the state are not enforcing their tobacco advertising ordinances. Additionally, the *Lorillard* decision means that local governments are not legally able to impose new limits on tobacco advertising near schools and playgrounds. The Technical Assistance Legal Center (TALC) no longer recommends its "Model California Ordinance Regulating Tobacco Advertising," and the California Department of Health Services, Tobacco Control Section (CDHS/TCS), requests that its contractors revise their objectives related to mandatory limits on tobacco advertising in their scopes of work. Local governments are not advised to enact local limits on tobacco advertising either outside or inside stores.

The Future of Regulating

What does this mean for the future of regulating tobacco marketing in store environments? While direct regulation of tobacco advertising is not legally feasible, a number of policy options remain open to local governments.

- Require a license to sell tobacco products (see Licensure/Permits)
- Ban the self-service display of tobacco products (see Self-Service Display Ban)
- Strengthen local limits on storefront signage; such local laws are not specific to tobacco advertising but are general restrictions on the amount of advertising allowed on storefronts for products of any kind, such as tobacco, alcohol, candy, etc. (see Stronger Local Signage Law)
- Limit the location of tobacco retail outlets through zoning laws or conditional use permits (see Land Use Restrictions and Conditional Use Permits)

- Enforce existing laws or regulations, such as the MSA, California tobacco control laws, and local ordinances on topics such as retailer licensing, self-service displays, storefront signage, bidis, minimum pack size, sales to minors, etc. (see Identify Existing Laws)

Tobacco control advocates may also choose to focus on changing federal law so that communities are given the authority to regulate tobacco advertising on the local level. Currently, the Federal Cigarette Labeling and Advertising Act (FCLAA) prohibits local regulation of tobacco advertising or promotions "based on smoking and health."[31] The Supreme Court in *Lorillard v. Reilly* found that the regulations proposed by the State of Massachusetts—to limit tobacco ads within 1,000 feet of schools and playgrounds—were "based on smoking and health." The Court concluded that, even though tobacco products are illegal for minors to purchase, and advertising might encourage minors to use an illegal product, ultimately, the concern of the State of Massachusetts was for the health of the youth who might ultimately take up smoking.[32]

The current version of the FCLAA was passed by the U.S. Congress in 1969. It is unlikely that at that time Congress could have foreseen the exponential growth of tobacco advertising over the next 30 years. Nor could Congress have predicted that local governments would seek to limit where tobacco ads are placed in their community.

Because Congress passed the FCLAA, only Congress has the authority to change it. If sufficient support for a change in the law is generated, Congress could amend the FCLAA to explicitly give local governments the authority to regulate tobacco advertising. A number of bills are pending in Congress that would either remove the preemption of the FCLAA or grant the federal Food and Drug Administration (FDA) the authority to regulate tobacco.

Until federal law changes, it is important for local advocates to monitor tobacco marketing in their communities. Their documentation can then be used to educate policymakers about the extent and type of tobacco marketing.

Social/Political Environment for Regulation

The store environment reflects a complex web of relationships among the tobacco companies and the retailer, the retailer and the consumer, and the consumer and the product. The store environment exerts a unique influence to promote tobacco use as a desirable social norm because it is a setting in which tobacco is not only advertised, it is sold.

In a retail store, tobacco companies have a direct, personal and financially lucrative relationship with the retailer, which enables the tobacco companies to strategically promote particular brands and families of tobacco products. It is an environment in which the retailer has a personal relationship with the consumer and where tobacco users are perceived as highly desirable customers because they are frequent visitors and they make additional purchases once they are in the store.

"Push" Promotions

It is an environment in which "push" types of promotions such as, "buy two packs of cigarettes and get one free," exert more influence on the tobacco user's purchasing decision than traditional "pull" types of advertising found in magazines. Overall, traditional "pull" advertising (radio, television, print and billboard) is viewed as decreasing in its effectiveness due to the increasing proliferation of media outlets in which advertising must be placed (e.g., the expanding number of network and cable television stations). Tobacco companies face further challenges due to restrictions on the placement of electronic, billboard and magazine advertising.

The store is an environment in which the lines are blurring about what constitutes advertising. Increasingly in California, cartons of cigarettes are displayed in Plexiglas shelving in a manner that has more to do with gaining the greatest visibility for the package than with economy of space. Displaying the full front of cartons maximizes brand name exposure. The purpose is to use the product as a form of advertising. It should come as no surprise that tobacco companies have conducted extensive studies on the importance of the package design and color.[34]

The complex web of relationships (tobacco companies, retailers, consumers) has a number of important consequences. One is that the overall price of tobacco is lowered, making tobacco more affordable and more accessible to the consumer. Tobacco company incentive programs such as the "buy two and get one free" and "cents-off" promotions also appear to act as loss leaders for the retailer (i.e., the retailer initially has to "up-front" the tobacco company discount). The promotions, however, are desirable because they push the consumer into making other purchases once in the store (sodas, snack foods) that have a higher profit margin for the retailer.[35]

In addition, as retailers become more and more economically dependent upon slotting fees and promotional allowances, they may become more politically aligned with the tobacco companies. In policy debates across California, the debate over the public's health versus protecting financial interests will not focus on a faceless corporate lawyer from New York, but rather a storeowner who lives and works in the community.

California Interventions

While it can be argued that the packaging of consumer products is an increasingly important component of marketing any consumer product that competes for shelf space and consumers' attention, in the case of tobacco, there are definite implications when it comes to designing interventions to reduce exposure to tobacco advertising. The product, the advertisements, the functional items and in-store promotions entwine to create an intricate equation whose impact is greater as a whole than the individual components. Approaches that restrict, contain or control one piece of the equation in isolation to the other parts, are unlikely to have a profound overarching impact. An intervention that focuses solely on decreasing the number of in-store tobacco ads or restricting their placement near candy, may be comparable—and as effective—to early secondhand smoke policies that set aside 50% of restaurant dining rooms as smoke-free.

Paradoxically, at the same time the store environment exemplifies a tough and challenging milieu for tobacco control intervention, it represents an area in which California has already made important inroads. The rate of illegal tobacco sales to minors decreased from 52.1% in 1994 to 16.9% in 1999.[7] The decline in tobacco sales to minors in California is attributed to implementation of the STAKE Act and its enforcement. Concurrent with the decline in tobacco sales to minors, the percent of adolescents who thought it was easy to get a pack of cigarettes decreased significantly from 51.5% in 1996 to 26.7% in 1999.[2]

Gains were also made related to in-store tobacco advertising during the mid-1990's. In 1995, the California Tobacco Control Program launched a statewide campaign known as Operation Storefront, which tackled the issue of in-store tobacco advertising. By 1997 there had been a 13% reduction in stores with tobacco ads near candy. The number of stores with tobacco ads located less than four feet off the floor (at children's eye-level) was reduced by 11 percent.[36]

There were also many successes in terms of the number of state laws and local ordinances that addressed the retail environment. Since the implementation of the STAKE Act in 1995, the following state legislation has been enacted:

- Restrictions on the placement of vending machines
- Banning of "kiddie" packs of cigarettes
- Restrictions on the self-service display of cigarettes (SSD)
- Restrictions on tobacco sampling and couponing
- Restrictions on the sale of bidi cigarettes to adult-only outlets

At the local level, the following were enacted:

- 111 policies restricting SSDs

- 23 policies requiring local tobacco retail license/permit requirements
- 43 policies requiring restrictions on the placement of tobacco advertising
- 7 policies restricting tobacco advertising on public transit[37]

Despite the fact that ordinances restricting placement of in-store tobacco advertising were nullified by the Supreme Court decision in June 2001, taken collectively, these pieces of legislation demonstrate a concern for how tobacco is sold and marketed at retail stores in California.

Public Opinion

Additional evidence of concern for the sale and marketing of tobacco products in California is reflected by the attitudes and beliefs held by the public and key opinion leaders. Seventy-three percent of California adults think that retailers should be licensed to sell tobacco. This belief is strongly felt by non-smokers (78.5%) and smokers (63.1%) alike.[2] There is also strong support among Californians to ban tobacco advertising; 63.2% believe that advertising tobacco products should be banned.[2] Among key opinion leaders, 82% agree that current restrictions on tobacco advertising need to be strengthened, 70% support a complete ban on tobacco product SSDs and 69% agree that businesses that sell tobacco should be licensed.[38]

Why a Whole Campaign?

It is not enough to “not encourage” youth to use tobacco products; it is our responsibility to create an atmosphere in which youth are discouraged from trying tobacco products altogether. One of the most effective ways to do this is at the point-of-sale or in the store environment itself. A comprehensive statewide campaign is needed because:

- The store environment is full of complex relationships among the tobacco companies, retailer and consumer.
- The problem of retail tobacco sales and marketing does not lend itself to a simple solution.
- The limited authority local and state governments have to regulate tobacco company marketing practices.
- Pressure must be exerted on the problem at multiple points.

Complex Relationships in the Retail Environment

While it may not be apparent to the average consumer, it is increasingly evident to tobacco control advocates that the marketing of to-

There is no simple solution due to the complex web of relationships between the tobacco companies and the retailer, the retailer and the consumer, and the consumer and the product.

bacco in stores is closely linked with the sale of tobacco products in the mind of both the tobacco companies and the retailer. Tobacco companies enter into contracts or "deals" with tobacco retailers. These contracts link tobacco sales to financial incentives. For example, retailers are paid for prominent placement of the product and signage; offered buy-downs (the retailers are retroactively reimbursed approximately 30 to 50 cents per carton of cigarettes sold); and provided special promotions such as multi-pack discounts (two packs for the price of one).

Financial arrangements between the tobacco companies and retailers are common. Approximately two-thirds of retailers reported receiving slotting or display fees for tobacco products in one California community. The average store received approximately $3,157 annually from retailer incentive programs with 78% ($2,462) of these funds coming from tobacco companies.[39] Additionally, retailer focus groups, conducted with independent and corporate retailers from urban and rural communities throughout California, demonstrated a high level of knowledge and participation in tobacco company retail incentive programs. Tobacco sales play an important role in the bottom line of most independently owned and franchise stores because they represent 20% to 60% of their total sales.[35]

Stores saturated with tobacco advertising may create a permissive environment, a message to clerks that selling to minors is acceptable. Saturated stores may also serve as a beacon to underage smokers that they are "safe" places for them to purchase tobacco. The following studies are suggestive of the link between in-store advertising and promotions and youth smoking.

- Students shown photographs of stores with and without tobacco advertising perceived easier access to tobacco products in stores that had tobacco advertising.[40]
- Youth were more likely to attempt to purchase tobacco from stores that had exterior tobacco ads with youthful appearing models than those without similar ads.[41]
- A study that used statistical modeling to predict daily smoking initiation rates found that expected versus actual rates of smoking among ninth graders were correlated with changes in tobacco industry promotional marketing expenditures. Those years with high tobacco industry promotional expenditures (1983–1992) were strongly correlated with daily smoking initiation in comparison to the period 1978 to 1982 when promotional expenditures were lower. The study's author concluded that large promotional expenditures of cigarette companies in the 1980s and 1990s appear to be linked to increased levels of daily smoking initiation among ninth graders.[42]
- Teens who reported seeing tobacco ads in stores were 38% more likely to experiment with smoking.[15]

No Simple Solutions

In contrast to the problem of secondhand smoke in enclosed places, the retail environment does not lend itself to a single intervention such as “prohibit all smoking indoors.” Multiple points of intervention are possible within the retail environment. These include addressing: 1) the relationship between the tobacco industry and the retailer, such as regulating financial incentive programs; 2) the relationship between the retailer and the consumer, such as addressing who can sell the product, where it can be sold or how it is sold; and 3) the relationship between the consumer with the product, by regulating the product packaging or price of tobacco.

Limited Government Authority

In addition to the multiple points for intervention, the issue of tobacco sales and marketing is more complex than secondhand smoke because there are federal statutes and court rulings that limit the legal authority of states and local governments to regulate tobacco advertising and promotional practices. These include the First Amendment, federal preemption in the Federal Cigarette Labeling and Advertising Act and the June 2001 Supreme Court decision, *Lorillard v. Reilly*.[32]

An additional complication is that past policy and regulatory efforts to address tobacco advertising have had unintended consequences. For instance:

- The MSA appears to have stimulated a shift of tobacco company advertising and promotion dollars from billboards to the retail environment.
- As advertising restrictions increase, the tobacco package becomes an even more important way to communicate brand imagery. A point-of-sale tobacco-advertising ban in Australia resulted in the product itself becoming the advertisement; it was used to create pyramids, mechanical windmills and cover entire walls.
- SSD bans in California appear to have fostered the proliferation of Plexiglas displays of full-front cartons of cigarettes.
- Electronic age verification systems that capture information stored in the magnetic stripe or bar code of drivers’ licenses allow the retailer to verify the age of the customer and to develop in-depth records of their customers including a mailing list, age-related demographics, customer buying habits and to consolidate data from multiple stores. All of which can be used to improve marketing and outreach of tobacco products.[43]

Summary

The STORE Campaign seeks to take a comprehensive approach to the retail environment by addressing both tobacco sales and marketing practices in a unified campaign. However, in recognition that no one community in California has the resources, capacity or readiness to simultaneously initiate multiple policy efforts and increase enforcement of existing laws, a comprehensive effort will be achieved as the result of collective action of individual communities throughout the State. Through the efforts of these communities, pressure will be brought to bear upon the problem of tobacco sales and marketing practices in a unified and comprehensive campaign.

Back to INTRODUCTION

References

1. California Department of Health Services, Tobacco Control Section. A Model for Change: the California Experience in Tobacco Control. Sacramento, California, October 1998.

2. Gilpin EA, Emery SL, Farkas AJ, Distefan JM, White MM, Pierce JP. The California Tobacco Control Program: A Decade of Progress, Results from the California Tobacco Surveys, 1990-1998. La Jolla, CA: University of California, San Diego, 2001.

3. Ellison S. As Curbs Rise on Tobacco Ads, Firms Look to Corner Shops. The Wall Street Journal Interactive. April 19, 2000.

4. Federal Trade Commission. Report to Congress for 1997, Pursuant to the Federal cigarette Labeling and Advertising Act. Washington, D.C: Federal Trade Commission, 1999.

5. Wakefield MA, Terry YM, Chaloupka FJ, Barker DC, Slater SJ, Clark PI, Giovino, GA. Changes at the Point-of-Sale for Tobacco Control Following the 1999 Tobacco Control Billboard Ban. Research Paper Series, No. 4. impacTeen, University of Illinois at Chicago. 2000.

6. Slater S, Chaloupka FJ, Wakefield M. State variation in retail promotions and advertising for Marlboro cigarettes. Tobacco Control, 10: 337-339. December 2001.

7. The Gallup Organization, Stanford University and University of California. Final Project Report: Independent Evaluation of the California Tobacco Control Prevention & Education Program. Waves 1,2, and 3. Sacramento, California. September 2001.

8. California Department of Health Services, Tobacco Control Section. 2002 Youth Purchase Survey Results. Sacramento, California. 2002.

9. Cowling DW, Robins DM. Rate of Illegal Tobacco Sales to Minors varies by Sign Type in California. American Journal of Public Health, 90(11): 1792,2000.

10. Federal Trade Commission, Report to Congress for 2000 Pursuant to the Federal Cigarette Labeling and Advertising Act. 2002, Washington, DC: US Federal Trade Commission.

11. The 1999 Annual Report of the Promotion Industry, a PROMO Magazine Special Report. 1999, Intertec Publishing: Overland Park, Kansas.

12. POPAI, The Point of Purchase Advertising Industry Fact Book. 1992, Point of Purchase Advertising Institute: Englewood, NJ.

13. Warner, K.E., Selling smoke: Cigarette advertising and public health. 1986, Washington, DC: American Public Health Association.

14. U.S. Dept. of Health and Human Services, Preventing tobacco use among young people: A report of the Surgeon General. 1994, National Center for Chronic Disease prevention and Health Promotion, Office on Smoking and Health: Atlanta, GA.

15. POPAI, The Point of Purchase Advertising Industry Fact Book. 1992, Point of Purchase Advertising Institute: Englewood, NJ.

16. Schooler, C., E. Feighery, and J.A. Flora, Seventh graders' self-reported exposure to cigarette marketing and its relationship to their smoking behavior. American Journal of Public Health, 1996;86:1216-21.

17. Landrine H, Lang D, Alcaraz R. Use of Identification Cards by Underage Youth to Purchase Tobacco. JAMA, 2001;285:2329..

18. Clark PI, Natanblut SL, Schmitt CL, Wolters C, Lachan R. Factors associated with tobacco sales to minors: Lessons learned from the FDA compliance checks. JAMA, 2000;284: 729-34.

19. Forster JL, Wolfson M. Youth Access to tobacco: Policies and Politics. Annual Review of Public Health. 1998;19:203-235.

20. Stead LF and Lancaster T. A systematic review of interventions for preventing tobacco sales to minors. Tobacco Control. 2000, 9:169-176.

21. Jason L, Billows W, Schnopp WD and King D. Reducing the illegal sales of cigarettes to minors: analysis of alternative enforcement schedules. Journal of Applied Behavior Analysis. 1996;29:333-344.

22. Landrine H, Klonoff EA, Reina-Patton A. Minors' Access to Tobacco Before and After the California STAKE Act. Tobacco Control, Suppl2:1115-1117, 2000.

23. California Department of Health Services, Tobacco Control Section. 2000 Youth Purchase Survey Results. Sacramento, California. 2001. California Department of Health Services

24. Forster JL, Wolfson M, Murray DM, Wagenaar AC, Claxton AJ. Perceived and Measured Availability of tobacco to youth in fourteen Minnesota communities: the TPOP study. American Journal of Preventive Medicine 1997;3:167-174

25. Forster JL, Murray DM, Wolfson M, Blaine TM, Wagenaar AC, Hennrikus DJ. The effects of community policies to reduce youth access to tobacco. American Journal of Public Health. 1998;88:1193-1198.

26. Master Settlement Agreement. 1998, National Association of Attorneys General. http://www.naag.org/issues/tobacco/index.php?smod=919, sections II(ii)(3), III(b).

27. 21 C.F.R. Part 897, Fed. Register, August 28, 1996.

28. *FDA v. Brown & Williamson*, 120 S.Ct. 1291 (2000).

29. American Nonsmokers' Rights Foundation, *Ordinances Restricting Tobacco Advertising,* December 10, 2001, http://www.nosmoke.org

30. *Lorillard Tobacco Co. v. Reilly*, 121 S. Ct. 2404 (2001).

31. 15 U.S.C. § 1334(b).

32. *Lorillard Tobacco Co. v. Reilly*, 121 S. Ct. 2404 (2001).

33. *See, e.g.*, S. 247, 107th Cong. (2001); H.R. 1043, 107th Cong. (2001); H.R. 1097, 107th Cong. (2001).

34. Cummings KM, Morley C, Hyland. Failed Promises of the Cigarette Industry and its Effect on Consumer Misperceptions about the Health Risks of Smoking. Department of Cancer Prevention, Epidemiology and Biostatistics, Roswell Park Cancer Institute. Unpublished Manuscript October 2001.

35. Feighery EC, Ribisl KM, Achabal DD and Tyebjee T. Retail Trade Incentives: How Tobacco Industry Practices Compare with those of Other Industries. American Journal of Public Health. 89(10):1564-1566.

36. Operation Storefront data (unpublished), 1997, conducted by the California Department of Health Services, Tobacco Control Section.

37. California Legacy Database

38. Harder + Company Community Research. American Lung Association of California Key Opinion Leader Survey Year One Report. June 2000.

39. Cooper Roberts Research. California STORE Campaign Formative Research Qualitative

40. Henricksen L. Reliability of children's self-report cigarette smoking. Addictive Behaviors 1999;24:272-77.

41. Voorhees CC, Yanek LR, Stillman FA, Becker DM. Reducing cigarette sales to minors in an urban setting: issues and opportunities for merchant intervention. American Journal of Preventive Medicine. 1998; 4:138-142.

42. Redmond WH. Effects of Sales Promotion on Smoking among U.S. Ninth Graders. Preventive Medicine, 1999;28:243-250.

43. Wiederer, D., Answering age-old questions: age-verification systems help retailers stay on the right side of the law. Tobacco Retailer. June 2002.