Merchant Education & Operation Storefont

Adult Leader Guide
## Table of Contents

### Merchant Education
- What is Merchant Ed?
- Background – Where do youth get their cigarettes?
- Merchant Education Check-List
- Merchant Education Process
- Tobacco Sales to Minors: Laws and Regulations
- Red Flag Campaign Flyer
- Preparation: Role Play Activity
- Merchant Pledge
- Follow-Up Activities
- Sample Letters

### Operation Storefront
- What is Operation Storefront?
- How to use the Operation Storefront Intake Tool
- Operation Storefront Intake Tool
- Emerging Products
- Tips
- FDA Guidelines
Merchant Education
Merchant Education:

A strategy to increase awareness and knowledge of store employees, store managers and store owners about laws and the importance of preventing tobacco product sales to anyone under the age of 18.

Goal/Purpose of Merchant Education:

To eliminate tobacco sales to minors

To achieve your goal, you will:

- Inform store owners/clerks on why they should NOT sell tobacco to youth and the consequences in doing so.
- Educate store employees on the laws regarding tobacco sales to minors.
- Change retailer attitudes concerning selling tobacco to minors.

Merchant Education is a tobacco retailer education program that works in conjunction with the North Carolina Alcohol Law Enforcement’s Red Flag Campaign to educate merchants that sell tobacco about the laws surrounding selling tobacco to minors.

Red Flag Campaign: “The Red Flag campaign is designed to educate the retail community on North Carolina’s color coded driver's license format (red on the license means the holder is underage) in order to promote compliance with prohibitions on selling tobacco to minors.”

Merchant Education consists of youth in your community going into a gas station, grocery store, pharmacy, any tobacco retail outlet and talking to the merchant or cashiers about the laws surrounding selling tobacco to minors, new FDA regulations, and North Carolina’s color coded licenses (Red Flag Campaign).
WHERE DO YOUTH SMOKERS GET THEIR CIGARETTES?

More than half of all youth smokers usually buy the cigarettes they smoke, either directly from retailers or vending machines, from other kids, or by giving money to others to buy for them. Roughly a third typically get their cigarettes from others (usually other kids) for free, and a small but significant percentage of kids obtain their cigarettes by shoplifting or other stealing. But where and how youth smokers get their cigarettes can vary considerably from state to state or city to city depending on such factors as whether the jurisdiction strictly enforces the laws prohibiting tobacco sales to minors, requires retailers to keep cigarettes behind the counter, or has banned cigarette vending machines or restricted them to adult-only locations.

Nationwide, older youth smokers are more likely to buy their cigarettes directly than younger smokers, who are more likely to get their cigarettes from others or by stealing. Some of this difference is explained by older kids typically finding it easier to buy cigarettes than younger kids. But another powerful factor is that older youth smokers are more likely to be daily or regular users and regular or heavy smokers in all youth age groups are much more likely to purchase their own cigarettes than kids who smoke less frequently or are only "experimenting." Not surprisingly, the older or more regular youth smokers who buy their own cigarettes are also major suppliers of kids who do not purchase their own cigarettes but get them from others.

Because of these purchasing and consumption patterns, the roughly half of all youth smokers who regularly buy their own cigarettes personally consume considerably more than half of all youth-smoked cigarettes. They also supply a substantial portion of the cigarettes smoked by those youth smokers who typically buy or borrow their cigarettes from others. As a result, it is likely that roughly three quarters or more of all cigarettes consumed by kids are purchased by kids – which is why strictly enforcing laws forbidding retailer sales to kids and raising cigarette prices through tax increases can quickly and significantly reduce youth smoking.

Research On How Kids Obtain Cigarettes

The 2006 Monitoring the Future survey found that 58 percent of 8th graders and 80 percent of 10th graders said cigarettes were easy for them to get.1

The 2003 National Survey on Drug Use and Health (NSDUH) found that among 12 to 17 year olds who had smoked in the last month, more than three out of five (77%) had purchased their own cigarettes. More than half (53.3%) had directly purchased their own cigarettes, six out of ten (63.3%) had given money to others to buy cigarettes for them, three out of ten (30.5%) had purchased cigarettes from a friend, family member, or someone at school, and a small portion purchased cigarettes over the Internet or through the mail (2.6% and 2.9%, respectively). In addition, six out of ten (62%) had “bummed” cigarettes from others and more than one of ten (13.1%) had taken cigarettes from others without asking, with just under one percent (0.8%) had stolen cigarettes from a store. Older underage smokers were more likely to buy directly in stores than younger smokers. While there have been more recent NSDUH surveys, no questions on youth access have been asked since 2003.2

The 2009 national Youth Risk Behavior Surveillance (YRBS) survey of 9th to 12th graders by the U.S. Centers for Disease Control and Prevention (CDC) found that 14.1 percent directly purchased their cigarettes from stores or gas stations, with nearly a quarter of all 12th graders making such direct purchases.3 While the 2009 YRBS did not provide any additional detail, an earlier YRBS showed that 54.5 percent of those who had smoked in the past 30 days usually purchased their cigarettes directly from a store (23.5%), from vending machines (1.1%), or by giving money to others to make their purchases (29.9%). 30.4 percent usually borrowed their cigarettes from others and 4.4 percent usually stole their cigarettes. In addition, older kids and kids of any age who were daily smokers were much more likely to buy their cigarettes directly from stores than younger or infrequent smokers. No data was provided on the percentage buying their cigarettes from other kids.4

The 2000 national Youth Tobacco Survey (YTS) found that among high school smokers, 32.2 percent usually obtained their cigarettes by purchasing them from a store and 25.1 percent usually gave someone else money to buy cigarettes for them – with 20.9 percent borrowing the cigarettes from others and 2.9
percent taking them from a store or family members. The 2000 YTS also found that 57.1 percent of high school smokers who have purchased cigarettes purchased their last pack of cigarettes by purchasing it from a gas station, 26.3 percent from a convenience store, and 7.7 percent from a grocery store. No data was provided on the percentage buying their cigarettes from other kids. No additional YTS data on the specific sources of cigarettes for youth as been released since the 2000 YTS. But the 2004 YTS showed that 70.6 percent of middle school smokers said that they were not asked to show proof of age when trying to buy cigarettes from a store. 66.4 percent said they were not refused purchase of cigarettes due to their age.

A 2006 study conducted in the Memphis city school system found that even among 11 and 12 year-old seventh-graders, 11 percent were able to purchase their cigarettes from stores. In addition, 30 percent got their cigarettes from friends, six percent from vending machines, and 17 percent stole them.

Making it More Costly or Difficult For Kids to Buy Cigarettes Reduces Youth Smoking

Numerous research studies have found that making obtaining cigarettes as inconvenient, difficult, and expensive as possible for kids not only reduces the number of kids who try or regularly smoke cigarettes, but also reduces the number of cigarettes consumed by kids who continue to smoke. Because youth purchases are the major source of cigarettes smoked by kids, increasing cigarette prices and minimizing the number of retailers willing to illegally sell cigarettes to kids have each been shown to reduce youth smoking. While these measures directly affect youths who buy their own cigarettes, they also reduce the number of kids who buy cigarettes and supply them to other kids for free. Price hikes may also make it less likely that parents and other adults will give cigarettes to kids, be as careless about leaving their cigarettes where children can easily take them, or not notice when some of their cigarettes are missing.

In contrast to retail-enforcement efforts, voluntary tobacco industry programs to reduce illegal retailer sales to kids have not been found to reduce youth sales effectively. Similarly, while total bans of vending machine cigarette sales will eliminate that source, kids still readily obtain cigarettes from vending machines in those jurisdictions that restrict vending machine sales to adult-only locations or otherwise regulate vending machine sales without eliminating them.

Campaign for Tobacco-Free Kids, June 16, 2010, Jessica Kuehne

Related Fact Sheets From the Campaign for Tobacco-Free Kids (http://www.tobaccofreekids.org)

- Raising Cigarette Taxes Reduces Smoking, Especially Among Kids (& the Cigarette Companies Know It)
- Enforcing Laws Prohibiting Tobacco Sales to Minors Reduces Youth Smoking Rates
- Penalizing Kids for Buying, Possessing, or Smoking Cigarettes
- A Long History of Empty Promises: The Cigarette Companies' Youth Anti-Smoking Programs

8 See the related Campaign factsheets listed above, and the many cited references therein.
Merchant Education Check List

Date

☐ Send a letter, call, or visit the business

☐ Ask local Sheriff or District Attorney to write a letter to the storeowner in conjunction with your own.

☐ Provide information to store owner about problems related to teen smoking.

☐ Present guidelines of sales to minors to store owners. Share a copy of laws on tobacco sales to minors.

☐ Offer steps to stop tobacco sales to minors to store owners.

☐ Present “No sales to minors” pledge form, or sample, to store owner.

☐ Provide signs and decals to the storeowners regarding the age of purchaser.

☐ Return to store to see if suggestions are implemented.
1. Identify Who We Are and Why We Are Here:
Hello, we are the TRU Merchant Educators. Could we take just a few minutes to let you know about the “Under 18 – No Sale To Minors” law to those under 18 years of age?

2. What To Say After Giving The Red Flag Folder*:
Hand “Check That Photo I.D.” folder to the cashier. Say to the cashier “We are conducting merchant education for the store clerks and store owners about the “Under 18 No - Sale To Minors” law. Are you aware of the three laws surrounding selling tobacco to minors? Review the three laws (below).

Briefly review the contents in folder. Be sure to go over the Red Flag campaign (the color-coded license) and the sign that, by law, must be displayed. Leave the folder(s) for the merchant manager/owner as resources.

Optional: You can order the FDA’s Break The Chain materials for that can be given to the merchant as well to educate them on the new FDA regulations. To order go to: [http://www.fda.gov/TobaccoProducts/ResourcesforYou/BreakTheChain/default.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/BreakTheChain/default.htm) then click on Retailer Education Materials.

3. Ask The Merchant To Sign The Pledge:
At this time we will ask the cashier “Would you please sign our pledge that says you will not sell tobacco products to minors.” If they agree, take a picture with the youth and the cashier who signed the pledge. You can also ask if they would like to keep the pledge to display in their store. You can also leave extra pledges for the manager and other cashiers to fill-out if they choose to. Be sure to thank them for their time.

4. Follow-Up
Be sure to follow-up this activity. There is a list of follow-up ideas listed later in this section

* Red Flag folders and materials are provided complimentary by NC Alcohol Law Enforcement. Please contact Carol Morris or Margaret Brake for materials
Carol Morris (ALE)  Margaret Brake (DHHS)
919-733-4060  919-715-5989
cmorris@ncale.org  Margaret.Brake@dhhs.nc.gov
Tobacco Sales to Minors: Laws and Regulations

Law
It is illegal to sell or give tobacco product to anyone under the age of 18.

Consequence
Class 2 misdemeanor, which is a criminal offense punishable by up to 30 days of community service and up to a $1000 fine.

Law
Retail merchants must check photo identification of customers trying to buy tobacco products if the customer appears to be under the age of 18.

Consequence
Class 2 misdemeanor, which is a criminal offense punishable by up to 30 days of community service and up to a $1000 fine.

Law
Retail merchants shall display a sign, near the point of sale, which states the following: NC LAW STRICTLY PROHIBITS THE PURCHASE OF TOBACCO PRODUCTS BY PERSONS UNDER THE AGE OF 18. PROOF OF AGE REQUIRED.

Consequence
Failure to post sign results in a fine of $25 for the first offense and $75 for each succeeding offense.

★ Retail distributors are required to train their sales employees in the requirements of this law.

★ Local police and sheriffs’ departments have the authority to enlist persons under age 18 to conduct compliance checks.
INTRODUCING THE NEW VERTICAL DRIVER’S LICENSE FORMAT:
An even easier way to prevent underage tobacco and alcohol sales.

THREE THINGS YOU SHOULD KNOW ABOUT THE NEW VERTICAL DRIVER’S LICENSE FORMAT
for Limited Provisional Licenses, Driver's Licenses and ID Cards

1. The new vertical (up and down) format licenses have been issued since October 1, 2008 for those under 21 years of age.
2. The date(s) when the customer will turn 18 and/or 21 years old is clearly listed next to his/her photo.
3. The new vertical format cards follow the same RED-YELLOW-GREEN color coding as the horizontal (side to side) format.

ARE YOU FAMILIAR WITH THE NC DRIVER’S LICENSE COLOR CODES?

STOP
RED BORDER means the customer is 15-17 years of age. DO NOT sell tobacco or alcohol.

CAUTION
YELLOW BORDER means the customer is 18-20 years of age. You may sell tobacco, but NOT alcohol.

O.K.
GREEN BORDER means the customer is 21 years of age or older. You may sell tobacco and alcohol.

BOTH vertical and horizontal formats with red border are acceptable forms of ID.
BOTH vertical and horizontal formats with yellow border are acceptable forms of ID.
Only the horizontal format license is issued for those 21 years of age and older.

Do your part to prevent underage tobacco and alcohol sales. Check ID before you sell.
For more information, contact the NC Division of Alcohol Law Enforcement at 919-733-4060 or www.ncale.org

20,000 copies of this public document were printed at a cost of $1,290.00 or $.0645 per copy by funding with support from SAMHSA/CSAP Prevention Block Grant.

REMEMBER, IF YOU SEE RED, THE TOBACCO SALE IS DEAD.
If you see red the tobacco sale is dead.

I do hereby pledge to do my part to reduce tobacco use to minors in _________________ County.

I will:
- Not sell tobacco products to anyone under the age of 18.
- Check the photo ID for anyone under the age of 27 attempting to purchase tobacco products.

Name: __________________________________
Date: _________________________________
Store Name & Address: ________________________________
____________________________________________
____________________________________________
Merchant Education Role Play Scenarios

It is important to have your youth role play different scenarios they may encounter so that they will be prepared to handle them appropriately if and when the time comes. Below are some scenarios that you may use with your youth or you can create your own. Have youth brainstorm how they would handle the different scenarios or personality types then have them act the scenario out.

1. Merchant Is Presented The Sign But Says They Will Not Use It
2. Smoky Cashier
3. Teenage Cashier
4. Kids But No Camera’s (If you are able to get a news outlet to cover your event)
5. Mary Poppins (very nice cashier)
6. We Have The Sign - There Is The Door (wants you to leave)
7. Apathetic (They don’t really care one way or another)
8. Need their supervisor’s permission before they sign anything
9. Too busy to talk
10. Know It All Cashier

*Remind the youth that it is important to always stay professional and polite even when faced with.*
Red Flag Follow-Up

*Always keep a database of all the stores visited.

- Database should include name, address, phone #, manager and the best calling time for each store.

- The database should have a way to record all contact you have with a store

*Follow-up with managers for three main things:

- Sending them Red Flag materials

- Checking to see if materials are posted/used

- Getting their employees trained by ALE on Red Flag

- Thank them for their efforts in keeping tobacco away from minors

*Contact your ALE office to see how stores you visited are doing.

- Ask for names of stores with compliance problems so that you can visit them too!

*Contact the media about doing stories on your Red Flag activities.

- Also, call them to highlight stores that obey or break the NC laws on not selling tobacco to minors. Of course, keep up with news coverage and send copies to the local ALE and Red Flag contacts.

- If the media does not come out to you, send them a News Release with a picture that they can run in the locals papers.

Red Flag Contacts:

Carol Morris (ALE)  
919- 733-4060  
cmorris@ncale.org

Margaret Brake (MH/DD/SAS)  
919-715-5989  
Margaret.Brake@dhhs.nc.gov
TRU YOUTH LEADERS CONDUCT OPERATION STOREFRONT & MERCHANT EDUCATION

TOWN, North Carolina – The TRU (tobacco.reality.unfiltered) youth from (town), spent the morning of Saturday, (date) in (insert name of county or city) educating merchants of all kinds and performing Operation Storefront in the store. Merchant Education is a TRU training where the TRU Youth educate any merchant who sells tobacco about the three laws of tobacco sale and their consequences if not adhered to. TRU Youth (names of youth) completed the Merchant Education project as part of the training, receiving (# pledges that were signed) out of (# of places visited) Merchants’ signature on the Merchant Pledge. This is a pledge stating that the Merchant will obey the three tobacco laws and not sell tobacco to anyone under the age 18. (name of youth) stated that “I was surprised to see how many people were willing to listen and sign the pledge. The cashiers we encountered inspired me to keep educating others, because obviously they care about what I have to say.”

TRU Youth (names of youth) completed the Operation Storefront section, in where they tallied the number of tobacco advertisements in a store, noted their location and checked to see their compliance with the new FDA regulations. There were a total of (# of ads) advertisements noted in (number of stores visited) locations. This is useful because it can be shown to other youth to see how tobacco advertisers are purposefully placing their advertisements in sections of the store that would attract youth. The TRU Youth evaluated the storefronts of (number of stores) stores in (county name) County.

Merchant Education and Operation Storefront are conducted because it is exceedingly important for tobacco not to be sold to minors. 90% of adult smokers started before the age of 18, which engenders a strain on their finances and could possibly lead to detrimental health effects. 24% of minors that acquire tobacco, directly bought it from a store. Whoever sold the tobacco could potentially be fined, have to serve community service or lose their job. A second failure to comply could result in jail time. It is essential for every party involved, to not sell tobacco to minors.

ABOUT TRU
The TRU initiative, which has successfully reduced teen smoking in North Carolina to historic lows, may disappear after June, 2012. Since 2003, funding for the award-winning program and media campaign has been provided by NC’s portion of the tobacco Master Settlement Agreement, as approved by the General Assembly. The program’s future is uncertain after this funding year. Without funding, progress in reducing teen smoking in North Carolina will likely stall and smoking rates will eventually begin to climb to previous levels. Only consistent, ongoing funding and programming will make NC kids and teens safer from the influences that encourage them to use tobacco. To find out more about TRU, please visit www.realityunfiltered.com

# # #
Dear Store Owner,

In the next week, a few of our youth leaders will be visiting your store to discuss the state laws pertaining to tobacco sales to minor, as well as the health effects of teen tobacco use. In order to assist you in knowing the laws, we will provide free signs and decals with the message that tobacco will not be sold to minors.

Our local health awareness group is concerned with the health and well being of our community’s youth. Most youth smokers start experimenting with tobacco at the age of thirteen, and roughly one-third of all youth smokers will eventually die prematurely from a smoking-caused disease. Spit tobacco is also a problem for youth health, as spit tobacco users are fifty times more likely to develop oral cancer than non-users. Our goal is to eliminate tobacco sales to minors in order to improve youth health.

We hope that with your help and compliance we will be able to accomplish our goal.

We will see you in a week. Thank you for your support.

Sincerely,

Your local awareness group
Dear Merchant,

Hello, we hope all is going well! Our TRU (tobacco.reality.unfiltered) group recently visited your tobacco store this past weekend on Saturday, January 1st, 2012. The main purpose of our group is to spread tobacco awareness to youth in multiple counties across North Carolina. We wanted to send you a small thank you for your time and willingness to participate!

The purpose of our trip on Saturday was to practice our Merchant Ed and Operation Store Front material. In Merchant Ed we talk to various clerks and cashiers about the guidelines regarding the selling of tobacco to minors. In Operation Storefront, we evaluate both the exteriors and interiors of the stores – to see if the store is in accordance with the tobacco laws.

Thank you so much for your time and cooperation! We greatly appreciate your support of our TRU group’s mission to reduce youth exposure and initiation to tobacco. Your individual aid helps largely in reducing rising tobacco statistics among teens. Thank you again for your time; it was a pleasure talking with you!

Sincerely,

TRU Youth
Operation Storefront
What is Operation Storefront?

The Problem:
- Cigarette companies spend over $12.5 billion a year to market their products
- Storefront and exterior ads expose the entire community to tobacco messages
- Kids are 3 times more sensitive than adults to tobacco advertising
- Tobacco companies use marketing tactics to make their advertisements more appealing.
- Store interiors are cluttered with tobacco displays and ads

What is Operation Storefront?
Operation Storefront, along with merchant education is an assessment and advocacy skill that can be used to help reducing youth access to tobacco. Operation Storefront is a program designed to allow teens to see how tobacco companies use advertisements to persuade you to buy cigarettes. It also enables teens to educate store owners, managers, and cashiers about the law regarding selling tobacco products to minors.

How does Operation Storefront Work?
Youth will approach the store and conduct a brief survey of the storefront as well as inside the store. They will be looking for tobacco products advertisements and where they are placed in relation to products, which may appeal to you as well as survey for FDA compliance. While in the store, youth will answer questions about how many tobacco ads they see, what ads are advertised in the store, and where the ads are located.
Operation Storefront

Store Name: ______________________ Date: __________

Address: __________________________________________
__________________________________________________

County: __________________________

Exterior Advertising: - Ads that can be seen from outside the store
Total Advertisements that can be seen outside: ______
(Don’t forget to check the gas pumps!)
Use tally marks here to count the number of ads and the different types of ads. Example: M:III  C:III  N:II

Use the key to your right to help keep track of number of ads per brand
Marlboro, Camel, and Newport were chosen because they are the most advertised brands. If you see a change in trends you can adjust your symbols accordingly.

Interior Advertising: - Ads that are inside the store
Total Advertisements that can be seen inside: ______
Do the same thing here.

Total Ads: Marlboro:______ Camel_______ Newport_______ Other_______

Include all emerging products.

Which Emerging Products are SOLD

Check or circle the type of store you are visiting

Symbols to use:
M= Marlboro
C= Camel
N= Newport
O=Other

Use the Emerging Product Page for pictorial examples of products

Are there ADS for these products?

Check if you saw ads for these specific products

- Camel Snus
- Marlboro Snus
- Other Snus
- Camel Dissolveables
- Marlboro Dissolveables
- Other Dissolveables:__________________
- E-Cig
- Flavored Cigars/Cigarillos
- Revved Energy Dip
- Other Emerging Products:__________________
State & FDA Compliance Check

YES  NO

☐ ☐ Cigarette packaging or advertisements say Light, Low, or Mild
☐ ☐ Ads or products imply they are FDA approved
☐ ☐ Cigarettes come in other flavors besides Menthol and Tobacco
☐ ☐ Smokeless tobacco packaging and ads have large warning labels
☐ ☐ There are self-serve tobacco products or tobacco vending machines
☐ ☐ Point of sale ads are black text on white background only
☐ ☐ Promotions for free tie-ins with purchase: T-shirts, hats, etc.
☐ ☐ Can a school, park, or playground be seen from the store?
☐ ☐ Warnings for cigarettes are graphic and cover 50% of front and back of the package (effective 6/22/11)
☐ ☐ Products that are advertised as Reduce Risk or Reduce Exposure
☐ ☐ Cigarettes are being sold in amounts less than a pack (20 cigs in 1 pack)
☐ ☐ Do they have We Check ID signs posted? How Many?______ (state law)

If you think the store is out of compliance, contact:
Carol Morris  Margaret Brake
emorris@ncale.org  Margaret.Brake@ncmail.net
919.715.1415  919.715.8296

You can also report violations directly to the FDA:
Email: AskCTP@fda.hhs.gov  or call (1-877-CTP-1373)

Did they sign the pledge?  Y  N

Name(s) of person(s) completing this form:__________________________________________
__________________________________________________________________________
Operation Storefront

Store Name: ____________________________ Date: __________

Address: ___________________________________________

__________________________________________________

County: ______________________________

Exterior Advertising:
Total Advertisements that can be seen outside: _______
(Don’t forget to check the gas pumps!)

Interior Advertising:
Total Advertisements that can be seen inside: ________

Total Ads: Marlboro:_____  Camel_______ Newport_______ Other_______

Which Emerging Products are SOLD

☐ Camel Snus
☐ Marlboro Snus
☐ Other Snus ________________
☐ Camel Dissolveables
☐ Marlboro Dissolveables
☐ Other Dissolveables:_____________
☐ E-Cig
☐ Flavored Cigars/Cigarillos
☐ Revved Energy Dip
☐ Other Emerging Products:_____________

☐ Camel Snus
☐ Marlboro Snus
☐ Other Snus ________________
☐ Camel Dissolveables
☐ Marlboro Dissolveables
☐ Other Dissolveables:_____________
☐ E-Cig
☐ Flavored Cigars/Cigarillos
☐ Revved Energy Dip
☐ Other Emerging Products:_____________

Are there ADS for these products?
State & FDA Compliance Check

YES  NO

☐  ☐ Cigarette packaging or advertisements say Light, Low, or Mild
☐  ☐ Ads or products imply they are FDA approved
☐  ☐ Cigarettes come in other flavors besides Menthol and Tobacco
☐  ☐ Smokeless tobacco packaging and ads have large warning labels
☐  ☐ There are self-serve tobacco products or tobacco vending machines
☐  ☐ Point of sale ads are black text on white background only
☐  ☐ Promotions for free tie-ins with purchase: T-shirts, hats, etc
☐  ☐ Can a school, park, or playground be seen from the store?
☐  ☐ Warnings for cigarettes are graphic and cover 50% of front and back of the package (effective 6/22/11)
☐  ☐ Products that are advertised as Reduce Risk or Reduce Exposure
☐  ☐ Cigarettes are being sold in amounts less than a pack (20 cigs in 1 pack)
☐  ☐ Do they have We Check ID signs posted? How Many?________ (state law)

If you think the store is out of compliance, contact:

Carol Morris
cmorris@ncale.org
919.715.1415

Or

Margaret Brake
Margaret.Brake@ncmail.net
919.715.8296

You can also report violations directly to the FDA:
Email: AskCTP@fda.hhs.gov or call (1-877-CTP-1373)

Did they sign the pledge?  Y  N

Name(s) of person(s) completing this form: ____________________________________________
__________________________________________________________________________________
Operation Storefront Tips!

- For practice, have the youth make a “practice board”. Use a tri-fold display board to resemble what it looks like at a check-out counter. Draw a “cashier” in the middle, then cut out tobacco ads to fill in behind him, just like you see at almost every checkout counter.

- For online practice and background on Operation Storefront, you can have your youth visit [http://www.storealert.org](http://www.storealert.org)

- For more background information visit [www.countertobacco.org](http://www.countertobacco.org). You can also upload pictures of the ads you found during your operation to their website.

- The Operation Storefront Tool is designed so that it can be made on one page front and back, or printed on separate pages. If you have enough youth, divide them into 3 groups: Merchant Education, Operation Storefront (surveying ads only), and FDA Compliance (2nd page of the Operation Storefront Tool).

- Plan ahead, if possible, of what stores you are going to visit. Make sure the stores you visit are safe for you and youth.

- Debrief with your youth about the ads, where they were placed (location), and the impact that has on the people who visit that store. Be sure to address specifically the impact it has on children and teens.

- Don’t forget to have your youth write Letters to the Editor about their experiences and what they found. Be sure to also include Operation Storefront information in the News Release with Merchant Education.
FDA Regulations

In Effect:

- Neither cigarettes nor smokeless can claim their product is reduced risk unless given permission by the FDA.

- Even though the FDA is now regulating tobacco, companies are not allowed to mislead consumers into thinking that it is approved, “safe”, or less harmful because it is regulated by the FDA.

- Light, Low, Mild and similar descriptions are banned in describing ANY cigarette or smokeless product or brand.

- All flavors other than tobacco and menthol are banned from cigarettes including their wrappers, filters, ect.

- If you see a violation specifically involving Flavored Cigarettes you can visit http://www.accessdata.fda.gov/scripts/email/TobaccoProducts/flavoredCigarettes.cfm

- Prohibits the sale of cigarettes and smokeless tobacco to people under the age of 18.

- Larger, stronger warning labels required on all smokeless tobacco packages and in advertisements.

- No branded product tie-ins, such as T-shirts, purchases.

- No free samples of cigarettes; no free samples of smokeless, except in adult only facilities.

- Tobacco companies and distributors can no longer sponsor athletic or cultural events.

- No outdoor advertising within a 1000ft of schools, parks, or play grounds.

*In Litigation*
Coming Soon:

- **October 1st 2012**: FDA must issue regulations to prevent the sale of tobacco products to youth via internet, mail order or other non face to face sales.

- **June 22 2011**: FDA must publish regulations requiring *larger graphic cigarettes warning labels* that cover top half of front and back of all cigarettes packages and in cigarettes advertising. *In litigation*

If you are interested in looking at all the proposed warning labels you can go to the following website:


Any comments you have can be submitted on the proposed rule from Friday, November 12, 2010 through Tuesday, January 11, 2011. To submit an official comment during this time period:

- Go to www.regulations.gov and insert docket number FDA-2010-N-0568 into the “search” box and follow the prompts.
- Send a fax, with your comments, to 301-827-6870.
- Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions) to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20852.

All comments should be identified by Docket ID No. FDA-2010-N-0568

If you see anything not in compliance with these regulations you can contact the FDA compliance officer for North Carolina at the phone number (404) 253-1169. Or you can contact your red flag agents.

**Red Flag Contacts:**

Carol Morris (ALE)  
(919) 733-4060  
cmorris@ncale.org

Margaret Brake (MH/DD/SAS)  
(919) 715-5989  
Margaret.brake@dhhs.nc.gov
“Vote With Your Feet”
(FDA Regulation of Tobacco Version)

**Items needed:** Four pieces of paper with large “A”, “B”, “C”, and “D” letters printed on them (one on each), tape, and a master quiz paper with answers for the leader. Put you “A”, “B”, “C” and “D” signs up in the four corners of the room (or have students hold the signs up.)

**Read the following:** “I will read a question with four multiple choice answers. Please remain quiet until you hear all the answers. When I say “go”, walk over and stand under the answer you think is correct.” After each question, give them the correct answer. They can stay were they are while the next question is read.

Vote with You Feet FDA Regulation of Tobacco Quiz Questions and Answers:

1. **What is the FDA?**
   - A) Federal Drug Administration
   - B) Foreign Deportation Authority
   - C) Food and Drug Administration
   - D) Foreign Diplomatic Ambassador

   Answer: C – Food and Drug Administration
   The Food and Drug Administration is charged to make sure all the food, pharmaceutical, and other products we consume are safe.

2. **What has the FDA recently been granted the right to regulate?**
   - A) Illegal drugs
   - B) Tobacco Products
   - C) Minimum Wage
   - D) Health Insurance

   Answer: B – Tobacco Products
   In June 2009, the passing of the FSPTCA (Family Smoking Prevention and Tobacco Control Act) gave the FDA the right to regulate all tobacco products.

3. **What flavors will cigarettes still be able to have after October, 2009?**
   - A) All Flavors
   - B) None
   - C) Only flavors that aren’t sweet
   - D) Only menthol and tobacco

   Answer: D – Only menthol and tobacco
   Although there has been talk of banning menthol, it is the only non-tobacco flavoring that will be allowed in cigarettes.
4. What words are now be banned from tobacco products as of July, 2010?
   A) Healthy and Safe    B) Low, Light, and Mild    C) Free of Tar    D) No additives or chemicals
   Answer: B – Low, Light and Mild
   The FDA prevents tobacco companies from marketing their products as healthier alternatives to regular cigarettes.

5. Does the FDA have the authority to ban all cigarettes?
   A) Yes    B) Yes, but until 2020    C) No, only congress can do that    D) No, no one can do that
   Answer: C – No, only congress can do that.
   The FSPTCA specifically prohibits the banning of any tobacco products currently on the market by the FDA.

6. How big will warning labels have to be on tobacco products by October, 2012?
   A) There will be no requirement    B) 20% of the package, in any place    C) 70% of the back of the package    D) 50% of the front and 50% of the back
   Answer: D – 50% of the front and 50% of the back.
   The FDA will require that all tobacco products display a warning label on the top 50% of the front and the top 50% of the back.
## EFFECTIVE DATES OF FDA TOBACCO LAW
(Signed into Law by the President on June 22, 2009)

<table>
<thead>
<tr>
<th>FDA Provision</th>
<th>When In Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>No direct or indirect claims of reduced risk allowed in any advertising, marketing or labeling of any existing or new cigarettes or smokeless products without prior FDA permission.</td>
<td>6/22/09</td>
</tr>
<tr>
<td>Federal Cigarette Labeling Act preemption of state restrictions on the time, place, and manner of cigarette advertising eliminated.</td>
<td>6/22/09</td>
</tr>
<tr>
<td>FDA given authority to restrict or prohibit tobacco product advertising and marketing to promote public health.</td>
<td>6/22/09</td>
</tr>
<tr>
<td>FDA given authority to issue product standards to promote public health that could eliminate or reduce certain ingredients or byproducts of tobacco products.</td>
<td>6/22/09</td>
</tr>
<tr>
<td>FDA entitled to request industry documents related to any relevant past research, by the industry or in the industry’s files relating to tobacco product ingredients, constituents, impacts; actual or potential harm reduction technologies; or marketing.</td>
<td>6/22/09</td>
</tr>
<tr>
<td>FDA given authority to access records of any tobacco industry participant in order to investigate and combat illicit trade, smuggling or counterfeiting of tobacco products.</td>
<td>6/22/09</td>
</tr>
<tr>
<td>Tobacco product manufacturers and distributors required to notify the government if they have any knowledge that a tobacco product has been distributed without payment of applicable duties or taxes or otherwise diverted into illicit trade.</td>
<td>6/22/09</td>
</tr>
<tr>
<td>Illegal to make any express or implied statement or representation in tobacco product labeling or advertising or through the media that would mislead the consumers to believe the tobacco product is approved or endorsed by FDA; that FDA deems the product safe for use; or that the tobacco product is safe or less harmful by virtue of being regulated by FDA or being in compliance with FDA regulatory requirements.</td>
<td>6/22/09</td>
</tr>
<tr>
<td>Prohibition of “light,” “low,” “mild,” and all similar descriptors in all advertising, labeling and marketing of any new cigarettes and smokeless tobacco products or brands.</td>
<td>7/22/09</td>
</tr>
<tr>
<td>All artificial or natural characterizing flavors other than tobacco or menthol banned from all cigarettes and their component parts.</td>
<td>9/20/09</td>
</tr>
<tr>
<td>Beginning of User Fee Collection From Tobacco Industry: FDA will be funded through user fees assessed on tobacco companies. First year collections will begin on or after October 1, 2009. FDA is able to borrow start-up costs prior to that date.</td>
<td>10/1/09</td>
</tr>
<tr>
<td>Companies provide FDA list of ingredients and additives by brand and quantity as well as all new internal documents related to health, toxicological, behavioral or physiologic effects of current or future products, their constituents, ingredients or components</td>
<td>12/19/09</td>
</tr>
<tr>
<td>Publication of FDA Rule on marketing and sales to youth: New restrictions on tobacco marketing to children and federal prohibition on sales to persons younger than 18 with enhanced enforcement (with effective date of 6/22/2010).</td>
<td>By 3/19/10</td>
</tr>
<tr>
<td>Prohibition of “light,” “low,” “mild,” and all similar descriptors in all advertising, labeling and marketing of existing cigarettes and smokeless products.</td>
<td>6/22/10</td>
</tr>
<tr>
<td>Larger, stronger warning labels required on all smokeless tobacco packages and in advertisements</td>
<td>6/22/10</td>
</tr>
<tr>
<td>FDA Rule implemented: No vending machine sales or self-service displays of cigarettes or smokeless tobacco except in adult-only facilities</td>
<td>6/22/10</td>
</tr>
<tr>
<td>FDA Rule: All advertising (including electronic and video) in magazines and at point of sale must be black text on white background only – and all audio advertising must be only spoken words with no sound effects or music – except in adult-only facilities and in magazines with less than 15% or fewer than 2 million youth readers</td>
<td>6/22/10</td>
</tr>
</tbody>
</table>

Note: While the legislation applies to all tobacco products, the specific provisions of the FDA tobacco legislation apply directly to cigarettes (including RYO tobacco) and smokeless tobacco products. They apply to any other tobacco products only if and when FDA asserts its jurisdiction over them through a rule making process.
<table>
<thead>
<tr>
<th>FDA Provision</th>
<th>When In Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>FDA Rule: No branded product tie-ins, such as T-shirts, with purchases</td>
<td>6/22/10</td>
</tr>
<tr>
<td>FDA Rule: No free samples of cigarettes; no free samples of smokeless, except in adult-only facilities in certain restricted situations.</td>
<td>6/22/10</td>
</tr>
<tr>
<td>FDA Rule: No outdoor advertising within 1000 feet or schools, parks or playgrounds</td>
<td>6/22/10</td>
</tr>
<tr>
<td>FDA Rule: No branded sponsorships of athletic or cultural events by tobacco product manufacturers, distributors or retailers</td>
<td>6/22/10</td>
</tr>
<tr>
<td>FDA shall publish an action plan to enforce restrictions on promotion and advertising of menthol and other cigarettes to youth</td>
<td>10/1/10</td>
</tr>
<tr>
<td>New Product Review: Any new products introduced or modified after February 15, 2007, are subject to review as either a “new product” or as “substantially equivalent” to existing products. Beginning 30 months after the date of enactment, all such products must first be submitted to FDA for review prior to being placed on the market.</td>
<td>Covers new products introduced after Feb. 15, 2007</td>
</tr>
<tr>
<td>FDA must issue regulations to prevent the sale of tobacco products to youth via Internet, mail-order or other non-face-to-face sales.</td>
<td>By 10/1/12</td>
</tr>
<tr>
<td>FDA must issue regulations to address the promotion and marketing of tobacco products sold over the Internet, by mail-order or other non-face-to-face sales in order to protect youth.</td>
<td>By 4/1/12</td>
</tr>
<tr>
<td>FDA shall establish a list of harmful and potentially harmful constituents, including smoke constituents – and shall publish the list in a non-misleading format one year later.</td>
<td>By 4/1/12</td>
</tr>
<tr>
<td>FDA must publish regulations requiring larger, graphic cigarette warning labels that cover top half of front and back of all cigarette packages and in cigarette advertisements (implementation 15 months later).</td>
<td>By 6/22/11</td>
</tr>
<tr>
<td>Companies provide FDA a listing of all constituents identified by FDA as harmful or potentially harmful by brand and quantity</td>
<td>By 4/1/13</td>
</tr>
<tr>
<td>FDA must issue report (and every two years thereafter) on progress and impediments encountered in implementing the FDA tobacco legislation, number of new product and modified risk product applications received and their status, and on the number of full-time employees engaged in implementing the legislation.</td>
<td>By 4/1/13</td>
</tr>
<tr>
<td>FDA shall establish and require new testing and reporting of tobacco products constituents, ingredients and additives, including smoke constituents</td>
<td>By 10/1/13</td>
</tr>
<tr>
<td>FDA shall issue report on public health implications of raising minimum age to purchase tobacco products</td>
<td>By 4/1/15</td>
</tr>
<tr>
<td>FDA shall issue regulations regarding recordkeeping and labeling codes or other tobacco product designs or devices to promote the tracking and tracing of tobacco products through the distribution system and to assist in combating illicit trade, smuggling or counterfeiting of tobacco products.</td>
<td>No specified date</td>
</tr>
<tr>
<td>FDA must issue regulations requiring adult-only retail establishments that primarily sell tobacco products to comply with any advertising restrictions that apply to retail establishments accessible to youth.</td>
<td>No specified date</td>
</tr>
<tr>
<td>FDA shall establish the Tobacco Product Scientific Advisory Committee. Once established, it must take the following actions:</td>
<td>No Later than 10/1/10</td>
</tr>
<tr>
<td>-- Within 12 months: must issue report on menthol cigarettes impact on public health, especially among youth, African Americans, Hispanics, and other racial and ethnic minorities;</td>
<td></td>
</tr>
<tr>
<td>-- Within 24 months: must issue report on dissolvable tobacco products on public health, especially among youth.</td>
<td></td>
</tr>
</tbody>
</table>