Youth access has benefited the tobacco industry

The most widespread and popular strategy for reducing tobacco use has been “youth access” laws, which make it illegal to sell cigarettes to teenagers. In the USA, youth access controls have been part of tobacco control policies required by the federal government in order to obtain funding for substance abuse programmes; they were at the core of the tobacco regulation proposed by the Food and Drug Administration and struck down by the US Supreme Court. Both the US Centers for Disease Control and Prevention and the Institute of Medicine recommend youth access controls as part of a comprehensive tobacco control program. By August 2001, in the USA all 50 states and 1139 local governments had passed youth access laws (American Nonsmokers’ Rights Foundation database, 24 August 2001).

Unfortunately, while these programmes do make it difficult for teens to purchase cigarettes on the whole they do not affect teen smoking prevalence (fig 1). Proponents of youth access programmes have argued that this approach would be effective, if only the programmes were “done right” and successfully prevented a high proportion of youth from using commercial sources to buy cigarettes, and that exceeding a high “threshold” level of merchant compliance is necessary to affect youth smoking. There is no consistent empirical evidence to support the existence of this hypothesised threshold (fig 1).

The paper by Jones and colleagues in this issue of Tobacco Control explains why enforcement of youth access laws does not affect teen smoking. Using data from the Youth Risk Behavior Survey to describe the usual sources of cigarettes for high school student smokers, they found that in addition to purchasing cigarettes from stores, students give others money to buy cigarettes, borrow cigarettes from others, and sometimes steal them or use vending machines. From 1995 to 1999, significantly fewer student smokers purchased cigarettes in stores while significantly more gave others money to buy cigarettes. Consistent with earlier studies, they conclude that as youth access laws make it harder to purchase cigarettes, teens simply use other means to get cigarettes. They conclude, correctly, that the effectiveness of tobacco access laws are undermined by these other “social sources” of cigarettes. They recommend stricter enforcement of tobacco access laws and interventions to reduce social sources of cigarettes.

This recommendation is bad policy for four reasons. Firstly, there is no consistent evidence that increased enforcement of youth access laws affects youth smoking (fig 1). These results are not surprising because, although most smokers start experimenting with cigarettes in their teens, few teens smoke daily. Indeed, the majority of teen smokers are “experimenters” who have smoked less than 100 cigarettes in their lifetime. It is virtually impossible to locate and target the few cigarettes needed to drive these irregular light smoking patterns. Secondly, trying to restrict “social sources” of cigarettes is impractical, blames children, their friends and parents, may lead to laws criminalising children for possession of cigarettes, and further diverts attention from tobacco industry marketing practices. Indeed, Philip Morris has embraced this tactic, and is actively promoting messages telling parents to keep their cigarettes away from their kids. Thirdly, this message is unlikely to resonate with teens, since one of the strongest perceived benefits of smoking is using cigarettes as a way to connect with others, particularly in the face of opposition. Fourthly, and most important, there is no evidence to suggest that trying to restrict social sources of cigarettes would work any better at reducing teen smoking prevalence than restricting commercial access.

It has been argued that even if they do not affect youth smoking prevalence, youth access programmes are valuable because they are politically safer than policies involving clean indoor air or anti-tobacco media campaigns, and that they engage the public and help build coalitions for tobacco control. While this may be true for tobacco control advocates, it is even more true for the tobacco industry.

RETAILER TRAINING TO FIGHT TOBACCO CONTROL

Retailer training programmes focusing on youth access have facilitated tobacco industry development of a badly needed network at the local level to help defeat tobacco control efforts. This network has provided the industry with an extensive “early warning” network to identify emerging threats of the full range of tobacco control policies.

By 1992 the Tobacco Institute was using its “It’s the Law” programme (fig 2), which nominally trained retailers to ask purchasers for identification, alongside its efforts to urge retailers to monitor for local tobacco control efforts, including self-service cigarette display bars and public smoking restrictions, so the Tobacco Institute could mobilise them to fight these tobacco control efforts: “For monitoring purposes, we [the Tobacco Institute] fund...
our allies in the convenience store groups to regularly report on ordinance introduc-
tions and assist in campaigns to stop 
unreasonable measures . . . Promotion of 
The Institute’s “It’s the Law” programme and other industry programmes play a 
helpful role was well.”24

Philip Morris took over the “It’s the Law” programme in 1994. A 1994 speech by Ellen Merlo, senior vice president of 
corporate affairs at Philip Morris, details how alliances with local retailers allowed the 
industry to fight legislation: “. . .with . . . local activity rampant, we 
realized we had to have some way to con-
trol the bleeding. We needed an effective 
system to let us know when and where 
local laws were being proposed, either at 
town meetings, in the local city councils or by Boards of Health. Working with the 
New England Convenience Store Association and other tobacco companies, we 
developed a network whereby local retail-
ers could assist us by providing infor-
mation on legislative activities in every 
Massachusetts Community. We’ve discov-
ered that if we have enough advance 
notice to do some homework and get 
somebody there for the public hearing, we 
can make a difference.”25

The convenience stores also provide 
coverage for the industry to fight a wide 
range of effective tobacco control policies, 
including clean indoor air.26 For example, 
in Ohio, Philip Morris gained endorse-
ments from the Ohio Grocers Association, 
the Ohio Association of Convenience 
Stores, the Ohio Petroleum Retailers and 
Repair Association, and the Ohio Petro-
leum Marketers Association for its “Ask 
First/It’s the Law” programme.27 These 
organisations later provided Philip Morris28 30 cover for working to pass a law 
preempting the ability of local boards of 
health to enact smoke free workplace and 
restaurant regulations.31 When this legis-
lation was proposed in the state legisla-
ture in 1995, the restrictions on local 
boards of health were hidden in what 
appeared to be primarily youth access leg-
islation, entitled “The Comprehensive 
Smoking Regulation and Prevention of 
Youth Access to Tobacco Act of 1995”.32 The Ohio Council of Retail Merchants, the 
Ohio Grocers Association, the Ohio 
Association of Convenience Stores, the 
Ohio Petroleum Retailers and Repair 
Association, and the Ohio Petroleum 
Marketers Association joined with restaur-
ant, licensed beverage, and vending asso-
ciations supporting this bill, while tobacco 
companies avoided.33–37 Philip 
Morris also drafted letters and phone 
scripts to contact individual retailers urg-
ing them to write their legislators to sup-
port this bill.34–37 The bill was defeated, but 
reappeared in 2001, when the primary 
public support for a bill restricting health 
boards’ ability to make local smoking 
policies was the Ohio Council of Retail 
Merchants.38 The tobacco industry stayed 
out of the public support by a House of 
Representatives supporting Philip Morris’ bill claimed they 
were simply supporting merchants.39–42

OTHER BENEFITS TO THE 
TOBACCO INDUSTRY

Youth access programmes have also been 
widely supported by the tobacco industry,43 perhaps because they rein-
force the industry’s key marketing mes-
sage that “smoking is for adults”, which 
arguably makes smoking even more 
attractive to teens.44 The industry has 
widely publicised its own youth access 
programmes, such as “It’s the Law”, “We 
Card”, and “Action Against Access”. 
Some45 have argued that the industry 
programmes are “bad” in comparison with the “good” programmes run by 
health groups because they do not 
include vigorous enforcement efforts. To 
the general public, however, these pro-
grammes are indistinguishable (fig 2). 

These programmes have helped the 
industry fight effective tobacco control 
legislation and educational programmes by 
creating the illusion that they are doing 
something. They can also bolster industry 
credibility. Philip Morris has monitored 
the effect of their “Action Against Access” 
programme on smokers’ awareness that 
Philip Morris started the programme, and 
how the programme affected consumers’ 
feelings about their company.46–48 Philip 
Morris’s 1995 “Talking points to key 
customers on youth issue” emphasises 
how Philip Morris could benefit in the 
long term if it took the lead in addressing 
the sensitive “youth access” issue: “If we 
can frame proactive legislation or other kinds of 
actions on the Youth Access Issue, if we can get 
out in front on this issue now, if we can 
seize the moral high ground, we will not 
only be doing the right thing, we will be protect-
ing our industry for decades to come” [empha-
sis in original].

A 1991 Tobacco Institute discussion 
paper noted: “Broad-based advertising [of 
industry youth programmes] . . . has the 
important effect of making the public 
aware that the industry says it is trying to 
do the right thing . . . .”24

The tobacco industry’s vocal support of 
youth access programmes is similar to 
tobacco industry “accommodation” camp-
aigns in response to pending clean 
indoor air laws.27 Accommodation cam-
paigns aim to convince decision makers 
that legislation (such as smoke-free bars 
or restaurants) is unnecessary because 
establishments can take voluntary action 
to accommodate smokers and non-
smokers.27 The accommodation message 
allows the tobacco industry to take a 
political stance that appears reasonable:
“We want to accommodate both smokers and non-smokers” and that makes health 
advocates appear extreme when advocat-
ing for clear indoor air. Similarly, youth 
access programmes allow the tobacco 
industry to appear to want to discourage 
youth smoking, thus seizing the “political 
centre” and “forcing health advocates to 
the extreme”.27 In fact, the Tobacco Insti-
tute strategy planned to “bait anti-
tobacco forces to criticize industry efforts” 
and “focus media on antismokers’ extremism”.27 
The suggestions by Jones and colleagues15 and others38 39 to try to stop teens from 
obtaining cigarettes from their friends or 
parents will be even easier for the indus-
try to paint as “extreme”.

In addition to using youth access 
programmes to fight more effective poli-
cies, the tobacco industry has reaped sev-
eral other benefits. Tobacco industry 
youth access messages (which do not 
contradict cigarette advertising) have al-
lowed the industry to create competition 
with other media campaigns (such as the 
“Truth” campaign which exposes tobacco 
industry manipulation of teens) which 
actually affect teen smoking prevalence.51–55

CONCLUSION

At best, youth access programmes are 
ineffective and a drain on limited re-
sources. Even if they did affect youth 
smoking, the impact on smoking preva-
ience and morbidity and mortality from 
smoking would not be seen for decades.45
At worst, they are counterproductive 
and help the tobacco industry fight mean-
ful tobacco control policy. While youth 
access programmes seemed logical and 
well meaning, the simple fact is that they 
do not work and are now leading into 
even more futile efforts to control “social 
sources” of cigarettes.

It is time for public health practitioners 
to recognise that the balance of empirical 
 evidence shows that youth access is a 
failed strategy and abandon it. Youth 
access should be removed from recom-
 mendations for comprehensive tobacco 
control programmes. Instead, tobacco 
control advocates should pursue
strategies which have solid empirical evidence of effectiveness, such as smoke-free workplaces and homes,21-22 taxes,23 media.24-27 and secondhand smoke messages.28

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AD WATCH

“Bursting with cancer!” Vacuous marketing slogans from around the world
It is time to abandon youth access tobacco programmes

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