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.
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.”

Philip Morris took over the “It’s the
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 Associa-
tion 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
make a difference.”

The convenience stores also provide
coverage for the industry to fight a wide
range of effective tobacco control policies,
including clean indoor air. 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. These
organisations later provided Philip
Morris cover for working to pass a law
preempting the ability of local boards to
enact smoke free workplace and
restaurant regulations. 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 “Comprehensive
Smoking Regulation and Prevention of
Youth Access to Tobacco Act of 1995.” 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. Philip Morris also
drafted letters and phone scripts to contact individual retailers urg-
ing them to write their legislators to sup-
port this bill. 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. The tobacco industry stayed
out in the public, not publicly supporting Philip Morris’ bill, but
they were simply supporting merchants.

OTHER BENEFITS TO THE
TOBACCO INDUSTRY

Youth access programmes have also been widely supported by the tobacco
industry, perhaps because they rein-
force the industry’s key marketing mes-
sage that “smoking is for adults”, which
unarguably makes smoking even more
attractive to teens. The industry has
widely publicised its own youth access
programmes, such as “It’s the Law”, “We
Card”, and “Action Against Access”. Some
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.”

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 protec-
ing our industry for decades to come”

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.”

The tobacco industry’s vocal support of
youth access programmes is similar to
the tobacco industry “accommodation” cam-
paigns in response to pending clean
indoor air laws. 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. 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”. In fact, the Tobacco Insti-
tute strategy planned to “bait anti-
tobacco forces to criticize industry efforts”
and “focus media on an industry’s extremism”.
The suggestions by Jones and colleagues
and others 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
Youth Access programmes which expose
tobacco industry manipulation of teens) which
actually affect teen smoking prevalence.

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.
At worst, they are counterproductive and
help the tobacco industry fight meaning-
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 imbalance of empirical
evidence shows that youth access is a
failed strategy and abandon it. Youth
access should be removed from recom-
mandations for comprehensive tobacco
control programmes. Instead, tobacco
control advocates should pursue

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**Figure 2** Photograph of entrance to
coreference store in California showing
side-by-side comparison of tobacco industry
“It’s the Law” youth access notification and a
corresponding notification from the
California Department of Health Services.
The messages are indistinguishable. Indeed,
the tobacco industry message is clearer and
stronger than the one from the Health
Department.

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strategies which have solid empirical evidence of effectiveness, such as smoke-free workplaces and homes,12–15 taxes,12–14 media,15–18 and secondhand smoke messages.16

ACKNOWLEDGEMENT
This work was supported by NIH Grant T32 MH-19105 and National Cancer Institute Grant CA-87472.

Tobacco Control 2002;11:3–6

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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

P M Ling, A Landman and S A Glantz

*Tob Control* 2002 11: 3-6
doi: 10.1136/tc.11.1.3

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