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, 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 bans 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

![Figure 1](http://tobaccocontrol.bmj.com/)  This graph shows the relation between 30 day teen smoking prevalence and the level of merchant compliance with youth access regulations in different communities. There is no relation between teen smoking prevalence and the level of merchant compliance with youth access policies. There is no evidence of a threshold effect. From Fichtenberg and Glantz, with permission of the publisher. (See paper for more details on methodology.)
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 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 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
can make a difference.”

The convenience stores also provide
cover 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 Petrole-
um 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 of
health 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-
ilislation, entitled “Smoking, Tobacco,
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 urging
them to write their legislators to support
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 of the public eye, and politicians sup-
ported Philip Morris’ bill claimed 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 reinforce the industry’s key marketing mes-
sage that “smoking is for adults”, which
arguably 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-
gammes 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 protect-
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 anti-industry 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
“Truth” campaign which exposes 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-
lence 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 balance of empirical
evidence shows that youth access is a
failed strategy and abandon it. Youth
access should be removed from recommen-
dations for comprehensive tobacco
control programmes. Instead, tobacco
control advocates should pursue

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