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Several factors are associated with higher rates of illegal tobacco sales to youths

Abstracted from: Clark PI, Natanblut SL, Schmitt CL, Wolters C, Iachan R. Factors associated with tobacco sales to minors: lessons learned from the FDA compliance checks. *JAMA* 2000;284(6):729-734.

BACKGROUND Tobacco consumption by youths continues to rise.

OBJECTIVE To assess trends in the illegal sale of tobacco to minors in order to inform best practise for ongoing compliance checks.

SETTING Thirty-six states, USA, 1997–1999.

METHOD Cross-sectional logistic regression analysis.

LITERATURE REVIEW No explicit strategy; 34 references.

INTERVENTION The US Food and Drug Administration (FDA) conducted compliance checks. Undercover 15–17 year olds attempted to illegally

purchase tobacco in 11,067 different stores. The store checks analysed represent approximately 10% of outlets which sell tobacco in the US.

OUTCOMES Tobacco sales to minors.

MAIN RESULTS 26.6% of stores sold tobacco illegally to minors. Older youths (16 to 17) and girls were more likely to be able to purchase tobacco. Female sales assistants were more likely to sell tobacco illegally. Sales were more likely when identification was not requested; after 5p.m., on Saturdays and in gas stations (all $P < 0.001$).

AUTHORS' CONCLUSIONS More checks should be conducted after 5p.m., on weekends, and in gas stations and other non-complying stores to increase compliance. Store personnel need proper training.

Commentary

Steady increases in youth tobacco use in the United States through much of the 1990s led to a variety of policy and other interventions aimed at reducing rates.¹ One of the most ambitious of these efforts was the US Food and Drug Administration's 1996 regulations restricting the sale, distribution, advertising, and promotion of cigarettes and smokeless tobacco products. The first of these to take effect (February 28, 1997) were the prohibition on sales of tobacco products to minors and the requirement that retailers obtain proof of age for customers who appear to be under 27 years of age. After legal challenges from the tobacco industry and others that blocked the implementation of the remainder of these regulations, the US Supreme Court rejected the FDA's claim of authority over tobacco on March 21, 2000, ending the agency's enforcement of its prohibition on tobacco sales to minors.

The data obtained from the FDA compliance checks provide valuable information about the determinants of illegal sales of tobacco products to minors. Prior research on this issue was limited geographically and often produced mixed findings. This study's findings, based on an analysis of over 110,000 of the FDA compliance checks, suggest several ways that the process of compliance checking might be improved. These include the use of older teens for conducting compliance checks; attempts to buy

tobacco products other than cigarettes; greater emphasis on compliance checking in rural and suburban areas; and relatively more checks during late afternoon and evening hours and on Saturdays. While this initial analysis provides useful insight into the determinants of tobacco sales to minors and clearly indicates the importance of enforcement efforts, much more remains to be learned. Further analyses of these data and additional research in this area are needed to better inform ongoing state and local efforts to enforce limits on youth access to tobacco products. Even more importantly, further research is necessary for assessing the impact of these efforts and other related policies on youth smoking behavior.

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Literature cited

1. U.S. Department of Health and Human Services. Reducing Tobacco Use: A Report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2000.