

STATE OF NEW YORK DEPARTMENT OF HEALTH

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HEALTH DEPARTMENT TAKES STEPS TO PREVENT TOBACCO SALES TO MINORS

ALBANY, October 24, 1996 -- In a continuing effort to eliminate the sale of tobacco products to minors, State Health Commissioner Barbara A. DeBuono, M.D. today announced a new series of television advertisements worth more than \$600,000 aimed at preventing youth smoking, including a spot featuring First Lady Libby Pataki encouraging parents to patronize stores that refuse to sell tobacco to minors. Dr. DeBuono and Office of Alcoholism and Substance Abuse Services Commissioner Jean Somers Miller also announced the results of the state's first compliance survey of tobacco sales to minors.

The survey, one of the first completed in the nation, was conducted by youth volunteers under the auspices of the State Health Department and OASAS. It found a 62 percent level of compliance with the state's Adolescent Tobacco Use Prevention Act (ATUPA), which prohibits the sale of tobacco products to minors and restricts the placement of tobacco vending machines to areas that are off limits to children, such as bars. Each state, under federal requirements, is to reach an 80 percent compliance level by Sept. 30, 2000 to avoid reductions in federal funding.

"This survey sets a baseline for New York State," said Health Commissioner Barbara A. DeBuono, M.D. "We are taking strong action to reach 80 percent compliance as soon as possible and our goal is to achieve 100 percent compliance by the turn of the century. Through television advertising aimed at kids and parents, educational and training activities for vendors, enforcement and youth coalitions, we are committed to improving the health of New Yorkers by preventing youngsters from taking up smoking. The surest way to prevent lung cancer and emphysema in adulthood is to never take up smoking as an adolescent."

"New York's tobacco control laws are among the strongest in the nation, with the majority of vendors making every attempt to avoid the sale of tobacco products to minors," said OASAS Commissioner Jean Somers Miller. "OASAS is looking forward to our partnership with other state agencies as we work to further reduce tobacco purchases by minors."

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The State Health Department, building upon anti-smoking television advertisements aired earlier this year, will begin a series of anti-smoking advertisements aimed at youth and adolescents on cable television and programs such as MTV, Nickelodeon and other youth programming within the next month. Those advertisements will provide programming from state funds and matches from the Cable Television Association of New York. Mrs. Pataki's advertisement, targeted to adults, will provide additional programming during evening news segments on New York's major television stations. In addition, anti-smoking radio advertisements will also begin next month.

In addition to the television advertising, the State Health Department continues to take strong action to prevent youth smoking through:

- ◆ financial and technical support for 20 tobacco control coalitions throughout the state which implement local initiatives aimed at eliminating youth access to tobacco products and reducing the appeal of tobacco products to children;
- ◆ financial and technical support for 16 Youth Partnerships for Health, an innovative project which empowers youth to plan and implement local initiatives to encourage their peers to avoid tobacco products; and,
- ◆ grants to 19 county health departments to increase their efforts at enforcement of ATUPA through merchant education, public awareness and periodic inspections.

The survey of compliance with ATUPA was conducted during the summer by volunteers under the age of 18 in 25 areas of the state based on a federally-approved probability sample. Each set of volunteers attempted to check 22 establishments within their area with over-the-counter sales and three vending machines. More than 595 vendors were ultimately checked out by volunteers.

The survey found that 48 percent of the illegal purchases were made from vending machines while 37 percent of the purchases were from clerks. Surveyors found that compliance was generally better at convenience stores, pharmacies, supermarkets, gas stations and discount stores. By contrast, more illegal buys were made at motels, restaurants, gift shops and bowling alleys.

Under ATUPA, New York has strengthened the enforcement activities by 37 county health departments and 10 district offices of the State Health Department. In 1995, they conducted more than 3,000 enforcement checks. Complaints leading to enforcement checks may be brought by parents or other parties witnessing a sale of tobacco products to a minor. Merchants found guilty of tobacco sales to minors may be fined as much as \$1,000, depending on the number of violations. In addition, for establishments with three or more reported violations within a two-year period, or four within a business lifetime, the State Department of Taxation and Finance must suspend their permits to sell tobacco for one year.

With the baseline of 62 percent compliance established, New York will present a multi-year action plan to reach federal targets as part of its application next year for the Substance Abuse Prevention and Treatment (SAPT) Block Grant for Federal fiscal year 1997.