



Contact us: 208-334-0642  
ID Tobacco Project Website: [healthandwelfare.idaho.gov](http://healthandwelfare.idaho.gov)  
Select the "medical" menu and then "Idaho Tobacco Permits"

### Facts and Stats

"A-" average for July

According to Idaho Code 39-5701, the Idaho Department of Health and Welfare must inspect each business that sells tobacco to ensure that it does not sell tobacco to minors. In July 2014:

- 203 Vendors were inspected.\*
- 15 Vendors sold to the inspecting minor.
- The compliance rate for the month was 92.61%

\*Inspections where purchase attempts were made.

### Prevent the Sale Website

[PreventTheSale.com/Idaho](http://PreventTheSale.com/Idaho)

- Learn about the law
- Take the tobacco quiz
- See what the IDs look like
- Play the Game "Would You Sell to This Person"

Written by Cheryl Reed

### Marlboro Strikes Again

#### A New Ad Campaign for Teens

Philip Morris International is again targeting teens with a bold campaign called "Be Marlboro," which uses images of attractive young people enjoying life. The campaign, which has been banned in Germany, targets youth as young as 14. The company has boldly claimed that, in spite of international criticism, it will continue to expand its campaign by enriching it with new visuals.

Philip Morris is known for associating tobacco with an idealized America, particularly with the well-known Marlboro cowboy, where patriotism included barbeques, rodeos, and cigarettes. Even long after the Marlboro man rode off into the sunset, the patriotic red and white Marlboro cigarette packaging remained. Other cigarette brands have followed suit with their attempts to connect smoking with freedom and patriotism. For example, the Camel Snus tagline is "Declare Your Freedom, and the brand Blu tagline is "Take Back your Freedom."

Don't be fooled. While tobacco may be a common habit in America, it is neither patriotic nor freeing.

#### Another Health Risk Discovered

In addition to the health risks we already know about tobacco use, the World Health Organization recently discovered that smokers have a 45 percent higher risk of developing dementia than non-smokers. The new research shows that the more a person smokes, the higher the risk. The WHO is asking governments to implement proven measures to reduce exposure to secondhand smoke.

*Tobacco is the number one killer in the state of Idaho, causing more deaths than alcohol, illegal drugs, car crashes, homicides, suicides, fires and AIDS.*

#### The "Other" FDA Inspection

The FDA has developed two different types of inspections for tobacco retailers. One is the "UB", or *undercover buy* in which a minor attempts to purchase tobacco products, and the other is known as the "A&L", or *advertising and labeling* inspection. These inspections verify whether or not a retailer is in compliance with federal tobacco regulations.

The A&L inspectors check retail outlets for the following, which are not allowed:

- The sale or distribution of single cigarettes or any package with less than 20 cigarettes,
- The sale of partially opened or smaller than the smallest manufactured amount of smokeless tobacco,

- A visible inventory of products labeled “low,” “light,” or “mild,” or similar descriptors,
- Cigarettes or any component parts that contains any flavor other than tobacco or menthol.
- A misbranded tobacco product that is misleading or fails to reveal health warning labels.

In addition, retailers must have direct, face-to-face sales for tobacco products, with the exception of self-service displays. However, this exception only applies to retailers who do not allow minors under the age of 18 into their facility at any time. Bars, nightclubs, etc., that allow minors inside with the company of an adult are not covered by this exception. And remember, vending machines are completely illegal in Idaho.

The FDA penalty tier for violations of the A&L code is:

1. Warning letter
2. Civil money penalty
3. No-tobacco-sale order
4. Seizure of illegal products
5. Injunction
6. Criminal prosecution

**Your Resources:** With the implementation of the Tobacco Control Act, the Center for Tobacco Products began providing resources to assist tobacco retailers in understanding the new laws and regulations. Resources include training sessions, public webinars, presentations, published guidance documents and other educational services. In 2011, the FDA began hosting live, public webinars to help educate the tobacco industry and encourage compliance with the new laws. Many webinars are archived on the Center for Tobacco Products’ website for future viewing. A complete list of videos and archived webinars can be found at <http://go.usa.gov/rjPW>.

### Family Smoking Prevention and Tobacco Control Act

The Tobacco Control Act became law in 2009, giving the FDA authority to regulate the manufacture, distribution, and marketing of tobacco products in order to protect public health. The Act restricts cigarettes and smokeless tobacco retail sales to youth and restricts tobacco product advertising and marketing to youth. These advertising restrictions include limiting the color and design of packaging and advertisements, including audio-visual statements, banning tobacco product sponsorship of sporting and entertainment events, and banning free samples of cigarettes and brand-name, non-tobacco promotional items. The Act also prohibits “reduced harm” claims, such as “light,” “low,” or “mild.”

Warning labels on tobacco products will be bigger and more prominent, although the implementation date is uncertain. Health warnings on cigarettes will be required to cover the top 50 percent of both the front and back of the packaging while smokeless tobacco product warning labels will cover 30 percent of its packaging.

Tobacco companies must register annually and be subject to FDA inspections every 2 years. Tobacco retailers are inspected randomly.



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**What’s Inside:**

- A New Ad Campaign for Teens
- Another Health Risk
- The “Other” FDA Inspection
- The Tobacco Act