

# The Illegal Sale of Cigarettes to Minors in Oregon

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**T**obacco use is the leading preventable cause of premature death in the United States, accounting for nearly 4 million years of potential life lost.<sup>1,2</sup> Approximately 1000 Americans die of diseases related to tobacco use each day. By comparison, at the height of the US involvement in Viet Nam, more than 1000 American lives were lost each month.<sup>3</sup>

A national survey indicated that more than one half of young people have tried cigarettes before 17 years of age.<sup>4</sup> In addition, nearly 60% of high school seniors who smoke daily began smoking by the age of 14 years.<sup>5</sup> Addiction potential is underscored when one considers that one half of the high school seniors who smoke say they would like to quit and have made at least one unsuccessful attempt.<sup>5</sup> While 22% of Oregonians smoke, a 1988 survey indicates that cigarette use among high school seniors is higher than in the adult population.<sup>6</sup> The availability of tobacco is an important issue in that 39 states including Oregon have prohibited the sale of tobacco to minors.<sup>7</sup> Under current Oregon law it is illegal to sell cigarettes to teenagers under 18 years of age.<sup>8</sup> The purpose of this study was to examine the adequacy of the current statutes in limiting the availability of tobacco products at the retail level to teenagers.

## METHODS

Ten students, aged 11 to 17 years, were recruited to participate in the study. The students were contacted through a committee (Say-No-to-Drugs) of the Multnomah County Health Department. An equal number of male and female teenage volunteers were selected without any bias for age appearance. Parental consent was obtained. Parents accompanied the teenager to the vicinity of retail stores in and around their own neighborhood or school. The stores were randomly selected by participat-

ing parents. Specific instructions were given to volunteers, including the following: (1) attempt to buy a pack of cigarettes for your own use, (2) answer honestly any questions that might be asked by the merchant, and (3) avoid any persistence if the merchant refuses to sell the cigarettes. Data were collected following a format developed by Altman et al.<sup>9</sup> All the data were collected over a period of 1 week in November 1988.

## RESULTS

A total of 68 illegal sales were recorded out of a total of 76 separate attempts at diverse retail outlets located throughout the Portland metropolitan area. Overall, teenagers were successful 88% of the time in illegally obtaining cigarettes. The success rate by age group and type of sale (over-the-counter and vending machine) is reported in Table 1. The success rate according to store type for the 13- to 17-year-old group is reported in Figure 1.

## DISCUSSION

This study clearly documents the failure of the existing Oregon statute to limit the access of tobacco products to teenagers. Violations of existing statutes are common and are not limited by the type of store, as shown in Figure 1. The results parallel the results reported by Altman et al.,<sup>9</sup> who showed that minors in California, aged 14 through 16 years, were successful in purchasing cigarettes in 74% of attempts at stores and in 100% of attempts from vending machines. Other trials have shown similar success rates from stores and vending machines ranging from 70% to 100%.<sup>7,10-13</sup> Despite laws regulating access of minors to tobacco, enforcement rarely occurs.<sup>6,9</sup> This study adds support to the concept that statutes that are not enforced are not likely to be effective.

The aforementioned studies have led to interventions in the communities including educational programs and the passage of additional statutes.<sup>7,9</sup> For example, as of 1989, the possession of tobacco products by people younger

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**TABLE 1. SUCCESS OF MINORS BY AGE GROUP IN OBTAINING CIGARETTES THROUGH ILLEGAL SALES (Successes/Attempts, percent)**

Type of Sale	Age 11-12	Age 13-17	Total
	No. (%)	No. (%)	No. (%)
Over the counter	13/17 (76)	45/49 (92)	58/66 (88)
Vending machine	5/5 (100)	5/5 (100)	10/10(100)

than 18 years is illegal in King County, Washington.<sup>9</sup> King County school officials will no longer be able to sanction teenage cigarette or tobacco use by providing smoking areas for students. Similarly, the results reported herein have served to support an effort in Oregon to improve the effectiveness of the current legislation limiting access of teenagers to tobacco products. The data from the present study were part of open testimony to the Oregon state legislature as this body considered a bill to bolster the enforcement aspect of the existing statute. Although the bill was amended significantly, the new legislation passed in 1989 makes retail stores subject to fines of up to \$500 for each infraction. The statute also prohibits free distribution of cigarettes and the sale of individual cigarettes. Teenagers are often the primary target for this type of marketing.<sup>7</sup>

Although this law is a positive step, no single strategy will be completely effective in stopping tobacco sales to minors as long as tobacco sales are legal in the United States.<sup>9</sup> A weakness of the revised statute is its heavy dependence on community support and the willingness of individual citizens to report infractions. Retailers and even store patrons have at times demonstrated a reluctance to consider retail tobacco sales to minors a "real" problem, let alone a violation of the law.<sup>12</sup> Yet most states have laws prohibiting the sale of tobacco to minors, and

the enforcement of existing laws has the potential to have dramatic effects on public health.

Physicians have a unique role in influencing one of the most common causes of preventable premature death, and have the opportunity to serve as catalysts for the evolution of social attitudes regarding health-related practices. With changing societal attitudes, not only is the new Oregon law potentially more effective in decreasing smoking addiction, but a number of other legislative opportunities become available. For example, legislation might be introduced that would establish higher minimum ages for the sale of legal addicting substances. The United States might follow the model of Canada in passing legislation that would ban tobacco advertising in any form.

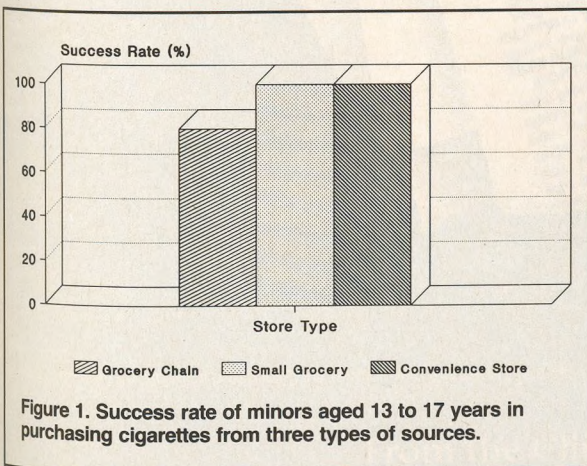
In summary, the results of this study support previous studies that have identified that access to tobacco by teenagers is a major health problem in the United States. If a meaningful reduction in the burden of tobacco-related diseases is to occur, continued attention needs to be directed at refining efforts to limit the sale of tobacco to minors. Further efforts are needed not only to monitor the effectiveness of new legislation but to raise the awareness of society to the health implications of teenage access to tobacco.

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