

**Milpitas KICK Club and Police**  

---

**Reduce Illegal Sales to Minors**

**December 1999**

**Agency:** Stanford University

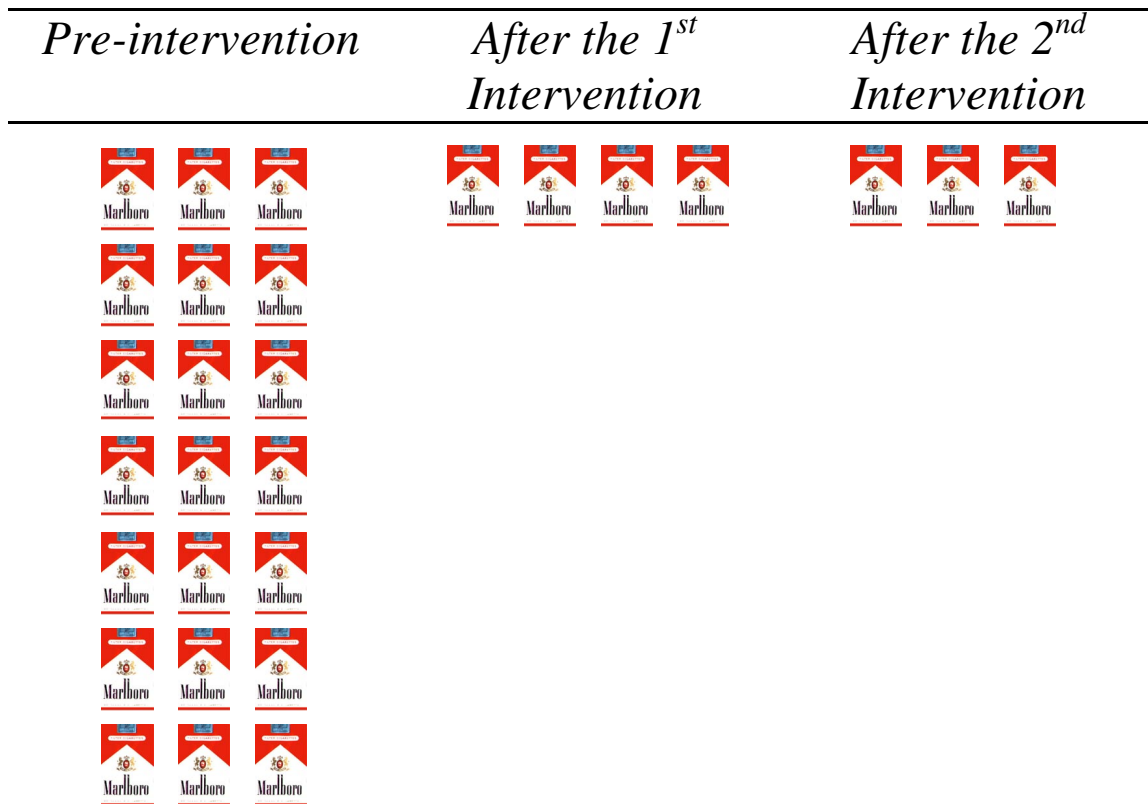
**Project name:** Enhancing enforcement of laws affecting tobacco sales to minors and the advertising of tobacco products

**Scope of Work:** Objective 10

**Grant Number:** #94-20967

# Stores that repeatedly sell tobacco products to minors: Can interventions curtail this youth access channel?

In 42 Milpitas stores, here is the amount of tobacco bought...



## Introduction

The state of California has witnessed impressive declines in the rate of illegal tobacco sales to minors. For instance, 52.1% of California stores sold in 1994 and only 13.1% sold in 1998 (California Department of Health Services-Tobacco Control Section, 1998). Nevertheless, despite this apparent progress in curtailing youth access, most California youth still report that tobacco products are easy to obtain (Ribisl, Howard, Howard-Pitney, & Norman, 1999). There are two explanations for these apparently contradictory findings. First, more youth may be relying on non-retail or social sources of cigarettes. Second, the 13.1% statewide illegal sales rate may *underestimate* retail access because youth smokers are more likely to purchase from the store types that are more likely to sell to them (Ribisl et al., 1999). After all, purchase success is not a true measure of the commercial availability of tobacco products in a given community, rather it is a measure of the proportion of retailers that are willing to sell cigarettes to minors under what are typically restrictive, and somewhat artificial conditions (Forster & Wolfson, 1998). Moreover, one or a small number of retailers who sell can supply a large number of adolescents with tobacco. Adolescents in any given community quickly learn how and where to obtain their cigarettes (Forster & Wolfson, 1998).

This is the idea of the frequent seller retail store. That is, even with fewer stores selling tobacco to youth in any given community, there are likely to be a subset of stores that are frequently selling tobacco to youth. In fact, as fewer nearby stores sell, there is an increase in the velocity of tobacco products reaching youth from that subset of frequent seller stores. It is troubling that these stores are still selling to minors in a state like California that has been a leader in aggressive efforts to reduce retail access, such as the STAKE Act (Weinbaum et al., 1996). In fact, if these stores are still selling to minors after all these years, it suggests that they may be impervious to the past interventions that have been occurring, such as state and local stings, merchant education, and widespread publicity about youth access issues. Thus, if these frequent seller stores do exist, getting them to stop selling to minors, or at least to cut down their likelihood of selling to minors will be a real challenge. Although there is speculation that there are frequent seller stores, there is little empirical validation this concept.

The goal of the present study was to assess whether frequent seller stores exist, to uncover the best method for identifying them, and to develop interventions to prevent them from selling tobacco to youth. This study was conducted in a Bay Area community near Stanford University, Milpitas, CA. First, our group initiated formative activities to identify stores in Milpitas, then conducted purchase surveys involving multiple purchase attempts to validate whether these identification methods worked. Next, a low-intensity intervention was implemented, followed by another round of purchase surveys, and then a second more intensive intervention. The following report summarizes these activities.

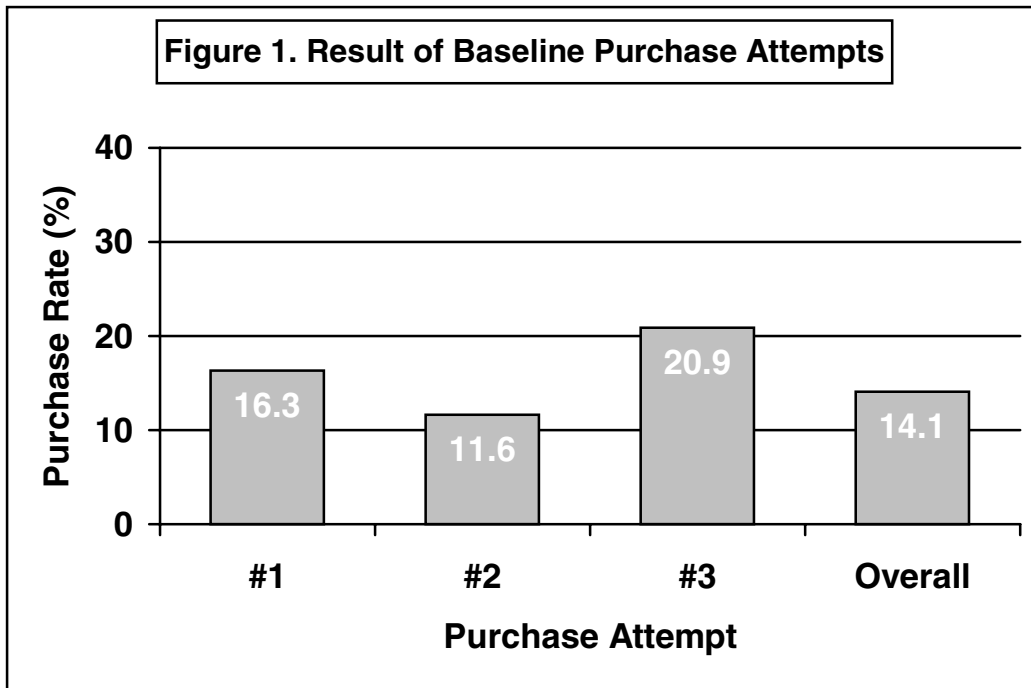
## **Formative Research to identify frequent seller stores**

To identify whether there are “frequent seller” stores and which ones are the frequent sellers, we first spoke with individuals who might have access to this information. First, the Evaluation Director and his research assistant gave two class presentations on youth smoking issues at the Milpitas continuation school and discussed the frequent seller idea and asked students for their reactions. A few students who smoked mentioned having a regular retail source, but none would reveal the name of the store. In fact, at one point during this presentation, we mentioned that the state of California has conducted “stings” of merchants. One of the students, who appeared to be the most popular student in the class, boasted that he would “personally beat the crap out of anyone who messed with his source of cigarettes [as part of a sting]”. Needless to say, after this outburst, other youth were rather demure about their source of cigarettes.

We then talked with a teacher at that school who was familiar with several youth smokers. This teacher informally talked with a few of her students (both smokers and nonsmokers who have smoking friends). This teacher subsequently identified 7 reputed “frequent seller” stores out of the 43 in Milpitas. This was done as a free recall without prompting of store names. In another effort, we also surveyed three Milpitas police officers and gave them a list of the 43 stores in Milpitas that sell tobacco products. At least one of the officers mentioned 33 of the 43 stores.

To summarize so far, our initial method was to see whether it is easy to identify frequent seller stores based on word-of-mouth or rumor. We call these stores “reputed” frequent seller stores because it is not known whether they truly do sell tobacco products to youth on a regular basis. To validate this strategy, we had male and female 15 and 16 year old youth visit each of the 43 Milpitas stores on three separate occasions in one week. The results of this baseline purchase attempt are presented in Figure 1. These results show that 16.3% of the 43 stores sold on the first purchase attempt, 11.6% on the second, and 20.9% on the third purchase attempt. Overall, 14.1% of these 129 purchase attempts (43 stores X 3 visits) resulted in an illegal sale to youth. If you look at the ever sales rate (% of stores selling one or more times), it rose from 16.3%, 25.6%, and 32.6% cumulatively for Waves 1, 2, and 3 respectively. Thus, the 3-purchase protocol identified stores that frequently sold, as well as identified new stores that would have been missed as sellers with the commonly used single purchase attempt protocol.

Table 1 shows that these predictions by students and police were no better than chance. Neither of the youth identified the two stores that sold on all three occasions to youth purchasers. Similarly, only one of the two stores was identified by an officer as being a frequent seller. Near the bottom of this table, you can see that the stores rated by youth and police as most likely to be a frequent seller, never sold on three occasions! Therefore, we concluded that the best method of identifying frequent seller stores is a behavioral purchase survey than relying on youth smoker or police self-reported guesses.



**Table 1. Do youth and police know the frequent seller stores?**

Stores	Sales rate (number of times sold of 3 times)	Rated a “Frequent Seller” by youth	Rated a “Frequent Seller” by any of 3 police officers
2 Stores -	Sold 3X	0	1
4 Stores -	Sold 2X	0	3
7 Stores -	Sold 1 X	2	5
30 Stores -	Never Sold	5	24
43 Stores		7	33

## Intervention Strategies

*Intervention 1.* After the baseline assessment (Wave 1), we implemented a low-intensity intervention to reduce the rate of illegal sales to minors. This intervention consisted of a city-wide enforcement operation launched by the Milpitas police. A total of 5 stores (11.6% of stores were cited). Next, we administered a direct mail campaign to the 13 stores that sold on one or more occasions during Wave 1. These stores received six deterrence theory postcards (described in detail in an earlier TCS report) along with “Tips for training clerks” and an employee “Pledge Card” not to sell to minors. One card was mailed each week over a 6-week period.. The 30 stores that did not sell during Wave 1 did not receive any merchant education. There was no publicity about this sting.

Wave 2 purchase attempts were made after all cards had been mailed to evaluate whether there was a reduction in selling among the 13 stores that had sold at Wave 1. The

results showed that only 4 of these stores sold at Wave 2, suggesting that there was a notable reduction in the sales rate among frequent seller stores. In contrast to Wave 1 when two stores sold three times, four stores sold two times, and six stores sold once (21 packs total) at Wave 2, these four stores only sold one time (4 packs). Among stores that did not sell during Wave 1, there were three that sold during Wave 2. We then delivered a second more intensive intervention for all seven stores that sold during Wave 2.

*Intervention 2.* This more intensive intervention included the following components: direct mail, youth advocacy, media advocacy, and enforcement. This intervention was implemented between February and April 1999. Chronically the following activities were conducted.

- In February 7, 1999 the 7 frequent seller stores received a letter from SCRDP reminding them that Milpitas Police enforces PC §308(a).
- The youth advocacy group, Milpitas KICK (Keep Illegal Cigarettes from Kids) Club, met 11 times between January and May to learn skills and develop and implement action plan.
- In February, 15 KICK youth met with Milpitas Chief of Police urging continued enforcement of PC §308(a) and asking him to participate in their news conference.
- Between February March, KICK youth adopted frequent seller stores and visited each store twice. The purpose of this meeting was for the youth to give back the cigarettes sold to youth during the purchase attempts. That is, if a store sold on two purchase attempts, the youth gave the manager of that store the two packs of cigarettes back.
- In March, KICK youth held a news conference at Milpitas High School asking retailers and community to help. The Chief of Police and Milpitas High's Principal also spoke. The news conference was covered by KCBS radio, the San Jose Mercury News and the Milpitas POST and KNTV, channel 11.
- In April KICK youth sent a letter to each of the frequent seller stores they adopted, asking them to make sure employees ask for and check photo ID.
- On April 16, Milpitas Police did a citywide tobacco sting.

After these intervention activities were completed, we then conducted Wave 3 of the purchase attempts in May 1999. Only one of the seven frequent seller stores sold during this Wave. Unfortunately, this store sold on all three attempts, just as it had sold during Wave 1. Even though we feel that our intervention approach holds substantial promise for lowering youth access from frequent seller stores, licensing of retailers may be the only method of stopping the flow of cigarettes from stores that did not respond to our more intensive intervention activities. In conclusion, we feel that the combined merchant education, police stings, and youth advocacy component hold great promise in preventing youth access to tobacco from frequent seller stores.

## References

- California Department of Health Services-Tobacco Control Section. (1998). *Youth purchase tobacco survey* . Sacramento, CA.
- Forster, J. L., & Wolfson, M. (1998). Youth access to tobacco: policies and politics. *Annual Review of Public Health, 19*, 203-35.
- Ribisl, K. M., Howard, K. A., Howard-Pitney, B., & Norman, G. (1999). *Youth access to tobacco products* . Rockville, MD: The Gallup Organization.
- Weinbaum, Z., Quinn, V., Roeseler, A., Foster, V., Bagnato, N., Johnson, M., Bal, D. G., Walsh, D., Kropp, R., & Keller, J. (1996). Estimates of retailers willing to sell tobacco to minors - California, August-September 1995 and June-July 1996. *Morbidity and Mortality Weekly Report, 45*, 1095-1099.