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## DOCUMENT THE PROBLEM: Illegal Sales

### *Why Do A Youth Purchase Survey?*

There are three primary reasons to conduct a Youth Purchase Survey (YPS): to use the data from the survey to assess the efficacy of an intervention; to use the data to educate policy makers and public officials to promote local policy development and implementation; and to identify stores that consistently violate the law by illegally selling tobacco to minors. The goal is to use the data to bring about some type of law enforcement action. Structure your YPS to best meet your purpose. (See [Youth Purchase Survey Checklist](#) to help you prepare for a YPS in your community.)

The benefit of reducing minors' access to tobacco is straightforward: Youth cannot start smoking cigarettes if they are unable to obtain them. Some data support this conclusion. In a study involving over 6,000 youth of various ethnic groups, it was found that access to tobacco was a stronger predictor of youth experimentation with smoking than the more commonly-studied social-psychological variables, such as peer and parental smoking. Whether decreasing youth access to tobacco from commercial sources really does impact youth uptake of tobacco, however, is still open to debate.<sup>1</sup>

For example, it was demonstrated that youth living in communities with an eight-year history of enforcing youth access laws reported significantly less smoking than youth living in communities without regular enforcement (8.1% versus 15.5%).<sup>2</sup> Even lower smoking rates (5.3%) were obtained for junior high school students aged 12–15.<sup>3</sup> Another study found that, although their intervention significantly reduced illegal tobacco sales in their target communities (from 75% at baseline to 0% at the final post-test three years later), smoking rates among older students (9<sup>th</sup> and 11<sup>th</sup> graders) were unchanged. Changes were observed, however, both cross-sectionally and longitudinally in younger students (7<sup>th</sup> graders).<sup>4</sup> In addition, it was reported that the percentage of teen smokers who began purchasing their own cigarettes soon after starting to smoke was highest in towns where the illegal sales rates were highest.<sup>5</sup>

In contrast, the results of a two-year intervention showed decreased illegal sales rates from 68% at baseline to 18% in the intervention communities.<sup>6</sup> Sales in the control communities dropped to 55% during this same time period. Youth under age 18, however, reported only a small decline in their ability to purchase cigarettes over the two years, and no decline in cigarette use. Even more surprising, despite the obvious differences in sales rates between the intervention and control communities, there were no differences in youth's reported ability to purchase cigarettes or in cigarette use among youth between the two communities. Similarly, a survey of 133,794 students

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in the 6<sup>th</sup>, 9<sup>th</sup>, and 12<sup>th</sup> grades in Minnesota found that few rely exclusively on commercial sources to obtain tobacco; girls and infrequent users were more likely to rely exclusively on social sources of tobacco, while boys and regular tobacco users were more likely to use commercial sources<sup>7</sup>.

Despite the controversy surrounding the role of youth access to tobacco in overall youth smoking rates, YPSs have become a common component of many tobacco interventions directed at youth. As part of a comprehensive effort to decrease youth tobacco use, YPSs have proven to be an invaluable source of data and an excellent way to garner public support of anti-tobacco efforts. Following is a detailed analysis of the three major reasons to conduct YPSs.

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## Reasons to Conduct YPSs

### ▼ Reason 1: To Assess the Efficacy of an Intervention

If you are doing a YPS to evaluate the success of an intervention you conducted, you will be doing at least two YPSs, one before and one after the intervention. These are called “pre- post-“ evaluations. You need to know the nature of your intervention before you start the first YPS; this helps structure the data you obtain during the YPS. Only include stores of the type that you will be using in your intervention. For example, if you are only going to intervene in small, “mom-and-pop” markets, you would not survey all tobacco locations in your area (i.e., exclude large chain stores).

If your goal is to demonstrate that an intervention worked, consider the time frame in which the data should be collected. In a review of 27 studies of the effectiveness of interventions to reduce access by attempting to alter retailer behavior, it was concluded that no strategy currently available in the literature achieved complete, sustained compliance.<sup>8</sup> The data collected by CDHS/TCS over the past few years suggests that illegal sales rates can be extremely variable over time. They can be affected by a number of factors, many of which will be discussed later. Because rates of sales can be affected by many things outside of your intervention or control (e.g., a new media campaign initiated by CDHS/TCS or from other sources or by passage of new regulations, etc.), your pre-intervention assessment should be done as close in time as possible to when you will do your intervention. Similarly, your post-intervention assessment should be done immediately after you complete your intervention. Many researchers also require at least one additional follow-up YPS, conducted three to six months after the post-intervention YPS, to demonstrate that the change is real and continues over time. If your intervention does anything at all, you would expect at least some decrease immediately; however, unless that decrease is more

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permanent and continues over time, it has little impact on overall illegal sales rates. Unless, of course, you want to continue to provide your intervention repeatedly, which may be the only way to obtain complete, sustained compliance. You might want to consider at least one follow-up assessment as well. In any case, you need to consider all these factors when planning the timeframe for your activities.

In summary, to evaluate the efficacy of an intervention:

- You must do at least two assessments, one before (the “pre-intervention” assessment) and one after (the “post-intervention” assessment)
- Your “pre-” assessment should be done immediately before you begin your intervention
- Your “post-” assessment should be done immediately after your intervention
- You should consider doing at least one “follow-up” assessment, anywhere from three to six months after your “post” assessment.

#### ▼ Reason 2: To Provide Data for Policymakers

Collecting data using YPSs can be very helpful when working with policymakers and other public officials. These data can be used as part of your education efforts and aid you in meeting your goal of motivating these individuals to take action to reduce illegal sales of tobacco to children and youth.

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**Educating Policymakers.** One study looked at the relationship between the extensiveness of state-level policies to reduce minors’ access to tobacco and state-level measures of youth smoking behavior.<sup>9</sup> It was found that states with more extensive youth access policies had significantly lower youth smoking rates. At the local level, another study<sup>10</sup> demonstrated that 12–15 year old youth who lived in towns with a local tobacco sales ordinance at baseline were significantly less likely to progress to established smoking four years later than youth who lived in towns without such ordinances. Similarly, in a randomized community trial involving 14 local areas, communities that passed policies to reduce youth access to tobacco showed less pronounced increases in adolescent daily smoking than control communities that did not pass such ordinances, despite the fact that there were no statistically significant differences between intervention and control communities in rates of illegal sales over the 32-month period<sup>11</sup>. These data suggest that encouraging local policy-makers to adopt youth access ordinances may be beneficial in and of itself, even if you are unable to demonstrate high rates of illegal sales to youths.

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**Motivating Policymakers.** If your goal is to motivate policy makers to act, you need to consider carefully exactly what outcome you desire. For example, do you want your local city council to enact an ordinance that requires retailers to place *all* tobacco products (including smokeless tobacco and cigars) either behind lock and key or behind the counter? If yes, then your data should demonstrate that stores that have counter displays of smokeless tobacco and/or cigars are more likely to sell these products to children than they are to sell cigarettes, which are now required to be kept behind the counter. (A similar study, focusing on cigarettes, was done by Forster, Wolfson, Murray, Wagenaar, and Claxton.<sup>12</sup>) Alternatively, if you seek passage of a local licensing law, then you want to demonstrate that illegal sales rates are shockingly high. Rates of 8–15% (which are consistent with the current statewide illegal sales rates) are probably not high enough to motivate policy makers to act. From that perspective, these rates are already low; they are well below the Synar target of less than 20% illegal sales, for example, although some question whether this target is an appropriate one. (See Rigotti, DiFranza, Chang, Tisdale, Kemp, and Singer.<sup>13</sup>) Unless you have data to demonstrate exactly how low the rate of sales needs to be to seriously decrease illegal sales (data which we do not yet have), these types of results would likely not be persuasive. Considering carefully the characteristics of the children you select and the types of stores you send them to (see *Planning Phase: Issues to Consider* below) helps in getting rates that are more persuasive than if your survey only included, for example, 15 year olds going to major supermarket chain stores or drug stores. As noted before, have a clear idea of what you are trying to convince policymakers to consider before you plan the survey then obtain data that will be most beneficial to your policy work and most convincing to these policymakers.

### ▼ Reason 3: To Aid Law Enforcement

Law enforcement agencies operating under Penal Code (PC) § 308 have specific requirements for conducting “sting” operations. These requirements are designed to ensure that, if a store is caught illegally selling tobacco products, it will be successfully prosecuted. These requirements include: audio-taping the sale and/or taking photographs; specific rules for how the tobacco (which may be evidence in a trial of the merchant) will be handled; and other procedures that must be followed when these activities are part of a law enforcement action designed to prosecute those who sell tobacco illegally. Because the rules and requirements are complicated, the purchase surveys you do will likely not result in prosecution. They can, however, be used as data for the Food and Drug Branch of the California Department of Health Services (FDB) or local law enforcement agencies to use and conduct their own independent evaluation.

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## *Planning Phase: Issues to Consider*

### **Arguments Against Youth Purchase Surveys**

Many individuals, even those who are actively involved in tobacco control, believe involving youth in YPSs is philosophically and morally wrong. They cite a number of reasons, e.g., entrapment, increasing tobacco sales, and harming youth. Understanding their concerns and educating them on the benefits, needs and methodologies used may help gain community support.

**Concern #1: “YPSs Are Entrapment.”** Some view these activities as “entrapment,” which implies you are enticing clerks to do something that they would not normally do. Purposefully sending youth into stores to buy cigarettes, when the youth themselves have no interest in acquiring those cigarettes, is viewed by some as unnecessarily putting stores, clerks and youth at risk. This argument makes very little sense, particularly given the history of illegal sales and the many attempts to decrease such sales. Selling cigarettes to younger-appearing individuals without checking identification to see if they meet the minimum age requirements in the State of California is illegal. If all stores complied with the law, there would be no need to conduct YPSs. Since the major reason to undertake this activity is to increase stores’ compliance with the existing law, conducting YPSs could actually help decrease a store’s risk.

One way to address the entrapment argument is to decide at the outset that store information you collect will not be given to law enforcement. You could, however, provide information about areas of your community where sales are highest, or types of stores in your area that are more likely to sell tobacco products to minors. This data could still be useful to law enforcement, e.g., they could direct their own enforcement activities to stores in specific areas.

**Concern #2: “YPSs Increase Sales.”** A second argument commonly made against YPSs is that the experience of having increased numbers of youth come into the store and ask for cigarettes might “tempt” store owners and clerks and actually increase illegal sales to youth. This argument is weak for two reasons. First, you will increase the number of youth asking for tobacco in each store by a total of one for each purchase survey you conduct. If you do pre-post YPSs over a six-month period, you would be responsible for increasing the total number of youth asking for tobacco by two. This is hardly sufficient to “tempt” anyone. Second, the data do not support the “tempt” argument but demonstrate that illegal sales of tobacco to youth fluctuate widely but nonetheless have decreased over time, despite increased use of YPSs at both the state and local levels.

**Concern #3: “YPSs Are Harmful to the Youth Who Participate in Them.”** The third argument commonly made about YPSs is that participating may be harmful to youth. This harm is usually described in one of two ways.

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### ▼ Moral Harm

First, there is moral harm in having children participate in illegal activities, regardless of how those activities are explained to the youth and regardless of whether they are able to comprehend what they are doing; you are encouraging youth to break the law. This is the most difficult argument to deal with, as there are little data to support counterarguments. To quell some of these fears, it is important to:

- Explain the survey and its goals completely and thoroughly to the participating youth and their parents. Provide complete rationales (written and oral) in a language they all can understand.
- Describe the process of obtaining immunity from prosecution, explain immunity and its limits. Specifically, make sure youth understand that you are working cooperatively with local law enforcement who support these activities. Emphasize that the purpose is to reduce illegal sales of tobacco products to youth in the future.
- Ensure that the youth who participate understand that immunity *applies only when they are working on your YPS*, not at any other time. Point out that if they are caught buying cigarettes at any other time, they will be prosecuted to the full extent of the law.
- Remind them that if a family member or adult friend smokes and asks them to buy cigarettes, they must refuse. Make sure teens understand that all cigarettes acquired from a successful buy attempt must be turned over to project staff.
- Provide for the safety of youth by obtaining permission from local law enforcement for the YPS, training youth in the procedures being used, training adults who accompany them and providing adequate adult supervision at all times.

To counteract the possible moral implications of having youth participate, it is important to help them understand that they are operating only under special circumstances and with legal permission, and that the purpose is to reduce future illegal sales of tobacco products.

### ▼ Negative Influence

The second argument centers around the possible negative influence that participating may have on children's desire to smoke in the future. This argument is usually presented as follows: After youth see how easy it is to obtain tobacco products, they will be more motivated to use tobacco in the future. There are data to counter these arguments. One study surveyed 31 youth who had been previously selected, screened and trained to participate in youth purchase surveys.<sup>14</sup> Of these 31, 24 had actually done purchase attempts while seven had not. Youth who made the purchase attempts were less

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likely to indicate an intention to smoke in the future than those who did not. Similarly, those who made purchase attempts were more likely to discuss smoking with peers and to encourage friends and family to quit smoking than youth who did not participate in purchase attempts.<sup>15</sup>

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### Which Stores Should Be Surveyed?

Data from California and the rest of the country suggest that different types of stores are more or less likely to sell tobacco illegally to youth. You can expect lower than average sales rates in drug stores/ pharmacies and major supermarket chain stores. Small grocery and convenience stores, liquor stores and gas stations tend to have higher than average sales rates. Also, retail establishments that are not easily categorized (e.g., donut shops) are also more likely to sell tobacco to youth. These differences have been reported in virtually all prior STAKE Act statewide surveys and have been found for cigarettes and for other tobacco products, such as snuff.<sup>16</sup>

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### Which Minors Should You Use?

A number of factors are known to affect the illegal sales rates of tobacco to minors. These include the number of children involved in making the purchase attempts and the age, ethnicity and gender of the children who actually try to buy cigarettes.

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### How Many Youth Decoys Should You Use?

In the late 1980's and early 1990's when sales rates were very high (60-90% sales<sup>e.g., 17, 18, 19</sup>), researchers used only one or two youth and had them attempt to purchase in all of the stores being evaluated. That was before we understood that the skills and abilities of the youth doing the purchasing, as well as various demographic characteristics of the youth, could affect rates. The more youth you use, the better. If you use only one, your results could be biased in some way. Unless you plan to repeat measures in the same stores (e.g., for pre-intervention have at least 3-4 youth each try and buy cigarettes in the same store and for post-intervention have at least 3-4 different youth try and buy cigarettes in the same store), make sure you spread the youth (and thus their skills, abilities, and demographic characteristics) around. As a rule of thumb, unless many different youth will go to each store repeatedly, you should probably have each youth visit no more than 25 stores. For smaller counties and jurisdictions, you should divide up the total number of stores you plan on surveying and have each youth do no more than about 25% of the total. You should plan on using a minimum of four

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different youth for each YPS you intend to conduct to ensure you have good representation of youth for the entire list of stores. Remember that if you use a youth in the pre-intervention assessment, you should not have the same person go to the same store in the post-intervention assessment unless a relatively long (4–6 months) period of time has passed. Otherwise, it could affect the chances that a clerk could decide to sell or not sell cigarettes to a youth recognized from the past.

If you intend to conduct YPSs in rural counties or communities, consider “swapping” youth from your community with youth from another. This exchange allows you to conduct the YPS in your community without concern about compromising the identity of youth who live in your area, and allows both communities to complete a YPS.

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### How Old Should the Youth Decoys Be?

Age has been demonstrated to be one of the strongest predictors of illegal sales of tobacco to children in numerous studies conducted by researchers all over the country<sup>e.g.,20, 21, 22</sup> One of the studies demonstrated that 17 year olds are 10 times more likely than 15 year olds to be able to purchase cigarettes.<sup>20, 23</sup> Similar results were obtained for attempts to purchase single cigarettes and for protocols that differed somewhat from the standard ones being used most commonly in research on minors’ access to tobacco.<sup>24</sup> The reasons for these strong, consistent age differences are unknown. Perhaps clerks feel it is “less of a crime” to sell tobacco to youths who are “close” to legal age; or, there may be characteristics of 16 and 17 year old youth (e.g., increased social skills, increased experience purchasing items in stores) that have yet to be investigated.

Unless you are constrained in some way by some external contingencies (i.e., Substance Abuse and Mental Health Services Administration requires that the State of California use only 15 and 16 year olds in purchase attempts for Synar compliance), you should be using youth who are at least 16 years old. Not only do you get increased sales rates when you use older youth, but the use of older youth is consistent with what we currently know about how minors obtain tobacco. Data on social versus commercial sources of tobacco suggest that social sources (especially friends who are either older than or close to age 18) are the major supplier of tobacco when youth first begin to smoke and for the time period where they are infrequent smokers. As they progress to regular smoking, however, commercial sources of tobacco increase in importance.<sup>25</sup> Thus, if you want data on the sales rates for those youth who are more likely to actually try and buy cigarettes in the real world, you should be using youth who are at least 16 years old.

*Use teens who are at least 16 years of age or older.*

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## Which Ethnic Groups Should the Youth Decoys Represent?

Numerous investigators using a variety of methods (including purchase attempt studies and large- and small-scale surveys of youth tobacco use), have found that the youth's ethnicity affects sales rates. One study<sup>25</sup> found that multi-ethnic children report greater availability of and easier access to cigarettes.<sup>26</sup> Another study found that older (i.e., 16 year old) African American children had the greatest access.<sup>21</sup> Despite overall significant decreases in the proportion of retailers willing to sell cigarettes to youth over a five-year period, ethnicity was still a factor. Five years later, African American and Latino children were both 2.5 times more likely to be sold cigarettes than were White youth.<sup>27</sup> Current data suggest that ethnic minority youth still tend to have the highest access rates.

Another factor to consider is where your purchase attempts are going to be conducted. A clerk will be less suspicious if the ethnicity of the youth matches the ethnicity of the neighborhood surrounding that store.

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## What Should the Gender of the Youth Decoy Be?

The results for gender of the youth are rather mixed. Many earlier studies<sup>e.g., 19, 20, 27</sup> found that girls were sold tobacco more often than boys. A number of untested theories for these gender differences were proposed, including: 1) girls "look older" than boys who are the same age; and 2) male clerks were more likely than female clerks to sell cigarettes illegally to children. To date, none of these hypotheses have been adequately verified. In addition, more recent data<sup>26</sup> obtained after implementation of Synar and STAKE in California (after the overall sales rates dropped dramatically) found no differences in sales rates between boys and girls. This suggests that the safest strategy is to have equal numbers of girls and boys participate in your YPS.

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## Summary

Clearly decide what you are trying to demonstrate by your YPS before you begin. Select the type and number of stores that best demonstrate what you are trying to show. Recruit about one youth for each 25 or fewer stores that you will be assessing (or a minimum of four different youth), and try to make sure you have adequate representation of various ethnic groups and that you use equal numbers of boys and girls. Finally, use youth who are at least 16 years of age or older.

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## ***Before Conducting the Survey***

***Clearly decide what you are trying to demonstrate with your YPS before you begin.***

## **Coordinate Efforts**

Many agencies, including the Food and Drug Branch of the California Department of Health Services and local law enforcement agencies responsible for enforcing PC § 308, conduct tobacco purchase attempts with youth in your area at various times during the year. In addition, the statewide STAKE Act survey required by the Synar Amendment is typically conducted between March and June of each year. Finally, a number of TCS- or other agency-funded projects may also have youth purchase surveys on their agendas. Clearly, multiple agencies conducting multiple youth purchase surveys in the same geographical area, could seriously affect your results; merchants could become suspicious about so many teens and adults coming to their stores asking for cigarettes. Rather than truly modifying their behavior, they may cease to sell to youth for a short period of time because they feel they are under surveillance. Such brief, situational decreases do not represent a real change and work against the goal of sustained, continued decreases in illegal sales. Before planning and scheduling a YPS, check with these various agencies to see when they intend to do purchase attempts in your area.

Coordinating efforts should include support from: Local Lead Agencies (LLAs), Community Linkage Projects (Regions), local grantees, nonprofit agencies, and other concerned community groups and individuals. Most Regions and LLAs have coalitions to address local tobacco control issues. Present your complete plan for the YPS with these coalitions, including the rationale, long before the YPS is conducted. Furthermore, it is wise to gain the support of additional community members and organizations that have the experience, power and resources to assist you in conducting the survey and sharing the results with the community. These additional community resources include:

- parents
- teachers and other school organizations, including your local Drug, Alcohol and Tobacco Education (DATE) coordinators
- youth group leaders
- local elected officials
- ministers/clergy
- voluntary health agencies, e.g., American Lung Association, American Cancer Society, and American Heart Association
- local law enforcement personnel, particularly those involved in enforcing PC § 308
- Drug Abuse Resistance Education (DARE) officers
- parent organizations and support groups
- youth organizations (e.g., Friday Night Live, Boy/Girl Scouts)
- drug and alcohol prevention groups
- church groups
- service clubs

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## Garner Support

There are many ways to garner support from these community agencies. For instance, present the issue to them as a major one in the area of public health. Provide background information on youth smoking, tobacco addiction and smoking related deaths and disabilities. Describe how most smokers begin as children, and that if we could prevent children from getting cigarettes, we might be able to prevent a future generation of smokers. Many of the people to whom you will be speaking do not realize that the easy availability of tobacco contributes to youth smoking directly, and thus is a major contributor to higher risk of death and disease later in life.

Think in advance of a role for the person or organization with whom you will be meeting. Can they help you identify stores to survey? Would they be willing to accompany youth doing the purchase survey? Could they be available when you need assistance in publicizing the results of your survey?

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## Obtain Permission and Immunity from Prosecution

PC § 308 makes it illegal for anyone under the age of 18 to purchase or possess cigarettes. PC § 308 and the STAKE Act make it illegal for anyone to sell tobacco products to someone under the age of 18. When using “actual buy” (consummated) protocols rather than “attempted buy” (unconsummated) ones (see *Survey Protocols* below for a discussion of this), you will need to obtain immunity from prosecution for all youth purchase survey activities. This immunity needs to be obtained for participating youth, the adults accompanying them, your agency, and, if your survey is for data collection purposes only (e.g., if you will not be revealing the names of the store to law enforcement), the stores who may actually sell the cigarettes to the youth. If you obtain immunity for the stores, it should be limited to sales that occur only during your YPS. Clearly, if you identify areas in your community where sales are high, and if you give this information to law enforcement, you want them to be able to prosecute stores that sell tobacco during an actual “sting” operation.

Hopefully, you will have representatives from law enforcement as part of your coalition; they can be valuable in seeking immunity from prosecution. Depending on the size and scope of your YPS, at a minimum you should plan on seeking immunity from both your county District Attorney and the prosecutor from each city in which you conduct your surveys. Before you seek this immunity, formulate a strategy for working with these individuals that includes:

- Articulate the purpose of the survey. Law enforcement personnel are more responsive to requests that include the rationale for the survey, a brief description of the methods you will use and an

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indication of what will be done with the data you obtain. Some law enforcement personnel, for example, may see this as an opportunity to use you to gather information about stores that they will later include in some type of enforcement action. If you are not willing to have your data used in this way (and some of your coalition members may be philosophically opposed to having your agency participate in what they consider to be “entrapment”) you will need to be very clear about this in your request for immunity.

- Work through the contacts that you or other task force members already have. You may have already worked with your local District Attorney or other official; using these prior relationships is the easiest way to contact the people from whom you will be asking for letters. You may want to start with the officers who deal with youth programs, the DARE program, or your local community policing unit, and work your way up to the decision-makers at the top.
- Make sure you have involved community leaders who can either write letters or speak to the law enforcement personnel on your behalf. Oftentimes, a “good word” put in by someone from the community can go far in encouraging law enforcement personnel to support your request.
- Use the results you may have gotten from prior YPSs as evidence that this is a valuable task that would greatly benefit the community.

Conducting YPSs (and obtaining immunity from prosecution for doing them) may pose a problem in some locations. Although law enforcement personnel are aware of the use and value of YPSs for evaluating the effects of interventions with stores (and many agencies now use youth as “decoys” in their own enforcement activities), this does not mean that law enforcement universally supports these activities. In some locations, the police, the county sheriff and/or the District Attorney may have strong ties to the business community; as a result, they may not cooperate with your efforts to conduct YPSs. Educate them about the role of illegally purchased tobacco products in the initiation of smoking among youth, the fact that most smokers begin as youth, and the need to prevent the next future generation of smokers is your best strategy. Involving key people from the community to work with those in law enforcement who do not see the value of these efforts is another effective method to increase the cooperation of law enforcement. Obtain formal endorsements from other groups in the community for the YPS. Strong community support of your activities is also crucial if you hope to change some of these attitudes. Regardless of how you chose to address the possible lack of support from law enforcement in your area, you will need to be sensitive to the issues that are unique to your specific location.

If you are unable to obtain immunity from prosecution necessary to do a complete YPS, think through what other options are available.

*Finally, before you actually begin the survey, it is important to inform law enforcement agencies.*

For example, you may decide to focus solely on the identification (ID) checking requirement. In this case, you may send youth into stores to attempt to purchase tobacco, but stop the transaction immediately after you see whether or not the clerk asked the youth for his/her ID. You could send very young looking 18 year olds into the store to observe compliance of the ID check requirements in the STAKE Act. Clearly, the optimal situation is one in which you have the cooperation and support of local law enforcement. If you are unable to get this support, your goals and methods will need to be completely re-thought and may require substantial revision.

Finally, before you actually begin the survey, it is important to inform local law enforcement agencies, who may themselves be involved in PC § 308 activities, about your YPS; include both local police departments and your county sheriff office.

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## Identify Survey Sites

Assuming you have decided on the purpose of your survey and determined types of retail outlets to survey, you then select the actual retail outlets that will be the focus for your survey.

### ▼ Define Your Geographic Area

First, decide on how large a geographical area you want to describe. A number of options are available to you:

*Region-wide or county-wide surveys:* Requires the greatest amount of coordination and planning; you may be required to complete purchase surveys in retail outlets that are far from your agency or that are far from metropolitan areas. This method, however, does allow you to compare sales rates for your region or county with other regions or counties in the state, as well as with the statewide data collected during the statewide survey.

*City-specific random sample survey:* Allows a concentrated effort on illegal sales to youth in a smaller, more clearly defined geographical area. These types of surveys may be easier to complete; they require less time and effort than traveling to more distant parts of the county or region. These results, however, are only true for the city in which the survey was done; you cannot generalize from sales rates obtained in one city to a larger geographical area such as a county or region. In addition, if you want to compare sales rates among various cities, you may need to survey more stores in each city in order to have sufficient sample size for a comparison to be made.

*Specialized studies of merchants, products, or communities:* Depending on the purpose and goals of your survey, it may be appropriate to limit the survey to:

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- Particular types of neighborhoods (e.g., areas within ½ mile of a school)
  - Products (e.g., chewing tobacco, bidis or herbal cigarettes)
  - Merchants (e.g., small “mom and pop” type markets).

Such surveys, while not generalizable to any city, county, or other area, may provide useful information that enhances your tobacco control efforts.

It is possible to combine these geographical areas to provide data that would be more generalizable. For example, you could choose to survey only specific types of products or merchants from your county or region as a whole. That would allow you to make statements on the degree to which specific stores (e.g., small “mom and pop” stores in your county) sell chewing tobacco illegally to children.

### ▼ Decide How Many Stores to Survey

Unfortunately, this is a difficult question with no simple answer. In general, your goal is to survey enough stores to be able to conclude that the results you obtained are representative of the region, county, city and type of merchant that you surveyed. In many respects, the answer to this question is counter-intuitive (e.g., the more you limit your survey in any way, the proportionally more stores you need to survey to ensure that you have a representative sample). Assuming your selection procedure is truly random (discussed below), conducting a survey in one specific city may require that you visit almost as many individual stores as you would if you surveyed your entire county.

Statistically, sample size is determined by four factors:

- Population, or the total number of stores that meet your criteria
- Estimated baseline rate (i.e., rate of illegal tobacco sales)
- Maximum error range of + or - 5% between the sample mean and the population mean
- Desired confidence level, which is generally agreed to be 95%, meaning that there is less than a 5% probability that your results were due to chance.

Clearly, there are potential problems with these statistical definitions. For example, it may be difficult for you to know (particularly if you are surveying a subset of types of stores) the total number of stores that meet your criteria. Similarly, what baseline rate is most appropriate? Should it be the rate obtained in the statewide survey? Or, should you use rates you may have obtained in previous purchase surveys? Work closely with your local program evaluator to determine exactly the number of stores you need to survey in order to have confidence that your results are accurate and representative.

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### ▼ Compile a Master List of Tobacco Retailers

CDHS/TCS has available the Board of Equalization (BOE) database which contains information on over 40,000 probable tobacco retailers. Unfortunately, the BOE list becomes outdated rather quickly and there are many problems with the list itself. Currently, only about half of the entries obtained from the BOE actually turn out to be real stores located at real addresses that actually sell tobacco products. The list can include a wide array of useless entries (e.g., day care centers, military bases, dentist and doctor offices, churches, bars).

If you rely on the BOE, request at least twice as many stores as you actually intend to survey; check the list carefully before beginning your YPS (described below). Because of the problems with the BOE list, you may decide to use your own contacts to acquire lists of tobacco outlets. Some counties may have computerized databases of stores that are routinely inspected by the Environmental Health Services division. Local telephone directories, commercial directories, or the Chamber of Commerce are also sources for these data. A city's business licensing office is another source, but there may be a fee for obtaining those data. Your goal is to compile as complete a list as possible of the stores likely to sell tobacco products.

One thing to remember: It is not unusual for up to 10% of retailers to go out of business annually. It is likely that about 10% of the businesses on your list, regardless of how you obtained it, may no longer be in operation by the time you do your survey. To ensure that you sample enough businesses, select at least 10–20% more than the number you and your local program evaluator agree is the minimally acceptable sample size.

### ▼ Select the Stores to Be Surveyed

Once your list of possible stores is complete for your survey, select those that will actually be visited. For your results to be **valid**, this selection must be done in a **random** manner. If you obtain a list from CDHS/TCS (email David Cowling at [dcowling@dhs.ca.gov](mailto:dcowling@dhs.ca.gov)), request a random sample of however many stores you need (remembering to ask for twice as many entries as you will need, and then increasing that number by 10–20% more than you anticipate needing). This list can be organized and printed in whatever way is convenient for you (e.g., by city, zip code, type of store, etc.). If you are surveying a sub-group of stores (e.g., either by type of store or by city), you can request a random sample from the BOE list that meets the criteria you set.

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TCS will provide you with two lists of stores: the original sample you requested and a substitute sample of stores. You must use the original sample first (from the top of the list down), filling in stores that no longer exist (or never existed) with stores from the substitute list (again, start from the top, down). Go through the lists until the required number of stores is achieved.

You will actually save time, money and aggravation by verifying each store in the list before beginning your YPS. Verification allows you to see if a given store is still open and if that store actually sells cigarettes. The easiest way to verify stores is to call each of them prior to the survey and ask questions such as, "Do you sell Marlboros?" or "What hours are you open?" Even then, you will likely find stores that, by the time you actually do the YPS, are either no longer in business, do not sell tobacco products, or are not open for some reason. You need the substitute list and must verify stores on it as well. Time spent verifying stores before the survey is time well spent; you will reduce the number of useless trips made by adult/youth teams to stores that, for any of the above stated reasons, will not qualify for a survey.

If you compile your own list of stores, the ones you choose to use in the survey must be randomly selected. Here is a simple way to do this:

1. Sort the stores alphabetically by name.
2. Choose stores based on their position on the list. If you need to complete surveys in 250 stores, and there are a total of 1,000 stores on your list, select every fourth store ( $1,000/250 = 4$ ) to include in your survey.
3. Pick a random starting point and continue moving through the list, selecting every fourth store, until you have gone through the entire list of 1,000 stores.
4. Each time you need to select a sample, pick the starting point at random.

Your local program evaluator or the Data Analysis and Evaluation Unit at CDHS/TCS can assist you in ensuring that the methods you intend to use to select stores are adequately random.

Alternatively, computers can generate a random list of stores for you. They can be randomly selected using Microsoft Excel or any other database or spreadsheet program. If you are not familiar with this type of software program, obtain assistance from your local program evaluator to develop your store sample using this method. (See Document the Problem: Store Marketing section and Sample Size Spreadsheet.)

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### ▼ Map Stores and Driving Routes

Your YPS will go more smoothly and efficiently if the accompanying adults know where they are going. There are a number of computer programs available that map driving routes and store locations from the addresses of each individual store. In addition, there are also programs on the web (e.g., [www.mapquest.com](http://www.mapquest.com)) that do the same thing. Finally, the Thomas Brothers Guide for the area you will be surveying is a valuable tool to give you reasonably up-to-date maps. Although this is very time consuming (and a little expensive as you will need to print a specific map for each store in your survey), the time you save during the YPS itself makes this effort worth it.

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### Recruit and Train Youth

Previously, the types of teens you need were discussed in detail. Here we address the steps involved in recruiting and training youth decoys.

### ▼ Find Teen Volunteers

A range of teen groups now exists in many cities. Teen participants can be identified through:

- Community youth leadership groups
- Student councils and Associated Student Boards
- Culturally-oriented groups
- Youth groups concerned about substance abuse
- Scouting troops and Explorer scouts
- Youth environmental groups
- 4-H groups
- Religious organizations
- “Friday Night Live” clubs
- Tobacco prevention youth coalitions (e.g., LLA, The American Legacy Foundation)
- DARE youth

In addition, you might do well to contact the following individuals who could assist you in identifying potentially interested teens:

- LLA Coalition members
- Safe and Drug Free Schools coordinators
- School counselors
- Tobacco Use Prevention Education (TUPE) coordinators

*CDHS/TCS funds three agencies to recruit youth to assist in STAKE Act surveys.*

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Finally, CDHS/TCS funds three agencies (one each for northern , central and southern California) to recruit youth to assist in STAKE Act surveys. These agencies maintain lists of youth who have expressed an interest in being involved in YPSs. Your CDHS/TCS Program Consultant can assist you in contacting the recruiting agency in your area to see if youth are available to participate in your YPS.

### ▼ Get Youth to Participate

Making presentations to potential youth participants is one way to encourage them to play a role. The presentation must be interesting, relatively short and emphasize the possible benefits to them. You can use any or all of the following in your recruitment efforts:

- Visual aids (posters, videos about tobacco, slides)
- Music
- Guest speakers (most powerful are teens who have actually done purchase attempts for you in the past as they can accurately describe what the experience will be like)
- Performances by existing anti-tobacco teen theater groups

Once you have a list of teens who want to participate, it is usually best to pre-screen them before inviting them to a training session. This can usually be done over the phone. The [Youth Telephone Interview Form](#) provides a sample of typical telephone screening questions.

A number of activities are available to teens who desire to participate. These include:

- Going with staff to visit local law enforcement departments when describing and seeking support for the purchase survey
- Working with adults to map out the retail sites that will be surveyed
- Making the purchase attempts in the selected stores
- Being trained as “media advocates” and serving as spokespersons to report survey results to media and at community meetings
- Forming a network of local teens to brainstorm on the access issue and how to successfully decrease minors’ access

### ▼ Use Various Incentives

Many agencies find that incentives increase teen participation. They will vary, based on the amount of money you have available to conduct the YPS. The most obvious one (and the one used in the statewide survey) is paying the teens for their participation. The typical amount is \$3–\$5 per store, regardless of whether they are able to purchase cigarettes or not. Thus, if a youth does 20–25 stores, he/she has the opportunity to make as much as \$125. Depending on how far you have to drive from one store to another, this is money that can be earned relatively quickly, perhaps, in a single afternoon.

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Alternatively, you can purchase things like movie passes or gift certificates, and give them to the participating youth. The problem with this is that you have to be clear from the outset just what the teen has to do to earn the movie pass or the gift certificate. If, for example, you set out to complete 50 stores in an afternoon, and the teen has committed him/herself to that afternoon, what happens if for some reason you only complete 30 stores? Will you give the teen the gift certificate nonetheless? Will you require that he/she make yet another afternoon's commitment to finish? This must be clear to the teens well in advance of their participation.

Finally, many youth who volunteer to participate in projects such as these have the desire to further their education. One thing routinely done for teen participants in the statewide survey is to give each a letter that can be included in his or her college application package. This letter describes the youth's participation and the important role this youth played in trying to decrease tobacco use among his/her peers. Because youth know that demonstrating some type of community service is important to college admissions personnel, this letter has proven to be a valuable additional incentive for participation in the statewide survey; for many teens, getting this letter alone makes the experience worthwhile.

### ▼ Conduct Youth Training

Before youth can participate in tobacco purchase attempts they must be trained in the methods you will be using and what will be required of them. This training should also include basic anti-tobacco information targeted towards teens. Topics to cover include: the degree to which tobacco companies specifically target youth; the degree to which they target various ethnic groups; the costs of smoking both to the individual and the society; the importance of reducing minors' access to tobacco and their role in reducing access.

Prior to the training, select the youth tobacco purchase protocol you will use and know exactly what youth will be asked to do (see *Survey Protocols* below). It is best if you invite both the teens and their parents to this training to ensure that parents understand what their child will be doing. Also use this training as an opportunity to obtain information about the youth and gain consent to participate from them and their parent. A sample [Youth Profile Form](#), to be filled out by youth during the training, is provided. In addition to the anti-tobacco information, the training should include:

- Goals and planned use of the survey
- A thorough review of what the youth will be asked to do during the purchase attempt, including what data the youth must remember during each attempt and the questions that will be asked of the youth after going into the store

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- How to check for self-service displays, if appropriate
  - A reminder that a “successful” purchase attempt is one that is completed, regardless of whether tobacco is sold to the youth or not; because the goal is to obtain an accurate picture of sales when assessed in this manner, “no sale” is as valuable as demonstrating that a sale did occur
  - Suggestions about how to act during the purchase attempt and what to do if questions are raised (to make sure that clerks do not suspect what they are doing)
  - A reminder that youth do not trick or coerce clerks into selling tobacco; rather, the goal is to obtain a true picture of tobacco sales
  - A clear statement that the names of retail sites and whether or not a specific site sold tobacco is confidential and must remain that way
  - Role-playing the many scenarios involved in conducting YPSs, including:
    - How to make buys
    - Types of tobacco to ask for
    - What to do if a clerk realizes this is a purchase attempt
    - What to do if a clerk gets angry
    - What to do if the youth knows either the clerk or a customer in the store
  - A review of the safety considerations

### ▼ Obtain Parental and Youth Permission

All teens who participate must have written permission from a parent or guardian. In addition, it is best if the teens themselves sign a permission form to demonstrate that they, too, understand the nature of their participation. The permission should include riding in a car accompanied by an adult who is in some way associated with the YPS. Sample consent forms are provided in both English and Spanish (see [Parental Consent Form](#), [Youth Consent Form](#), and for Spanish see [Parental and Youth Consent Form](#)). In addition, three full example descriptions of what will occur during a YPS as related to the survey protocols are provided (see the *Survey Protocols* section below). One description is for the parent, another for the youth, and a third for the adult driver.

*Note: You must legally protect your organization. If a teen’s parent or guardian has not filled out and signed the permission form, the teen cannot participate.*

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### ▼ Make Safety the Number One Priority

While obtaining the data certainly is important, it is essential that adult drivers/observers maintain the teen's safety. As they drive through various neighborhoods, particularly those that are unfamiliar, they need to be alert. If at any time, either the driver or the youth feels uncomfortable for any reason, terminate the purchase attempt immediately and re-schedule. Drivers should be on the lookout for:

- Small or large groups of adolescents or young adults loitering around the outside or on the inside of a store
- Anyone consuming alcohol around or near a store
- Evidence of police activity (e.g., sirens, police cars) near or around a store

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### Recruit and Train Adult Drivers/Observers

The optimal team to conduct purchase attempts is two adults and two youth. The adults can help each other navigate to stores and, particularly when conducting purchase attempts in cities where parking may be at a premium, one adult can supervise the purchase attempt while the other drives around so that a parking space is not needed. Having at least two youth conduct purchase attempts is more efficient, as the youth can alternate going into the stores. One adult can be a companion for the youth in the store.

For the protection of your agency, it is not recommended to have a male accompany a female youth in YPSs, particularly when using volunteers as drivers. If you must have a male drive a female youth, it is best if the male is an employee of your agency who you know well, rather than a volunteer with whom you may be less familiar. Constructing the adult/youth team with thought and planning will reduce the chances of negative outcomes resulting from the YPS.

In general, either your own staff or other individuals from the drug, alcohol, or tobacco use prevention community should supervise the purchase attempts. Task force and coalition members and the parents of youth you have recruited, are obvious choices to accompany the youth on the purchase attempts. If you have adult volunteers who assisted you in conducting purchase attempts in the past, ask them to participate again.

If you need to recruit outside of your own task force, coalition, or staff, drivers can be recruited from:

- Parent-teacher associations
- Voluntary health organizations
- Service clubs
- Other community leaders

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Because these adults will be accompanying minors, it is crucial that each have:

- A good driving record
- Automobile insurance
- A valid California driver's license

Some agencies pay for a Department of Motor Vehicles printout and/or obtain fingerprints of each volunteer and have them checked for a criminal record through either the justice department or the local police department. Although these checks can add to the cost of conducting the purchase survey, ensuring the safety of the youth participating in the purchase surveys is paramount in endeavors of this kind.

### ▼ Conduct Adult Training

All adults must be trained prior to participating. Unless you are conducting a large number of YPSs or repeating them often, you can conduct the training right before the YPS begins. The training should take approximately 1½ to 2 hours and include:

- Goals and planned use of the survey
- A thorough review of what the youth will be asked to do during the purchase attempt, including what data the youth must remember during each attempt and the questions that will be asked of the youth after going into the store
- How to check for self-service displays, if appropriate
- A reminder that a “successful” purchase attempt is one that is completed, regardless of whether tobacco is sold to the youth or not; because the goal is to obtain an accurate picture of sales when assessed in this manner, “No sale” is as valuable as demonstrating that a sale did occur
- Suggestions about how to act during the purchase attempt and what to do if questions are raised (to make sure that clerks do not suspect what they are doing)
- A reminder that youth do not trick or coerce clerks into selling tobacco; rather, the goal is to obtain a true picture of tobacco sales
- A clear statement that the names of retail sites and whether or not a specific site sold tobacco is confidential and must remain that way
- Role-playing the many scenarios involved in conducting YPSs, including:
  - How to make buys
  - Types of tobacco to ask for

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- What to do if a clerk realizes this is a purchase attempt
  - What to do if a clerk gets angry
  - What to do if the youth knows either the clerk or a customer in the store

- A review of the safety considerations

Some locations in the state have found that merchants have developed informal communication systems (e.g., telephone trees) to let other stores know when YPSs are being conducted in their area. When one merchant suspects that he/she has just been visited by a youth doing a YPS, that merchant calls other merchants in the area to warn them not to sell tobacco to any youth that day. Each merchant calls other merchants until all merchants in the area have been called; they then refuse to sell tobacco that day to anyone who looks young. If you suspect that you have been identified, and if merchants in the same area all appear suspicious, you may be better off to postpone your YPS and conduct it at a later time.

*Each team should have a survey packet prepared for them before they begin.*

It is often useful to take the adult volunteer drivers to a store before the YPS so that they have some experience in completing the tasks required. Because you will not be actually collecting data, you can use a large store (so that your group will not stand out in any way) that will not be part of the actual survey itself. Familiarize the adults with the range of signs they need to look for, the types of placements they can expect and what the advertising looks like. Discuss possible problems and questions in the store and use the store as an example. This is particularly helpful when your adults have little or no experience in tobacco control and or perhaps have not paid much attention to cigarettes, the range of tobacco products, signs about cigarettes and where cigarettes are located.

Each team should have a survey packet prepared for them before they begin. For each team, the packet should include:

- Writing instruments (pens and pencils).
- List of stores the team is to survey and the type of tobacco to be asked for in each store.
- Copy of the letter written by the sponsoring health department or agency for survey participants that describes what is being done and under whose auspices.
- Copy of the letter granting immunity from prosecution (should they be confronted by law enforcement personnel during the survey).
- Maps to each store with the route plotted as best as possible.
- Enough copies of the survey instrument for each store surveyed, plus extra for errors (see [YPS Data Form](#)).
- Copy of the survey definitions (see [YPS Definitions of Terms](#)).

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- Money. In general, you can expect a pack of cigarettes to cost between \$4 and \$5. Each team should have enough money to cover about a 50% sales rate, unless you have reason to believe the rate will be higher or lower. If a team plans on surveying 50 stores, they need about \$100 to cover the cost of cigarettes (at \$4 a pack) in 25 stores.
  - Signed permission forms for emergency medical treatment of the youth in the team, should this be required.
  - Mechanism for storing and keeping purchased cigarettes. Baggies or other similar containers with labels to identify store number and date of purchase.
  - Contact name and phone number for both the youth and a project staff member if there is a problem. *The project staff member should be available throughout the time the purchase survey is being conducted to deal with problems and questions as they arise.*

Write the procedures for the youth, their parents and any adults who accompany them. Give each a copy to review to ensure that all participants thoroughly understand what is being asked of them, what they should do and how they should handle problems if they arise. (See Survey Protocols example descriptions.)

#### ▼ Other Considerations

Before you begin the training, have clear protocols on how to handle specific aspects of the purchase survey. For example, specify how money will be distributed (e.g., do the adults have to sign a receipt, what should be done with any leftover funds at the end of the day, who is responsible for the money); what requirements your agency has for ensuring this money is spent appropriately; and what will be done with the cigarettes obtained. If the purchase survey goes beyond three or four hours, what provisions will you make to feed the participants or provide them with a snack? Will you pay for this? Address all these issues prior to training (adults and youth) so everyone is clear from the beginning what is required of them. You are now ready to implement the protocol. (See *Survey Protocols* below.)

## *Survey Protocols*

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CDHS/TCS recommends one of two youth tobacco purchase survey protocols for all purchase surveys. These define what the youth do upon entering the store. They in no way limit the type of store being surveyed or which tobacco product is being requested. The goal is to use one of these two protocols for all specific types of youth purchase surveys. Before describing the actual protocols themselves, two issues will be addressed—“actual” versus “attempted” buys and what the adult observer should do in each store.

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## “Actual” versus “Attempted” Buy

Both of the protocols described here are “actual buy” (as opposed to “attempted buy”) protocols. CDHS/TCS now recommends that all purchase surveys use an “actual buy” protocol. Although such a method is more expensive and requires that you obtain immunity from prosecution prior to beginning the survey, there are a number of reasons for this recommendation, including:

*Having the tobacco in hand removes any doubt about whether or not a sale has occurred.*

- You have clear evidence that a sale has occurred and the law has been broken. If the youth does not leave the store with tobacco purchased illegally, it is too easy for the clerk to claim that he/she was not going to consummate the sale for any one of a number of reasons (e.g., that he/she was going to ask for ID right before he/she took the youth’s money).
- “Attempted buy” protocols require too many judgments to be made. The accompanying adult must be present and near enough to the transaction to determine if the sale would have been consummated. An example of the judgment needed: The clerk automatically scans the product price, then notices the customer is a minor, requests ID and halts the sale. Note: This sequence does not happen often. What if the clerk only asks for ID *after* the youth begins to search around in his/her pocket to “discover” that he/she has no money (i.e., the searching itself prompts the request for ID)? Is that a sale or not? Having the tobacco in hand removes any doubt about whether or not a sale has occurred.
- As retailers become more sensitive to the possibility that law enforcement is involving youth as “decoys” to identify stores that sell illegally, they are increasingly suspicious of youth, particularly those they do not know or who seem to be from a different neighborhood. Having youth who are unfamiliar come into stores and merely “try” to buy tobacco, may make retailers angry. This anger could be taken out on other youth who assist you in the future, or on neighborhood youth who are unaware that you are doing a youth purchase survey.

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## Role of the Adult During the Purchase Attempt

Depending on the goals of your purchase survey, you can choose to have the adult present or not in the store while the sale is being made. Or, you can have the adult enter the store after the purchase attempt. There are advantages and disadvantages to each approach.

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### ▼ Adult Present

When the adult is present, you are likely to get better data about such aspects of the sale as what was said to the youth, whether or not ID was requested, characteristics of the clerk, etc. An adult in the store can ensure that the store itself is safe and that the youth may enter at minimal risk. If your purchase protocol includes information about signage at the point of sale, then you must have the adult enter the store; asking youth to keep track of signage and everything else is too overwhelming. The presence of the adult, however, increases the likelihood that the retailer will be suspicious about the nature of the purchase attempt. This is particularly true in small stores, where you now have a strange adult and a strange youth both entering the store at about the same time, and the youth asking for tobacco. In addition, having the adult go in the store increases your cost of doing the survey; except for in large supermarkets or other large stores, the adult must purchase at least a small item in each store to decrease suspicion.

If you choose to have an adult present with the youth, have the adult go in first. The youth should slowly count to 10 and then enter the store. The adult should busy him/herself near the counter looking for something small to purchase. While doing so, he/she should evaluate signage and other aspects of the selling environment that also may be a part of your data collection. If at all possible, the adult should stall making his/her purchase until the youth has completed the attempt to buy tobacco; this allows for the entire sale to be witnessed.

### ▼ Adult Not Present

Many researchers do not have the adult enter the store at all. In these protocols, the adult waits outside, usually in the car. Not having the adult enter the store decreases the likelihood that you will elicit the clerk's suspicion. There is a slight increase in risk as the adult has not entered the store to ensure that the inside environment is safe; this can be somewhat decreased if the youth is instructed to leave the store at any time he/she feels uncomfortable. This also reduces the data you obtain because you need to rely solely on the youth for all information. Because the youth cannot walk into the store with a clipboard or other method to make data collection easier, all data that the youth reports must be from memory.

If you are trying to do many things in addition to assessing whether or not tobacco was sold to the youth (i.e., looking at product placement, signage, the presence or absence of candy tobacco-like items, advertising placement), you will not get all the data you want if the adult is not in the store. Be careful, however, to limit the amount of data you expect to get from one purchase attempt in one store, to a reasonable amount. Even if the adult goes in after the youth has left, it is not recommended that the adult inform the clerk that this is a YPS

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by carrying a clipboard or other data collection aids. Some clerks can get very angry if they feel they have been the unknowing subjects of a YPS, particularly if they sold tobacco to the youth. Informing the clerk immediately after the YPS has occurred may be an unnecessary risk for the adult.

If the adult is not entering the store, where to park becomes an important consideration. The car should be parked so it is not visible from the counter, but so that the door of the store can be seen at all times. This is done to increase the safety of the youth, should he/she feel the need to leave a store in a hurry. If the adult cannot find a parking space that allows visibility of the door, he/she may need to park away from the front of the store, get out of the car, and walk with the youth to a point where the door is visible but the adult can not be seen by the clerk. Include these details in the training you provide for your adult drivers.

#### ▼ Alternative

One compromise is to have the adult enter the store after the purchase attempt is completed. The adult can then obtain data on signs and other characteristics of the retail environment. This means, however, that the youth is gathering all your data about the sale itself; be sure your youth are well trained in these observation tasks. In training, use role-plays of the various things clerks might say and have youth practice remembering all the data that needs to be reported to the adult. It is useful if the adult has a series of questions or prompts to ask the youth after each purchase attempt to ensure that all necessary data are collected.

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### Protocol 1: "Standard Protocol"

This is the protocol used in the statewide survey. It is also the one most often reported in the literature. In the Standard Protocol, the youth enters the store, goes up to the clerk at the counter and asks for a package of cigarettes (or other tobacco product). The youth is truthful about all aspects of the sale. If asked his or her age, the youth tells the truth. All identification is left in the car; if asked for ID, the youth can truthfully answer that he/she does not have it. Youth are instructed that if asked if the cigarettes are for them, they answer "yes."

If a sale is made, the youth pays for the purchase and leaves the store. If a sale is refused for any reason, the youth should make a careful mental note of the reason the sale was refused, and then leave the store. Upon returning to the car, the adult should immediately complete the data sheet, using the questions as prompts for the youth to remember what happened.

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One variation you might want to consider has to do with the youth's lying about his/her age (see [Standard Protocol - Lying Variation](#)). Recent changes to the STAKE Act legislation now makes it legal for FDB to allow their youth decoys not to state their true age if verbally asked. If the clerk asks the youth if he/she is "old enough" or is 18, youth doing STAKE Act "sting" investigations can answer that they are "old enough" or over 18. Because clerks should check ID before selling cigarettes, this is not viewed as putting the clerks at any increased risk. Decide in advance if your youth will not state their age if asked. If yes, cover this in the training for both adults and youth (e.g., when to lie, what kinds of lies are acceptable or not, etc.). Include it in the written descriptions you give to youth, their parents and other adults. We have tested the effects of lying in a TCS-funded pilot study (unpublished). Although lying did result in a statistically significant increase in sales over the "Standard Protocol" without lying, the magnitude of the differences was not great (about 4–5% increase) and the overall sales rates for youth who lied about their age were still below the 20% criterion set by the Substance Abuse and Mental Health Services Administration for implementation of the Synar Amendment. As a result, another recommended protocol is the "Flash ID." You can choose, however, to add this variation to your data if you so desire.

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## Protocol 2: "Flash ID"

The [Flash ID Protocol](#) is similar to what the Food and Drug Branch of the California Department of Health Services uses in their enforcement activities. Recent data suggest that flashing some type of picture identification, even if that identification demonstrates that the youth is too young to purchase cigarettes, quadruples the sales rates over the standard protocol.

In this protocol, the youth walks up to the counter and says, "Can I have a pack of Marlboros? I have ID." The youth then displays his or her own picture ID, with a birthdate that clearly makes the youth too young to buy cigarettes. As before, if a sale is made, the youth pays for the purchase and then leaves the store; if a sale is refused, the youth takes back his/her ID and leaves the store. This protocol is slightly more expensive, as your agency would need to provide state photo identification for each youth who does not already have a driver's license. In addition, data on whether or not the clerk asks for identification (i.e., whether the clerk is in compliance with the STAKE Act on this one variable) cannot really be obtained, as the identification is being produced without the clerk needing to ask. This method currently results in some of the highest sales rates, particularly for small stores and for "older" (i.e., 16- and 17-year old) youth.

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## Data Analysis and Evaluation

Like all other aspects of conducting a YPS, data analysis and evaluation depend on your goals and reasons for conducting the YPS in the first place. The first step is to develop a method of entering the data you obtain into the computer for later analysis. A copy of the survey tool used for the STAKE Act statewide survey can be found at the end of this Chapter, along with the specific definitions used to complete the form. This tool can be modified to suit your needs. Clearly you need to work closely with your local program evaluator to ensure that the data you gather is consistent with your goals and that the form your data takes can be readily analyzed.

### [Back to DOCUMENT THE PROBLEM: Illegal Sales](#)

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