

# **Citizen Citation Merchant Education Tool**

**Background and Instructions  
California Department of Health  
Services, Tobacco Control Section  
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## **Purpose**

The Citizen Citation is a tool designed for use by local tobacco control programs to increase compliance with youth access to tobacco control laws. This tool is designed to create awareness with retailers who appear to be in violation of one or more youth access to tobacco laws. The goal is to motivate the retailer to comply with the law at their place of business.

## **The Citation**

A mock citation, which has the appearance of a parking ticket, gets the retailer's attention regarding youth access laws. Each citation is numbered, comes in a pack of fifty, and is printed on white and yellow non-carbon paper. The citation includes the following information:

- Cites information about youth access to tobacco control laws.
- Explains the consequences of not following tobacco control laws.
- Provides the retailer simple steps that can be taken to avoid violations in the future.
- Provides a space for the local tobacco control program to provide contact information so the retailer may ask further questions.

## **Citizen Citation Protocol and Instructions**

**Please read all instructions before  
sending citations to retailers!**

**1.** Conduct a non-enforcement-related youth tobacco purchase survey.

**2.** During this survey use the citation to record the following information:

**Date:** Record the date the store appeared to be in violation of a youth access to tobacco control law.

**Store Name:** Record the name of the retail establishment.

**Address, City, State, and Zip:** Record the complete address of the retail establishment.

**Laws:** Record the law(s) that the store appears to violate.

**Contact Information:** Record the name, telephone number and other contact information of the local tobacco control program. This will allow the retailer to obtain more information or ask for assistance.

**3. The Citation is to be sent by certified mail. It is not recommended that coalition members or advocates be armed with Citation booklets and personally issue Citations to retailers.**

**4.** As part of the certified mailing of the Citizen Citation to the retailer, additional educational materials such as STAKE Act signs, license ID guides or an order form for additional merchant education materials may be enclosed.

**5.** Local tobacco control program staff should be prepared to receive telephone calls from retailers who receive a Citizen Citation. Projects who have used this tool have experienced the following reactions from retailers:

- Alarmed— want to know if a fine is involved
- Defensive— deny that a violation occurred
- Demand to know exactly when the sale was made so they can determine who the clerk is that sold to a minor
- Request more information or assistance to help them avoid violations in the future

It is recommended that project staff respond to callers in a polite factual manner, reinforcing that the Citizen Citation is intended for educational purposes only. There is no fine associated with its receipt. Explain that the Citizen Citation is intended to make the retailer aware of potential violations, training needs, and action that can be taken to avoid violations. If the retailer requests information about a clerk who sold tobacco to a minor or the specific time and day of the transaction, avoid providing information that would identify the clerk or youth decoy. Explain that your intent is not to single out the behavior of one clerk, but make the business aware of a potential organizational problem and the action that the business can take to correct the problem.

### **Theoretical Underpinning**

Use of the tool is grounded in the Health Belief Model, which hypothesizes that a person will take preventive action if:

1. She/He believes herself/himself susceptible to a specific disease/problem;
2. Believes the consequences of inaction would have a serious impact on her/him;
3. Is aware of actions that can be taken and believes those actions may reduce her/his likelihood of risk; and
4. Believes that the threat to her/him of taking action is lower than the threat of the problem.

The parking ticket format vividly illustrates the consequences of not taking action to avoid youth access to tobacco control law violations in the future. It provides motivation to take action to reduce the retailer's risk, and personalizes the retailer's awareness and responsibility.

### **Development and Evaluation of the Citizen Citation**

The Citizen Citation tool was originally developed and evaluated in 1996 by L.A. LINK a project of the California Department of Health Services, Tobacco Control Section under contract #93-19054. Findings from the intervention were reported by Patricia Spratlen Etem, MPH and Nora D. Manzanilla at *Entering a New Dimension: A National Conference on Tobacco and Health*, September 1997.

The Citizen Citation tool was developed by L.A. LINK staff, 15 stakeholders, and adult and youth advocates in response to very high rates of illegal tobacco sales to youth in Los Angeles County (64% in 1994). In addition, a 1995 community opinion survey of more than 4,000 youth found that youth were incensed that merchants were not held accountable for illegally selling tobacco to minors. The Citizen Citation was designed to provide a warning to retailers, without official legal ramifications.

The original study that was designed to test the effectiveness of the Citizen Citation tool involved two phases.

**Phase I:** Teen advocates were interviewed to identify stores where teens purchase cigarettes. The 324 retailers identified were then randomized into treatment and control groups. The treatment group was sent the Citizen Citation by certified mail along with a Stop Tobacco Access to Kids Enforcement (STAKE) Act sign and brochure.

**Phase II:** Approximately three weeks after the Citizen Citation was mailed to the treatment group, an unconsummated youth tobacco purchase survey was conducted among the 324 retailers. A press conference was held to release the results of the youth tobacco purchase survey and findings related to those retailers that received the Citizen Citation and those that did not. Following the press release, the Citizen Citation and educational materials were mailed to the control group.

**Findings:** Retailers who received the Citizen Citation and STAKE Act information were **three times more likely** to have the STAKE Act signage posted than those in the control group. Retailers who received the intervention were willing to sell tobacco to a minor 24.7% of the time compared to 32.8% of the time among those retailers who did not receive the Citizen Citation intervention.

In addition to these outcomes, L.A. LINK received more than 30 calls from irate retailers who received the Citizen Citation in Phase I. The retailers wanted to find out who was accusing them of the violation and wanted to know if there was a fine involved. Additionally some of the callers requested information and training to assist with compliance with the state law. Calls to L.A. LINK were again stimulated by the Citizen Citation mailing in Phase II, but these callers were not irate nor did they dispute the findings, rather they sought information so they could better comply with the law. L.A. LINK concluded that the press coverage of the problem educated the retail community and made them more receptive to the message.

Based on previous experiences with merchant mailings via regular U.S. mail and the response to the Citizen Citation, which was sent by certified mail, L.A. LINK concluded that sending the Citizen Citation by certified mail was crucial to reaching and gaining the attention of the decision makers at the retail site.

Since the creation and use of this tool in Los Angeles County, it has been successfully used by the Lassen County Tobacco Use Reduction Program. The Citation is sent by certified mail to those retailers found in violation of a youth access tobacco control law following a youth tobacco purchase survey. As with the L.A. LINK Project, Lassen County reports that the use of the Citation catches the attention of store owners and managers and results in calls to their program for more information and assistance. While Lassen County has not conducted a formal evaluation, they report that the Citizen Citation is an effective tool to generate awareness and perception of risk as well as to motivate requests for assistance.

#### **Modifications to the Citizen Citation**

CDHS/TCS modified the Citizen Citation currently used by the Lassen County Tobacco Use Prevention Program to include additional laws on the checklist and to provide an expanded explanation of the laws on the reverse side of the Citizen Citation. Drafts of the revised Citizen Citation were sent to several state and local tobacco control programs and individuals for their comments and edits. Comments were received from the Technical Assistance Legal Center; The Center for Tobacco Policy and Community Organizing; Amador Tobacco Control Program; Ellen Feighery, Public Health Institute; STAKE Act Unit, Food and Drug Branch; and the Tobacco Litigation Section, Attorney General's Office.

During the review of the Citizen Citation, there was discussion about whether it was appropriate to use the word "citation" and whether doing so gave the impression of "impersonating a peace officer." It was determined that nothing on the "citation" says that any action will be taken against the retailer except that the information may be reported to state or local law enforcement agencies. The only implied "demand" is simply a request that the retailer complies with the law, which is viewed as free speech at its best education about an important public issue.

Since the Citizen Citation states no falsehoods, makes no demands, embodies core free speech and incorporates useful legal "citations" (i.e., references) to relevant tobacco control laws, CDHS/TCS decided that it was appropriate to use the term citation and that the term "citizen citation" could be viewed as a play on words in reference to the youth access laws cited and explained on the tool.

A copy of the complete L.A. LINK case study is available at [www.tecc.org/store](http://www.tecc.org/store).  
Etem PS and Manzanilla ND. *Citizen Citations Issued to Merchants Prove to be an Effective Community Intervention to Reduce Tobacco Sales to Minors*. Presented at Entering a New Dimension: A National Conference on Tobacco and Health, September 22-24, 1997.