

City of Albany Licensed Tobacco Retailer Observations: Summary of Findings

July 2023

The data provided in this report was gathered by Capital District Tobacco-Free Communities staff through in-person observations at the 41 licensed tobacco retailers (LTRs) located within 1500' of one or more schools in zip codes 12202, 12206 and 12207 between April 23-26, 2023. All photos were taken at the stores visited.



www.SmokeFreeCapital.org



**The more tobacco marketing kids see,
the more likely they are to use tobacco.**

WHAT DOES TOBACCO MARKETING LOOK LIKE?

The 1998 Master Settlement Agreement placed significant restrictions on the ways in which tobacco companies could market their products, including bans on billboard advertising, the use of cartoon characters, and limits on the distribution of branded clothing and other merchandise. On the heels of these restrictions, the industry pivoted to make stores that sell tobacco the primary focus for continued industry marketing.

Tobacco companies spend half a million dollars every day in NYS marketing their products, more than the amount spent to market junk food, soda and alcohol combined.¹ Most of those dollars are spent in convenience stores where 75% of teens shop at least once a week.²

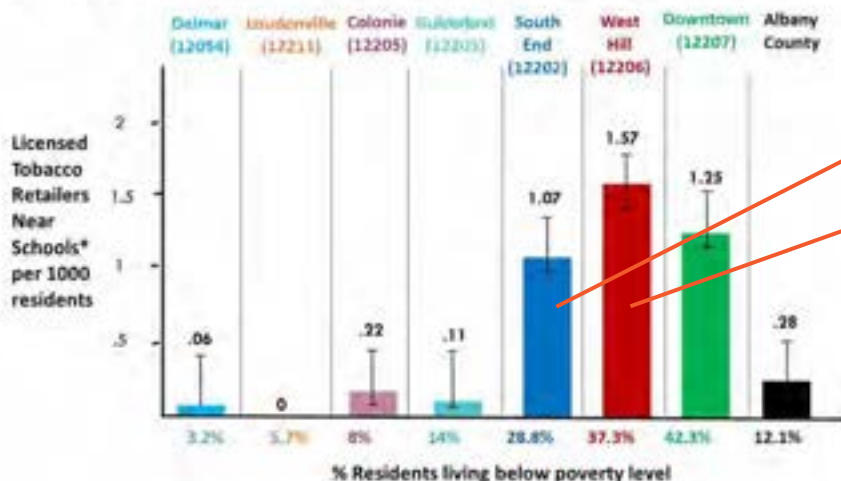
Marketing strategies at the point of sale include:

- Location, location, location
- Outdoor advertising on the property of retail businesses where tobacco products are sold
- Large, prominent displays of tobacco products for sale
- Interior tobacco ads
- Tobacco products in kid-friendly FLAVORS, placement of tobacco products near candy and toys, and low prices

LOCATION: HIGH POVERTY NEIGHBORHOODS IN CITY OF ALBANY HAVE DISPROPORTIONATE PRESENCE OF TOBACCO RETAILERS NEAR SCHOOLS

Of the 90 Licensed Tobacco Retailers (LTRs) located within 1500' of a school in Albany County, 71 (79%) of them are located in the City of Albany; 41 (45%) of the county total are located in zip codes in which less than 9% of the county population lives, zip codes that also have the highest poverty rates.

2020: TOBACCO RETAILER DENSITY NEAR SCHOOLS*



Licensed tobacco retailers, NYS Tax & Finance, November 2020
Population counts and poverty rates, U.S. Census Bureau, 2020 Decennial Census
NYS Education Department: Directory of Public and Nonpublic Schools and Administrators in New York State
*“Near Schools” defined as located within 1500’ of one or more schools as determined through Google Mapping

Schools with the highest # of LTRs within 1500’

8 LTRs Albany Free School
7 LTRs Giffen Elementary
11 LTRs Brighter Choice
8 LTRs Sheridan Prep

Zip codes 12202, 12206 & 12207
< 9% of total county population
> 45% of county LTRs near schools

Children living in high poverty neighborhoods have the greatest exposure to tobacco marketing.

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OUTDOOR ADVERTISING

Kids don't even have to enter a store to be exposed to tobacco marketing.

Of the 41 stores visited

66%

displayed exterior ads

Of those displaying exterior ads

91%

displayed ads for cigars/cigarillos



NYS Law prohibits the display of exterior tobacco ads at tobacco retailers located within 1500' of a school. All observed violations were reported to the Albany County Department of Health.



Cigar ads predominate in the stores visited and impact youth cigar use.

- In 2022, cigars were the second most commonly used tobacco product among U.S. middle and high school students.³
- Among U.S. high school students, use of any combustible tobacco product was highest among Black students, specifically for cigars (3.3%) and hookah (2.3%) use.⁴
- In New York State, high school students use tobacco products such as cigars, little cigars and smokeless tobacco 1.5x more than cigarettes.⁵

TOBACCO PRODUCT DISPLAYS

Strategic placement of tobacco products is an integral component of the tobacco industry's marketing scheme. Tobacco product displays increase youth brand recognition and youth normalization of tobacco use.

In 75% of stores visited, the tobacco product display took up between 1/2 and all the space behind the checkout counter.

In NYS, tobacco product displays in retail stores take up 32 sq ft of space on average.⁶



Product packaging *IS* marketing—a combination of trademark, color and design.

Candy? Gum? Cigars?
Can YOU tell the difference?

The combination of bright colored packaging and flavors make tobacco products virtually indistinguishable from candy.



INTERIOR ADVERTISING

Tobacco ads and displays are so ubiquitous, most non-smoking adults don't even notice them. Once you DO notice, you'll wonder how you could possibly have missed them.

The ads aren't there for the adult non-smoker. They're there to keep current smokers smoking and to influence kids to start.

Of the 41 stores visited

61%

displayed interior ads

Of those displaying interior ads

96%

displayed ads for cigars/cigarillos

Tobacco product displays often integrate dozens of additional ads. The small display panel below boasts eight (8) additional ads.

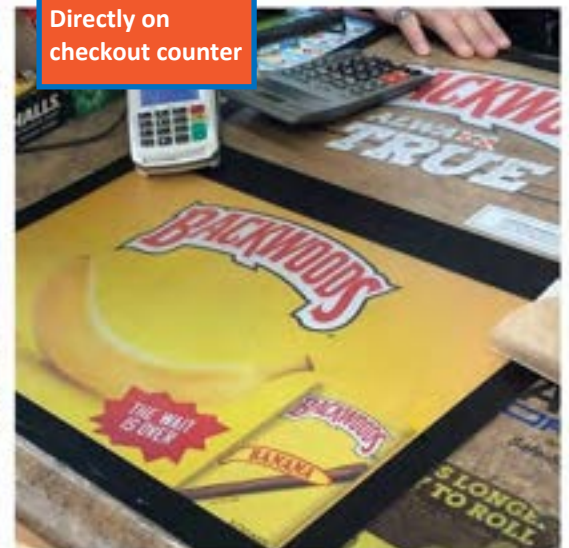


No matter which way you look —up, down, or straight ahead— you're likely to see tobacco ads.

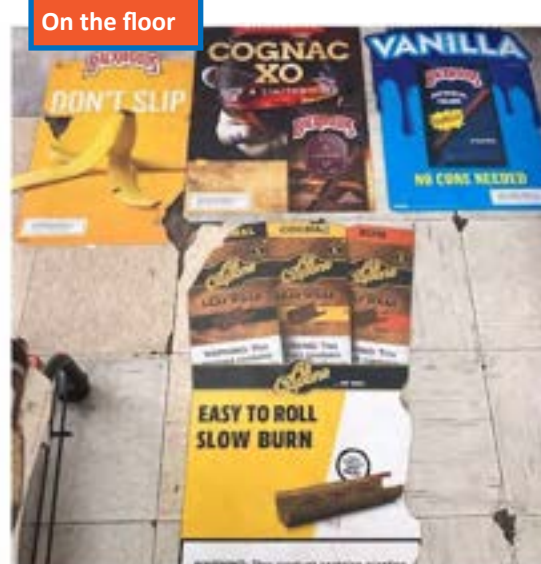
On the divider



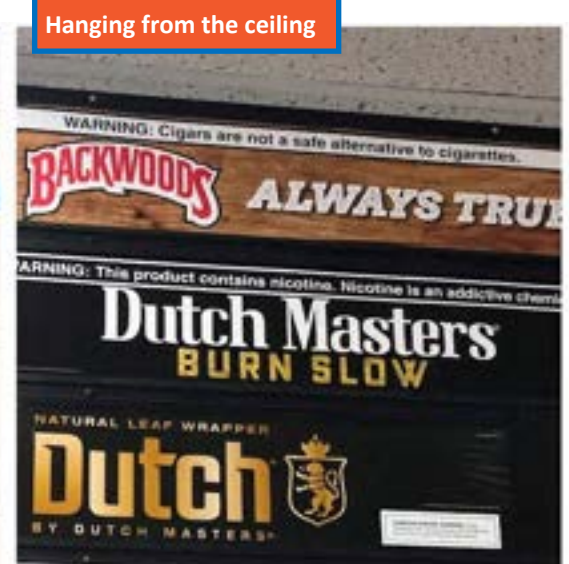
Directly on checkout counter



On the floor



Hanging from the ceiling



FLAVORS AND PRODUCT PLACEMENT NEAR KID-FRIENDLY ITEMS

More than 80% of youth who use tobacco started with a flavored product.⁷ Cigars, cigarillos and smokeless tobacco are widely available in fruit and candy flavors that hold high youth appeal. Flavors also create the impression that these products are less harmful than they really are.⁸

NYS law requires tobacco products to be out of customer reach. There are no restrictions on tobacco product proximity to the items that youth most often purchase such as beverages, snacks, candy and toys.



Of stores visited

98%

Sell flavored cigars, little cigars and cigarillos

93%

Sell menthol cigarettes

51%

Sell flavored loose tobacco including hookah tobacco



39% of stores visited had tobacco products located within 12" of candy, gum, snacks or toys.

PRICE POINT

The Food and Drug Administration requires cigarettes to be sold in pack sizes of no less than twenty which keeps the price per pack reasonably high. Other tobacco products are not included in this regulation, leaving flavored products such as cigars and cigarillos to be sold for as little as \$1, making them especially appealing to price-sensitive youth.

Of stores visited

63%

Sell flavored cigars, little cigars and cigarillos for \$1.00 or less

95%

Sell flavored cigars, little cigars and cigarillos for \$1.50 or less

34%

Sell discounted cigarettes at \$10 or less



Show cigarillos 5 for \$1



Swisher Sweets BLK tipped cigars 2 for \$.99



Swisher Sweets cigarillos 2 for \$.99



Bluntville cigarillos 3 for \$.99

Stores in lower-income communities also tend to sell discount cigarette brands.



Cheyenne for \$7.62



Lucky Strikes for \$10



Sonoma for \$8.50

VIOLATIONS OF NYS LAW PROHIBITING SALE OF FLAVORED E-CIGARETTES CONTAINING NICOTINE

**37%
(15 stores)**

Selling flavored e-cigarettes containing nicotine

**All observed violations have been reported to the
Albany County Department of Health.**



**Multiple brands of flavored
e-cigs containing nicotine.**



**Elfbar brand flavored e-cigarettes containing nicotine and located directly
above ice cream case.**



Disposable vape product ad



Extensive display of flavored Elfbar e-cigs containing nicotine.

POSSIBLE VIOLATIONS OF THE MASTER SETTLEMENT AGREEMENT PROHIBITING THE USE OF CARTOON IMAGES TO ADVERTISE TOBACCO



Towel or throw attached to ceiling

RJ Reynolds' 1988 release of the Joe Camel advertising campaign and the subsequent increase in youth tobacco use prompted a ban on the use of cartoon images to sell tobacco products. It appears that Backwoods "missed the memo."



Rick & Morty characters on what looks like a lunchbox but is actually a water pipe kit

CDTFC has consulted with the Public Health Law Center to establish if these Backwoods branded items are a violation of the Master Settlement Agreement and, if so, will take necessary action to report the violations.

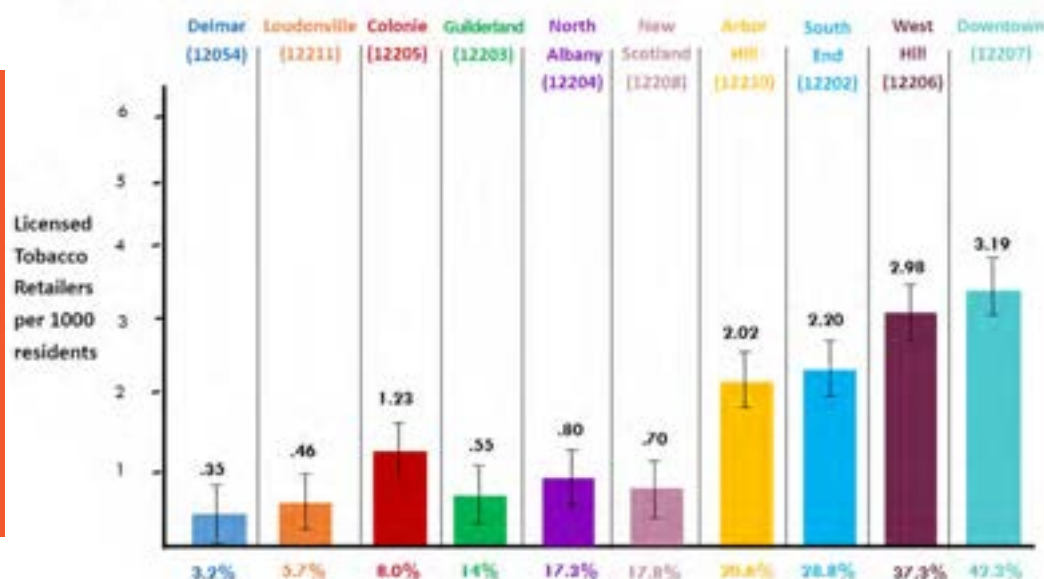


Towel or throw attached to ceiling

High poverty communities in the City of Albany are inundated with tobacco marketing and promotion.

Not only is the presence of LTRs near schools disproportionately high in the highest poverty communities, the presence of LTRs is highest in high poverty communities in general.

TOBACCO RETAILER DENSITY 2020



Licensed tobacco retailers, NYS Tax & Finance, November 2020. Population counts and poverty rates, U.S. Census Bureau, 2020 Census.

The greater your exposure to tobacco advertising, marketing and promotion, the more likely you are to start or continue tobacco use.

- US Surgeon General's Report, Preventing Tobacco Use Among Youth and Young Adults, 2012

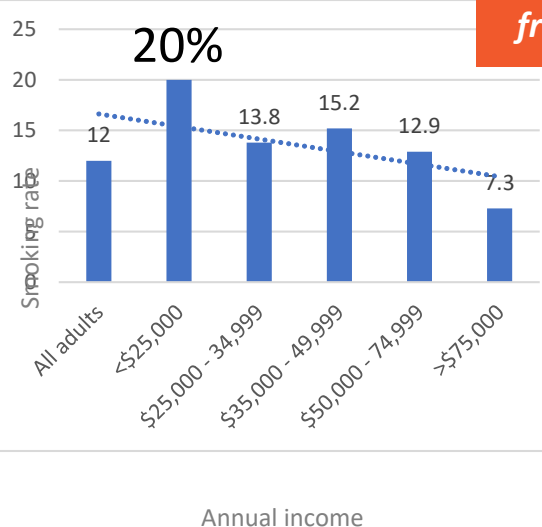
Youth Impact

- More likely to perceive tobacco products as accessible
- More likely to recognize and identify with tobacco product brands
- More likely to view tobacco use as normal and desirable
- More likely to start using tobacco

Impact on Current Smokers

- More likely to smoke more cigarettes per day
- More likely to find it harder to quit
- More likely to experience cravings
- More likely to make tobacco impulse buys

Disparities in Smoking Prevalence among New York Adults, 2020



People living in poverty are more likely to smoke and more likely to suffer and die from tobacco-related disease.

What's the Solution?

Reduce tobacco retailer density

Evidence-based strategies such as zoning and licensing

Reduce death and disease in low-income communities

APPENDIX: DATA TABLES

Table A: Tobacco Retailer Density near schools* in Albany County

Location	# of LTRs near schools	% of total # of all LTRs near schools in county n=90	Population	% of county population	Poverty level	# LTRs near schools per 1000 residents
Albany County	90	100%	314848	100%	12.1%	.28
City of Albany	71	79%	99224	32%	21.7%	.7
12054, Delmar	2	2%	17282	5%	3.2%	.06
12211, Loudonville	0	0%	13532	4%	5.7%	0
12205, Colonie	6	6.6%	27168	9%	8%	.22
12203, Guilderland	3	3%	28210	9%	14%	.11
12202, South End	11	12%	10257	3%	28.8%	1.07
12206, West Hill	27	30%	17219	5%	37.3%	1.57
12207, Downtown	3	3%	2399	<1%	42.3%	1.25

Licensed tobacco retailers, NYS Tax & Finance, November 2020

Population counts and poverty rates, U.S. Census Bureau, 2020 Decennial Census

NYS Education Department Directory of Public and nonpublic Schools and Administrators in New York State

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The following data was collected at 41 Licensed Tobacco Retailers located within 1500' of one or more schools in City of Albany Zip Codes 12202, 12206 and 12207.

Table B: Size of interior tobacco product display

n=41

% space behind checkout taken up by tobacco display	# stores	% stores
More than 1/2	21	51%
About 1/2	10	24%
1/2 or more	31	75%

Table C: Interior ads other than those integrated into product displays

n=41

Any ad	25	61%
Cigar ads	24	96%
Menthol cigs	12	48%
Nonmenthol cigs	5	20%
Chew	2	8%
Loose	1	4%

Two stores had 13 and 12 interior ads respectively,
all for cigars/cigarillos

Table D: Stores selling various flavored tobacco products

n=41

Cigars/cigarillos	40	98%
Menthol cigs	38	93%
Loose	21	51%
Nicotine-based e-cigs	15	37%
Chew	13	32%
Non-nic e-cigs	1	2%

Table E: Stores selling tobacco products at \$1.50 or less

n=41

< \$1	26	63%
\$1.01-\$1.50	13	32%
<\$1.50	39	95%

ENDNOTES

¹Toll of Tobacco in New York, Campaign for Tobacco-Free Kids (updated 6/22/2023), https://www.tobaccofreekids.org/problem/toll-us/new_york.

²Feighery EC, et al. The 1999 Annual Report of the Promotion Industry, a PROMO Magazine Special Report. Overland Park, Kansas: Intertec Publishing, 1999; and Tobacco Control 2001.

³Park Lee E, Ren C, Cooper M, Cornelius M, Jamal A, Cullen KA. [Tobacco Product Use Among Middle and High School Students – United States, 2022](#). Morbidity and Mortality Weekly Report, 2022; 71:45.

⁴Ibid.

⁵NYS Dept of Health, Bureau of Tobacco Control StatShot Vol. 15, No. 1 / May 2023. [StatShot Vol. 15, No 1 / May 2023, Youth Tobacco Use Continues to Decline Across All Product Types in 2022, One in Five Youth Still Use Tobacco](#)

⁶NYS Dept of Health, Bureau of Tobacco Control. [StatShot Vol. 11, No. 2 /Mar 2018, Tobacco Marketing is Pervasive in the Retail Setting \(ny.gov\)](#)

⁷Ambrose, BK, et al., “Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014,” Journal of the American Medical Association, published online October 26, 2015.

⁸Pepper, JK, et al., “Adolescents’ interest in trying flavoured e-cigarettes,” Tobacco Control, 25: ii62-ii66, published online September 15, 2016.