

NYC cigarette plan gets praise, criticism (Update)

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Cigarette packs are displayed at a smoke shop in New York, Monday, March 18, 2013. A new anti-smoking proposal would make New York the first city in the nation to keep tobacco products out of sight in retail stores. Mayor Michael Bloomberg says the goal is to reduce the youth smoking rate. The legislation would require stores to keep tobacco products in cabinets, drawers, under the counter, behind a curtain or in another concealed spot. They could only be visible when an adult is making a purchase or during restocking. (AP Photo/Mark Lennihan)

(AP)—Anti-smoking advocates and health experts hailed proposals from

Mayor Michael Bloomberg that would keep cigarettes out of sight in New York City stores, while tobacco companies and smokers called it an overreach.

The ban, which would be the first of its kind in the U.S., is aimed at discouraging young people from smoking.

Slated to be introduced to the City Council on Wednesday, the anti-smoking proposal was also a sign that a mayor who has built a reputation as a public health crusader isn't backing off after a high-profile setback last week, when a judge struck down the city's novel effort to ban supersized, sugary drinks. The city is appealing that decision.

"We're doing these health things to save lives," Bloomberg said Monday.

Other public health measures Bloomberg has championed include pressuring restaurants to use less salt and add calorie counts to menus, and banning artificial trans fats from restaurant meals.

Keeping cigarettes under wraps could help, anti-smoking advocates say, citing studies that link exposure to smoking with starting it. Shops from corner stores to supermarkets would have to keep tobacco products in cabinets, drawers, under the counter, behind a curtain or in other concealed spots. Officials also want to stop shops from taking cigarette coupons and honoring discounts, and are proposing a minimum price for cigarettes, though it's below what the going rate is in much of the city now.

While some of the research focuses on cigarette advertising, a U.K. study of 11-to-15-year-olds published last month in the journal Tobacco Control found that simply noticing tobacco products on display every time a youth visited a shop raised the odds he or she would at least try smoking by threefold, compared to peers who never noticed the

products.



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"What's exciting about this (New York City proposal) is that this is the most comprehensive set of tobacco-control regulations that affect stores or the retail outlets," said Kurt Ribisl, a professor of public health and cancer prevention specialist at the University of North Carolina. Moreover, cigarettes' visibility can trigger impulse buys by smokers who are trying to quit, he and city officials say.

The American Cancer Society Cancer Action Network, the American Lung Association, other anti-smoking groups and several City Council members applauded Bloomberg's announcement, made at a Queens hospital on Monday. City Council Speaker Christine Quinn, who largely controls what goes to a vote, said through her office that she "supports the goal of these bills" but noted they would get a full review.

The ban on displaying cigarettes follows similar laws in Iceland, Canada, England and Ireland, but it would be the first such measure in the U.S. It's aimed at discouraging young people from smoking. According to the Rockland County Times, the Village of Haverstraw in Rockland County passed such a ban last April, but rescinded it four months later because it couldn't afford to fight a lawsuit brought by tobacco companies and convenience stores.

But smokers and cigarette sellers said the measure was overreaching.

"I don't disagree that smoking itself is risky, but it's a legal product," said Audrey Silk, who's affiliated with a smokers-rights group that has sued the city over previous regulations. "Tobacco's been normal for centuries. ... It's what he's doing that's not normal."

Bloomberg, a billionaire who also has given \$600 million of his own money to anti-smoking efforts around the world, began taking on tobacco use shortly after he became mayor in 2002. Adult smoking rates have since fallen by nearly a third—from 21.5 percent in 2002 to 14.8 percent in 2011, Health Commissioner Dr. Thomas Farley said.

But the youth rate has remained flat, at 8.5 percent, since 2007. Some 28,000 city public high school students tried smoking for the first time in 2011, city officials say.

Measures in other countries have been coupled with bars on in-store

advertising, but those nations have different legal standards around advertising and free speech. The New York proposal would still allow shops to display cigarette advertising and signs saying tobacco products were sold, raising the question of how effective it will be just to put the products under wraps.

But convenience store owners fear it could affect their business, by potentially leaving customers uncertain whether the shop carries their favorite brand and making them wait while a proprietor digs out a pack, said Jeff Lenard, a spokesman for the National Association of Convenience stores.

The displays would be checked as part of the shops' normal city inspections; information on the potential penalties wasn't immediately available Monday night. Repeated violations of some of the other provisions, including the minimum-price and coupon ban, could get a store shuttered.

Stores that make more than half their revenue from tobacco products would be exempt from the display ban. Customers under 18, the legal age for buying cigarettes in New York, are barred from such stores without parents.

Several of New York City's smoking regulations have survived court challenges. But a federal appeals court said last year that the city couldn't force tobacco retailers to display gruesome images of diseased lungs and decaying teeth. In that case, the court ruled that the federal government gets to decide how to warn people about the dangers of smoking.

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