

FDA must crack down on retailers selling tobacco to teens: Report

September 21 2023, by Cara Murez



A new government report finds that federal regulators need to do more

to help in the battle to keep kids and teens off tobacco.

Among the report's findings were that the U.S. Food and Drug Administration needs to get tough on retailers selling [tobacco](#) to youth and should improve its oversight of online retailers.

The FDA should also work with the Bureau of Alcohol, Tobacco, Firearms and Explosives to help stop online [tobacco sales](#) to children, according to the [report](#) from the Office of the Inspector General (OIG).

"Responding effectively to serial violators remains a challenge for FDA," the report stated.

"The small number of retailers that repeatedly violate the Tobacco Control Act are often not subjected to more punitive actions. This risks undermining FDA's efforts to control youth access to tobacco and enforce other restrictions on tobacco intended to safeguard [public health](#)," according to the report.

The agency needs to prioritize enforcement actions against retailers with a history of noncompliance, the OIG said.

The FDA plans to discuss stricter enforcement with internal experts by November, CNN reported, and the agency agreed that inspections are a key part of keeping kids from smoking or vaping.

The FDA did more than 1 million inspections between 2010 and 2020 looking for underage sales, CNN reported.

The agency inspected about 74% of 360,000 stores at least once. It typically returned within a year if the inspection found a violation, according to the report.

Still, more than 3 million adolescents used tobacco within the previous month, according to a 2022 [report](#) from the U.S. Centers for Disease Control and Prevention.

Youth tobacco use, which includes electronic cigarettes, is "a high public health concern," the OIG said.

While smoking has declined overall, its impact can be devastating, contributing to a number of health conditions from lung and heart diseases to cancer, eye problems and immune system conditions like [rheumatoid arthritis](#), CNN reported.

About nine in 10 adults who smoke said they started in childhood.

The FDA's role has included regulating the manufacturing, distribution and marketing of tobacco since 2009, which it does with surprise inspections and undercover underage buyers.

Inspections are more widespread in certain states than in others. While more than half of states inspected at least 90% of retailers, in Nevada it was just 32%, in the Virgin Islands it was 37%, and in California it was 42%.

Challenges in those areas include the state of Nevada's unwillingness to help with inspections, hurricane damage in the Virgin Islands and state budget woes in California, CNN reported.

About 10% of all the stores reached through these inspections had violations between 2019 and 2020, according to the report.

The FDA sent more than 93,000 warning letters to violators in the decade included in the report.

The agency can also fine for violations, up to \$12,795 for six violations in 48 months. It did so more than 24,000 times during the studied decade for repeat violations. But among retailers with histories of violations, only 9% paid the civil penalties in full. Those with fewer violations paid 60% in full. The FDA also barred 204 stores from selling tobacco, which was fewer than 1% of inspection violators.

The report also found that in certain states, regulators are too focused on sellers in disadvantaged neighborhoods.

More information: The U.S. Centers for Disease Control and Prevention has more on the [risks](#) of e-cigarettes for kids.

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