

FDA NEWS RELEASE

For Immediate Release: Nov. 10, 2011

Media Inquiries: Stephanie Yao, 301-796-0394, stephanie.yao@fda.hhs.gov

Consumer Inquiries: 888-INFO-FDA

FDA acts to protect children from illegal tobacco sales

Warning Letters issued to more than 1,200 tobacco retailers

The U.S. Food and Drug Administration sent Warning Letters to more than 1,200 retailers, the majority of which respond to violations relating to selling tobacco to minors, as part of its ongoing effort to reduce tobacco use among children.

While most retail establishments inspected by the FDA have been found to be in compliance with the law, some retailers are still selling cigarettes and smokeless tobacco to minors. Warning Letters may be followed by civil money penalties if retailers continue to violate the law.

“It should worry every parent that 20 percent of U.S. high school students smoke cigarettes,” said FDA Commissioner Margaret A. Hamburg. “President Obama and the FDA are committed to preventing children from smoking. For many young people, that first cigarette or use of smokeless tobacco will lead to a lifetime of addiction, and for many, serious disease. More than 80 percent of adult smokers begin smoking before 18 years of age. Retailers are vital partners in the FDA’s efforts to prevent tobacco use among kids.”

President Obama signed the Family Smoking Prevention and Tobacco Control Act that gives the FDA authority to regulate tobacco products to prevent use by minors and reduce the impact on public health. One of the law’s provisions permits the FDA to contract with states and territories to conduct compliance check inspections of tobacco retailers. In 2011, the FDA awarded compliance contracts totaling more than \$24 million to 38 states, including the District of Columbia, supporting the creation of at least 266 jobs.

As of today, FDA-commissioned officials have conducted more than 27,500 compliance checks. Retail inspections focus on sale and distribution restrictions, including:

- age and ID verification
- requirements for labeling and advertising of smokeless tobacco products
- restrictions on the sale of single cigarettes
- a ban on certain candy and fruit-flavored cigarettes
- prohibited self service displays and vending machines

Full inspection results are posted on the [FDA website](#). The site lists all retailer Warning Letters and a monthly list of inspected establishments where no violations were observed.

“Through this program, we are exercising the authority Congress and the President gave to FDA to enforce the youth access and advertising regulations that took effect in June 2010,” said Lawrence R. Deyton, director of FDA’s Center for Tobacco Products. “While we applaud the efforts made by many retail establishments to protect our kids, the fact that our nation’s youth can walk into 1,200 retail locations and still obtain access to these deadly products is 1,200 too many.”

FDA also began inspecting U.S. tobacco product manufacturers in October 2011. This is the first time tobacco product manufacturing facilities have ever been inspected by a federal public health agency. Inspections of tobacco product manufacturing facilities are required to be conducted at least once every two years.