

# Proposal to Require Health Warnings and Smoking Cessation Information Where Tobacco Is Sold



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*June 24, 2009*

# Burden of Tobacco In NYC

- Leading cause of preventable death in NYC
- Kills 7,400 New Yorkers annually - more than AIDS, drugs, homicide and suicide *combined*<sup>1</sup>
- Current Smokers:
  - More than 950,000 adults (15.8%)<sup>2</sup>
  - 20,000 public high school students (8.5%)<sup>3</sup>
- 2/3 of smokers want to quit, but need help to be successful<sup>2</sup>

# Retail Environment Lacks Information about Tobacco Health Risks

- Tobacco advertising prominent in most stores
- More than 12,000 tobacco retailers in NYC
- Currently, no point-of-sale health information



# Proposed Regulation

- Amend Article 181 of the NYC Health Code to require the posting of tobacco health warnings and smoking cessation information in all places in NYC where tobacco is sold
- Required signage will be produced and distributed by Health Department
- Health Department will have discretion to change content of signage periodically

# Signage Content and Design

- Health Department will have discretion to include:
  - Information about tobacco products and the adverse health effects of their use
  - Information about how to get help to quit using tobacco and reasons to seek help
  - A pictorial image of the health effects of tobacco use

# Health Warnings Educate Smokers and Influence Quit Attempts

- Health consequences of tobacco use not fully understood by smokers, particularly among lower socioeconomic groups<sup>4,5,6</sup>
- Smokers' health behaviors strongly influenced by understanding of health risks of smoking<sup>7,8</sup>
- Smokers who perceive greater smoking-related health hazards more likely to consider quitting and to quit successfully<sup>7,8</sup>

# Depictions of Health Risks Most Effective

- Warnings that describe adverse health effects of tobacco use most effective at prompting quit attempts<sup>9</sup>
- Graphic warnings more effective than text-only, particularly among youth<sup>8</sup>

# Promoting Cessation Resources Encourages Smokers to Quit

- 66% of NYC smokers want to quit<sup>2</sup>
- Likelihood of quitting successfully doubles with counseling and appropriate medications<sup>10</sup>
- Better awareness of smoking cessation resources increases utilization<sup>11</sup>

# Health Warnings Support Youth Smoking Prevention Efforts

- 90% of adult smokers begin smoking as teens and become daily smokers by age 19<sup>12</sup>
- 30% of youth smokers buy tobacco in stores despite existing laws<sup>3</sup>
- Health warning signs at point-of-sale will:
  - Educate youth about the dangers of smoking
  - Support de-normalization of tobacco
  - Counteract tobacco advertising

# Sample Signage

**SMOKING  
CAUSES  
CANCER**

Quit Smoking Today.  
For help, call 311 or  
1-866-NYQUITS

**NYC**  
Health

**WARNING**



**SMOKING CAUSES  
LUNG CANCER**

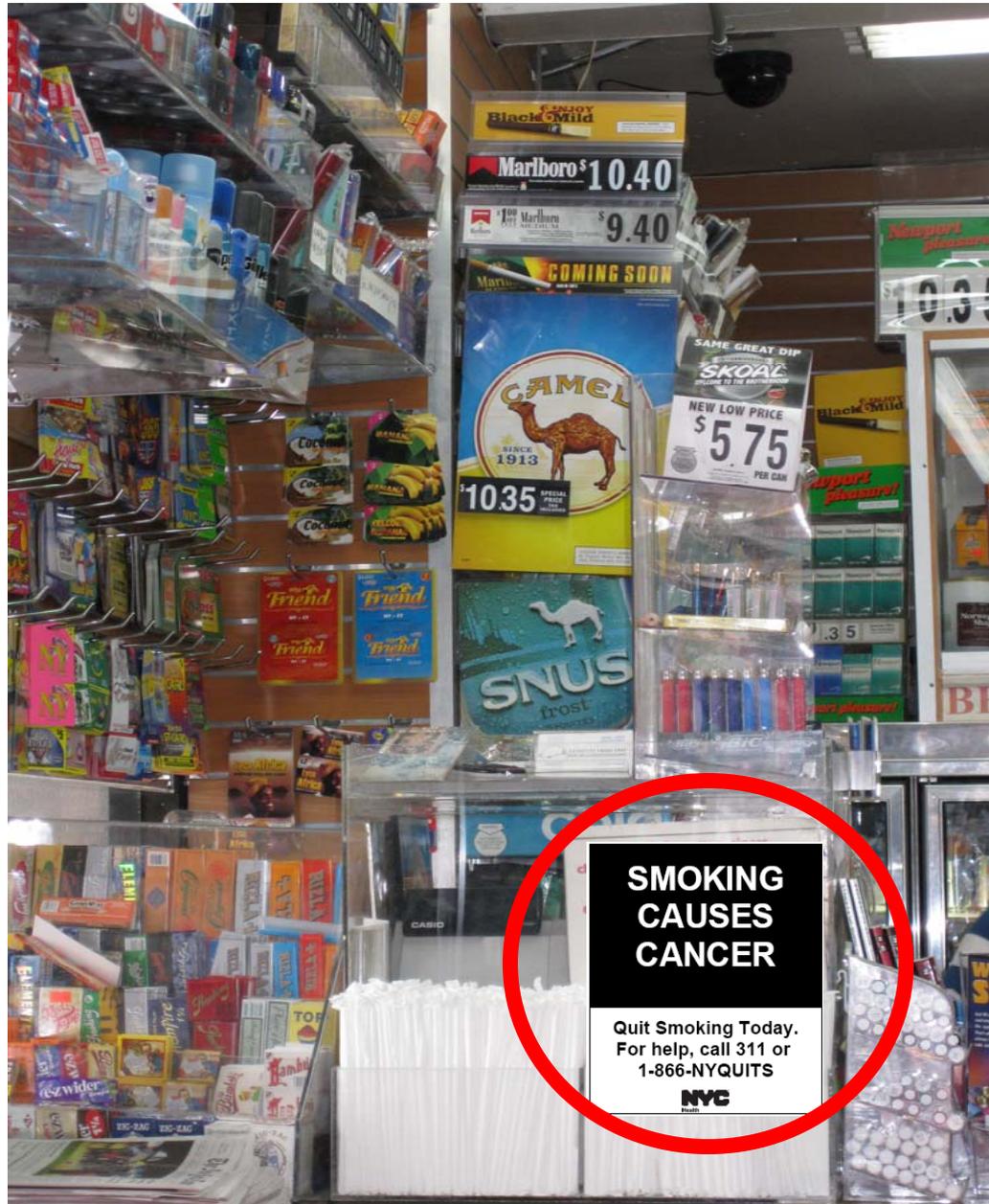
Quit Smoking Today.  
For help, call 311 or  
1-866-NYQUITS

**NYC**  
Health

**SMOKING KILLS**

**QUIT SMOKING TODAY  
FOR HELP, CALL 311 OR 1-866-NYQUITS**

**NYC**  
Health



**SMOKING  
CAUSES  
CANCER**

Quit Smoking Today.  
For help, call 311 or  
1-866-NYQUITS

**NYC**

# Anticipated Objections

- Tobacco retailers may oppose the regulation on same grounds that restaurants opposed calorie posting rule:
  - Signage compels speech, violates First Amendment
  - Preempted by federal law
  - Court has upheld calorie posting rule
- Requiring the communication of factual information constitutional
- No federal preemption of retail health warnings

# Citations

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