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Out of sight, out of mind: NYC proposes cigarette display ban

In an effort to dissuade young people from smoking, New York City Mayor Michael Bloomberg announced an anti-tobacco initiative Monday that, if passed, would ban stores from publicly displaying cigarettes. The controversial legislation would be the first of its kind in the U.S.

“New York City has dramatically lowered our smoking rate, but even one new smoker is one too many — especially when it’s a young person,” said Bloomberg, a former smoker, [in a press release](#). “Young people are targets of marketing and the availability of cigarettes and this legislation will help prevent another generation from the ill health and shorter life expectancy that comes with smoking.”

The citywide law would force convenience stores to conceal cigarettes — in cabinets, under the counter or behind a curtain — except during purchasing and restocking. Stores would still be permitted to advertise cigarettes and display prices.

If passed, the Tobacco Restriction Bill would not affect tobacco stores, which cannot admit minors without their parents.

“I think the intention is good, but it’s kind of ridiculous,” said Mary Pogson, a senior at Boston College and a New York native who smokes at least pack a day. “Bloomberg has already been accused of trying to cultivate a ‘nanny state,’ and it sounds like this is another step in that direction.”

Pogson referenced Bloomberg’s failed initiative to limit the sale of 16-ounce sugary drinks, which Judge Milton Tingling of the New York Supreme Court in Manhattan ruled “arbitrary and capricious” at a hearing last week.

However, research suggests that mere exposure to cigarettes may affect young people’s decision to smoke. Last month, Tobacco Control published a study that found that when exposed to cigarettes on display in stores, 11-to-15-year-olds are three times more likely to experiment with smoking, compared to those who never saw tobacco products.

The mayor’s anti-smoking initiatives are cornerstones of his 11-year tenure. Bloomberg, 71, has banned smoking in bars, restaurants and public parks and tacked a \$1.50 excise tax on cigarettes sold in the city (on top of the \$4.35 tax already imposed by the state).

Only 14.8% of New York adults smoked in 2011, compared to 21.5% in 2002, according to the New York City Department of Health and Mental Hygiene.

However, the youth smoking rate — 8.5% — has remained stagnant since 2007, and smoking is still the leading cause of preventable deaths among New Yorkers.

The bill could pose financial problems — mainly for stores that depend on cigarette sales.

“It’s absurd. Whoever heard of telling a business that they have to hide the products that they’re licensed to sell?” said Jim Calvin, president of the New York Association of Convenience Stores, an organization that represents 1,600 stores across New York.

Calvin points out that if passed, Bloomberg’s initiative could drive more cigarette sales into the current “thriving black market of smugglers and bootleggers” who bring in cigarettes from low-tax states and Native American reservations, leading to less income for stores and less tax revenue for the state.

“We’re concerned that a law like this would make the problem even worse, because if customers don’t see any cigarettes, they will go to the unlicensed, unregulated, untaxed streets,” said Calvin. “If anyone thinks that not seeing cigarettes in stores would cause smokers to quit, they are deluding themselves.”

Lisa Lieberman, a professor in Montclair State University’s Department of Health and Nutrition Sciences, disagrees.

“Keeping cigarettes out of the sight of children is yet another tool in Mayor Bloomberg’s highly successful approach to tobacco control,” said Lieberman, who also served as the tobacco evaluator for Rockland County, N.Y. from 2001 to 2010. “These public health efforts have resulted in one of the lowest smoking rates of cities nationwide.”

Lieberman cited a similar effort in Haverstraw, a town in Rockland County, last April. Haverstraw attempted to ban cigarette advertising, but the measure was immediately challenged by the tobacco industry and convenience stores in the area. The town rescinded the ban to avoid a costly lawsuit.

“His proposal does not infringe on the personal liberty of smokers to purchase cigarettes, but seeks to reduce one of the tobacco companies’ best marketing strategies to youth,” said Lieberman.

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