

**April 3, 2002**

**On Kick Butts Day, Commissioners Dykstra and Frieden Release List of 50 Cigarette Vendors Who Have Repeatedly Sold Cigarettes to Minors**

New York City Consumer Affairs Commissioner Gretchen Dykstra and Health Commissioner (DOH) Thomas Frieden, MD, MPH, today released the list of the Filthy Fifty cigarette vendors who have been cited by the Department of Consumer Affairs (DCA) have had their licenses revoked for repeatedly selling cigarettes to minors. New York City has one of the toughest laws in the country regarding the sale of cigarettes to minors. Under the Retail Cigarette Dealer Licensing Law, it is mandatory that vendors who are caught selling cigarettes to minors twice within 2 years have their license revoked. The commissioners were joined by young people from REALITY CHECK, a statewide leadership initiative focused on youth-to-youth advocacy against tobacco use.

"It is unfortunate that any store would sell cigarettes to a minor one time; that these vendors have been caught selling twice is deplorable and it has cost these retailers their licenses," said Commissioner Dykstra. "I am particularly saddened that a retail chain like Rite Aid, with such a large presence in the city, would sell cigarettes to children. They are supposed to be in the health business, not in partnership with the tobacco companies."

"More than 12,000 New Yorkers die prematurely from tobacco-related causes each year. The tobacco industry has to replace them with new smokers. Since 80% of smokers start when they are under the age of 18, it is clear that the industry is after our children. No-one should be allowed to aid and abet efforts to get our children hooked on cigarettes," said Commissioner Frieden.

"DCA conducts undercover inspections year-round to ensure that tobacco vendors comply with the law and check for identification before selling cigarettes to anyone who appears under the age of 25," said Commissioner Dykstra. "New York City has one of the highest compliance rates in the country, but as this announcement makes perfectly clear, we will not rest until every tobacco vendor is in compliance with the law."

The Department of Consumer Affairs has conducted over 9,500 undercover tobacco inspections this year. The DCA employs teams of teenagers, ages 14-17, who are recruited from throughout the five boroughs. These teenagers go into stores and attempt to purchase cigarettes. If they are not asked for identification, the vendors are cited by DCA. Among the major drug store chains in the city, Rite Aid has the worst rate of recidivism, 24% of the locations inspected by DCA sold tobacco to minors a second time.



The Tobacco Product Regulation Act (Local Law 83 of 1992) prohibits the sale of tobacco products to those under 18 years old. The law requires that tobacco sellers request a photo identification of customers who appear younger than 25 years of age. Merchants must also conspicuously post a sign stating that it is illegal to sell tobacco products to minors.

In addition, New York City has one of the toughest laws in the country against vendors who sell tobacco to minors. According to Local Law 2 of 2000, vendors can be fined up to \$1,000 for a first offense and up to \$2,000 for a second violation. Repeat offenders can have their license revoked if a second violation occurs within a twenty-four month period. All fines and revocation actions are subject to a hearing. All fifty revocations announced today have been adjudicated.

"The revocation of these licenses makes it clear to tobacco vendors throughout the city that selling cigarettes to minors is hazardous to your business's health," said Commissioner Dykstra.

To receive a copy of the Filthy Fifty Tobacco Vendors consumers may send a stamped, self-addressed envelope to:

New York City Department of Consumer Affairs  
Filthy Fifty Tobacco Vendors  
42 Broadway, 8th Floor  
New York, NY 10004