



YOUTH ACCESS AND EXPOSURE TO E-CIGARETTES AT THE POINT OF SALE

E-Cigarettes Are Easy for Kids to Purchase

While tremendous progress had been made in reducing youth access to cigarettes, research shows that e-cigarettes are significantly easier for underage youth to purchase than cigarettes. Underage purchase attempts of vaping products are 35% less likely to trigger an ID request and 42% more likely to result in a sales violation, compared to purchase attempts for cigarettes.¹ In 2023, over half (54.7%) of 10th grade students reported that it would be easy for them to get vaping devices.²

For youth who purchase their own e-cigarettes, gas stations, convenience stores and vape shops are the most common sources for illegal sales to minors. According to the 2021 National Youth Tobacco Survey (NYTS), 22.2% high school e-cigarette users report obtaining e-cigarettes from a vape shop or tobacco shop in the past month and 17.7% from a gas station or convenience store.³ A study in *JAMA Pediatrics* found that in California, e-cigarette sales to minors violations are significantly higher in tobacco and vape shops than any other type of retailer, with 44.7% selling to underage buyers.⁴

E-Cigarette Marketing and Promotions in Retail Stores Appeals to Youth

Like cigarette and smokeless tobacco companies, e-cigarette companies are focusing their marketing at the retail level as well. In 2020, e-cigarette companies spent nearly 60 percent (\$423.6 million) of their total advertising and promotion expenditures on price discounts, point-of-sale advertising, coupons, and payments to ensure prime retail space.⁵ Consequently, it's no surprise that retail stores are the most common source of exposure to e-cigarette marketing among youth: 58.7% of middle and high school students—14.37 million youth—reported marketing exposure in retail stores in 2021.⁶

An assessment of vape shops in six cities across the US found that 29.1% had signage indicating health claims prohibited by the FDA, 16.3% offered free e-liquid samples, and 27.4% had signage with cartoon imagery.⁷ In addition, 83.2% offered price promotions of some kind, and 89.9% had signage for product and price promotions.⁸ A 2012 report of the U.S. Surgeon General concluded that, "...the industry's extensive use of price-reducing promotions has led to higher rates of tobacco use among young people than would have occurred in the absence of these promotions."⁹

Consistent with research on marketing of other tobacco products, studies have found that e-cigarettes are often stocked near kid-friendly products like candy. A national study found that in 2015, 20% of e-cigarette retailers had e-cigarettes displayed near candy, gum, soda, or ice cream.¹⁰ Another study of e-cigarette retailers in North Carolina found that 13.6% stocked e-cigarettes next to candy and 14.8% stocked them next to cessation aids, sending mixed messages to consumers about the health risks of e-cigarettes.¹¹

Neighborhood Access to E-Cigarette Retailers

An assessment of vape shops in six cities across the US found that one-third of vape shops were within two blocks of schools.¹² However, e-cigarettes are widely available in other retailers, including convenience stores. In 2015, 80% of tobacco retailers sold e-cigarettes (an increase from 72% in 2014); e-cigarette sales and use data suggest availability has likely continued to increase in recent years.¹³

With nearly half of adolescents visiting a convenience store at least once a week,¹⁴ the chance a kid will have easy access to an e-cigarette retailer is high. Stanford researchers found that in 30 large U.S. cities, an average of 62.6% of public schools are within 1,000 feet (about 2 city blocks) of a tobacco retailer (ranging from 32.8% in Sacramento to 94.1% in New York City). They also found that on average, 70% of city residents live within a half mile (about a 10 minute walk) from a tobacco retailer.¹⁵ Tobacco retailer density is associated with greater youth initiation of cigarette smoking,¹⁶ and evidence is emerging that this pattern may hold true for e-cigarettes as well. A study in New Jersey found that e-cigarette retailer density around schools was positively associated with ever and past-month use of e-cigarettes.¹⁷

For decades, research has also shown that tobacco retailer density and marketing is higher in minority and low income neighborhoods.¹⁸ Stanford researchers recently found that in 30 large U.S. cities, there are on average nearly five times more tobacco retailers per square mile in the lowest-income neighborhoods than in the highest-income neighborhoods.¹⁹ The e-cigarette retail landscape is rapidly evolving and more research is needed on the distribution of e-cigarette retailers, including vape shops. However, states and communities that are considering exempting vape shops and/or adult-only tobacco retailers from regulations like flavor restrictions should consider the potential unintended consequences on tobacco-related disparities in their community.

Making it More Difficult for Kids to Access E-Cigarettes

Research shows that making obtaining tobacco products as inconvenient, difficult and expensive as possible for kids reduces both the number of kids who try or regularly use tobacco products.²⁰ To the extent that these measures directly affect youth who buy their own e-cigarettes or be sources for other youth, then they can also reduce the supply to other kids.

On December 20, 2019, President Trump signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years, effective immediately. While raising the tobacco sale age to 21 is a significant milestone, age restrictions alone are insufficient to reduce youth access.

Restricting the sale of flavored tobacco products is an important strategy that can help reduce youth access to e-cigarettes. According to 2022 NYTS data, 84.9% of youth e-cigarette users use flavored products²¹ and according to the PATH study, 70.3% say they use e-cigarettes “because they come in flavors I like.”²² Restricting or prohibiting the sale of flavored e-cigarettes will therefore reduce the availability of the products most popular among youth. At least 335 localities and 5 states have passed restrictions or complete prohibitions on the sale of flavored e-cigarettes, along with other flavored tobacco products.²³

Increasing the price of e-cigarettes is an effective way to discourage youth use because youth are particularly price sensitive.²⁴ Price hikes may also make it less likely that parents and other adults will give e-cigarettes to kids.

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¹ Levinson, AH, et al., “Asking for Identification and Retail Tobacco Sales to Minors,” *American Journal of Public Health*, 145(5), 2020.

² University of Michigan, 2023 Monitoring the Future Study, *Trends in Availability of Drugs as Perceived by 10th Graders*, <https://monitoringthefuture.org/wp-content/uploads/2023/12/mtf2023table8.pdf>.

³ Gentzke, A, et al., “Tobacco Product Use and Associated Factors Among Middle and High School Students—National Youth Tobacco Survey, United States, 2021,” *MMWR* 71(5):1-29, March 11, 2022, <https://www.cdc.gov/mmwr/volumes/71/ss/pdfs/ss7105a1-H.pdf>.

⁴ Roeseler, A, et al., “Assessment of Underage Sales Violations in Tobacco Stores and Vape Shops,” *JAMA Pediatrics*, published online June 24, 2019.

⁵ U.S. Federal Trade Commission (FTC), *E-Cigarette Report for 2019-2020*, August 31, 2022, https://www.ftc.gov/system/files/ftc_gov/pdf/E-Cigarette%20Report%202019-20%20final.pdf [data for top 5 manufacturers only].

⁶ Gentzke, A, et al., “Tobacco Product Use and Associated Factors Among Middle and High School Students—National Youth Tobacco Survey, United States, 2021,” *MMWR* 71(5):1-29, March 11, 2022, <https://www.cdc.gov/mmwr/volumes/71/ss/pdfs/ss7105a1-H.pdf>.

⁷ Berg, C, et al., “Exploring the Point-of-Sale Among Vape Shops Across the United States: Audits Integrating a Mystery Shopper Approach,” *Nicotine & Tobacco Research*, published online February 28, 2020.

⁸ Berg, C, et al., “Exploring the Point-of-Sale Among Vape Shops Across the United States: Audits Integrating a Mystery Shopper Approach,” *Nicotine & Tobacco Research*, published online February 28, 2020.

⁹ U.S. Department of Health and Human Services (HHS), *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012, <https://www.cdc.gov/tobacco/sgr/2012/index.htm>.

¹⁰ D'Angelo, H, et al., “E-Cigarette availability, price promotions and marketing at the point-of-sale in the contiguous United States (2014-2015): National estimates and multilevel correlates,” *Preventive Medicine Reports*, published online June 26, 2020.

¹¹ Wagoner, KG, et al., “Availability and Placement of Nicotine Delivery Systems at the Point-of-Sale,” *Nicotine & Tobacco Research* 20(8):1020-1024, 2018.

- ¹² Berg, C, et al., "Exploring the Point-of-Sale Among Vape Shops Across the United States: Audits Integrating a Mystery Shopper Approach," *Nicotine & Tobacco Research*, published online February 28, 2020.
- ¹³ D'Angelo, H, et al., "E-Cigarette availability, price promotions and marketing at the point-of-sale in the contiguous United States (2014-2015): National estimates and multilevel correlates," *Preventive Medicine Reports*, published online June 26, 2020.
- ¹⁴ Sanders-Jackson, A, et al., "Convenience store visits by US adolescents: Rationale for healthier retail environments," *Health & Place* 34:63-66, 2015.
- ¹⁵ Advancing Science & Policy in the Retail Environment (ASPiRE) Center, *Tobacco Density & Access*, August 2020, http://aspirecenter.org/wp-content/uploads/2020/08/ASPiRE_RetailTobaccoDensityandAccess_ExecSumm.pdf.
- ¹⁶ HHS, *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, 2012; Center for Public Health Systems Science, *Point-of-Sale Report to the Nation: The Tobacco Retail and Policy Landscape*, 2014; Henriksen, L, et al., "Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools?" *Prev Med* 47(2):210-214, 2008. Marsh L, et al., "Association between density and proximity of tobacco retail outlets with smoking: A systematic review of youth studies," *Health & Place* 67:102275, 2021.
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- ¹⁹ Advancing Science & Policy in the Retail Environment (ASPiRE) Center, *Tobacco Density & Access*, August 2020, http://aspirecenter.org/wp-content/uploads/2020/08/ASPiRE_RetailTobaccoDensityandAccess_ExecSumm.pdf.
- ²⁰ See related Campaign fact sheets, *Raising Cigarette Taxes Reduces Smoking, Especially Among Kids (and the Cigarette Companies Know It)*, <http://www.tobaccofreekids.org/research/factsheets/pdf/0146.pdf> and *Enforcing Laws Prohibiting Cigarette Sales to Kids Reduces Youth Smoking*, <http://www.tobaccofreekids.org/research/factsheets/pdf/0049.pdf>.
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- ²³ Campaign for Tobacco-Free Kids, *States & Localities That Have Restricted the Sale of Flavored Tobacco Products*, <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>.
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