Updates on Assurances of Voluntary Compliance

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What are the AVCs?

- Assurances of Voluntary Compliance ("AVCs") are contracts between a company and one or more states.
- Companies agreed to restrictions and additions to their policies for the sale and marketing of tobacco products that may go beyond existing regulatory requirements.
- The legal effect of the contract varies by state.
When Developing a Store (or Company) Policy:

- Require that IDs are requested and checked for all customers appearing to be younger than age 27
- Accept only government-issued valid photo ID from a specified list (e.g., driver’s license, state ID, passport, military ID)
- Assign adult employees to sell, or supervise the sale of, tobacco products
Best Practices

When Training:

- Train all employees who sell tobacco products on laws and company policies regarding sale of tobacco products, including health-related reasons to prevent youth access to tobacco
  - Teach employees how to check age; include practice on how to determine age from an ID and role-playing exercises on how to refuse a sale
- Provide periodic refresher trainings as well as remedial training if employee violates the law or store policies
  - Provide employees written copies of tobacco policies; have them sign an acknowledgment of review and understanding of the policies
Best Practices

Using Support Tools:

- Post required age of sale warning signs as well as signs to remind employees to check ID for customers under age 27, and inform customers of this requirement
- Use age verification aids at checkout (e.g., electronic ID scanning system, calendars, register prompts)
Best Practices

Monitoring Compliance:

- Observe clerks for compliance with policies on a regular basis
- Designate an employee to oversee youth access efforts and to receive all notices of violation (NOVs)
- Conduct regular compliance checks for sales to minors through an independent entity
- Consider compliance in performance appraisals and employment decisions; reward positive performance
Best Practices

Other:
  • No self service of tobacco products or tobacco paraphernalia
  • No vending machines
  • No smoking paraphernalia sold to anyone under age 18
  • No free samples on premises
  • No sales of packs smaller than 20 (e.g., single cigs or "kiddie" packs)
  • No sales of candy cigarettes or other tobacco look-alike products
  • In-store advertising restricted to product display area and to brand names, logos, and prices
Which companies have AVCs?

7-Eleven
Chevron
Conoco
Exxon
Mobil
Safeway
Kroger
Walgreens
Rite Aid
Walmart
Valero
Retail Provisions

- All of the AVCs include some restrictions on the retail environment.
- Additional provisions may fill in gaps in state tobacco laws.
- AVCs also establish a designated Compliance Officer for each company, giving states a single contact person for tobacco enforcement issues, and one or more AAG’s as direct contact points for the AVC partners.
Sample AVC Provisions

- No tobacco products in vending machines
- Tobacco sales must be restricted to a certain area
- Both tobacco products and smoking paraphernalia cannot be in self-serve displays
- No one under the legal smoking age may purchase smoking paraphernalia
Sample AVC Provisions

- Employees must ask for ID from any customer who appears under 27
- Locations must have register prompts that stop the sale when tobacco is scanned
- No look-alike products allowed
Display Restrictions

- No tobacco displays within two feet of youth oriented products such as candy and toys
Advertising with youth appeal

Supersize Me

Cinco de Mayo

Red Sun

Surgeon General's Warning: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
Advertising with youth appeal

SURGEON GENERAL’S WARNING:
Cigarette Smoke
Contains Carbon Monoxide.

**BEST FRIENDS FOREVER**

MAY THE 4TH BE WITH YOU

AWAKEN YOUR SENSES...
AVAILABLE IN STORES NOW

SURGEON GENERAL’S WARNING:
Cigarette Smoke
Contains Carbon Monoxide.
Advertising with youth appeal

- Slogans: “The Perfect Recess”
- Stand-alone discount slogans: “Best Price,” “Cheap Cigarettes,” “Best Value Cigarettes” and similar
- Brand Names: Listed on State Cigarette Directories
- Trademarks: Federally registered trademarks
Advertising provisions are particularly important, and a great area for collaboration.

Several AVC’s permit ONLY brand name, logo (and other trademarks), and price to be displayed at the point of sale.
Sample AVC Provisions

Retail location showing sweepstakes promotion, web address, phrases like “Mine for Thousands of Prizes,” “Lasts Longer,” clearly outside the AVC restrictions.
Sample AVC Provisions

- Minimum age signs required on entry door, register, tobacco displays, and in employee break areas.
- No free samples of any tobacco product allowed on premises, including in parking lot.
Current efforts

- Engaging AVC companies more regularly
- Providing updates on youth compliance inspections at the state and local level
- Communicating concerns
  - Walgreens compliance inspections
  - Walmart and Circle K look alike products
  - ExxonMobil internal monitoring
  - NTSO correspondence
AVC Monitoring

- Some AVC partners submit marketing materials to AAGs for pre-approval
- Some AVC partners have voluntarily expanded AVC provisions to e-cigarettes
- Ad campaigns change rapidly
AVC Monitoring

- AVC Inspection form now available
  - PDF
  - Electronic form in development for Counter Tools

Several states have started actively monitoring AVCs

Needs active participation by both AGO and public health and regular communication with AVC companies to be effective