New Jersey Tobacco Point-of-Sale Review

January 2025

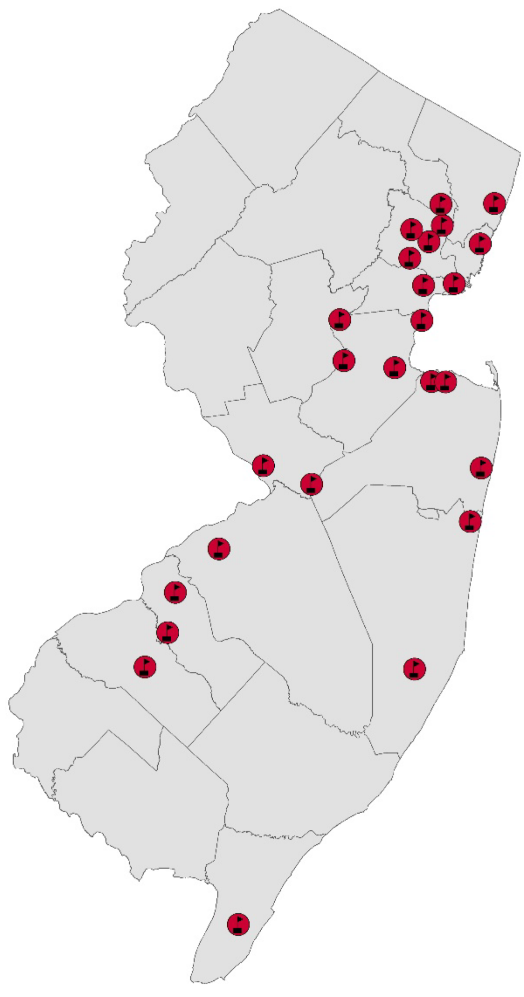

Table of Contents

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The 2024 New Jersey Point-of-Sale Project was completed by:

The Institute for Nicotine and Tobacco Studies
at
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Disclaimer

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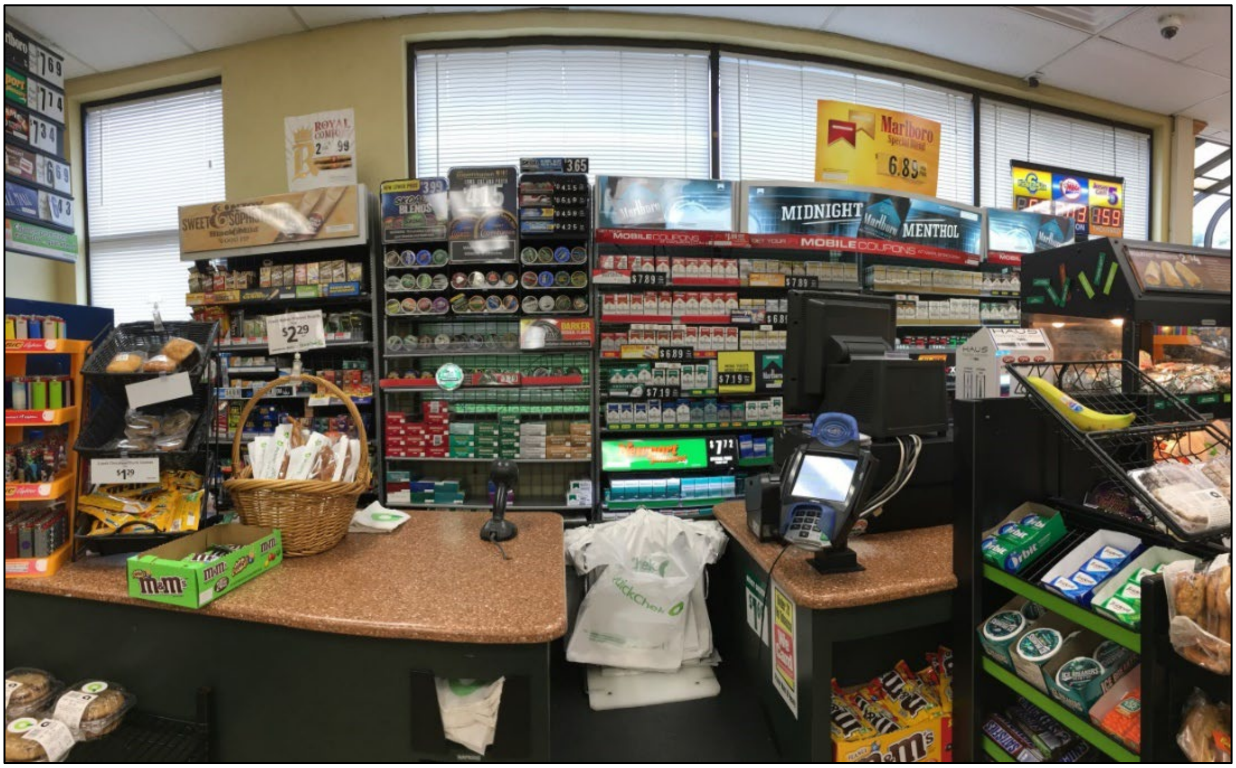
BACKGROUND

Tobacco Industry Spending and Marketing

The tobacco industry continues to invest billions of dollars marketing its products at the point-of-sale annually to target its products and marketing strategies toward vulnerable populations.[1] In 2022, cigarette and smokeless tobacco companies spent more than $8.6B on product marketing, most of which occurred in the retail setting through price discounting, promotional allowances, and point of sale advertising.[2,3] Major manufacturers reported spending over $5.7B on price discounts paid to retailers, representing almost three-fourths of advertising budgets, which drove down the cigarette price point for consumers.[2] Further, while more difficult to aggregate due to market segmentation and volatility, in 2021, advertising and promotion of e-cigarettes increased to more than $859M.[4] In 2022, spending on cigarette promotional allowances paid to retailers increased from previous years to over $247M. Promotional allowances or incentives include payments for displaying and branding cigarette merchandise, rebates, incentive payments, and stocking, and are intended to bolster cigarette sales in the retail space.[2]

The tobacco industry provides incentives to retailers to post advertising signage inside and outside of their stores to promote their products. Studies demonstrate that tobacco manufacturers contract directly with retail store owners to place their branded external and internal advertisements and promotions within the retail environment.[5,6] Further, in a large study of tobacco retailers, 95% displayed at least one piece of tobacco promotional material at the point-of-sale.[7] Among the most popular tobacco promotion is a “power wall,” an interior large shelving display that showcases numerous tobacco products and features company logos and other advertisements (see Figure 1).

Figure 1. A tobacco "power wall" in a New Jersey convenience store



Historically, tobacco companies have engaged in marketing and promotion targeted at vulnerable populations, including young people, in the retail environment. Compared to other marketing channels, youth exposure to tobacco marketing at the point-of-sale is high.[8] Further, in 2018, cigars, cigarillos, and smokeless tobacco products were more available in retail stores near schools where students received free or reduced-priced lunches.[9] In addition, a longitudinal study between 2015-2018 determined advertising for cigars and e-cigarettes had increased, while advertisements for cigarettes and smokeless tobacco products were consistent, reflective of trends in youth tobacco use.[10]

Tobacco Industry Marketing Exposure and Youth Tobacco Use

Youth are particularly susceptible to point-of-sale tobacco marketing and promotion. Of particular concern is the potential for exposure to tobacco advertisements in the retail setting to encourage youth to experiment with tobacco products via urges and impulse purchases and to attempt to and/or continue purchasing tobacco products while perpetuating the idea that smoking is socially acceptable.[11-14] Several studies have documented a consistent relationship between tobacco advertising near schools and cigarette smoking among students.[11,12,15] One study found that never smoking young people aged 11-14 who visited stores containing cigarette advertisements between twice per week and twice per month, were more likely to initiate smoking compared to their counterparts who visited similar retail locations less frequently.[15] A study that linked data on youth e-cigarette use from the 2014 New Jersey Youth Tobacco Survey (NJYTS) with e-cigarette marketing and availability collected at the point of sale around participating schools found a positive association between the retail environment and e-cigarette use among students.[16] In addition, tobacco companies have initiated and increased expenditures in marketing efforts of alternative tobacco products including cigarillos and e-cigarettes at the point-of-sale.[17] Furthermore, exposure to point-of-sale cigarillo advertising has been associated with higher odds of current use.[18]

Youth Tobacco Use

Youth tobacco use has declined dramatically over time. Data from the 2022 New Jersey Youth Tobacco Survey (NJYTS) showed that while 1.2% of high school students were current cigarette smokers, 9.6% were current e-cigarette users, 2.1% were current nicotine pouch users, 2.1% were current cigar/cigarillo smokers and, 1.9% were current hookah tobacco users.[19] Use of non-cigarette products among youth support the need to understand exposure to advertising and promotion of these products in stores, especially in those near schools. The promotion of non-cigarette tobacco products such as e-cigarettes, cigars/cigarillos and nicotine pouches in retail settings is understudied, but evidence suggests that these products are advertised in much the same way as cigarettes.[20] Figure 2 highlights the visibility of non-cigarette tobacco product advertising in a New Jersey convenience store.

Figure 2. Non-cigarette tobacco product advertising in a New Jersey convenience store

Types of Tobacco Products

Although rates of cigarette smoking, e-cigarette use, and other tobacco product use among youth has declined in recent years, use of tobacco-containing products, such as cigarettes, cigars/cigarillos, smokeless tobacco, tobacco-free nicotine pouches, electronic cigarettes (e-cigarettes), and hookah, should continue to be monitored. Figure 3 demonstrates examples of the tobacco products youth may be exposed to at the point-of-sale.

Figure 3. Description and examples of tobacco products at the point-of-sale

Product	Description	Examples
Cigarettes	The basic components of most cigarettes are tobacco, chemical additives, a filter, and paper wrapping. The tobacco is burned and then the smoke is inhaled. Sold in packs of 20. Sold in tobacco and menthol flavored varieties. Popular brands include Marlboro, Newport, Camel and Natural American Spirit.	 
Cigars or cigarillos	Roll of tobacco wrapped in a tobacco leaf or another substance containing tobacco. Products come in many different sizes and some include wooden or plastic tips. Among young people, cigarillos are sometimes used to roll blunts with marijuana. Popular brands include Black & Mild, Swisher Sweets, and Dutch Masters.	 
Smokeless tobacco	Typically refers to moist snuff (sometimes called "dip") and snus (a Swedish type of moist snuff). The user places the shredded or ground tobacco between their lip and their gum. Popular brands include Grizzly, Copenhagen, Skoal and Camel Snus.	 
Nicotine pouches	Oral nicotine products are used similarly to snus. Unlike snus, they do not contain leaf tobacco. The products contain nicotine that is either derived from tobacco or made synthetically. Popular brands include Zyn, Velo, and On!.	 
Electronic cigarettes ("e-cigarettes")	A battery-powered device that produces a vapor that the user inhales. The vapor often contains nicotine, flavorings, and other chemicals. E-cigarettes are sold in pods and disposable varieties. Popular brands include JUUL, Vuse, Njoy, Lava and Flair.	  
Hookah tobacco	A mix of tobacco and molasses, with additive flavors, smoked through a single-or multi-stemmed charcoal-heated apparatus. Popular brands include Al Fakher and Starbuzz.	 

Laws and Mandates to Decrease Tobacco Purchase and Use

To deter youth tobacco use experimentation and initiation, a federal law to raise the minimum legal age to purchase tobacco products to 21 years, also known as Tobacco 21, was enacted in 2019. Among a small group of states to successfully pass state legislation prior to the federal mandate, New Jersey enacted its Tobacco 21 Law, raising the legal minimum age to purchase tobacco products and electronic smoking devices from 19 to 21 years on November 1, 2017. This law applies to all tobacco products, including cigarettes, cigars, smokeless tobacco, electronic cigarettes, vaping devices, and vaping products. Shortly thereafter, licensed retail stores were mandated to post tobacco age-of-sale signage. Figure 4 depicts the two age-of-sale signs that were posted at that time. The sign with red lettering (top left) is mandatory and all licensed tobacco retailers must post it. The sign, with dimensions of at least 6 inches by 3 inches, must be posted in a clearly visible location near where tobacco products are displayed and at the cash register. The yellow “Only 21+” sign (top right), distributed by the NJ Department of Health to licensed tobacco retailers just prior to New Jersey’s Tobacco 21 law becoming effective in November 2017, is voluntary. The related age calculator (bottom left) is also voluntary.

Figure 4. Required New Jersey licensed tobacco retailer age of sale (top left), voluntary New Jersey Department of Health tobacco age of sale (top right), voluntary U.S. Food and Drug Administration (FDA) Age Calculator (bottom left), required Quitline and NRT availability signage example (bottom middle), and required FDA corrective statement signage (bottom right).

Recent federal and state actions have attempted to decrease the availability of flavored e-cigarettes. In an effort to curb the use of e-cigarettes among youth and young adults, the U.S. Food and Drug Administration (FDA) issued a prioritized enforcement policy for flavored cartridge-based e-cigarette products, excluding menthol, that did not have premarket authorization, effective February 2020. New Jersey also became the first state to ban the sales of all types of flavored e-cigarette products, including menthol and mint, effective April 2020.

In March of 2022, New Jersey became the first state to require licensed tobacco retailors to stock nicotine replacement therapy (NRT) products and display a printed notice stating that those products are available. The law states that these retailors must, "maintain a stock of, and offer for retail sale, at least one type of NRT drug, device, or combination product that has been approved by the FDA" (P.L.2021, c.475). The NRT products should be displayed similar to tobacco products. Further, retailers are required to promote NRT availability and New Jersey's Quitline through posted informational material. The law requires that that stores display the official logo, phone number, and website of the New Jersey Quitline. The example in Figure 4 (bottom middle) demonstrates a sign compliant with the law. Further, in 2022, a consent order was reached regarding displaying FDA corrective statements about the harms of smoking and industry product manipulation at retail point-of-sale. The corrective statements were to be posted in licensed retail outlets by October 2023 for a total of 21 months or through June 2025.

AIMS

This project has collected repeated point-of-sale data drawn from stores surrounding a representative sample of New Jersey high schools (n=41) between 2015 and 2024. This report presents data on the prevalence of external and internal tobacco and nicotine product advertisements and the availability of tobacco and nicotine products at the sampled stores. This report describes differences by store type and locality for 2024 and presents comparisons over the previous three years. Finally, this report presents the prevalence of NRT availability, and the presence of Tobacco 21, NJ Quitline, and corrective statement signage in the sampled licensed retail outlets.

METHODS

In 2015, the locations of the 41 high schools participating in the 2014 NJYTS were mapped and half-mile buffers around each school were drawn. The half-mile radius (2,640 feet) was chosen as the cutoff based on the premise that this was the farthest distance students would likely travel before, during, and after school to make purchases. Further, the school districts were dichotomized as urban or non-urban. Urban districts were defined as municipalities with more than 10,000 residents per square mile.[21] and where schools had greater than 50% non-white enrollment.[22] Of the 41 schools, 15 (36.6%) had no licensed tobacco retailers (stores) within a half-mile radius, thus these schools were excluded from the point-of-sale study sample.

A total of 211 stores were located within a half-mile radius of the remaining 26 schools in the sample. In 2017, one high school changed its location, but audits were repeated in the two stores located within the half-mile radius of its original location. In 2019 and 2023, one school with one store within a half-mile radius was omitted from the sample in each year due to permanent closure of existing stores, bringing the total number of schools with at least one store within a half-mile radius to 24.

Audits were attempted at all 211 stores identified in the original 2015 sample. Since 2015, a number of stores either closed permanently or no longer sell tobacco products. In 2018, to examine trends in point-of-sale tobacco product availability and advertising, audits were limited to stores where data was collected in the three previous years. In 2022, 12 stores were added to the sample because they opened after the original sample was drawn, had a New Jersey tobacco license, and fell within the half-mile buffer of high schools in the sample. In 2020, data collection was limited to tobacco product availability to minimize data collectors' time in the stores during the COVID-19 pandemic. Table 1 details the number of completed store audits by year.

Table 1. Completed point-of-sale audits of New Jersey licensed retailers, 2015-2024

Year	Completed Audits
2015	191
2016	191
2017	191
2018	174
2019	156
2020	143
2021	145
2022	156
2023	156
2024	147

Given changes in the tobacco marketplace, as well as new related laws and mandates over time, the store audit instrument has undergone several modifications. These updates have been critical to address retail policy changes, availability of emerging tobacco products, availability of

NRTs, and posted signage related to Tobacco 21, NJ Quitline, and FDA-required corrective statements. Table 2 details the years in which new topics were added to the store audit instrument.

Table 2. Topics added to store audit instrument over time, 2018-2024

Year	Additional Topics
2018	State-mandated and voluntary signage related to Tobacco 21
2018	Advertising and availability of JUUL e-cigarettes
2019	Advertising and availability of nicotine pouches
2020	Advertising and availability of flavored and non-flavored disposable e-cigarettes
2022	Availability of nicotine replacement therapy (NRT) products
2022	State-mandated signage of NRT availability and NJ Quitline
2023	Advertising and availability of premium cigars
2024	Mandatory signage related to FDA corrective statements

Each store audit takes approximately 20 minutes to complete by a trained auditor. In general, auditors use a Qualtrics survey on a smartphone device to collect detailed information on store type (e.g., non-chain convenience, chain convenience, liquor, drug, gas station kiosk, dollar, and other; presence of interior and exterior advertisements (ads) depicting tobacco products; tobacco product availability; NRT availability; and presence of Tobacco 21, NJ Quitline, and corrective statement signage.

For this project, an ad was defined as an industry-made sign featuring a company's logo and/or an image of a product. Generic signs that read, "Cigarettes sold here," for example, were not included as ads. To be counted, ads had to be clearly visible and larger than the size of an index card (3" x 5"). Smaller ads are burdensome for data collectors to locate and count, but more importantly, they may be less noticeable to youth visiting the stores; thus, any ads smaller than an index card were not counted. Figure 5 demonstrates, with red boxes, examples of tobacco ads that would be counted in this project.

Figure 5. Examples of ads that would be counted

To evaluate compliance with posting mandated T21 and other signage, auditors assessed the presence of the mandated T21 signage and other voluntary posted signage as depicted in examples in Figure 4. Auditors also assessed for the presence of signage related to NJ Quitline and NRT availability, as well as corrective statements as exemplified in Figure 4.

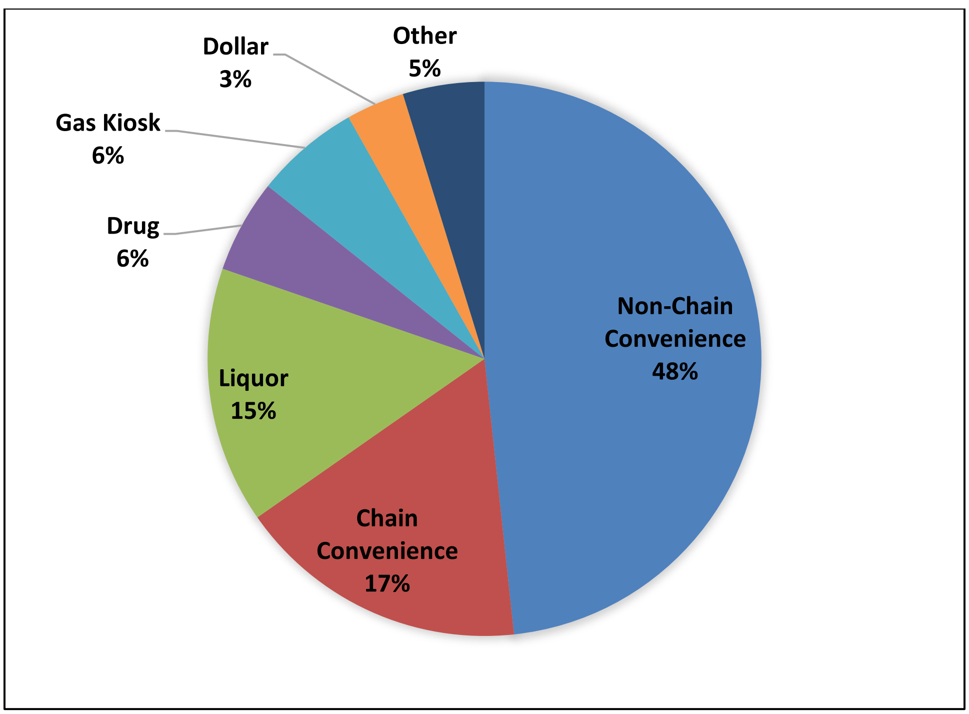
Type and count of tobacco product ads, located both external and internal to the store, and tobacco product availability was collected for cigarettes, cigars/cigarillos, premium cigars, smokeless tobacco, e-cigarettes, nicotine pouches, and hookah tobacco. For each of the tobacco products assessed, data are presented on the prevalence of exterior and interior ads and product availability aggregated across all stores in the sample. Additionally, differences by store type and locality are described.

RESULTS

Sampled Stores

In 2024, 147 of the 162 sampled stores (90.7%) were successfully audited. The remaining 15 stores were permanently closed and unavailable to audit. This completion rate is in line with our previous data collection efforts (range: 86.5%-93.7%). The number of stores audited for each school ranged from one to 36, with an average of 6.13 tobacco retailers existing within a half-mile radius of each high school. Figure 6 presents the distribution of store types in the sample. Of the 147 audited stores, the most common store type was non-chain convenience (48.0%), followed by chain convenience (17.0%; e.g., Wawa, QuickChek, 7-Eleven, with or without gas station attached), liquor (15.0%), drug (6.0%), gas station kiosk (6.0%), other (5.0%), and dollar stores (3.0%).

Figure 6. Distribution of store types (%), 2024 (n=147)



The 2024 survey included 147 stores within a half-mile radius of 24 schools. Six of these schools were in urban districts and the remaining 18 were located in non-urban districts. Just over two-thirds of the 87 stores located in urban districts were non-chain convenience stores (67.8%). Liquor stores (11.5%) were the second most common store type in urban districts. In non-urban districts, chain convenience (30.0%), non-chain convenience (20.0%), and liquor stores (20.0%) were the most common store types (Table 3).

Table 3. Store type by district type, 2024 (n=147)

Store Type	**Urban Districts** n (%)	**Non-urban Districts** n (%)
Non-chain convenience	59 (67.8%)	12 (20.0%)
Chain convenience	7 (8.0%)	18 (30.0%)
Liquor	10 (11.5%)	12 (20.0%)
Drug	3 (3.4%)	5 (8.3%)
Gas station kiosk	------------	9 (15.0%)
Dollar store	4 (4.6%)	1 (1.7%)
Other	4 (4.6%)	3 (5.0%)
Total	**87 (100.0%)**	**60 (100.0%)**

Cigarettes

Table 4 presents the availability of cigarettes and the prevalence of cigarette ads by store type. Cigarettes were commonly available across all store types. A total of 136 stores (92.5%) sold cigarettes and there was only one store that sold cigarettes without also selling menthol cigarettes. Eleven stores (7.5%) did not sell cigarettes, and six of those stores had no tobacco products available for sale. Exterior cigarette ads were found in 25.2% of all stores. These ads were most prevalent in chain convenience stores (44.0%) and gas station kiosks (44.4%). These types of ads were somewhat common in non-chain convenience stores (26.8%). Exterior cigarette ads were not present in drug stores, dollar stores, and “other” stores. Interior cigarette ads were more common than exterior ads, and they were present in nearly half (47.6%) of the stores. These ads were most common in chain convenience (84.0%) and dollar stores (80.0%). Exterior menthol cigarette ads were seen in just over one-fifth (21.1%) of all stores, and these ads were present in chain convenience stores (40.0%), gas station kiosks (33.3%), non-chain convenience stores (21.1%), and liquor stores (13.6%). Interior menthol cigarette ads were found in 34.7% of the stores in the sample. These ads were most prevalent in chain (68.0%) and non-chain (36.6%) convenience stores and were absent from “other” stores.

Table 4. Cigarette availability and presence of cigarette ads by store type, %, 2024

Store Type	Availability (%)	Exterior Ads (%)	Exterior Menthol Ads (%)	Interior Ads (%)	Interior Menthol Ads (%)
Non-chain convenience (n=71)	95.8	26.8	21.1	45.1	36.6
Chain convenience (n=25)	100.0	44.0	40.0	84.0	68.0
Liquor (n=22)	95.5	13.6	13.6	40.9	22.7
Drug (n=8)	75.0	-	-	50.0	25.0
Gas station kiosk (n=9)	77.8	44.4	33.3	-	-
Dollar (n=5)	100.0	-	-	80.0	20.0
Other (n=7)	57.1	-	-	-	-
Overall (n=147)	**92.5**	**25.2**	**21.1**	**47.6**	**34.7**

Exterior and interior cigarette ad volumes by store type are shown in Tables 5 and 6. Nearly three-fourths (74.8%) of stores did not have exterior cigarette ads. Of the stores with at least one exterior cigarette advertisement the majority displayed one to four ads (23.1%). Stores had a higher of volume of interior cigarette advertisements with nearly one-third displaying at least one to four interior cigarette advertisements and 17% having five or more.

Table 5. Number of exterior cigarette ads by store type, 2024

Store Type	0 Ads (%)	1 to 4 Ads (%)	5+ Ads (%)
Non-chain convenience (n=71)	73.2	23.9	2.8
Chain convenience (n=25)	56.0	40.0	4.0
Liquor (n=22)	86.4	13.6	-
Drug (n=8)	100.0	-	-
Gas station kiosk (n=9)	55.6	44.4	-
Dollar (n=5)	100.0	-	-
Other (n=7)	100.0	-	-
Overall (n=147)	**74.8**	**23.1**	**2.0**

Table 6. Number of interior cigarette ads by store type, 2024

Store Type	0 Ads (%)	1 to 4 Ads (%)	5+ Ads (%)
Non-chain convenience (n=71)	54.9	40.8	4.2
Chain convenience (n=25)	16.0	20.0	64.0
Liquor (n=22)	59.1	31.8	9.1
Drug (n=8)	50.0	12.5	37.5
Gas station kiosk (n=9)	100.0	-	-
Dollar (n=5)	20.0	60.0	20.0
Other (n=7)	100.0	-	-
Overall (n=147)	**52.4**	**30.6**	**17.0**

Figures 7 and 8 present the differences in the prevalence and volume of cigarette advertising in stores in urban and non-urban districts. Compared to stores in urban districts, non-urban stores had a higher prevalence of interior cigarette advertisements (56.7% vs 41.4%) and a slightly higher prevalence for exterior cigarette ads (28.3% vs 23.0%), exterior menthol ads (25.0% vs 18.4%), and interior menthol (36.7% vs 33.3%) ads. For exterior cigarette ads, non-urban stores displayed a volume of five or more ads more often than urban stores (5.0% vs 0.0%). Similarly, a volume of five or more interior cigarette ads was much more prevalent in non-urban stores compared to urban stores (30.0% vs 8.0%).

Figure 7. Presence of cigarette ads, by district type (%), 2024

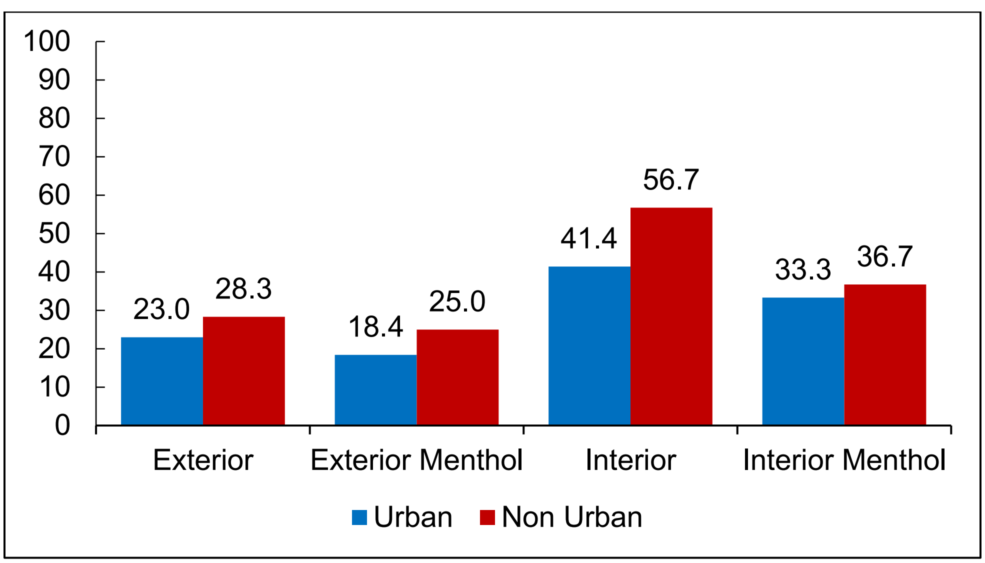
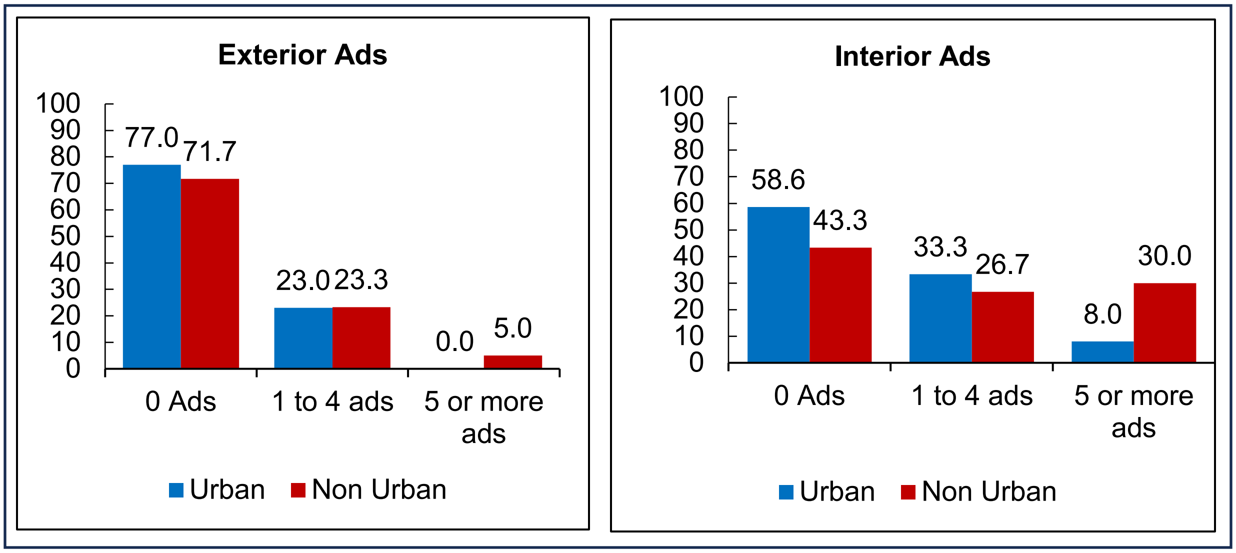


Figure 8. Presence of exterior and interior cigarette ads at stores, by district type (%), 2024



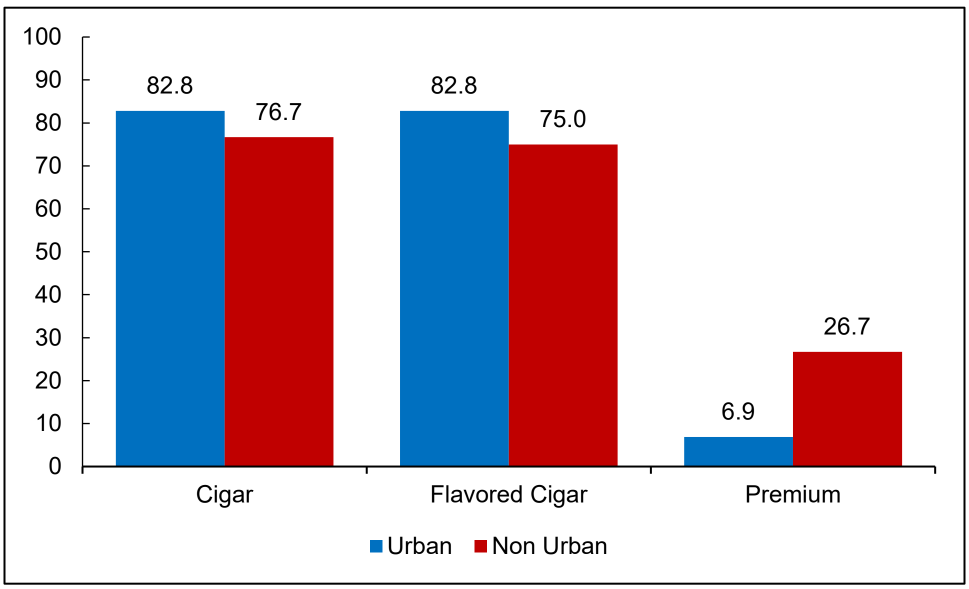
Cigars/cigarillos

Cigars/cigarillos were the second most available tobacco product. As shown in Table 7, 80.3% of stores sold cigars and 79.6% sold flavored varieties. Cigars were found in all store types and were in most prevalent in liquor stores (95.5%), chain convenience stores (92.0%), non-chain convenience stores (85.9%), and dollar stores (80.0%). Notably, the prevalence of flavored cigars was the same as the overall prevalence of cigars for each store type except liquor stores. Premium cigars were available in 15.0% of the stores, and among stores where premium cigars were available, they were most available in liquor stores (31.8%), drug stores (25.0%), and chain convenience stores (24.0%). Premium cigars were absent from gas station kiosks and dollar stores. Cigars and their flavored varieties were more common in urban stores than non-urban stores, but premium cigars were more common in non-urban stores than urban stores (Figure 9).

Table 7. Cigar/cigarillo availability by store type, 2024

Store Type	Cigar Availability (%)	Flavored Cigar Availability (%)	Premium Cigar Availability (%)
Non-chain convenience (n=71)	85.9	85.9	8.5
Chain convenience (n=25)	92.0	92.0	24.0
Liquor (n=22)	95.5	90.9	31.8
Drug (n=8)	25.0	25.0	25.0
Gas station kiosk (n=9)	44.4	44.4	-
Dollar (n=5)	80.0	80.0	-
Other (n=7)	42.9	42.9	14.3
Overall (n=147)	**80.3**	**79.6**	**15.0**

Figure 9. Cigar, flavored cigar, and premium cigar availability by district type (%), 2024



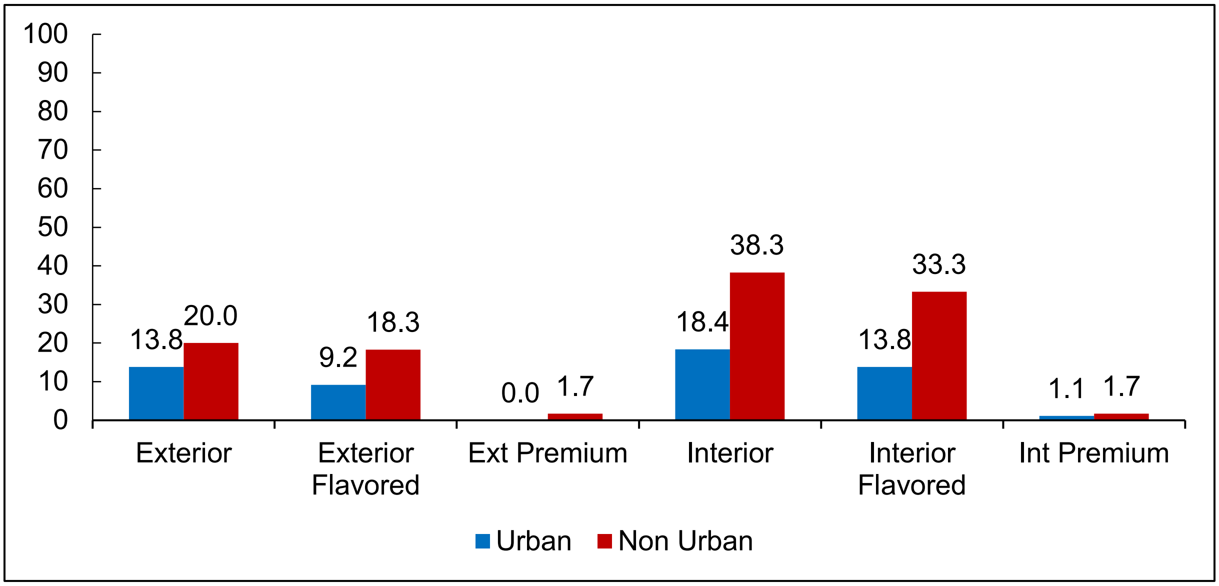
Cigars were the second most advertised tobacco product among stores in the sample. Table 8 shows that exterior cigar ads were present in 16.3% of stores. Only chain convenience stores (40.0%), non-chain convenience stores (18.3%), and gas station kiosks (11.1%) had exterior cigar ads. Exterior flavored cigar ads were observed in 12.9% of stores, and they were most common in chain convenience stores (36.0%), non-chain convenience stores (12.7%), and gas station kiosks (11.1%). Interior cigar ads were more prevalent than exterior cigar ads, as they were observed in just over one-quarter of stores (26.5%). Interior cigar ads were most prevalent in dollar stores (80.0%), chain convenience stores (56.0%), and liquor stores (27.3%), and they were absent from drug stores. Interior flavored ads were present in dollar stores (60.0%), chain convenience stores (48.0%), liquor stores (22.7%), and non-chain convenience stores (16.9%). Premium cigar ads were rarely observed (0.7% for exterior and 1.4% for interior). Exterior premium cigar ads were only found at chain convenience stores (4.0%), and the interior ads were only found in "other" stores (14.3%) and chain convenience stores (4.0%).

Table 8. Presence of cigar/cigarillo ads in stores by store type, 2024

Store Type	Exterior Ads (%)	Exterior Flavored Ads (%)	Interior Ads (%)	Interior Flavored Ads (%)	Exterior Premium Ads (%)	Interior Premium Ads (%)
Non-chain convenience (n=71)	18.3	12.7	19.7	16.9	-	-
Chain convenience (n=25)	40.0	36.0	56.0	48.0	4.0	4.0
Liquor (n=22)	-	-	27.3	22.7	-	-
Drug (n=8)	-	-	-	-	-	-
Gas station kiosk (n=9)	11.1	11.1	-	-	-	-
Dollar (n=5)	-	-	80.0	60.0	-	-
Other (n=7)	-	-	14.3	-	-	14.3
Overall (n=147)	**16.3**	**12.9**	**26.5**	**21.8**	**0.7**	**1.4**

As presented in Figure 10, in stores located in non-urban districts compared to urban districts, exterior cigar ads (20.0% versus 13.8%), interior cigar ads (38.3% versus 18.4%), exterior flavored cigar ads (18.3% versus 9.2%), and interior ads (33.3% versus 13.8%) were more prevalent. Premium cigar ads were only found in one urban store and one non-urban store, but the urban store did not have any exterior premium cigar ads.

Figure 10. Presence of cigar ads in stores by district type (%), 2024



Smokeless Tobacco

As depicted in Table 9, smokeless tobacco products were available in just under one-quarter of stores. They were most available in chain convenience stores (84.0%), and less available in dollar stores (20.0%), liquor stores (13.6%), non-chain convenience stores (12.7%), and drug stores (12.5%). Smokeless tobacco was absent from gas kiosks and "other" stores.

Table 9. Smokeless tobacco availability by store type, 2024

Store Type	Smokeless Tobacco Availability (%)
Non-chain convenience (n=71)	12.7
Chain convenience (n=25)	84.0
Liquor (n=22)	13.6
Drug (n=8)	12.5
Gas station kiosk (n=9)	-
Dollar (n=5)	20.0
Other (n=7)	-
Overall (n=147)	**23.8**

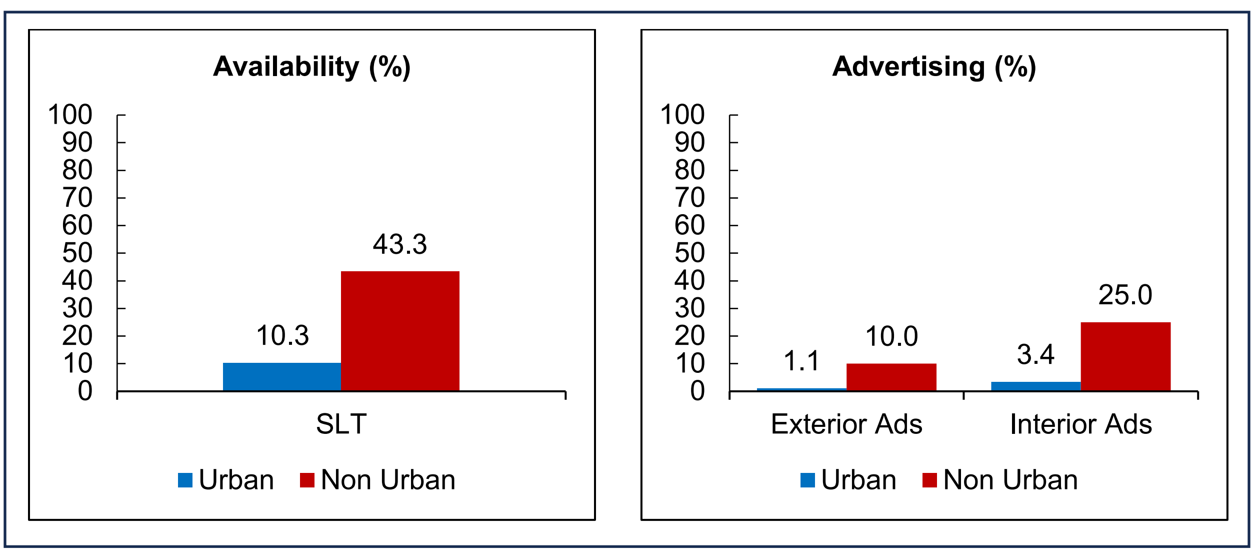
Table 10 presents the prevalence of smokeless tobacco ads for each store type. Exterior smokeless tobacco ads were not observed often overall (4.8%). They were only observed in chain convenience stores (24.0%) and non-chain convenience stores (1.4%). Interior smokeless tobacco ads were more common, but they were only observed in 12.2% of stores. These ads were only present in chain convenience stores (64.0%) and non-chain convenience stores (2.8%).

Table 10. Smokeless tobacco ads in stores by store type, 2024

Store Type	Exterior Ads (%)	Interior Ads (%)
Non-chain convenience (n=71)	1.4	2.8
Chain convenience (n=25)	24.0	64.0
Liquor (n=22)	-	-
Drug (n=8)	-	-
Gas station kiosk (n=9)	-	-
Dollar (n=5)	-	-
Other (n=7)	-	-
Overall (n=147)	**4.8**	**12.2**

Smokeless tobacco product advertising and availability of smokeless tobacco by district type are shown in Figure 11. Exterior smokeless tobacco ads were observed in only one urban store (1.1%) and six non-urban stores (10.0%). Interior smokeless tobacco ads compared to exterior ads were observed more frequently in both district types, as 3.4% of stores in urban areas and 25.0% of stores in non-urban areas displayed interior smokeless tobacco ads. Differences in smokeless tobacco product availability by district type followed a similar trend. Smokeless tobacco was available in 43.3% of non-urban stores and only 10.3% of urban stores.

Figure 11. Availability and advertising of smokeless tobacco in stores by district type (%), 2024



Nicotine Pouches

Over one-quarter of stores sold nicotine pouches (27.2%) as per Table 11. These products were most commonly available in chain convenience stores (88.0%), drug stores (25.0%), and dollar stores (18.2%). Nicotine pouches were not available in any of the gas station kiosks or "other" stores.

Table 11. Nicotine pouch availability in stores by store type, 2024

Store Type	Nicotine Pouch Availability (%)
Non-chain convenience (n=71)	15.5
Chain convenience (n=25)	88.0
Liquor (n=22)	18.2
Drug (n=8)	25.0
Gas station kiosk (n=9)	-
Dollar (n=5)	20.0
Other (n=7)	-
Overall (n=147)	**27.2**

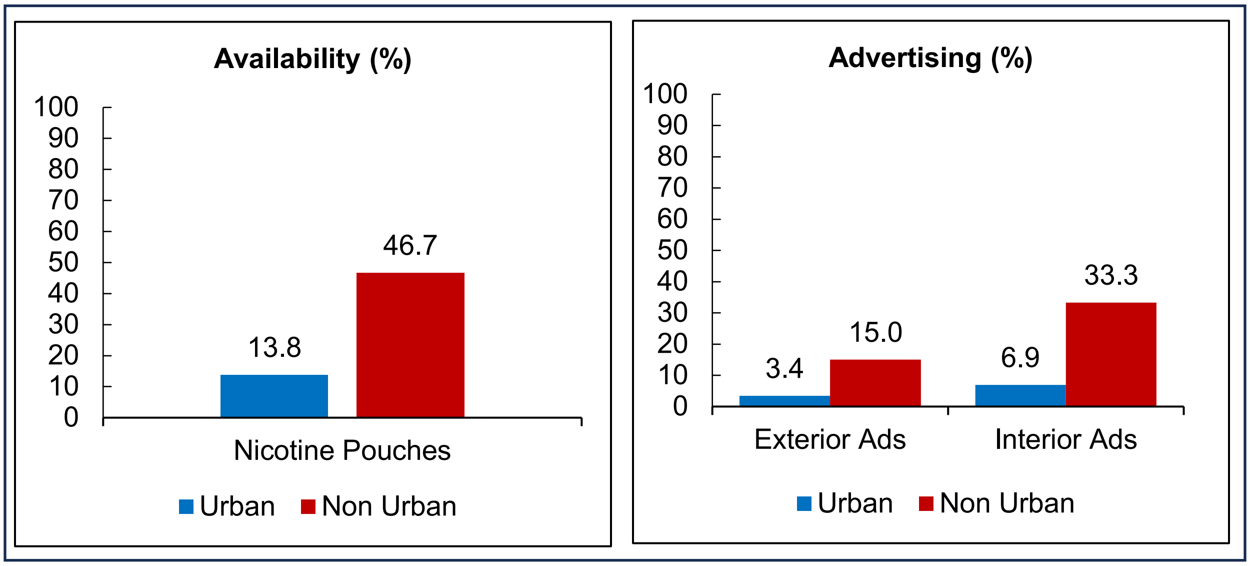
Table 12 presents the prevalence of nicotine pouch advertising. Exterior nicotine pouch ads were found in 8.2% of stores overall and were only observed in chain convenience (32.0%) and non-chain convenience stores (5.6%). Interior nicotine pouch ads were found in 17.7% of stores. These ads were observed most in chain convenience (72.0%) stores.

Table 12. Nicotine pouch advertisements by store type, 2024

Store Type	Exterior Ads (%)	Interior Ads (%)
Non-chain convenience (n=71)	5.6	4.2
Chain convenience (n=25)	32.0	72.0
Liquor (n=22)	-	9.1
Drug (n=8)	-	25.0
Gas station kiosk (n=9)	-	-
Dollar (n=5)	-	20.0
Other (n=7)	-	-
Overall (n=147)	**8.2**	**17.7**

As shown in Figure 12, the number of stores that sold nicotine pouches was more than three times greater in stores located in non-urban areas compared to stores located in urban areas (46.7% vs 13.8%). Similarly, differences in nicotine pouch advertising between district types was also observed. Non-urban stores were more likely than urban stores to display exterior (15.0% vs 3.4%) or interior (33.3% vs 6.9%) nicotine pouch ads.

Figure 12. Availability and advertising of nicotine pouches in stores by district type (%), 2024



E-cigarettes

The third most available tobacco product were e-cigarettes. As shown in Table 13, e-cigarettes were sold in just over half of the stores (50.3%) and they were sold in all store types. E-cigarettes were most commonly available in chain convenience stores (88.0%), non-chain convenience stores (54.0%), and liquor stores (40.9%). Flavored e-cigarettes were sold in 42.2% of the stores and were most available in non-chain convenience stores (53.5%), chain convenience stores (52.0%), and liquor stores (40.9%). Flavored e-cigarettes were absent from drug stores and dollar stores.

Table 13. Availability of e-cigarettes and flavored e-cigarettes by store type, 2024

Store Type	E-cig Availability (%)	Flavored E-cig Availability (%)
Non-chain convenience (n=71)	54.9	53.5
Chain convenience (n=25)	88.0	52.0
Liquor (n=22)	40.9	40.9
Drug (n=8)	12.5	-
Gas station kiosk (n=9)	11.1	11.1
Dollar (n=5)	20.0	-
Other (n=7)	14.3	14.3
Overall (n=147)	**50.3**	**42.2**

As shown in Table 14, exterior e-cigarette ads were observed at 14.3% of the stores. These ads were noted at chain convenience stores (40.0%), "other" stores (14.3%), non-chain convenience stores (12.7%), and liquor stores (4.5%). Exterior ads depicting flavored e-cigarette varieties were also present in the same categories of store types. Interior e-cigarette ads were present in chain convenience stores (68.0%), "other" stores (14.3%), and non-chain convenience stores (11.3%). This same is true for flavored interior e-cigarettes advertisements, as they were most observed in chain convenience stores (16.0%), followed by "other" stores (14.3%) and non-chain convenience stores (2.8%).

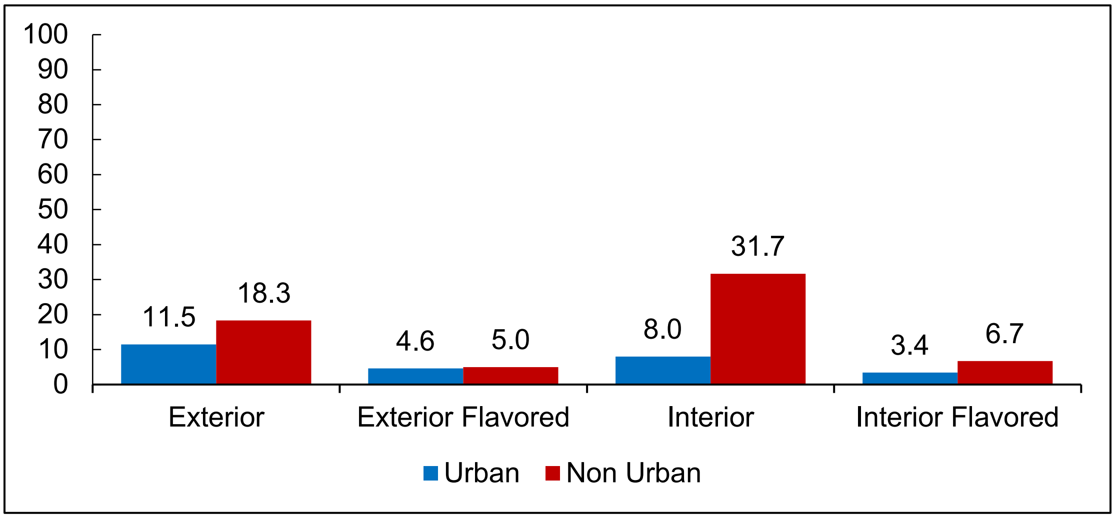
Table 14. Presence of e-cigarette advertising by store type, 2024

Store Type	Exterior Ads (%)	Exterior Flavored Ads (%)	Interior Ads (%)	Interior Flavored Ads (%)
Non-chain convenience (n=71)	12.7	4.2	11.3	2.8
Chain convenience (n=25)	40.0	8.0	68.0	16.0
Liquor (n=22)	4.5	4.5	-	-
Drug (n=8)	-	-	-	-
Gas station kiosk (n=9)	-	-	-	-
Dollar (n=5)	-	-	-	-
Other (n=7)	14.3	14.3	14.3	14.3
Overall (n=147)	**14.3**	**4.8**	**17.7**	**4.8**

Figure 13 demonstrates that exterior e-cigarette ads were more frequently observed in stores located in non-urban districts (18.3%) compared to stores located in urban districts (11.5%). The difference was also observed for exterior flavored ads, to a lesser extent (5.0% vs 4.6%).

Interior e-cigarette ads were observed nearly four time more in stores located in non-urban districts compared with stores located in urban districts (31.7% vs 8.0%).

Figure 13. Presence of e-cigarette ads in stores by district type (%), 2024



As depicted in Table 15, disposable e-cigarettes were available in nearly half of all stores (49.7%), and all store types sold these products. Disposable e-cigarettes were available most often in chain convenience stores (84.0%), non-chain convenience stores (54.9%), and liquor stores (40.9%). Flavored disposable e-cigarettes were sold in 42.2% of the stores, and these products were available in non-chain convenience stores (53.5%), chain convenience stores (52.0%), liquor stores (40.9%), gas kiosks (11.1%), and “other” stores (14.3%). Table 16 demonstrates how flavored disposable e-cigarettes were observed more frequently in stores located in urban districts compared to non-urban districts (47.1% vs 35.0%), but the differences between districts varied by store type. For example, flavored disposable e-cigarettes were more readily available in chain convenience stores (71.4% vs 44.4%) and “other” stores (25.0% vs 0.0%) located in urban districts compared to non-urban districts. Further, disposable e-cigarettes were more readily available in non-chain convenience stores (58.3% vs 52.5%), liquor stores (41.7% vs 40.0%), and gas station kiosks (11.1% vs 0.0%) in non-urban stores compared to urban stores.

Table 15. Availability of disposable e-cigarettes by store type, 2024

Store Type	Disposable E-cigarette Availability (%)	Flavored Disposable E-cigarette Availability (%)
Non-chain convenience (n=71)	54.9	53.5
Chain convenience (n=25)	84.0	52.0
Liquor (n=22)	40.9	40.9
Drug (n=8)	12.5	-
Gas station kiosk (n=9)	11.1	11.1
Dollar (n=5)	20.0	-
Other (n=7)	14.3	14.3
Overall (n=147)	**49.7**	**42.2**

Table 16. Availability of flavored disposable e-cigarettes by store and district type, 2024

Store Type	Urban Districts (%)	Non-urban Districts (%)
Non-chain convenience	52.5	58.3
Chain convenience	71.4	44.4
Liquor store	40.0	41.7
Drug store	-	-
Gas station kiosk	-	11.1
Dollar store	-	-
Other	25.0	-
Overall	**47.1**	**35.0**

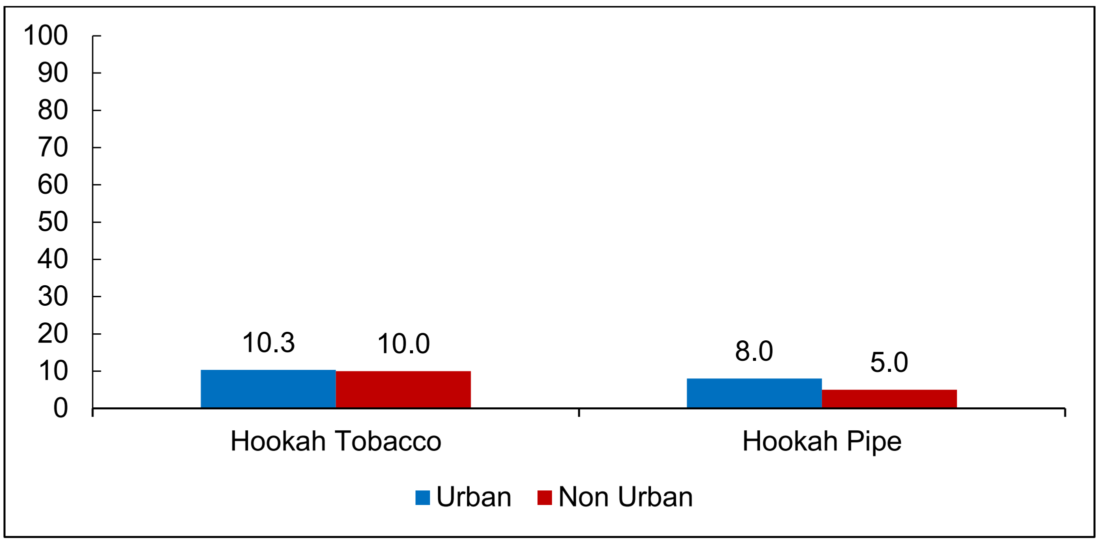
Hookah

As presented in Table 17, hookah tobacco was available in 10.2% of all stores and hookah pipes were available in 6.8% of the stores. Hookah tobacco was available in “other” stores (28.6%), chain convenience stores (16.0%), non-chain convenience stores (11.3%), and liquor stores (4.5%). Hookah pipes were only sold in “other” stores (28.6%), non-chain convenience stores (8.5%), and chain convenience stores (8.0%). As shown in Figure 14, both hookah tobacco and hookah pipes were slightly more available in stores located in urban districts compared to non-urban districts (10.3% vs 10.0% and 8.0% vs 5.0%, respectively).

Table 17. Hookah tobacco and hookah pipe availability by store type, 2024

Store Type	Hookah tobacco availability (%)	Hookah pipe availability (%)
Non-chain convenience (n=71)	11.3	8.5
Chain convenience (n=25)	16.0	8.0
Liquor (n=22)	4.5	-
Drug (n=8)	-	-
Gas station kiosk (n=9)	-	-
Dollar (n=5)	-	-
Other (n=7)	28.6	28.6
Overall (n=147)	**10.2**	**6.8**

Figure 14. Hookah tobacco and hookah pipe availability in stores by district type (%), 2024



Compliance with New Jersey Tobacco Age of Sale Signs

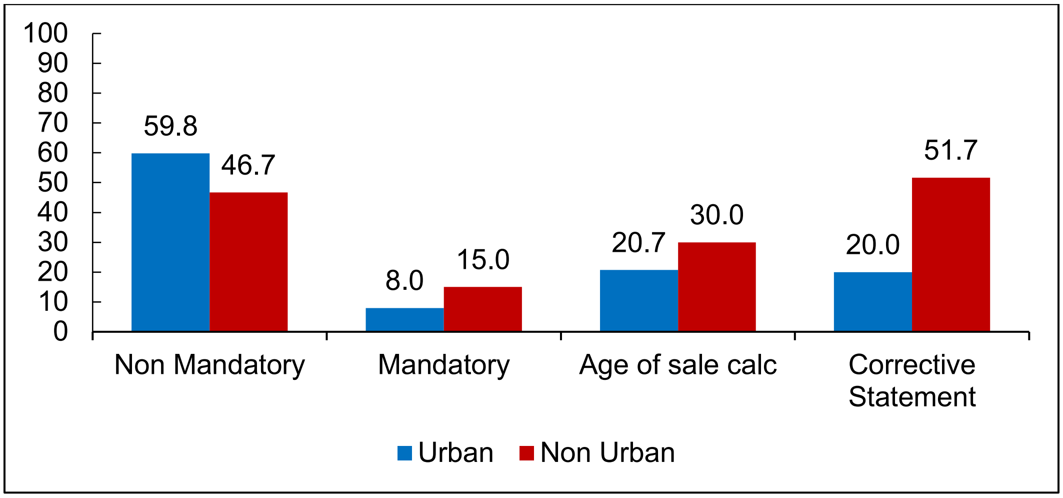
Table 18 shows that 10.9% of stores displayed the mandatory tobacco age of sale (Tobacco 21) signs. Drug stores (50.0%), chain convenience stores (24.0%), non-chain convenience stores (7.0%), and liquor stores (4.5%) were the store types that posted this sign. Non-mandatory Tobacco 21 signs were present in over half of the stores (54.4%), and these signs were most common in liquor stores (68.2%), non-chain convenience stores (62.0%), and gas station kiosks (55.6%). FDA at age of time of sale calculators were observed in almost one-quarter of stores (24.5%) and they were observed in all store types. Age calculators were most commonly observed in liquor stores (31.8%), chain convenience stores (28.0%) and drug stores (25.0%). Signage for the FDA-required corrective statements were observed in one-third of stores. These signs were posted in all store types, and they were most prevalent in chain convenience stores (92.0%) and dollar stores (80.0%).

Table 18. New Jersey tobacco age of sale and corrective statement signage by store type, 2024

Store Type	Non-mandatory Signage (%)	Mandatory Signage (%)	FDA Age Calculator (%)	FDA Corrective Statements (%)
Non-chain convenience (n=71)	62.0	7.0	23.9	16.9
Chain convenience (n=25)	36.0	24.0	28.0	92.0
Liquor (n=22)	68.2	4.5	31.8	18.2
Drug (n=8)	25.0	50.0	25.0	37.5
Gas station kiosk (n=9)	55.6	-	11.1	11.1
Dollar (n=5)	40.0	-	20.0	80.0
Other (n=7)	42.9	-	14.3	28.6
Overall (n=147)	**54.4**	**10.9**	**24.5**	**33.3**

Figure 15 presents Tobacco 21 and FDA corrective statement signage observed by district type. Non-mandatory age of sale signage was more prevalent in stores located in urban districts (59.8%) compared to non-urban districts (46.7%). However, stores located in non-urban districts (15.0%) had higher prevalence of displayed Tobacco 21 signs compared to stores in urban districts (8.0%). Stores in non-urban districts compared to stores in urban districts were more likely to have a have an FDA age calculator (30.0% vs 20.7%, respectively), and they were more likely to have a corrective statement posted on the premises (51.7% vs 20.0%, respectively).

Figure 15. New Jersey tobacco age of sale signage and FDA corrective statements in stores by district type (%), 2024



Compliance with NRT Requirements

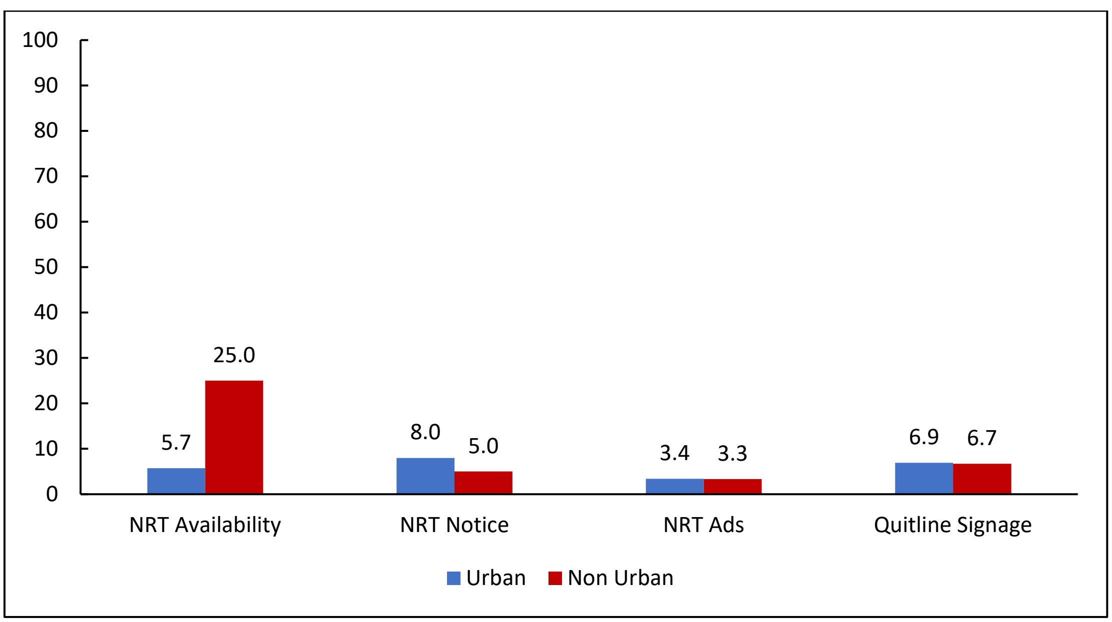
As shown in Table 19, NRT was available in only 13.6% of stores. NRT was available in drug stores (100.0%), dollar stores (60.0%), chain convenience stores (32.0%), and "other" stores (14.3%). Only 3.4% of stores displayed a notice of NRT availability, with a little over one-third of drug stores (37.5%) posting an observable notice of NRT availability. Notices of NRT availability were absent in liquor stores, dollar stores, gas kiosks, and "other" stores. NRT advertisements were observed in 6.8% of the stores. NRT advertisements were most frequently observed in dollar stores (20.0%), chain convenience stores (12.0%), liquor stores (9.1%), and non-chain convenience stores (5.6%). Signs displaying the official logo, phone number, and internet address of NJ Quitline were only found in 6.8% of stores. Quitline signage was observed most often in dollar stores (20.0%), and there were no NJ Quitline signs observed in gas kiosks or "other" stores.

Table 19. NRT law compliance and NJ Quitline promotion by store type, 2024

Store Type	NRT Availability (%)	NRT Notice (%)	NRT Ads (%)	Quitline Notice (%)
Non-chain convenience (n=71)	-	1.4	5.6	5.6
Chain convenience (n=25)	32.0	4.0	12.0	8.0
Liquor (n=22)	-	-	9.1	9.1
Drug (n=8)	100.0	37.5	-	12.5
Gas station kiosk (n=9)	-	-	-	-
Dollar (n=5)	60.0	-	20.0	20.0
Other (n=7)	14.3	-	-	-
Overall (n=147)	**13.6**	**3.4**	**6.8**	**6.8**

Figure 16 displays the NRT advertising prevalence and compliance with NRT requirements by district type. Stores located in non-urban districts were more likely to sell NRT products compared to urban stores (25.0% vs 5.7%), while notices were observed in stores located in urban districts slightly more than stores located in non-urban districts (8.0% vs 5.0%). There was not an observable difference between stores located in urban versus non-urban districts with respect to posted NJ Quitline signage or posted NRT ads, posted NJ Quitline signage or posted NRT ads.

Figure 16. NRT law compliance and Quitline signage in stores by district type (%), 2024



Changes in Tobacco Advertisements, 2022-2024

Audits were successfully repeated in 143 stores between 2022 and 2024. Table 20 highlights changes in the observed tobacco product advertisements over these years. Cigarette advertising decreased from 2022 to 2024, with the observation of exterior cigarette ads demonstrating a larger decrease (-5.6 percentage points) compared to interior cigarette ads (-4.8 percentage points). Interior and exterior menthol cigarette advertising also decreased. Overall, observed cigar advertising also decreased. The overall observance of smokeless tobacco advertising remained relatively low over time, while the e-cigarette advertisements increased slightly. Small increases in nicotine pouch advertising were observed, with exterior and interior advertisements increasing by 2.1 and 4.2 percentage points, respectively.

Table 20. Changes in tobacco and nicotine product advertising between 2022 and 2024 (n=143)

Product and Advertising Type	2022 %	2023 %	2024 %	Percentage Point Change 2022 vs. 2024
Cigarettes				
Exterior cigarette ads	31.5	28.0	25.9	-5.6
Exterior menthol cigarette ads	23.8	22.4	21.7	-2.1
Interior cigarette ads	53.8	50.3	49.0	-4.8
Interior menthol cigarette ads	39.9	38.5	35.7	-4.2
Cigars				
Exterior cigar ads	21.7	19.6	16.8	-4.9
Exterior flavored cigar ads	14.7	15.4	13.3	-1.4
Interior cigar ads	30.1	26.6	27.3	-2.8
Interior flavored cigar ads	22.4	23.8	22.4	-
Smokeless tobacco				
Exterior smokeless ads	2.8	0.7	4.9	+2.1
Interior smokeless ads	15.4	13.3	12.6	-2.8
Nicotine pouches				
Exterior nicotine pouch ads	6.3	7.7	8.4	+2.1
Interior nicotine pouch ads	14.0	13.3	18.2	+4.2
E-cigarettes				
Exterior e-cig ads	13.3	13.3	14.7	+1.4
Exterior flavored e-cig ads	3.5	4.9	4.9	+1.4
Interior e-cig ads	19.6	18.9	18.2	-1.4
Interior flavored e-cig ads	4.2	4.9	4.9	+0.7

Changes in Product Availability, 2022-2024

Table 21 displays changes in product availability between 2022 and 2024. The availability of cigarettes and cigars remained constant and relatively high. Smokeless tobacco availability remained constant and relatively low. There was a modest increase in the availability of nicotine pouches between 2022 and 2024 (+8.5 percentage points). E-cigarettes saw the greatest increase in availability from 2022 to 2024, largely due to the increase (+5.6 percentage points) in availability of disposable flavored e-cigarettes. Hookah tobacco had a small increase in availability, seeing a 2.8 percentage point increase.

Table 21. Changes in product availability between 2022-2024 (n=143)

Product Type	2022 %	2023 %	2024 %	Percentage Point Change 2022 vs. 2024
Cigarettes				
Cigarettes	94.4	95.8	94.4	-
Menthol cigarettes	94.4	94.4	93.7	-0.7
Cigars/cigarillos				
Cigars/cigarillos	82.5	84.6	81.8	-0.7
Flavored cigars/cigarillos	82.5	83.9	81.1	-1.4
Smokeless tobacco				
Moist snuff SLT	24.5	27.3	24.5	-
Wintergreen SLT	23.1	26.6	24.5	+1.4
Flavored SLT	21.0	22.4	21.0	-
Tobacco-free nicotine pouches				
Nicotine pouches	21.6	22.9	30.1	+8.5
E-cigarettes				
Any e-cigarette	49.7	51.7	51.0	+1.3
Menthol e-cigarettes	33.6	40.6	38.5	+4.9
Mint e-cigarettes	34.3	40.6	38.5	+4.2
Flavored e-cigarettes	38.5	42.0	42.7	+4.2
Disposable flavored e-cigarettes	37.1	42.0	42.7	+5.6
Hookah				
Hookah tobacco	7.0	10.5	9.8	+2.8
No longer sells tobacco				
No tobacco sold	4.2	3.5	3.5	-0.7

CONCLUSIONS

Combustible tobacco products (cigarettes and cigars) remain the most available and most advertised tobacco products in licensed tobacco retailers near high schools. Cigarettes were by far the most available and advertised tobacco product across all store types. Chain convenience stores often have a high number of cigarette ads (5 or more) which may be a function of the retail space available in these types of stores. This study did find a reduction in the interior and exterior advertisements for cigarettes and menthol cigarettes from 2022 to 2024.

Cigars were the second most available and advertised tobacco product. Nearly all stores that sold cigars/cigarillos had a flavored variety available. Although both flavored and non-flavored cigars/cigarillos were more available in urban areas, advertising for both products were more often found in non-urban areas. Availability and advertising of cigars/cigarillos is especially concerning because cigars or cigarillos provide a cheaper alternative to cigarettes. It is not uncommon to find a two pack of cigars selling for as little as 99 cents, making cigars potentially more appealing to price-sensitive buyers such as youth. In addition, flavors mask the harshness and taste of tobacco which can also increase the appeal of flavored cigars. This study observed a modest reduction in cigar advertisements from 2022 to 2024. Continued monitoring of cigar/cigarillo advertising and availability is also important in the context of legalized recreational sales of marijuana, available in New Jersey since April 2022, and frequent co-marketing and co-use of marijuana with cigarillos.[23,24]

Non-combustible tobacco products (smokeless tobacco, nicotine pouches, e-cigarettes) were more available and often advertised in stores located in non-urban districts. Notably, the availability of nicotine pouches outpaced the availability of smokeless tobacco in 2024. Further, interior and exterior advertising for nicotine pouches was greater than smokeless tobacco. Nicotine pouches were most commonly available in chain convenience stores, drug stores, and dollar stores. E-cigarettes remain the were the most available and advertised non-combustible tobacco product and modest increases in both interior and exterior e-cigarette advertising were observed.

From 2023 to 2024, the availability of all e-cigarette types was generally unchanged. Interestingly, flavored disposable e-cigarettes were observed more frequently in stores located in urban districts compared to non-urban districts.

Another notable difference in tobacco product advertising between urban and non-urban district stores was the higher number of both exterior and interior ads in non-urban stores. Advertising prevalence for all tobacco products was substantially greater in non-urban district stores as well. Stores near urban district schools were more likely to be independently owned (“mom and pop”) stores or bodegas, which may not heavily advertise tobacco products given space constraints. Notably, e-cigarette advertisements are still observed more frequently in stores located in non-urban districts compared to store located in urban districts.

Our observations of New Jersey tobacco age of sale signage found that over half of stores (54.5%) displayed the non-mandatory age of sale signs provided by the New Jersey Department of Health. However, New Jersey age of sale signs required by law was observed in just one-tenth of stores. Voluntary FDA age calculators were observed in nearly one-quarter of stores, a slight increase from 2023.

Comparing tobacco product advertising prevalence between 2022 and 2024, we found declines in advertising in cigarettes and cigars. Advertisements for nicotine pouches increased, while smokeless tobacco advertisements remained virtually unchanged. Availability of all cigarettes and cigars decreased from 2022 to 2024, while there was a modest increase in the availability of smokeless tobacco products during that same time period. Further, the availability of e-cigarettes and hookah increased slightly, with the greatest increase being among disposable e-cigarettes (+5.6 percentage point increase). Most notably, the overall availability of nicotine pouches increased the most of all tobacco product categories from 2022 to 2024 (+8.5 percentage point increase).

This report provides important findings about the accessibility and promotion of various tobacco products near New Jersey high schools. The recent ban on the sale of flavored e-cigarettes in New Jersey, including menthol and mint, initially appeared to have the desired result of reducing availability of such products. However, flavored e-cigarette product availability has eclipsed pre-ban rates. The enactment of the law in April 2020, during the peak of the global COVID-19 pandemic, may have hampered early efforts to enforce the new law but it is unclear if enforcement of the e-cigarette flavor ban was ever fully and consistently implemented.

In April 2022, the U.S. Food and Drug Administration (FDA) formerly proposed a ban on menthol-flavored cigarettes and all characterizing flavors in cigars, but the publication of a final rule is delayed. It will be critical to monitor the advertising and availability of menthol cigarettes as well as other tobacco and nicotine products, particularly those that may remain flavored, to identify potential shifts in the marketplace in response to such a ban.

We also assessed compliance with the recent law requiring NRT stock and signage in licensed retailers and found that only 13.6% stores sold NRT products, a modest increase from 2023 (12.8%). Few stores provided printed notice of NRT product availability (3.4%), NJ Quitline signage (6.8%), or have visible NRT signage (6.8%). Efforts by community partners have attempted to educate retailers and share materials. Compliance with the recent law and NRT accessibility in retail stores will continue to be monitored over time.

RECOMMENDATIONS

Given recent government and industry action over the last several years, as well as the commitment to efforts to reduced tobacco-related health disparities through highlighted strategies to reduce access to commercial tobacco products while improving access to tobacco cessation aids, such as NRTs, detailed in the 2024 Surgeon General's Report,[1] surveillance of point-of-sale tobacco product availability and advertising remains critically important. New Jersey led the nation by enacting several tobacco control policies well ahead of other states and localities including increased age of sale, restricting flavors in all e-cigarettes, limiting coupon redemption for all tobacco products, and requiring NRT at the point of sale, but unfortunately falls short in ensuring uniform compliance with such policies. Despite the state's 2020 ban on sales of flavored e-cigarettes, the availability of flavored e-cigarettes returned to pre-ban levels by 2023. For such laws to effectively deter tobacco distributors and retailers from selling these products, they must be educated about the laws and the laws must be enforced.

In addition to the state law, as of June 2024, the FDA authorized the sale of four types of menthol-flavored e-cigarettes by NJOY,[25] but no other flavored e-cigarettes. FDA continues to take compliance action on the distribution or sale of unlawfully marketed products, including flavored e-cigarettes. For example, the Clifton NJ-based distributor of Lava Vapes received a warning letter from the FDA in September 2023 to discontinue marketing illegal e-cigarette products.[26] In 2024 we observed a possible re-branding effort by Lava. The brand was now being sold as Magma Plus, with nearly identical packaging (see figure 17). At a minimum, local enforcement officials can leverage FDA guidance and warning letters to monitor, educate, and fine retailers in their area that continue to sell illegal products.

Figure 17. Example of possible e-cigarette rebranding

If we hope to make further reductions in youth and adult tobacco use, we must work to change the tobacco retail environment with a focus on the most dangerous products, cigarettes and cigars. There are various place and product-based strategies shown to be effective in reducing youth access including reducing tobacco retailer density (e.g., by volume or proximity to schools), store-type sales restrictions (i.e., selling only in adult-only facilities, banning sales in pharmacies, etc.), restrictions on cigar flavors and packaging, and increased tobacco taxes.[16,27-29] The industry continues to innovate and offer a variety of flavors, packaging, and product types, particularly in the area of cigars. Efforts to reduce cigar use should keep pace with other strong efforts to reduce cigarette use including high prices, minimum packaging, and flavor restrictions.

REFERENCES

1. U.S. Department of Health and Human Services. Eliminating Tobacco-Related Disease and Death: Addressing Disparities—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, 2024.

2. U.S. Federal Trade Commission. Federal Trade Commission Cigarette Report for 2022. Federal Trade Commission; 2023. Accessed November 1, 2024. https://www.ftc.gov/reports/federal-trade-commission-cigarette-report-2022-smokeless-tobacco-report-2022.

3. U.S. Federal Trade Commission. Federal Trade Commission Smokeless Tobacco Report for 2022. Federal Trade Commission, 2023. Accessed November 1, 2024. https://www.ftc.gov/reports/federal-trade-commission-cigarette-report-2022-smokeless-tobacco-report-2022.

4. U.S. Federal Trade Commission. Federal Trade Commission E-Cigarette Report for 2021. Federal Trade Commission, 2024. Accessed November 1, 2024. https://www.ftc.gov/system/files/ftc_gov/pdf/E-CigaretteReportfor2021.pdf.

5. Feighery EC, Ribisl KM, Clark PI, Haladjian HH. How tobacco companies ensure prime placement of their advertising and products in stores: interviews with retailers about tobacco company incentive programmes. Tobacco Control. 2003;12(2):184.

6. D’Angelo H, Ayala GX, Gittelsohn J, Laska MN, Sindberg LS, Horton L, Kharmats AY, Ribisl KM. An analysis of small retailers’ relationships with tobacco companies in 4 U.S. cities. Tobacco Regulatory Science. 2020;6(1):3-14.

7. Ribisl KM, D’Angelo H, Feld AL, Schleicher NC, Golden SD, Luke DA, Henriksen L. Disparities in tobacco marketing and product availability at the point of sale: results of a national study. Preventive Medicine. 2017;105:381-8.

8. Papaleontiou L, Agaku IT, Filippidis FT. Effects of exposure to tobacco and electronic cigarette advertisements on tobacco use: an analysis of the 2015 National Youth Tobacco Survey. Journal of Adolescent Health. 2020;66(1):64-71.

9. Giovenco DP, Ackerman C, Hrywna M, Delnevo CD. Changes in the availability and promotion of noncigarette tobacco products near high schools in New Jersey, USA. Tobacco Control. 2018;27(5):578–9.

10. Jeong M, Kurti MK, Hrywna M, et al. Changes in Tabacco Product Advertising Point of Sale: 2015-2018. Pediatrics. 2020;145(6):e20191861.

11. Robertson L, McGee R, Marsh L, Hoek J. A systematic review on the impact of point-of-sale tobacco promotion on smoking. Nicotine & Tobacco Research. 2015;17(1):2-17.

12. Paynter J, Edwards R. The impact of tobacco promotion at the point of sale: A systematic review. Nicotine & Tobacco Research. 2009;11(1):25-35.

13. Pokorny SB, Jason LA, Schoeny ME. The relation of retail tobacco availability to initiation and continued smoking. Journal of Clinical Child and Adolescent Psychology. 2003;32(2):193-204.

14. McCarthy WJ, Mistry R, Lu Y, Patel M, Zheng H, Dietsch B. Density of tobacco retailers near schools: effects on tobacco use among students. American Journal of Public Health. 2009;99(11):2006-13.

15. Henriksen L, Schleicher NC, Feighery EC, Fortmann SP. A longitudinal study of exposure to retail cigarette advertising and smoking initiation. Pediatrics. 2010;126(2):232-8.

16. Giovenco DP, Duncan DT, Coups EJ, Lewis MJ, Delnevo CD. Census tract correlates of vape shop locations in New Jersey. Health & Place. 2016;40:123-8.

17. Azagba S, Manzione L. Retail Outlets and Point-of-Sale Marketing of Alternative Tobacco Products: Another Threat to Tobacco Control. Journal of Adolescent Health. 2020;Apr;66(4):385-386.

18. Zhu Y, Pasch K, Loukas A, Sterling K, Perry C. Exposure to cigar Point-of-Sale marketing and use of cigars and cigarettes among young adults. Addictive Behaviors. 2021 May;116:106821.

19. Bover Manderski MT, Garthe NE, Mazzilli KM, Hrywna M. The 2022 New Jersey Youth Tobacco Survey. A Statewide Report. New Brunswick, NJ: Rutgers Institute for Nicotine and Tobacco Studies; February 2024.

20. Richardson A, Ganz O, Stalgaitis C, Abrams DB, Vallone DM. Noncombustible tobacco product advertising: How companies are selling the new face of tobacco. Nicotine & Tobacco Research. 2014;16(5):606-614.

21. U.S. Department of Commerce. U.S. Census Bureau QuickFacts, Population estimates, July 1, 2024, (V2024). Accessed November 1, 2024. https://www.census.gov/quickfacts/fact/table/US/PST045216.

22. State of New Jersey Department of Education. D.O.E. Data and Reports. Accessed November 1, 2024. http://www.state.nj.us/education/data/.

23. Delnevo CD, Bover-Manderski MT, Hrywna M. Cigar, marijuana, and blunt use among US adolescents: Are we accurately estimating the prevalence of cigar smoking among youth? Prev Med. 2011 Jun;52(6):475-6. doi: 10.1016/j.ypmed.2011.03.014. Epub 2011 Apr 2.

24. Delnevo C, Giovenco DP, Kurti MK, Al-Shujairi A. Co-marketing of marijuana and cigars in US convenience stores. Tobacco Control. 2020 Mar;29(2):224-225. doi: 10.1136/tobaccocontrol-2018-054651. Epub 2019 May 9.

25. U.S. Food and Drug Administration. FDA Authorizes Marketing of Four Menthol-Flavored E-Cigarette Products After Extensive Scientific Review. Press Release issued June 21, 2024. Accessed November 2024. https://www.fda.gov/news-events/press-announcements/fda-authorizes-marketing-four-menthol-flavored-e-cigarette-products-after-extensive-scientific.

26. U.S. Food and Drug Administration. Warning Letter King Distribution LLC d/b/a Lava Vape USAMARCS-CMS 667203 — September 14, 2023. Issued 2023. Accessed November 2024. https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/king-distribution-llc-dba-lava-vape-usa-667203-09142023.

27. Brock B, Carlson SC, Leizinger A, D'Silva J, Matter CM, Schillo BA. A tale of two cities: exploring the retail impact of flavored tobacco restrictions in the twin cities of Minneapolis and Saint Paul, Minnesota. Tobacco Control. 2019;28(2):176-180.

28. Henriksen L. The retail environment for tobacco: a barometer of progress towards the endgame. Tobacco Control. 2015;24(e1):e1-e2.

29. D'Silva J, Moze J, Kingsbury JH, Lien RK, Matter CM, Brock B, Akom A. Local sales restrictions significantly reduce the availability of menthol tobacco: findings from four Minnesota cities. Tobacco Control. 2021;30(5):492-497.