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BUSINESS

More Cities Raise Tobacco Age to 21

Industry Stands to Lose \$2 Billion of Sales, Near Term, if Change Is Made Nationally

A movement to raise the legal age for buying cigarettes and other tobacco products to 21 years is gaining support and implementation. WSJ's Tripp Mickle and Simon Constable discuss. Photo: Getty

By **TRIPP MICKLE**

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A grass roots movement to raise the legal age for buying cigarettes and other tobacco products to 21 years from 18 is gaining traction, shaping up as the next serious challenge to the \$100 billion U.S. tobacco industry.

On Monday, the city council in Evanston, Ill., home to Northwestern University, banned tobacco sales to anyone under the age of 21. Next month, the board of health in Columbia, Mo., home to the University of Missouri, is expected to recommend the same to its city council.

Those initiatives may not sound too threatening to Big Tobacco except they follow a rapidly growing list of communities passing laws over the past year banning sales to anybody under 21, from New York City to Healdsburg in Sonoma County wine country. In Massachusetts alone, 30 communities have passed or enacted such regulations in the past year, inspired by a big drop in teen smoking in the town of Needham.

States are taking notice. New Jersey's senate in June approved a bill to raise the purchase age to 21; its house is expected to vote next year. Colorado's legislature

Nearly 9 out of 10 smokers first light up by age 18 and 99% of them by 26, according to a 2012 report by the U.S. Surgeon General. *MARK LENNIHAN*

defeated a similar proposal in March but is expected to revisit the issue.

The restrictions aim squarely at disrupting cigarette use before it becomes ingrained as an adult habit. Nearly 9 out of 10 smokers first light up by age 18 and 99% of them by 26, according to a 2012 report by the U.S. Surgeon General. About two-thirds of smokers start lighting up daily before 18 and it appears to take less nicotine for teenagers to become addicted, compared with adults, the Surgeon General's report added.

Raising the age would cost the tobacco industry about \$2 billion, or 2%, in near-term cigarette sales, according to an estimate published in last month's *American Journal of Public Health* by Jonathan Winickoff, associate professor of pediatrics at Harvard Medical School. The restrictions typically apply to all tobacco products, including cigars, moist snuff and electronic cigarettes.

The Federal Drug Administration is expected to dig into the matter early next year, after it receives a report from the Institute of Medicine weighing the potential benefits of increasing the age to 21 or 25. In 2009, Congress mandated the FDA explore the issue.

Tobacco companies differ in their reactions to the new age limits.

Industry leader Altria Group Inc. says states and localities should let the FDA and Congress weigh in before changing the status quo. It hired lobbyists to attend town meetings in Massachusetts and oppose a vote in Colorado's state legislature earlier this year. It notified investors of the trend in the business-environment section of its latest annual report.

Lorillard Inc., the third-largest tobacco company, also opposes changing the minimum age, noting the current law was set by Congress and is the same as the legal age for voting and military service.

Reynolds American Inc., the second-largest U.S. tobacco company by sales, said it plans to leave the matter up to states and cities. Reynolds targets adults and funds a youth-tobacco prevention program, said spokesman David Howard. Youth tobacco use is at historic lows, "which is fantastic," but "our goal is to be at zero," he added.

~~—‘Like most things, it’s usually just a few people that get the ball rolling, but it becomes the thing a lot of people want.’~~

—Jonathan Winickoff, pediatrician

The convenience-store industry is against an age change, arguing the laws will be ineffective because young people can get their cigarettes in nearby towns with laxer limits or from older friends and siblings. “Until you solve the social source problem, you will not solve the youth tobacco problem,” said Thomas Briant, executive director of the National Association of Tobacco Outlets, a trade association representing more than 34,000 retailers.

The push to ban tobacco sales under 21 appears to have started in 2005 in Needham, Mass. That year, the Boston suburb’s three-person health board raised the age with little fanfare.

Then in 2012 a Massachusetts pediatrician named Lester Hartman, who lives in Needham, urged nearby Westwood where he works to pass a similar law. He failed for lack of convincing evidence. To build a case, Dr. Hartman turned to Dr. Winickoff, the Harvard professor, a pediatrician who also conducts research at Massachusetts General Hospital for Children.

Dr. Winickoff analyzed results in Needham and discovered smoking rates among Needham teens had fallen by nearly 50% between 2006 and 2010, triple the rate of decline in neighboring towns. (That was remarkable enough to be mentioned in another article in the New England Journal of Medicine this past January.)

Drs. Hartman and Winickoff took that evidence to health officials in Canton and Sharon, Mass., which moved last year to raise their limits. Public health departments in other Massachusetts towns and in New York City also asked Dr. Winickoff for his data.

The movement has largely been word-of-mouth. In Evanston, Ill., Dr. Donald Zeigler, who heads the city’s health advisory council, had also been tracking the Needham story as director of Prevention and Healthy Lifestyles for the American Medical Association.

Since late last year the Campaign for Tobacco-Free Kids, a national antitobacco group, has begun pushing legislation at the state level. The group says lawmakers in Colorado

and Hawaii have committed to proposing similar laws in their states' next legislative sessions.

Dr. Winickoff, who says he doesn't take money from antitobacco groups, says this trend is similar to efforts to create smoke-free workplaces and restaurants in the 1990s that also happened organically. "Like most things," he says, "it's usually just a few people that get the ball rolling, but it becomes the thing a lot of people want."

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