

Battle brews over e-sales

Kids find Net new place to buy smokes

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They gather in gangs outside Butler movie theaters, skating rinks and ice cream stands poised to inflict potentially life-threatening injury and no one stops them.

People look the other way and don't get involved because they're not threatened. These kids are only looking to hurt themselves.

They are Butler County's young smokers.

We said so long to Joe Camel a couple years ago, but now kids are opening their front door to "Smokin' Joe," another cigarette caricature marketed over the Internet.

There has been political posturing about the Internet sale of liquor to teens and college kids, and now politicians are faced with another distasteful problem: the Internet sale of cigarettes to youths.

Sales from American Indian reservations can be made without any age verification and are tax-free. The Internet order process is simple enough for a child.

As an experiment on a Saturday afternoon, my teen-age daughter and I sat down at the computer and within a few minutes and a few clicks of the mouse, had ordered a carton of Smokin' Joes Lights. We used her screen name and her credit card. A youth could just as easily borrow a parent's card or obtain numbers from an unsuspecting accomplice's credit card receipt.

To test if Cigarettes S.E.N.T. DIRECT verified that the shipping address and credit card address were the same, we had the cigarettes shipped to our home, a different address than where the bill is received. Many e-tailers in the past have called after an order was placed because of the billing and delivery address discrepancy.

However, the Smokin' Joe's arrived without question and were waiting at our front door when my daughter came home from school on Thursday. There was no need for her to coax

an adult to make the purchase and in most homes with parent's working, the purchase could go unnoticed.

The American Indian Internet retailers sell all brands of smokes, less the tax.

States will lose \$1.4 billion in tax revenue by 2005 because of tobacco e-tailers, according to a study conducted by the Cambridge, Mass.-based Forrester Research Inc.

"Two-thirds of Internet tobacco retailers are located on Indian reservations, making it impossible for states to collect tax revenue," said Robert Rubin, a director at Forrester. Rubin said child-safety software similar to



"Smokin' Joe" cigarettes, available tax-free over the Internet, have child safety advocates calling for stricter controls to keep cigarettes out of the hands of minors.

■ See e-sales on Page C2

e-sales

■ From Page 1

that used to limit access to pornographic sites will need to be used by parents as filters to prevent kids from buying cigarettes online.

About 35 percent of Pennsylvania high school students smoke, and if the current trend continues, 274,000 Pennsylvania kids currently under age 18 are doomed to die from smoking, according to The Campaign for Tobacco-Free Kids.

Allegheny County Councilman Mike Crossey said smoking is the biggest health hazard in the state and proposed a new ordinance with stiff fines for minors and those who sell them cigarettes.

To bring things into perspective, Crossey said there are fewer than 40 deaths a year statewide attributable to illegal drugs like cocaine, and 100 deaths from alcohol. There are more than 2,800 tobacco-related deaths annually, he said.

"These are scary statistics. In Allegheny County, there are 10,000 packs of cigarettes a day sold illegally," Crossey said.

He wants to restrict minors' access to tobacco through tough fines on the purchaser, salesperson and business owner. The current state penalty to the seller is a summary offense and a fine of about \$25.

"There's no teeth to the law, and enforcement's a joke," Crossey said of current state law.

Crossey said when he held public hearings on cigarette sales to minors, a police officer who conducted compliance checks testified that a \$25 fine has no impact on a store that makes \$300,000 a year in cigarette sales.

State law does stipulate fines of up to \$2,500 for repeat sales to minors.

Crossey said his proposed ordinance has steeper fines and a provision to give 50 percent of the revenue derived from fines to the police department and the balance to the health department.

The Allegheny County Health Department wrote a tougher ordinance that would eventually pull the food permit of violators, but Crossey said the county council defeated it (14-1) following pressure from local convenience stores and tobacco and oil companies.

"I thought it would pass because it was good for kids. Other councilmen said it was bad for businesses," Crossey said.

"The state is trying to go the other way," Crossey said. "The petroleum institute had a bill introduced in Harrisburg (House Bill 1521) to block us from doing this (local regulation of cigarette sales). This is a pre-emption bill to stop local or county government from making law to restrict cigarette sales."

Darryl Metcalfe, R-12th, said the reason for the pre-emption bill is to see that whatever is done is statewide. He said most agree that tobacco usage by minors is wrong.

"The proper place to deliberate it (tobacco law) is in the general assembly. You don't elect local officials to be lawmakers," Metcalfe said. He said there was a House Judiciary Committee hearing a few weeks ago debating proposed penalties for minor possession of tobacco.

"We need some accountability," Metcalfe said. "We need parents to teach their children. Government can't do it all."

Metcalfe expressed frustration because his daughter told him of a classmate whose mother buys cigarettes and gives them to her daughter. "I don't know why anyone would do that," Metcalfe said.

He said the committee process works and he is willing to wait for a tougher statewide law.

"Many state legislatures are more interested in protecting tobacco retailers from being penalized for breaking the law than they are in protecting children from becoming

addicted to tobacco," wrote Dr. Joseph DiFranza, M.D., a professor at the University of Massachusetts Medical School in the Archives of Pediatric and Adolescent Medicine.

DiFranza reports that states are failing to enforce the federally mandated Synar Amendment that requires states to enforce laws prohibiting the sale of tobacco to minors.

"Throughout fiscal 1997, the vast majority of states continued to take in more money from the illegal sale of tobacco to children than they spent to prevent those illegal sales," DiFranza wrote.

On Wednesday, Gov. Tom Ridge announced that 12 percent or \$42 million of the tobacco settlement would be allocated for prevention and cessation activities directed at teens and adults. This is a dramatic increase from the \$2.2 million being expended for cessation.

"Up until now they (Pennsylvania) have done a pretty poor job," DiFranza said of the state's program toward prevention and cessation.

DiFranza said an important piece of data he acquired from a recent study suggests that adolescent nicotine addiction begins within days of the beginning of smoking.

He said he began to look at youth addiction after he performed a school physical on a teen-ager.

"She had only been smoking 8 weeks and already had signs of addiction and had attempted to quit twice," DiFranza said.

He said the current assumption in the medical community was that it took two years for kids to become addicted and that they had to smoke every day.

After studying 700 13-year-olds, DiFranza concluded that children who used tobacco only occasionally have failed in their attempts to quit smoking as often as adults who have smoked heavily for years. He said nicotine is a highly addictive and dangerous drug and the need for education and enforcement.

The enforcement troubles won't end regardless of the outcome of the pre-emption bill now being debated. There are more than 100 Internet tobacco dealers willing to sell to youths without verifying their age or collecting state cigarette tax (31 cents a pack).

Statistically, taxpayers can prepare for a double whammy — decreased cigarette tax revenue and increased health costs from children addicted to smoking.

"I think that it is such a critical issue that we can't let it go," Crossey said.