

# Coalition for Responsible Tobacco Retailing, Inc.

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## Coalition Members

American Wholesale  
Marketers Association  
Food Marketing Institute  
Lorillard Tobacco Company  
National Association of  
Convenience Stores  
Philip Morris USA  
National Grocers Association  
R.J. Reynolds Tobacco Company

## Supporting Members

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Beck Suppliers, Inc.  
BI-LO  
ChevronTexaco  
Commonwealth Brands, Inc.  
Conwood Company, LLC  
Cumberland Farms  
ExxonMobil  
John Middleton  
National Association of  
Chain Drug Stores  
National Association of  
Police Organizations  
National Association of  
Tobacco Outlets  
NATSO, Inc.  
National Black Police Association  
National Korean American  
Grocers Association  
National Retail Federation  
Penn National Gaming, Inc.  
Petroleum Marketers  
Association of America  
Retail Industry Leaders Association  
Service Station Dealers of  
America and Allied Trades  
Society of Independent  
Gasoline Marketers of America  
Team Schierl Companies  
United Refining Company  
U.S. Smokeless Tobacco Company

RE: Docket No. FDA-2009-N-0294

Categories of comments:  
**Enforcement**  
**Sale and distribution of tobacco products**

Specific comments:  
**The Act's mandate for FDA**  
**"approved training programs"<sup>1</sup>**

To Whom It May Concern:

On behalf of the Coalition for Responsible Tobacco Retailing, Inc., sponsor of the *We Card* training and education program, I welcome the opportunity to provide our views on the Food and Drug Administration's ("FDA") request for comments concerning implementation of the Family Smoking Prevention and Tobacco Control Act (the "Act"), Pub. Law 111-31.

By way of this letter, I will introduce to you the *We Card* program and its:

- tobacco retail training and education program and curriculum;
- research-based tenets;
- expertise and professionalism behind the training program's development and constant refinement;
- tools and resources to assist tobacco retailers at the point of sale;
- tobacco retailer-focused orientation and national/state level retail trade association communications network;
- and finally, recommendations to the FDA for its consideration in developing its guidance toward meeting the Act's mandate for FDA "approved training programs."<sup>2</sup>

The *We Card* training and education program is sponsored by the Coalition for Responsible Tobacco Retailing, Inc., a non-profit organization specifically formed to educate and train retailers to prevent the sale of tobacco products to underage customers. With a Board of Directors reflecting the diversity of those involved in the manufacture, wholesale and retail sale of tobacco products in face-to-face retail transactions, the *We Card* program is aligned with the major national



<sup>1</sup> Family Smoking Prevention and Tobacco Control Act, Section 103 (q)(2)(B).

<sup>2</sup> Ibid.

retail trade associations as well as those at the state level in a unified mission to prevent tobacco sales to minors at the retail sales counter.

To the eyes of the general public, the *We Card* training and education program is symbolized as an omnipresent logo or sticker found on windows and doors of retail stores in every community across the nation.

To the retail employee at the point-of-sale, their supervising manager, training director, human resources personnel, and other executives up the retail management ladder, the *We Card* program is best known as the nation's leading provider of comprehensive, responsible tobacco retailing training via instructor-led and online training that prepares them to be *trained and confident* employees skilled in identifying underage attempts to purchase tobacco and subsequently denying those sales on a daily basis.

The *We Card* program is approaching its 15<sup>th</sup> year of serving retailers and assisting them in their responsible tobacco retailing compliance efforts. As measured by the federal government's annual reporting of the National Average Retailer Violation Rate of illegal tobacco sales,<sup>3</sup> the national average retail violation rate was 40.1% in 1997 -- the first reporting year by the federal government. The most recent report for 2008 reflected a national average retail violation rate of 9.9%<sup>4</sup> - the lowest ever. The *We Card* program was an important tool in equipping retailers with education, training and signage to properly comply with the law.

Thirteen signatory retail chains to the state Attorneys General Working Group Assurance of Voluntary Compliance (AVC) agreements have looked to the *We Card* program for consultation, comprehensive, turn-key training programs and other tools designed to reduce youth access to tobacco. Many of the nation's leading retail chains signed AVC agreements, and in part, relied upon the *We Card* program to meet their compliance needs.

Varying state government enforcement agencies look to the *We Card* program to improve compliance and seek assistance in encouraging retailers to complete *We Card* training. Over the years, Governors have signed proclamations declaring *We Card* training and Responsible Retailing Awareness Months while some state agencies seek *We Card* support for and development of reward and incentive programs for retailers' compliance efforts.

The over-riding reason for retailer and government collaboration with the *We Card* program is its extensive training curriculum.

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<sup>3</sup> U.S. Department of Health and Human Services. (2009). *FFY 2008 Annual Synar Reports: Youth Tobacco Sales*. Rockville, MD: Author. Retrieved August 12, 2009, from <http://prevention.samhsa.gov/tobacco/synarreportfy2008.pdf>

<sup>4</sup> Ibid.

The *We Card* training program's curriculum includes summaries of state laws and regulations governing:

- Minimum-age to purchase
- Restricted products
- Acceptable forms of ID
- Visual characteristics of state-issued licenses
- Fines and penalties for selling to minors
- Signage requirements

The curriculum further engages trainees with learning on:

- Rationale for preventing youth access (messages derived from federal government sources, such as the CDC, U.S. Surgeon General, etc.)
- Identifying underage customers
- How to properly ask for and examine ID characteristics
- Spotting Fake IDs
- Calculating a customer's age properly
- Utilizing age calculation tools and in-store signage properly
- Handling an extensive list of difficult customer situations
  - Peer pressure for young adult or underage retail employees
  - Angry or threatening customers
  - Persuasive customers with unique excuses for refusing to present ID
  - Drop and Run customers (underage buyers who steal product)
  - Young adults suspected of purchasing for those underage
- The how-to and what-to-say system for denying tobacco sales to minors
- Maintaining professional customer service
- Securing and maintaining a good community reputation and a reputation among underage customers as a store that denies their tobacco purchase attempts

The *We Card* training curriculum has evolved over its nearly 15-year history to meet the challenges retail cashiers face at the point of sale. *We Card* training is field-tested and refined on an ongoing basis.

As the retail environment has evolved, *We Card* has adjusted its training and its recommended responsible retailing best practices. *We Card's* training curriculum and method of delivery follows adult learning principles<sup>5</sup> and instructional design practices<sup>6</sup> aimed at increasing retail employee knowledge, and more importantly, their enactment of that knowledge.

The *We Card* Online Training program, an American Marketing Association-DC Chapter Award winner, includes simulated role-playing, interactive and

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<sup>5</sup> Knowles, M. S. *The Modern Practice of Adult Education: From Pedagogy to Androgogy*. (2nd ed.) New York: Cambridge Books, 1980.

<sup>6</sup> Dick, W., & Carey, L. (1996). *The Systematic Design of Instruction* (4th Ed.). New York: Harper Collins College Publishers.

entertaining games and customer/cashier scenarios to deliver the curriculum. This experiential learning approach includes extensive practice in examining IDs and calculating customer ages using various age calculation tools.

With more than 2,100 instructor-led training sessions held for 100,000+ retail employees and more than 138,000 retail employee completed online training sessions, the *We Card* program has extensive quantitative data and qualitative feedback from the retail frontlines on their compliance issues and their challenges in preventing the sale of tobacco to minors.

*We Card* trained employees demonstrate statistically significant knowledge gain from pre-training to post-training. The *We Card* training program is particularly effective and has proven to:

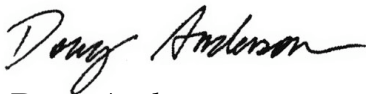
1. Increase carding rates at a statistically significant level at both the store and individual employees level regardless of the type of tobacco being purchased.
2. Increase the rate of employees properly denying the sale of tobacco when an ID is requested, but the attempted purchaser supplies none.

With its adherence to adult learning and instructional design principles and its demonstrated success in boosting retailer compliance, *We Card* would be an effective “approved training program” to assist retailers and the FDA to prevent underage sales of tobacco products.

The *We Card* program maintains ongoing communication and relationships with the nation’s tobacco retailers and their respective state and national retail trade associations. In the spirit of public-private partnership to prevent youth access to tobacco, the *We Card* program is a natural stakeholder for the FDA to include in its planning and execution of communications to the retail community.

We look forward to an opportunity to visit with the FDA to explain the *We Card* program more. The *We Card* program is uniquely qualified to assist the FDA in identifying training program requirements that pursue our mutual objective: to prevent underage access to tobacco products at the retail sales counter.

Sincerely,



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