

ASSEMBLY, No. 1880

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblywoman BUONO, Assemblyman BARNES and
Assemblywoman Weinberg

1 AN ACT concerning certain tobacco-related promotions and
2 supplementing Title 56 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. It is unlawful for any person to distribute by mail or
8 otherwise any gift item in connection with an incentive marketing
9 program involving the redemption of proof-of-purchase codes from
10 cigarette packages.

11 b. Any person who violates this act shall, in addition to any other
12 penalty provided by law, be liable to a penalty of not less than \$1,000
13 or more than \$7,500 for a first offense and not less than \$7,500 or
14 more than \$15,000 for a second or subsequent offense. These
15 penalties shall be enforced pursuant to "the penalty enforcement law,"
16 (N.J.S.2A:58-1 et seq.).

17 c. Whenever it shall appear to the Attorney General that a person
18 has engaged in, is engaging in or is about to engage in any practice
19 declared to be unlawful by this act he may seek and obtain in a
20 summary action in the Superior Court an injunction prohibiting such
21 person from continuing such practices or engaging therein or doing
22 any acts in furtherance thereof. The court may also revoke the
23 certificate of authority to do business in this State of a foreign
24 corporation engaged in the unlawful practice.

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26 2. This act shall take effect immediately.

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STATEMENT

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31 This bill prohibits the distribution of gift items that are offered in
32 connection with the sale of cigarettes. Major tobacco firms have used
33 such gifts as a means of promoting smoking through the redemption
34 of proof-of-purchase codes from cigarette packages.

35 An article that appeared in the February 23, 1994 issue of the
36 Journal of the American Medical Association (JAMA) concerning the

1 targeted advertising of smoking to adolescent girls, concluded that
2 tobacco advertising strategies, such as those which are the subject of
3 this bill, involving the distribution of specialty items in exchange for
4 proof-of-purchase codes, have a substantial impact on minors. This
5 bill reflects the JAMA article's advice that "the prudent public health
6 approach to prevent another increase in initiation among young people
7 is urgent action to extend the ban on tobacco advertising to cover all
8 forms of advertising and promotion." Further, the American Academy
9 of Pediatrics, in "A Message to Parents and Teens," calls smoking "a
10 costly life-long addiction that may be hard to break." It is, therefore,
11 in the interest of the State to discourage such promotions that directly
12 influence the behavior and health of its youth, and its residents in
13 general.

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18 Prohibits certain tobacco-related promotions.