



Dear Member,

### **1 in 2 is breaking the law – Which one are you?**

Cigarette sales are vital and important part of our business. They represent a very valuable part of our incomes, and without the profits that come from these sales, it is unlikely many of our shops would be able to service repayments; pay employees or plan for future expansions. With this in mind the C.S.N.A is offering a new service for only €140 (ex vat), an audit on compliance by your staff in age restricted sales to minors.

The average newsagents turnover from cigarette sales is 20-22% of their total sales, forecourts can be as high as 30-35% while convenience outlets, even with substantial alternative offerings still record levels of cigarette sales in the region of 16-19% of their overall sales. It is for this reason that we are asking you to consider, with utmost seriousness and sincerity, to urgently address the obvious deficiencies which may cause you to put this income at risk.

The Office of Tobacco Control has, as you probably know, provided a report outlining the dissatisfactory results of a survey carried out in late 2007. The findings are reproduced alongside this letter, and I would urge you to take immediate actions to ensure that the next time you and your staff are asked for a tobacco product by a young person, whether they are under 18 or over the age, to demand proof of age, by the way of I.D.

As you are no doubt aware, the H.S.E. in your area has responsibilities to police compliance to age restriction in connection with tobacco sales. The High Court had confirmed the legality of using young volunteers to assist them in ensuring compliance from shops which retail cigarettes. The Minister for Health is shortly to commence the Section of the Public Health Tobacco Acts that will bring about the need for all retailers to register with the Office of Tobacco Control. This is an automatic right for all existing retailers *unless* there is a court case pending or conviction obtained in the previous 3 months prior to the application for registration.

The CSNA have acted responsibly in placing our member's concerns regarding certain parts of the Acts before the Department. We have obtained significant concessions and agreements where the livelihood of retailers has been unduly compromised. We have never sought to dissuade the Government for ensuring that minors, under the age of 18, should not be sold cigarettes. In this instance, we believe that the State and retailers are of the same mind; Tobacco is an adult product, to be purchased by adults through legitimate outlets. We know that you agree with your Association in this regard. We also know you believe you have taken actions to ensure that sales to minors will not happen in your shop, and that all staff are aware of your policy; We know you have, in many cases, refused countless sales to young people (many of whom are over 18 but could not prove it). It is still an absolute fact that these sales have continued and we must redouble our efforts to prevent any possibility of them occurring in our shops.

Whether we are aware of it, or not, the report of the O.T.C last week is effectively a final “wake up call” for all of us; the next action will be visits on a very regular basis from HSE Environmental Health Officers to test purchase. On the evidence of last week, on average, one in two of every shop visited would be summonsed, together with the staff member responsible for the sale, and if convicted, be subjected to fines of up to €3,000. Shortly the Minister will commence the sections of the Act that will prohibit sales from outlets convicted for a period of 3 months. Please consider the effect this prohibition would have on your entire business.

You are well aware of the turnover within your store of cigarettes, and are most likely aware of the additional purchases the vast majority of smokers make during their visit to you (drinks, paper, sandwiches, etc.) A shop with a turnover of €20,000 per week, with 20% of its sales as tobacco makes €350 profit on the transaction, in a 3 month period, these losses would realise (13x€350) over €4,500 (plus fines and costs). If you do an analysis of your own shops turnover of cigarettes you can see how this would seriously effect *your* business. Aside from the social argument, there is a clear business justification for you to adopt a very clear, strong and non – wavering policy of refusing to sell tobacco products to minors. The CSNA has provided a concise approach for both you and your staff to assist you in adopting this policy. We are also engaging an external auditing company to assess compliance, to assist you in tracking how your staff are carrying out their instructions. We believe that this outlay is a very valuable investment in protecting your future.

The auditors will report only to you (not CSNA or any Government or Symbol Group) with the results of the 3 visits carried out on your premises. They will contact you after the first or second visit if there had been a sale made to their volunteer minor, or if I.D or age was not demanded, to enable you to address this matter. Although many of you have, as a part of an employment contract, the provision that sales to minors is dismissible offence we would advise you into treating the matter, in the first instance at least, as being a matter to be disposed of by way of disciplinary caution, and give the employee a written warning to be considered as their final warning. This is not to be considered as a weakening of your position, it is due to strict interpretation of the law, as a volunteer will ask for, but not receive the cigarettes, and therefore it may be argued that the sale was not made.

Whilst we can understand that many of you may consider that your policy is watertight, be assured that many of the 48% that failed the test in the O.T.C report also felt the same way, and many of the 52% that refused sales might also have been “failures” were a different staff member to have been on duty that day!. The cost of the audit is €140 for the three visits, complete with each warning when necessary, and a final report written for you on the findings of the audit company. We hope that you will agree that this is money well spent, and agree to the CSNA debiting your news account for this sum.

If you have more than one shop and wish for those other shops not in membership to be included in this scheme you will need to give us the address and news account number i.e. news bros, Newsread or EM News to be included. We attach an authority form for this.

If you do NOT wish to have the audit carried out on your behalf, a reply to that effect is placed within. We will contact you one more time, within the next 2 weeks to see whether you want to opt out of this service to members. You do NOT have to reply if you agree to be audited.

Yours sincerely,  
Vincent Jennings C.E.O