State Attorneys General

A Communication from the Chief Legal Officers of the Following States and Territories:

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March 14, 2014

Larry J. Merlo, President and Chief Executive Officer
CVS Caremark Corporation
One CVS Drive
Woonsocket, RI 02895

Re: Decision by CVS/Caremark to Stop Selling Tobacco Products at All Locations

Dear Mr. Merlo,

The undersigned Attorneys General write to commend CVS Caremark Corporation ("CVS") on being the first national pharmacy chain to prioritize public health by choosing to stop selling cigarettes and other tobacco products. We applaud CVS on its corporate leadership in taking this significant step toward promoting better public health.

State Attorneys General have long fought to protect their States' citizens, particularly youth, from the dangers of tobacco products. For example, in the 1990s, State Attorneys General sued the major cigarette companies for the harm their products caused. To resolve these lawsuits, in 1998 State Attorneys General entered into the Master Settlement Agreement (MSA) (as well as earlier settlements in four states) with the major tobacco companies, and a number of other tobacco companies are now also parties to the MSA. A goal of the MSA is to reduce underage tobacco use by discouraging such use and by preventing youth access to tobacco products. To help achieve that goal, the States devote considerable resources to the prevention of sales of cigarettes and other tobacco products to minors. The sale of tobacco products in retail chains that service health care needs is inconsistent with the efforts of the State Attorneys General to curb youth smoking.

Tobacco-related disease is the leading preventable cause of death in the U.S., causing at least 480,000 premature deaths each year,[1] which is more than AIDS, alcohol, illegal drug use,

[1] U.S. Department of Health and Human Services, *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 ("Surgeon General's 2014 Report"), at 11, 659.

car accidents, and firearm-related deaths combined.[2] Smoking causes heart disease, diabetes and arthritis, increases the risk of stroke, is the leading cause of lung cancer, and also causes colorectal cancer, liver cancer, and cancers of the oral cavity, pharynx, esophagus, stomach, pancreas, larynx, cervix, bladder, and kidney.[3] Health care costs and productivity losses attributable to smoking cost the nation at least $289 billion each year.[4]

CVS has recognized the contradiction of having these dangerous and devastating tobacco products on the shelves of a retail chain that services health care needs. In a recent year, nearly 70% of smokers said they wanted to quit; however, only approximately 4% were able to do so.[5] Selling tobacco products in the same store as smoking cessation products is likely to increase impulse tobacco purchases among those trying to quit and undermines their efforts.

In addition to undermining smokers' efforts to quit, displaying cigarettes in a pharmacy normalizes tobacco use and encourages youth, who are particularly susceptible to social and environmental pressures, to try tobacco. Preventing the initiation of young smokers is critical to reducing overall health damage and public health costs. Almost 90% of adult smokers started smoking by 18 years of age and 98% started by the age of 26.[6] Keeping youth from trying smoking essentially ensures they will remain smoke-free for the rest of their lives. At the current rate of youth smoking, 5.6 million Americans younger than 18 years of age who are alive today are projected to die prematurely from smoking-related disease.[7] The Surgeon General's 2014 Report found that hard-hitting media campaigns, such as the CDC's "Tips from Former Smokers" campaign and Legacy's truth® campaign, are a key factor in preventing smoking initiation and promoting quitting.[8] The sale of tobacco products in retail chains weakens the effect of these media campaigns by portraying tobacco products as normal.

CVS has demonstrated great corporate leadership by committing to eliminate tobacco products from its 7,600 retail stores. The undersigned Attorneys General commend CVS for taking the lead role in acknowledging that eliminating the sale of tobacco products by retailers who service health care needs and reducing the availability of tobacco products are important steps in reducing the harm caused by tobacco in the United States and promoting public health.

Sincerely,

Eric Schneiderman
New York Attorney General

Michael DeWine
Ohio Attorney General

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[2] Mokdad A.H., Marks J.S., Stroup D.F., Gerberding J.L., *Actual Causes of Death in the United States*. JAMA: Journal of the American Medical Association 2004; 291(10):1238–45.
[3] Surgeon General's 2014 Report at 667-70, 688, 870.
[4] *Id*. at 12.
[5] http://www.cancer.org/cancer/news/expertvoices/post/2012/11/14/mind-the-(smoking)-gap-those-who-want-to-quit-and-those-who-actually-do.aspx
[6] Surgeon General's 2014 Report at 12.
[7] *Id*.
[8] *Id*. at 812-14.

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