

HEALTHY RETAIL

PLAYBOOK



ChangeLab Solutions
Law & policy innovation for the common good.

MARKET

Fresh Fruit & Vegetables



WATER
the
healthy
alternative

**WIC
AND
SNAP**
ACCEPTED
HERE

ACKNOWLEDGMENTS

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Introduction

The retail environment has a significant impact on the health of communities.

In many places, residents lack access to fruits and vegetables, but can find tobacco and alcohol all too easily. This has serious health consequences. In the United States, tobacco use, poor nutrition, and excessive alcohol use are among the leading causes of preventable deadly illness, including heart disease, cancer, and chronic lower respiratory diseases.¹ People of color and those with lower incomes are at very high risk for these conditions.^{2,3}

The ideal retail environment makes fruits, vegetables, water, and other nutritious products more accessible, and tobacco, sugary drinks, non-nutritious foods, and alcohol less accessible.

Public health practitioners in tobacco control, nutrition, and excessive alcohol use prevention are already working toward this vision, together with store owners, community members, elected officials, and other stakeholders. They are changing the mix of foods, beverages, and tobacco products offered in stores, as well as where items are placed, how they are promoted, and how much they cost. Practitioners are also working to limit the number, location, and density of stores that sell tobacco products, alcohol, or both in states and localities.

But more often than not, these public health practitioners work separately from each other. As a result, they may be missing out on opportunities to collaborate. And at times, agencies may even impede each other's progress by burdening store owners or community partners with overlapping requirements and requests. The retail environment represents an opportunity for practitioners to collaborate and strengthen their effectiveness.

Healthy Retail Companion Pieces

This resource presents innovative strategies in tobacco control, nutrition, and excessive alcohol use prevention in order to create a retail environment where it is easier to make healthy choices than unhealthy ones. See the following resources to learn more about the importance of healthy retail and to begin developing a comprehensive approach to the retail environment.



HEALTHY RETAIL COLLABORATION WORKBOOK

This workbook is a step-by-step guide to forming a partnership among tobacco control, nutrition, and excessive alcohol use prevention programs. It includes case studies and examples of states and localities that have launched a comprehensive approach, as well as sample activities, scripts, and worksheets.



CONVERSATION STARTERS

This set of four one-pagers introduces the rationale behind and benefits of a comprehensive approach to the retail environment. They include sample talking points to make the case for collaboration to potential partners.

About the Playbook

This playbook is intended for two audiences. The primary audience is nutrition staff in local public health departments. However, public health practitioners working on tobacco control and excessive alcohol use prevention, local elected officials, and community-based organizations may find this playbook useful as well.

This playbook presents 15 innovative strategies to increase the accessibility of nutritious foods and beverages, and to limit the prevalence or visibility of tobacco products, non-nutritious foods and beverages, and alcohol in the retail environment. These strategies have already been implemented in some communities. This playbook also includes four emerging strategies that are based on successful pilot programs or effective policies from other fields. Each strategy description includes an example and key resources.

Strategies are grouped into five categories:

- **Products:** Addresses the availability of tobacco products, foods and beverages, and alcohol in stores
- **Placement:** Addresses the placement of tobacco products, foods and beverages, and alcohol in stores
- **Promotions:** Addresses the signage for tobacco products, foods and beverages, and alcohol in stores
- **Pricing:** Addresses the price of tobacco products, foods and beverages, and alcohol in a community
- **Prevalence:** Addresses the number, location, and density of stores that sell tobacco products, foods and beverages, and alcohol in a community

This playbook uses icons to indicate whether a strategy affects tobacco products, nutritious foods and beverages, non-nutritious foods and beverages, or alcohol.



Tobacco Products



Nutritious Foods & Beverages



Non-Nutritious Foods & Beverages



Alcohol Products

Readers are encouraged to mix and match strategies to create a plan tailored to their community's retail environment.

HEALTHY RETAIL AND THE HEALTH IMPACT PYRAMID

Even though the scientific evidence is still emerging, theory suggests that changing the retail environment is an effective intervention for preventing chronic disease. In 2010, Dr. Tom Frieden, Director of the Centers for Disease Control and Prevention, introduced the health impact pyramid, a framework for public health interventions. According to Dr. Frieden, environmental changes that make healthy choices easier are among the most effective public health interventions.⁴

PRACTICE TIP

For the sake of brevity, this playbook forgoes an extensive legal discussion of each policy option. Local governments should contact their government attorney to determine whether they have the regulatory authority to enact these policies. In some cases, state law will override a locality's authority to enact certain policies. See the resources below for more information.

ChangeLab Solutions
[Understanding Preemption: A Fact Sheet Series](#)

Centers for Disease Control and Prevention
[Prevention Status Reports 2013: Excessive Alcohol Use](#)

Key Definitions

Throughout this playbook, the term **store** refers to permanent brick-and-mortar retail outlets that sell tobacco products, foods and beverages, and, in some states, alcohol. This term includes, but is not limited to, big-box stores, supermarkets, grocery stores, corner stores, convenience stores, gas stations, bodegas, and mom-and-pop stores.

The **retail environment** refers broadly to the number, location, density, and type of retailers in a community, along with the products sold and how they are priced, placed, and promoted in stores.

A **healthy retail environment** is one where it is easier to make healthy choices than unhealthy ones. A healthy retail environment encourages the purchase and consumption of fruits, vegetables, water, and other nutritious products. It also places reasonable controls on tobacco products, non-nutritious foods and beverages, and alcohol to help community members make healthier choices.



The Healthy Retail Environment



8 PRODUCTS

- 9 Incentivize stores to stock nutritious foods and beverages
- 9 Require stores to stock nutritious foods and beverages
- 10 Encourage stores to participate in federal food benefit programs
- 11 Prohibit stores from selling flavored tobacco products, including menthol cigarettes

12 PLACEMENT

- 13 *Emerging policy option:* Require stores to create a healthy checkout area
- 14 Prohibit self-service displays of e-cigarettes and other emerging tobacco products

15 PROMOTIONS

- 16 Incentivize stores to increase signage for nutritious foods and beverages
- 16 Limit the amount of storefront signage
- 17 *Emerging policy option:* Require safety warnings on shelves or in stores that sell sugary drinks

A *healthy retail environment* is one where it is easier to make healthy choices than unhealthy ones. It encourages the purchase and consumption of fruits, vegetables, water, and other nutritious products, and places reasonable controls on tobacco products, non-nutritious foods and beverages, and alcohol.



18 PRICE

- 19 Increase taxes on non-nutritious items and decrease taxes on nutritious items
- 19 Require minimum prices for tobacco products
- 20 Require minimum package sizes for tobacco products
- 21 Require proportional pricing for tobacco products
- 21 Prohibit price discounts for tobacco products
- 22 Incentivize customers to spend federal food benefits on nutritious foods and beverages
- 22 *Emerging policy option:* Apply pricing policies to non-nutritious foods and beverages and/or alcohol

24 PREVALENCE

- 25 Limit the number, density, and location of tobacco retailers
- 25 Limit the number, density, and location of alcohol retailers
- 26 *Emerging policy option:* Restrict the location of retailers selling non-nutritious foods and beverages



Products

In some communities, tobacco products, sugary drinks, and alcohol are easier to find in stores than fresh produce and other nutritious foods.⁵⁻¹⁰

This situation is most common in low-income, minority, and rural communities.⁶ Public health practitioners can work with policymakers and community members to enact and enforce programs and policies that increase availability of nutritious items and decrease the availability of tobacco products, non-nutritious foods and beverages, and alcohol.

FAST FACTS

Research shows that the availability of tobacco products and non-nutritious foods and beverages in stores is linked to poor health outcomes, including increased youth smoking and addiction rates,¹¹ and diet-related diseases such as diabetes.⁶





Incentivize stores to stock nutritious foods and beverages

Incentive-based policies and programs can motivate retailers to make healthy changes on their own. Common incentives include permitting incentives, which reduce the financial or administrative burden of obtaining business permits; recognition programs, which provide public acknowledgment and free publicity to businesses that meet certain criteria; and financial incentives, which provide money to businesses to make improvements, buy new equipment, or offset operating costs.

EXAMPLE: The Mid-Ohio Valley in West Virginia covers six counties and has a population of approximately 133,280 people.¹² The Mid-Ohio Valley Health Department offers store owners a discount on their grocery permit fee if they stock nutritious items. For each variety of fresh produce that a store offers, the owner's permit fee is reduced by 20 percent. If an owner offers five varieties, the permit is free.¹³ For example, a store owner could stock bananas, apples, oranges, lemons, and limes to have his or her permit fee waived.

RESOURCES

ChangeLab Solutions

- [Incentives for Change: Rewarding Healthy Improvements to Small Food Stores](#)
- [Health on the Shelf: A Guide to Healthy Small Food Retailer Certification Programs](#)
- [Putting Business to Work for Health: Incentive Policies for the Private Sector](#)



Require stores to stock nutritious foods and beverages

Licensing is a common policy tool that state and local governments use to regulate businesses. Nearly all business owners – including food retailers – are required to apply for a county or city license of some type, in addition to any state or federal licenses. In some communities, certain types of businesses are held to specific standards for public health reasons. For example, restaurants may be required to meet food safety standards in order to receive a license. Similarly, local governments may want to consider requiring food retailers to sell a certain baseline of nutritious foods as a prerequisite for a license. Tobacco control practitioners have successfully used tobacco retailer licensing to restrict the sale and promotion of certain tobacco products, and studies show that strong local licensing laws have reduced tobacco sales to minors, often significantly.¹⁴

PRACTICE TIP

Most local governments have the authority to regulate aspects of retail operations through zoning and other “police power” measures (measures to protect the health, safety, and welfare of the community). It is important to consult state law to determine whether a local government has the police power to regulate retail operations, and to examine the state's retail food code to see whether it prohibits local regulation of food establishments. State law may preempt or prohibit local regulation of food retailers.

EXAMPLE: In 2008, Minneapolis became the first locality to adopt a healthy food retailer licensing law. The Staple Foods Ordinance required stores with a grocery license to carry food in four staple food groups: vegetables and fruits; meat, poultry, fish, or vegetable proteins; bread or cereal; and dairy products and substitutes.¹⁵ The ordinance was significantly updated in 2014 to require six additional categories of staple foods as well as to specify minimum varieties and amounts of required foods. The updated list was based on requirements from the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and feedback from store owners about culturally appropriate foods.¹⁶

RESOURCE

ChangeLab Solutions

- [Licensing for Lettuce: A Guide to the Model Licensing Ordinance for Healthy Food Retailers](#)



Encourage stores to participate in federal food benefit programs

Retailers that accept Supplemental Nutrition Assistance Program (SNAP) benefits or WIC benefits are required to stock staple nutritious foods and beverages. Encouraging store participation in these programs increases the availability of nutritious foods for both low-income populations and the broader community. Local governments can encourage, help, or even incentivize retailers to apply to participate.

EXAMPLE: In Seattle, 83 percent of stores participating in the Healthy Foods Here program – a healthy food retail program – stocked staple foods required by the WIC program, thereby increasing the community’s access to nutritious, affordable foods.¹⁷ Store owners that became WIC authorized saw increased monthly sales because of new WIC customers, and community members had more access to nutritious options.¹⁷ A similar approach can be used to increase small store participation in SNAP as well.

WORKING WITH DISTRIBUTORS TO SOURCE NUTRITIOUS FOODS

A common challenge for small stores trying to stock nutritious foods is figuring out how to source it. Distribution companies that deliver to stores typically impose minimum buying requirements and delivery fees that are beyond the means of small stores. However, several creative solutions have emerged. See the resource below for more information.

ChangeLab Solutions
[Providing Fresh Produce in Small Stores: Distribution Challenges & Solutions for Healthy Food Retail](#)

RESOURCES

Public Health - Seattle & King County

- [Healthy Foods Here: Recommendations for Future Programming](#)

U.S. Department of Agriculture

- [SNAP: Training Guide for Retailers](#)



Prohibit stores from selling flavored tobacco products, including menthol cigarettes

Flavored tobacco products come in youth-friendly flavors, such as candy, chocolate, and strawberry. Under the Family Smoking Prevention and Tobacco Control Act of 2009, the Food and Drug Administration (FDA) banned the sale of flavored cigarettes – except for menthol or tobacco-flavored cigarettes – in order to curb youth smoking and first-time smoking.¹⁸ The federal ban on flavors does not apply to **other tobacco products**, such as e-cigarettes, cigars, snuff, and smokeless tobacco. Local governments can strengthen the federal law by creating comprehensive bans on all tobacco products, including menthol cigarettes.

EXAMPLES: In 2013, Chicago passed an ordinance restricting the sale of all flavored tobacco products within 500 feet of a school. The ordinance strengthens the federal law because it applies to menthol cigarettes as well as other flavored tobacco products, including e-cigarettes.¹⁹

In 2009, New York City passed an ordinance prohibiting the sale of other flavored tobacco products, such as cigars, snuff, and smokeless tobacco.^{20,21}

OTHER TOBACCO PRODUCTS

The term “other tobacco products” refers to non-cigarette tobacco products, such as e-cigarettes, cigars, dissolvables, and snus – a smokeless flavored tobacco product. A best practice is to define “tobacco product” to include e-cigarettes and other emerging tobacco products and therefore regulate all of these products as such.

RESOURCE

ChangeLab Solutions

- [Restricting Sales of Flavored Tobacco Products: Model Ordinance & Fact Sheet](#)

This resource was designed for localities in California, but it can be adapted for localities across the country.

Regulating e-cigarettes

As the popularity of e-cigarettes and other tobacco products skyrockets, many communities are becoming increasingly concerned about the appeal of these products to youth,^{22,23} and about the potential risk to public health posed by e-cigarette aerosol in places otherwise required to be smokefree, such as schools, hospitals, and workplaces. In addition to regulating conventional tobacco products, many communities are now regulating the sale of e-cigarettes by defining “tobacco product” to include e-cigarettes specifically. This applies existing tobacco control laws to these new tobacco products. Some of these laws have included the following:

- minimum age requirement for sale
- ID check requirements for sale
- ban on school grounds
- ban on self-service displays
- retailer licensing requirements

PRACTICE TIP

In May 2016, the FDA issued a final rule giving it authority to regulate all products made or derived from tobacco. This means the FDA can now regulate e-cigarettes and other tobacco products, such as dissolvables, hookah tobacco, and cigars. The rule also applies some existing federal tobacco control laws, such as ID check requirements for sale, to e-cigarettes and other tobacco products. However, local governments can still adopt tobacco control policies to enable **local enforcement** of local laws. Local laws can also include stronger provisions that are not in the FDA's final rule.

RESOURCE

ChangeLab Solutions

- [How to Regulate E-Cigarettes and Other Electronic Smoking Devices: Model Ordinance & Flowchart](#)

2

Placement

Products placed in certain areas of the store — such as near the cash register, at the end of an aisle, or at eye level on a shelf — are more likely to be purchased than products placed in other parts of the store.^{7,24-29}

Public health practitioners can work with policymakers and community members to enact and enforce programs and policies that move nutritious items to prime locations. For example, water or 100 percent juice can be placed at eye level in refrigerators. Tobacco products can stay behind the counter, and non-nutritious snacks can sit on bottom shelves.

FAST FACTS

Research shows that placing tobacco products in prime areas increases youth exposure to tobacco displays, which in turn increases the likelihood that youth will start smoking.^{30,31} Placing non-nutritious foods and beverages in highly visible, easily accessible areas increases impulse buys of these products,⁷ and prominent placement of beer has been shown to increase beer sales.³²





EMERGING POLICY OPTION: Require stores to create a healthy checkout area

Many retailers place tobacco products, non-nutritious foods and beverages, and, depending on the state, alcohol in or near the checkout area. As a result, customers are prompted while they wait in line to buy these items. One solution to this problem is to replace these prompts with ones that encourage nutritious purchases. Several communities have successfully implemented a healthy checkout pilot program, which works with businesses to replace tobacco products, non-nutritious foods and beverages, and, depending on the state, alcohol with nutritious items in the checkout area. Local governments can take this one step further and adopt a healthy checkout policy. Policies affect all retailers within a jurisdiction and therefore have a broader reach than incentive-based policies and voluntary programs.

EXAMPLES: Middle school students in Anderson, California, a small city in northern Shasta County, asked their local Wal-Mart to place more nutritious foods in the checkout aisle.¹² The two pilot checkout aisles were so successful and had such overwhelming customer support that the store expanded the program to additional aisles.¹²

As part of its Eat Fresh, Live Well program, the Toledo-Lucas County Health Department in Ohio worked with a store owner to implement a healthy checkout aisle. The store owner relocated produce from the back of the store to a display by the cash register. As a result, the store's WIC sales for fruits and vegetables increased by 50 percent and there was less produce waste.⁷

RESOURCES

ChangeLab Solutions

- [Model Healthy Checkout Aisle Ordinance](#)
- [Marketing Matters: A White Paper on Strategies to Reduce Unhealthy Food and Beverage Marketing to Young Children](#)

Center for Science in the Public Interest

- [Temptation at Checkout](#)

Contracts with suppliers

Store owners may have contracts with suppliers that determine where certain products are placed and how they are priced and promoted. Tobacco suppliers commonly offer incentives, such as discounts, in exchange for putting their products in specific areas of the store, hanging their signs prominently, and offering deals.³³ Store owners commonly sign long-term contracts that formalize these agreements.³³ Food and beverage suppliers have similar agreements with store owners.³⁴ These marketing practices have traditionally been prohibited in the retail sale of alcoholic beverages.³⁵ However, a recent federal court decision calls into question whether that prohibition will continue.³⁶

These agreements may affect store owners' willingness to make healthy changes. One study found that retailers receive more incentives from the tobacco industry than any other industry.³⁷ Another study showed that small stores have an average of six agreements with food and beverage suppliers, including suppliers of sugary drinks, savory snacks, and frozen desserts.³⁴ While working on Vermont's Healthy Retailers Initiative, local coalitions discovered that retailers' existing agreements prevented them from making certain in-store changes.



Prohibit self-service displays of e-cigarettes and other emerging tobacco products

A self-service display allows customers to take a product off the shelf without the help of a store clerk. Prohibiting the self-service display of tobacco products reduces youth access to tobacco by decreasing the opportunity for tobacco theft. It also increases the interaction necessary before a clerk can sell tobacco to a minor, requiring the minor to specifically ask for tobacco and the clerk to consciously provide it. Many state and local laws already prohibit the self-service display of conventional tobacco products. Local governments may consider using an ordinance or licensing requirements to prohibit the self-service display of e-cigarettes and other emerging tobacco products.

EXAMPLE: In 2014, Chicago passed an ordinance that expanded the definition of "tobacco product" to include e-cigarettes. As a result, Chicago's existing ban on self-service displays is now applicable to e-cigarettes.

RESOURCES

ChangeLab Solutions

- [Self-Service Display of Tobacco Products: A Model Ordinance](#)
- [California Tobacco Retailer Licensing: A Model Ordinance, Fact Sheets, & Supplemental Plug-ins](#)

These resources were designed for localities in California, but they can be adapted for localities across the country.

3

Promotions

Stores post signs for products on doors, windows, and shelves; by the register and checkout area; and on products themselves.

Public health practitioners can work with policymakers and community members to enact and enforce programs and policies that increase signage for nutritious items, decrease signage for non-nutritious items, and move signage for nutritious items to more prominent areas of the store, such as the checkout counter or eye-level shelves.

FAST FACTS

Research shows that advertising for tobacco products, non-nutritious foods and beverages, and alcohol in the retail environment increases youth and adult tobacco use,^{30,38-41} puts children's long-term health at risk,⁴²⁻⁴⁴ and may disproportionately affect under-age and young adult drinkers, respectively.³² Advertisements for tobacco products, non-nutritious foods and beverages, and alcohol are especially prevalent in minority and low-income communities.³⁸⁻⁴¹





Incentivize stores to increase signage for nutritious foods and beverages

One of the reasons store owners post signs – especially on the outside of their stores – is to draw customers inside. By offering store owners free signs, local governments can encourage them to increase signage for nutritious foods and beverages. Some store owners may post signs voluntarily, while others may be willing to post signs in exchange for an incentive. Some store owners may even replace signs for tobacco products and alcohol with signs for nutritious products.

EXAMPLE: In 2009, the Louisville Department of Public Health and Wellness in Kentucky launched a healthy corner store program with the support of community partners.^{45,46} The program, called Healthy-in-a-Hurry, worked with store owners in two low-income neighborhoods to stock and promote nutritious foods. The program provided incentives, such as professional signs, refrigeration equipment, and technical assistance. Six stores posted promotional labels for nutritious, WIC-approved items.⁴⁷ Some stores voluntarily replaced beer advertisements with Healthy-in-a-Hurry signs.⁴⁸

RESOURCE

ChangeLab Solutions

- [Incentives for Change: Rewarding Healthy Improvements to Small Food Stores](#)



Limit the amount of storefront signage

In many retail environments, excessive window signage – posters, banners, neon placards, and other advertising – can be unsightly. Storefront signage can also block people’s view into a store, which is particularly consequential for law enforcement officers. Therefore, local governments may want to reduce storefront window signage to improve public safety, decrease visual clutter, and preserve neighborhood aesthetics. A window sign ordinance that restricts the amount of signage in windows and transparent doors will limit all advertising, including signs for tobacco products and alcohol. Experts suggest that a best practice is to limit window signage to 10 percent of window space.⁵⁰

EXAMPLE: In 2012, St. Paul, Minnesota, passed a Window Sign Ordinance that does not allow temporary signs of any kind to cover more than 30 percent of commercial storefront windows.⁵¹ The goal of the ordinance is to improve visibility of the cashier area and promote public safety.

RESOURCE

ChangeLab Solutions

- [Model California Ordinance for Reducing Storefront Window Signage](#)

PRACTICE TIP

Regulation of signage, while not impossible, can raise many legal issues. When considering a signage policy, it is important to consult with a government attorney.

This resource was designed for localities in California, but it can be adapted for localities across the country.

The First Amendment & signage policies

The First Amendment to the U.S. Constitution limits the government's ability to restrict most forms of speech, including commercial speech or advertising. A law imposing limits on signage that refers to its content or message (for instance, a law restricting advertisements for alcohol or non-nutritious foods but not advertisements for other products) is more likely to be struck down on First Amendment grounds than a policy that regulates the quantity of signs, the placement of signs, their dimensions, or their construction – regardless of their content.⁴⁹ Therefore, signage restrictions should not address or attempt to limit specific types of speech, such as tobacco advertisements, and should not be primarily based on public health rationales. When justifying signage restrictions, communities should focus on traditional police power rationales, such as improving public safety and preserving neighborhood aesthetics. Public health practitioners can partner with other groups interested in achieving these goals. The First Amendment is less of a concern with respect to voluntary or programmatic efforts to address signage.

RESOURCES

ChangeLab Solutions

- [First Amendment FAQ's: How Commercial Speech is Regulated](#)
- [Marketing Matters: A White Paper on Strategies to Reduce Unhealthy Food and Beverage Marketing to Young Children](#)



EMERGING POLICY OPTION: Require safety warnings on shelves or in stores that sell sugary drinks

Federal law requires health warnings on tobacco and alcohol products.¹⁸ Research shows that warning labels can increase knowledge of health risks and reduce consumption and use of tobacco products and alcohol.⁵²⁻⁵⁴ Local governments in communities with a high level of readiness for policy change can consider a policy that requires the placement of safety warnings about sugary drinks on nearby shelves or in other parts of a store. A safety warning would alert consumers to the potentially unhealthy effects of sugary drinks. It would also complement other nutrition education programs and policies by providing consumers with information to make healthy choices.

RESOURCE

ChangeLab Solutions

- [Model Legislation Requiring Safety Warnings for Sugar-Sweetened Beverages](#)

PRACTICE TIP

Requiring safety warnings, while not impossible, can raise many legal issues, such as the First Amendment and federal preemption. When considering a safety warning policy, it is important to consult with a government attorney.

This resource was designed for states, but can be adapted by localities.

4

Price

Many customers are sensitive to price. They choose affordable options over unaffordable ones, and they may buy more of a product when the price decreases.^{7,29,55–58}

Public health practitioners can work with policymakers and community members to enact and enforce programs and policies that reduce price disparities between nutritious items and tobacco products, non-nutritious foods and beverages, and alcohol. Well-crafted policies will address multiple types of pricing strategies to ensure that consumers do not receive discounts on tobacco products, non-nutritious foods and beverages, and alcohol in other ways.

FAST FACTS

Research shows that pricing has a strong influence on the consumption of tobacco products, non-nutritious foods and beverages, and alcohol. Lower-income smokers, youth, and African Americans buy fewer cigarettes when prices go up.^{23,58} When sugary drinks are on sale, people buy more of them.⁷

Conversely, the expense of nutritious foods (whether perceived or actual) acts as a deterrent to low-income households adopting healthier eating habits.⁵⁹ And researchers estimate that if the price of alcohol rises 10 percent – through increased taxes, for example – then alcohol consumption would decline by about 7 percent.^{60,61}

Research also shows that pricing has a strong effect on health outcomes. Studies indicate that alcohol-related deaths would decrease by 35 percent if alcohol taxes were doubled.⁶²





Increase taxes on non-nutritious items and decrease taxes on nutritious items

Research shows that increasing taxes on specific items results in a decrease in the consumption of those items. Federal, state, and local governments levy taxes on tobacco products and alcohol. There is a good deal of strong evidence linking increased taxes on tobacco products and alcohol to better health outcomes.^{59,63} Local governments can consider increasing taxes on non-nutritious foods and beverages, such as sugary drinks, and decreasing taxes on nutritious items, such as fruits and vegetables.

EXAMPLE: In 2014, the Navajo Nation passed the Healthy Diné Nation Act, which levied a 2 percent tax on food with little to no nutritional value, including snacks and sugary beverages.⁶⁴ All of the tax revenue goes toward the Community Wellness Development Fund.⁶⁵ The Navajo Nation also revised the Navajo Nation Sales Tax to remove a 5 percent tax on nutritious items, including fresh fruits, fresh vegetables, water, nuts, seeds, and nut butters.^{64,66}

PRACTICE TIP

Regulating price, while not impossible, can raise many legal issues. When considering a pricing policy, it is important to consult with a government attorney.

RESOURCES

ChangeLab Solutions

- [Model Sugar-Sweetened Beverage Tax Legislation](#)

Campaign for Tobacco-Free Kids

- [Fact Sheets: Tobacco Taxes](#)

Centers for Disease Control and Prevention

- [2015 CDC Prevention Status Reports on Alcohol-Related Harms](#)

Community Prevention Services Task Force

- [The Guide to Community Preventive Services](#)



Require minimum prices for tobacco products

There is a clear link between the retail price and the rate of consumption of tobacco products. When tobacco products cost more, people use tobacco less frequently, more people quit, and fewer youth start.^{30,67-70} Since the vast majority of adult smokers began smoking before the age of 18, any strategy that affects youth initiation would also eventually reduce adult smoking rates.⁷¹ Minimum price laws guarantee that the price of certain products remains at or above a designated amount. Some states have minimum price laws for tobacco products that are ineffective because they are too weak. Local governments can strengthen these laws by establishing a higher minimum price. A robust minimum price law will also address discount strategies that decrease the price.

EXAMPLES: In 2016, Sonoma County, California, passed a tobacco retailer licensing ordinance that requires a minimum price of \$7 per pack of cigarettes, cigars, and little cigars.⁷² The ordinance includes other provisions, such as restricting pharmacies from selling tobacco products.⁷² The ordinance goes into effect in January 2018.⁷²

In 2013, New York City passed a set of point-of-sale tobacco policies that require a minimum price of \$10.50 per pack of cigarettes or cigars. The ordinance also restricted other forms of price discounting.^{73,74}

RESOURCES

ChangeLab Solutions

- [Model Legislation Establishing a Minimum Retail Sales Price for Cigarettes \(and Other Tobacco Products\): An Effective Tobacco Control Strategy](#)
- [California Tobacco Retailer Licensing: A Model Ordinance, Fact Sheets, & Supplemental Plug-ins](#)
- [Q&A: Can California Communities Adopt Tobacco Pricing Policies?](#)
- [Marketing Matters: A White Paper on Strategies to Reduce Unhealthy Food and Beverage Marketing to Young Children](#)

These resources were designed for localities in California, but they can be adapted for localities across the country.



Require minimum package sizes for tobacco products

Several localities have established a minimum package size or weight for other tobacco products. Requiring items such as cigars or little cigars to be in packs of a certain size raises the cost of these products, thereby discouraging their purchase. This does not mean that the products are more expensive per unit, but simply that consumers will have to buy more and therefore pay more at any one time. It may seem counterintuitive to make consumers buy more tobacco products, but the goal is to discourage price-sensitive youth from buying a more expensive package.^{18,30} Raising the total price can deter youth from purchasing these products, even though this policy does not actually increase the per-unit price.^{71,75}

EXAMPLES: Baltimore requires cigars to be sold in packs of five.⁷⁶

Boston requires that cigars be sold in packs of four at convenience stores, gas stations, grocery stores, and pharmacies.⁷⁶

RESOURCE

ChangeLab Solutions

- [California Tobacco Retailer Licensing: A Model Ordinance, Fact Sheets, & Supplemental Plug-ins](#)

This resource was designed for localities in California, but it can be adapted for localities across the country.



Require proportional pricing for tobacco products

Many products are cheaper if purchased in larger quantities. This pricing strategy encourages shoppers to purchase a larger amount of a specific product. Proportional pricing requires larger serving sizes to be priced at the same per-volume or per-weight rate as smaller serving sizes, which removes the discount customers receive when they purchase larger sizes. Local governments may wish to require proportional pricing for specific items, such as tobacco products.

EXAMPLE: Providence, Rhode Island, prohibits tobacco retailers from selling tobacco products at a multi-pack discount,⁷⁷ which means customers do not get a discount if they purchase large amounts of tobacco products.

RESOURCES

ChangeLab Solutions

- [Model Legislation Establishing a Minimum Retail Sales Price for Cigarettes \(and Other Tobacco Products\): An Effective Tobacco Control Strategy](#)
- [California Tobacco Retailer Licensing: A Model Ordinance, Fact Sheets, & Supplemental Plug-ins](#)
- [Marketing Matters: A White Paper on Strategies to Reduce Unhealthy Food and Beverage Marketing to Young Children](#)

This resource was designed for localities in California, but it can be adapted for localities across the country.



Prohibit price discounts for tobacco products

Discounts are a common strategy for decreasing prices and encouraging people to buy a product. One common practice is for tobacco companies to distribute coupons directly to consumers. Consumers can then redeem the coupons at a store and receive a discount on specific tobacco products. Store owners then redeem the coupons that customers turn in, and they in turn receive a discount on tobacco products from suppliers. Local governments may wish to regulate such discounting strategies.

EXAMPLE: Providence, Rhode Island, does not allow tobacco retailers to redeem customers' coupons for free or reduced-price tobacco products.⁷⁷ This removes the discount that customers would receive from using the coupon. Importantly, this ordinance does not address distribution of coupons, which could raise First Amendment issues.

RESOURCE

ChangeLab Solutions

- [California Tobacco Retailer Licensing: A Model Ordinance, Fact Sheets, & Supplemental Plug-ins](#)

This resource was designed for localities in California, but it can be adapted for localities across the country.



Incentivize customers to spend federal food benefits on nutritious foods and beverages

Public health practitioners have begun to address the high cost of produce by implementing programs that incentivize fruit and vegetable purchases among SNAP participants. When a SNAP participant spends a certain amount of money on fruits and vegetables – for instance, 10 dollars – the program matches that amount of money and gives the shopper an additional 10 dollars to spend on fruits and vegetables. This strategy doubles the amount that SNAP participants can spend on produce. Some programs only match dollars spent on local produce, which has the added benefit of supporting local farmers and keeping money in the local economy.

EXAMPLE: In 2013, the Fair Food Network started the Double Up Grocery Project in Detroit. Any customer who spends 10 dollars on produce using SNAP benefits receives a 10 dollar gift card to spend on Michigan-grown fruits and vegetables.⁷⁸ As a result of the pilot projects, 90 percent of customers bought more fruits and vegetables, 60 percent of customers bought less non-nutritious foods, and more than \$37,000 in rewards was spent on Michigan-grown produce.⁷⁸ The program received funding from the U.S. Department of Agriculture and private partners.⁷⁹ The project is based on the Double Up Food Bucks program, which has been operating in Michigan farmers' markets since 2009.⁸⁰

RESOURCE

Fair Food Network

- [The Double Up Model & Toolkit](#)



EMERGING POLICY OPTION: Apply pricing policies to non-nutritious foods and beverages and/or alcohol

Pricing policies for non-nutritious foods and beverages are most often discussed in the context of sugary drinks, because there is a large body of scientific research demonstrating the negative health effects of sugary drinks.^{81,82} However, each of the pricing policies in this section could potentially be used to discourage purchases of other non-nutritious foods and beverages as well. If the local government has the authority to enact these policies, each strategy could be pursued via a local ordinance regulating product sales.

PRACTICE TIP

Public health practitioners should consult their local government attorney to determine whether the local government has the regulatory authority to enact these policies.

A minimum price law is a promising strategy for reducing excessive alcohol consumption and related harms. Minimum prices are usually based on the alcohol content of beverages. Therefore, all products with a particular alcohol content must be sold for the specific minimum price in stores. Recent studies have found that this pricing policy can help reduce excessive alcohol consumption and related harms in those locations where it has been fully implemented.^{83,84}



5

Prevalence

In some communities, it is easy to find tobacco products, non-nutritious foods and beverages, and alcohol because of the large number, convenient location, and/or high density of stores that sell these products.

FAST FACTS

Research shows that the number, density, and location of stores selling tobacco, non-nutritious foods and beverages, and alcohol is associated with increased smoking rates,⁸⁵ diet-related diseases such as obesity,⁸⁶ and excessive alcohol consumption, respectively.⁸⁷

Public health practitioners can work with policymakers and community members to enact and enforce policies that regulate the number, location, and density of stores in their community that sell tobacco, non-nutritious foods and beverages, and alcohol.





Limit the number, density, and location of tobacco retailers

Tobacco control practitioners have long used tobacco retailer licensing (TRL) as a strategy for regulating the number, density, and location of stores that sell tobacco. A TRL policy requires all stores that sell tobacco products to obtain a government-issued license. The government can also impose specific standards, such as requiring clerks to check identification if a customer appears under age 27, as conditions for staying licensed. Failure to meet these standards could result in the license being revoked or suspended. Most states already require retailers to obtain a license to sell tobacco, but nearly all of those TRL systems exist for the purpose of ensuring collection of tobacco taxes, not as a means to improve public health through tobacco control.⁸⁸ However, many local jurisdictions throughout the country do use TRL as a health-promoting policy.

EXAMPLES: In California, multiple localities will not provide tobacco retailer licenses to stores that are located near schools, day care centers, or other youth-oriented places.^{89,90}

Cayuga County, New York, will not issue a new tobacco retailer license to any retailer within 100 feet of a school.⁸⁹

RESOURCES

ChangeLab Solutions

- [Tobacco Retailer Licensing Playbook: 10 Strategies for a Comprehensive TRL Policy](#)
- [California Tobacco Retailer Licensing: A Model Ordinance, Fact Sheets, & Supplemental Plug-ins](#)

This resource was designed for localities in California, but it can be adapted for localities across the country.



Limit the number, density, and location of alcohol retailers

Many states and localities use licensing and zoning laws to limit the number, density, and location of alcohol retailers, thereby reducing excessive alcohol use and related harms.⁹¹ All states require alcohol retailers to obtain a license. States may require retailers to meet certain standards, such as a minimum distance between alcohol outlets, as a condition for being licensed.⁹² In addition, some states require alcohol retailers to obtain two licenses, one from the state and one from their local government. The standards required for obtaining a local license may be stricter and more specific than those required for the state license. Also, though some states keep exclusive authority over alcohol retailer licensing, they may allow local governments to add certain requirements for obtaining a license in their communities, in accordance with local zoning laws and other circumstances specific to a locality.

PRACTICE TIP

The sale of alcohol in stores works differently in each state. Either states operate government-run stores where customers can buy alcohol, or they allow private businesses to sell alcohol – referred to as privatization.⁹⁴ Research shows that privatization results in increased alcohol sales and consumption. Consult a government attorney to learn more about alcohol laws in each state.

The Community Preventive Services Task Force specifically recommends regulating alcohol outlet density to prevent excessive alcohol consumption and related harms.⁹² Density can be addressed by reducing the number of alcohol retailers in a given area or by limiting the number of new retailers.

EXAMPLE: California state law allows cities and counties to enact zoning ordinances that restrict the location and density of alcohol retailers. Rohnert Park, California, requires that alcohol stores locate more than 1,000 feet away from schools, faith-based organizations, hospitals, and certain recreational facilities.⁹³ The same zoning statute regulates density by requiring that alcohol retailers not operate within 1,000 feet of each other.⁹³

RESOURCES

Center on Alcohol Marketing and Youth

- [Regulating Alcohol Outlet Density: An Action Guide](#)

Centers for Disease Control and Prevention

- [At A Glance 2016: Excessive Alcohol Use](#)
- [Prevention Status Reports 2013: Excessive Alcohol Use](#)

Community Prevention Services Task Force

- [The Guide to Community Preventive Services](#)



EMERGING POLICY OPTION: Restrict the location of retailers selling non-nutritious foods and beverages

Local governments may wish to consider prohibiting retailers from selling non-nutritious foods and beverages if they are close to schools, parks, child care centers, libraries, and other child-oriented places. This emerging policy is based on the successful history of public health policies that restrict the location of tobacco and alcohol retailers, as well as policies that require fast food restaurants or mobile food vendors to be located a specified minimum distance from schools, churches, parks, and other community areas. Local governments interested in pursuing this type of policy should work closely with relevant agencies, departments, and officials to determine how the policy should be implemented and enforced.

PRACTICE TIP

Regulation of food retailer location, while not impossible, can raise many legal issues. When considering a food retailer location policy, it is important to consult with a government attorney.

RESOURCES

ChangeLab Solutions

- [Model Ordinance Regulating Where Sugar-Sweetened Beverages May Be Sold](#)
- [Model Healthy Food Zone Ordinance](#)

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