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TWENTY-FOUR VENDORS FOUND GUILTY OF SELLING TOBACCO PRODUCTS TO MINORS

The Westchester County Department of Health is today making public a list of 24 tobacco vendors that have been found guilty of selling tobacco products to minors in Westchester within the past year.

The crackdown on businesses that violate the state's Adolescent Tobacco Use Prevention Act (ATUPA) is part of the county government's ongoing effort to deter underage smoking. Over the past three years, Westchester County has allocated \$7.8 million to a variety of anti-smoking programs.

"We in Westchester have a zero-tolerance policy toward merchants who violate the law by selling cigarettes and other tobacco products to minors," Spano said. "We will continue our aggressive effort to go after them, and pursue all options, including having the tobacco licenses of repeat offenders suspended."

The Westchester County Department of Health conducts ATUPA enforcement checks at establishments throughout the county. Compliance teams visit delicatessens, stationery stores, tobacco stores, supermarkets, pharmacies, gas stations, grocery stores, variety stores and bars.

The great majority of merchants visited by the "sting teams" are found to be in compliance with the law. Spano praised these merchants, saying, "I commend the owners and managers of these stores for making sure that the law is followed by all their employees."

The sting operation works like this: a minor, working undercover for the Department of Health, attempts to buy a tobacco product from a merchant's establishment. Once the minor leaves the establishment, the inspector who witnessed the transaction will either issue a citation to the vendor for selling tobacco to the minor or congratulate the vendor for not selling it.

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Said Spano, "Each year, tobacco kills more New Yorkers than alcohol, drugs, car accidents, fires, homicide, suicide and AIDS combined. Since 90 percent of all smokers begin smoking before the age of 18, it's imperative that we discourage smoking at an early age. The ATUPA law keeps the plague of tobacco addiction from trapping children who are too young to make informed decisions about smoking."

The ATUPA law states that:

- Merchants may sell tobacco only to an individual who demonstrates, with a drivers license or certain other specified photographic identification, that he or she is eighteen years of age or older. Merchants are required to proof any individual who appears to be under 25 years of age.
- All merchants are required to post a sign that reads: "Sale of cigarettes, cigars, chewing tobacco, powdered tobacco, or other tobacco products, rolling papers, pipes or herbal cigarettes to persons under eighteen years of age is prohibited by law." The sign must be printed on a white card in red letters at least one-half inch in height.
- Merchants cannot sell single cigarettes. All cigarettes must be sold in the manufacturer's packaging.

The penalties for violations under the ATUPA law range from a minimum \$300 fine up to a maximum \$1,500 fine with possible revocation of the establishment's tobacco license (for up to one year) and lottery license (permanently) for multiple violations occurring within a two-year period. Higher fines are levied for failures to respond to notices of violation.

The following establishment was a third-time ATUPA offender:

- 7-Eleven #24485B, 1 South Broadway, Tarrytown. Fined \$1500

The following establishments were second-time ATUPA offenders:

- Barca Bros. Supermarket, 772 Palisades Avenue, Yonkers. Fined \$1000
- CVS #1134, 360 North Bedford Road, Mount Kisco. Fined \$1500
- CVS #2164, 15 Colonial Place, Mount Vernon. Fined \$1500
- Drug Mart of Millwood, 230 Saw Mill River Road, Millwood. Fined \$1500
- Getty Mini Mart, 719 Bronx River Road, Yonkers. Fined \$300
- Hernandez Supermarket, 61 Riverdale Avenue, Yonkers. Fined \$300
- NuMart Deli & Groceries, 454 Mamaroneck Avenue, White Plains. Fined \$300

The following establishments were first time offenders:

- A & H Market, 199 1/2 Irving Avenue, Port Chester. Fined \$300
- A & P #32-194, Welcher Avenue, Peekskill. Fined \$300
- Amoco/ Amoco Oil Company, 108 Yonkers Avenue, Yonkers. Fined \$1000
- Bennie's Colonial Mobil, 80 Bedford Road, Katonah. Fined \$300
- Caffè Dello Sport, 95 Gramatan Avenue, Mount Vernon. Fined \$300
- Chanandale Grocery, 90 Virginia Road, White Plains. Fined \$300
- CVS #353, 23 Mall Walk, Yonkers. Fined \$300
- Daido/ Oriental Supermarket, 522 Mamaroneck Avenue, White Plains. Fined \$300
- Deli King, 238 West Lincoln Avenue, Mount Vernon. Fined \$300
- Duane Reade #274, 1-15 Central park Avenue, Hartsdale. Fined \$1000
- Eudes's Grocery & Deli, 273 South Broadway, Yonkers. Fined \$1000
- Getty/ KFS Auto/ Lincoln Mini Mart, 681 East Lincoln Avenue, Mount Vernon. Fined \$300
- Mom's Cigar's, Inc., 1119 Central Park Avenue, Scarsdale. Fined \$300
- Palisades Grocery, 15 Palisades Avenue, Yonkers. Fined \$300
- This N That Deli, 108 Main Street, Irvington. Fined \$1000

Since none of the above establishments has had multiple violations within a two-year period, none of these will have its tobacco or lottery licenses revoked.

To report an ATUPA violation, or to find out more about the ATUPA law, contact the Westchester County Department of Health at (914) 813-5000.