



FAMILY PHOTO

LI Rider Killed In Accident

Horse falls on her
at equestrian event

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TARGET: SMOKING ADS NEAR SCHOOLS

North Hempstead Town considers ban
on colorful displays for cigarettes, e-cigs

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SMOKING OUT ADS

■ **Colorful displays** near schools could be banned

■ **N. Hempstead** is first LI town to limit marketing

BY SCOTT EIDLER

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North Hempstead Town is considering a ban on the colorful imagery in smoking advertisements or window displays within 500 feet of schools, day care centers, parks and playgrounds to make them less enticing to young teens and children.

The town would require ads for cigarettes, tobacco, nicotine and vaping products to be published in black, white or gray, and be no larger than 5 inches by 8 inches. Stores would be prohibited from showcasing more than five advertisements at a time outside the shop and also from putting the products in colorful window displays.

North Hempstead, with 11 public school districts, would become the first Long Island town to target the colors of the advertisements, according to a review of municipal codes in Long Island's 13 towns. The cities of Glen Cove and Long Beach have similar laws, requiring that tobacco advertisements be written in black text on white backgrounds.

School districts have looked to curb the use of e-cigarette and vaping devices, which are powered by batteries and provide nicotine and other chemicals for inhalation, through on-campus bans and by addressing the health risks of vaping in classroom lesson plans.

North Hempstead Councilwoman Dina De Giorgio said yesterday she proposed the legislation after hearing complaints about the advertisements for products flavored with bubble gum and other sugary substances. The U.S. Centers for Disease Control and Prevention and others say vaping pens dressed up as Transformers and Hello Kitty toys, and other cartoons, or resembling mobile devices and MP3 players may attract children.

"A lot of kids walk back and forth to school" and see the products or attention-getting adver-



A sign is displayed yesterday at Bread & Butter Convenience & Smoke Shop in Port Washington.

tisements, De Giorgio said. "Just the wording, without the images and the colorful pictures, won't be as enticing to teenagers."

While stores can sell the products, De Giorgio said she hopes "the kids walking by are not going to see pictures of gummy bears and bubble gum-flavored liquid. They won't know they're there, and they won't think about potentially using them."

De Giorgio, a Republican, said the law, which is to be discussed at a public hearing during a Sept. 13 town board meeting, was crafted "in a targeted way that would survive a constitutional challenge." The proposal has the support of Democratic Town Supervisor Judi Bosworth, a town spokeswoman said.

Gregory Conley, president of the American Vaping Association, said the proposed law would not stand up to constitutional scrutiny.

"Imagine telling the makers of movies that you morally disagree with, 'You can continue making

your films, but it just has to be released in black and white,'" Conley said. "That's not going to fly under the First Amendment, and this law is not going to fly under First Amendment."

Dan Jaffe, executive vice president of the Association of National Advertisers in Washington, D.C., said, "There's nothing about a color that specifically targets a kid. The simple facts are you're allowed to advertise legal products to legal audiences. What they're saying is 'we're going to make it hard for anyone to notice these ads.'"

Advertisements for smoking products have faced restrictions for years. In 1998, smoking ads were banned from billboards nationwide.

In 2001, the U.S. Supreme Court rejected a Massachusetts ban on smoking advertisements near schools.

In 2009, the federal Family Smoking Prevention and Tobacco Control Act gave state and local governments new

powers to regulate tobacco product advertising. Municipalities cannot control the content of the ads, but they can restrict the "time, place or manner" of the tobacco advertisements.

The North Hempstead proposal amends the town's law that prohibits tobacco advertising within 1,000 feet of schools.

Huntington Town officials repealed their law banning smoking ads near schools in 2013, saying they believed it was unconstitutional after the 2001 Supreme Court ruling. The towns of Riverhead, Southold and Hempstead retain bans on tobacco advertising near schools, but don't address the use of color in ads.

The CDC has reported that 3 million middle and high school students used e-cigarettes in 2015, up from 2.46 million in 2014.

"The more kids are exposed to tobacco product advertisements, the more likely they are to use the products," Brian King, deputy director for research translation in the CDC's Office

Proposed North Hempstead smoking ad restrictions

■ Bans tobacco, nicotine, and e-cigarette and vaping device advertising within 500 feet of a school, park, playground or child care center

■ Signs must be black, white or gray. No colorful imagery.

Source: Draft of town law provided by North Hempstead Councilwoman Dina De Giorgio

DANIELLE FINKELSTEIN

on Smoking and Health, said in an interview yesterday. About 18 million middle and high school students were exposed to e-cigarette advertisements in 2014, according to the CDC.

Spending on e-cigarette advertising jumped to \$115 million in 2014, from \$6.4 million in 2011, according to the CDC.

About 16 percent of high school students used e-cigarettes in 2015, up from 1.5 percent in 2011, according to the CDC.

Cathy Samuels, project director at Manhasset Community Against Substance Abuse, a non-profit that works with the Manhasset school district and North Hempstead, said yesterday "for many years, we've had so many advancements in limiting teen exposure to cigarettes and tobacco. We need to continue that work so that we . . . don't promote a new generation of smokers and health problems."

The Manhasset school district recently added e-cigarettes to its campus ban on tobacco products, and high school students lecture seventh-grade science students about the dangers of the devices.

Port Washington school Superintendent Kathleen Mooney said the district "would welcome a ban that would reduce and restrict colorful imagery on cigarette advertisements within the community, especially around school grounds."

Jaffe, of the Association of National Advertisers, called the effort "useless," adding that it would "cost the town money and it's not going to protect kids, because it's going to be struck down as unconstitutional."