

# Outdoor cigarette ads plentiful, mostly illegal

## Officials blame manpower shortage for lax enforcement

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Tied on fences, stapled to poles, propped atop pumps and plastered on walls, cigarette posters and banners grow like kudzu at many gas stations and convenience stores.

The signs are evidently effective, because such shops account for the majority of cigarette sales in the United States, tobacco companies say. And with the Marlboro Man and his cigarette-selling sidekicks scheduled to be booted off billboards and taxis in April under the states' tobacco settlement, such signs will soon become the most visible remaining outdoor tobacco advertising.

### **But most of the signs are illegal.**

Though anti-smoking advocates and their opponents in the tobacco industry say they were unaware of it, zoning regulations in the Baltimore area ban most temporary signs -- for tobacco or any other product -- or require permits that few retailers bother to obtain.

Citing a shortage of manpower, Baltimore City and suburban zoning officials admit they have enforced the laws spottily, allowing the signs to proliferate along well-traveled thoroughfares.

"We don't have staff to monitor each and every service station," said Donald C. Small, Baltimore's acting zoning administrator, who began a crackdown on the signs this week after The Sun inquired about their legal status. In Baltimore, many tobacco signs are doubly prohibited -- under the general sign ordinance and under the city's separate tobacco billboard statute, which bans smaller, "publicly visible" cigarette signs as well.

"We only respond to complaints," said Arnold Jablon, director of the Baltimore County Department of Permits and Development Management. He acknowledges that most cigarette and other temporary signs are illegal, but says his inspectors are too busy with other matters to visit many locations.

The vast majority of temporary signs are placed by a tiny number of manufacturers: the four big cigarette makers, a few beer breweries and a handful of soft-drink bottlers.

Those manufacturers' sales representatives provide the signs and often put them up themselves.

### **Manufacturers not informed**

But zoning officials in Baltimore City and Baltimore, Anne Arundel, Howard, Harford and Carroll counties have never bothered to tell the manufacturers their signs are illegal.

"They'll never respond to us," Jablon said of the manufacturers. His department, like those in other jurisdictions, deals only with shop and station owners, because they are the ones who can be fined.

But the two largest cigarette companies say they will not knowingly permit their employees to provide or post signs they know to be illegal. Selling in thousands of jurisdictions nationwide, they assume their signs are legal unless zoning officers say otherwise, they said.

"Our policy is that we always comply with all federal, state and local laws and regulations," said Mary Carnovale, a spokeswoman for Philip Morris Cos. Inc., the nation's largest cigarette maker.

"Our business is really suffering right now because there's no profit left in gasoline," said Harry Murphy, spokesman for WMDA, an association of 1,300 service stations in Maryland, Delaware and Washington, D.C.

Cigarettes bring the shops more than the direct profit on the sales. Under marketing contracts, tobacco manufacturers actually pay retailers quarterly for giving their cigarette brands prominent display and premium shelf space -- and often for hanging their signs.

Such promotional payments total \$2 billion a year, or more than twice as much as the industry spends each year on all forms of advertising.

For a busy shop, the quarterly checks can add up to thousands of dollars a year, according to several retailers.

After The Sun inquired about the legality of the tobacco signs, Small, the Baltimore zoning administrator, began dispatching inspectors to city gas stations and convenience stores this week to order illegal signs removed or to issue \$50 civil citations, resembling parking tickets, to violators.

Small himself visited several gas stations and a 7-Eleven on West Franklin Street, finding more than a dozen illegal cigarette signs.

### **Ready compliance**

Managers immediately agreed to remove the signs, saying they had no idea they were not in compliance.

At a Crown station, after Small politely gave him the word, manager Mohammed Salem ran without complaint to the fence of his lot and crumpled two cigarette advertising banners: "Salem Taste Sensation" and "Winston: Finally, A Butt Worth Kissing."

"When you get a chance," Small said, pointing at a cardboard poster for Kingsport cigarettes sitting atop a gas pump, "that has to come down, too."

At an Amoco station down the street, owner David Farhat directed an employee to take down signs for Salem, Winston, Newport and Marlboro.

He didn't grumble, even though he said taking the signs down could cost him.

"For certain displays we do get payments," Farhat said. "They'll give you \$10 or \$20 for putting up a sign. They pay you quarterly."

But he said he did not expect the city's crackdown to reduce cigarette sales.

"Believe me," he said, "people will smoke whether the signs are here or not."

The freestanding, portable signs for Marlboro, Philip Morris' No. 1 brand, that sit on hundreds of gas station and convenience store lots in the area are almost always illegal. But city and county officials have never told Philip Morris.

"If it were ever brought to our attention, we would immediately investigate and rectify the situation," Carnovale said.

R. J. Reynolds Tobacco Co. makes Camel, Winston, Salem and other brands, whose banners and cardboard posters are ubiquitous and mostly illegal. But John Singleton, Reynolds' director of corporate communications, said no one from Baltimore or its suburbs had complained.

"We have not been made aware by Baltimore authorities that any of our signs are out of compliance," he said. If they were told, he added, "we'd put out a communication to our sales people and say, 'Take 'em down.' "

Maryland anti-tobacco advocates, who also appeared to be unaware that many cigarette signs are illegal, said they intend to push for stiffer enforcement.

"We would say the signs are both a public health nuisance and an eyesore," said Glenn E. Schneider, spokesman for Smoke Free Maryland, a coalition of health groups.

"The industry is complicit in the illegal behavior of leaving these signs up."

### **Lucrative relationship**

The signs are the most visible symbol of a lucrative relationship at the heart of cigarette marketing in the United States.

In 1997, the country's 95,700 convenience stores sold \$20 billion worth of cigarettes, according to the National Association of Convenience Stores.

That made cigarettes their biggest single product, accounting for 28 percent of non-gasoline sales. The average shop took in \$208,932 from cigarette sales that year, and the association reported "a greater reliance on tobacco for most operators in the industry."

With gas prices at record lows, gas stations, too, are increasingly dependent on cigarette sales -- and on cigarette makers' promotional payments.

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