

California State Student Association  
Proposed Resolution # -----  
Prevention of Commercial Tobacco Exploitation  
Completed -----

WHEREAS, the California State Student Association (CSSA) is the official voice of the California State University (CSU) student body, and

WHEREAS, the CSU system has a substantial interest as an educational institution in promoting an educational atmosphere, which is achieved in part by minimizing the school's commercial nature and preventing commercial exploitation of students; and

WHEREAS, the tobacco industry is directly targeting college students, and college students are uniquely vulnerable to the industry's message, as evidenced by the following<sup>1</sup>:

- college students comprise the largest, youngest group of Americans legally accessible to the marketing campaigns of the tobacco industry; and
- tobacco advertising and marketing is a multi-billion dollar business that is increasing. In 2000, the tobacco industry spent an unprecedented \$9.57 billion on cigarette advertising and promotion, an increase of 42.2% from 1998. Of that amount, \$309.6 million was spent on public entertainment advertising and promotion and \$127.9 million was spent on sports and sporting events (including sponsoring the event, advertising, and promotional items); and
- smokeless tobacco companies spent \$170.2 million on advertising and promotion in 1999, up from \$127.3 million in 1995, with \$22.14 million directed towards public entertainment; and
- 18-24 year olds have been specifically targeted by tobacco industry marketing as the youngest group of legal smokers. After the 1998 Master Settlement Agreement (MSA) with the states, tobacco companies increased marketing aimed at college students by sponsoring events at college bars, advertising in college newspapers, and providing free samples to college students; and
- multiple studies have shown that cigarette advertising results in increased demand; and
- tobacco promotional events encourage tobacco use among college students; and
- the U.S. Surgeon General concludes that the increase in smokeless tobacco use "from the 1970s to the mid-1980s can be attributed to more aggressive

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<sup>1</sup> More evidence can be found under "Additional Findings to Support the CSSA Resolution."

marketing by the smokeless tobacco industry.” Attracting people to try smokeless tobacco was one of the primary aims of advertising and promotional activities; and

NOW THEREFORE BE IT RESOLVED that the CSSA supports a system-wide policy that will prohibit tobacco advertising and sponsorship on all CSU campuses including but not limited to CSU affiliated student activities, events, and organizations. Such a policy would therefore limit the commercial exploitation of CSU students by the tobacco industry.

Examples of tobacco-related sponsorship or advertising that the policy prohibits include but are not limited to:

1. Accepting money or other compensation from a tobacco company, including for a purse, point fund, or scholarship programs.
2. Accepting or allowing any other benefit (such as a scoreboard) that promotes a tobacco brand, product, or company name.
3. Distributing, selling, or sampling tobacco products or promotional items identified with a tobacco company or brand on CSU property.
4. Distributing or selling tobacco products or promotional items in an “Adult-Only Facility” (AOF) on the premises.

CERTIFIED as true and correct copy, in witness thereof, I have set my hand and seal of the California State Student Association this day of -----.

\_\_\_\_\_  
Secretary, CSSA Board of Directors

ADOPTED at the regular meeting of Board of Directors by a ----- *vote on date*.

\_\_\_\_\_  
Chair, CSSA Board of Directors

\_\_\_\_\_  
CSSA President

Sponsored by: —?, CSSA Board of Directors

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## Additional Findings to Support the CSSA Resolution

### 1. University's Interest in Promoting Healthy Habits Among Students

WHEREAS, the California State Student Association has a substantial interest in promoting the health of its student body; and

WHEREAS, part of a University's educational mission is training well-rounded young adults healthy in both mind and body; and

WHEREAS, smoking is an addictive, unhealthy, and harmful habit as evidenced by the following:

- 430,000 people die from tobacco-related illnesses every year, making it the leading cause of preventable illness in the United States;<sup>2</sup> and
- scientific studies have concluded that cigarette smoking can cause chronic lung disease, coronary heart disease and stroke, in addition to cancer of the lungs, larynx, esophagus, mouth, and bladder;<sup>3</sup> and
- smokeless tobacco products and cigars are known to cause lung, larynx, esophageal, and oral cancer;<sup>4</sup> and
- exposure to secondhand smoke is the third leading cause of preventable death in this country, killing over 50,000 non-smokers each year;<sup>5</sup> and

WHEREAS, large numbers of college-age youth smoke cigarettes and use other tobacco products, as evidenced by the following:

- a California survey identified young adults (aged 18-24 years) as the largest demographic group of smokers in the state, at 21.9% in the year 2000, up from 16.7% in 1995;<sup>6</sup> and
- the U.S. Centers for Disease Control (CDC) estimates that 27.9% of 18-24 year olds in the United States smoke, compared with 23.5% of all adults;<sup>7</sup> and

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<sup>2</sup> U.S. Dept. of Health & Human Servs., Centers for Disease Control & Prevention, Targeting Tobacco Use: The Nation's Leading Cause of Death 2001 2 (2001), available at [www.cdc.gov/tobacco/overview/oshag.pdf](http://www.cdc.gov/tobacco/overview/oshag.pdf) (last accessed Sept. 21, 2001).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> S.A. Glantz & W. Parmley, *Passive Smoking and Heart Disease: Epidemiology, Physiology, and Biochemistry*, 83(1) *Circulation* 1 (1991). See also, California Environmental Protection Agency, Office of Env'tl. Health Hazard Management, *Health Effects of Exposure to Environmental Tobacco Smoke: Final Report* (1997).

<sup>6</sup> Tobacco Control Section, Department of Health Services, *Smoking Prevalence among Californian adults by age group, 1994-2000* (March 2001). In comparison, 18.5% of adults age 25 to 44 smoked in 2000.

<sup>7</sup> Centers for Disease Control and Prevention, U.S. Dept. of Health & Human Services, *Cigarette Smoking Among Adults -- United States, 1999*, Morbidity and Mortality Weekly Report, Vol. 50, No. 40 (Oct. 12, 2001), available at [www.cdc.gov/mmwr/preview/mmwrhtml/mm5040a1.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5040a1.htm) (last accessed Feb. 7, 2003).

- approximately one third of 18- to 24-year-olds attend college, and one quarter of 18- to 24-year-olds attend a four-year college;<sup>8</sup> and
- in a 2001 survey, 30% of college students reported being current tobacco users;<sup>9</sup> and
- between 1993–1997, cigarette smoking increased 28% among U.S. college students;<sup>10</sup> and
- one study found that 11% of college smokers had their first cigarette at or after the age of 19, and 28% began smoking regularly at or after that age;<sup>11</sup> and
- the college years (ages 18-24) are a time of transition in smoking behavior, during which many college students begin to use a range of tobacco products;<sup>12</sup> and
- college students are subject to unique stress levels due to a variety of factors, including peer pressure, close living quarters, and students living away from their parents for the first time, making them likely to begin smoking at college in response to stress;<sup>13</sup> and

WHEREAS, tobacco use or non-use during the college years can set a pattern of lifelong behavior, as evidenced by the following:

- one study has noted that because most smokers become addicted before the age of 20, and given the experimental behavior of most young smokers, a decision to quit smoking while in college will most likely be a permanent one;<sup>14</sup> and
- the college years (ages 18-24) are a time of transition in smoking behavior, during which some smokers attempt to quit;<sup>15</sup> and
- even those college students smoking with intermittent frequency are likely to become addicted to tobacco use because lower levels of nicotine exposure may evolve later into nicotine dependence and daily smoking;<sup>16</sup> and

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<sup>8</sup> Henry Weschler et al., *Cigarette Use by College Students in Smokefree Housing - Results of a National Study*, 30 Am. J. Preventive Medicine 202, 202 (2001).

<sup>9</sup> Nancy Rigotti, et. al., *Tobacco Use by College Students: New Findings from the 2001 Harvard College Alcohol Surveys*, available at <http://ncth.confex.com/ncth/responses/2002/50.ppt> (last visited Feb. 6, 2002).

<sup>10</sup> Nancy A. Rigotti et al., *U.S. College Students' Use of Tobacco Products: Results of a National Survey*, 284 J. Am. Med. Ass'n 699 (2000).

<sup>11</sup> Henry Weschler et al., *Increased Levels of Cigarette Use Among College Students - A Cause for National Concern*, 280 J. Am. Med. Ass'n 1673, 1677 (1998).

<sup>12</sup> Nancy Rigotti et al., *U.S. College Students' Use of Tobacco Products -- Results of a National Survey*, 284 J. Am. Med. Ass'n 699 (2000).

<sup>13</sup> Henry Weschler et al., *College Smoking Policies & Cessation Programs: Results of a Survey of College Health Center Directors*, J. Am. College Health 1, 6 (2001).

<sup>14</sup> Christine Czart et al., *The Impact of Prices & Control Policies on Cigarette Smoking and College Students*, 19 Contemporary Economic Policy 135 (2001).

<sup>15</sup> Henry Weschler et al., *College Smoking Policies & Cessation Programs: Results of a Survey of College Health Center Directors*, J. Am. College Health 1, 6 (2001).

WHEREAS, the American College Health Association (ACHA) has formally recognized that tobacco use in any form is a health hazard and has encouraged that colleges and universities take action to prohibit on-campus advertising and sale of tobacco products;<sup>17</sup> and

WHEREAS, one study has suggested that reducing the visibility of tobacco use in the environment could discourage students from starting to smoke and make quitting easier;<sup>18</sup> and

## **2. University's Interest in Preventing Commercial Exploitation**

WHEREAS, the California State Student Association has a substantial interest as the student government body to promote an educational atmosphere, which is achieved in part by minimizing the school's commercial nature and preventing commercial exploitation of students; and

WHEREAS, the tobacco industry is directly targeting college students, and colleges students are uniquely vulnerable to the industry's message, as evidenced by the following:

- college students comprise the largest, youngest group of Americans legally accessible to the marketing campaigns of the tobacco industry;<sup>19</sup> and
- tobacco advertising and marketing is a multi-billion dollar business that is increasing: in 2000, the tobacco industry spent an unprecedented \$9.57 billion on cigarette advertising and promotion, an increase of 42.2% from 1998. Of that amount, \$309.6 million was spent on public entertainment advertising and promotion and \$127.9 million was spent on sports and sporting events (including sponsoring the event, advertising, and promotional items);<sup>20</sup> and
- smokeless tobacco companies spent \$170.2 million on advertising and promotion in 1999, up from \$127.3 million in 1995, with \$22.14 million directed towards public entertainment;<sup>21</sup> and
- 18- to 24-year-olds have been specifically targeted by tobacco industry marketing as the youngest group of legal smokers. After the 1998 Master Settlement Agreement with the states, tobacco companies increased marketing aimed at college students by sponsoring

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<sup>16</sup> Nancy Rigotti et al., *U.S. College Students Use of Tobacco Products - Results of a National Survey*, 284 J. Am. Med. Ass'n 699 (2000).

<sup>17</sup> Subcommittee on Tobacco Intervention and Prevention, American College Health Association, *ACHA Guidelines: Position Statement on Tobacco on College and University Campuses* (June 2000).

<sup>18</sup> Henry Weschler et al., *College Smoking Policies & Cessation Programs: Results of a Survey of College Health Center Directors*, J. Am. College Health 1, 6 (2001).

<sup>19</sup> Henry Weschler et al., *College Smoking Policies & Cessation Programs: Results of a Survey of College Health Center Directors*, J. Am. College Health 1, 6 (2001).

<sup>20</sup> Fed. Trade Comm'n, *Cigarette Report for 2000*, available at [www.ftc.gov/os/2002/05/2002cigrpt.pdf](http://www.ftc.gov/os/2002/05/2002cigrpt.pdf) (last accessed Feb. 4, 2003).

<sup>21</sup> Fed. Trade Comm'n, *2001 Smokeless Tobacco Report*, available at [www.ftc.gov/reports/tobacco/smokeless98\\_99.htm](http://www.ftc.gov/reports/tobacco/smokeless98_99.htm) (last accessed Feb. 4, 2003).

musical events at college bars, advertising in college newspapers, and providing free samples to college students;<sup>22</sup> and

- multiple studies have shown that cigarette advertising results in increased demand;<sup>23</sup> and
- the U.S. Surgeon General concludes that the increase in smokeless tobacco use “from the 1970s to the mid-1980s can be attributed to more aggressive marketing by the smokeless tobacco industry.” Attracting people to try smokeless tobacco was one of the primary aims of advertising and promotional activities;<sup>24</sup>
- tobacco promotional events encourage tobacco use among college students;<sup>25</sup>
- a reduction in tobacco advertising exposure would alleviate some of the danger posed by tobacco because, as noted by the U.S. Supreme Court, product advertising “simulates demand for products, while suppressed advertising may have the opposite effect,”<sup>26</sup> and the Surgeon General has found that advertising significantly contributes to a young person’s decision to smoke or use smokeless tobacco;<sup>27</sup> and
- young adults are significantly more likely to be willing to use tobacco promotional items than adults over 25 years old;<sup>28</sup> and

### 3. Protection of University Image

WHEREAS, the California State Student Association has a substantial interest in ensuring that prospective student applicants and financial donors are not deterred by a misperception that the university endorses or supports tobacco; and

WHEREAS, persons who see tobacco advertising or sponsorship on campus property may believe that the California State University system endorses tobacco products and/ or companies; and

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<sup>22</sup> Campaign for Tobacco-Free Kids, *Tobacco Company Marketing to College Students Since the Multistate Settlement Agreement was Signed* (March 21, 2001), available at [www.tobaccofreekids.org/research/factsheets/pdf/0135.pdf](http://www.tobaccofreekids.org/research/factsheets/pdf/0135.pdf) (last accessed May 13, 2002).

<sup>23</sup> See, e.g., John P. Pierce, PhD et al, *Tobacco Industry Promotion of Cigarette and Adolescent Smoking*, 279(7) J. Am. Med. Assoc. 511 (1998) (finding “tobacco promotional activities are causally related to the onset of smoking”).

<sup>24</sup> U.S. Dep’t of Health & Human Servs. et al, *Preventing Tobacco Use Among Young People: A Report of the Surgeon General* 163 (1994)

<sup>25</sup> Nancy Rigotti, et. al., *Tobacco Use by College Students: New Findings from the 2001 Harvard College Alcohol Surveys*, available at <http://ncth.confex.com/ncth/responses/2002/50.ppt> (last visited Feb. 6, 2002).

<sup>26</sup> See, e.g., *Rubin v. Coors Brewing Co.*, 514 U.S. 476, 487 (1995); *US v. Edge Broadcasting Co.*, 509 U.S. 418, 434 (1993); *Central Hudson Gas & Electric Corp. v. Public Service Comm.*, 447 U.S. 557, 568-569 (1980).

<sup>27</sup> *Lorillard v. Reilly*, 533 U.S. 525, 558 (2001) (citing 60 Fed. Reg. 41332).

<sup>28</sup> California Dep’t of Health Services, Tobacco Control Section, *Final Report - The California Tobacco Control Program: A Decade of Progress, Results from the California Tobacco Survey, 1990-1999* 8-9 (2001).

WHEREAS, the California State Student Association has a substantial interest in affirmatively sending a message that it does not support tobacco in any way and seeks to promote healthy habits; and

WHEREAS, college students support limits on tobacco advertising, as evidenced by the following:

71% of college students surveyed support a ban on on-campus tobacco advertising;<sup>29</sup>

#### **4. University Support for Other Tobacco Control Measures**

WHEREAS, the California State University system already has taken steps to reduce the presence of tobacco on campus and to dissociate its image from tobacco, as evidenced by the following:

- The California State University Board of Trustees made a revision of Title 5, California Code of Regulations, adding Section 42356 “Smoking on Campus”. The revision of Title 5 gave individual CSU campus presidents authority to create a new smoking policy. Additionally, the Board of Trustees recommended all CSU campus presidents adopt a minimum twenty foot policy; and
- California State University Stanislaus has already adopted a comprehensive policy eliminating all tobacco advertising and sponsorship in all forms<sup>30</sup>; and
- California Polytechnic State University San Luis Obispo’s rodeo team voluntarily decided to take their U.S. Smokeless Tobacco signs down from public view; and
- California Polytechnic State University Pomona has already adopted a policy eliminating most tobacco advertising and sponsorship<sup>31</sup>.

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<sup>29</sup> Nancy Rigotti, *et. al.*, *Tobacco Use by College Students: New Findings from the 2001 Harvard College Alcohol Surveys*, available at <http://ncth.confex.com/ncth/responses/2002/50.ppt> (last visited Feb. 6, 2002).

<sup>30</sup> See attachment entitled “Stanislaus Policy.”

<sup>31</sup> See attachment entitled “CSU Pomona Policy.”