

# Coalition for Responsible Tobacco Retailing, Inc.

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United Refining Company  
U.S. Smokeless Tobacco Company

January 8, 2010

RE: Docket No. FDA-2009-N-0569

## Approved Tobacco Retailer Training Program

To Whom It May Concern:

On behalf of the Coalition for Responsible Tobacco Retailing, Inc., sponsor of the *We Card* training and education program, I welcome the opportunity to provide our views on the Food and Drug Administration's ("FDA") request for comments concerning "suggested elements for approved tobacco retailer training programs" as provided for in the Family Smoking Prevention and Tobacco Control Act (the "Act"), Pub. Law 111-31.

This letter will supplement our previously submitted comments to Docket No. FDA-2009-N-0294, to assist the FDA in developing approved *tobacco retailer training program* guidance.

## Introduction

As you may know, the *We Card* training and education program is a "current tobacco retailer training program" sponsored by the Coalition for Responsible Tobacco Retailing, Inc., a non-profit corporation qualified as tax exempt under Section 501(c)(4) of the Internal Revenue Code, formed to educate and train retailers to prevent the sale of tobacco products to underage customers.

With a Board of Directors reflecting the diversity of those involved in the manufacture, wholesale and retail sale of tobacco products in face-to-face retail transactions, the *We Card* program is aligned with the major national retail trade associations and those at the state level in a unified mission to prevent tobacco sales to minors at the retail sales counter.

Our perspective, developed over 15 years training retailers, informed by internal and external qualitative and quantitative research and many years



working with a variety of stakeholders, leads us to recommend a tested training program that has been developed and refined since the mid-1990s as the national standard for an effective and approved *tobacco retailer training program*.

When some retailers hear the name *We Card*, they associate the name with the highly recognizable sign that's often found at the entrances of many stores selling tobacco. (Figure 1) However, while posting signs is one element that *We Card* provides, the *We Card* program is more expansive, offering both multi-level training and educational products and services that help retailers prepare their employees, set clear expectations, and provide continual feedback – all of which help a tobacco retailer do a better job of preventing underage access to tobacco.



Figure 1

What follows is our recommendation on a criteria lens that should be considered to define and determine what is an FDA-approved *tobacco retailer training program*.

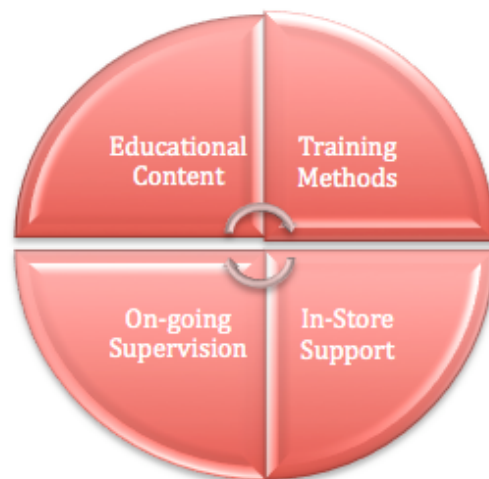
In our comments to the FDA, we will illuminate how *We Card* meets our own criteria and also provide additional insights throughout, including where our own internal training program evaluation, surveys, self-reported retailer input, and our experience has directed our efforts. The Coalition has had hundreds of thousands of interactions with retailers over the past 15 years and has conducted a multitude of surveys and internal research studies designed to evaluate and improve the performance of our training programs on a national scale.

### Effective Training Programs

Based upon adult learning theory and our retail training experience, we believe there are four core components vital to an effective *tobacco retailer training program*. (Figure 2)

- **Educational content** is the foundation for any training. Explaining key subjects to retail employees and in a way that helps those employees better understand why the information is important and immediately relevant to their jobs are two central tenets of adult learning theory. (Knowles, 1984)
- **Training methods** are critical to enhancing the process that adults go through to learn new knowledge and skill sets. Emphasis on experiential learning and problem solving are two additional tenets of adult learning. (Knowles, 1984)

Figure 2  
**Training Program Components**



- **In-store support** helps strengthen front-line employee defenses with additional tools and resources. Access to a diverse selection of point-of-sales tools that range from the window to the employee, which include both training tools, job aids and reinforcing signage messages can make in-store prevention efforts that much stronger and serves as regular reminders.
- **On-going supervision** is vital to reinforcing company policies and practices as well as reminding employees of the need to constantly remain vigilant. Retail store management is a critical component to the business environment of tobacco merchants. Their ability to provide continual feedback to frontline employees while maintaining a capacity to reinforce positive behavior via incentives and consequences for job performance success or failure are important supervisory and training processes.

### **Educational Content**

The FDA's request for comments states the FDA believes that effective retailer training programs may include certain components, and it details specific elements divided into two main categories.

We view both of these categories to be largely educational content items with the first set of "methods" best described as what retail employees *need to know* and the second set of "techniques" described as what retail employees *need to do*.

In brief, the *We Card* training and education program's curriculum covers all of these FDA-suggested training elements and does so in a multi-faceted approach.

The manner in which the curriculum is taught is critical. This is to say that instructional design strategies should be executed both within and outside of the actual set training period. This is an acknowledgement that training is not a "one off" function, but an ongoing process for employees. In particular, we believe training should involve a multi-layered approach that includes a specific time period (such as during an online training or classroom session) that is complemented by in-store training and reinforcing messages, job aids, point-of-sale tools, and store manager and senior management involvement to support the initial training.

To demonstrate how *We Card* delivers its curriculum in a comprehensive, multi-faceted manner, the following chart highlights the FDA-suggested training content elements listed in Docket No. FDA-2009-N-0569 along with the *We Card* Program Training Resources that deliver upon those curriculum objectives. (See Chart 1)

Chart 1

**We Card Program Training Resources**

See Definitions and We Card Examples (p. 17-20)

**Educational Content**

as listed in FDA Docket No. FDA-2009-N-0569

|  | New Hire Training | Refresher Training | Managers Training | Evaluation of Learner Performance | Job Aids | Employee Agreement | Written Company Policy | State Law Summary | Mystery Shopping | Electronic Newsletters | User Generated Content |
|--|-------------------|--------------------|-------------------|-----------------------------------|----------|--------------------|------------------------|-------------------|------------------|------------------------|------------------------|
| Federal, State and local laws prohibiting youth access to tobacco  | X                 | X                  | X                 | X                                 | X        | X                  | X                      | X                 | X                | X                      | X                      |
| The health and societal costs of tobacco use as the basis for youth access laws.   | X                 | X                  | X                 |                                   |          |                    |                        |                   |                  |                        |                        |
| Company policies on youth access to tobacco.   | X                 | X                  | X                 |                                   |          | X                  | X                      |                   | X                |                        | X                      |
| The definition of tobacco products covered by youth access laws.   | X                 | X                  | X                 | X                                 |          |                    | X                      | X                 | X                | X                      | X                      |
| Laws and company policies on requiring identification, including the age that triggers ID verification and the acceptable forms of ID.   | X                 | X                  | X                 | X                                 | X        | X                  | X                      | X                 | X                | X                      | X                      |
| The need to closely examine ID, including an explanation that many illegal sales are made to minors who produce IDs showing that they are under the legal age to purchase tobacco products.            | X                 | X                  | X                 | X                                 | X        |                    | X                      | X                 | X                |                        |                        |
| Verification of an IDs authenticity, including the features of an ID that must be checked, how to tell if an ID might have been altered and what an employee should do if an ID appears to be altered. | X                 | X                  | X                 | X                                 | X        |                    | X                      | X                 | X                |                        |                        |
| The fact that salesclerks are not required to make a tobacco sale if there is any question that doing so would violate the law.  | X                 | X                  | X                 | X                                 | X        | X                  | X                      | X                 | X                | X                      | X                      |
| Asking for ID.   | X                 | X                  | X                 | X                                 | X        | X                  | X                      |                   | X                | X                      | X                      |
| When and how to ask for a second ID.   | X                 | X                  | X                 | X                                 | X        | X                  | X                      |                   |                  |                        |                        |
| Declining a sale when the customer has no ID or when the ID shows the customer to be underage.   | X                 | X                  | X                 | X                                 | X        | X                  | X                      | X                 | X                | X                      | X                      |
| Declining a sale because of concerns about whether the ID has been altered.  | X                 | X                  | X                 | X                                 | X        | X                  | X                      | X                 | X                | X                      | X                      |
| Declining purchase attempts by a minor made with written parental permission.  | X                 |                    |                   | X                                 | X        |                    |                        |                   | X                |                        |                        |
| Resisting customer pressure.   | X                 | X                  | X                 | X                                 | X        |                    |                        |                   | X                | X                      | X                      |
| Declining to sell tobacco to underage persons who are friends, acquaintances, and peer group members and the techniques for refusal.   | X                 | X                  | X                 | X                                 | X        | X                  |                        |                   | X                | X                      | X                      |
| Methods for ensuring and documenting that employees have the knowledge required to comply with youth access laws.  | X                 |                    | X                 | X                                 | X        | X                  |                        |                   | X                | X                      |                        |

There are additional educational content areas that we suggest the FDA consider adding to its list of elements that should be included in an *approved tobacco retailer training program*. These recommendations are largely borne of our experience, and qualitative and quantitative evaluations that identify areas where retail employees need specific training assistance. They include:

- Maintaining professional customer service
- Securing and maintaining a good community reputation and a reputation among underage customers as a store that denies their tobacco purchase attempts. *In our experience, underage customers will avoid stores that deny their attempted purchases and migrate to stores where they know it is easy to purchase tobacco.*
- Denying sales to adults who may be purchasing for minors. While in some states it is illegal for adults to purchase for minors, and in others, it is legal. *We Card* trains to deny all of those suspected sales because it is part of being a responsible tobacco retailer. For a recent analysis, see [http://wecard.org/index.php?option=com\\_wrapper&Itemid=710](http://wecard.org/index.php?option=com_wrapper&Itemid=710)
- Remaining vigilant and not rushing responsible retailing efforts even though an employee may be multi-tasking at the time.
  - In our evaluations of employees, we found that employees who are multi-tasking during a potential underage tobacco sales transaction ask for ID at a lower rate than employees who are not multi-tasking.  
*We Card* trained employees check identification at a higher rate than non-trained employees when observed to be multi-tasking during an attempted purchase of tobacco.
- Recognizing that underage customers may alter their appearance to look older.
  - In our evaluations of employees, we found that employees ask for ID of shoppers in casual attire more often than shoppers in non-casual attire.
- Guessing a customer's age is nearly impossible to do and a recipe for failing to properly ask for ID of customers under 27 years old.
  - Our evaluations of employees showed that shoppers aged 18-20 years old were carded more frequently than shoppers aged 25-27 years old.

The following chart (See Chart 2, page 6) illustrates these additional education content items along with the integrated and multi-faceted *We Card* training tools and strategies designed to deliver on the curriculum.

Chart 2

## We Card Program Training Resources

See Definitions and We Card Examples (p. 17-20)

### Additional We Card-recommended Educational Content

|  | New Hire Training | Refresher Training | Managers Training | Evaluation of Learner Performance | Job Aids | Employee Agreement | Written Company Policy | State Law Summary | Mystery Shopping | Electronic Newsletters | User Generated Content |
|--|-------------------|--------------------|-------------------|-----------------------------------|----------|--------------------|------------------------|-------------------|------------------|------------------------|------------------------|
| Maintaining professional customer service  | x                 | x                  | x                 | x                                 | x        |                    | x                      |                   |                  |                        |                        |
| Securing and maintaining a good community reputation and a reputation among underage customers as a store that denies their tobacco purchase attempts.   | x                 | x                  | x                 |                                   | x        |                    |                        |                   |                  | x                      |                        |
| Denying sales to adults who may be purchasing for minors. In some states, it is illegal for adults to purchase for minors. In others, it is legal for adults to do so. Deny all of those suspected sales because it is the right thing to do for a responsible retailer. | x                 |                    |                   |                                   | x        |                    | x                      |                   | x                |                        |                        |
| Employees should remain vigilant and not rush their responsible retailing efforts even though they may be multi-tasking with several customers.  | x                 | x                  | x                 |                                   |          |                    |                        |                   |                  | x                      |                        |
| Underage customers may alter their appearance to look older.   | x                 | x                  | x                 |                                   | x        |                    |                        |                   |                  | x                      |                        |
| Guessing a customer's age is nearly impossible to do and a recipe for failing to properly ask for ID of customers under 27 years old.  | x                 | x                  | x                 | x                                 | x        |                    |                        |                   |                  | x                      |                        |

## Appropriate Methods of Training

Adults learn differently than children, so techniques that work at the secondary school level may not work when training adults. Adults must understand why they need to learn something, need to learn by doing, approach learning as a problem-solving exercise, and learn best when the subject is of immediate value. (Knowles, 1984) Moreover, employee performance improvement is contingent upon setting clear expectations and providing continual feedback, providing the necessary tools and resources, communicating consequences and incentives, and building the required skills and knowledge to do the job effectively. (Binder Riha Associates, 2009)

For instance, employees will be more likely to check IDs if they understand that selling tobacco to minors is against the law and can lead to serious penalties, including fines and termination.

Any discussion of methods of training should include a focus on the intended audience (retail employees) and the organizations' (retail businesses) responsibility to the audience and their capacity to offer and conduct training. It is important to note that the tobacco retailer audience is not as homogeneous as one might suspect and encompasses all levels of management.

It consists of clerks at the registers, store managers and senior managers. It also consists of many different classes of retail trade, such as:

- Convenience Store – with and without gas stations
- Gas Station – with small retail offerings (some only stock a handful of product offerings, including tobacco)
- Supermarket – multiple checkout aisles
- Grocery Store – smaller stores with one or many checkout aisles
- Pharmacy
- Tobacco only merchant
- Big Box retailer
- Liquor Store
- Deli
- Street Vendor
- And other variations of the same

These classes of trade are segmented into various ownership types, such as corporate-owned, franchise-owned and independently-owned stores. Oil and gas marketers have historically operated many corporate-owned stores. Within the past 10 years, more and more corporate-owned stores have transitioned (or are transitioning) to franchise or independently-owned and operated stores where training responsibility falls to the franchise or independent operator.

The training resources each ownership type is able to develop or outsource and avail to their employees varies greatly. A corporate-owned set of 200 retail stores is more likely to have a Human Resources and/or Training Department dedicated to developing and delivering training for its employees. A one to two storeowner with 10-15 employees has far fewer training resources.

Since its inception in 1995, *We Card* has demonstrated its continued commitment to providing retailers with highly effective and innovative training programs. During that time, the *We Card* program has evolved and improved to offer an ever-increasing array of solutions to meet the needs of both large and small store operators.

What makes *We Card* unique among many training programs aimed at preventing underage tobacco sales is that it focuses on training and preparing employees for the immediate challenges that they will likely encounter starting on day one of their hiring. Many other programs concentrate on telling employees what they need to do and attempt to scare them into doing things right by emphasizing only the negative consequences of non-compliance. Rather than asking a new hire to read a summary of the laws, sign a form and threaten them with termination if they sell to someone underage (telling – scaring), *We Card* training explains and prepares new hires through role playing and practice.

*We Card* applies both adult learning theory and key factors that drive performance improvement to its program.

*We Card's* ability to successfully integrate these concepts has helped it become a de-facto national standard for tobacco training programs in the United States. Today, elements of the *We Card* program can be found embedded in retailer-designed training, government agency training and elements of private retail training programs along with numerous guidance documents.

The Program was created in 1996 with the involvement and support of major national organizations, such as the National Association of Convenience Stores, the National Grocers Association, and the Food Marketing Institute and dozens of other national and state associations. In many cases state partnerships have led to statewide *We Card* Awareness months to raise the importance of ensuring that underage customers do not buy tobacco at retail.

The *We Card* program recognizes the disparity of training program resources among ownership types, and has created multiple training and education options for retailers to utilize that which is most appropriate for them.

*We Card* has training tailored to the frontline employee and the manager and offers additional support to the senior managers. In 2010, *We Card* has two main delivery methods of its NEW HIRE training program (initial training of new employees):

**Computer-based training** (Internet-based and internal retail company or store Intranet-based / computer workstation based); and,

**Instructor Led Training** – classroom training conducted by retail-experienced professional trainers.

In nearly 15 years, *We Card* has completed more than 2,100 instructor-led training sessions held for 100,000+ retail employees. Yet we are seeing an exponential rise in demand for computer-based training for front line employees (Internet or



Intranet/PC workstation). *We Card* Online Training has trained more than 140,000 retail employees with nearly 100,000 trained in the past 16 months.

More and more corporate-owned retail operations are investing in Learning Management Systems (LMS) and deploying their training internally. Retailers who have deployed an LMS frequently utilize a *We Card* Intranet version of the online training. Like many other business processes across the nation, deploying them online or via a company Intranet is a trend that continues rapidly.

The cost of training is an important consideration for the retail business community. According to press coverage of a report by Brandon Hall, editor and publisher of the Multimedia & Internet Training Newsletter, online training can yield an overall 50 percent reduction in trainee seat time compared to classroom training. (Business Journal, 2000) Further, a 2009 study by the U.S. Department of Education found that online students out-performed those receiving face-to-face instruction. "The overall finding ... is that classes with online learning (whether taught completely online or blended) on average produce stronger student learning outcomes than do classes with solely face-to-face instruction," the DOE found. (DOE, 2009)

The *We Card* Online Training program seeks to leverage the clear advantages of interactive online technologies, relying on a series of game-like scenarios in which trainees try to identify underage consumers from photographic line-ups or

The advertisement for We Card Online Training features a light blue background with a yellow banner at the bottom. At the top left is a 'We Card' logo with 'Under 18 No Tobacco' text. The main title 'We Card ONLINE TRAINING' is in large red letters, followed by the subtitle 'with YOU behind the store counter' in smaller red letters. Below this are four small screenshots of the training interface: a person at a counter, a hand holding a We Card, a person at a counter with a sign, and a person at a counter with a sign. The text 'with games, fun challenges and much more!' is in red. Below that, 'Train anytime. It's fun, informative and FREE!' is in black. The section 'You'll learn:' is followed by four scenarios: 'How to check ID.' (with a 'State Issued' ID card), 'How to refuse a sale.' (with the acronym 'A-E-R-O'), 'How to stop third party sales.' (with a speech bubble saying 'Come on! We go way back, just this one time!'), and 'How to handle peer pressure, angry customers and much more!' (with a speech bubble saying 'Hey, man - Give me those CIGARS NOW!').

select flaws in representations of ID cards. A study by the Entertainment Software Association found 70 percent of major employers have successfully deployed games as cost effective and engaging training tools. "As the generation that grew up with video games enters and assumes leadership positions in the work place, computer and video games are being increasingly used to conduct business," the association said. (ESA)

The *We Card* Online Training program includes simulated role-playing, interactive and entertaining games and customer/cashier scenarios to deliver the

curriculum. This experiential learning approach includes extensive practice in examining IDs and calculating customer ages using various age calculation tools.

In *We Card's* experience, corporate-owned retail stores increasingly prefer to utilize their investment in a Learning Management System to provide their training and choose the Intranet version of *We Card* Online Training. Independently-owned stores or storeowners with a small set of stores tend to prefer the Internet version of the training.

Beyond *We Card's* two principal forms of initial employee training (online training and instructor-led training), *We Card* offers retailers a wide variety of products, including training tools (training video, flashcards, employee guides, workbooks, tipsheets Manager's guides), age calculation tools (calendar, sticker, Age Checker™) and in-store point-of-sale items from decals to lapel pins.



We Card Training & Educational Products

### Retraining or Refresher Training

The FDA has specifically asked for input on “refresher training for existing employees” and information on the “appropriate length of time between initial and refresher training, and the most appropriate methods for training.”

In our view, online training and instructor led training methods are both appropriate methods for *refresher training*. In 2009, the *We Card* program launched a “Refresher Training” portal on its website — see: [http://www.wecard.org/index.php?option=com\\_wrapper&Itemid=699](http://www.wecard.org/index.php?option=com_wrapper&Itemid=699)

This training provides exercises in short, prescriptive training elements – extracted from the longer, full version of the *We Card* online training program.

The *We Card* program recommends retailers retrain every six months using a variety of training tactics, which is based on interactions with retail chains throughout the years. We are not aware of research that points to a needed specific retraining interval.

### **In-Store Support**

The store can be a very challenging work environment for front-line employees – especially when the customer lines grow longer. Retailers need to complement education and training efforts with additional tools and resources that provide further assistance to employees who are balancing the pressures between offering excellent customer service and preventing underage tobacco sales.

Based upon *We Card's* experience and surveys of those employees who have been cited for selling tobacco to an underage person, none indicated that the offense occurred because they didn't know or weren't aware of the law. Instead, the top two factors for such sales were that the customer looked "old enough" and that they miscalculated the age of the person.

This illustrates two key points. First, it reinforces that an effective training program must go beyond building an employee's knowledge base, as awareness of the law doesn't necessarily improve compliance results. For instance, the reminder decal (Figure 3) reminds an employee to think "younger than 27" as opposed to "old enough," in response to the challenge of guessing someone's age.

Figure 3



Second, it reveals why it is so vitally important to provide additional support to employees and retail management. For example, an age-of-purchase calendar can help employees quickly and accurately determine if a person can legally purchase tobacco.

These tools and resources - in addition to any state mandated signs - range from age-verification devices, window signage, posters, and point-of-sale materials like cash register wobblers. Combined, they provide several lines of defense that strengthen a store's underage tobacco sales prevention efforts, starting at the store's entrance and ending with the employee.

- Windows and/or doors are the first line of defense in the store. Resources placed at these locations provide retailers the opportunity to establish very clear expectations with customers by letting them know the store's carding policy, e.g., if you're younger than 27, be prepared to show an ID. (Figure 3)
- Checkout counter is the next line of defense. This placement enables retailers to prominently position signage and/or tools at the point of purchase that reinforces the store's policies and at the same time supports the employees' efforts to enforce those policies and the law effectively.
- Employees are the last line of defense in that they can wear badges, pins, etc. These resources offer one more method to communicate with customers related to the store's carding policy while also serving to remind employees of the need to card and verify that a customer is of legal age to purchase tobacco.

*We Card* provides retailers with an extensive range of in-store support tools and training and educational materials from the front door of a store to the point-of-



2010 AGE-OF-PURCHASE  
CALENDAR



2010 AGE-OF-PURCHASE  
STICKER

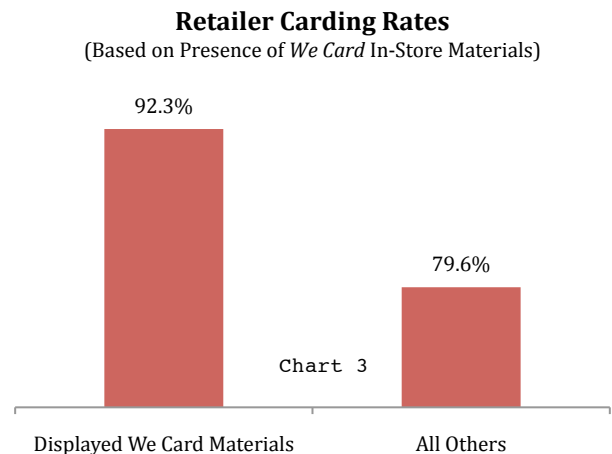


ELECTRONIC AGE CHECKER™

sale and backroom office. The full range of support items are available online at [www.wecard.org](http://www.wecard.org) for retailers to purchase that which is most appropriate for their store.

Interestingly, while the yellow and red *We Card* logo that is found as a decal on many store front windows and doors may be highly visible to the average customer, those decals are a minority of the overall volume of *We Card* program items that are ordered by and annually shipped to retailers to help them train employees, calculate age, spot fake IDs and prevent adult purchases for minors and much more.

In-store support is no silver bullet but another layer in a multi-layered approach to preventing underage sales of tobacco to minors. Research has demonstrated that stores that displayed *We Card* information have a strong and positive effect on employee behavior. One study conducted by the University of Idaho for the Idaho Department of Health (Armour, 2007) found that retailers who displayed *We Card* information asked for identification over 92% of the time; whereas, other retailers asked less than 80% of the time. (Chart 3)



Thus, using in-store materials not only strengthens a store's front-line defense, but also complements the training its employees receive. These additional, in-store tools can serve as a deterrent to would-be underage consumers, a constant reminder to employees as to the store's policies and practices, and a resource that employees can take advantage of to prevent underage sales.

### **On-going Supervision**

*What gets measured, gets managed and what gets managed, gets improved.*

In our experience, employees typically know how to do things right but sometimes still do things wrong. Even if this undesired behavior doesn't lead to a violation of the law, it could contribute to higher employee turnover rates for the store. In fact, research of hourly, retail employees found that two of the top three factors driving higher hourly employee turnover related to the lack of direction given to employees on what to do and inadequate supervision of those employees on how they're doing. (Frank, 2000) Therefore, ensuring that management implements on-going training efforts can not only help reduce retailer violation rates related to tobacco, but also assist in lowering the store's turnover rate.

These insights also underscore that even if a retailer includes the right educational content, uses effective training methods, and provides additional support via in-store tools, the store is still vulnerable if it does not know how well its employees are performing during the normal course of business.

This is important because some studies suggest that youth who use tobacco are likely to know which stores will sell to them (DiFranza & Coleman, 2001). For example, if an underage person is successful purchasing tobacco at a particular store, it is very likely that other underage consumers will also try to purchase tobacco at the same store, exposing the store to even greater risks. This finding also implies that a store that consistently and properly checks identification and denies tobacco sales to minors, will likely encounter fewer underage purchase attempts.

An effective tobacco sales training program provides continuous training and supervision to identify and correct compliance issues in a timely manner. These efforts can take several forms, including: reviewing policies and practices with employees, re-testing an employee's knowledge across the key areas, and/or verifying that employees are in fact complying with the applicable laws and the store's policies via mystery shops.

*We Card* survey responders indicate that more than 60% of retail operations with 50 or more stores report using a company-sponsored mystery shopper program to assess compliance rates relative to tobacco sales. These programs create the opportunity for supervisors to provide timely feedback and direction to employees that is designed to reinforce the positive behaviors.

Employees are also more likely to improve performance if store management establishes and clearly communicates the consequences for failing a compliance check and the incentives for passing such a check. This helps clarify expectations while also rewarding good behaviors and penalizing bad ones. The key is that the consequences and/or incentives are commensurate with the observed behavior of the employee.

Self-monitoring, continual supervision and on-going training help reinforce the importance of consistently and effectively reinforcing correct behavior while demonstrating that the store is a responsible retailer and member of the community. *We Card's* low cost self-monitoring mystery shopping service, *ID Check-Up*, provides management with a tool and frontline employees with immediate feedback on their job performance. See [www.wecard.org/idcheck-up](http://www.wecard.org/idcheck-up)

### **Evaluation and effectiveness of the *We Card* Program**

Any good training program evaluates itself, its trainees' perceptions and its before and after training value. See Definitions and *We Card* Examples, Evaluation - Learner Performance, page 18.

The *We Card* program has several on-going evaluation and surveying efforts that inform *We Card's* efforts to ensure it is delivering a quality and effective training and educational program for retailers.

We have found that *We Card* trained employees demonstrate statistically significant knowledge gain from pre-training to post-training. We also know that the *We Card* training program is particularly effective and has proven to:



- Increase carding rates (ask for ID) at a statistically significant level at both the store and individual employee level regardless of the type of tobacco being purchased.
- Increase the rate of employees properly denying the sale of tobacco when an ID is requested, but the attempted purchaser supplies none.
- Increase employee ability to properly card when an additional item (e.g., soda, gum) is purchased along with tobacco.
- Increase employee carding, no matter what time of day the employee is shopped.
- Increase the carding rate over that of non-trained employees when employees are observed to be multi-tasking during an attempted purchase of tobacco.

Other evaluation information useful to *We Card*'s efforts to reach the retail community and appeal to employees are:

- Corporate-owned stores show higher carding rates than independently-owned stores, with independent stores showing greater carding improvement after *We Card* training.

*Note that 79% of NACS U.S. members operate 10 or fewer stores (NACS, Sept. 2009)*

- *We Card* trainees show above average satisfaction with both classroom and online training.

## **Conclusion**

With its adherence to adult learning and instructional design principles and its demonstrated success in boosting retailer compliance, *We Card* is an effective and proven training program that educates and trains retailers to prevent underage sales of tobacco products.

The FDA-suggested educational content items listed in Docket No. FDA-2009-N-0569 are important components of an effective tobacco retailer training program, and the *We Card* training program delivers upon those items.

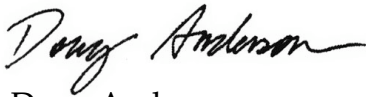
We encourage the FDA to consider adding the additional educational content items recommended within our comments submission. We also encourage the FDA to broaden its guidance of an approved tobacco retailer training program to go beyond just content and include our suggestion of the four core components of an effective training program (educational content, training methods, in-store support and on-going supervision.)

The *We Card* program maintains ongoing communication and relationships with the nation's tobacco retailers and their respective state and national retail trade

associations. In the spirit of public-private partnership to prevent youth access to tobacco, the *We Card* program is a natural stakeholder for the FDA to include in its planning and execution of communications to the retail community.

Recognizing that a written document is no panacea for communicating the wealth and depth of nearly 15 years of experience providing tobacco retailers with tools, training, education and management-level support, we would welcome the opportunity to visit with the FDA to explain the *We Card* program in greater detail. The *We Card* program is uniquely qualified to assist the FDA in identifying training program requirements that pursue our mutual objective: to prevent underage access to tobacco products at the retail sales counter.

Sincerely,

A handwritten signature in black ink that reads "Doug Anderson". The signature is fluid and cursive, with the first name "Doug" being more prominent than the last name "Anderson".

Doug Anderson  
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Coalition for Responsible Tobacco Retailing, Inc.  
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## Definitions and *We Card* Examples from pages 4 & 6.

**New Hire Training** – *We Card*'s New Hire Training focuses on the skills and knowledge new hires need to prevent illegal sales of tobacco to minors. To improve learning transfer and retention, the training leverages many instructional techniques and adult learning principles:

***We Card*'s Instructor-led Training** – The *We Card* program has conducted more than 2,000 instructor-led training classroom seminars reaching over 100,000 retail employees from every level of retailer operations.

***We Card*'s Behind-the-Counter Online Training** – If one goal of an approved retail training program should be reaching the greatest number of retailers with the most effective and cost efficient form of training & education, the best way to accomplish this is by creating and implementing an online training program. The Behind-the-Counter training was created with the lessons learned from Instructor-led Training as a foundation and our knowledge of adult learning, instructional design and instructional technology as the means to fully leverage the new delivery method. Instructional techniques that carried over from ILT include the use of role-plays and simulations and acronyms and mnemonics.

Training employees via role-plays will prepare employees for what to do and say (and what not to do and say) when they encounter a minor attempting to make a purchase. Because experience – including mistakes – provides the basis for adult learning, role-plays and simulations can be a valuable technique. Training is an on-going process and store managers can serve as a constant mentor for developing consistent behavior. The two sets of *We Card* flashcards, the "Guess My Age" and "Training Tips" flashcards, were designed specifically for this in-store manager-to-employee ongoing training. Defined as a method or system for improving the memory, *We Card* uses mnemonics to teach the AERO method for refusing a tobacco sale. AERO stands for Apologize, Explain, Remove the product and Offer another product or service.

**Refresher Training** – *We Card*'s Refresher Training focuses on reinforcing the skills and knowledge previously taught in *We Card*'s Behind-the-Counter Online Training. Because training should be an ongoing effort and not a "one and done" activity, *We Card* has two forms of Refresher Training (beyond complete retraining using *We Card* Online Training or ILT classroom sessions):

***We Card*'s Employee Activity Book** – a self-directed employee training tool, which incorporates a final exam and an "Employees Agreement of Understanding" to be signed by the employees and kept in their personnel file. This activity book can be used as refresher training with existing employees every six months or on an annual basis. Employees should review the activity book, retake the exam, and sign-off on the agreement of understanding. This keeps existing employees up-to-date and reinforces the importance of properly carding minors.

***We Card* Refresher Training** – this online training was created to provide a set of prescriptive training exercises that retailers can use to reinforce employee skill, knowledge and performance related to responsible retailing. Major content areas include the Guess My Age Exercise, Underage Makeover Game, Check Customer IDs Exercise, Practice Calculating Age Exercise, Tips for Tough Situations Exercise and AERO Exercise. The AERO Exercise focuses on a customer service approach in refusing illegal sales of tobacco to minors. AERO stands for Apologize, Explain, Remove the product and Offer another product or service.

Additionally, retailer feedback has indicated that a shorter, targeted training piece is desired as the retail environment is often busy and leaves little time for refresher training and development.

**Manager's Training** – In order for skills and knowledge to be effectively operationalized in the workplace, managers must provide constructive feedback when they observe employees doing things the wrong way and positive reinforcement when they observe employees doing things the right way. Additionally, consequences and incentives play a role in performance and managers must take an active role in providing both. Because of this, *We Card's* Manager's Training focuses on the skills and knowledge managers need to ensure their employees are preventing illegal sales of tobacco to minors.

***We Card* Manager's Online Training** (scheduled for 2010 launch) – Major content areas include 1) The importance of Community Reputation, 2) How to Properly Equip the Store for Responsible Retailing, 3) How and When to Provide Positive Reinforcement, 4) How and When to Provide Constructive Feedback, and 5) Administrative Tools and Practices That Support Responsible Retailing.

**The *We Card* Manager Checklist** – a multi-point checklist for both manager and employee. It also provides another opportunity for new hires to ask questions and clarify any remaining issues they may have. To assist all managers in this role we recommend utilizing the *We Card* Manager's Guide to Training, which is a step-by-step training manual for managers on how to train and reinforce proper behaviors.

**Evaluation - Learner Performance** – *We Card* believes that the renowned training industry's evaluation process for determining effectiveness -- Donald Kirkpatrick's Four Level Evaluation Model -- provides a solid framework for measuring a training program's success in four areas. Those areas are Reaction, or how the learners react to the learning process, Learning, or the extent to which the learners gain knowledge and skills, Behavior, or the capability to perform the learned skills while on the job and Results, which includes such items as monetary and efficiency impact. *We Card* has assessed these levels in the following ways:

**Reaction** – *We Card's* Training, in all of its forms, has been well received by its learner population. Post-training satisfaction surveys indicate high marks from employees.

**Learning** – *We Card's* Behind-the-Counter Online Training, Refresher Training, Instructor-Led Training and Manager's Training all contain formative and summative evaluations that assess learner skill and knowledge gain.

**Behavior** – The *We Card* ID Checkup Program provides a low-cost means of assessing a learner's ability to apply on the job the skills and knowledge learned in *We Card* Training. Additionally, *We Card's* Research examined employees' demonstrated behavioral actions taught during their *We Card* training experience.

**Results** – *We Card* regularly looks at how learners operationalize the skills and knowledge acquired from *We Card* Training. Using both quantitative and qualitative inputs, *We Card* measures itself and the performance of its trainees and adjusts program efforts to improve upon the training and other *We Card* services.

**Evaluation (Retailer's Training and Policy Effectiveness)** – *We Card* also believes that retailers can benefit from proactively assessing their own internal training and policy practices. To assist in these efforts, *We Card* offers retailers the following:

***We Card's* Training and Policy Review** – This review provides specific recommendations to retailers based upon our understanding the retailer's operations and its current training methods and practices related to properly equipping store managers and frontline employees in their task of preventing tobacco sales to minors.

***We Card's* Best Practices Assessment** – To be deployed in 2010, this online tool gives retailers an opportunity to self-assess their responsible tobacco retailing practices and then receive a review, similar in nature to *We Card's* Training and Policy Review, of their current practices.

***We Card* Guide to Best Practices** – this short guide relates fifteen best practices identified by *We Card* and provides a 10-point checklist that retailers can use to assess their efforts at achieving these best practices.

**We Card Checklist** - a multi-point checklist for both manager and employee. It also provides another opportunity for new hires to ask questions of their managers and clarify any responsible retailing issues they may have.

**Job Aids** – defined as a storage place for information, other than memory, which is accessed in real-time on the job; at a level of detail that will minimize trial and error; reduces the amount of recall necessary; and gives directions on when and how to perform. *We Card* job aids include:

***We Card “Can You Guess My Age?” Training Poster***

***We Card 3<sup>rd</sup> Party Sales Tipsheet***

***We Card Electronic Age Checker™***

***We Card Age-of-Purchase Calendar***

***We Card Age of Purchase Sticker***

***We Card Tips for Tough Situations***

**Employee Agreement** – Key information that is reinforced within company policy conveys a greater degree of emphasis than training alone, and safeguards against store managers and employees from using excuses such as: *“Nobody told me that”* and *“I don’t remember hearing about that in training.”* *We Card* works with retailers and state enforcement agencies to produce employee agreements that can conform to state law and company policy and can be easily implemented.

**State Law Summaries** - Simply telling store employees what the state laws are, what products are restricted, what types of IDs to accept and what to look for in the ID, is not training. This is certainly key information that store employees need to know before they take over the cash register; however, it doesn’t teach them specifically how to do it. Simply communicating information does not constitute training. When frontline employees and store managers learn they may be caught, convicted, fined and/or jailed as a result of failing a government compliance check, they sit up and pay attention during training. Additionally, the definitions of restricted tobacco or tobacco-related products vary by state (e.g., rolling papers may be restricted in some states, but not others). Some states may have specific “state sign” requirements well beyond the display of a responsible retailing sign like the *We Card* Window/Door Decal.

***We Card’s State Law Summaries*** - Particularly important to retail chains that have a multi-state presence, the *We Card* training curriculum focuses on summarized state law information where fines and penalties for failing a government compliance check vary by state. Those punitive consequences may impact the employee, manager and sometimes those at the corporate level. The *We Card* program regularly updates its state law summary information and makes it available to retailers for use in their own training programs. It can be found on *We Card’s* website – [www.wecard.org](http://www.wecard.org) – within the “Training Resource Center.” *We Card’s* classroom and computer-based training (online training) provide this state-specific information to trainees as well.

**Mystery Shopping** - Having metrics in place to gauge how store employees - and the stores where they work - are performing at the tasks they have been trained to do is important in determining where responsible retailing strengths and weaknesses lie.

***We Card’s ID CHECK-UP Program*** - As part of the comprehensive *We Card* training program, the *We Card* ID CHECK-UP service helps to improve compliance and reduce risk of fines and other penalties. Because preventing underage tobacco sales is part of a retailer’s responsibility, reliable, effective tools (especially for managers), such as *We Card* ID CHECK-UPS, are important.

**User-Generated Content** – Because the *We Card* program has been around for so many years, we have built relationships with retailers, associations and state enforcement agencies. These relationships have led to a level of engagement that includes receiving and responding to queries about responsible tobacco retailing. *We Card* uses these queries to inform our training programs.

*Ask We Card* - The *We Card* program maintains a set of FAQs retail employees have posed to the *We Card* program. Under a branded ASK *We Card* moniker, these questions and answers are available for retail chains to use in internal communications by reprinting them in company newsletters, inserting them in paycheck stub envelopes, emailing them to the stores or by directing employees to the *We Card* website.