

USING THE COMPLIANCE CHECK INSPECTIONS OF TOBACCO PRODUCT RETAILERS DATABASE

CENTER FOR TOBACCO PRODUCTS

Disclaimer: This is not a formal dissemination of information by FDA and does not represent Agency position or policy.

AGENDA

- Overview
- Easy Ways to Access the Compliance Check Inspections of Tobacco Product Retailers' Database (the Database)
- Searching the Database
 - Search Results
 - Exporting Data
 - Starting a New Search
- Additional Resources
- Contacting CTP



OVERVIEW: BRICK AND MORTAR RETAILER INSPECTION DATABASE



- Compliance Check Inspections of tobacco product retailers are conducted to determine a retailer's compliance with the Federal Food, Drug, and Cosmetic Act (FD&C Act) and related regulations. Results from compliance check inspections of brick-and-mortar tobacco retailers are available in the searchable database.
- The database contains information about compliance check inspections, including which brick-and-mortar retailers received a warning letter, a civil money penalty, a no-tobacco-sale order, or were found to have no observable violations.
- You can search the database by various criteria such as retailer name, state, date ranges and inspection results.

OVERVIEW: UPDATE TO FEDERAL LAW FOR TOBACCO PRODUCTS CONTAINING NICOTINE NOT DERIVED FROM TOBACCO



- On March 15, 2022, the President signed legislation to amend the FD&C Act to extend FDA’s jurisdiction to products “containing nicotine from any source,” not just nicotine derived from tobacco.
- Specifically, this legislation expanded the definition of “tobacco product” to include products containing nicotine from any source.
- As of April 14, 2022, retailers of tobacco products containing nicotine not made or derived from tobacco must ensure compliance with applicable requirements under the FD&C Act resulting from this law. As such, it is illegal for a retailer to sell any tobacco product containing nicotine from any source – including cigarettes, smokeless tobacco, cigars, and e-cigarettes – to anyone under 21.
- After July 13, 2022, a non-tobacco nicotine product can only be legally marketed in the United States if it has received a marketing granted order (MGO) from FDA.
 - This means that it is illegal for a retailer or distributor to sell or distribute a non-tobacco nicotine product that is not subject to a MGO from FDA. Without this MGO, a product is in violation of the law and its manufacturer, retailer, or distributor risks FDA enforcement.
- Visit FDA’s website to learn more about the agency’s regulations and guidance on selling tobacco products in retail stores at: <https://www.fda.gov/tobacco-products/compliance-enforcement-training/retail-sales-tobacco-products>.

- Absence of a retail establishment from this database does not imply compliance with all applicable statutory and regulatory requirements.
- Violation data cannot be readily compared across states and territories, nor compared with violation data collected under other initiatives, for example Synar.
- If the inspection was a two-part inspection, the date of the earliest violation is displayed.

- The database contains information regarding compliance check inspections of brick-and-mortar retail establishments. For information about warning letters issued to online retailers and manufacturers, please see FDA's Electronic Reading Room at: <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/compliance-actions-and-activities/warning-letters>
- The database uses the term 'minor.' Generally, we use the term "minor" to refer to an individual under the federal minimum age of sale of tobacco products, which is 21.
- FDA also uses 'underage purchaser' to describe individuals under the minimum age of sale of tobacco products.

OVERVIEW: DATABASE UPDATES

- The database is updated monthly and displays the date of the most recent update:



- The “through” date represents FDA’s decision date. Inspections that are still under review will be posted at a later time.

EASY WAYS TO ACCESS THE DATABASE

- The database is available at:
https://www.accessdata.fda.gov/scripts/oc/inspections/oc_insp_searching.cfm



U.S. Department of Health & Human Services

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SEARCH

FDA U.S. FOOD & DRUG ADMINISTRATION

Home Food Drugs Medical Devices Radiation-Emitting Products Vaccines, Blood & Biologics Animal & Veterinary Cosmetics Tobacco Products

Compliance Check Inspections of Tobacco Product Retailers (through 03/31/2022)

FDA Home Tobacco Products Information about Compliance Check Inspections

Note: On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product - including cigarettes, cigars and e-cigarettes - to anyone under 21.

Search Inspection Decisions

Retailer Name:

Map Satellite

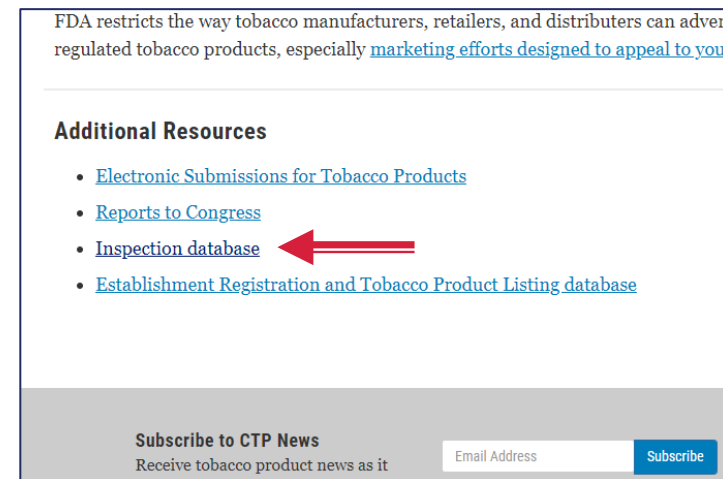
ONTARIO QUEBEC

EASY WAYS TO ACCESS THE DATABASE

- Go to <https://www.fda.gov/tobacco-products>
- Click: Compliance and Enforcement



- Scroll down to “Additional Resources” and click on: Inspection Database



EASY WAYS TO ACCESS THE DATABASE

- The database can be found through an internet browser search.
- Search by the database title: “Compliance Check Inspections of Tobacco Product Retailers.”

The screenshot shows the FDA website interface. At the top, it displays the U.S. Department of Health & Human Services logo and the FDA logo. The main navigation menu includes links for Home, Food, Drugs, Medical Devices, Radiation-Emitting Products, Vaccines, Blood & Biologics, Animal & Veterinary, Cosmetics, and Tobacco Products. The current page is titled "Compliance Check Inspections of Tobacco Product Retailers (through 03/31/2022)". Below the title, there is a note: "Note: On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product - including cigarettes, cigars and e-cigarettes - to anyone under 21." The page also features a search bar and a map of the United States with a "Map" and "Satellite" toggle.

HOW TO SEARCH THE DATABASE

- Use the “Search Inspection Decisions” fields to narrow down the inspections by various criteria.
- You may use one or more fields to tailor your search to your needs.

The screenshot shows a search interface for inspection decisions. On the left is a form titled "Search Inspection Decisions" with the following fields:

- Retailer Name:
- City:
- State: (dropdown)
- Zip:
- Inspection Result: (dropdown)
- Product Type Purchased by Minor*: (dropdown)
- Decision Date: To (calendar icons)
- Minor Involved*: (dropdown)
- Sale to Minor*: (dropdown)
-

On the right is a map of the western United States, showing states like Washington, Oregon, Idaho, Nevada, California, and Arizona. Major cities like Seattle, Los Angeles, and San Diego are marked. The map includes "Map" and "Satellite" tabs, a "Google" logo, and a "Reset Map and t" button. A disclaimer at the bottom of the map reads: "Information displayed on the map is the accuracy, timeliness, or complete".

SEARCH CRITERIA IN DETAIL

- Retailer Name
- City
- State/U.S. Territory
- Zip Code
- Inspection Result
 - All
 - No-Tobacco-Sale Order
 - Civil Money Penalty
 - Warning Letter Issued
 - No Violations Observed

Search Inspection Decisions

Retailer Name:

City:

State: Zip:

Inspection Result:

Product Type Purchased by Minor*:

Decision Date: To

Minor Involved*: Sale to Minor*:

[Export Data to Excel by Fiscal Year](#)

SEARCH CRITERIA IN DETAIL

- Product Type Purchased by Minor (Underage Purchaser)
 - Cigar(s)
 - Cigarette Tobacco
 - Cigarettes in a Package
 - ENDS (Electronic Nicotine Delivery Systems)/E-Liquid
 - Hookah Tobacco
 - Roll Your Own Tobacco
 - Single Cigarette
 - Smokeless Tobacco
- Decision Date Range

Search Inspection Decisions

Retailer Name:

City:

State: Zip:

Inspection Result:

Product Type Purchased by Minor*:

Decision Date: To

Minor Involved*: Sale to Minor*:

[Export Data to Excel by Fiscal Year](#)

SEARCH CRITERIA IN DETAIL

- Minor (Underage Purchaser) Involved
 - Yes
 - No
- Sale to Minor (Underage Purchaser)
 - Yes
 - No

Once all desired search criteria are entered, click the SEARCH button at the bottom of the 'Search Inspection Decisions' block.

Search Inspection Decisions

Retailer Name:

City:

State: Zip:

Inspection Result:

Product Type Purchased by Minor*:

Decision Date: To

Minor Involved*:

Sale to Minor*:

Search

[Export Data to Excel by Fiscal Year](#)

SEARCH RESULTS – BASIC VIEW

- Individual inspection search results returned will populate in a table below the search fields.

15 Inspection Results Returned
(Tobacco retailer locations may be inspected more than once)
Click on Column Header to Change Sort Order

Export Results to Excel Print Friendly Help **Basic** Enhanced

Retailer Name	Street Address	City	State	Zip	Sale to Minor*	Product Type	Decision Date	Inspection Result
BEAR SMOKES	100 W MAIN ST	ANYTOWN	USA	12345	No	N/A	09/22/2016	No Violations Observed
REGULAR .MNT MKT	141 W MAIN STREET	ANYTOWN	USA	12345	No	N/A	09/16/2016	No Violations Observed
OLE FOOD MARKET 98	3321 WILLOW LN	ANYTOWN	USA	12345	No	N/A	09/16/2016	No Violations Observed

SEARCH RESULTS – ENHANCED VIEW

- Enhanced View of Search Results
 - Minor (Underage Purchaser) Involved
 - Brand
 - Flavor
 - Inspection Date
 - Charges

15 Inspection Results Returned
(Tobacco retailer locations may be inspected more than once)
Click on Column Header to Change Sort Order

Export Results to Excel Print Friendly Help

Minor Involved*	Sale to Minor*	Product Type	Brand	Flavor	Inspection Date	Decision Date	Inspection Result	Charges
Yes	No	N/A	N/A		Not available	03/01/2013	No Violations Observed	N/A
Yes	Yes	Cigarettes in a package	Newport		02/11/2012	06/14/2012	Warning Letter Issued	1140.14(a)-Sale to a minor; 1140.14(b)(1)-Failure to verify age; 1140.16(c)-Use of a self-service display in a non-

SEARCH RESULTS – EXPORTING DATA

- The “Inspection Results Returned” table may be exported to Excel or downloaded as a PDF file using the “Print Friendly” link above the table.

15 Inspection Results Returned
(Tobacco retailer locations may be inspected more than once)
Click on Column Header to Change Sort Order

 [Export Results to Excel](#)  [Print Friendly](#)  [Help](#) Basic Enhanced

Retailer Name	Street Address	City	State	Zip	Sale to Minor*	Product Type	Decision Date	Inspection Result
BEAR SMOKES	100 W MAIN ST	ANYTOWN	USA	12345	No	N/A	09/22/2016	No Violations Observed
REGULAR .MNT MKT	141 W MAIN STREET	ANYTOWN	USA	12345	No	N/A	09/16/2016	No Violations Observed
OLE FOOD MARKET 98	3321 WILLOW LN	ANYTOWN	USA	12345	No	N/A	09/16/2016	No Violations Observed

EXPORTING DATA BY FISCAL YEAR

- You can export data by Fiscal Year into an Excel file. Click on the hyperlink above the search results, and a pop up with Fiscal Year choices will appear on the screen.
- Choose the Fiscal Year and click “Export.” An Excel file with the Fiscal Year data will download to your computer.

The screenshot shows a web interface with a table of inspection results. A red box highlights the link 'Export Data to Excel by Fiscal Year'. A red arrow points from this link to a pop-up dialog box titled 'Choose Fiscal Year to Export:'. The dialog box contains a dropdown menu with the selected option 'Fiscal Year 22 (Oct 2021 to Sep 2022) (5.35 MB)' and two buttons: 'Export' and 'Close'.

Minor Involved*	Sale to Minor*	Product Type	Brand	Flavor	Inspection Date	Decision Date	Inspection Result	Charges
Yes	No	N/A	N/A		Not available	09/24/2013	No Violations Observed	N/A
Yes	No	N/A	N/A		Not available	03/01/2013	No Violations Observed	N/A
Yes	Yes	Cigarettes in a package	Newport					1140.14(a)-Sale to a minor; 1140.14(b)(1)-Failure to verify age; 1140.16(c)-Use of a self-service display in a non-exempt facility

SEARCH RESULTS - HELP

- For additional troubleshooting, please click on the “? Help” link above the table for common questions while using the database and reviewing search results.

15 Inspection Results Returned
(Tobacco retailer locations may be inspected more than once)
Click on Column Header to Change Sort Order

Export Results to Excel Print Friendly Help Basic Enhanced

Retailer Name	Street Address	City	State	Zip	Sale to Minor*	Product Type	Decision Date	Inspection Result
BEAR SMOKES	100 W MAIN ST	ANYTOWN	USA	12345	No	N/A	09/22/2016	No Violations Observed
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STARTING A NEW SEARCH

- If at any time you wish to restart your search or clear your search criteria, use the “Reset Map and Clear Form” button located underneath the map.

U.S. FOOD & DRUG ADMINISTRATION

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Compliance Check Inspections of Tobacco Product Retailers (through 02/28/2022)

Note: On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product - including cigarettes, cigars and e-cigarettes - to anyone under 21.

Search Inspection Decisions

Retailer Name:

City:

State: Zip:

Inspection Result:

Product Type Purchased by Minor*:

Decision Date: To

Minor Involved*: Sale to Minor*:

Search

Map | Satellite

Reset Map and Clear Form

- Retail Sales of Tobacco Products
<https://www.fda.gov/tobacco-products/compliance-enforcement-training/retail-sales-tobacco-products>
- Summary of the Federal Rules for Selling Tobacco Products
<https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/selling-tobacco-products-retail-stores>
- “This is Our Watch” Campaign for Retailers
<https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/our-watch>
- Social Media Links (E.g.: Twitter, Facebook, YouTube)
<https://www.fda.gov/tobacco-products/contact-ctp/connect-ctp>
- Sign up for CTP E-mail updates
<https://www.fda.gov/tobacco-products/ctp-newsroom>

WHAT IS THE BEST WAY TO CONTACT FDA WITH ADDITIONAL QUESTIONS?



For additional questions, you can contact FDA:

- CTP General E-mail: AskCTP@fda.hhs.gov
- Call: 1-877-287-1373 (9am EST-4pm EST)
- For Small Business Assistance E-mail: SmallBiz.Tobacco@fda.hhs.gov