USING THE COMPLIANCE CHECK INSPECTIONS OF TOBACCO PRODUCT RETAILERS DATABASE
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.
  o 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.
OVERVIEW: DATABASE NOTES

• 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/oce/inspections/oce_insp_searching.cfm
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.”
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.
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 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 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.
• Individual inspection search results returned will populate in a table below the search fields.
**SEARCH RESULTS – ENHANCED VIEW**

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

<table>
<thead>
<tr>
<th>Minor Involved*</th>
<th>Sale to Minor*</th>
<th>Product Type</th>
<th>Brand</th>
<th>Flavor</th>
<th>Inspection Date</th>
<th>Decision Date</th>
<th>Inspection Result</th>
<th>Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>N/A</td>
<td>Not available</td>
<td>03/01/2013</td>
<td></td>
<td>No Violations Observed</td>
<td>N/A</td>
</tr>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Cigarettes in a package</td>
<td>Newport</td>
<td>02/11/2012</td>
<td>06/14/2012</td>
<td>Warning Letter Issued</td>
<td>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-smoking area</td>
<td></td>
</tr>
</tbody>
</table>
The “Inspection Results Returned” table may be exported to Excel or downloaded as a PDF file using the “Print Friendly” link above the table.

<table>
<thead>
<tr>
<th>Retailer Name</th>
<th>Street Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
<th>Sale to Minor</th>
<th>Product Type</th>
<th>Decision Date</th>
<th>Inspection Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>BEAR SMOKES</td>
<td>100 W MAIN ST</td>
<td>ANYTOWN</td>
<td>USA</td>
<td>12345</td>
<td>No</td>
<td>N/A</td>
<td>09/22/2016</td>
<td>No Violations Observed</td>
</tr>
<tr>
<td>REGULAR MNT MKT</td>
<td>141 W MAIN STREET</td>
<td>ANYTOWN</td>
<td>USA</td>
<td>12345</td>
<td>No</td>
<td>N/A</td>
<td>09/16/2016</td>
<td>No Violations Observed</td>
</tr>
<tr>
<td>OLE FOOD MARKET 9</td>
<td>3321 WILLOW LN</td>
<td>ANYTOWN</td>
<td>USA</td>
<td>12345</td>
<td>No</td>
<td>N/A</td>
<td>09/16/2016</td>
<td>No Violations Observed</td>
</tr>
</tbody>
</table>
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.
• For additional troubleshooting, please click on the “? Help” link above the table for common questions while using the database and reviewing search results.
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.
FDA RESOURCES FOR RETAILERS

- 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

- “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