

**NYC Merchant Interviews: Interview Guide**

Thank you for agreeing to speak with me today. As I mentioned when we set up the interview, the purpose of this study is to get tobacco retailers' thoughts on New York City's ban on flavored tobacco products. This is a city ordinance that was signed into law in October 2009 and went into place in 2011. We're interested in learning about your opinions of the ban, how you got information about the ban, and any issues that came up when the ban went into place.

Our conversation should take about 10-15 minutes and you will receive \$40 for your participation in the interview. There are no right or wrong answers. You can choose to skip any question, and you can stop the interview at any time.

The interview involves no risk of injury. We will take several steps to protect your privacy. I want to assure you that your identity and the identity of the store you work for will be kept private. Your name will never be linked with your interview responses. Our report will combine the responses of everyone we speak with, with no particular person or store name used. *[If respondent is not the store owner: Additionally, your employer will not be notified of your participation in this interview, nor will they have access to the information you provide during the interview.]* My notes from this interview will be kept on a protected computer and will not be linked with your name or the name of your store.

In order to ensure that my notes of our conversation are accurate and complete, I'd like to ask your permission to record our conversation. Again, I would like to stress that your responses will be kept private. You will not be able to be identified through the recording. The recording will be used to help me write my report and will be destroyed after the report is written.

You may ask questions or express any concerns about this study, your rights as a research subject, or report problems or research-related injuries at any time before, during or after the study. You may contact the research team through the Principal Investigator of the study, Todd Rogers, at 415-848-1374. *[For in-person interviews only, provide written copy of this information to participants]*

Do you have any questions?

Do you agree to participate in the interview?

Yes *[Proceed with interview]*

No *[End interview]*

Do you agree to be audiotaped?

Yes *[Start recorder]*

No *[Take handwritten notes]*

***[Interviewer Note: If the interviewee seems hesitant or uncomfortable with an open-ended question, remind him or her, as appropriate, that you are interested in understanding what first comes to his or her mind about this topic. If he or she has nothing to say or does not want to answer the question, move on to the next question.]***

In September 2009, the U.S. Food and Drug Administration prohibited flavored cigarettes, such as fruit-, candy-, chocolate-, cinnamon-, or alcohol-flavored in September 2009. Subsequently in October 2009, New York City prohibited all flavored tobacco product sales, including cigars, smokeless, and other tobacco products, excluding menthol products. The focus of our interview today is only on the New York City flavored tobacco ban.

1. To start, please think back to when the New York City flavored tobacco ban was proposed, challenged, and implemented. As a reminder, the ordinance was signed into law by Mayor Bloomberg in October 2009, and the law was fully implemented in 2011.
  - At that time, what were your initial thoughts about the flavored tobacco ban?
  - At that time, did you have any concerns about the flavored tobacco ban?
    - i. How did these concerns actually play out? What actually happened?
2. How did you find out about the flavored tobacco ban?
3. How did you stay informed about the flavored tobacco ban? (when it was proposed, while it was being challenged, and when it was implemented)
  - Did you receive communications from the NYC Department of Health and Mental Hygiene? What were they like?
  - Did you get updates from the tobacco industry, such as information from your tobacco company sales rep? What were they saying?
  - Did you follow the issue in the news? Do you remember whether the news coverage seemed to be neutral or take a certain perspective on the issue? Did the news coverage represent your point of view?
4. When the ban went into place in January 2011, what kinds of things did you have to do in order to comply with the ban?
  - When did you stop ordering/selling flavored products?
  - How did you communicate with employees/clerks about the flavored tobacco ban?
5. How easy or difficult was it to comply with the ban in your store? What seemed to go well and what challenges or barriers did you face?
  - Did you have any trouble determining which products are covered by the ban and which are not?
  - Today, what challenges or barriers do you face regarding the ban of flavored tobacco products, if any?
6. What kind of effect did the ban on flavored tobacco products have on your store?
  - How did customers react to the ban?
  - Did you lose customers?
7. Have you received training, educational materials, or information regarding compliance with the flavored tobacco ban? If so:
  - What type of training, educational materials, or information have you received?
  - Who provided the training, educational materials, or information?

- How helpful/clear was the training, educational materials, or information?
  - What additional training, materials, or information would you like to receive, or do you think retailers in general would benefit from receiving?
8. What have you heard about enforcement of the ban on flavored tobacco products?
- To your understanding, are compliance checks conducted to monitor the sale of flavored products in New York City stores?
  - Do you know if your store has ever been checked for compliance with the ban on flavored tobacco products?
  - What is your understanding of consequences or penalties for selling flavored tobacco products?
9. How well do you think New York City tobacco retailers in general comply with the ban on flavored tobacco products?
- Are specific types of retailers more likely than others to comply with the ban? Why?
10. The next set of questions are related to your interactions with tobacco companies.
- Did the tobacco companies offer substitute products to sell in place of flavored products? Which ones? What are the substitute products?
  - Did any of your marketing or point of sale materials change after the ban was implemented?
  - What guidance did the tobacco companies provide on how to interact with customers regarding the ban? Was any of the guidance directed at how to avoid losing customers?
  - Were any changes made to your contracts with the tobacco companies? If so, can you please describe how they changed?
  - Are you aware of any tobacco industry response related to the ban? [Interviewer note: e.g., introduction of new tobacco products, special promotions on existing tobacco products, etc.]

Those are all of the questions I have for you today.

*[If interview takes place in person, Interviewer to hand participant \$40 cash incentive]* Thank you for your time. Your input has been very helpful.

*[If interview takes place by phone]* Thank you again for talking with me today. We will mail you a \$40 check for your participation. May I have your name and mailing address? Please know that this information will only be used to mail you these materials, and will never be connected with your interview responses. May I have a mailing address where I can send these materials to you?

*[Interviewer to obtain mailing address]*

Thank you again for your participation. Your input has been very helpful.

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**The public reporting burden for this information collection has been estimated to average 15 minutes per response to complete the questions asked in this interview guide (the time estimated to read and review). Send comments regarding this burden estimate or any other aspects of this information collection, including suggestions for reducing burden, to [PRStaff@fda.hhs.gov](mailto:PRStaff@fda.hhs.gov).**