



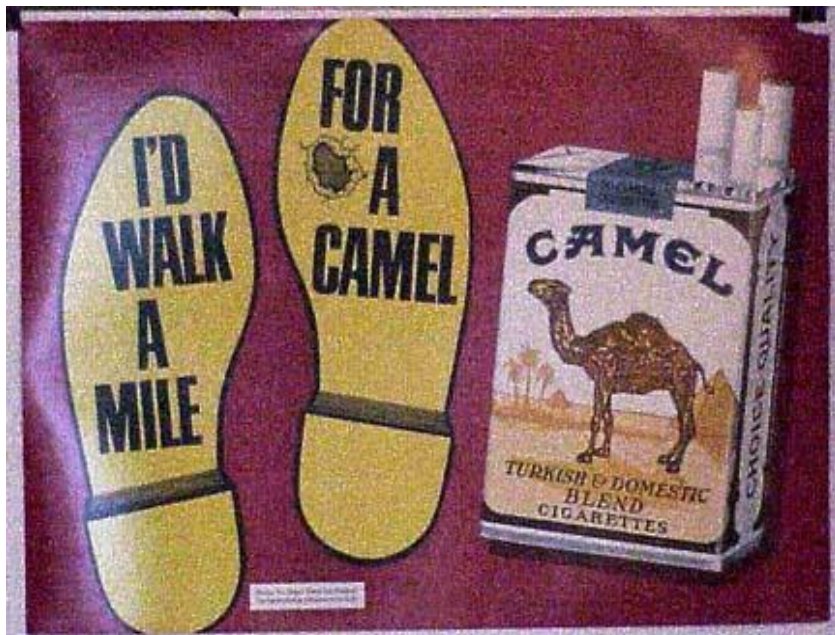
Crime & Punishment

James Alan Fox on criminal behavior and the justice system

Walk a few feet for a Camel

Posted by James Alan Fox, Crime and Punishment August 2, 2011 12:45 PM

A plan endorsed yesterday by the Public Health Committee up at the State House would prohibit pharmacies, large and small, from selling cigarettes and other tobacco products. If it were to become law, the bill (S 1094), would have a major impact on certain retailers -- and potentially costing some employees their jobs -- but without producing any appreciable effect on the prevalence of tobacco use. All those diehard smokers who, according to the classic ad from yestercenury, might be willing to walk a mile for a Camel would actually only need to walk a few feet to find another supplier to satisfy their cravings and sustain their habit.



The impact of the proposed law is well-known, as several cities and towns in Massachusetts, including Boston, already have similar bans in place. Given the countless number of convenience stores that happily and profitably sell cigarettes morning, noon and night, the inconvenience for smokers in switching sellers has been minimal. But those drug stores and pharmacies now prohibited from selling tobacco have certainly suffered from the discriminatory, uneven prohibition.

Located at the corner of Tremont and W. Dedham Streets, just a block or two from my South End home, is a small and very friendly pharmacy that has served this community for over a century. Gary Einsidler, owner of Tremont Drug since 1998, has been hurt badly by the Boston ban, which has cost him about \$30,000 a year in profit. Unable to recoup the net loss in any other way, he was forced to lay off one of his cashiers.

Meanwhile, his former customers have only had to walk to the opposite corner of the intersection where the Wine Emporium sells smokes from behind the counter. And some cigarette purchasers may have been enticed to add a six-pack to tab -- some buds to go with your butts, buddy?

But Max Pendolari, manager of the Wine Emporium, insists that his cigarette sales have not increased as a result of the ban directed at the neighboring pharmacy. Our pricing just isn't competitive, □ explained Pendolari, noting that selling cigarettes is more for customer convenience than for pursuit of profit.

Undeterred smokers wanting a better butt for their buck learned quickly that their favorite brands were cheaper just a few hundred feet away at Medina's Market or at Casa Coung grocery, depending on which way they were headed.

âThe bill is intended to act as a barrier to access, □ explained Dan Siriani, Chief of Staff for Sen. Susan Fargo who co-chairs the Committee of Public Health. The idea is not to shut down businesses or harm anyone financially. □ The purpose, according to Siriani: to encourage debate and increase awareness about the health hazards of smoking.

In the past I would always remind my customers who were buying cigarettes about the health risks involved, recalls pharmacist Einsidler whose mother died of throat and lung cancer. I also would encourage them to consider one of the many smoking cessation products I sell, like the nicotine gum and the patch. □ Now he doesn't see them in the store at all.

Unfortunately, I failed to ask the clerks at Medina Market and Casa Coung if they added their own words of warning to what is already printed on the side of the cigarette pack. But my guess is that they would be more likely to say to their smoker clientele, Want some lottery tickets today? □

Unquestionably, the tobacco sales prohibition is well-intentioned. Sen. Susan Fargo and other supporters of the measure suggest that is hypocritical for pharmacies dispensing medications and other products to improve health also to sell substances that jeopardize it. But then, should pharmacies similarly be prevented from selling candy, chips, and soft drinks because they cause obesity? And what about enemas, laxatives and various over-the-counter diuretics that some teenagers abuse as part of their eating disorder?

What concerns Einsidler and other owners of small pharmacies is the unfair restriction on free enterprise. Retail stores without a pharmacist can sell a wide variety of health needs as well as cigarettes. All he wants is a level playing field -- and the opportunity to counsel his customers on the dangers of smoking.

Note: This is an update of a column originally posted on August 1, 2011.