

LANGUAGE ASSISTANCE SERVICES FOR RETAILERS  
WHO HAVE RECEIVED A  
TOBACCO CIVIL MONEY PENALTY  
OR  
NO-TOBACCO-SALE ORDER COMPLAINT

CENTER FOR TOBACCO PRODUCTS

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

# AGENDA

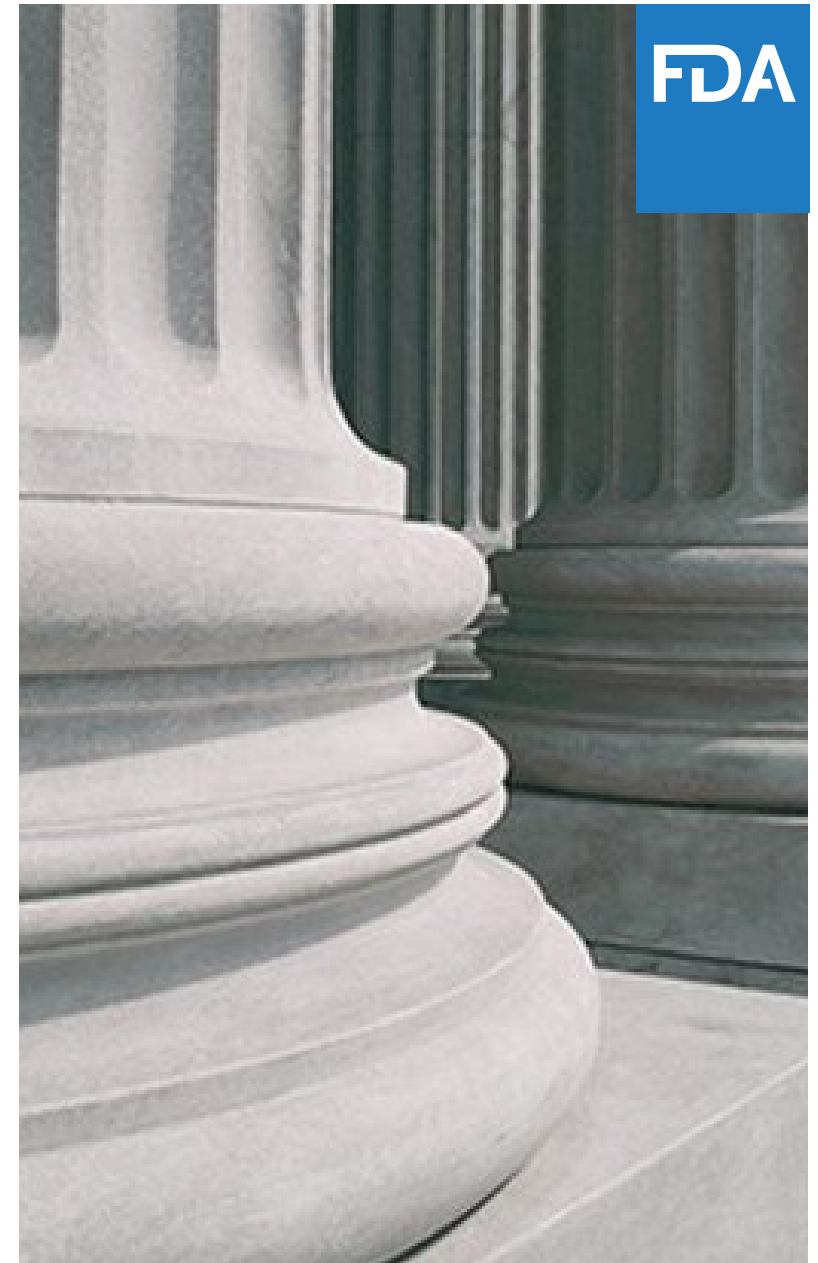
- Options After Receiving a Civil Money Penalty (CMP) or No-Tobacco-Sale Order (NTSO) Complaint
- Language Assistance Services
- How to Request an Interpreter



# CIVIL MONEY PENALTIES AND NO-TOBACCO-SALE ORDERS

The Center for Tobacco Products (CTP) regularly inspects tobacco retail establishments for violations of the Family Smoking Prevention and Tobacco Control Act and its implementing regulations.

- Examples of violations include, but are not limited to, selling tobacco products to a customer under the age of 21 or selling single cigarettes
- If CTP discovers a violation during one of these inspections, CTP will generally issue a Warning Letter, CMP, or NTSO Complaint to the Retailer



Retailers have four options for responding to a CMP or NTSO Complaint:

Option 1 – For a CMP, acknowledge the violation(s) and pay the civil money penalty; for an NTSO, comply with the NTSO period sought and work with CTP to acknowledge the violation(s) and set the dates for the NTSO period

Option 2 - Discuss mitigating factors with a CTP representative and attempt to settle the case for a reduced amount

- Mitigating factors are specific facts or circumstances that warrant a reduction to the CMP amount or NTSO period

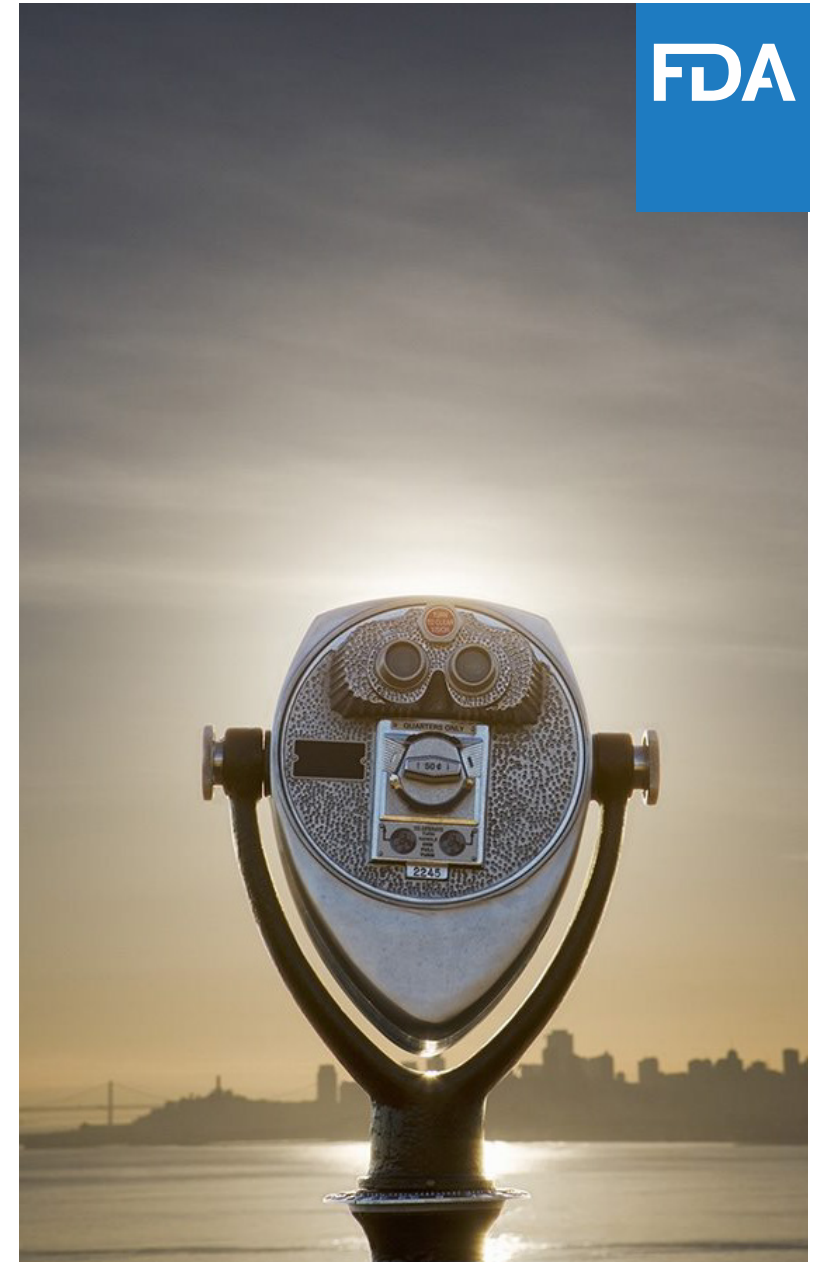
Option 3 - Contest the case by submitting an Answer to the Departmental Appeals Board

Option 4 - Request an extension of time to file an Answer

# LANGUAGE ASSISTANCE SERVICES

If a retailer wishes to resolve the case without a hearing and exercise option 1 or 2, but has difficulty effectively communicating in English, CTP will typically provide an interpreter to assist during a phone call between the retailer and a CTP representative.

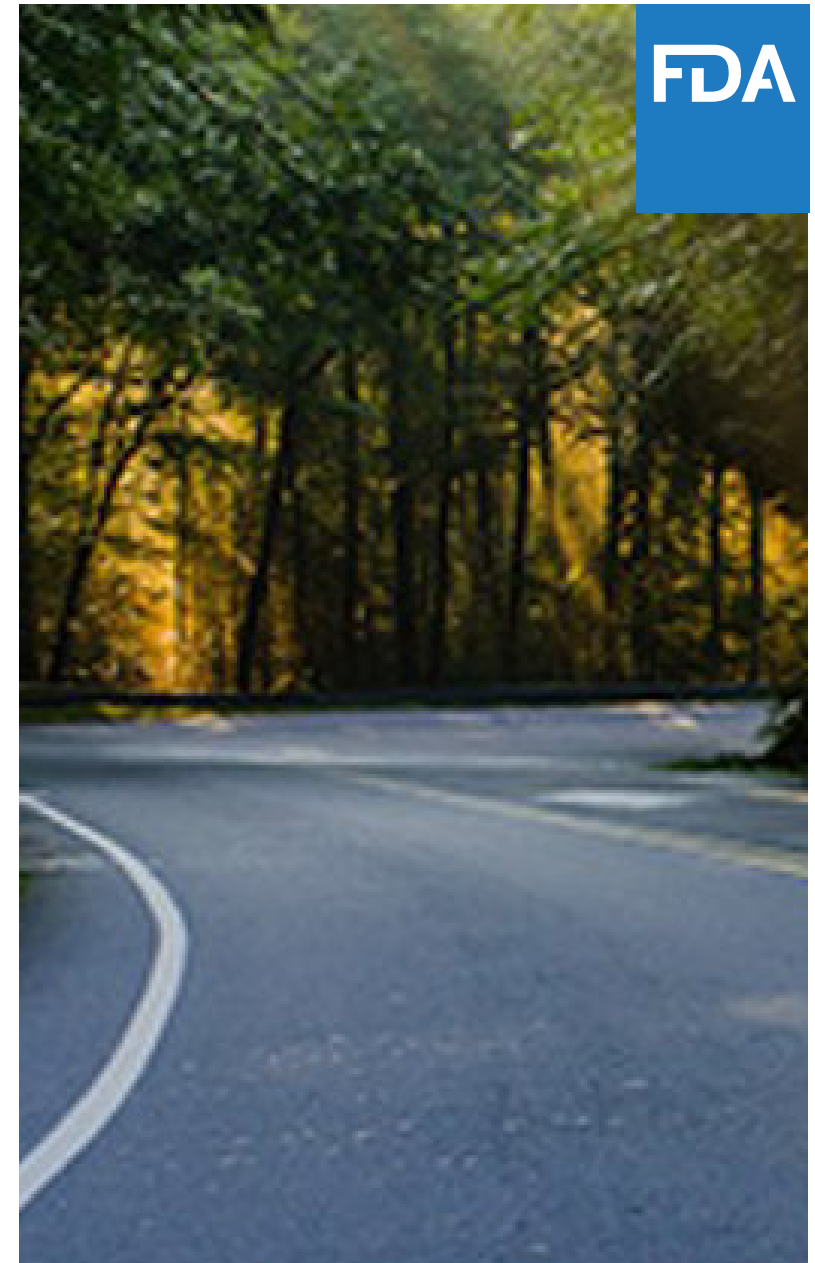
A retailer can request language assistance by calling CTP at (877) 287-1373 or sending an email to [CTP-CMP@fda.hhs.gov](mailto:CTP-CMP@fda.hhs.gov).



# LANGUAGE SERVICES FROM THE DEPARTMENTAL APPEALS BOARD

If a retailer wishes to contest the case by exercising option 3 or 4, but English is not their primary language, they can request language services from the Departmental Appeals Board. These language services may include qualified interpreters and/or information written in other languages.

A retailer can request these language services by calling the Departmental Appeals Board at (202) 565-0200 or sending an email to [DABAdministrationDivision@hhs.gov](mailto:DABAdministrationDivision@hhs.gov).

The FDA logo is located in the top right corner of the slide. It consists of the letters "FDA" in a white, bold, sans-serif font, set against a blue square background.

# REQUESTING AN INTERPRETER

When contacting CTP to request an interpreter, please provide the following information:

- Your Name
- Your preferred language(s) other than English
- A phone number and email where you can be reached
- The Docket Number(s) for your CMP or NTSO case
- Days and times you will be available within the next two to five days to discuss your case so that CTP can secure the appropriate interpreter

CTP will consider your availability when scheduling an interpreter and will contact you via the email address or phone number provided to confirm the date and time with you once an interpreter has been secured.

CENTER FOR TOBACCO PRODUCTS

VIA UPS

Tobacco Retailer Inc.  
d/b/a The Tobacco Shop  
Attn: Joe Owner or Site Manager  
123 Main Street  
Any Town, CA 91234

Re: Civil Money Penalty (CMP) Complaint  
123 Main Street, Any Town, CA  
FDA Docket No. FDA-2021-H-5678  
CRD Docket No. T-21-987

Dear Retailer:

This letter and the enclosed Complaint notify you that the Center for Tobacco Products (CTP) has filed an order for a civil money penalty for five violations of the Federal Food, Drug, and Cosmetic Act implementing regulations within a thirty-six month period.

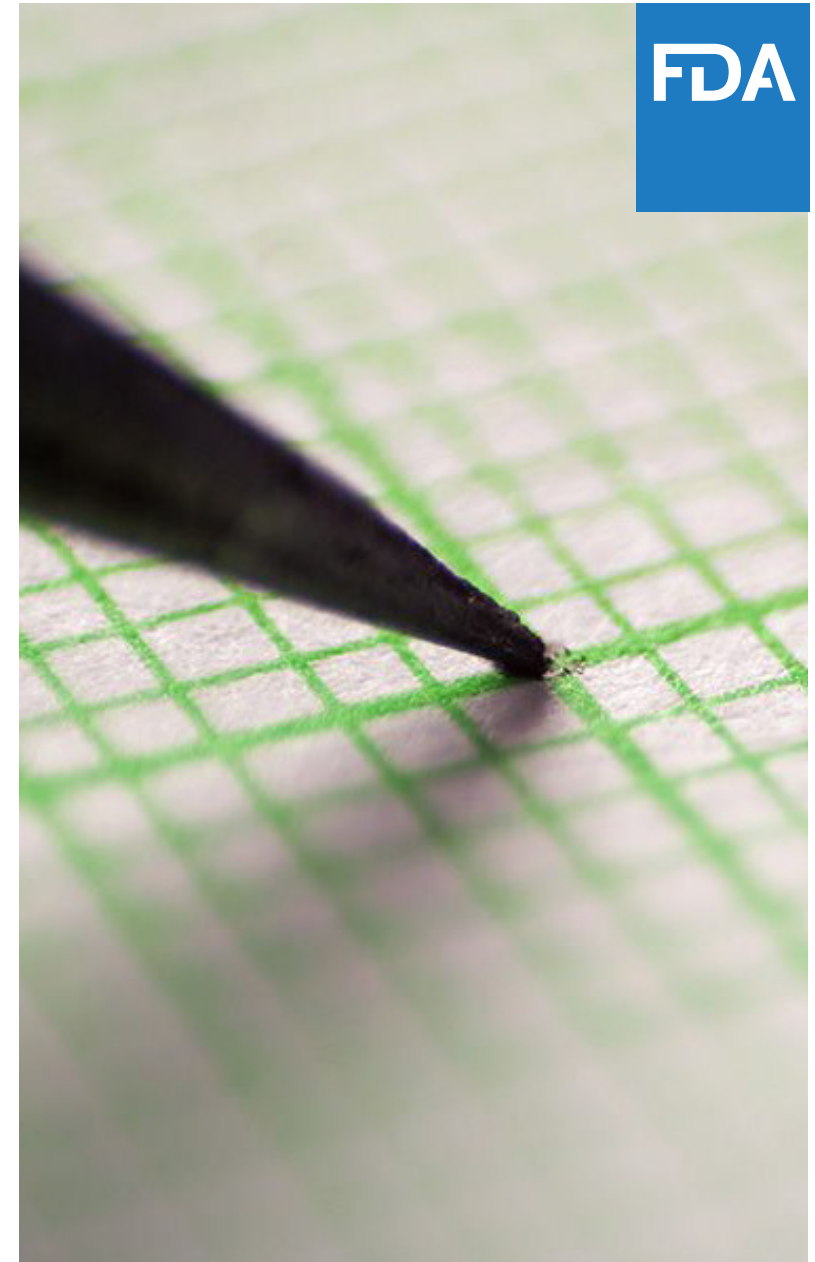
**You must respond to the attached Complaint. If you do not respond to this Complaint, you will be in default** and the order will be entered against you, ordering you to pay the penalty under 21 C.F.R. § 314.104, along with the enclosed as well as additional options for response and enforcement action governed by 21 C.F.R. Part 111.104, but are not required, to retain counsel at any time.

**To contact CTP, please call (877) 287-1373 or visit [www.fda.gov/ctp](https://www.fda.gov/ctp).**

# PREPARING FOR YOUR CALL

It is important to be prepared for your call with the interpreter and CTP representative.

- Make a note of the dates and times you provided to CTP to ensure you remain available
- Prepare for the call by having the following:
  - Copy of the CMP or NTSO Complaint
  - List of questions to ask during the call
  - List of mitigating factors for your case if you are attempting to settle for a lower amount





# HOW TO CONTACT CTP



If you need to cancel or reschedule your call with the interpreter, or if you have additional questions before your call, contact CTP:

- Email: [CTP-CMP@fda.hhs.gov](mailto:CTP-CMP@fda.hhs.gov)
- Call: (877) 287-1373