State of California—Health and Human Services Agency
California Department of Public Health

RON CHAPMAN, MD, MPH
Director & State Health Officer

EDMUND G. BROWN JR.
Governor

October 15, 2012

TO: ALL CTCP FUNDED AGENCIES

SUBJECT: PROGRAM LETTER 12-01
ADVOCACY CAMPAIGN MATERIALS AND BEHAVIOR MODIFICATION MATERIALS GUIDELINES

Purpose Update the Advocacy Campaign Materials (ACM) and Behavior Modification Materials (BMM) guidelines.

Effective Date Immediately with Fiscal Year (FY) 2012/2013 Plans/Scopes of Work (SOW).

Why The Update Is Needed The guidelines regarding the use of Advocacy Campaign Materials (ACM) and Behavior Modification Materials (BMM) have been revised in response to the February 18, 2011 memorandum from Governor Brown which prohibits using State funds to purchase promotional and marketing give-away items also known as "SWAG" (Stuff We All Get). The guidelines in this Program Letter will be incorporated into the Administrative and Policy Manual, Policy Section, Chapter 300, Policy #03.

Required Action Apply the updated ACM/BMM guidelines to revisions in process and to future revisions or agreements.

Policy The manner in which an item is utilized is the significant factor that determines if an item may be distributed. For example, if an ACM item, such as a t-shirt, is given-away simply to promote a public health message, the promotional give-way item is **not** allowed. If a BMM item, such as a t-shirt, is presented to an individual to reinforce positive involvement and required action on the part of the recipient, the t-shirt is considered a BMM and **is allowed**.

California Tobacco Control Program, MS 7206 ● P.O. Box 997377 ● Sacramento, 9CA 95899-7377 (916) 449-5500 ● (916) 449-5505 FAX
Internet Address: www.cdph.ca.gov

Advocacy Campaign Material (ACM) Guidelines

1. ACMs may not be purchased for use in comprehensive tobacco control plans/scopes of work (SOW) when used as a free promotional/marketing give-away.

2. All references to ACMs must be removed from the Plans/SOW
   a. If ACMs were distributed prior to FY 2012/13, the start/end date of the activity must reflect a period no later than "January 2012 through June 2012".

3. For FY 2012/13 and beyond, zero dollars must be reflected in the ACM line-item, contained in "Other Costs" within the budget justification.
   a. If materials have already been purchased, from this point going forward, they must be used as a BMM

Behavior Modification Materials (BMM) Guidelines

1. BMMs are allowed when utilized to motivate and/or reinforce positive:
   a. Behavior
   b. Participation
   c. Involvement

2. To receive a BMM, an activity or action is required by the recipient.
   a. Examples:
      1) A writing instrument, such as a pen with a logo, may be provided to an individual who completes a survey.
      2) A t-shirt may be provided to an individual who volunteers to work a health fair booth and distributes tobacco education brochures.
      3) A gift certificate of $5-$10 may be provided to tenants of a multi-unit housing complex who attend a 1-2 hour tobacco education meeting and complete a survey on what they learned and what changes they will make in their household as a result of the information received.

3. The Plan/SOW **must**: describe the activity required to receive the BMM and contain the following contract language:

   "BMMs are provided to program participants to motivate and/or reinforce positive behavior, participation, and/or involvement in tobacco control activities and requires action on the part of the recipient to receive the BMM. The cost of the BMM may not exceed $50 in value, per person, per year."

4. The Plan/SOW and the use of BMMs are reviewed by the California Department of Public Health. BMM activities are approved on a case-by-case basis.

5. The use of BMMs **must** meet the criteria outlined in the attached documents:

a. February 18, 2011 memorandum titled "Governor Brown Eliminates "S.W.A.G."
b. CDPH, CPSS Bulletin 11-02, which is a sample of restricted items.
c. January 28, 2008 memorandum titled, "Moratorium related to Promotional Items Distributed by the California Department of Public Health".

Contact Person For Further Information

Your assigned Procurement Manager and Program Consultant.

Sincerely,

Nadine Roh, Chief
Financial and Business Operations
California Tobacco Control Program

Attachments

GOVERNOR BROWN ELIMINATES "S.W.A.G"

2-18-2011

Memo bans state spending on key chains, stress balls, ashtrays, t-shirts and other "freebie" items

SACRAMENTO – Governor Jerry Brown's administration today directed all state agencies and departments to stop spending taxpayer dollars on free giveaway and gift items—such as key chains, coffee mugs and squeeze toys—as part of continuing efforts to cut costs and tackle the state's budget gap.

-Not a cent of taxpayer money should be spent on flashlights, ashtrays or other unnecessary items, most of which likely end up in landfills,‖ said Governor Brown. ―Every taxpayer dollar we save by cutting waste is a dollar that can be used to pay for critical public safety and social services.‖

A statewide review revealed that from 2007 to 2010 state agencies and departments spent a total of $7.5 million on items including key chains, squeeze toys, pens, hats, trinkets, shirts, cups and other gift items known colloquially as -S.W.A.G,‖ or -Stuff We All Get.‖ These include promotional and marketing items across almost every agency in the state.

Today's ban follows Brown's request earlier this week for the Bureau of State Audits and the Little Hoover Commission to each provide a list of -Top 10 Actions‖ California can take to cut government waste and increase efficiency.

The Governor has also issued Executive Orders to freeze hiring across state government and cut state cell phones and the passenger vehicle fleet in half.

These actions are part of Brown's efforts to save money this fiscal year and to cut $363 million in operational costs next fiscal year.

A breakdown of -S.W.A.G‖ expenditures from 2007 to 2010 is below.

S.W.A.G Expenditures 2007 -2010 Amount
Business, Transportation & Housing Agency $5,088,037.00
State and Consumer Services Agency $1,154,960.00
Health and Human Services Agency $778,678.00
Department of Food & Agriculture $175,530.00
Labor and Workforce Development Agency $129,012.00
California Volunteers $77,387.00
Environmental Protection Agency $48,317.00
Emergency Management Agency $41,810.00
Department of Corrections and Rehabilitation $12,201.00
Department of Veterans Affairs $4,968.00
Total: $7,510,900.00

California Department of Public Health
Program Support Branch
Contracts and Purchasing Services Section (CPSS)
CPSS Bulletin 11-02

Applies to: ☒ Contract Management Unit (CMU) ☒ Purchasing Services Unit (PSU)

Purpose

This memorandum is to provide guidance to CDPH Programs to comply with the Governor's February 18, 2011 letter to State Agencies and Departments regarding the purchase of gifts, trinkets, and handouts otherwise referred to as SWAGs (Stuff We All Get).

Effective Date

This bulletin will be effective immediately and remain in effect unless other rescinded or amended.

Background

On February 18, 2011 Governor Jerry Brown issued a letter directing all State Agencies and Departments to stop the purchase of various "gifts" and/or "giveaway" items which have been used to promote State Programs but "most of which end up in landfills" The letter called such items SWAGs (Stuff We All Get)

In response to the Governor's Letter the Department of General Services has revised the State Contracting Manual (SCM) Volume 2, Section 2.A2.3 & Volume 3 Section 2.A2.2.

Required Actions

To comply with the Governor's Letter and the SCM changes CDPH Programs are (regardless of funding source) requested to:

- Stop and/or cancel any pending purchase request / orders of any SWAGs whether ordered directly or indirectly through CDPH contractors or subcontractors.
- If possible cancel any SWAGs order that were processed prior to February 18, 2011 but not yet received. Contact the CDPH Purchasing Services Unit for assistance if needed. .
- Remove any Scope of Work language that allows for the purchase of SWAGs or any other promotional items by the Contractor using State funds on pending (in process) and future contracts. No action is required on existing contracts fully executed on or before February 18, 2011

Sample of Restricted Items

Although the letter identified a few specific items such as key chains, coffee mugs, squeeze toys, to provide CDPH Programs with further guidance, the following is a list of restricted SWAG items:

- Mugs or cups.
- CD Cases or Covers with CDPH Promotional Embossing. Excludes items ordered for CDPH use.
- Lapel or stick Pins.
- Sticky Note Pads with CDPH Promotional Printing, Excludes items ordered as office supplies for CDPH use.
- Pens, Pencils or any writing instrument with promotional embossing. Excludes pens and pencils ordered as office supplies for CDPH use.
- Pocket Calculators with CDPH Promotional embossing.
- Clothing i.e. Shirts, T-shirts, hats, Excludes statutorily or safety required

uniforms i.e. law enforcement.

- Key Rings, Chains, Tags or FOBs. Excludes Key FOBs used for State Vehicles.
- Tooth Brushes with CDPH promotional embossing.
- Toys, stuffed animals, stress balls, puzzles or small items intended for distribution with CDPH Promotional Inscriptions or embossing. .
- Promotional banners and/or flags. Excludes “Official” (US, California, POW) flags and/or banners used for display in State facilities or CDPH events.
- Other small “hand out” items i.e. bags, umbrellas, soft sided lunch boxes, pocket protectors.

The above list is only a guide and not intended to be all inclusive. Please contact the Contracting and Purchasing Services Section if you need further guidance.

Existing Inventory

CDPH Programs should retain and maintain all existing SWAG inventories where they are currently stored until further notice. DO NOT to distribute, dispose or destroy any existing SWAG inventories

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Contacts

For questions and/or clarifications regarding this bulletin please contact the Program Support Branch Contract Management or Purchasing Services Units at (916) 650-0100.

APPENDIX: MORATORIUM RELATED TO PROMOTIONAL ITEMS DISTRIBUTED BY THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH: UPDATED INTERIM GUIDELINE ON USE OF PROMOTIONAL ITEMS

State of California-Health and Human Services Agency
California Department of Public Health

MARK B HORTON, MD, MSPH
Director

ARNOLD SCHWARZENEGGER
Governor

MORATORIUM RELATED TO PROMOTIONAL ITEMS DISTRIBUTED BY THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Updated Interim Guideline on Use of Promotional Items

January 28, 2008

This serves as an update to the *Interim Guideline on Use of Promotional Items* released October 12, 2007 by the California Department of Public Health (CDPH). The guideline of 10-12-07 clarified that the moratorium on distribution of promotional items relating to potential lead hazards did not apply to certain paper products used for key health education guidance.

As part of the department's continuing *efforts* to minimize lead hazards and based upon recommendations of the Department of Toxic Substances Control, promotional items distributed by CDPH programs will require testing for lead if the items meet any of the following criteria:

Lead Testing Criteria

- **Items intended for children under age 6 years**
- Items with components small enough to be ingested by children
- Items that contact food or beverages
- Items with paints or coatings
- Items with vinyl components

CDPH will continue the moratorium on metal items. Policies and procedures are being developed that will provide details on how such items will be tested. Details will be released as soon as they are available.

In the meantime, the CDPH moratorium on distribution of promotional items is lifted for those items that provide key health education guidance and which meet NONE of the Lead Testing Criteria listed above. Examples of promotional items that are no longer under the moratorium include: plastic gift cards, compact discs, DVDs, and video cassettes. More information will be forthcoming on the use and distribution of promotional items. Please visit www.cdph.ca.qov and click on the "Guidelines on use of Promotional Items" link under the **Other Hot Topics** heading where updated information and resources will be posted.

Emergency Preparedness Office, MS 7002, P.O. Box 997377, Sacramento, CA 95899-7377
(916) 650-6416 FAX (916) 650-6420
Internet address: www.chph.ca.qov