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BARBARA R. MUNDELL  
PRESIDING JUDGE  
JUDICIAL BRANCH OF ARIZONA  
IN MARICOPA COUNTY

*In the matter of*  
Motiva Enterprises LLC and Shell Oil Products US

**ASSURANCE OF VOLUNTARY COMPLIANCE**

**BACKGROUND**

- A. WHEREAS, the undersigned Attorneys General believe that underage access to tobacco products constitutes a serious and continuing threat to public health based upon the following:
- More than 80% of regular adult smokers began smoking as children;
  - Every day in the United States about 2,000 children begin smoking cigarettes, and one third of those children will one day die from a tobacco-related disease;
  - Studies show that the younger a person begins smoking, the more likely it is that he or she will be unable to quit in later life and will suffer a disease attributable to tobacco use;
  - Studies indicate that youth demonstrate signs of addiction after smoking only a few cigarettes;
  - According to United States Food & Drug Administration ("FDA"), on average among all U.S. retailers, one in every four attempts by a person 15 to 17 years old to purchase cigarettes over the counter results in a sale;
  - An estimated 690 million packs of cigarettes are sold illegally to children each year nationwide, and 47% of youth who report buying cigarettes identify retail outlets that sell gasoline as their primary point of purchase, and another 27% identify convenience stores;
  - More than 400,000 Americans die each year from diseases caused by tobacco use;
- B. WHEREAS, Motiva Enterprises LLC and Shell Oil Products US (collectively the "Companies") are proud of their fuel distribution practices, and believe them to be in full compliance with laws and regulations;
- C. WHEREAS, the Companies are committed to doing more to demonstrate their commitment to the health and welfare of our nation's youth, and to step forward voluntarily to help lead national efforts against youth access to tobacco.

THEREFORE, the Companies agree to enter into the following Assurance of Voluntary Compliance on the terms set forth below.

## AGREEMENT

1. This Assurance of Voluntary Compliance (“Assurance”) is entered into by the Attorneys General of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming (collectively “the undersigned Attorneys General”) on behalf of their respective states, commonwealths, or jurisdictions (collectively “the States”) and Motiva Enterprises LLC and Shell Oil Products US (collectively the “Companies”).<sup>1</sup>
  
2. This Assurance follows an analysis of the results of compliance checks conducted by state authorities under state statutes and federal law (42 U.S.C. § 300x-26(b)(2)) to enforce laws prohibiting sales of tobacco products to minors. Such data indicates that Shell-branded convenience stores made tobacco sales to persons under the age of 18 in controlled compliance checks. The Attorneys General believe that such sales may violate the Consumer Protection statutes<sup>2</sup> of

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<sup>1</sup> With regard to Georgia and Virginia, this document will be titled an “Agreement.” With regard to Tennessee, this Assurance is entered into in conjunction with the Tennessee Division of Consumer Affairs.

<sup>2</sup> § 13A-12-3, Code of Alabama (1975); Alaska Unfair Trade Practices and Consumer Protection Act, AS 45.50.471 et seq.; A.R.S. § 44-1521 et seq. (AZ); Arkansas Code Annotated 4-88-101 et seq.; Cal. Bus. & Prof. Code § 17200 et seq. (CA); Colorado Consumer Protection Act, §§ 6-1-101, et seq., C.R.S. (2005); Conn. Gen. Stat. § 42-110a et seq. (2007) (CT); Del. Code Ann. Tit. 6, §§ 2501-2536 (2005); District of Columbia Consumer Protection Procedures Act, D.C. Code § 28-3901 et seq. (2001) (DC); Fla. Stat. Ann. § 501.201 et seq. (West)(FL); O.C.G.A. § 45-15-3 (GA); Haw. Rev. Stat. § 481A-1 et seq. (HI); Idaho Code Section 48-601 et seq.; Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS § 505/1 et seq.; Iowa Code § 714.16; K.S.A. 50-623, et seq. (KS); KRS 367.110-367.300 (KY); La. Rev. Stat. Ann. § 51:1401 (West)(LA); Title 5 Maine Revised Statutes § 203-A, and Title 5 Maine Revised Statutes §§ 205-A-214 (Maine Unfair Trade Practices Act); Maryland Annotated Code, Commercial Law Article, §§ 13-101 et seq.; Massachusetts Consumer Protection Act, M.G.L. c.93A; Michigan Consumer Protection Act, MCL 445.901 et seq.; Minn. Stat. §§ 325F.68-.69 (prevention of consumer fraud) and Minn. Stat. §§ 325D.43-48 (Uniform Deceptive Trade Practices Act)(MN); Miss. Code Ann. 75-24-1 et seq. (MS); Missouri Merchandising Practices Act, §§ 407.010 through 407.030 RSMo. (2000); Mont. Code Ann. § 30-14-101 et seq. (MT); Neb.Rev.Stat. § 87-301 et seq. (Reissue 1999; Cum. Supp. 2006) (NE); Nevada Revised Statutes Chapter 598; NH Rev.Stat.Ann. 358-A (1995 Michie Butterworth, and Supp. 2005 West) (NH); N.J.S.A. 56:8-1 et seq. (NJ); New Mexico Unfair Practices Act NMSA 1978, S 57-12-1 et seq (1967); New York Executive Law § 63(12) and General Business Law Article 22-A; R.C. 1345.01 et seq. (OH); 15 O.S. (2001) § 751 et seq. (OK); ORS 646.605, et seq. (OR); Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1 et seq. (PA); R.I. General Laws §§ 11-9-13, 11-9-13.1 through 11-9-13.16, and 11-9-14 (RI); S.C. Code Ann., § 39-5-10 et seq. (1976, as amended) (SC); S.D. Codified Laws Ann. Chapter 37-24 (SD); Tennessee Consumer Protection Act of 1977, Tenn. Code Ann. §§ 47-18-101 et seq.; Tex. Bus. & Com. Code Ann. § 17.41 et seq. (Vernon 2002 and Supp. 2005) (TX); Utah Code Ann. §§ 13-5-1 through 13-5-18 & 13-11-1 through 13-11-23; Vermont Consumer Fraud Act, 9 V.S.A. § 2451 et seq.; Virginia Consumer Protection Act, Va. Code § 59.1-196 et seq.; Wash. Rev. Code Ann. § 19.86.100 (WA); W. VA Code 46A-1-101 et seq. (WV); Wyo. Stat. § 40-12-101 et seq. (WY).