

## Communication from Public

**Name:** Tobacco-Free Kids  
**Date Submitted:** 07/30/2019 11:50 AM  
**Council File No:** 18-1104  
**Comments for Public Posting:** Please find the attached letter from the Tobacco-Free Kids Action Fund in strong support of the introduction and passage of an ordinance to fully end the sale of flavored tobacco products in the City of Los Angeles. Thank you.



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Los Angeles City Council  
Health, Education, Neighborhoods, Parks, Arts and Rivers Committee  
200 N Spring St  
Los Angeles, CA 90012

July 30, 2019

Dear City Council Members Ryu, O'Farrel and Price,

**The Tobacco-Free Kids Action Fund supports an the introduction and full passage of an ordinance to end the sale of all flavored tobacco products, including menthol cigarettes, in the City of Los Angeles.**

Prohibiting the sale of flavored tobacco, including menthol cigarettes, is an important step in protecting Los Angeles children from the unrelenting efforts of the tobacco industry to hook them to a deadly addiction. For decades, tobacco companies have used flavorings to improve the taste and reduce the harshness of their products to make them more appealing to new users, almost all of whom are under age 18. The evidence is clear that menthol cigarettes and flavored tobacco products have a direct appeal to youth and make it easier for them to start smoking. Prohibiting the sale of menthol cigarettes and other flavored tobacco products will help reduce tobacco use and its devastating toll.

**In recent years, there has been an explosion of sweet-flavored tobacco products, especially e-cigarettes and cigars.** These products are available in a wide assortment of flavors that seem like they belong in a candy store or ice cream parlor – like gummy bear, cotton candy, wild berry and lemonade. As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.<sup>1</sup> News stories, school administrators, and government officials have documented the growing popularity of the JUUL e-cigarette among youth, attributing its appeal to its sleek design, high nicotine content and availability of flavors. Sales of flavored cigars, meanwhile, have increased by nearly 50 percent since 2008, and flavored cigars made up more than half (52.1 percent) of the U.S. cigar market in 2015, according to Nielsen convenience store market scanner data.<sup>2</sup>

**These sweet products have fueled the popularity of e-cigarettes and cigars among youth.** Nationally, cigar use is as popular as cigarette use among high school students, and e-cigarettes are the most commonly used tobacco product among youth in the US and in California.<sup>3</sup> The FDA Commissioner recently stated that "E-cigarettes have become an almost ubiquitous – and dangerous – trend among youth that we believe has reached epidemic proportions."<sup>4</sup> Research shows that flavors play a key role in these trends. A government study found that 81 percent of kids who have ever used tobacco products started with a flavored product. Youth also cite flavors as a major reason for their current use of non-cigarette tobacco products, with 81.5 percent of youth e-cigarette users and 73.8 percent of youth cigar users saying they used the product "because they come in flavors I like."<sup>5</sup> Menthol cigarettes are also more popular among younger populations: over half of youth smokers ages 12-17 use menthol cigarettes, compared to less than one-third of smokers ages 35 and older.<sup>6</sup> Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

**Tobacco companies have a long history of targeting and marketing flavored tobacco products to specific populations and subgroups.** Tobacco industry marketing, often targeted at minority communities, has been instrumental in

increasing the use of menthol products and in the disproportionate use of menthol products by minority groups and youth. As a result, 85 percent of African-American smokers smoke menthol cigarettes, compared to 29 percent of white smokers. Menthol cigarettes are particularly popular among youth: more than half of youth smokers use menthol cigarettes, including seven out of ten African-American youth smokers.<sup>7</sup> The FDA's Tobacco Products Scientific Advisory Committee (TPSAC) estimated that by 2020, 4,700 excess deaths in the African-American community will be attributable to menthol in cigarettes, and over 460,000 African Americans will have started smoking because of menthol in cigarettes. TPSAC further concluded that "removal of menthol cigarettes from the marketplace would benefit public health in the United States."<sup>8</sup>

There is also a long history of the tobacco industry targeting the LGBTQ population. For more than 20 years, the tobacco industry has targeted the LGBTQ market through direct advertisements, sponsorships and promotional events.<sup>9</sup> The most infamous example of this targeted marketing of the LGBTQ community is "Project SCUM" (subculture urban marketing), a 1995 marketing plan developed by R.J. Reynolds to target the gay community in the Castro District of San Francisco.<sup>10</sup>

The scientific evidence leaves no doubt that flavored tobacco products – including menthol – have a profound adverse impact on public health in the United States, resulting in more tobacco use and subsequently more death and disease. The research also demonstrates that the tobacco industry is responsible for the health disparities caused by menthol cigarettes because of its targeted marketing to children and African-American communities. Prohibiting the sale of flavored tobacco products, including menthol cigarettes, will help counter these industry tactics.

By ending the sale of flavored tobacco products and ensuring that all tobacco retailers are licensed, **you will place the health of kids in Los Angeles before tobacco industry profits.** Thank you for your leadership protecting youth from the harmful effects of tobacco use.

Sincerely,



Annie Tegen, MPH

Director, U.S. Western Region

Campaign for Tobacco-Free Kids // Tobacco-Free Kids Action Fund

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<sup>1</sup> Zhu, S-H, et al., "Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites," *Journal of Medical Internet Research*, 20(3), published online March 12, 2018.

<sup>2</sup> Delnevo, CD, et al., "Changes in the mass-merchandise cigar market since the Tobacco Control Act," *Tobacco Regulatory Science*, 3(2 Suppl 1): S8-S16, 2017.

<sup>3</sup> CDC, "Youth Risk Behavior Surveillance—United States, 2017," *MMWR*, 67(8), June 15, 2018. CDC, "Tobacco Use Among Middle and High School Students—United States, 2011-2017," *MMWR*, 67(22): 629-633, June 7, 2018.

<sup>4</sup> FDA News Release, "FDA launches new, comprehensive campaign to warn kids about the dangers of e-cigarette use as part of the agency's Youth Tobacco Prevention Plan, amid evidence of sharply rising use among kids," September 18, 2018, <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm620788.htm>.

<sup>5</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

<sup>6</sup> Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016

<sup>7</sup> Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016.

<sup>8</sup> FDA Tobacco Products Scientific Advisory Committee (TPSAC), Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, July 21, 2011 <https://wayback.archive-it.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>

<sup>9</sup> Goebel, K, et al., "Lesbians and gays face tobacco targeting," *Tobacco Control*, 3: 65-67, 1994.

<sup>10</sup> R.J Reynolds. Project SCUM. Legacy Tobacco Documents Library. December 12, 1995. Access Date: October 19, 2002. Bates No. : 518021121/1129. <http://legacy.library.ucsf.edu/tid/mum76d00>.