



The African American Tobacco Control Leadership Council

March 25, 2019

To: Los Angeles City Council President Herb Wesson, President Pro Tempore Nury Martinez, Assistant President Pro Tempore Joe Buscaino, Councilmember Gil Cedillo, Councilmember Paul Krekorian, Councilmember Bob Blumenfield, David Ryu, Councilmember Paul Koretz, Councilmember Monica Rodriguez, Councilmember Marqueece Harris-Dawson, Councilmember Curren Price, Councilmember Mike Bonin, Councilmember Richard Englander, Councilmember Mitch O'Farrell, Councilmember Jose Huizar

From: The African American Tobacco Control Leadership Council

Re: Adopt Citywide Restriction on the Sale of Menthol and all Other Flavored Tobacco Products, Including Flavored E-Juices in Los Angeles

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the Los Angeles City Council to restrict the sale of menthol and all flavored tobacco products, including flavored e-juices citywide, with no adult venue exemptions. We already know that 80% of youth's 12-17 start smoking using flavored cigarettes (Ambrose et al., 2015). If the City Council truly wants a healthier Los Angeles, and we believe that you do, then it is imperative that the sale of menthol and all other flavored tobacco products be restricted and the predatory marketing of these products be recognized as a social injustice issue, an issue that disproportionately impacts poorer communities, marginalized groups, youths and communities of color.

This is no minor matter. Menthol and flavored tobacco products are driving tobacco-caused deaths and diseases nation-wide. While the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults; among Latinos, Blacks, and Whites (Villanti, 2016). Let's be clear, the majority of women smokers smoke menthol cigarettes; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes, with 62% of Puerto Rican smokers using menthol; nearly 80% of Native Hawaiians; a majority of Filipinos; and a majority of smokers with behavioral health issues smoke menthol cigarettes. Frankly, most marginalized groups disproportionately use these "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015).

Moreover, 85% African American adults and 94% of Black youth who smoke are using menthol products (Giovino, 2013). These striking statistics arise from the predatory marketing of these products in the Black Community, where there are more advertisements, more lucrative

promotions, and *cheaper prices* for menthol cigarettes compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010). These predacious practices for the past 50 years have led to Blacks folks dying disproportionately from heart attacks, lung cancer, strokes and other tobacco related diseases (RSG, 2014).

The Council should be aware that menthol, as if to add insult to injury, masks the harsh taste of tobacco and allows for deeper inhalation of toxins and greater amounts of nicotine. Furthermore, the presence of menthol makes cigarettes harder to quit compared to other cigarettes (Ton et al., 2015; Levy et al., 2011). The “cool refreshing taste of menthol” heralded by the tobacco industry is just a guise; ultimately, menthol allows the poisons in cigarettes and cigarillos to “go down into the body” more easily.

We all have been reading in the papers about the “JUUL Explosion,” where a little thumb drive looking device is used more than regular cigarettes among youth (CDC, 2018). Frankly, the “JUUL Explosion” is really a “Flavors Explosion” given the fact that there are over 15,000 kid friendly flavors available in the marketplace! (<https://www.flavorshookkids.org/> 2018). The vaporist community would like you to believe that aerosol inhaled by e-cigarette users is only water vapor – nothing could be further from the truth. Here are the facts:

1. E-cigarettes are tobacco products that deliver nicotine, an addictive substance that especially in youth can compromise the brains executive functioning (Report of the Surgeon General, 2014).
2. The propylene glycol and vegetable glycerin that constitute a large portion of the e-juice and the resulting vapor **are not FDA approved for inhalation.**
3. The 15,000+ flavors available on the market may be Generally Recognized as Safe (GRAS) for **ingestion**, but they are not GRAS for **inhalation.**
4. There are as many, if not more, metals in the vapor of e-cigarettes than found in cigarette smoke (Williams et al., 2013).
5. Many of the same toxins and carcinogens found in regular cigarettes, like benzene, formaldehyde, and tobacco specific nitrosamines, can be found in e-cigarette vapor (Goniewicz et al., 2013). And yes, these toxins and carcinogens are at lower levels than in a regular cigarette; while these lower levels may be safer, this does not mean that e-cigarettes are **safe!**
6. The vapor from e-cigarettes activates platelet formation just like regular cigarettes; such platelet activity leads to arterial blockages (Hom et al., 2016).
7. E-cigarette aerosol consists of ultrafine particles at levels comparable to or higher than cigarettes. These particles can cause cardiovascular and pulmonary disease. In addition, the particle size in e-cigarettes is often smaller, and thus more dangerous, than those generated by cigarettes (Fuoco FC, Buonanno G, Stabile L, Vigo P. 2014).
8. Kids who start with e-cigarettes are more likely to become regular cigarette users, and unfortunately, in many cases dual users (Byrne S et al., 2018).
9. Here is a link to the European Public Health Association: Fact or Fiction on E-cigs: https://eupha.org/repository/advocacy/EUPHA_facts_and_fiction_on_e-cigs.pdf

The AATCLC is calling upon the Los Angeles City Council to join a growing number of cities and counties around the country that are restricting, jurisdiction-wide, the sales of menthol cigarettes and all other flavored tobacco products, including flavored e-juices. In June 2018, San Francisco voters passed the first ever citywide restriction on the sales of all flavored tobacco products, including menthol cigarettes and flavored e-cigarette juices. This “strongest flavor ban law ever” was rapidly replicated in the City of Richmond the following month. Within weeks, Beverly Hills followed suit, with their own city wide restrictions. Since November the cities of Alameda, Santa Cruz, San Pablo, and Hermosa Beach all have adopted their own citywide restrictions. And the County of Marin approved a county-wide ban for its unincorporated areas. Even the Food and Drug Administration is finally talking about getting rid of menthol cigarettes and flavors in little cigars and cigarillos. Moreover, we also recognize that there has been legislation introduced in Sacramento to ban flavors state-wide. While these developments are welcomed, we know that the tobacco industry will use all its muscle to slow down and curtail these national and state efforts. Hence, it is imperative that Cities like Los Angeles, take the lead and join the growing movement to remove flavored tobacco products, especially menthol cigarettes, from the market place by adopting a City-wide ordinance to restrict their sale.

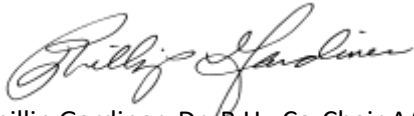
We should also mention that some groups, spurred on by the tobacco industry, have been spreading falsehoods, stating that restricting the sale of menthol and flavored tobacco products, including flavored e-juices will lead to the “criminalization” of particularly young Black men. Nothing could be further from the truth. The proposed ordinance would *prohibit the sale* of flavored products, it would *not prohibit the possession* of these products. Hence, this ordinance will not lead to police having any greater interaction with Black youth.

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though based in California, we are national in our scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago and Minneapolis to Berkeley and San Francisco. Our work has shaped the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings when the agency was first considering the removal of menthol cigarettes from the marketplace.

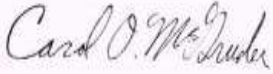
We here at the AATCLC recognize that the Council may be under extraordinary pressure from the tobacco industry and the vaporist community to put profits above human life by limiting or curtailing restrictions on flavored tobacco products. Please join your sister cities and stand up to the tobacco industry and their allies – Call for: **No Selling of Menthol Cigarettes and All Other Flavored Tobacco Products, including Flavored E-Juices in the City of Los Angeles!** Say “**No**” to the continued predatory marketing of flavored tobacco products to our youth, and say “**Yes**” to the health and welfare of our kids, who are the most vulnerable. In fact, say “Yes” to the protection for **all** residents of the City of Los Angeles.

We are all counting on you!


Sincerely,

A handwritten signature in cursive script, reading "Phillip Gardiner".

Phillip Gardiner, Dr. P.H. Co-Chair AATCLC www.savingblacklives.org

A handwritten signature in cursive script, reading "Carol O. McGruder".

Carol McGruder, Co-Chair AATCLC

A handwritten signature in cursive script, reading "Dr. Valerie Yerger".

Valerie Yerger, N.D., Co-Chair AATCLC