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Ending the Sale of Flavored Tobacco

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The American Cancer Society Cancer Action Network...

Supports ending the sale of all flavored tobacco products with no exemptions

- All **FLAVORS**
 - Including mint and menthol
- All products
 - E-cigarettes (regardless of nicotine content)
 - Menthol cigarettes
 - Other tobacco products





WHY NOW?

- Flavored tobacco is erasing years of gains Vermont has made in tobacco prevention and cessation (YRBS, 2019)
- Smoking is the #1 cause of preventable death
 - Smoking will kill 1,000 Vermonters this year.
 - If smoking continues at the current rate, 10,000 Vermont kids alive today will die prematurely from smoking-related illness.
- Smoking is expensive – costing Vermont **hundreds of millions of dollars** per year
- Most importantly **FLAVORS** hook kids
 - Counterbalance: <https://vimeo.com/257015422>

Tobacco's pricetag

- Smoking costs Vermont **\$348 million** each year in medical expenses
- Vermont's Medicaid costs caused by smoking in are **\$87.2 million** each year.
- Smoking-caused productivity loses in Vermont are **\$232.8 million** each year.
- VT taxpayers' state & federal tax burden from smoking-caused government expenditures is **\$759 per household** each year.
- Big Tobacco spends **\$16.7 million** each year advertising its products in Vermont.

* Amounts do not include health costs caused by exposure to secondhand smoke, smoking-caused fires, smokeless tobacco or cigar and pipe smoking. Tobacco use also imposes additional costs such as workplace productivity losses and damage property.

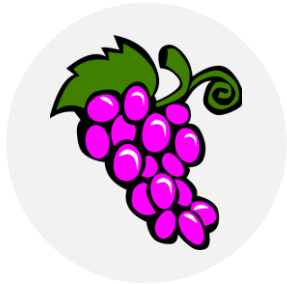
- Source: <https://www.tobaccofreekids.org/problem/toll-us/vermont>



FLAVORS hook kids



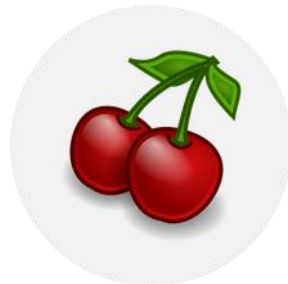
Flavors are a **marketing weapon** the tobacco industry uses to lure kids into a lifetime of addiction.



Tobacco flavors like cherry, grape, cotton candy and gummy bear are not aimed at established, adult tobacco users. Years of tobacco industry documents confirm the intended use of flavors is to **target children**.



Altering tobacco products ingredients and design – like **adding flavors** – can **increase a product's appeal** by masking harsh effects of tobacco and make the inhalation of nicotine easier.



Consequently, **youth** say flavors are a leading reason they use tobacco products and **they perceive flavored products as less harmful**.

Flavored e-cigarettes flood the market

More than **15,500 distinct flavors**
available to consumers

➤ Unique flavors have **doubled** in five years (7,700 flavors in 2014)

Kid-enticing flavors include:

Gummy bear

Unicorn Puke

Mango

Very berry slushie

Birthday cake

Apple pie

S'mores

Strawberry shortcake

Crème brulee

Skittles

Cotton candy

Buttered popcorn



FLAVORS hook kids



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7 out of 10 middle and high school students who currently use tobacco have used a **FLAVORED** product.

63%

of students who currently use e-cigarettes have used **flavored** e-cigarettes.
(1.6 million)

61%

of students who currently use hookah have used **flavored** hookah.
(1 million)

64%

of students who currently use cigars have used **flavored** cigars.
(910,000)



Source: Morbidity and Mortality Weekly Report (MMWR)

More than **80%** of teens who have ever used tobacco, started with a **flavored product.**



Impact on Vermont:
youth tobacco use
rising

More than **1 in 4**
Vermont kids
now use some
form of tobacco

Vermont Youth Risk Behavior Survey



Ever tried any flavored tobacco product

2017

- High School

➤ 21%

- Before age 13

➤ 10%

2019

- High School

➤ 27%

- Before age 13

➤ 15%

RESULT

- High School

↑ 6%

- Before age 13

↑ 5%

Vermont Youth Risk Behavior Survey



Ever tried an electronic vapor product

2017

- High School

➤ 34%

2019

- High School

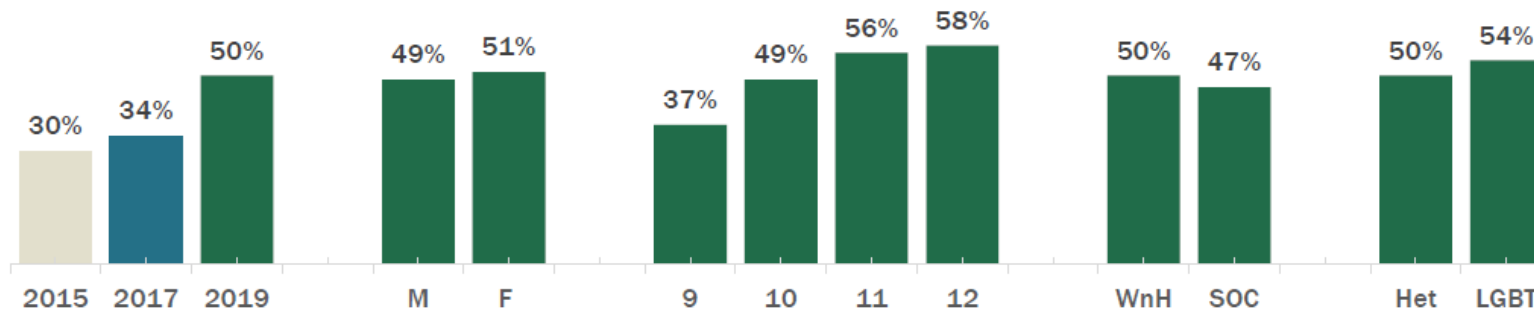
➤ 50%

RESULT

- High School

↑ 16%

Lifetime Use of Electronic Vapor Products



Vermont Youth Risk Behavior Survey



Current electronic vapor product use

2017

- High School

➤ 12%

2019

- High School

➤ 26%

RESULT

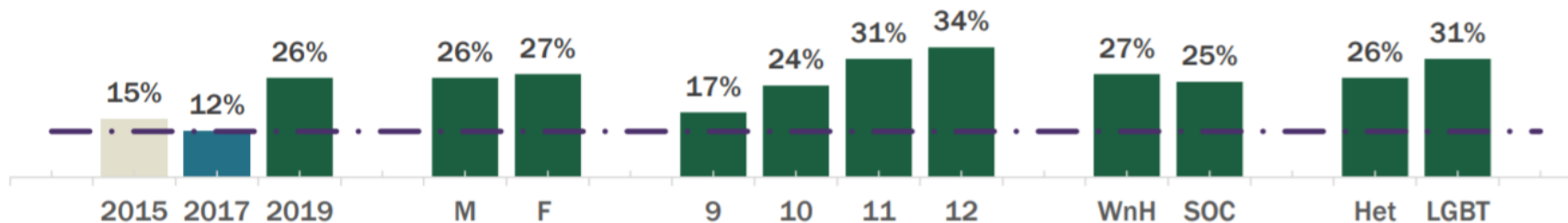
- High School

↑ 14%

MORE THAN DOUBLED

Used an EVP, Past 30 Days

— •HV2020 Goal (12%)

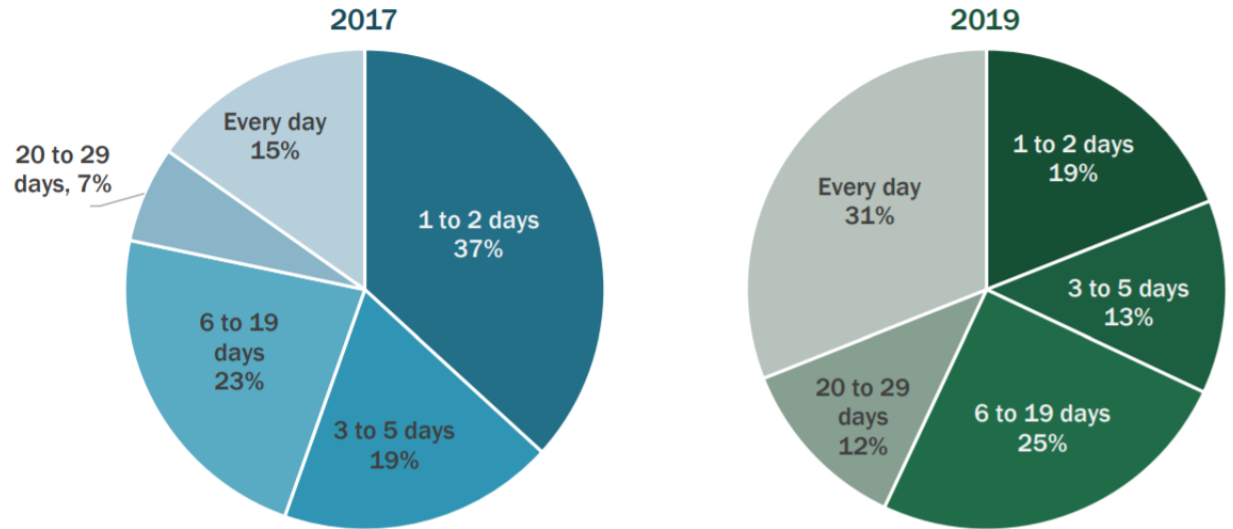


Vermont Youth Risk Behavior Survey

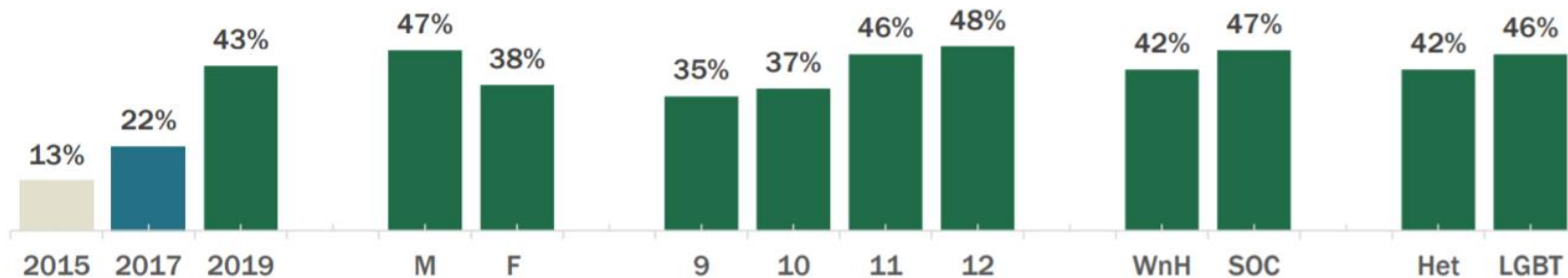


Frequency of current electronic vapor product use

Days Used EVP, Among Current Users



Used an EVP on 20 or More Days
(Among Current Users)



Vermont Youth Risk Behavior Survey



Current tobacco product use

2017

- High School
➤ 19%

2019

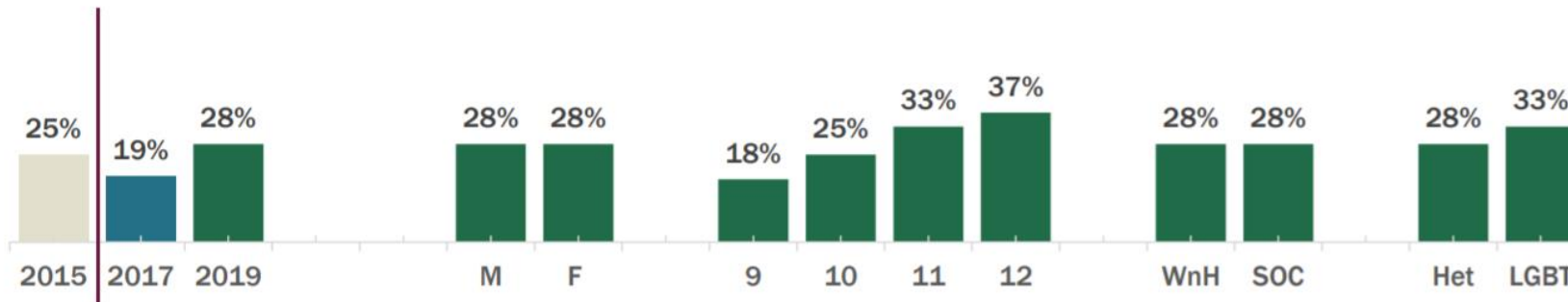
- High School
➤ 28%

RESULT

- High School
↑ 9%

MORE THAN 1 in 4 KIDS USE TOBACCO

Used Cigarettes, Cigars, Smokeless Tobacco, or Electronic Vapor Products, Past 30 Days



Note: In 2017 the number of smokeless tobacco products and brand names listed in the question were revised to reflect emerging forms of smokeless tobacco. This change interrupts the smokeless tobacco use trend line. Caution should be used when comparing data including smokeless tobacco to previous years.

Vermont Youth Risk Behavior Survey



Current cigarette use

2017

- High School

➤ 9%

2019

- High School

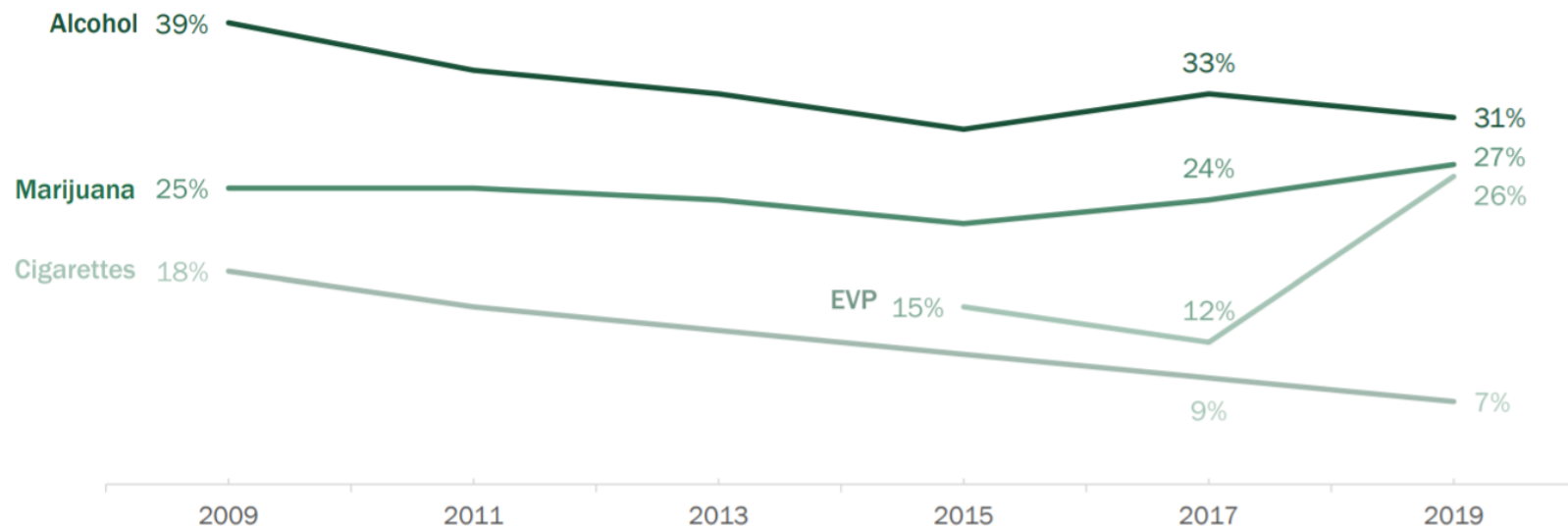
➤ 7%

RESULT

- High School

↓ 2%

Past 30 Day Alcohol, Marijuana, Cigarette, and EVP Use



What's happening around the country?



MASSACHUSETTS

- **Bans the sale of ALL flavored tobacco products, including e-cigarettes, menthol cigarettes, cigars, pipe and other loose tobacco and chewing tobacco.**
- **Increases the retailer fine** for sales to minors from \$100, \$200 and \$300 for first, second and third violations respectively to \$1,000, \$2,000 and \$5,000.
- Earmarks 30% of all revenue collected for civil penalties imposed for possession, transfer or sales of untaxed or otherwise illegal tobacco products by wholesalers, distributors or unlicensed individuals to the Massachusetts Tobacco Cessation and Prevention program at the Department of Public Health.
- Effective date for flavored tobacco ban is June 1, 2020
- **More than 230 localities restrict sales of flavored tobacco products, although laws differ in their application to specific products and store types.**
 - At least 60 of these localities restrict the sale of menthol cigarettes.

For a list of state and localities that have passed restrictions on the sale of flavored tobacco products, visit:

<https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>

Menthol

... the original flavor

- Long before cigarette companies started adding **fruit**, **candy**, and **alcohol** flavorings to cigarettes, they were manipulating levels of **menthol** to addict new, young smokers.
- In 2009, the Tobacco Control Act outlawed flavored cigarettes, but exempted menthol due to tobacco industry lobbying.
- **This is troubling because menthol makes cigarettes easier to smoke and harder to quit.**



Think – cough drop!

Menthol acts to:

- mask the taste of tobacco with a minty flavor
- creates a cooling sensation in the throat
- reduces the harshness of cigarette smoke
- suppresses coughing

The result?

- **Inhaling the smoke becomes more tolerable**



Drug Facts

Active ingredient (per drop)

Menthol 7.5 mg..... Cough suppressant, Oral anesthetic

Purposes

Uses

temporarily relieves:
■ cough due to a cold ■ occasional minor irritation or sore throat

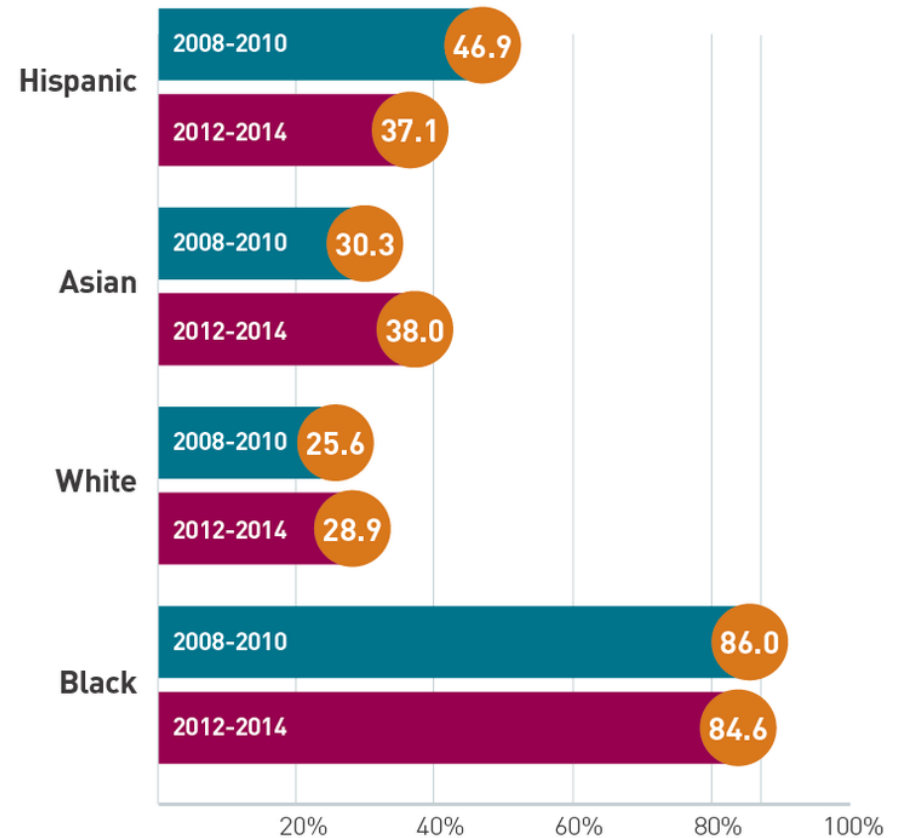
Warnings

Sore throat warning: If sore throat is severe, persists for more than 2 days, is accompanied or followed by fever, headache, rash, swelling, nausea, or vomiting, consult a doctor promptly. These may be serious.

SHAMELESSLY TARGETED

- Knowing that youth who experience less negative physiological effects of smoking are more likely to continue smoking regularly, **the tobacco industry has spent decades manipulating its menthol brand-specific product line to appeal to youth and, in particular, African Americans.**
- Black adults who smoke have the highest percentage of menthol cigarette use of any racial/ethnic group.
- Other **high risk groups**: women, those who identify as LGBTQ, people with lower income and education levels, and those with mental health conditions.

Menthol cigarette use among current smokers (aged 12+) in the U.S. by race/ethnicity



Source: Tobacco control

Menthol hooks kids.

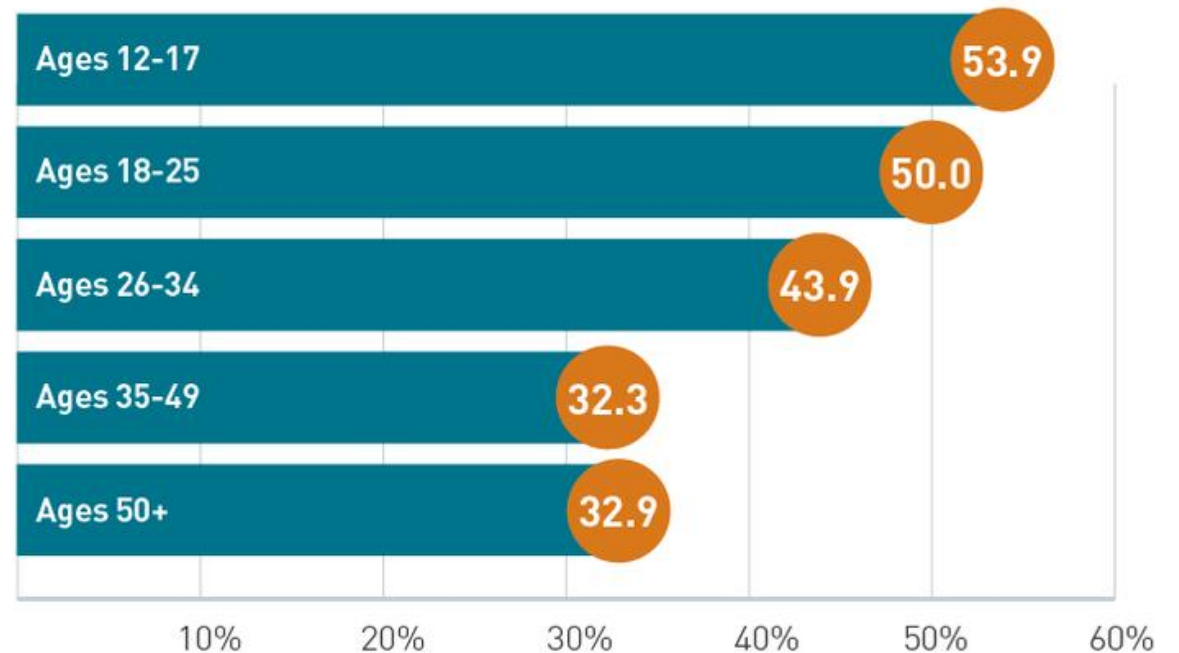
- More than half (**54%**) of youth ages 12-17 who smoke use menthol cigarettes. That's higher than any other age group.
- For black youth ages 12-17 who smoke, **seven out of 10** use menthol cigarettes.

Among Vermonters ages 12-25:

- 27% of those who smoke use menthol or mint cigarettes.
- 56% of those who use e-cigarettes use menthol or mint products.

Source: VDH and UVM's PACE Study, 2019.

Menthol cigarette use among current smokers in the U.S. by age, 2012-2014

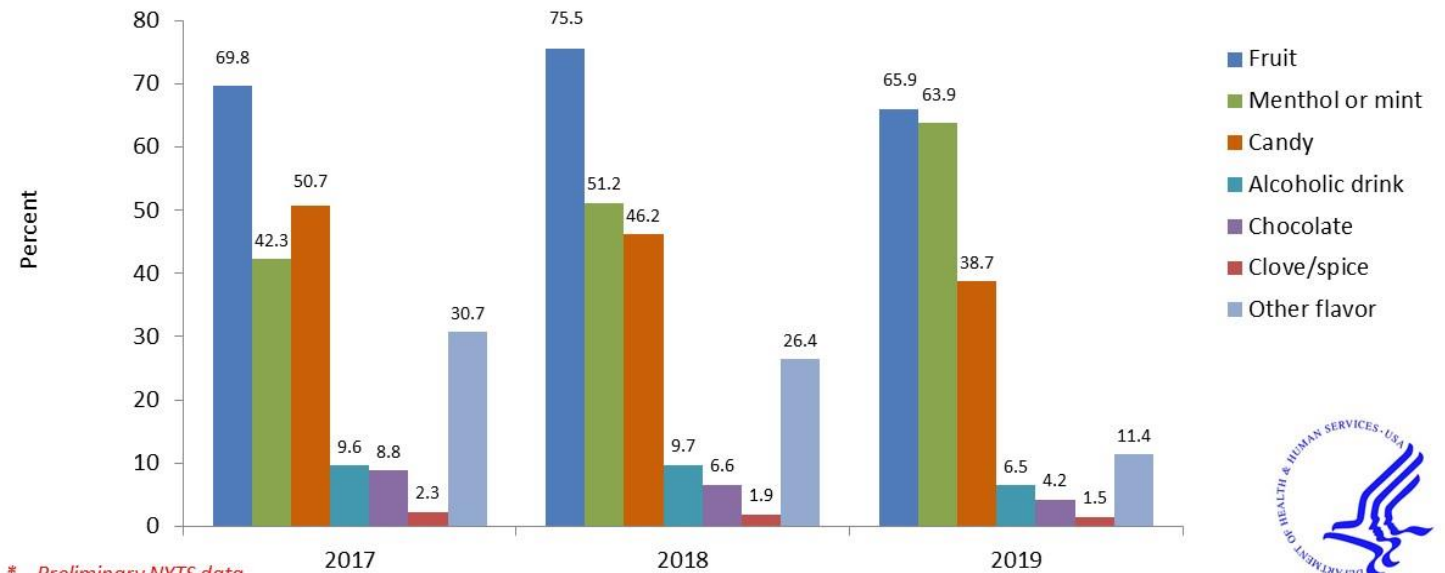


Source: Tobacco control

Eliminate ALL menthol tobacco...

- Mint and menthol make up a large majority of Juul's sales with estimates as high as 80%.
- The evidence indicates that if any e-cigarette flavors are left on the market, kids will shift from one flavor to another.
- In November 2018, Juul removed other flavors – but not mint and menthol – from stores. In response youth easily substituted mango with mint and menthol.
- From 2018-2019, **youth use of fruit flavors fell, while youth use of mint and menthol flavors increased** by 50%.

FLAVORS POPULAR AMONG HIGH SCHOOL USERS OF E-CIGARETTES*



* Preliminary NYTS data



FDA warns **menthol harms public health**, but has failed to take action since 2009



The FDA has commissioned two reports which conclude "**the removal of menthol cigarettes from the marketplace would benefit public health**" and save thousands of lives, **almost 1/3 would be black lives.**

If menthol cigarettes were removed from the market:

- 39% of all menthol smokers,
- 45% of black menthol smokers,
- and nearly 65% of young menthol smokers report they would try to quit.

FDA Guidance – released January 2020

Must be **removed** from the market

- Flavored closed pod systems
 - ie, JUUL fruit and mint flavors



Can **stay** on the market

- **ALL** menthol products
- Flavored tobacco e-liquids for refillable tank-base systems
- Disposable products





Devices Sold with Empty, Refillable Pods are Exempt
Suorin and Smok can be filled with e-liquids of varying nicotine strengths and thousands of flavors



After Juul, Suorin and Smok are the most popular e-cigarette devices among high school students



Disposable Products Are Exempt

“An example of products that would not be captured by this definition include completely self-contained, disposable products”





Guidance Prioritizes Enforcement of Pod Products, Leaving Thousands of Kid-Friendly E-Liquid Flavors on the Market



Conclusion: end sale of all flavored tobacco

- **Don't erase progress.** Cigarette use is the only area VT improved in terms of youth tobacco use in 2019. We cannot leave any flavor on the market, including menthol cigarettes, because that's where kids will turn.
- **Place blame where it belongs – on the industry selling addiction.**
 - Evidence shows that penalizing the user is not effective.
 - Purchase, use and possession provisions are disproportionately applied to communities of color—the very communities who have been targeted and marketed to by the tobacco industry.
 - Holding kids responsible is a tactic the tobacco industry supports, while continuing to market their deadly products to these young people.
- **Ending the sale of all flavored tobacco** will make it harder for the tobacco industry to target youth and young adults with enticing flavors.

