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July 7, 2017

**RE: TEROC supports local policies that restrict the sale and distribution of menthol and other flavored tobacco products**

To Whom it May Concern,

I am writing in my capacity as Chair of the Tobacco Education and Research Oversight Committee (TEROC). TEROC is a legislatively mandated oversight committee that monitors the use of Proposition 99 and Proposition 56 tobacco tax revenues for tobacco control, prevention education, and tobacco-related research in California (Health & Safety Codes §§ 104365-104370, Rev. & Tax. Code § 30130.56(e)). TEROC advises the California Department of Public Health; the University of California; and the California Department of Education with respect to policy development, integration, and evaluation of tobacco education programs funded by Proposition 99 and Proposition 56. TEROC is also responsible for the development of a master plan for the future implementation of tobacco control and research, and making recommendations to the State Legislature.

**TEROC stands with localities and strongly supports their efforts to restrict or prohibit the sale and distribution of flavored tobacco products, including menthol, as an effective primary prevention strategy for the following public health reasons:**

- 1) The tobacco industry aggressively targets youth and young adults by selling products in flavors such as gummy bear, peach, and menthol to mask the harsh taste of tobacco, making it easier to initiate and sustain tobacco use;
- 2) Menthol cigarettes are disproportionately marketed toward and used by people of color and the Lesbian Gay Bisexual and Trans (LGBT) community. Most African Americans and people identifying as LGBT who smoke, smoke menthol cigarettes; and
- 3) Policies restricting or banning the sale and distribution of flavored tobacco products are shown to be effective at reducing tobacco use and protecting the health and well-being of populations disproportionately affected by tobacco use.

The federal Family Smoking Prevention and Tobacco Control Act of 2009 banned the manufacture of flavored cigarettes other than tobacco and menthol.<sup>1</sup> However, flavors in similarly addictive other tobacco products (OTPs) such as little cigars, cigarillos, smokeless tobacco, shisha, and electronic smoking devices are not restricted from containing characterizing flavors. Tobacco companies are significantly escalating the introduction and aggressive marketing of flavored OTPs with an average of more than 240 new flavors being added per month.<sup>2</sup> Scientific evidence demonstrates that flavors play a critical role in the popularity of these products, especially among youth and young adults.<sup>2</sup>



Over 80 percent of youth who have ever used tobacco started with a flavored product.<sup>2</sup> Studies also show that flavored tobacco and menthol help new users, like youth and young adults, establish habits that may lead to long-term addiction.<sup>2</sup> TEROC strongly supports local efforts to restrict the sale of flavored tobacco products as an effective primary prevention strategy to reduce use among youth and young adults.

Flavored and mentholated tobacco products disproportionately impacts priority populations such as communities of color and LGBT individuals. Tobacco industry documents reveal predatory product marketing of mentholated cigarettes in urban, low-income, and predominantly African American neighborhoods.<sup>3</sup> Unsurprisingly in California, 70 percent of African American adult smokers use mentholated cigarettes compared to 18 percent of white adult smokers<sup>4</sup> and nearly half of all lesbian, gay and bisexual adult cigarette smokers in California smoke menthol cigarettes compared to 28 percent of smokers who are straight.<sup>5</sup> The Centers for Disease Control and Prevention (CDC) report that smoking-related illnesses kill more African Americans than AIDS, car crashes, murders, and alcohol and drug abuse combined each year.<sup>6</sup> **The social injustices brought on by the tobacco industry are unacceptable and TEROC applauds localities and many community-based organizations that are fighting back by proposing policies restricting the sale of mentholated and other flavored tobacco products.**

The unjust public health outcomes of flavored and mentholated tobacco product use are preventable. Policy interventions that ban or restrict the sale and distribution of flavored OTPs and menthol cigarettes protect public health and well-being, as well as are part of a comprehensive strategy to reduce tobacco use. For example, in New York City, where the sale of flavored tobacco products are prohibited, evaluation results demonstrated that flavored tobacco product sales and odds of ever using flavored tobacco products or using any tobacco products among youth and young adults declined significantly after ban enforcement began.<sup>7</sup> This ban only included flavors but not menthol, however. The CDC estimates that banning menthol in the U.S. could prevent 323,000 smoking-attributable deaths by the year 2050, and 100,000 of those lives saved would be African American.<sup>6</sup> It's critical for localities to consider policy options for limiting exposure to flavored, including menthol, tobacco products, to protect the communities that are dying because of the tobacco industry's oppressive marketing tactics.

Restricting *all* flavored tobacco, including menthol, is consistent with TEROC's 2015-2017 Plan, [Changing Landscape: Countering New Threats](#), **Objective 3: Achieve Tobacco-Related Health Equity, Objective 5: Prevent Youth and Young Adults from Beginning to use Tobacco, and Objective 7: Minimize Tobacco Industry Influence and Activities.** Strategies in support of Objectives 3, 5 and 7 include adopting tobacco control policies that promote health equity such as adopting laws that restrict or ban the sale of flavored tobacco, including menthol. Flavored tobacco bans protect the health of priority populations by combating the tobacco industry's long history of predatory marketing. **Under Objectives 3, 5 and 7, TEROC strongly supports localities proposing flavored tobacco sale restriction ordinances.**

TEROC stands with with localities working tirelessly to protect the health and well-being of all California's residents.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Ong', written in a cursive style.

Michael Ong, M.D., Ph.D.  
Chairperson

### References

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2. *The Flavor Trap: How Tobacco Companies are Luring Kids with Cady Flavored E-Cigarettes and Cigars*. American Academy of Pediatrics, American Cancer Society, American Heart and Stroke Association, American Lung Association, and Campaign for Tobacco-Free Kids
3. Cruz, T.B., L.T. Wright, and G. Crawford, The menthol marketing mix: targeted promotions for focus communities in the United States. *Nicotine & Tobacco Research*, 2010. 12(suppl 2): p. S147-S153.
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6. Levy, D.T., Pearson, J.L., Villanti, A.C., Blackman K., Vallone, D. M., Niaura, R. S., et al. (2011). Modeling the future effects of a menthol ban on smoking prevalence and smokingattributable deaths in the United States. *American Journal of Public Health*, 101(7), 1236-1240. 26 Centers for Disease Control and Prevention. Cigars Fact Sheet – Smoking & Tobacco Use, 2015.
7. Farley SM, Johns M. New York City flavoured tobacco product sales ban evaluation. *Tobacco Control* 2017;26:78-84