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www.heart.org



American
Heart
Association

March 22, 2019

Councilmember David Ryu

Chair of Health, Education, Neighborhoods, Parks, Arts, and River Committee

City Council, c/o City Clerk, Room 395

City Hall, 200 North Spring Street

Los Angeles, CA 90012-4801

RE: Motion 18-1104 Flavored Tobacco Products / Youth Tobacco Use / Sale Restriction / Proposed Strategy

Dear Councilmember David Ryu:

The American Heart Association supports Councilmember Mitch O'Farrell and motion 18-1104 and its intent to ban flavored tobacco products for its detrimental effects on youth. This proposed ordinance will limit access to a variety of flavored tobacco products which are the tobacco industry's primary method for targeting and hooking new smokers.

Cigarette smoking is the leading cause of preventable disease and death in the United States, claiming on average 480,000 lives every year. It increases the risk for heart disease and stroke, especially in those who are genetically predisposed. Smoking decreases our ability to exercise, increases the tendency for blood clots, and decreases the good cholesterol in our bodies. The best way to prevent tobacco-related illness and death is to prevent people from starting to smoke in the first place.

Flavors including grape, menthol, cotton candy, bubble gum and gummy bears mask the harsh taste of tobacco and are highly appealing to youth, encouraging young smokers.

- According to California Healthy Kids Survey results, more than 1 in 5 (24%) of Los Angeles Unified School District 11th-grade smokers reported using electronic cigarettes or other vaping devices which capitalize on flavors.¹
- In California, 9.4% of young adults (18-24) currently use e-cigarettes.

The tobacco industry targets young people and communities of color with flavored tobacco products. Tobacco companies have historically targeted African-American communities with aggressive marketing of mentholated tobacco products and it is no coincidence that 95% of African-American youth smokers report smoking menthol-flavored cigarettes.² As a result, African Americans bear a disproportionate burden of tobacco-related disease and death; 47,000 African Americans die annually from smoking-

¹ California Healthy Kids Survey. LAUSD - CHKS Sample Secondary 2016-2017 Main Report. https://data.calschls.org/resources/LAUSD_CHKS_Sample_1617_Sec_CHKS.pdf.

² Giovino, G.A., et al., Differential trends in cigarette smoking in the USA: is menthol slowing progress? Tobacco Control, 2013.

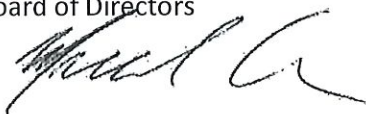
related illnesses, making tobacco use the largest preventable cause of death among African Americans.

This proposed policy is an opportunity to protect our communities from flavored tobacco products – including mint and menthol - and is crucial to preventing a lifetime of tobacco addiction. The American Heart Association respectfully asks for your support of this vital health policy to ensure that all Angelenos have the healthy and prosperous lives they deserve.

Sincerely,



Bob Lundy
Founding Partner
Hooper, Lundy and Bookman PC
Chairman of the LA County
Board of Directors



Micah Ali, President
Compton Unified School District



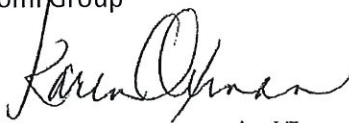
Ravi Dave, MD, Cardiologist
UCLA Health System



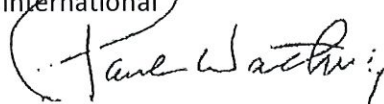
Alice Issai, President
Adventist Health Glendale



Mika Leah, President
Goomi Group



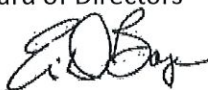
Karen Oxman, Executive VP
Hub International



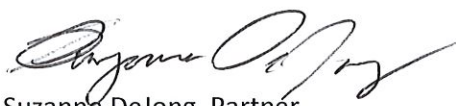
Paul Watkins, JD, President&CEO
Dignity Health Northridge Medical
Center



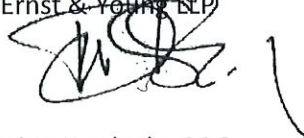
John Gordon Harold, MD
Clinical Professor of Medicine
Cedars-Sinai
President of the LA County
Board of Directors



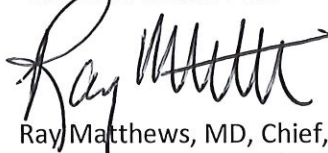
Eric Boyer, EVP & CTO
AT&T Services, Inc.



Suzanne DeJong, Partner
Ernst & Young LLP



Dino Kasdagly, COO
L.A. Care Health Plan



Ray Matthews, MD, Chief, Division
of Cardiovascular Medicine
Keck Medicine of USC



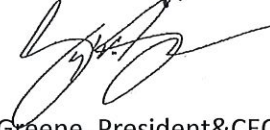
David P. Pryor, MD, Regional VP
Anthem Blue Cross



Paul Craig
Chief Administrative Officer
Keck Medicine of USC
Chair-Elect of the LA County
Board of Directors



Cathi Cunningham, Partner
Deloitte & Touche LLP



George Greene, President&CEO
Hospital Association of Southern
California



Bob Larlee, Vice President
City National Bank



Ken Orkin, Chairman
ITG Automotive



Jessica Sims, MD, Region
Medical Director, Regal Medical
Group, Inc.

cc: Councilmember David Ryu
cc: Councilmember Curren Price, Jr.
cc: Councilmember Mitch O'Farrell
cc: City Clerk
cc: Eric Villanueva
cc: Andrew Choi



March 22, 2019

The Honorable David Ryu
Committee on Health, Education, Neighborhoods, Parks, Arts, and River
200 N. Main Spring Street, Room 1060
Los Angeles, CA 90012

RE: # 18-1104

Dear Chair Ryu and Members of the Committee:

The American Cancer Society Cancer Action Network (ACS CAN) is committed to protecting the health and well-being of the residents of Los Angeles through evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports efforts to reduce youth tobacco use and eliminating the sale of flavored tobacco products is an important part of a comprehensive approach to preventing youth from ever beginning a deadly addiction to tobacco. **We support eliminating the sale of all flavored tobacco products, including menthol cigarettes, within the city of Los Angeles, and without exemptions.**

Smoking remains the leading preventable cause of death in the U.S. The 2014 U.S. Surgeon General's report found that more than 43 million Americans still smoke. It is estimated that tobacco use will cause 480,000 deaths this year in the U.S. Both opponents of smoking and purveyors of cigarettes have long recognized the significance of adolescence as the period during which smoking behaviors are typically developed. National data show that about 95 percent of adult tobacco users begin smoking before the age of 21, and most begin with a flavored product. In 2009, Congress prohibited the sale of cigarettes with flavors other than tobacco or menthol. Tobacco companies responded by expanding the types of non-cigarette tobacco products they offer, and now make most of those products available in a growing array of kid-friendly flavors. Little cigars, smokeless tobacco, hookah, and e-cigarettes are marketed in a wide variety of candy flavors with colorful packaging and deceptive names that appeal to youth.

Adolescents are still going through critical periods of brain growth and development and are especially vulnerable to the toxic effects of nicotine. A study published in the journal, *Pediatrics*, found that the earlier youth are exposed to nicotine, the less likely they will be able to quit smoking. Tobacco companies have a long history of marketing to vulnerable populations, and target youth with imagery and by marketing candy and fruit flavored tobacco. The anesthetizing effects of menthol masks the harshness of tobacco, making it more appealing to beginning smokers, and menthol smokers show greater dependence, and are less likely to quit than non-menthol smokers. Postponing youth experimentation and initiation can help reduce the number of youths who will ever begin smoking.

Removing flavored tobacco is also a social justice issue. Tobacco companies have aggressively marketed menthol to youth in communities of color, the LGBT community, and those in low income neighborhoods. These are the same communities who already bear a greater burden of health disparities and often have less access to healthcare. Increasing tobacco use in these communities increases the health disparities among the most vulnerable in our communities. Presently, more than 30 jurisdictions in places as diverse as Yolo County, Contra Costa County, and the cities of Beverly Hills and Richmond have passed strong policies.

While cigarette smoking has declined in recent years, use of menthol and other flavored products have continued to increase, especially among young people and beginning smokers. We strongly encourage this council to choose the strongest youth protections available by prohibiting the citywide sale of flavored tobacco products. Taking this important public health step will help to prevent young people in Los Angeles from ever beginning this deadly addiction, as well as help to support those who are trying to quit.

Sincerely,

A handwritten signature in black ink that reads "Primo J. Castro". The signature is written in a cursive, flowing style.

Primo J. Castro
Director, Government Relations
American Cancer Society Cancer Action Network



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

March 21, 2019

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

The Campaign for Tobacco-Free Kids is pleased to submit this letter in support of efforts in the City of Los Angeles to reduce tobacco use, particularly among youth. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco, help smokers quit and protect everyone from secondhand smoke.

First, we would like to commend Los Angeles for being a national leader in its commitment to reducing the death and disease from tobacco use. It is encouraging to see cities and counties in California continue to take thoughtful, evidenced-based steps to reduce the number of kids who start using tobacco and help tobacco users quit. While California has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in Los Angeles and the nation, killing 480,000 Americans annually.

Prohibiting the sale of flavored tobacco products, including menthol cigarettes, is a critical step that will help protect children living in Los Angeles from the unrelenting efforts of the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Nationally,**

seven out of ten current middle and high school tobacco users—a total of over 3.2 million youth—have used a flavored tobacco product in the past month.¹

Most insidious among these flavors is menthol, which delivers a pleasant minty taste and imparts a cooling and soothing sensation. These characteristics successfully mask the harshness of tobacco, making it easier for beginner smokers and kids to tolerate smoking. The FDA’s Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking.
- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.
- The availability of menthol cigarettes reduces smoking cessation, especially among African- Americans, and increases the overall prevalence of smoking among African Americans.
- Menthol cigarettes are marketed disproportionately to younger smokers and are disproportionately marketed per capita to African Americans.

After a thorough review of the evidence, TPSAC concluded that “Removal of menthol cigarettes from the marketplace would benefit public health in the United States.”²

Flavored Tobacco Products Are Pervasive

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.³ Menthol cigarettes comprised 35 percent of the market in 2016.⁴

The Tobacco Control Act’s prohibition on characterizing flavors did not apply to other tobacco products, and as a result, tobacco companies have significantly stepped up the introduction and marketing of flavored non-cigarette tobacco products. In fact, the overall market for flavored tobacco products is actually growing. 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 – like gummy bear, cotton candy, peanut butter cup, cookies ‘n cream and pop rocks for e-cigarettes and chocolate, watermelon, lemonade and cherry dynamite for cigars. Tobacco companies are making and marketing deadly and addictive products that look and taste like a new line of flavors from a Ben and Jerry’s ice cream store. (See Appendix for examples).

As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.⁵ Flavors are not just a critical part of the product design, but are a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, “E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults.”⁶ The 2016 National Youth Tobacco Survey found that 78.2 percent of middle and high school students—20.5 million youth—had been exposed to e-cigarette advertisements from at least one source, an increase from 68.9 percent in 2014.⁷

Sales of flavored cigars, meanwhile, have increased by nearly 50 percent since 2008, and flavored cigars made up more than half (52.1%) of the U.S. cigar market in 2015. The number of unique cigar flavor names more than doubled from 2008 to 2015, from 108 to 250.⁸ The top five most popular cigar brands among 12- to 17-year olds who have used cigars – Black & Mild, Swisher Sweets, White Owl, Backwoods, and Dutch Masters – all come in flavor varieties.⁹ These products are often sold singly or can be priced as low as 3 or 4 for 99 cents, making them even more appealing to price-sensitive youth.

Although tobacco companies claim to be responding to adult tobacco users’ demand for variety, it’s clear that flavored tobacco products play a key role in enticing new users, particularly kids, to a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use in Los Angeles.

Flavored Tobacco Products Are Popular Among Youth

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that 81 percent of kids who have ever used tobacco products started with a flavored product, including 81 percent who have ever tried e-cigarettes and 65 percent who have ever tried cigars. Moreover, youth 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.”¹⁰ 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.

E-cigarettes and cigars are now more popular than cigarettes, in part as a result of the appeal of flavored products. Note that cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke.¹¹

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”¹² Additionally, a 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”¹³

Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes

As the only flavored cigarette left on the market, it's also no surprise that menthol cigarettes are popular among youth. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. More than half of youth smokers use menthol cigarettes, including seven out of ten African American youth smokers.¹⁴ The popularity of menthol flavored cigarettes is also evidenced by brand preference among youth. According to data from the National Survey on Drug Use and Health, one in five smokers ages 12-17 prefers Newport cigarettes, a heavily marketed menthol cigarette brand. Preference for Newport is even higher among African-American youth smokers (69.1 percent) because of targeted marketing by the tobacco industry.¹⁵ As noted previously, young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.¹⁶

Tobacco companies have a long history of targeting and marketing flavored tobacco products to African Americans and youth. 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. TPSAC concluded that menthol cigarettes are marketed disproportionately to younger smokers and African Americans.¹⁷ Dating back to the 1950s, the tobacco industry has targeted these communities with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, and marketing in the retail environment. This targeting continues today: neighborhoods with predominantly African American residents have more tobacco retailers and Newport cigarettes are priced cheaper in those neighborhoods.¹⁸ As a result of this targeting, 85 percent of African American smokers smoke menthol cigarettes, compared to 29 percent of white smokers.¹⁹

Use of menthol cigarettes leads to a disproportionate health burden for African Americans. The tobacco industry's "investment" in the African American community has had a destructive impact. In 2013, the FDA released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking.²⁰ Lung cancer is the second most common cancer in both African American men and women, but it kills more African Americans than any other type of cancer.²¹ Decreased cessation success due to the popularity of menthol cigarettes among African Americans likely contributes to this mortality disparity.²² TPSAC estimated that by 2020, 4,700 excess deaths in the African American community will be attributable to menthol cigarettes, and over 460,000 African Americans will have started smoking because of menthol in cigarettes.

The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result. Prohibiting the sale of menthol cigarettes and other flavored tobacco

products is an important step toward protecting our children from the tobacco industry's aggressive efforts to hook children to a deadly, addictive product.

This issue is quite simple—it is about common sense and protecting our kids and vulnerable populations. By prohibiting the sale of flavored tobacco products, Los Angeles would join the dozens of cities and counties in California that are already taking action to *end* the sale of flavored tobacco products.

Sincerely,

A handwritten signature in black ink, appearing to read "Annie Tegen", with a stylized flourish at the end.

Annie Tegen, MPH
Director, U.S. Western Region
Campaign for Tobacco-Free Kids
ategen@tobaccofreekids.org

Appendix

A1: Examples of Flavored Tobacco Products



A2: Examples of Menthol Marketing



Source: TrinketsandTrash.org, CounterTobacco.Org

- ¹ Corey, CG, et al., “Flavored Tobacco Product Use Among Middle and High School Students—United States, 2014,” *MMWR* 64(38):1066-1070, 2015.
- ² Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011
<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.
- ³ Villanti, A., et al., “Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014,” *Tobacco Control*, 25(Suppl 2):ii14-ii20, 2016.
- ⁴ U.S. Federal Trade Commission (FTC), Cigarette Report for 2016, 2018, https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2016-federal-trade-commission-smokeless-tobacco-report/ftc_cigarette_report_for_2016_0.pdf [data for top 5 manufacturers only].
- ⁵ 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.
- ⁶ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.
- ⁷ Marynak, K., et al., “Exposure to Electronic Cigarette Advertising Among Middle and High School Students—United States, 2014-2016,” *MMWR* 67(10): 294-299, March 16, 2018, <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6710a3-H.pdf>.
- ⁸ 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.
- ⁹ SAMHSA's public online data analysis system (PDAS). National Survey on Drug Use and Health, 2015, https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CGR30BR2&column=CATAG2&weight=ANALWT_C&results_received=true.
- ¹⁰ 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.
- ¹¹ National Cancer Institute (NCI), *Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9*, 1998, http://cancercontrol.cancer.gov/Brp/tcrb/monographs/9/m9_complete.pdf. Chang, CM, et al., “Systematic review of cigar smoking and all cause and smoking related mortality,” *BMC Public Health*, 2015.
- ¹² HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*.
- ¹³ National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.
- ¹⁴ 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.
- ¹⁵ SAMHSA's public online data analysis system (PDAS), National Survey on Drug Use and Health, 2015. http://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CIG30BR2&column=CATAG3&control=NEWRACE2&weight=ANALWT_C&results_received=true and https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?column=CATAG3&results_received=true&row=CIG30BR2&weight=ANALWT_C.
- ¹⁵ FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013, <http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/UCM361598.pdf>.
- ¹⁶ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.
- ¹⁷ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.
- ¹⁸ See e.g., Rodriguez, D, et al., “Predictors of tobacco outlet density nationwide: a geographic analysis,” *Tobacco Control* 22(5):349-55, 2013. Lee, JG, et al., “Inequalities in tobacco outlet density by race, ethnicity and socioeconomic status, 2012, USA: results from the ASPIRE Study,” *Journal of Epidemiology and Community Health* 71(5):487-492, 2017. Henriksen, L, et al., “Targeted Advertising, Promotion, and Price for Menthol Cigarettes in California High School Neighborhoods,” *Nicotine & Tobacco Research* 14(1):116-21, 2012. Moreland-Russell, S, et al., “Disparities and Menthol Marketing: Additional Evidence in Support of Point of Sale Policies,” *International Journal of Environmental Research and Public Health*, 10: 4571-4583, 2013.
- ¹⁹ 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.
- ²⁰ FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013.
- ²¹ American Cancer Society, “Cancer Facts & Figures for African Americans, 2016-2018,” 2016, <http://www.cancer.org/acs/groups/content/@editorial/documents/document/acspc-047403.pdf>.
- ²² Alexander, LA, et al., “Why we must continue to investigate menthol's role in the African American smoking paradox,” *Nicotine & Tobacco Research* 18 (Suppl 1):S91-S101, 2016.



Eric (Roderico) Villanueva <eric.villanueva@lacity.org>

letter of support

1 message

Laleh Bahrami <lila4671@gmail.com>
To: eric.villanueva@lacity.org

Fri, Mar 22, 2019 at 2:55 PM

Letter of support for the banning of flavored tobacco products

Councilmember Ryu:

As you are aware, there is an epidemic of teenagers vaping, and the marketing of flavored tobacco products is likely driving this. 70% of middle and high school students who have used a tobacco product report having used a flavored product. Please help fight this public health emergency by banning flavored tobacco products in Los Angeles.

Thank you,

Laleh Bahrami, MD, FAAP
Pediatrician, Los Angeles County



Eric (Roderico) Villanueva <eric.villanueva@lacity.org>

The Vapor Spot has vital input RE: Proposed LA Tobacco control ordinance: (flavor ban)

1 message

The Vapor Spot <thevaporspot@gmail.com>

Fri, Mar 22, 2019 at 5:05 PM

To: David.giron@lacity.org

Cc: Curtis.earnest@lacity.org, Justin.orenstein@lacity.org, Nicholas.grief@lacity.org, Eric.villanueva@lacity.org,

Star.parsamyan@lacity.org, John Jenkins <thevaporspot@gmail.com>

Councilmember David Ryu
Chair, Health, Education, Neighborhoods, Parks, Arts and River Committee
Los Angeles City Hall
[200 N. Spring Street, Rm 425](#)
Los Angeles, CA 90012

Re: Council File No. 18-1104

Hello,

My name is JJ Jenkins. I am a small business owner for 9 years here in Los Angeles. I'm very proud of this city, and have called it home for myself and my business "The Vapor Spot." There has been a lot of confusion, misunderstanding, and bad science over the subject of vapor products, youth access, and especially flavored e-liquids. I would like to offer my expertise and experience in these matters to help you in evaluating your tobacco control policy in a "real-world scenario" that only a retailer with my history can provide. The issues surrounding vapor such as teen use, and underage access are a concern for us responsible retailers. The image of vaping has never been in danger more, yet I believe I have some common sense solutions that will tackle this problem of underage vaping, while at the same time preserving it for the clients that have found it to be the only solution for them.

My goal in opening the Vapor Spot was simple. Have a place of knowledge that people could actually visit in person and try the new Vapor technology in person. Not an online website, not a mall kiosk, but something never categorized before 2010. I opened the world's first Vapor Bar. This was different. I drew a line in the sand to never support or sell Big Tobacco products. Never will I sell a cigarette. My father had smoked a pack of Marlboro Reds until his death. I was going to disrupt, not support the traditional big tobacco offerings and solely focus on smoke-free technology and alternatives. So the Vapor Spot was born in 2010 here in Los Angeles. The story of my small business isn't going to be seen on social media. There is no buzz or hype. Instead picture a mom and pop vintage record store vibe. Miles Davis and Coltrane on the stereo. Clients pop in, try a new flavor, get a replacement coil and a bottle of liquid, and then they're off until next month. Now keep in mind, I have over 9 years worth of clients that have developed this as their routine that keeps them from smoking combustible cigarettes. They are proven to be the solution to abstinent smokers that refuse to try anything else. And they work! Our repeat clients after 9 years aren't anecdotal evidence. They're real people facing daily struggles and have found this new vapor technology to work for them vs cigarettes. They are also used to having easy access at our retail establishment. Please don't make it even harder on my clients by pushing for some of the proposals I've heard floated.

Perhaps the most Orwellian of the new proposals from Tobacco control groups is a "Flavor Ban" for e-liquids in an effort to keep these products out of teenage hands. That would be a big mistake, basically nuking a whole small business category out of existence. A ban nukes the same small business category that does the BEST job of age compliance checks and responsible vending. This also does nothing to address youth use as teens aren't getting these products from legal channels anyway. A flavor ban only hurts the 42 year old clients who rely on my retail store for regular supplies. Keep in mind, all the tobacco control groups are suggesting keeping combustible cigarettes on shelves, and removing all vapor products that have even a hint of flavor other than tobacco. Yet these flavors are VITAL to someone addicted to foul tasting real cigarettes. That ability to provide an interesting flavor other than tobacco is what keeps the cigarette smoker engaged week to week.

Some facts about us...

-The average age of my clients is 42 years old. The social media, and tobacco control groups would paint a picture of youth vaping as an "epidemic". Nothing could be further from the truth in my age controlled access Vapor Bar. No one under 21 is permitted in these establishments.

-We have a perfect track record of age compliance and ID checks after 9 years in LA. These sting operations are numerous yet our standards for serving adult clients ONLY is flawless. We think this is because of diligent employees and our 21 and up age restricted access store.

-The youth surge in vaping is complicated, but overall in LA the Vapor Spot has done a tremendous job of enabling access to adults while also keeping vapor products away from underage users. We willingly started 21 and up sales before being mandated by the state, and have been licensed tobacco retailers even before that was a requirement for vapor products. We are NOT unregulated. We are taxed at 65%, age restricted, and compliance checked often. Adult access Vapor retailers are not the problem with youth getting these products.

As a solution to the problems vaping is facing I have suggestions :

1) no flavor ban...these products can be removed from the market if found to be in violation of fda requirements, or if the city chooses to pass stricter LABELING requirements.

2) Labeling requirements could be adopted by the city that would state clearly no products should be on LA shelves that contain child appealing graphics, cartoon imagery of characters or animals or foods, or resemble existing products that are food or child appealing. This would overnight remove the "bad players" from my industry. I've not sold these youth friendly products at my establishment, and in 2015 called out manufacturers for creating them. They don't have a place on a responsible retailers shelf. By creating clear labeling requirements from the city, the youth problem will proactively be addressed, while at the same time enabling adult flavored products that are responsible to remain on shelves for my clients. This is a win-win scenario, yet this common sense step is not even suggested, instead jumping several steps to an outright flavor ban.

3) Because 21 and up vape shops are not the problem, I would suggest that flavored vapor liquids should only be allowed to be sold in youth restricted access environments. I know we can do a better job of carding minors then a CVS or convenience store. The fda numbers and LA numbers support this fact. You could also enact laws stating that vapor specific stores would not be able to sell combustible tobacco products. If you must restrict sales, then please allow 21 and up shops to continue doing business as usual. You can implement strict label laws, strict and harsh fines for violations, and revoking of licenses for violations. But please consider how the current adult clients will be kicked to the curb..all for trying to kick their smoking habits.

These 3 common sense steps would be solutions to the problems of youth access, yet will also allow my clients to continue using vapor instead of combustible cigarettes. You can send a message to other cities about how to preserve their small businesses, while also addressing the issues of youth access. LA can be the leader in smart regulations that are based on real world scenarios, not tobacco control groups unrealistic utopian vision for the world.

What can I do to help? As the oldest retailer, as the first in Los Angeles to sell vapor, as a representative of the vapor industry, as a small business owner in Los Angeles...I am at your disposal. Please don't make laws on these vapor products unless you have all your answers to your questions. Please contact me as a source of knowledge, and an expert on Los Angeleno Vaping habits. No one has done it longer or engaged more then the Vapor Spot. Big Tobacco obviously has never cared about their clients...we do.

Could I get a face to face meeting ?

Sincerely
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