

STATE OF CALIFORNIA
TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE

MEMBERS:

Michael Ong, M.D., Ph.D., Chair
Professor of Medicine in Residence
Department of Medicine
Division of General Internal Medicine and
Health Services
University of California Los Angeles

Edith D. Balbach, Ph.D.,
Professor Emerita of Public Health and
Family Medicine
Tufts University

Mary Baum
Senior Program Director
Social Advocates for Youth (SAY) San
Diego

Vicki Bauman
Prevention Director III
Stanislaus County Office of Education

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

Patricia Etem, M.P.H.
Executive Consultant
CIVIC Communications

Mariaelena Gonzalez, Ph.D.
Assistant Professor of Public Health
School of Social Sciences, Humanities, and
Arts
University of California, Merced

Jim Keddy
Executive Director
Youth Forward

Pamela Ling, M.D., M.P.H.
Professor, Department of Medicine
University of California, San Francisco

Wendy Max, Ph.D.
Professor in Residence and Director
Institute for Health and Aging
University of California, San Francisco

Robert Oldham M.D., M.S.H.A.
Public Health Officer and Public Health
Division Director
Placer County Department of Health and
Human Services

Claradina Soto, Ph.D., M.P.H.
Assistant Professor
University of Southern California

Mark Starr, D.V.M., M.P.V.M.
Deputy Director for Environmental Health
California Department of Public Health

July 25, 2019

Herb Wesson, President
Los Angeles City Council
200 North Spring Street, Room 430
Los Angeles, CA 90012

Re: Letter of Support for a Flavored Tobacco Sales Prohibition

Dear President Wesson:

The Tobacco Education and Research Oversight Committee (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.^{1 2} 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 strongly supports efforts to prohibit the sale of all flavored tobacco products.

Flavored tobacco products entice new and young smokers as they come in sweet and fruit flavors, colorful packaging and are sold at low, affordable prices. These products often mimic popular candies and drinks in both packaging and flavor, making them particularly appealing to youth.³ Flavored tobacco products are a gateway for many youth and young adults to become regular smokers because flavors disguise the harshness of tobacco and make smoking seem less harmful.⁴ In Los Angeles County, 83 percent of high school students who used a tobacco product in the last 30 days used a flavored tobacco product in 2018.⁵ This is consistent with statewide trends in youth tobacco use in California: 86.4 percent of youth tobacco users in California reported using flavored tobacco products in 2018, with over 86 percent of high school users reporting use of a flavored electronic smoking device (such as electronic cigarettes, vapes, vape pens, e-hookah, hookah pens) and almost 90 percent reporting use of flavored hookah.⁵ Young adults under the age of 30 in California use electronic smoking devices and hookah at a higher rate compared to older adults.⁶

Policy interventions focused on protecting youth and young adults are particularly critical because most individuals start using tobacco as minors or young adults. Some efforts to prohibit tobacco flavors have excluded menthol flavoring. TEROC recommends the inclusion of mint and menthol with other flavors so that all flavored tobacco products are prohibited. Menthol, a common flavor in many tobacco products and cigarettes, masks the harsh taste of tobacco and makes the smoke easier to inhale.⁷ The anesthetizing effect of menthol in cigarettes also makes it easier and more appealing for youth and new users to start using tobacco.⁷ For years, the tobacco industry has marketed menthol cigarettes to the African American community; lesbian, gay, bisexual, transgender, queer (LGBTQ) communities; and other vulnerable populations, which use menthol tobacco products at higher rates.⁸

Mint is a top flavor among young JUUL users who had used JUUL in the past 30 days.⁹ Among the youngest users, 12- to 17-year-olds, 16 percent used the mint flavor the last time they used a JUUL, behind only fruit and mango.⁹ For those between 18 and 21 years old, mint was the most popular flavor, with nearly a third — 32 percent — using mint the last time they vaped.⁹

TEROC also recommends prohibiting the sale of flavored tobacco products in all stores, and not restricting the sale of these products to tobacco-only stores. In 2018, nearly half (49.8 percent) of tobacco/vape shops in California failed to check identification when youth decoys attempted to purchase vape products.¹⁰ The violation rate in tobacco/vape shops was significantly higher than for other types of retailers. Furthermore, nearly half of tobacco/vape shops (44.7 percent) sold vape products to underage decoys, also at a higher rate than other tobacco retailers.¹⁰ Overall sales violations were higher for vape products than for cigarettes. A similar study found that smoke shops were the most common purchase location for adolescents across products (44.3 percent), with adolescents significantly more likely to purchase hookah and e-cigarettes from smoke shops than gas stations, liquor stores, or drug stores.¹¹

Not only are flavored tobacco products enticing to specific populations, but many of the flavoring chemicals in electronic smoking devices may also be harmful if inhaled. Very few of these chemicals have undergone adequate toxicity or safety testing for acute or chronic inhalation. According to a literature review conducted by the California Department of Public Health's Environmental Health Investigations Branch, numerous published studies show that e-cigarette aerosols and e-liquids possess the ability to cause respiratory irritation, inflammation, and toxicity to lung cells.^{12,13} One chemical in particular, diacetyl, has also been associated with the severe respiratory disease, bronchiolitis obliterans, which damages cell lining and causes scarring in the lungs.¹⁴ Another possible concern is that these chemicals may have unknown consequences when they interact with each other or with other environmental chemicals. There is evidence that one chemical in a mixture can modulate certain toxicities in another chemical in the same mixture.¹⁵ Despite the current evidence on the dangers of inhaling these common chemicals found in e-liquid flavorings, more flavors continue to be developed and marketed to consumers.

TEROC's support of prohibiting the sale of all flavored tobacco products is consistent with TEROC's 2018-2020 Master Plan, [*New Challenges, New Promises for All*](#), Recommendation 2: Eliminate Tobacco-Related Disparities and Recommendation 4: Protect Youth and Young Adults. In the Master Plan, TEROC recommends that all local jurisdictions adopt ordinances that prohibit or restrict sales of flavored and/or menthol tobacco products. As of July 2019, 41 California jurisdictions have adopted policies to prohibit or restrict the sale of flavored tobacco products. However, these policies disproportionately cover jurisdictions in Northern California, and currently only three cities in Southern California (Beverly Hills, Hermosa Beach, and Manhattan Beach) have policies that restrict the sale of flavored tobacco products. Of these cities, only Beverly Hills completely prohibits the sale of all flavored tobacco products. For these reasons, TEROC supports efforts to prohibit the sale of all flavored tobacco products.

Sincerely,



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

Citations

1. Health & Safety Codes §§ 104365-104370.
2. Revenue and Taxation Code § 30130.56(e).
3. Brown JE, Luo W, Isabelle LM, Pankow JF. Candy flavorings in tobacco. *New England Journal of Medicine*. 2014;370(23):2250-2252.
4. King BA, Dube SR, Tynan MA. Flavored cigar smoking among US adults: findings from the 2009–2010 National Adult Tobacco Survey. *Nicotine & Tobacco Research*. 2012;15(2):608-614.
5. California Student Tobacco Survey, 2017-2018. Sacramento, CA: California Department of Public Health,; April, 2019.
6. Behavioral Risk Factor Surveillance System, 2016-2017. Sacramento, CA: California Department of Public Health,; October 2018.
7. Kreslake JM, Wayne GF, Alpert HR, Koh HK, Connolly GN. Tobacco industry control of menthol in cigarettes and targeting of adolescents and young adults. *American Journal of Public Health*. 2008;98(9):1685.
8. Lee JG, Henriksen L, Rose SW, Moreland-Russell S, Ribisl KM. A systematic review of neighborhood disparities in point-of-sale tobacco marketing. *American Journal of Public Health*. 2015;105(9):e8-e18.
9. Truth Initiative. Popularity of JUUL Flavors Survey 2018.
10. Young Adult Tobacco Purchase Survey, 2018. Sacramento, CA California Department of Public Health, .
11. Meyers MJ, Delucchi K, Halpern-Felsher B. Access to tobacco among California high school students: the role of family members, peers, and retail venues. *Journal of Adolescent Health*. 2017;61(3):385-388.
12. Higham A, Rattray NJ, Dewhurst JA, et al. Electronic cigarette exposure triggers neutrophil inflammatory responses. *Respiratory Research*. 2016;17(1):56.
13. Scheffler S, Dieken H, Krischenowski O, Aufderheide M. Cytotoxic evaluation of e-liquid aerosol using different lung-derived cell models. *International Journal of Environmental Research and Public Health*. 2015;12(10):12466-12474.
14. Akpınar-Elci M, Travis W, Lynch D, Kreiss K. Bronchiolitis obliterans syndrome in popcorn production plant workers. *European Respiratory Journal*. 2004;24(2):298-302.
15. Cedergreen N. Quantifying synergy: a systematic review of mixture toxicity studies within environmental toxicology. *PloS One*. 2014;9(5):e96580.