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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
    - Snus, Dip, chewing tobacco, cigars, etc.





# 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.
- 28% of cancer deaths in Vermont are attributable to smoking.
- Most importantly **FLAVORS** hook kids

# MISLEADING LABELS

**"FOOD PRODUCTS OR VAPE PRODUCTS"**



Exhibit A



Exhibit B



# FLAVORS hook kids



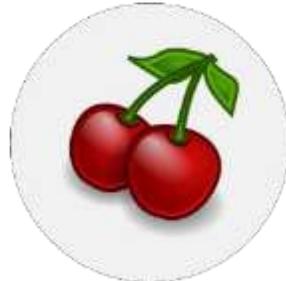
**Flavors** are a **marketing weapon** the tobacco industry uses to lure kids into a lifetime of addiction.



**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**.



# 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 **70% 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%

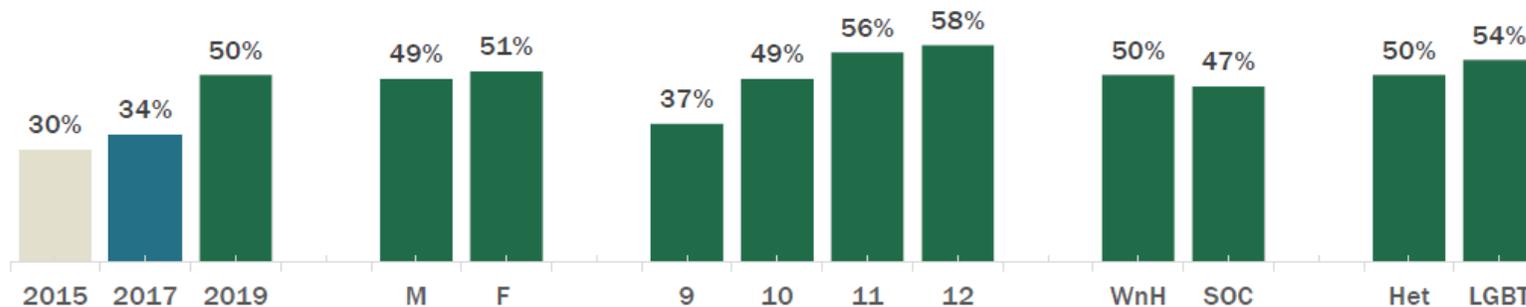
### 2019

- 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%

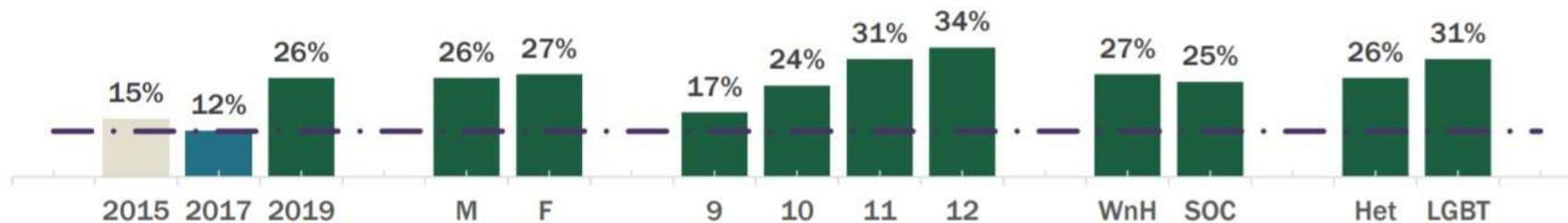
### RESULT

- High School  
↑ 14%

Used an EVP, Past 30 Days

— •HV2020 Goal (12%)

**MORE THAN DOUBLED  
MORE THAN DOUBLED**



# Vermont Youth Risk Behavior Survey

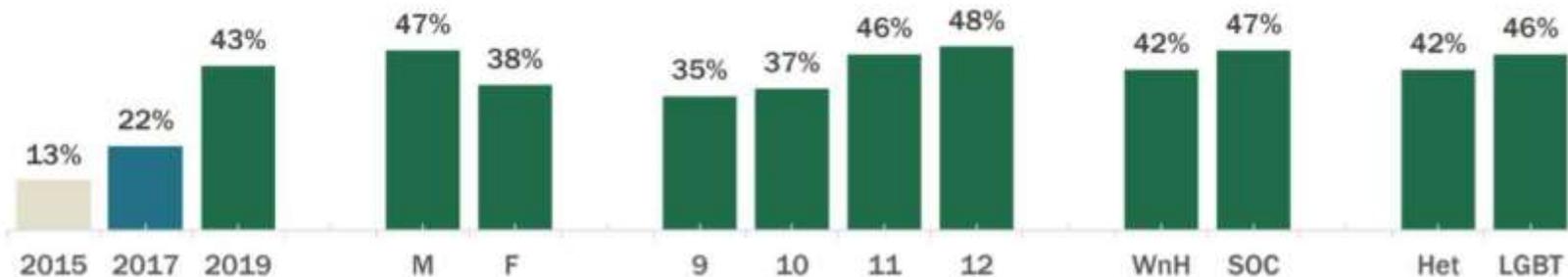


## Frequency of current electronic vapor product use

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

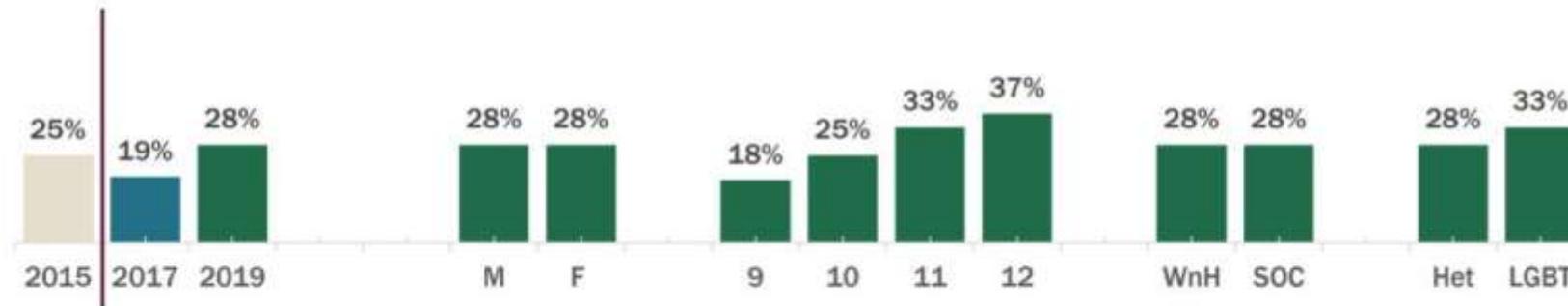
- High School  
➤ 28%

### 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%

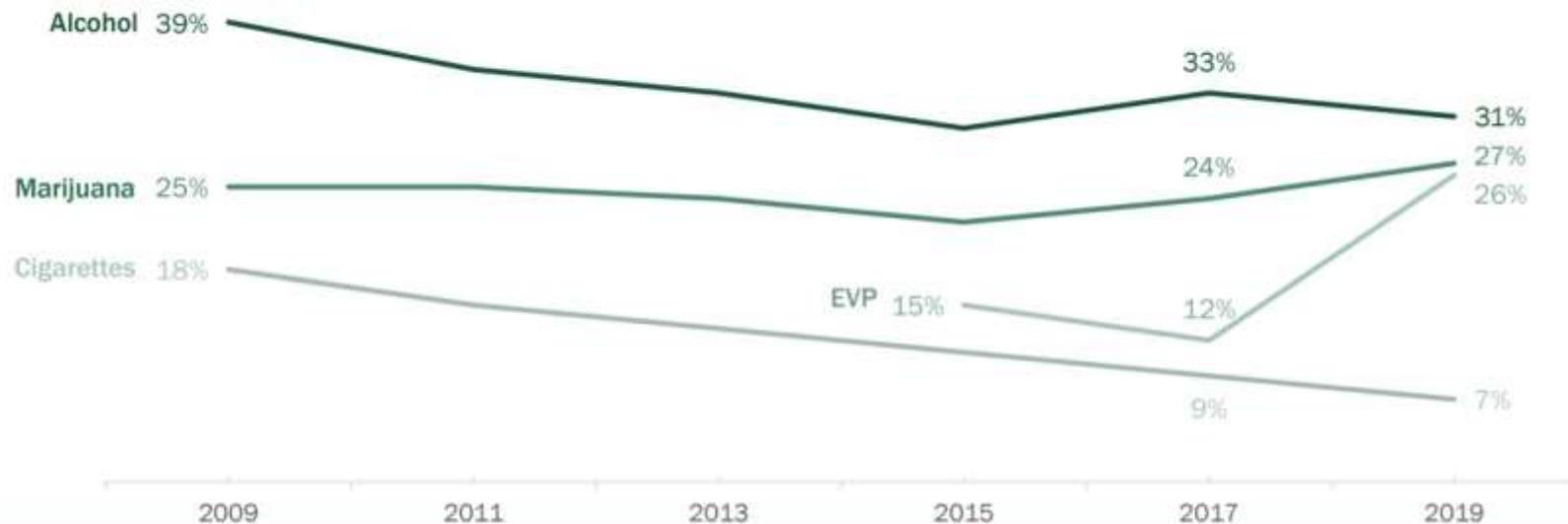
2019

- 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.
- **More than 300 localities restrict sales of flavored tobacco products, although laws differ in their application to specific products and store types.**
  - California, New York, New Jersey, and Rhode Island.
  - 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>

# Conclusion: end sale of all flavored tobacco

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- **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 (PUPs) 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.

