

# Big Tobacco targets kids.



The 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibits the sale of cigarettes other than menthol or tobacco. This law does not apply to other tobacco products on the market such as electronic cigarettes, smokeless tobacco and cigars. In recent years, the tobacco and e-cigarette industry has ramped up the introduction and marketing of flavored non-cigarette tobacco products. These products come in a variety of kid-friendly fruit and candy flavors. For example, you may find e-cigarettes that come in mango, cool mint, or pink lemonade or cigars that are grape or cherry flavored. Evidence has shown that these flavored products have become drastically popular among youth. 81% of youth who ever used tobacco products started with a flavored product.(1) Flavors improve the taste and reduce the harshness of tobacco products, which makes them more appealing and easier for beginners to try the product and ultimately become addicted. Since most tobacco users start before age 18, flavored tobacco products play a critical role in the industry's marketing tactics.(2) 81.5% of youth e-cigarette users and 73.8% of youth cigar users say they used the product "because they come in flavors I like."(3)

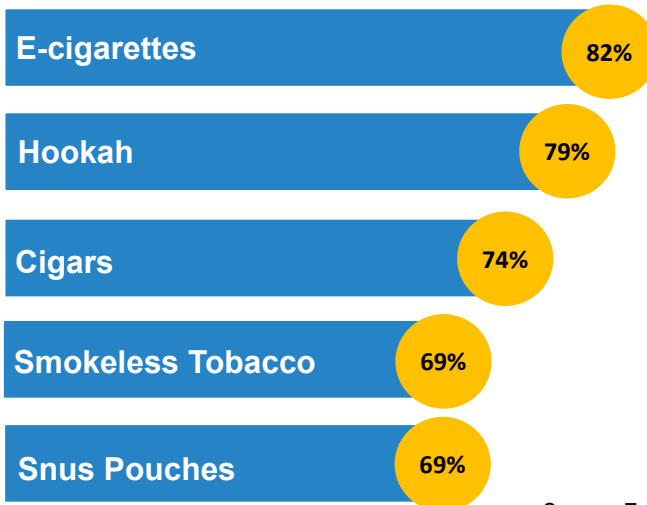
Advertising can bring the horse to water. The flavors will get them to drink. And the nicotine will keep them coming back for more.

Sources:

- (1) Campaign for Tobacco-free Kids. "The Flavor Trap: How Tobacco Companies Are Luring Kids with Candy-Flavored E-Cigarettes and Cigars." p.3
- (2) Campaign for Tobacco-free Kids. "The Flavor Trap: How Tobacco Companies Are Luring Kids with Candy-Flavored E-Cigarettes and Cigars." p.3
- (3) Campaign for Tobacco-free Kids. "The Flavor Trap: How Tobacco Companies Are Luring Kids with Candy-Flavored E-Cigarettes and Cigars." p.3

**Kids  
prefer  
flavored  
tobacco  
products.**

**Youth Ages 12 to 17 Who Report Flavoring  
is a Primary Reason for Using a Tobacco  
Product in the U.S.**



Source: Truth Initiative

This data from the Truth Initiative shows youth who report flavors as the main reason for using tobacco products. (1) Because youth are more inclined to using flavored tobacco products, they are at risk to becoming addicted to nicotine, which harms the developing brain.(2) Flavors can also create the impression that a product is less harmful than it really is.(3) Nicotine exposure in youth causes both long-term structural and functional changes in the brain.(4) It impacts the development of brain circuits and neurons, changing the way the brain works.(5) Nicotine can lead to long lasting effects like lower impulse control and mood disorders.(6) In addition to a nicotine addiction, youths may be susceptible to other health risks depending on the type of tobacco product they prefer. For example, cigar smoking puts a user at risk for lung and esophagus cancer or increased risk of heart disease(7) and smokeless tobacco use may increase the risk of cancer of the mouth, esophagus, and pancreas.(8)

Sources:

- (1) Truth Initiative. "Flavors Fact Sheet"  
<https://truthinitiative.org/sites/default/files/media/files/2019/03/Truth-Flavors-Fact-Sheet.pdf> p. 4, January 2018.
- (2) U.S. Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A report of the Surgeon General.

- (3) Campaign for Tobacco-free Kids. “The Flavor Trap: How Tobacco Companies Are Luring Kids with Candy-Flavored E-Cigarettes and Cigars.” p.4
- (4) England, L. et al., Nicotine and the developing human: A neglected element in the electronic cigarette debate. *Am J Prev Med* 2015;49(2):286–293
- (5) U.S. Department of Health and Human Services. *The Health Consequences of Smoking-50 Years of Progress: A Report of the Surgeon General*. Atlanta, GA: Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.
- (6) U.S. Department of Health and Human Services. *E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General—Executive Summary*. 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) Centers for Disease Control and Prevention. “Fast Facts and Fact Sheets: Cigars”, January 7, 2020.
- (8) Centers for Disease Control and Prevention. “Fast Facts and Fact Sheets: Smokeless Tobacco: Health Effects”, January 17, 2018.

Prohibiting  
all flavors,  
including  
menthol,  
protects  
our youth.



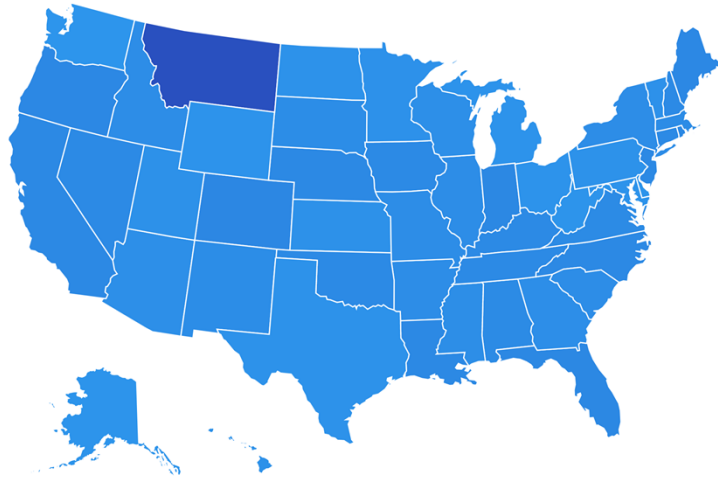
Menthol is a compound used in many consumer and medicinal products and is found in many tobacco products, even those not marketed as menthol.(1) It creates a cooling sensation that helps mask the harshness of tobacco smoke and taste.(2) Evidence has shown that menthol flavored tobacco products target youth, enhance the addictiveness of tobacco products, and make cessation more difficult.(3) Menthol products are linked to higher rates of tobacco use initiation.(4) Even though the U.S. Food and Drug Administration (FDA) does not prohibit the sale of menthol tobacco products, it's still important for localities to keep this minty flavor additive in their scope. When menthol products are still available on the market, youth turn to these products in absence of other flavors.(5) Prohibiting the sale of flavored tobacco products including menthol prevents vulnerable populations such as youth from being addicted to nicotine.

Sources:

- (1) Public Health Law Center. "Regulating Menthol Tobacco Products: Tips and Tools." September, 2018.
- (2) Counter Tobacco. "Evidence Summaries and Reports: Menthol". <https://countertobacco.org/resources-tools/evidence-summaries/menthol/>
- (3) Public Health Law Center. "Regulating Menthol Tobacco Products: Tips and Tools." September, 2018.

- (4) Pepper JK, Ribisl KM, Brewer NT. Adolescents' interest in trying flavoured e-cigarettes. *Tobacco Control* 2016;25:ii62-ii66.
- (5) Public Health Law Center. "Much Ado About Nothing: FDA's Lackluster Effort to Restrict Flavors". January 15, 2020.

Localities  
can  
further  
protect  
youth from  
the flavor  
trap.



The FDA began prohibiting the sales of cartridge-based or pod-based flavored e-cigarette products except for tobacco and menthol flavored on February 6<sup>th</sup>, 2020. These products (e.g. flavored JUUL and NJOY) must be off the market and may not enter back on the market until given permission by the FDA. FDA's policy on unauthorized flavored e-cigarettes does not apply to customizable flavored e-cigarette products, such as tank systems of mods, which are sold mostly in vape shops. It also exempts disposable flavored e-cigarette products such as Puff Bar and MOJO. The FDA's policy does not apply to all tobacco products, which leaves an open door for youth to switch from one product to another to continue fueling their nicotine addiction.

Montana's Emergency Rules that temporarily restrict the sale of flavored e-cigarette products are more comprehensive than FDA's policy. Montana's Emergency Rules apply with equal force to closed (i.e. pre-filled cartridge or pod-based systems) and open systems and cover the flavor of menthol. Because Montana's emergency rules will expire on April 15<sup>th</sup>, 2020, localities should enact policies that prohibit the sale of flavored tobacco products to deter youth from a lifetime of nicotine addiction.

Local ordinances can include all flavored tobacco products and be comprehensive and permanent solutions, rather than a short fix to a youth epidemic. As of February 11<sup>th</sup> of this

year, over 260 localities have passed restrictions on the sale of flavored tobacco products.(1) The FDA’s policy on unauthorized flavored e-cigarettes and Montana’s Emergency Rules should not deter local governments from continuing efforts in enacting public health policies that are more effective in preventing Big Tobacco from addicting our youth.

The Montana Tobacco Use Prevention Program’s model ordinance prohibits the sale of all flavored tobacco products, including menthol (e.g. menthol cigarettes, cigarettes, smokeless tobacco). Thus, preventing the tobacco and e-cigarette industry from targeting vulnerable populations such as youth.

Sources:

(1) Campaign for Tobacco-Free Kids. “States & Localities that Have Restricted the Sale of Flavored Tobacco Products.” February 11, 2020.