

Martinez, Ruben

From: Annie Tegen <[redacted]>
Sent: Monday, October 25, 2021 11:34 AM
To: PublicComment-AutoResponse
Subject: Support for comprehensive ordinance to end the sale of flavored tobacco (Tobacco-Free Kids)
Attachments: Letter of support_Flavored tobacco Pasadena 10.12.21.pdf

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Dear Mayor Gordo and Pasadena City Council Members,

Attached, please find a letter to support the passage of the ordinance to end the sale of flavored tobacco in Pasadena.

The tobacco industry has deceptively delayed enactment of the current statewide law until it can be approved by voters over a year from now. We cannot wait until November 2022 to end the sale of flavored tobacco in Pasadena. Thank you for protecting Pasadena kids!

Sincerely,
Annie

Annie Tegen, MPH
Campaign for Tobacco-Free Kids // Tobacco-Free Kids Action Fund
Advocacy Director, Western U.S.

10/25/2021
Item 11



1400 EYE STREET, N.W. • SUITE 1200 • WASHINGTON, DC 20005
PHONE (202) 296-5469 • FAX (202) 296-5427

Dear Mayor Gordo and City of Pasadena Councilmembers,

You play an extremely vital role in protecting Pasadena's kids from tobacco addiction. **We commend Pasadena 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.

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, and help smokers quit. We are pleased to submit this letter in support of a **comprehensive** ban on the sale of flavored tobacco products in the City of Pasadena to reduce tobacco use, particularly among youth. The tobacco industry has manipulated enactment of the current statewide law to delay the law until it can be approved by voters over a year from now. We cannot wait until November 2022 to end the sale of flavored tobacco in Pasadena.

While California has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in Pasadena and the nation, killing 480,000 Americans annually. **As you discuss policy options, we stand with dozens of other national health organizations to urge you to end the sale of all flavored tobacco products including candy-flavored e-cigarettes, sweet-flavored cigarillos, menthol cigarettes, and hookah products.**

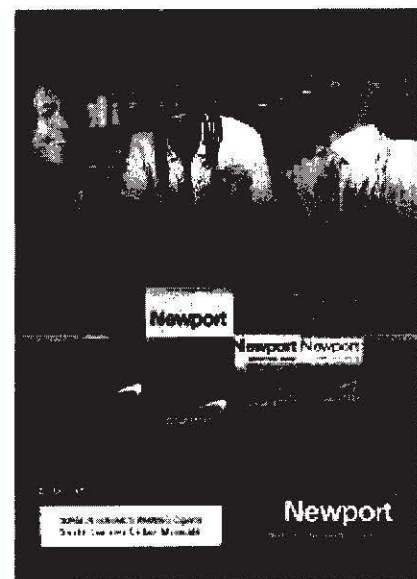
Prohibiting the sale of all flavored tobacco products in all tobacco retailers is a critical step that will help protect children living in Pasadena from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce 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. **In California, nine out of ten high school tobacco users report using flavored products.**¹

Menthol Cigarettes Increase Smoking Among Youth

No other flavored product contributes more to the death and disease caused by tobacco use than menthol cigarettes. We applaud your decision not to exempt menthol cigarettes from your ordinance. Menthol 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 in some populations, especially among Black Americans, and increases the overall prevalence of smoking among Black Americans.
- Menthol cigarettes are marketed disproportionately to younger smokers and are disproportionately marketed per capita to Black 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 37 percent of the market in 2019.⁴

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 mango, blue razz, pink punch and mint for e-cigarettes and chocolate, watermelon, 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.

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."⁵ The 2019 National Youth Tobacco Survey found that 69.3% of middle and high school students—over 18.2 million youth—had been exposed to e-cigarette advertisements from at least one source.⁶



Sales of cigars (i.e., large cigars, cigarillos, and small cigars) have more than doubled between 2000 and 2019, and much of the growth is attributable to smaller types of cigars, many of which are flavored and inexpensive.⁷ 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. Note that cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke.¹⁰



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.

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 **eight out of ten of kids who have ever used tobacco products started with a flavored product.**¹¹ 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.

According to the 2021 National Youth Tobacco Survey, during the midst of the Covid-19 pandemic, 2 million youth, including 11.3% of US high schoolers and 2.8% of middle schoolers, were current e-cigarette users. While the data are not comparable to previous survey years due to methodology changes*, just prior to the pandemic in 2020, 19.6% of US high schoolers reported current e-cigarette use, about the same level as in 2018 when the Surgeon General first declared e-cigarette use an epidemic.”¹² Youth e-cigarette use remains a serious public health concern.

In California, 8.2% of high school students report using e-cigarettes. The California Student Tobacco Survey found that an increasing proportion of these youth are using flavored products (96.2% in 2019-2020, up from 86.4% in 2017-2018). Among California high school e-cigarette users, the most commonly used flavor types are fruit (63.9%), mint or menthol (14.7%) and candy or sweet (13%).¹³

Almost all e-cigarettes contain nicotine, a highly addictive drug. Young people are especially vulnerable to nicotine addiction.¹⁴ The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”¹⁵ The manufacturer of JUUL, a popular e-cigarette among youth, claims that each JUUL pod contains as much nicotine as a pack of twenty cigarettes. Since the introduction of Juul, many youth are now using products that effectively deliver massive doses of nicotine and it is clear that large numbers of teen e-cigarette users are struggling with nicotine addiction. **In California, nearly a quarter (24.3%) of high school e-cigarette users are vaping on a frequent basis (20 or more days per month).**¹⁶

Youth e-cigarette users are also at risk of smoking cigarettes. 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.”¹⁷ More recent research confirms this finding.¹⁸ Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

In February 2020, the FDA restricted some flavors in cartridge-based e-cigarettes, but exempted all menthol-flavored e-cigarettes and left flavored e-liquids and disposable e-cigarettes widely

* 2021 data is not comparable to previous years due to a methodology change. Whereas previous surveys were conducted entirely in-school, the 2021 survey included both in-school and at-home responses; students who completed surveys in school reported higher e-cigarette use. Pandemic-related factors such as reduced access to e-cigarettes due to fewer peer interactions may have impacted youth e-cigarette use in 2021.

available in every imaginable flavor. New data show that the market share of these products has grown substantially and that youth quickly migrated to the flavored products that were exempt from the FDA's policy. In 2021, 55.8% of US high school e-cigarette users reported using disposable e-cigarettes and 30% of users of flavored e-cigarettes reported using menthol e-cigarettes.¹⁹

While the FDA recently announced that it had denied marketing applications for certain flavored e-cigarettes, many of the flavored products most popular among kids, like Juul and Puff Bar, are still on the market. Every day these products remain on the market, our kids remain in jeopardy. Because of the delays and gaps in the FDA's actions, it is critical that states and cities step up their efforts to eliminate ALL flavored e-cigarettes, as well as other flavored tobacco products. The evidence is also clear that as long as any flavored e-cigarettes – including menthol-flavored products – are on the market, kids will shift to them and we will not end this public health crisis. Pasadena must close the gaps left by the FDA and protect our kids from these dangerous and addictive products.

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. About half of youth smokers use menthol cigarettes.²⁰ As noted previously, young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.²¹

Tobacco companies have a long history of targeting and marketing flavored tobacco products to Black 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 Black Americans.²² 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: in 2018, California tobacco retailers in neighborhoods with the highest proportions of Black residents were more likely to advertise menthol cigarettes and charged an estimated 25 cents less for Newport cigarettes, compared with stores in neighborhoods with the lowest proportion of Black residents.²³ Nationwide, as a result of this targeting, 85% of Black smokers smoke menthol cigarettes, compared to 29% of White smokers.²⁴

Menthol cigarettes are a major reason why Black Americans suffer disproportionately from tobacco use. 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.²⁵ Tobacco use is the number one cause of preventable death among Black Americans, claiming 45,000 Black lives every year.²⁶ Tobacco use is a major contributor to three of the leading causes of death among Black Americans - heart disease, cancer and stroke.²⁷ The higher rates of some tobacco-caused diseases among Black Americans result, in part, from their greater use of menthol cigarettes, which are associated with reduced cessation.²⁸ A recently released study found that among the Black community, 157,000 smoking-related premature deaths and 1.5 million excess life-years between the years 1980 and 2018 can be attributed to menthol cigarettes.²⁹

Advancing tobacco retail policies has *not* led to an uptick in arrests related to possession of cigarettes. The ordinance would prohibit the sale of flavored tobacco products, not prohibit the possession of these products. Adoption of the proposed ordinance will not lead to police having any greater interaction with youth. Cities across California with similar policies such as Compton, Oakland, Beverly Hills, and Sacramento have passed and implemented these ordinances without incidents.

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 about protecting our kids and vulnerable populations. By prohibiting the sale of all flavored tobacco products, Pasadena would join over 100 cities and counties in California, including at least fifteen within LA County, that have already enacted restrictions on the sale of flavored tobacco products. In addition, the California legislature passed a bill to prohibit the sale of flavored tobacco products. The bill passed with extremely strong support and was signed into law immediately. However, the tobacco industry is now effectively delaying implementation by referring it to the ballot for voter approval in November 2022. **While the industry forces us to wait for that vote to occur, local youth in Pasadena continue to have access to these deadly and addictive products. For this reason, we cannot wait to act.**

Thank you for considering a strong and comprehensive policy without exemptions. This ordinance will save lives in Pasadena.

Sincerely,



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

¹ Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2019-smokeless-tobacco-report-2019/cigarette_report_for_2019.pdf [data for top 5 manufacturers only].

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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.

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¹² Office of the Surgeon General, "Surgeon General's Advisory on E-Cigarette Use Among Youth," December 18, 2018, <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>.

¹³ Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

¹⁴ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*.

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- ²⁰ Wang, TW, et al., "Tobacco Product Use and Associated Factors Among Middle and High School Students—United States, 2019," *MMWR* 68(12), December 6, 2019, <https://www.cdc.gov/mmwr/volumes/68/ss/pdfs/ss6812a1-H.pdf>.
- ²¹ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.
- ²² TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.
- ²³ Henriksen, L, et al., "Menthol cigarettes in black neighbourhoods: still cheaper after all these years," *Tobacco Control*, published online August 12, 2021.
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- ²⁸ HHS, "Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General," 1998; HHS, *Reducing the Health Consequences of Smoking: 25 Years of Progress: A Report of the Surgeon General*, 2014. See also Alexander, LA, et al., "Why we must continue to investigate menthol's role in the African American smoking paradox," *Nicotine & Tobacco Research*, 18(S1): S91-S101, 2016.
- ²⁹ Mendez, D and Lee, TT, "Consequences of a match made in hell: the harm caused by menthol smoking to the African American population over 1980-2018," *Tobacco Control*, published online September 16, 2021.

Martinez, Ruben

From: Ashley Carrasco >
Sent: Monday, October 25, 2021 12:24 PM
To: PublicComment-AutoResponse
Subject: Public Comment for October 25th City Council Meeting

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Item #11

I would like begin by thanking council for their time today, since freshman year, I've urged City Council to ban flavored E Cigarette products. I am currently a junior and now more than ever, the sales of such products should not be permitted especially when there is a rise in teenage depression, anxiety, etc. it is not news that teenagers use substances as unhealthy ways to cope with such struggles. The generation of youth within the city and all around are under the impressions of adults, as their actions directly mold our very future. Once again, I urge the Council members to not let the flavors E-Cigarette product in the City.

Estrella B - Pasadena Resident & PUSD Student

10/25/2021
Item 11



RECEIVED
2021 OCT 25 PM 1:03
CITY CLERK
CITY OF PASADENA

BreatheSoCal.org

5858 Wilshire Blvd., Suite 300
Los Angeles, CA 90036
P: (323) 935-8050
F: (323) 935-1873

October 12, 2021

The Honorable Pasadena City Council
Pasadena City Hall
100 N. Garfield Ave.
Pasadena, CA 91101

Dear Members of the Pasadena City Council,

Breathe Southern California urges you to pass and help ensure the implementation of an ordinance that ends the sale of flavored tobacco in the City of Pasadena without any exemptions, including menthol and hookah, as soon as possible. Breathe Southern California is a 501(c)(3) nonprofit organization that promotes clean air and healthy lungs through research, education, advocacy, and technology. For over 50 years, we have been a leader in lung health improvement efforts in California.

Tobacco products, including flavored products, contain nicotine, which is a highly addictive chemical that can cause long-term damage to the adolescent brain. Per the American Cancer Society Cancer Action Network, tobacco use causes nearly a third of all cancer deaths in California. According to the Center for Disease Control and Prevention, in a typical hour-long period of hookah smoking, users may inhale 100–200 times the amount of smoke they would inhale from a single cigarette and are exposed to 1.7 times more nicotine than the typical cigarette.

Furthermore, it is important for the City of Pasadena to be a leader on the flavored tobacco issue considering the negative public health impacts. As representatives of the largest city in the San Gabriel Valley, you have the unique opportunity to set a strong tone for the entire region regarding this important public health matter. We urge you to act as soon as possible and to not delay action on strong, comprehensive flavored tobacco policies.

The time is now to stand up to Big Tobacco. Should you have any questions or comments regarding this letter, please contact me at RDhillon@breathesocal.org or at (323) 935-8050 x233. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Raj Dhillon". The signature is fluid and cursive, with the first name "Raj" and last name "Dhillon" clearly distinguishable.

Raj Dhillon
Senior Manager, Advocacy & Public Policy

10/25/2021
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Breathe Easier.™

Martinez, Ruben

From: Ashley Carrasco J>
Sent: Monday, October 25, 2021 1:16 PM
To: PublicComment-AutoResponse
Subject: Public Comment for October 25th City Council Meeting

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Hi, My name is Nayelie Ortiz, I am a resident of District 1. I go to Pasadena High School. I am here to attempt to convince the City Council to BAN FLAVOR TOBACCO PRODUCTS because of how it's affecting the youth. Many students have been using E-cigarettes at a concerning rate, especially coming out of the pandemic. For many students its easy and accessible and the only coping mechanism they got. Others are using it as a trend to fit in. Stats show that in 2020, 8 out of 10 youth currently use E Cigarettes. Its concerning because I have younger cousins who I don't want to be affected by this trend.

Thank you for your time.

Nayelie O.

10/25/2021
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My name is Ashley Fong and I am a resident of District 3. I go to Pasadena High School. I want to speak about why we should ban flavored tobacco products because it affect myself and the community. It could be easily accessed by teens, 68% of teen use E cigarettes and it end up affecting their brain and makes them slow in school and start ditching class. Students also sell hits of the vape in exchange for a few dollars. And it makes our schools smell. When you go to the bathroom you can smell it as soon as you walk in. For some students it can be seen as coping mechanism and even though its bad they can't stop. Without knowing they end up hurting their body by what they put in it. Some teens are following the trends they parents display and a lot of parents use menthol because of its flavor and their kids will too.

Ashley F. District 3 resident

10/25/2021
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From: Ashley Carrasco
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Esteemed members of the Pasadena City Council, my name is Amelia, and I am a student at Marshall HS. I know quite a few people that use tobacco, whether its e-cigarettes or smokeless flavored tobacco. Flavor tobacco is heavily advertised as something fun, light hearted and not a big deal, which is clearly not the case. Flavor tobacco is sold at gas stations grocery stores for cheap prices. Additionally, flavored tobacco products target teens when advertising.

Thank you,

Amelie H.

Martinez, Ruben

From: Ashley Carrasco <
Sent: Monday, October 25, 2021 1:49 PM
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Item #11

Hi my name is Lily an I live in District 3 in Pasadena. I go to Blair HS and I'm in the 9th grade. I noticed a lot of students at my school smoking e cigarettes and vaping weed because they think its safer. It was advertised to them as a better option then regular cigarettes but its become more "trendy" and they are a problem at my school.

Lily E.