



## The African American Tobacco Control Leadership Council

March 13, 2019

**To: California Legislative Black Caucus.** Chair Shirley N. Weber Ph.D., Vice-Chair Stephen Bradford, Assemblyperson Autumn Burke, Assemblyperson Jim Cooper, Assemblyperson Sydney Kamlager- Dove, Assemblyperson Mike Gibson, Assemblyperson Christopher Holden, Assemblyperson Kevin McCarty, Assemblyperson Holly Mitchell, and Assemblyperson Reginald Byron Jones-Sawyer, Sr.

**From:** The African American Tobacco Control Leadership Council

**Re: Adopt a Statewide Ordinance to Prohibit the Sale of Menthol and all Other Flavored Tobacco Products, Flavored Little Cigars, and Flavored E-Juices in the State of California**

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the California Legislative Black Caucus (CLBC) to support SB 38 Flavored Tobacco Products (Hill) [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB38](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB38) and AB 739 Flavored Tobacco Products (McCarty / Wood) [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB739](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB739)

Both bills would prohibit the sale of menthol and all flavored tobacco products, flavored little cigars and flavored e-juices throughout the State of California. We already know that 80% of youth's 12-17 start smoking using flavored cigarettes (Ambrose et al., 2015). If the CLBC truly wants a healthier California and in particularly a healthier Black Community, and we believe that you do, then it is imperative that the sale of menthol and all other flavored tobacco products be prohibited. The predatory marketing of these products must be recognized as a social injustice issue, an issue that disproportionately impacts poorer communities, marginalized groups, youths and communities of color.

**This is no minor matter.** Over 84% African American adults and 94% of Black youth who smoke are using menthol products (Giovino, 2015). These striking statistics arise from the predatory marketing of these products in the Black Community, where there are more advertisements, more lucrative promotions, and *cheaper prices* for menthol cigarettes compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010). Indeed, menthol and flavored tobacco products are driving tobacco-caused deaths and diseases nation-wide. While the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults; among Latinos, Blacks, and Whites (Villanti, 2016). Indeed, African Americans die disproportionately from tobacco related diseases compared to other groups (RSG, 2014). And menthol is a driving force in this regard.

But it's not only Black folks, let's be clear, the majority of women smokers smoke menthol cigarettes; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes, with 62% of Puerto Rican smokers using menthol; nearly 80% of Native Hawaiians; a majority of Filipinos; and a majority of smokers with behavioral health issues smoke menthol cigarettes. Frankly, most marginalized groups disproportionately use these "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015).

The Caucus should be aware that menthol, as if to add insult to injury, masks the harsh taste of tobacco and allows for deeper inhalation of toxins and greater amounts of nicotine. Furthermore, the presence of menthol makes cigarettes harder to quit compared to other cigarettes (Ton et al., 2015; Levy et al., 2011). The "cool refreshing taste of menthol" heralded by the tobacco industry is just a guise; ultimately, menthol allows the poisons in cigarettes and cigarillos to "go down easier."

We all have been reading in the papers about the "JUUL Explosion," where a little thumb drive looking device is used more than regular cigarettes among youth (CDC, 2018). Frankly, the "JUUL Explosion" is really a "Flavors Explosion" given the fact that there are over 15,000 kid friendly flavors available in the marketplace! (<https://www.flavorshookkids.org/> 2018). The vaporist community would like you to believe that aerosol inhaled by e-cigarette users is only water vapor – nothing could be further from the truth. Here are the facts:

1. E-cigarettes are tobacco products that deliver nicotine, an addictive substance that especially in youth can compromise the brains executive functioning (Report of the Surgeon General, 2014).
2. The propylene glycol and vegetable glycerin that constitute a large portion of the e-juice and the resulting vapor **are not FDA approved for inhalation.**
3. The 15,000+ flavors available on the market may be Generally Recognized as Safe (GRAS) for **ingestion**, but they are not GRAS for **inhalation.**
4. There are as many, if not more, metals in the vapor of e-cigarettes than found in cigarette smoke (Williams et al., 2013).
5. Many of the same toxins and carcinogens found in regular cigarettes, like benzene, formaldehyde, and tobacco specific nitrosamines, can be found in e-cigarette vapor (Goniewicz et al., 2013). And yes, these toxins and carcinogens are at lower levels than in a regular cigarette; while these lower levels may be safer, this does not mean that e-cigarettes are **safe!**
6. The vapor from e-cigarettes activates platelet formation just like regular cigarettes; such platelet activity leads to arterial blockages (Hom et al., 2016).
7. E-cigarette aerosol consists of ultrafine particles at levels comparable to or higher than cigarettes. These particles can cause cardiovascular and pulmonary disease. In addition, the particle size in e-cigarettes is often smaller, and thus more dangerous, than those generated by cigarettes (Fuoco FC, Buonanno G, Stabile L, Vigo P. 2014).
8. Kids who start with e-cigarettes are more likely to become regular cigarette users, and unfortunately, in many cases dual users (Byrne S et al., 2018).

9. Here is a link to the European Public Health Association: Fact or Fiction on E-cigs:  
[https://eupha.org/repository/advocacy/EUPHA\\_facts\\_and\\_fiction\\_on\\_e-cigs.pdf](https://eupha.org/repository/advocacy/EUPHA_facts_and_fiction_on_e-cigs.pdf)

The AATCLC is calling upon the California Legislative Black Caucus to champion SB 38 and AB 739. Already, cities throughout the State are taking the lead. In June 2018, San Francisco voters passed the first ever citywide restriction on the sales of all flavored tobacco products, including menthol cigarettes and flavored e-cigarette juices. This “strongest flavor ban law ever” was rapidly replicated in the City of Richmond the following month. Within weeks, Beverly Hills followed suit, with their own city wide restrictions. Since November the cities of Alameda, Santa Cruz, San Pablo, and Hermosa Beach all have adopted their own citywide restrictions. And the County of Marin approved a county-wide ban for its unincorporated areas. Even the Food and Drug Administration is finally talking about getting rid of menthol cigarettes and flavors in little cigars and cigarillos. While this development is welcomed, we know that the tobacco industry will use all its muscle to slow down and curtail national efforts. Hence, it is imperative that States like California take the lead and join the growing movement to remove flavored tobacco products, especially menthol cigarettes, from the market place by supporting SB 38 and AB 729.

We should also mention that some groups, spurred on by the tobacco industry, have been spreading falsehoods, stating that restricting the sale of menthol and flavored tobacco products, including flavored e-juices will lead to the “criminalization” of young Black men. Nothing could be further from the truth. The proposed Bills would *prohibit the sale* of flavored products, it would *not prohibit the possession* of these products. Hence, police won’t be arresting Black folks for possessing menthol cigarettes or flavored little cigars.

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though based in California, we are national in our scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago and Minneapolis to Berkeley and San Francisco. Our work has shaped the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings when the agency was first considering the removal of menthol cigarettes from the marketplace.

We here at the AATCLC recognize that the Caucus is under extraordinary pressure from the tobacco industry and the vaporist community to put profits above human life by limiting or curtailing restrictions on flavored tobacco products. We already know that JUUL has reached out to the Caucus. Let’s be clear, we don’t believe, and we believe you don’t either believe that JUUL is going save Black folks from nicotine addiction; frankly, it’ll just make matters worse.

Please join your sister cities and counties around the State and stand up to the tobacco industry and their allies – Call for: **No Selling of Menthol Cigarettes and All Other Flavored Tobacco**

**Products, Flavored little cigars and Flavored E-Juices in the State of California!** Say “No” to the continued predatory marketing of flavored tobacco products to our youth, and say “Yes” to the health and welfare of our kids, who are the most vulnerable. In fact, say “Yes” to the protection for **all** Californians.

We are all counting on you!

Sincerely,



Phillip Gardiner, Dr. P.H. Co-Chair AATCLC [www.savingblacklives.org](http://www.savingblacklives.org)



Carol McGruder, Co-Chair AATCLC



Valerie Yerger, N.D., Co-Chair AATCLC