

# Alameda Must Protect Kids from Candy Flavored Tobacco Products

## I am concerned that:

- The sale of candy and other flavored tobacco products, including menthol cigarettes, is addicting our kids to nicotine.
- The sale of any tobacco products near schools and playgrounds exposes youth to tobacco marketing.
- The minimum price of some tobacco products (under \$1 for a single cigarillo) makes them affordable to youth.

NAME

Xander Wells 11

ADDRESS

Lincoln Middle School

EMAIL

PHONE



**Keeping Alameda Tobacco Free**  
Alameda County  
Tobacco Control Coalition

Submitted by Seamus McGinness  
Re: 6-B  
11/7/18

**ALAMEDA UNIFIED SCHOOL DISTRICT**  
**Alameda, California**  
**Resolution**

October 23, 2018

Resolution No. 2018-2019.12

**IN SUPPORT OF A CITYWIDE TOBACCO RETAIL LICENSING ORDINANCE TO ENSURE  
TOBACCO RETAILERS DO NOT SELL TOBACCO PRODUCTS TO YOUNG PEOPLE AND  
TO PROHIBIT SALE OF FLAVORED TOBACCO PRODUCTS IN THE CITY OF ALAMEDA**

*WHEREAS*, Alameda Unified School District works with Alameda County Office of Education and other partnering public agencies to discourage tobacco use by AUSD students through our longstanding participation in local Tobacco Use Prevention Education (TUPE) efforts; and

*WHEREAS*, AUSD and others engage in these efforts because educators clearly understand the importance of TUPE education to help prevent tobacco-related illnesses, knowing the best way to prevent tobacco-related illnesses is to keep youth from starting to smoke in the first place; and

*WHEREAS*, the tobacco industry has now targeted young people and vulnerable communities with tobacco products that mask the harsh taste of tobacco with flavors highly appealing to youth (including bubble gum, cotton candy, grape, gummy bear, and menthol flavors); and

*WHEREAS*, it is known that tobacco companies and retailers profit from the research-proven fact that the earlier a person starts to use tobacco, the harder it will become for them to quit; and

*WHEREAS*, research shows tobacco companies have historically targeted communities of color with aggressive marketing of mentholated tobacco products, resulting in disproportionate rates of tobacco-related disease and death (e.g., 95% of Black youth smokers, 61% of Asian youth smokers, and 58% of Latino youth smokers report use of menthol-flavored cigarettes); and

*WHEREAS*, according to AUSD's recent 2016-2017 California Healthy Kids Survey results, 42% of AUSD 11th graders believe it is either very easy or fairly easy to obtain cigarettes, 22% of AUSD 11th grade students use electronic cigarettes or other vaping devices, and the majority of AUSD 11th grade smokers reported beginning smoking between ages 11-17;

*NOW, THEREFORE, BE IT RESOLVED* that the Alameda Board of Education and the Alameda Unified School District join others in support of a citywide Tobacco Retail Licensing Ordinance to ensure tobacco retailers do not sell tobacco products to young people and to prohibit the sale of flavored tobacco products in the City of Alameda, including menthol cigarettes; and

*FURTHERMORE, BE IT RESOLVED* that the Alameda Board of Education and the Alameda Unified School District support creating minimum package sizes and minimum price for tobacco products, as well as prohibiting the sale of tobacco in pharmacies or near child-sensitive areas.

PASSED AND ADOPTED by the following vote this 23rd day of October, 2018.

AYES: \_\_\_\_\_ MEMBERS: \_\_\_\_\_

NOES: \_\_\_\_\_ MEMBERS: \_\_\_\_\_

ABSENT: \_\_\_\_\_ MEMBERS: \_\_\_\_\_

*Submitted by Rosalyn maya  
Re: 6-B  
11/7/18*

\_\_\_\_\_  
Gray Harris, President  
Board of Education  
Alameda Unified School District  
Alameda County, State of California

ATTEST:

By: \_\_\_\_\_  
Sean McPhetridge, Secretary  
Board of Education  
Alameda Unified School District  
Alameda County, State of California





## Resolution Supporting a City of Alameda Ordinance to Require the Licensure of Tobacco Retailers and Prohibit the Sale of Flavored Tobacco Products

WHEREAS, the mission of PTA is to make every child's potential a reality by engaging and empowering families and communities to advocate for all children; and

WHEREAS, flavored tobacco products, including grape, menthol, cotton candy, bubble gum and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging young smokers; and

WHEREAS, research shows that the earlier a person starts using tobacco, the higher the risk of addiction, and the harder it becomes to quit; and

WHEREAS, according to California Healthy Kids Survey results from Alameda Unified School District (2016-2017): 42% of 11th graders believe that it is either very easy or fairly easy to obtain cigarettes; 22% of 11th grade students use electronic cigarettes or other vaping devices; and the majority of 11th grade smokers reported beginning smoking between ages 11-17; and

WHEREAS, 95% of African American youth smokers, 61% of Asian youth smokers, and 58% of Hispanic youth smokers report smoking menthol-flavored cigarettes which is a result of tobacco industry historically targeting communities of color with aggressive marketing of mentholated tobacco products; and

WHEREAS, as a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death; for example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans; and

WHEREAS, strong Tobacco Retail Licensing laws protect youth from accessing flavored tobacco products and are crucial to preventing a lifetime of tobacco addiction; and

NOW, THEREFORE, BE IT RESOLVED that Alameda PTA Council supports a City of Alameda Ordinance to Require the Licensure of Tobacco Retailers and Prohibit the Sale of Flavored Tobacco Products in the City of Alameda; and

BE IT FURTHER RESOLVED that the Alameda PTA Council encourages PTA members across Alameda to support and advocate for this ordinance.

***ADOPTED: October 24, 2018 by Alameda PTA Council***





## Peralta Community College District

333 East Eighth Street ▪ Oakland, CA 94606 ▪ (510) 466-7202

January 12, 2018

Mayor Trish Herrera Spencer  
Vice Mayor Malia Vella  
Councilmember Marilyn Ezzy Ashcraft  
Councilmember Frank Matarrese  
Councilmember Jim Oddie  
Alameda City Hall  
2263 Santa Clara Avenue  
Alameda, CA 94501

RE: Potential City of Alameda Tobacco Retail Licensing Ordinance Including Restrictions on the Sale of Menthol Cigarettes and Other Flavored Tobacco Products

Dear Mayor Spencer and Members of the Alameda City Council:

Peralta Community College District supports a citywide Tobacco Retail Licensing Ordinance to ensure that tobacco retailers do not sell tobacco products to young people and to prohibit the sale of flavored tobacco products in the City of Alameda, including menthol cigarettes. Additionally, we support creating a minimum package size and minimum price for tobacco products, as well as prohibiting the sale of tobacco in pharmacies or near child-sensitive areas. The best way to prevent tobacco-related illness and death is to keep youth and other vulnerable communities from starting to smoke in the first place.

The tobacco industry targets young people and vulnerable communities with flavored tobacco products. Flavors including grape, menthol, cotton candy, bubble gum and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging young smokers. Tobacco companies have everything to gain from addicting young people, given research showing that the earlier a person starts using tobacco, the higher the risk of addiction, and the harder it becomes to quit.

According to California Healthy Kids Survey results from Alameda Unified School District (2016-2017):

- 42% of 11th graders believe that it is either very easy or fairly easy to obtain cigarettes
- 22% of 11th grade students use electronic cigarettes or other vaping devices
- The majority of 11th grade smokers reported beginning smoking between ages 11-17

Additionally, it is no accident that 95% of Black youth smokers, 61% of Asian youth smokers, and 58% of Hispanic youth smokers report smoking menthol-flavored cigarettes. Tobacco companies have historically targeted communities of color with aggressive marketing of mentholated tobacco products. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death; for example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans.

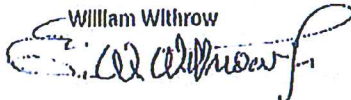
Strong Tobacco Retail Licensing laws like protect youth from accessing flavored tobacco products and are crucial to preventing a lifetime of tobacco addiction. Thank you for putting the health and lives of our children before tobacco industry profits, and ensuring that all of Alameda's children get to have the healthy and prosperous lives they deserve.


Sincerely,

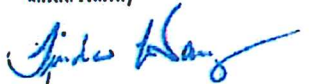
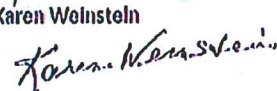
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**Stanford**  
**Children's Health**

January 25, 2018

Bayside Medical Group

The Honorable Trish Herrera Spencer, Mayor, Vice Mayor Malia Velia  
Councilmember Marilyn Ezzy Ashcraft, Frank Matarrese and Jim Oddie  
Alameda City Hall  
2263 Santa Clara Avenue  
Alameda, CA 94501

**Re: Potential Ban on Sale of Menthol Cigarettes and Other Flavored Tobacco in Alameda**

**Dear Mayor Spencer and Members of the City Council:**

We are writing as pediatricians that practice in Alameda, in hopes of protecting the youth that we serve on the island. We have taken the liberty to quote from the American Academy of Pediatrics Policy Statement on Electronic Nicotine Delivery Systems (ENDS)

1. ENDS are the most commonly-used tobacco products among youth. In 2016, 11% of high schoolers and 4% of middle schoolers reported using e-cigarettes in the last 30 days. Youth who use ENDS products are more likely to use cigarettes or other tobacco products.
2. ENDS solution has chemicals (ie, anti-freeze, diethylene glycol, and carcinogens like nitrosamines). E-liquid from ENDS devices and refill packs can contaminate skin, leading to nicotine poisoning. Symptoms of nicotine poisoning include vomiting, sweating, dizziness, increased heart rate, lethargy, seizures, and difficulty breathing.
3. In 2016, US Surgeon General Vivek Murthy, MD MBA released a report, "E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General." The report concluded that youth should not use e-cigarettes due to the health effects on users and on others exposed to secondhand e-cigarette aerosol.

Please help us protect our future generation by making it difficult for our kids to obtain flavored tobacco that tobacco companies are SHAMELESSLY targeting them with. The tobacco companies are attracting the youth, knowing that once they become addicted to their products, they will have life long smokers. Prior to the introduction of ENDS, the smoking rates in our youth was decreasing in California, but now there is going to be a steady uptake in smoking rates if we allow the sale of Menthol Cigarettes and Other Flavored Tobacco in Alameda.

Thank you for your action to ban the sale of menthol cigarettes and other Flavored Tobacco in Alameda,

Tina Hong, MD, Margaret Miller, MD, MPH, Sumit Sen, MD, Monika Stevens, MD  
Stanford Childrens Health Bayside, 1359 Park Avenue, Alameda, CA 94501





September 19, 2018

Alameda City Hall  
2263 Santa Clara Avenue  
Alameda, CA 94501

**RE: Potential City of Alameda Tobacco Retail Licensing Ordinance Including Restrictions on the Sale of Menthol Cigarettes and Other Flavored Tobacco Products**

Dear Mayor Spencer, Vice Mayor Vella, Councilmember Ashcraft, Councilmember Matarrese, and Councilmember Oddie:

First 5 Alameda County supports a citywide Tobacco Retail Licensing Ordinance to ensure that tobacco retailers do not sell tobacco products to young people and to prohibit the sale of flavored tobacco products in the City of Alameda, including menthol cigarettes. Additionally, we support creating a minimum package size and minimum price for tobacco products, as well as prohibiting the sale of tobacco in pharmacies or near child-sensitive areas. The best way to prevent tobacco-related illness and death is to keep youth and other vulnerable communities from starting to smoke in the first place.

The tobacco industry targets young people and vulnerable communities with flavored tobacco products. Flavors including grape, menthol, cotton candy, bubble gum and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging young smokers. Tobacco companies have everything to gain from addicting young people, given research showing that the earlier a person starts using tobacco, the higher the risk of addiction, and the harder it becomes to quit.

First 5 Alameda County is committed to ensuring children ages 0-5 have the best start in life. The availability of tobacco flavored products is very dangerous, particularly for small children who may be attracted to the packaging and aroma of flavored tobacco products. I urge you to pass this ordinance. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Kristin Spanos". The signature is written in a cursive, flowing style.

Kristin Spanos, CEO  
First 5 Alameda County



## The African American Tobacco Control Leadership Council

Friday, November 2, 2018

Mayor Trish Herrera Spenser  
Vice Mayor Malia Vella  
Councilmember Marilyn Ezzy Ashcraft  
Councilmember Frank Matarrese  
Councilmember Jim Oddie  
Alameda City Hall  
2263 Santa Clara Avenue  
Alameda, CA 94501

**Re: Restricting the Sale of Menthol and all Flavored Tobacco Products and Flavored E-Juices**

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the Alameda City Council to restrict the sale of menthol and all flavored tobacco products, including flavored e-juices. Restricting the sale of these products, could be an important step forward for public health of Alameda. We already know that 80% of youth's 12-17 start smoking using flavored cigarettes (Ambrose et al., 2015). If the City Council truly wants a healthier Alameda, and we believe that you do, then it is imperative that menthol and flavors be restricted and recognized as a social justice issue, an issue that disproportionately impacts poorer communities, marginalized group, and communities of color.

**This is no minor matter.** Menthol and flavored tobacco products are driving tobacco death and disease rates 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, and among Latinos, Blacks and Whites (Villanti, 2016). Let's be clear, the majority of women smokers, smoke menthol cigarettes; the same is true for youth of all backgrounds; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes; 62% of Puerto Ricans prefer menthol; nearly 80% of Native Hawaiians; a majority of Filipinos and a majority people with behavioral health issues, all disproportionately use these "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015). Moreover, 85% African Americans adults and 94% of Black youth smokers are using menthol products (Giovino, 2013). 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).



And as if to add insult to injury, the Council should be aware that menthol, which masks the harsh taste of tobacco, allows for deeper inhalation of toxins and greater amounts of nicotine and this is what makes menthol cigarettes harder to quit compared to other cigarettes (Ton et al., 2015; Levy et al., 2011). At bottom, 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 devise is being used by more youth than regular cigarettes (CDC, 2018). And one of the main drivers of youth taking up e-cigarettes generally is the fact that they are available in over 15,000 kid friendly flavors! ((<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. The facts are these:

1. E-cigarettes are tobacco products that delivering 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. There are as many metals and in some cases more metals are found in the e-cigarette vapor compared to cigarette smoke (Williams et al., 2013)
4. 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 they are at lower levels than in a regular cigarette, but while this may be safer, this does not mean that this products are safe!
5. The 15,000 + flavors available on the market may be Generally Recognized as Safe (GRAS) for **ingestion** but, they are not GRAS for **inhalation**.
6. E-Cigarette vapor activate platelet formation just like regular cigarettes, the process that 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 are often smaller than those generated by cigarettes, which are likely more dangerous (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 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 Alameda City Council to join a growing number of cities and counties around the country that are restricting the sale of menthol and all flavored tobacco products, including e-juices. Just this past June, San Francisco passed city-wide restrictions on the sale of menthol and all flavored tobacco products, including flavored e-juices, the toughest law in the Country. This was rapidly followed by the City of Richmond in July, passing its own



city-wide restrictions. And then in August, Beverley Hills followed suit with their own city-wide restrictions. Last year it was Minneapolis, St. Paul and Oakland that restricted the sale of these products to adult only venues. Indeed, this week the Marin County Board of Supervisors unanimously voted on the first reading to adopt County-wide restrictions. We are hopeful that the City of Alameda will join this growing movement to remove flavors from these deadly and addictive products.

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 scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago and Minneapolis to Berkeley and San Francisco. This work has helped to shape 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 to remove menthol products from the market place.

We here at the AATCLC recognize that the Council is probably under extraordinary pressure from the tobacco industry and the vaporist community to put profits above human life. The Council should stand up to the industry, like other cities around the country have and say No to the continued predatory marketing of flavored tobacco products to our youth, and say Yes, to the health and welfare of the kids, the most vulnerable, nay, all citizens of the City of Alameda.

We are all counting on you!

Sincerely,



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



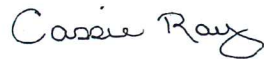
Carol McGruder, Co-Chair AATCLC



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

Prohibiting the sale of all flavored tobacco products, including menthol cigarettes, establishing a minimum pack size and a minimum price, and prohibiting the sale of tobacco near youth sensitive locations or within pharmacies, while also reducing window advertising, are important components of a comprehensive strategy to effectively help reduce tobacco initiation by children, and can help to support those who are trying to end their addiction to tobacco. We should be doing everything we can to protect young people from ever establishing this deadly addiction, and the cancer it causes, as well as supporting those who are trying to quit. Alameda is home to the state headquarters of the American Cancer Society, and ACS CAN appreciates this council's interest in protecting the health of Alameda residents. ACS CAN supports creation and timely passage of the strongest tobacco retail license possible, and we ask for your enthusiastic support.

Sincerely,

A handwritten signature in cursive script that reads "Cassie Ray".

Cassie Ray  
Government Relations Director, Northern California  
American Cancer Society Cancer Action Network



January 2, 2018

The Honorable Trish Herrera Spencer  
2263 Santa Clara Avenue  
Alameda, CA 94501

Dear Mayor Spencer and Members of the Alameda City Council:

The American Cancer Society Cancer Action Network is committed to protecting the health and well-being of the citizens of Alameda through evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. As such, we are writing to urge your approval of the amendments to the tobacco retail license (TRL) that are currently being discussed.

Tobacco remains the leading cause of preventable death in our country, and sadly, 95% of adult smokers begin before the age of 21. Of the 9 million youth currently living in our state, nearly 1.4 million of them will become smokers, and approximately 440,000 of those kids will die prematurely as a result of tobacco use. Actions taken now at the local level can help to encourage a generation of tobacco-free kids—potentially saving them from a lifetime of addiction and the deadly consequences of tobacco use. The American Cancer Society Cancer Action Network encourages creation and passage of a tobacco retail license that includes the following provisions:

- Fees that are sufficient to fund enforcement and meaningful penalties, including license suspension or revocation, for those who violate the conditions of the license
- Prohibit the sale of all flavored tobacco products, including menthol cigarettes
- Establish a minimum pack size for little cigars and cigarillos and a minimum price for all tobacco products
- Restrict retailers from locating near youth sensitive locations and limit window advertising for all retailers
- Prohibit the sale of tobacco products in pharmacies

Both opponents of smoking and purveyors of cigarettes have long recognized the significance of adolescence as the period during which smoking behaviors are typically developed. Adolescents are still going through critical periods of brain growth and development, and they



are especially vulnerable to the toxic effects of nicotine. A new study published in the journal, *Pediatrics*, found that the earlier youth are exposed to nicotine, the less likely they will be able to quit smoking. Tobacco companies have a long history of marketing to vulnerable populations, and target youth with imagery and by marketing candy and fruit flavored tobacco.

Prohibiting the sale of flavored products, including menthol, is not only a health issue; it is also a social justice issue. Targeted marketing to communities of color, low income communities and LGBTQ communities adds to the health disparities in populations already impacted by social inequities. In African American communities, the tobacco industry has aggressively marketed menthol flavored tobacco products to youth. Approximately 85% of African American smokers now smoke menthol cigarettes, and consequently, African American men have the highest death rates from lung cancer, when compared to other demographic groups. The anesthetizing effect of menthol masks the harshness of tobacco, making menthol cigarettes more appealing to beginning smokers, and menthol smokers demonstrate greater dependence, and are less likely to quit.

While adult cigar use has declined, cigar use by young men and teenage boys has continued to increase. It is not coincidental that little cigars are marketed in flavors and sold in small packs. In addition to preferring flavored tobacco products, youth are price sensitive. Small packs with low prices make it easier for youth to experiment, and these products are widely available for as little as five for \$1. Creating a minimum pack size and minimum price is an additional deterrent for beginning smokers, who often have limited disposable income.

Prohibiting retailers from locating near schools, libraries and parks helps to reduce youth exposure to tobacco advertising and the influences of the tobacco industry. Similarly, reducing window advertising can help to diminish the disparity of exposure in low income communities, which often have the highest density of tobacco retailers, and therefore more exposure to tobacco advertising. In a study published by the NIH, this was found to be particularly true in low income African American communities, who were found to be most likely to have a higher density of retailers with more menthol advertising than other neighborhoods.

Pharmacies are in the business of promoting health, and it is a contradiction to be a facilitator of health and wellness, while selling tobacco products next to over the counter medications and prescription drugs. Allowing tobacco products to be sold next to cold remedies and tobacco cessation products creates confusion, especially among youth, and sends a message that diminishes the dangers of tobacco.



Greater Bay Area Division

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Phone (510) 903-4050 Fax (510) 903-4049

[www.heart.org](http://www.heart.org)

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January 12, 2018

Mayor and City Council Members  
City of Alameda  
2263 Santa Clara Avenue  
Alameda, CA 94501

Dear Mayor and City Council Members:

The American Heart Association supports the proposal to establish a comprehensive Tobacco Retailer License prohibiting the sale of flavored tobacco products in the City of Alameda. This proposed policy will remove access to the products that are the tobacco industry's primary strategy for targeting and addicting new smokers, particularly youth.

Cigarette smoking is the leading cause of preventable disease and death in the United States, claiming on average 480,000 lives each year. Evidence shows that smoking increases the risk for heart disease and stroke. It increases the tendency for blood clots, decreases the ability to exercise, and decreases the good cholesterol in our bodies. The best way to prevent tobacco-related illness and death is to prevent people from starting to smoke in the first place.

The tobacco industry is actively and aggressively working to addict new young people, particularly those from communities of color, with flavored tobacco products. They know that flavors like grape, mint (menthol), cotton candy, bubble gum and gummy bears mask the harsh taste of tobacco and are highly appealing to youth. In California, nearly 1 in 10 young adults (18-24 years old) currently use e-cigarettes and mounting evidence shows that young people who start with e-cigarettes become the addicted cigarette smokers of tomorrow.

A comprehensive TRL that prohibits the sale of flavored tobacco will protect our community from candy flavored tobacco products and is crucial to preventing a lifetime of tobacco addiction. The American Heart Association respectfully asks for your support of this vital health policy. We ask that you put the health of your constituents above tobacco industry profits, and help ensure that all Alamedans have the healthy and prosperous lives they deserve.

Sincerely,

Alden McDonald III, MD  
Board President



October 22, 2018

Alameda City Council  
2263 Santa Clara Ave  
Alameda, CA 94501

Dear Alameda City Council Members:

On behalf of the American Lung Association in California, the leading public health organization fighting to reduce and prevent the harmful effects of tobacco use, I am writing to express strong support for policies that establish a minimum pack size, limit the location of tobacco retailers in youth populated areas, include electronic cigarettes in their definitions of tobacco, and continue to protect youth by banning flavored tobacco citywide.

Each year in California, nearly 40,000 adults die from smoking-related causes and over 10,900 kids become new daily smokers. According to a 2012 Report of the U.S. Surgeon General, tobacco companies have a long history of using flavored products to entice new, younger customers. Eight out of ten youth smokers report that they initiated tobacco use with a flavored tobacco product, and the younger a person is the more likely they will be to use a flavored tobacco product. Despite the FDA's 2009 ban on the sale of flavored cigarettes, the market for other types of flavored tobacco products such as cigars and e-cigarettes is growing rapidly. Additionally, menthol flavors were excluded from the FDA ban despite the evidence that menthol is also driving factor in tobacco initiation.

Minimum pack size is an effective strategy that limits the industries attempt to reduce the price of their product to entice more people to try them. Inexpensive smaller sized packs and deals are a tried-and-true tactic used by the tobacco industry to maintain the consumer base of its deadly products. Nearly 80% of their \$9.1 billion annual nationwide advertising budget goes toward price discounts. An increased cost in tobacco products via minimum price or pack size can result in less people starting to smoke, people smoking less, and more people quitting. Minimum price is also important for youth. Youth are price sensitive and establishing a minimum price helps to ensure that youth do not purchase cheaper tobacco products and helps to protect their health.

Studies have shown that the density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased smoking rates. Because the tobacco industry is threatened by the proven ability of tobacco taxes to decrease smoking, they often take steps to undermine price increases and ensure that people continue to use their products.

Specifically right now in California, the tobacco industry is providing targeted coupons to consumers to circumvent the impact of the tobacco tax and undercut the declines in smoking typically associated with tax increases. These price promotions end up attracting youth smokers.

The availability of tobacco products at pharmacies associates them with other healthy products and with the general health focus of these stores. Selling tobacco products at pharmacies is contrary to a pharmacy's purpose and sends a mixed message to consumers and youth.



What we do know is that these products are especially enticing to youth, who have begun using them at alarming rates. E-cigarette use among middle and high school students is higher than that of traditional tobacco products. Effective policies to include electronic cigarettes in our tobacco control laws can curb that trend.

For these reasons, we urge the Alameda City Council to move forward with a strong ordinance that prohibits the sale of flavored tobacco products, creates a minimum pack size and limits the location of tobacco retailers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda Gutzwiller', with a stylized flourish at the end.

Amanda Gutzwiller  
Advocacy Manager, Greater Bay Area



October 3, 2018

Mayor Trish Herrera Spencer  
Alameda City Hall  
2263 Santa Clara Avenue  
Alameda, CA 94501

**Re: Support for a Citywide Tobacco Retailer Licensing Ordinance**

Dear Mayor Spencer and Members of the Alameda City Council:

On behalf of our members in Alameda, **Americans for Nonsmokers' Rights supports the adoption of a citywide Tobacco Retailer Licensing Ordinance**, including provisions that prohibit the sale of all flavored tobacco products, create a minimum package size and minimum price for tobacco products, and prohibit the sale of tobacco products in pharmacies and near child-sensitive areas. The best way to prevent tobacco-related illness and death is to keep youth and other vulnerable populations from starting to smoke in the first place.

Communities around California are adopting tobacco retailer license requirements that **prohibit the sale of flavored tobacco products, including menthol cigarettes and electronic smoking devices**, in order to limit the negative public health consequences of tobacco use and to reduce the impact of targeted tobacco industry marketing, especially to youth and low-income communities of color.

In spite of years of health progress in California, tobacco use and exposure is still the leading cause of preventable death and disease, and our state is still the largest cigarette market in the U.S. Communities are adopting these laws as part of ongoing efforts to lower tobacco-related disease burdens and rising healthcare costs through better prevention policies and programs.

Communities have the right and responsibility to hold tobacco and electronic smoking device retailers accountable for being part of the tobacco epidemic by selling these addictive and deadly products in flavors that are very appealing to youth and young adults. It is important to take strong action because the tobacco and e-cigarette industries continue the deceptive and targeted marketing of their products to youth and young adults, African-Americans, the LGBTQ community, and low-income communities.

Tobacco companies were required to remove all flavors from tobacco cigarettes **except for menthol**, which is not only one of the most popular flavors, but it is also the flavor that makes smoking less harsh and easier to get hooked. In fact, 95% of Black youth smokers, 61% of Asian youth smokers, and 58% of Hispanic youth smokers report smoking menthol-flavored cigarettes. Over 80% of kids who have used tobacco started with a flavored product.

Flavored electronic smoking devices, including market-leading JUUL, as well as refillable e-liquids, are heavily **marketed to youth and young adults in appealing fruit and candy flavors**, often with packaging that mimics popular sweets like gummy worms, Sour Patch Kids, Nerds, and M&Ms, as well as youthful treats like cotton candy, lemonade, and even apple juice.

Alameda would be in good company by **prohibiting the sale of all flavored tobacco products including menthol cigarettes**, joining other California communities that have also taken this action, including San Francisco, San Mateo County, Richmond, Beverly Hills, and Yolo County.

**Tobacco companies have everything to gain from addicting young people.** Research shows that the earlier a person starts using tobacco, the higher the risk of addiction, and the harder it becomes to quit. The tobacco industry's long and well-documented history of profiling and targeting youth and the African-American community for economic profits comes at the expense of individuals' lives. When it comes to industry tactics, some things never change.

**Alameda should put the health of the community ahead of tobacco company and retailer profits.**

Thank you for your leadership and desire to make Alameda the best place to live, work, and visit. Please feel free to contact us at 510-841-3032 if you have any questions, comments, or feedback.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia Hallett". The signature is written in a cursive, flowing style.

Cynthia Hallett, MPH  
President and CEO

*Americans for Nonsmokers' Rights is a national, member-based, not-for-profit organization based in Berkeley, CA that is dedicated to helping nonsmokers breathe smokefree air since 1976.*





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

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October 5, 2018

Mayor Spencer and City Council  
City of Alameda  
2263 Santa Clara Avenue  
Alameda, CA 94501

Dear Mayor Spencer, Vice Mayor Vella, and Alameda City Councilmembers:

**The Campaign for Tobacco-Free Kids Action Fund supports the proposed ordinance to end the sale of all flavored tobacco products, including menthol cigarettes, in the City of Alameda.** We also strongly support strong tobacco retailer license requirements, including minimum pack sizes and minimum pricing.

Prohibiting the sale of flavored tobacco, including menthol cigarettes, is an important step in protecting Alameda children from the unrelenting efforts of the tobacco industry to hook them to a deadly addiction. For decades, tobacco companies have used flavorings to improve the taste and reduce the harshness of their products to make them more appealing to new users, almost all of whom are under age 18. The evidence is clear that menthol cigarettes and flavored tobacco products have a direct appeal to youth and make it easier for them to start smoking. Prohibiting the sale of menthol cigarettes and other flavored tobacco products will help reduce tobacco use and its devastating toll.

**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 that seem like they belong in a candy store or ice cream parlor – like gummy bear, cotton candy, wild berry and lemonade. As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.<sup>1</sup> News stories, school administrators, and government officials have documented the growing popularity of the JUUL e-cigarette among youth, attributing its appeal to its sleek design, high nicotine content and availability of flavors. Sales of flavored cigars, meanwhile, have increased by nearly 50 percent since 2008, and flavored cigars made up more than half (52.1 percent) of the U.S. cigar market in 2015, according to Nielsen convenience store market scanner data.<sup>2</sup>

**These sweet products have fueled the popularity of e-cigarettes and cigars among youth.** Nationally, cigar use is as popular as cigarette use among high school students, and e-cigarettes are the most commonly used tobacco product among youth in the US and in California.<sup>3</sup> The FDA Commissioner recently stated that “E-cigarettes have become an almost ubiquitous – and dangerous – trend among youth that we believe has reached epidemic proportions.”<sup>4</sup> Research shows that flavors play a key role in these trends. A government study found that 81 percent of kids who have ever used tobacco products started with a flavored product. Youth also cite flavors as a major reason for their current use of non-cigarette tobacco products, with 81.5 percent of youth e-cigarette users and 73.8 percent of youth cigar users saying they used the product “because they come in flavors I like.”<sup>5</sup> Menthol cigarettes are also more popular among younger populations: over half of youth smokers ages 12-17 use menthol cigarettes, compared to less than one-third of smokers ages 35 and older.<sup>6</sup> 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.

**Tobacco companies have a long history of targeting and marketing flavored tobacco products to specific populations and subgroups.** Tobacco industry marketing, often targeted at minority communities, has been instrumental in



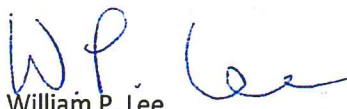
increasing the use of menthol products and in the disproportionate use of menthol products by minority groups and youth. As a result, 85 percent of African-American smokers smoke menthol cigarettes, compared to 29 percent of white smokers. Menthol cigarettes are particularly popular among youth: more than half of youth smokers use menthol cigarettes, including seven out of ten African-American youth smokers.<sup>7</sup> The FDA's Tobacco Products Scientific Advisory Committee (TPSAC) estimated that by 2020, 4,700 excess deaths in the African-American community will be attributable to menthol in cigarettes, and over 460,000 African Americans will have started smoking because of menthol in cigarettes. TPSAC further concluded that "removal of menthol cigarettes from the marketplace would benefit public health in the United States."<sup>8</sup>

There is also a long history of the tobacco industry targeting the LGBTQ population. For more than 20 years, the tobacco industry has targeted the LGBTQ market through direct advertisements, sponsorships and promotional events.<sup>9</sup> The most infamous example of this targeted marketing of the LGBTQ community is "Project SCUM" (subculture urban marketing), a 1995 marketing plan developed by R.J. Reynolds to target the gay community in the Castro District of San Francisco.<sup>10</sup>

The scientific evidence leaves no doubt that flavored tobacco products – including menthol – have a profound adverse impact on public health in the United States, resulting in more tobacco use and subsequently more death and disease. The research also demonstrates that the tobacco industry is responsible for the health disparities caused by menthol cigarettes because of its targeted marketing to children and African-American communities. Prohibiting the sale of flavored tobacco products, including menthol cigarettes, will help counter these industry tactics.

By ending the sale of flavored tobacco products and ensuring that all tobacco retailers are licensed, you will place the health of Alameda's kids before tobacco industry profits. Thank you for your leadership protecting Alameda youth from the harmful effects of tobacco use.

Sincerely,



William P. Lee

Executive Vice President, US Programs

<sup>1</sup> Zhu, S-H, et al., "Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites," *Journal of Medical Internet Research*, 20(3), published online March 12, 2018.

<sup>2</sup> Delnevo, CD, et al., "Changes in the mass-merchandise cigar market since the Tobacco Control Act," *Tobacco Regulatory Science*, 3(2 Suppl 1): S8-S16, 2017.

<sup>3</sup> CDC, "Youth Risk Behavior Surveillance—United States, 2017," *MMWR*, 67(8), June 15, 2018. CDC, "Tobacco Use Among Middle and High School Students—United States, 2011-2017," *MMWR*, 67(22): 629-633, June 7, 2018.

<sup>4</sup> FDA News Release, "FDA launches new, comprehensive campaign to warn kids about the dangers of e-cigarette use as part of the agency's Youth Tobacco Prevention Plan, amid evidence of sharply rising use among kids," September 18, 2018, <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm620788.htm>.

<sup>5</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

<sup>6</sup> Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016.

<sup>7</sup> Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016.

<sup>8</sup> FDA Tobacco Products Scientific Advisory Committee (TPSAC), Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, July 21, 2011 <https://wayback.archive-it.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>

<sup>9</sup> Goebel, K, et al., "Lesbians and gays face tobacco targeting," *Tobacco Control*, 3: 65-67, 1994.

<sup>10</sup> RJ Reynolds. Project SCUM. Legacy Tobacco Documents Library. December 12, 1995. Access Date: October 19, 2002. Bates No. : 518021121/1129. <http://legacy.library.ucsf.edu/tid/mum76d00>.

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*Since 1908, Breathe California has fought for clean air, healthy lungs and the elimination of lung disease in the San Francisco Bay Area.*

A member of the  
**Breathe America™**  
Alliance

*Breathe California is a*



October 25, 2018

Alameda City Council  
2263 Santa Clara Ave.  
Alameda, CA 94501



**BREATHE<sup>®</sup>**  
**CALIFORNIA**

*Golden Gate Public Health Partnership*

## Support for Tobacco Retailer Licensing Policy

Dear Mayor Spencer, Vice Mayor Vella, and Councilmembers Ashcraft, Matarrese, and Oddie:

Breathe California, Golden Gate Public Health Partnership's mission is to fight lung disease, and we are part of the Alameda County Tobacco Control Coalition. We are writing in strong support of the proposed tobacco retailer licensing ordinance, including restrictions on the sale of menthol cigarettes and other flavored tobacco.

In our work throughout the Bay Area in preventing youth smoking, in middle schools and high schools, we know that the tobacco industry has long used minty menthol cigarettes to get young African Americans to start smoking. Over 9 in 10 African American teen smokers report using menthol cigarettes, and across racial and ethnic groups, so do half of white teen smokers and approximately 6 in 10 Asian American and Latino teen smokers. Ending the sale of menthol cigarettes in Alameda would improve youth health across the spectrum.

For other flavored tobacco products -- such as "twisted berry" flavored cigars, "green apple" loose tobacco, or "gummy bear" vape liquids -- the adding of flavors to products in this way is more recent. The result is a prepackaged tobacco product that tastes, looks, and is priced like candy. These are not the tobacco products that most adults saw when we were children! Now, today's children are bombarded with these products. Action by the City Council could help fix this issue.

Candy-like flavors in tobacco products directly affect children. Stopping the sale of flavored tobacco products, including minty menthol cigarettes and flavored vape liquids, would allow tobacco retailers to continue to sell the very many kinds of unflavored tobacco products, while very positively improving youth health.

Sincerely,

Randy Uang

Director of Tobacco Prevention & Control Services  
Breathe California, Golden Gate Public Health Partnership





## **ATOD Tobacco Dependence Treatment Training, A LifeLong Medical Care Program**

Patricia Sanchez, MPH  
Program Manager  
Email: [psanchez@lifelongmedical.org](mailto:psanchez@lifelongmedical.org)

Dr. Gurinder Singh Wadhwa, D.O.  
Medical Consultant  
Email: [atod@lifelongmedical.org](mailto:atod@lifelongmedical.org)

Located at:

EBCRP-SITE  
2730 Adeline Street Oakland Ca 94607

10/24/2018

Alameda City Hall, 2263 Santa Clara Avenue , Alameda, CA 94501

RE: Potential City of Alameda Tobacco Retail Licensing Ordinance Including Restrictions on the Sale of Menthol Cigarettes and Other Flavored Tobacco Products

Dear Mayor Trish Herrera Spencer, and Oakland City Council Members, Malia Vella, Marilyn Ezzy Ashcraft, Frank Matarrese, Jim Oddie

ATOD Tobacco Dependence Treatment Training, A LifeLong Medical Care Program (ATOD Program), supports a citywide Tobacco Retail Licensing Ordinance to ensure that tobacco retailers do not sell tobacco products to young people and to prohibit the sale of flavored tobacco products in the City of Alameda, including menthol cigarettes. Additionally, we support creating a minimum package size and minimum price for tobacco products, as well as prohibiting the sale of tobacco in pharmacies or near child-sensitive areas. The best way to prevent tobacco-related illness and death is to keep youth and other vulnerable communities from starting to smoke in the first place.

The ATOD Program is a county-wide tobacco treatment training technical assistant program who's mission has been to change the paradigm in health care services so that tobacco-use is routinely assessed and treated as part of services provided by behavioral (substance use disorder/mental health), and primary care providers—especially those serving high-use, high-risk, uninsured, low-income multi-ethnic populations, to reduce health disparities/inequities in these populations and prevent and improve chronic disease management.

The tobacco industry targets young people and vulnerable communities with flavored tobacco products. Flavors including grape, menthol, cotton candy, bubble gum and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging young smokers. Tobacco companies have everything to gain from addicting young people, given research showing that the earlier a person starts using tobacco, the higher the risk of addiction, and the harder it becomes to quit.

According to California Healthy Kids Survey results from Alameda Unified School District (2016-2017):

- 42% of 11th graders believe that it is either very easy or fairly easy to obtain cigarettes
- 22% of 11th grade students use electronic cigarettes or other vaping devices
- The majority of 11th grade smokers reported beginning smoking between ages 11-17

Additionally, it is no accident that 95% of Black youth smokers, 61% of Asian youth smokers, and 58% of Hispanic youth smokers report smoking menthol-flavored cigarettes. Tobacco companies have historically targeted communities of color with aggressive marketing of mentholated tobacco products. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death; for example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans.

Strong Tobacco Retail Licensing laws like protect youth from accessing flavored tobacco products and are crucial to preventing a lifetime of tobacco addiction. Thank you for putting the health and lives of our children before tobacco industry profits, and ensuring that all of Alameda's children get to have the healthy and prosperous lives they deserve.

Sincerely,  
Patricia Sanchez, MPH

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*Community Health Education Institute*

100 9th Street, Suite 404, Oakland Ca 94607

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October 28, 2018

Dear Mayor Trish Herrera Spencer, Vice Mayor Mailla Vela, Councilmembers Marilyn Ezzy Ashcraft, Frank Mantarrese and Jim Doddie,

Community Health Education Institute supports a strong tobacco retailer licensing ordinance to ensure that tobacco retailers do not sell tobacco flavored products to young people and to prohibit the sale of flavored tobacco products in Alameda, including menthol cigarettes. We support establishing a minimum package size and minimum price for tobacco products and to prohibit the sale of tobacco products in pharmacies. Prohibiting the sale of these products has been shown to be one of the most effective ways to prevent young people from starting smoking, particularly menthols which are more addictive because of the menthol, than other tobacco products. Tobacco companies focus on young people and those of color to establish lifetime customers. One third of the new smokers will die because of tobacco. This does not include the 50,000 deaths from second hand smoke in the U.S,

In Alameda the California Health Kids Survey provides the following information: 42 per cent of 11<sup>th</sup> graders think it is easy to get tobacco products in Alameda. 22 per cent of 11<sup>th</sup> graders use e-cigarettes or vape. The majority of 11<sup>th</sup> grade smokers report starting between the ages of 13-17.

Community Health Education Institute serves college students at Peralta Community Colleges in Alameda and Oakland, providing education and advocacy to create a smoke-free environment and to educate students regarding how to teach health education/tobacco control as student mentors. Our mission is to reduce the 500,000 deaths that occur each year from smoking in the U.S. by reducing rates among college students. For the past two years we have worked at College of Alameda (COA) to make the college smoke-free. The Peralta Board recently passed the smoke-free status for COA.

There is a strong move by the tobacco companies to addict people of color to tobacco products with the promotion of menthol cigarettes which are more addictive and harder to quit for people of color. 47,000 African-Americans die annually from tobacco-related diseases.

Studies indicate flavored tobacco products are disproportionately promoted in communities of color and communities suffering from low-socioeconomic status.



Flavored tobacco products have become the starter product for many youth under age 20 who become smokers.

Thank you for very much for taking a stand against the tobacco industry to support the health of Alameda children and youth. Thank you for protecting your constituent's health and for putting residents' health above the tobacco industry profits. You are a leader in this important change in city ordinances that is going to take place across the nation to fight the racial profiling by tobacco companies.

Sincerely,

Pauline Bondonno  
Community Health Education Institute



# Alameda County Tobacco Control Coalition

November 7, 2018

Mayor Trish Herrera Spencer  
Vice Mayor Malia Vella  
Councilmember Marilyn Ezzy Ashcraft  
Councilmember Frank Matarrese  
Councilmember Jim Oddie  
Alameda City Hall  
2263 Santa Clara Avenue  
Alameda, CA 94501

Direct Inquiries to Co-Chairs to: Alameda County Public Health Department, Tobacco Control Program  
1000 Broadway, 5<sup>th</sup> Fl.  
Oakland, CA 94607

Phone (510) 268-2030  
Fax (510) 208-5935

## Co-Chairs:

Scott Gerbert

Beatrice Cardenas-Duncan



## Mission Statement:

"Our mission is to promote health equity and social justice by supporting a diverse alliance of partnerships to help protect Alameda County residents by eliminating the threats of tobacco use and exposure."

Dear Mayor Spencer and Members of the Alameda City Council:

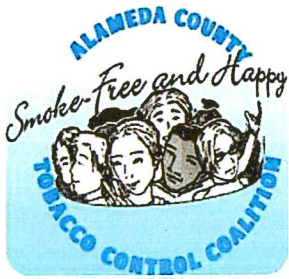
Alameda County Tobacco Control Coalition (ACTCC) supports a citywide Tobacco Retail Licensing Ordinance to ensure that tobacco retailers do not sell tobacco products to young people and to prohibit the sale of flavored tobacco products in the City of Alameda, including menthol cigarettes. Additionally, we support creating minimum package size and minimum price requirements for tobacco products (including little cigars), as well as prohibiting the sale of tobacco in pharmacies or near child-sensitive areas. The best way to prevent tobacco-related illness and death is to keep youth and other vulnerable communities from starting to smoke in the first place.

ACTCC is comprised of over 200 individuals, including organizations that advocate for the prevention, reduction and control of tobacco use. The Coalition is committed to the de-normalization of tobacco use in Alameda County. Tobacco kills nearly 40,000 Californians each year, and the state spends nearly \$18.1 billion per year in health care bills and lost productivity due to tobacco-related health problems.

For more than 20 years, ACTCC has advocated through policy change and education to eliminate the social normalcy of smoking and use of tobacco products. Candy, fruit, menthol, and liquor flavored "little cigars" and electronic smoking devices pose new threats of reversing our progress, as four out of five youth who use tobacco start with a flavored product. The CDC reported that youth e-cigarette use has more than tripled between 2011 and 2015; in Alameda, 2016-2017 California Healthy Kids Survey results show that nearly one in four AUSD 11<sup>th</sup> graders use electronic cigarettes or vaping devices.

Particularly worrisome are popular e-cigarettes such as JUUL with high nicotine content and youth-appealing flavors; a new Truth Initiative study published in October 2018 finds that teens are 16 times more likely to use JUUL than older age groups. Use of these starter tobacco products leads directly to youth becoming addicted to nicotine, and a reversal of the last fifty years of tobacco control work that has made great strides in the reduction of tobacco use and nicotine addiction.





# Alameda County Tobacco Control Coalition

Additionally, it is no accident that 95% of Black youth smokers, 61% of Asian youth smokers, and 58% of Hispanic youth smokers report smoking menthol-flavored cigarettes. Tobacco companies have historically targeted communities of color with aggressive marketing of mentholated tobacco products. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death; for example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans.

Direct Inquiries to Co-Chairs to: Alameda County Public Health Department, Tobacco Control Program  
1000 Broadway, 5<sup>th</sup> Fl.  
Oakland, CA 94607

Phone (510) 268-2030  
Fax (510) 208-5935

## Co-Chairs:

Scott Gerbert

Beatrice Cardenas-Duncan



## Mission Statement:

"Our mission is to promote health equity and social justice by supporting a diverse alliance of partnerships to help protect Alameda County residents by eliminating the threats of tobacco use and exposure."

ACTCC whole heartedly supports minimum price and package size requirements that will raise the package price to make tobacco products less available to youth with pocket change. According to the Campaign for Tobacco Free Kids, raising the price of tobacco products is, hands-down, the most effective way to ensure that people (especially youth) never start smoking and that current smokers quit. For example, after raising the price of tobacco products in Wisconsin by \$1.00, the state quit line received more than 20,000 calls in the first *two months*; normally they receive only 9,000 calls a *year*.

Furthermore, we would like to express our support for all licensed pharmacies to discontinue the sale of tobacco products and electronic smoking devices. Pharmacies have a long-standing mission and commitment to promote health and wellness products and services to the public. The sale of tobacco products and electronic smoking devices is counterproductive to these roles.

As public health advocates, ACTCC urges the City of Alameda to adopt a strong tobacco retail ordinance that prohibits the sale of flavored and menthol tobacco products and electronic smoking devices, and creates additional barriers to youth access of tobacco products including: a minimum price floor for tobacco products, minimum package size requirements of at least 20 little cigars per pack, prohibition of the redemption of tobacco discounting and couponing, and limiting the establishment of tobacco retailers within 1,000 feet of youth populated areas.

Strong Tobacco Retail Licensing laws protect youth from accessing flavored tobacco products and are crucial to preventing a lifetime of tobacco addiction. Thank you for putting the health and lives of Alameda's children before tobacco industry profits, and ensuring that all of Alameda's children get to have the healthy and prosperous lives they deserve.

Sincerely,

Scott Gerbert, Co-Chair

Beatrice Cardenas-Duncan, Co-Chair

Visit our Coalition website at: [www.tobaccofreealamedacounty.org](http://www.tobaccofreealamedacounty.org)



## SAN FRANCISCO TOBACCO-FREE COALITION

Staffed by SFDPH- Tobacco-Free Project  
25 Van Ness Ave. Suite 345, San Francisco, CA 94102

November 1, 2018

**TO:**

Alameda City Council [tspencer@alamedaca.gov](mailto:tspencer@alamedaca.gov); [mvella@alamedaca.gov](mailto:mvella@alamedaca.gov);  
[mezzyashcraft@alamedaca.gov](mailto:mezzyashcraft@alamedaca.gov); [fmatarrese@alamedaca.gov](mailto:fmatarrese@alamedaca.gov); [joddie@alamedaca.gov](mailto:joddie@alamedaca.gov)

**RE:** Support for Tobacco-Free Pharmacies in Alameda

Dear Mayor and Alameda City Council Members-

We are writing to ask that you adopt tobacco control policies which will improve the lives and health of countless Alameda residents, especially young people. The pharmacy provision in particular would make it so any Alameda pharmacy, present or future, would no longer be able to sell tobacco products of any kind.

In 2008, San Francisco County passed a policy to eliminate the sale of all tobacco products in pharmacies. It was the first in the United States to do so.

Ending the sale of tobacco in pharmacies is a policy that has been passed in 20 jurisdictions in California and in scores of cities in Massachusetts, Minnesota, and New York. Please also see the list of California tobacco-free pharmacy policies passed, along with a page of Frequently Asked Questions.

If our San Francisco Tobacco-Free Coalition can be of help, please contact us at:

[bob@lgbtpartnership.org](mailto:bob@lgbtpartnership.org)

A handwritten signature in blue ink, appearing to read 'Bob Gordon'.

**Bob Gordon, MPH**

Co-Chair of the San Francisco Tobacco-Free Coalition

**Coalition Member Organizations:** African American Tobacco Control Leadership Council (AATCLC) · American Cancer Society Cancer Action Network (ACS CAN) · American Heart Association · American Lung Association · Americans for Nonsmokers' Rights · Bay Area Community Resources (BACR) · Booker T. Washington Community Services Center · Breathe CA – Project E-NUFF · Bright Research Group · California LGBT Tobacco Education Partnership · Coalition of Lavender-Americans on Smoking or Health (CLASH) / The Last Drag · Freedom from Tobacco · Jamestown Community Center · Rafiki Coalition for Health and Wellness · Samoan Community Development Center · San Francisco Cancer Initiative (SF CAN) · San Francisco University Student Health Services · San Francisco Unified School District Health Programs (SFUSD) · UCSF Center for Tobacco Research and Education · Vietnamese Youth Development Center (VYDC) · YMCA of San Francisco · Youth Leadership Institute (YLI)



Dear Mayor Spencer and Members of the City Council,

I am writing to support Councilmembers Oddie and Matarrese's referral that would require Alameda tobacco retailers to apply for a tobacco retail license and pay an annual fee to cover the enforcement of the state law that prohibits the sale of tobacco products to anyone under 21.

As a parent and active volunteer in our schools, I believe we have a responsibility to do all we can to protect our children. Councilmembers Oddie and Mataresse's referral to implement a permit process for tobacco retailers in Alameda will help us protect Alameda youth from being manipulated by the tobacco industry and becoming addicted to tobacco products. It is not the only means needed to curb tobacco use, but it will help tremendously. Supporting this referral is the right thing to do and I respectfully urge you to move forward with it.

Thank you,

Kathryn Lamb-Tansey

December 19, 2017

The Honorable Trish Herrera Spencer, Mayor  
Vice Mayor Malia Vella  
Councilmember Marilyn Ezzy Ashcraft  
Councilmember Frank Matarrese  
Councilmember Jim Oddie  
Alameda City Hall  
2263 Santa Clara Avenue  
Alameda, CA 94501

Re: Potential Ban on Sale of Menthol Cigarettes and Other  
Flavored Tobacco in Alameda

Dear Mayor Spencer and Members of the City Council:

I am writing to support Councilmembers Oddie and Matarrese's referral to consider banning the sale of menthol cigarettes and flavored tobacco in Alameda.

According to the Centers for Disease Control and Prevention, nearly 90% of adult smokers in the United States began smoking by the age of 18 years old. (U.S. Department of Health & Human Services; Preventing Tobacco Use Among Youth & Young Adults; Atlanta, GA: US Department of Health & Human Services, CDC; 2012). Research also shows that "[flavored tobacco products] are widely considered to be 'starter' products, establishing smoking habits that can lead to a lifetime of addiction" (Food and Drug Administration, Flavored Tobacco Product Fact Sheet, cited by the California Medical Association White Paper, "*Flavored and Mentholated Tobacco Products: Enticing a New Generation of Users*," May 2016, Executive Summary).<sup>1</sup>

That report includes a number of alarming facts, including: 1) consumption of flavored tobacco products have increased among youth in recent years; 2) the tobacco industry markets these flavored and menthol products to prefer younger users, and 3) strong evidence supports the finding that youth, certain racial/ethnic groups, and members of the LGBT community are vulnerable to sweet flavors and menthol. (*Ibid.*)

Moreover, the most recent California Healthy Kids Survey from the 2016-2017 school year indicates that youth in Alameda schools reported smoking

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[www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/Policy/FlavoredTobaccoAndMenthol/FlavoredAndMentholatedTobaccoProductsCMAWhitePaperAndExecSummaryMay2016.pdf](http://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/Policy/FlavoredTobaccoAndMenthol/FlavoredAndMentholatedTobaccoProductsCMAWhitePaperAndExecSummaryMay2016.pdf).

cigarettes, electronic cigarettes or other vaping devices beginning in seventh grade with tobacco use indicators increasing by grade eleven, with many children indicating it is “fairly easy” or “very easy” to obtain cigarettes. (California Healthy Kids Survey, Alameda Unified Secondary, 2016-2017, pg. 36-40, *Tobacco Use*.<sup>2</sup>

Banning the sale of menthol cigarettes and other flavored tobacco in Alameda is the right thing to do. We support this referral and respectfully request the City Council to follow the lead of other cities in California that have implemented a ban on these products with the goal of reducing youth tobacco use in their communities.

Sincerely,

Jennifer Williams  
Bassey Obot

cc: Jill Keimach, Alameda City Manager

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<sup>2</sup> [http://surveydata.wested.org/resources/Alameda\\_Unified\\_1617\\_Sec\\_CHKS.pdf](http://surveydata.wested.org/resources/Alameda_Unified_1617_Sec_CHKS.pdf).



Dear Mayor Spencer, Vice Mayor Vella, and Council Members Oddie, Mataresse, and Ezzy Ashcraft:

Please adopt Council members Oddie's and Mataresse's referral tonight. During the debate on cannabis, each of you expressed a desire to address youth access to tobacco products and the need to address the flavored tobacco products that most attract and draw youth to begin using.

Both the federal government and the state of California have classified electronic cigarettes/smoking devices as "tobacco products" and the state has added the emissions from these products to be hazardous enough to add them to the state's smoke-free workplace act.

In 2009, the federal law that gave the FDA jurisdiction over tobacco products explicitly banned the addition of characterizing flavorings to cigarette products based on the evidence that these flavorings were key to attracting the next generation of smokers -- pre-teens and teens.

In response to the ban on added flavorings in cigarettes, the tobacco companies simply began to develop and market flavored other tobacco products like little cigars. The tobacco industry has also been developing their own vape products and have purchased some existing e-cigarette companies. It is no coincidence that youth are more likely to use e-cigarettes than the combustible ones. A recent study published in the American Journal of Medicine has shown that youth who start with electronic cigarettes are 4 times more likely to graduate to combustibles.

Here is a compilation of some key articles about electronic smoking devices from the state's Department of Public Health. <http://stillblowingsmoke.org/#thewire>

In 2015, after extensive studies, hearings, and public comment, the FDA announced that they would begin to regulate other tobacco products including electronic smoking devices, cigars, little cigars, chew, etc. Unfortunately the new administration has slowed down the inevitable banning of flavorings in these products.

Alameda can look to the established regulatory framework that other Bay Area cities have adopted for licensing local tobacco retailers and adapt their ordinances to meet Alameda's needs.

The debate over the efficacy of electronic cigarettes can best be had after staff have had an opportunity to prepare a report and research the existing data.

Best,

*Serena*

Serena Chen