

## **Flavors Implementation QA**

Used for countering industry talking points on social media, prepare potential spokespeople and inform responses to media inquiries as needed.

### **SB793**

#### **1. DOES SB 793 CRIMINALIZE AFRICAN AMERICAN/BLACK INDIVIDUALS, MAKING IT EASIER FOR POLICE TO HARASS PEOPLE WHO STILL USE MENTHOL CIGARETTES?**

No. SB 793 was written specifically to protect communities of color from police harassment. The law ends the *sale* of flavored tobacco, putting the responsibility on the tobacco retailers and their employees to comply with the law. It and does not criminalize individuals for purchasing, using or possessing flavored tobacco products.

To learn more about the flavored tobacco sale bans that include menthol, visit [www.wearenotprofit.org](http://www.wearenotprofit.org).

#### **2. WHY WOULDN'T THIS LAW BE CONSIDERED RACIST BECAUSE IT TAKES AWAY PREFERRED PRODUCTS FROM AA/B PEOPLE?**

This new California law closes a deadly federal loophole that was created for Big Tobacco after it intensely lobbied the US Congress to continue the sale of menthol flavored cigarettes when the sale of all other flavored cigarettes was stopped by the 2009 federal Tobacco Control Act. While overall cigarette use is on the decline in the U.S., menthol cigarette use has increased in recent years and approximately 19 million Americans smoke menthol cigarettes. Had the sale of menthol cigarettes been eliminated in 2009, up to 237,000 Black deaths would have been prevented by 2050.

When Big Tobacco had the opportunity to save African American/Black lives, they fought to keep their deadly products on the market. SB 793 stands up to Big Tobacco and it will save African American/Black lives in California. For more than half a century, Big Tobacco has preyed on African American/Black communities by going into Black neighborhoods and handing out packs of cigarettes to young children. For decades, tobacco companies have targeted African American/Black communities with predatory marketing and promotion of menthol cigarettes. Studies have found there are 10x more tobacco ads in neighborhoods where people predominantly identify as African American/Black and these ads, primarily promote menthol cigarettes. Big Tobacco has worked to keep menthol cigarettes cheap, accessible and desirable within African American/Black communities, all the while knowing that menthol cigarettes are harder to quit.

You can learn more about Big Tobacco's targeting Black Communities with menthol cigarettes at: [wearenotprofit.org](http://wearenotprofit.org)

#### **3. A LOT OF THE BUSINESSES THAT SELL MENTHOL IN OUR COMMUNITY ARE SMALL BUSINESS OWNERS THAT LOOK LIKE US (OR ARE FROM THE COMMUNITY, OR ARE MINORITY-OWNED BUSINESSES), HOW WILL THIS LAW IMPACT THEIR BUSINESS AND WHAT HAPPENS TO THEM IF THEY CONTINUE TO SELL THE PRODUCT?**

According to national reports, convenience stores make more money from prepared food, snacks and packaged beverages. Additionally, purchasing these food items, not tobacco, is the primary reason customers shop at convenience stores. Increased sales of ready-to-eat foods coupled with a California's smoking rate of less than 10%, indicates that a shift away from tobacco sales, including menthol cigarettes, is already underway for most retailers. Improving public health for all isn't at odds with maintaining and promoting a vibrant business community/economy.

#### **5. WHY NOT JUST END THE SALE OF ALL TOBACCO PRODUCTS? / WHY DOES THIS LAW KEEPS THE DEADLIEST PRODUCTS ON THE MARKET?**

The goal is to help tobacco users quit for good and transition communities away from reliance on selling a product that kills over 480,000 Americans annually. For three decades California has been a leader in protecting its citizens from the tobacco industry's deadly products. Eliminating the sale of flavored tobacco products moves us towards the goal of becoming a tobacco free state and ending the deadly hold the tobacco industry has on communities, businesses, and people.

Ending the sale of most flavored tobacco products, including menthol cigarettes, across California is an important step in the fight against Big Tobacco. It will prevent more kids from becoming addicted to nicotine and it will help current tobacco users quit. It also puts an end to the tobacco industry's relentless targeting of African American/Black community with menthol cigarettes. California is the second state to enact a statewide ban on flavored tobacco products.

#### **6. ISN'T THIS GOING TO CREATE AN ILLICIT MARKET?**

In the past three years, over 90 California cities and counties have implemented a restriction on the sale of flavored tobacco products, and there have been no known reports of surges in illicit sales activities. Contrary to the tobacco industry's claims, research published in the *Tobacco Control Journal* in 2018 looked at this very question and found there was no surge in illicit sales.

#### **7. WHY DID CALIFORNIA GET RID OF MY CESSATION DEVICE – VAPES?**

Vaping devices are not FDA-approved cessation aids, and switching is not quitting. In fact, there is accumulating evidence that shows vapes can cause serious damage to your health, including increasing your risk of cancer, heart disease, chronic lung disease and asthma.

There are a variety of FDA-approved cessation therapies-- patches, gum, lozenges and medication-- available for tobacco users who want to quit. If you're struggling with nicotine addiction, there are resources available to help. California offers free and personalized counseling support for people who are ready to quit smoking or vaping, or to try again. The caring counselors at the California Helpline can be reached at 1-844-8-**NO-VAPE** or visit [www.nobutts.org](http://www.nobutts.org)

#### **8. I BUY ZERO NICOTINE VAPE JUICE, WHY IS MY PRODUCT BEING ELIMINATED FROM STORES?**

The new California law applies to flavored tobacco products, including vape juice, regardless of what is stated on the label for nicotine content. There are no standards on testing and labelling vape products. Research has found nicotine in vape juice labelled as having no nicotine. Regardless of the nicotine, e-cigarette aerosols and vape liquids can cause respiratory irritation, inflammation and toxicity to lung cells.

#### **9. CAN KIDS STILL GET VAPES ONLINE?**

Removing the sale of flavored tobacco products from stores is one of many steps to stop the tobacco industry's targeting and addicting of kids on their deadly products. Starting January 2020, California

made online purchasing of tobacco products more difficult for minors by introducing stronger age verification tools and an adult signature-on-delivery requirement that verifies the age and identity of the buyer to ensure the purchaser is of legal age to purchase tobacco products.

**11. WHY DOES THIS LAW EXEMPT HOOKAH, WHEN KIDS SMOKE MORE HOOKAH THAN MENTHOL CIGARETTES?**

Hookah use in California is relatively low for all age groups and the new law provides strong restrictions for the types of stores that are allowed to sell flavored shisha tobacco, which is the type of tobacco smoked in a hookah pipe. The restrictions include limiting the sale of hookah tobacco to retail stores that do not permit anyone under the age of 21 from entering the store, which should deter anyone under the age of 21 from purchasing flavored shisha. Unlike other tobacco products, hookah is less portable and more difficult to use on places like school campuses. Additionally, SB 793 also contains language clarifying that “shisha tobacco product” does not include any electronic devices such as an electronic hookah, electronic cigarette, or electronic tobacco product. These provisions are aimed at making it more difficult for young people to access these products and require the hookah tobacco retailer to comply with current state and local laws related to the sale of tobacco products and clean indoor air laws.

**12. WHY WOULDN'T THIS LAW BE CONSIDERED RACIST AGAINST THE AFRICAN AMERICAN/BLACK COMMUNITY BECAUSE MENTHOL CIGARETTES ARE CULTURAL, JUST LIKE HOOKAH IS TO THE MIDDLE EASTERN COMMUNITY?**

Using menthol cigarettes isn't cultural. Tobacco companies singled out African Americans in the 1960s, spending billions marketing their addictive, deadly products. It has been pushed on the African American/Black for decades to create that perception. Legislator Shirley Weber, a member of the Legislative Black Caucus, said this about the assertion that SB 793 is an attack on Black culture: “As a person who has spent the last 50 years of her life learning and teaching African American history, I am insulted that the tobacco industry would make an effort to have us believe that mentholated cigarettes is a part of African American culture... This isn't a race issue. This is an economic issue that has pimped people of color, and used them for the benefit. I am outraged... that they would use this to try and pretend that they are helping Black people, promoting our culture, and then use our friends and our ministers and others to make us believe that there's some discrimination in this.”

**13. WHAT ABOUT FLAVORED MARIJUANA OR ALCOHOL?**

There is overwhelming scientific evidence that flavored tobacco products appeal to young people, entice them to try tobacco products and become addicted to them because flavors mask the harsh taste of tobacco and that menthol makes cigarettes more addictive and harder to quit. Appealing flavors is one of the key factors driving the epidemic rise in e-cigarette use among teens. Substance abuse prevention groups are monitoring the influence of flavored products on the use of alcohol and marijuana by young people. For now, the evidence is overwhelming that flavored tobacco products lead to a lifetime of addiction to a known lethal product which is why local and state lawmakers have taken action to restrict the sale of flavored tobacco products

**14. DIDN'T THE FDA JUST OFFICIALLY SAY VAPES ARE PRODUCTS THAT RESULT IN REDUCED NEGATIVE HEALTH CONSEQUENCES?**

No. The FDA deadline for tobacco companies who make vapes to apply to the modified risk product application was September 9, 2020. Any company that applies now goes through the FDA evaluation process. Any company that did not put in an application for this process is now considered an illegal

product and should be pulled from the market. Potential violations may be reported to the FDA using their online form available at <https://www.accessdata.fda.gov/scripts/ptvr/index.cfm>

## QUIT RESOURCES

### **1. WHERE CAN PEOPLE GO IF THEY WANT TO LEARN HOW TO QUIT SMOKING MENTHOL CIGARETTES?**

The California Smokers' Helpline offers free and personalized counseling support for people who are ready to quit smoking or vaping, or to try again. The caring counselors at the Helpline can be reached at 1-800-NO-BUTTS or visit [www.nobutts.org](http://www.nobutts.org).

### **2. HOW CAN I APPROACH LOVED ONES THAT I KNOW SMOKE MENTHOL CIGARETTES TO GET THEM TO UNDERSTAND HOW HARMFUL THEY ARE?**

Quitting smoking is not only one of the best things a person can do for themselves, but also for their family and loved ones. Encourage your loved ones to watch the personal story videos on [www.wearenotprofit.org](http://www.wearenotprofit.org) to see how families and friends are impacted when a loved one smokes.

And if they are looking for a little help, the California Smokers' Helpline offers free and personalized counseling support people who are ready to quit smoking or vaping, or to try again. The caring counselors at the Helpline can be reached at 1-800-NO-BUTTS or visit [www.nobutts.org](http://www.nobutts.org).