

Prohibiting Flavored and Menthol Tobacco Products

Flavored and menthol tobacco products are used disproportionately by youth, women, LGBTQ+ populations, and communities of color. Prohibiting the sale of flavored products is an important step toward eliminating tobacco-related health disparities in California, as well as preventing a new generation of Americans who are addicted to nicotine.

Tobacco control advocates should continue pursuing strong policies at the local level while awaiting federal regulation of these products.

Evaluation Reports from California projects that have worked on local policy campaigns to prohibit flavored and menthol tobacco products between 2014-2017 offer these recommendations:

A youth focus has the most potential to influence decision makers

- Agencies that had worked on this before overwhelmingly recommend not just a youth focus for flavors campaigns, but the mobilization of community youth to advocate for restrictions on flavored tobacco sales.
- As noted in the evaluation reports, local decision makers “have a difficult time ignoring the testimony of youth.”

Be prepared for unintended outcomes

- The issue of flavored tobacco intersects with other retail policies, such as campaigns to adopt tobacco retail licensing (TRL), restrict electronic smoking devices/vapor products, require minimum pack sizes, and limit tobacco retailers near schools.
- This can be beneficial; a flavors ordinance can be added into an existing TRL. However, a potential drawback is that policymakers may be unwilling to extend regulation even further for fear of “government overreach.”
- In some cases, advocates found that policymakers, while unwilling to support a flavors ban, were motivated by the data to support TRL or zoning policies in order to protect youth from exposure and access to tobacco products and advertising.

Retailer engagement is crucial to effective implementation

- Emphasize the benefits of banning these products; provide data to temper fears of negative financial impact.
- Ensure that flavor/menthol ban policies do not appear to be punitive in any way. Retailers are members of the community and can benefit from education on the positive impacts of flavors restrictions.
- Strategies for engaging retailers in a positive manner include public recognition for policy compliance, thank-you letters and positive store visits, providing a list of non-flavored products that are okay to sell, and providing trainings on the policy and definitions of flavored products.

Resources

- ChangeLab Solutions model policy language for flavors/menthol bans: <https://www.changelabsolutions.org/product/policy-options-restricting-sales-menthol-cigarettes-and-other-flavored-tobacco-products>
- TCEC database of data collection instruments, searchable by topic, type, indicator, and language: <http://tobaccoeval.ucdavis.edu/data-collection/instrument-search.html>
- Rover: California’s Tobacco Control Library features an online catalog of over 20,000 resources to request or download, including project Final Evaluation Reports (<https://rover.catcp.org/>)
- *Fighting Flavored Tobacco* Toolkit: <https://www.tecc.org/tecc/assets/CDPH-Flavored-Tobacco-Toolkit-Final-Web.pdf>