

Flavors in Tobacco Products

Attracting & Addicting Youth

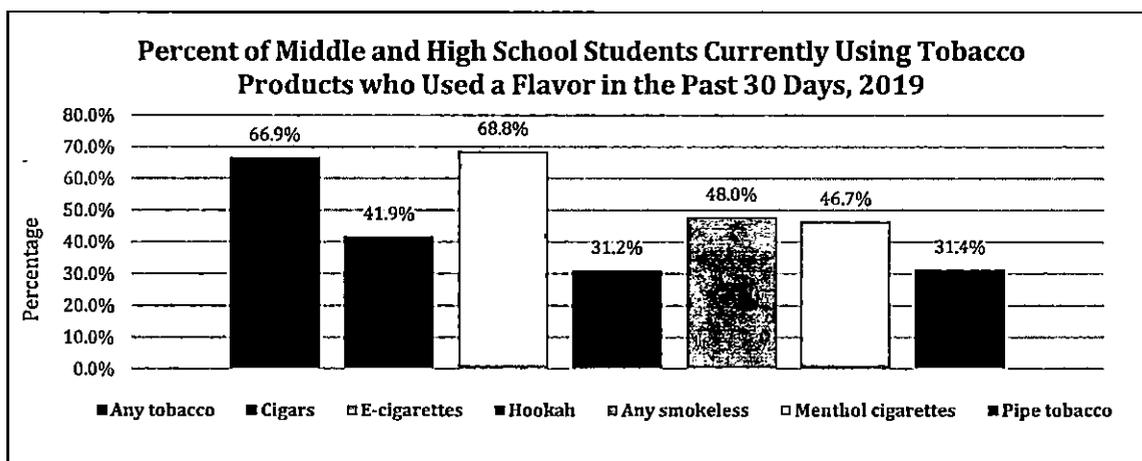


Flavors are a marketing weapon the tobacco manufacturers use to target youth and young people to a lifetime of addiction. Altering tobacco product ingredients and design, like adding flavors, can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product's overall appeal.ⁱ Candy, fruit, mint and menthol flavorings in tobacco products are a promotional tool to lure new, young users, and are aggressively marketed with creative campaigns by tobacco companies.ⁱⁱ Products with flavors like cherry, grape, cotton candy, and gummy bear are clearly not aimed at established, adult tobacco users and years of tobacco industry documents confirm the intended use of flavors to target youth.ⁱⁱⁱ Furthermore, youth report flavors as a leading reason why they use tobacco products and perceive flavored products as less harmful.^{iv,v}

The use of any flavored tobacco product among youth is concerning because it exposes them to a lifetime of nicotine addiction, disease, and premature death.

Flavored Tobacco Products

Overall use of tobacco products by youth has soared to 23 percent of middle and high schoolers, driven by a substantial increase in e-cigarette use.^{vi} Furthermore, the use of flavored tobacco products by youth and young adults is high. In 2019, an estimated 4.3 million middle and high school students used a flavored product in the last 30 days, or approximately 70 percent of students who used tobacco used a flavored product. Another study found that more than 80 percent of teens who had ever used a tobacco product started with a flavored product.^{vii} Characterizing flavors, except for menthol and tobacco, are prohibited in cigarettes by federal law, but other tobacco products have benefited from not being covered by a similar regulatory restriction (see Spotlight on p.3).



Flavored e-cigarettes have proliferated on the market, with one study identifying more than 15,500 distinct flavors available to consumers, up from 7,700 unique e-cigarette flavors in 2014.^{viii} Flavors offered including fruit, candy, and menthol flavors, and were often paired with flashy marketing campaigns to appeal to youth. E-cigarettes are the most commonly used flavored tobacco product among high school students overall.

Data from the 2016-2017 PATH study, the largest national longitudinal study looking at tobacco use and its

effects, found that among teens who use e-cigarettes, 97.0 percent regularly used a flavored product.^{ix} Also, among those teens who had ever tried an e-cigarette, 96.1 percent used a flavor product for the first time. In 2019, 71.7 percent of high school students who currently use an e-cigarette use a flavored product, and the percentage is 59.9 percent for middle school students. Among exclusive users of e-cigarettes, use of mint or menthol flavored e-cigarettes went up from 16.0 percent in 2016 to 57.3 percent in 2019, while candy-, dessert- and other sweet-flavors decreased.^x Among young adults who reported using e-cigarettes every or some days in 2013-2014, 91.6 percent used a flavored product.^{xi}

So-called “little cigars” have the look and feel of a cigarette, and are smoked like a cigarette, yet are often sold individually and are available in a variety of flavors and have likely benefited the most from the cigarette flavor prohibition. In fact, in 2016, the U.S. Food and Drug Administration (FDA) sent warning letters to four tobacco manufacturers stating that they were illegally selling flavored cigarettes labeled as “little cigars.”^{xii} Large cigars and cigarillos, which can resemble either “little cigars” or large cigars, can come in a variety of flavors. Cigars were the most popular product among black high school students.^{xiii} Among all teen cigar users, more than 41.9 percent had smoked a flavored cigar in the past 30 days in 2019.^{xiv} According to another study, in 2014, more than 70 percent of teens who have ever smoked a cigar smoked a flavored product.^{xv}

Smokeless tobacco companies have a long history of using flavorings, such as mint, cherry, apple, and honey, and other product manipulation to gradually get new, young users addicted to “starter” products, keep them using, and shift them on to more potent smokeless tobacco products. In 2019, 48.0 percent of middle and high school students who used smokeless tobacco had used a flavored product in the last month.^{xvi} According to another study, in 2014, more than 70 percent of teens who had ever used smokeless tobacco used a flavored product the first time.^{xvii}

For waterpipe or hookah use, more than 31.2 percent of current middle and high school users used a

SPOTLIGHT: Federal regulation of flavors in tobacco products

Recognizing the danger that flavors in cigarettes has in attracting and addicting new smokers, especially youth, the Family Smoking Prevention and Tobacco Control Act (TCA) of 2009 prohibited the use of characterizing flavors, except for menthol and tobacco, in cigarettes. Prior to the law, cigarette manufacturers aggressively marketed these flavored products, including “Twista Lime” and “Winter MochaMint,” with creative campaigns like “scratch and sniff” marketing tactics, DJ nights, ads in magazines with a high proportion of youth and young adult readers, and specially-themed packs to attract new young users.

To understand a consequence to limiting the flavor prohibition to only cigarettes and exempting menthol flavoring, an analysis evaluated youth tobacco use before and after the prohibition.^{xxvi} The analysis found a decrease in the likelihood of being a smoker (17.1 percent) and fewer cigarettes smoked (59 percent) associated with the flavor prohibition, but also a 45 percent increase in the probability that the youth smoker used menthol cigarettes. Furthermore, the flavor prohibition was associated with increases in both cigar use (34.4 percent) and pipe use (54.6 percent). This suggests that youth smokers, in the absence of flavored cigarettes, are substituting with menthol cigarettes or cigars and pipe tobacco, for which the flavor prohibition does not apply.

flavored product in 2019.^{xviii} Additionally, 90 percent of those surveyed who had ever smoked hookah used a flavored product the first time in 2014.^{xix} What's troubling, is that the flavorings used in waterpipe tobacco, the sweet aromas and use of water make users misperceive this practice as safer than cigarette smoking.^{xx} In fact, hookah tobacco and smoke are as dangerous as cigarettes, and contain carcinogens and other substances that can cause cancer and other diseases.^{xxi} An hour-long waterpipe or hookah session typically involves 200 puffs of smoke, whereas smoking a single cigarette typically involves 20 puffs of smoke.

Menthol

Long before cigarette companies started adding fruit, candy, and alcohol flavorings to cigarettes, they were manipulating levels of menthol to addict new, young smokers. Menthol acts to mask the harsh taste of tobacco with a minty flavor and by reducing irritation at the back of the throat with a cooling sensation. Additionally, menthol may enhance the delivery of nicotine. Knowing that youth who experience less negative physiological effects of smoking are more likely to continue smoking regularly, the tobacco industry has spent decades manipulating its menthol brand-specific product line to appeal to youth and, in particular, African Americans. The FDA's preliminary scientific investigation on menthol cigarettes concluded that menthol cigarette smoking increases initiation and progression to smoking, increases dependency, and reduces cessation success, particularly among African American smokers.^{xxii}

Adding insult to injury, tobacco manufacturers have aggressively targeted certain communities with their menthol products, leading to an unequal burden of death and disease. The overwhelming majority of all African-American smokers (85.5 percent) report smoking menthol cigarettes compared to less than a third of white smokers (28.7 percent).^{xxiii} Almost half of youth who smoked cigarettes used menthol cigarettes (46.7 percent).^{xxiv} Internal tobacco industry documents show that the tobacco companies were intentionally targeting African-Americans and other minorities through advertising in magazines with high readership by these populations, including youth, and by targeting specific neighborhoods with higher Hispanic and African-American populations with more advertising and promotions.^{xxv}

ACS CAN's Position:

The aggressive use of flavors and marketing tactics by the tobacco industry, rapid increased use of flavored products by youth and young adults, and under regulation of these products requires the public health community to take action to protect youth and young adults, and the public health at-large. ACS CAN supports several strategies:

- ❖ **Federal Restrictions:** Congress or the FDA should prohibit the use of flavors, including menthol, in all tobacco products. A manufacturer should be required, through premarket review, to prove that the use of a flavor is appropriate for the protection of public health.
- ❖ **State and Local Sales Restrictions:** Many states and localities are moving forward and enacting restrictions on the sale of flavored tobacco products and winning legal challenges to its laws. The TCA does not permit a state or locality from requiring a product standard, such as the removal of a flavor, but the law does preserve the ability for states and localities to regulate the sales of tobacco products. States and localities should pursue policy options including restrictions or a complete prohibition of the sale of flavored tobacco products, including menthol cigarettes, while taking into consideration what is permitted in a specific jurisdiction.

¹ FDA Guidance for Industry and FDA Staff, "General Questions and Answers on the Ban of Cigarettes that Contain Certain Characterizing Flavors (Edition 2)" ("FDA Guidance on Characterizing Flavors").

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Cigars: Not a Safe Alternative to Cigarettes



Cigars are a public health risk and a leading cause of laryngeal, oral and esophageal cancers. Unfortunately, sales of cigars continue unabated. While cigarette consumption decreased by nearly 40 percent from 2000 to 2015, cigar consumption increased by 92 percent.ⁱ Cigar use among youth almost as common as cigarette smoking. And among some groups, such as black high school students, more students use cigars than cigarettes.ⁱⁱ The most significant trend is the use of “little” cigars and cigarillos, which are often the same size as cigarettes but can be flavored in ways that are prohibited for cigarettes.

Among youth, cigar use is almost as common as cigarette smoking.

What Defines a Cigar?

A cigar is usually defined, for tax purposes, as any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco. A cigarette is usually defined as any roll of tobacco wrapped in paper or any substance not containing tobacco. Unlike most machine-made cigarettes, cigars do not usually have a filter.

Cigars sold in the United States include large cigars, cigarillos, and little cigars. Large cigars usually contain at least a half an ounce of tobacco and can take 1-2 hours to smoke. Cigarillos tend to be shorter and contain 3 grams or less of tobacco. Some cigarillos and little cigars are similar in size and shape to cigarettes; some have filters. These little cigars are often sold in cigarette-like packs. Their size, shape, filters, flavors, and packaging make them look like cigarettes, except for their color. In fact, in 2016, the U.S. Food and Drug Administration (FDA) sent warning letters to four tobacco manufacturers stating that they were illegally selling flavored cigarettes labeled as “little cigars.”ⁱⁱⁱ

Cigar Use in the United States

- Approximately 12.5 million people in the U.S. ages 12 and older smoked cigars in 2013.^{iv}
- Among adults, cigar smoking is more common among individuals who are male, younger in age, non-Hispanic multi-race or non-Hispanic Black, and report serious psychological distress.^v
- In 2016, 7.7 percent or 1.13 million high school students smoked cigars. This rate is similar to the cigarette rate of 8.0 percent.^{vi}
- In fact, cigar smoking was more common among non-Hispanic Black high school students (9.5 percent) than cigarette smoking (3.0 percent).^{vii}
- Cigars are one of the many tobacco products on the market that appeal to youth. Some cigarette-sized cigars contain candy and fruit flavoring, such as strawberry and grape. About two-thirds (63.5 percent) of youth cigar smokers report smoking flavored cigars.^{viii}

Health Risks of Cigar Smoking

- Cigars are not a safe alternative to cigarettes, as they contain many of the same cancer-causing substances as cigarettes and other tobacco products.
- Regular cigar smoking increases the risk of cancers of the lung, oral cavity, larynx, and esophagus.^{ix}
- Cigar smokers are four to 10 times more likely to die from laryngeal, oral or esophageal cancers than non-smokers.^x
- Heavy cigar smoking also increases the risk of developing coronary heart disease and lung diseases, such as emphysema and chronic bronchitis.^{xi}
- Even cigar smokers who don't inhale still breathe in large amounts of smoke from the lit end of the cigar.
- All tobacco products, including cigars, contain nicotine, which may induce dependence and harm health. Many cigar smokers also use other tobacco products, including cigarettes, roll-your-own and smokeless tobacco.^{xii}
- Cigars also produce secondhand smoke that is dangerous for non-smokers.

Status of Cigars in Tobacco Control Laws

- Cigars are taxed differently than cigarettes, and often at lower rates. Because of the lower taxes, cigarillos and little cigars cost less than cigarettes in many states, making them more affordable for younger smokers. Cigars, cigarillos and little cigars may be sold as individual sticks, which can again, make them more appealing to youth.
- Some states and localities exempt cigar stores, cigar bars and tobacco shops from smoke-free laws. These loopholes endanger public health.
- Cigars manufacturers are not required to disclose to the federal government any information about ingredients that are harmful or potentially harmful. However, cigarettes are subject to these disclosure requirements.
- Many cigar manufacturers regularly manipulate their products to evade taxation and other tobacco control regulations.

ACS CAN on Cigars

Regulation of cigars is part of ACS CAN's comprehensive approach to reducing tobacco use and exposure to secondhand smoke in the United States. ACS CAN makes the following policy recommendations with respect to cigars:

- **Subject cigars to taxation:** Like all other tobacco products, cigars should be subject to taxation as well as manufacturing and marketing rules to reduce the deadly and costly burden of tobacco use. All cigars, regardless of size, must be taxed at rates equivalent to cigarettes.
- **Include cigars in smoke-free laws:** Secondhand smoke from cigars poses significant health risks to smokers and those around them, and should be included as part of any smoke-free law. This includes prohibiting cigar use in cigar and tobacco shops, bars identified as "cigar bars", gaming facilities and wherever else cigarette smoking is prohibited.
- **Regulate cigars as tobacco products:** All types of cigars, regardless of their weight, should be regulated by the FDA as tobacco products and subject to the same sales, marketing and disclosure requirements as cigarettes, smokeless tobacco and other tobacco products.

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⁷Centers for Disease Control and Prevention. Tobacco Use Among Middle and High School Students—United States, 2011–2016. *Morbidity and Mortality Weekly Report*, 2017;66(23):597-603

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⁹American Cancer Society. *Cancer Facts & Figures 2017*. Atlanta, GA: American Cancer Society, 2017

¹⁰American Cancer Society, 2014.

¹¹CDC. Cigar Fact Sheet. Updated November 14, 2013. Available at http://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/cigars/#marketing. Accessed July 11, 2014.

¹²U.S. Department of Health and Human Services. *The Health Consequences of Smoking – 50 Years of Progress. A Report of the Surgeon General*. Rockville, MD: U.S. Department of Health and Human Services, 2014.

Menthol – The Tobacco Industry’s Key Flavor with Devastating Consequences



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Menthol in cigarettes increases smoking initiation, decreases successful quitting, and leads to greater addiction. The tobacco industry has used menthol for decades to intentionally and aggressively target certain communities for addiction to their deadly products. As a result, African Americans consistently report the highest prevalence of menthol cigarette use.

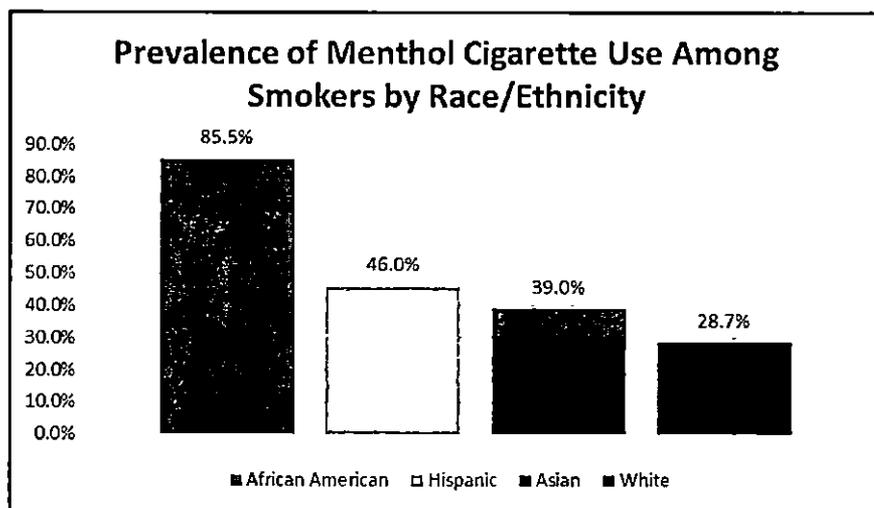
The 2011 Congressionally mandated report on menthol by the Food and Drug Administration’s Tobacco Products Scientific Advisory Committee estimated that more than 460,000 African Americans will have started smoking and 4,700 will die because of menthol cigarettes by 2020.¹ The report concluded that “the removal of menthol cigarettes from the marketplace would benefit public health.”

Menthol Products Use

Although fewer people are smoking cigarettes than in the past, the percentage of menthol cigarette smokers is declining more slowly than the decline in percentage of non-menthol cigarette smokers.^{2,3} According to the most recent data available, more than 19.6 million Americans smoke menthol cigarettes.⁴ There are large disparities by race/ethnicity with 85.5% of African American smokers, 46% of Hispanic smokers, 39% of Asian smokers, and 28.7% of White smokers use menthol cigarettes.

Knowing that youth who experience less negative physiological effects of smoking are more likely to begin and continue smoking regularly, the tobacco industry has spent decades manipulating its menthol brand-specific product lines to appeal to youth and other communities, in particular, African Americans. This was long before tobacco companies started adding fruit, candy, and alcohol flavorings.

In fact, more than half (50.9%) of youth aged 12-17 and young adults aged 18-25 (49.9%) who smoke report smoking menthol compared to a third of adults aged 26 and older (35.5%).⁵ Menthol cigarettes were still the most common flavored tobacco product used by adults in 2014/2015. In addition, menthol cigarette use increased from 2003 to 2014/2015, particularly among young adults.⁶ The tobacco industry uses themes and images in marketing campaigns to appeal to younger groups and associate consumption of tobacco products with popularity, acceptance, and positive self-image.⁷



Health Risks of Menthol

Menthol is derived from mint products and can be found naturally or developed synthetically.⁸ Menthol was first added to tobacco products in the 1920s and 30s as a way to reduce the harshness of cigarette smoke and to advertise cigarettes as a “smoother, healthier” option.⁹ Tobacco manufacturers add menthol to cigarettes to create an effect on multiple senses – including improving the taste, flavor, aroma of the product and creating a smoothing or cooling effect.¹⁰ Unfortunately, these positive sensory effects can reinforce use of the tobacco product because they can be felt immediately by the tobacco user.

Menthol cigarettes pose all the same health risks as cigarettes without a flavor. Cigarette smoke is responsible for 480,000 preventable premature deaths in the U.S. every year, and costs more than \$300 billion in medical costs and lost productive.¹¹ Smoking accounts for almost 30% of all cancer deaths, including 80% of lung cancer deaths, as well as contributing to other illnesses like heart and lung disease.¹²

The FDA and its tobacco products advisory committee have concluded that menthol also poses additional risks as compared to cigarettes without menthol.^{13,14} Menthol has been shown to increase smoking initiation, decrease successful quitting, and lead to greater addiction, all independent of the damaging effects of nicotine. Menthol may also contribute to youth progressing to regular smoking as compared to non-menthol cigarettes. In addition, adults who smoke menthol cigarettes make more quit attempts but have less success compared to adults who smoke non-menthol cigarettes.¹⁵ This is exacerbated by race/ethnicity where non-Hispanic black adult smokers report the greatest interest in quitting, but the least success.¹⁶

Advertising of Menthol Products to Target Communities

Menthol cigarettes are very popular and are the most advertised products on store exteriors. Ninety-eight percent (98.6%) of tobacco retailers carry menthol cigarettes. In addition, while print advertising has generally gone down, by 2005 only menthol cigarettes or brands with a prominent menthol brand were advertised in magazines.¹⁷ In fact, Newport and American Spirit spent an estimated \$9.4 million on print advertising for their menthol cigarettes from June 2012 to January 2013.

For decades, the tobacco industry has used menthol products to target a wide range of groups: communities of color, youth, LGBT communities, women and low income communities.¹⁸

Tobacco companies disproportionately market menthol products in African American neighborhoods, magazines popular with African Americans, and events that are aimed for African Americans.¹⁹ Within communities of color, menthol products are given more shelf space in retail stores. Many of these groups also see lower prices and more advertisements for these products in their communities.

ACS CAN's Position:

ACS CAN supports a federal prohibition and state and local sales restrictions on menthol cigarettes as part of a comprehensive policy to remove all flavored tobacco products. The aggressive use of flavors and marketing tactics by the tobacco industry, rapid increased use of flavored products by youth and young adults, and under regulation of these products requires the public health community to take action to protect youth and young adults, and the public health at-large.

Missed Opportunity.

Prior to 2009, cigarette manufacturers aggressively marketed flavored cigarette products, including “Twista Lime” and “Winter MochaMint,” with creative campaigns like “scratch and sniff” marketing tactics, DJ nights, ads in magazines with a high proportion of youth and young adult readers, and specially-themed packs to attract new young users. In 2009, the Family Smoking Prevention and Tobacco Control Act prohibited flavors in cigarettes, except for menthol. An analysis of the partial prohibition found a decrease in the likelihood of being a smoker (17.1 percent) and fewer cigarettes smoked (59 percent) associated with the flavor prohibition, but also a 45 percent increase in the probability that the youth smokers used menthol cigarettes. Furthermore, the flavor prohibition was associated with increases in both cigar use (34.4 percent) and pipe use (54.6 percent). This suggests that youth smokers, in the absence of a comprehensive flavor restriction on all flavors in all products, are substituting menthol cigarettes or cigars and pipe tobacco, for which the current statutory flavor prohibition does not apply.

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- ⁵ U.S. National Cancer Institute. A Socioecological Approach to Addressing Tobacco-Related Health Disparities. National Cancer Institute Tobacco Control Monograph 22. NIH Publication No. 17-CA-8035A. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; 2017.
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