

THE STATE OF NEW YORK'S COMMERCIAL TOBACCO CONTROL LANDSCAPE



PUBLIC HEALTH
LAW CENTER
at Mitchell Hamline School of Law



LAND ACKNOWLEDGMENT

Land Acknowledgement (developed by the Mitchell Hamline School of Law's [Native American Law and Sovereignty Institute \(NALS Institute\)](#) and used here with permission):

We acknowledge our presence in the tribal and treaty homelands of the Dakota Oyate since time immemorial. These lands are home to the Sisseton, Wahpeton, Mdewakanton and Wahpekute Dakota peoples. There are four Tribal Nations who remain in these lands as tribal governments, the Lower Sioux Indian Community, the Prairie Island Indian Community, the Shakopee Mdewakanton Sioux Community, and the Upper Sioux Community. We acknowledge and respect the Dakota Oyate as part of the larger Sioux Nation, traditionally known as the Seven Council Fires, the Oceti Sakowin. We also acknowledge the regional territory of the Ojibwe/Chippewa/Anishinaabe peoples in these tribal homelands. There are seven Tribal Nations who remain in these lands as tribal governments, the Bois Forte Band of Chippewa, the Leech Lake Band of Ojibwe, the Fond du Lac Band of Lake Superior Chippewa, the Grand Portage Band of Lake Superior Chippewa, the Mille Lacs Band of Ojibwe, the Red Lake Band of Chippewa Indians, and the White Earth Nation. We also acknowledge the ancestral connection of the Ho-Chunk Nation to this region. In these tribal lands, Indigenous peoples have joined together in community, stewardship, and spirituality upholding traditional values and legal principles.

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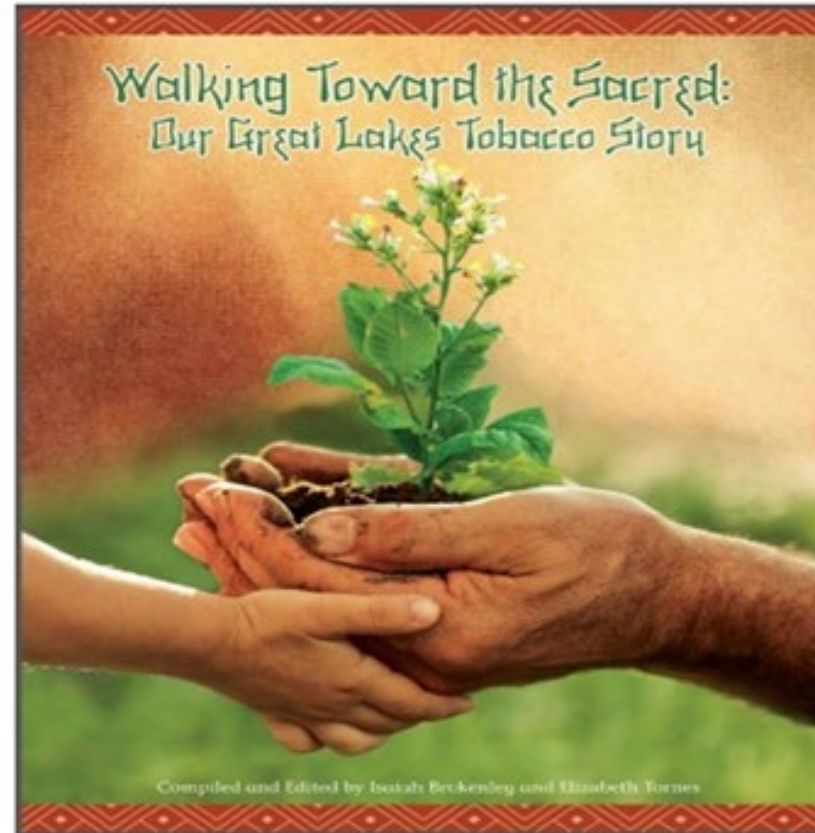
THE PUBLIC HEALTH LAW CENTER









COMMERCIAL TOBACCO V TRADITIONAL USE



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-  Legal Research
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-  Direct Representation
-  Lobby

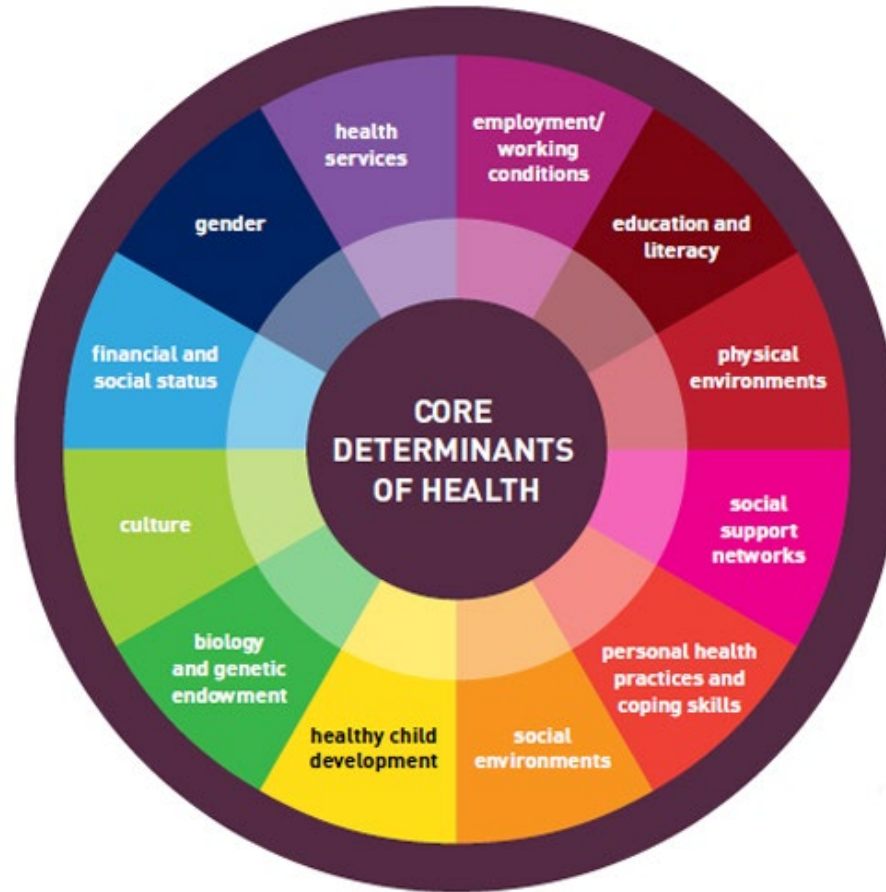
Equality



Equity



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SPEAKERS



KEVIN R.J. SCHROTH
RUTGERS CENTER FOR
TOBACCO STUDIES



Mark Meaney



Mike Freiberg



Kelly McAnnany

PUBLIC HEALTH LAW CENTER

RUTGERS

THE STATE UNIVERSITY
OF NEW JERSEY

CIGARETTE TAXES & NEW YORK

February 23, 2023

Kevin R.J. Schroth, JD

Center for Tobacco Studies

Rutgers School of Public Health

NY's Proposed Cigarette Tax Hike

YEAR	TAX INCREASE	NEW TAX	NY/NYC TAX
1995	Floor tax	7% of base retail price	
2000	\$0.55	\$1.11	\$0.08
2002	\$0.39	\$1.50	(NYC ↑ \$0.08 to \$1.50)
2008	\$1.50	\$2.75	\$4.25
2010	\$1.60	\$4.35 (current)	\$5.85
2023	\$4.35 (current)	\$5.35	\$6.85

Opposition Talking Points

- Fuels illicit markets
- Decreases revenue
- Hurts consumers
- Hurts businesses

New York's Proposed Cigarette Tax Hike and Flavor Ban Will Fuel Illicit Markets and Decrease Revenue

January 24, 2023



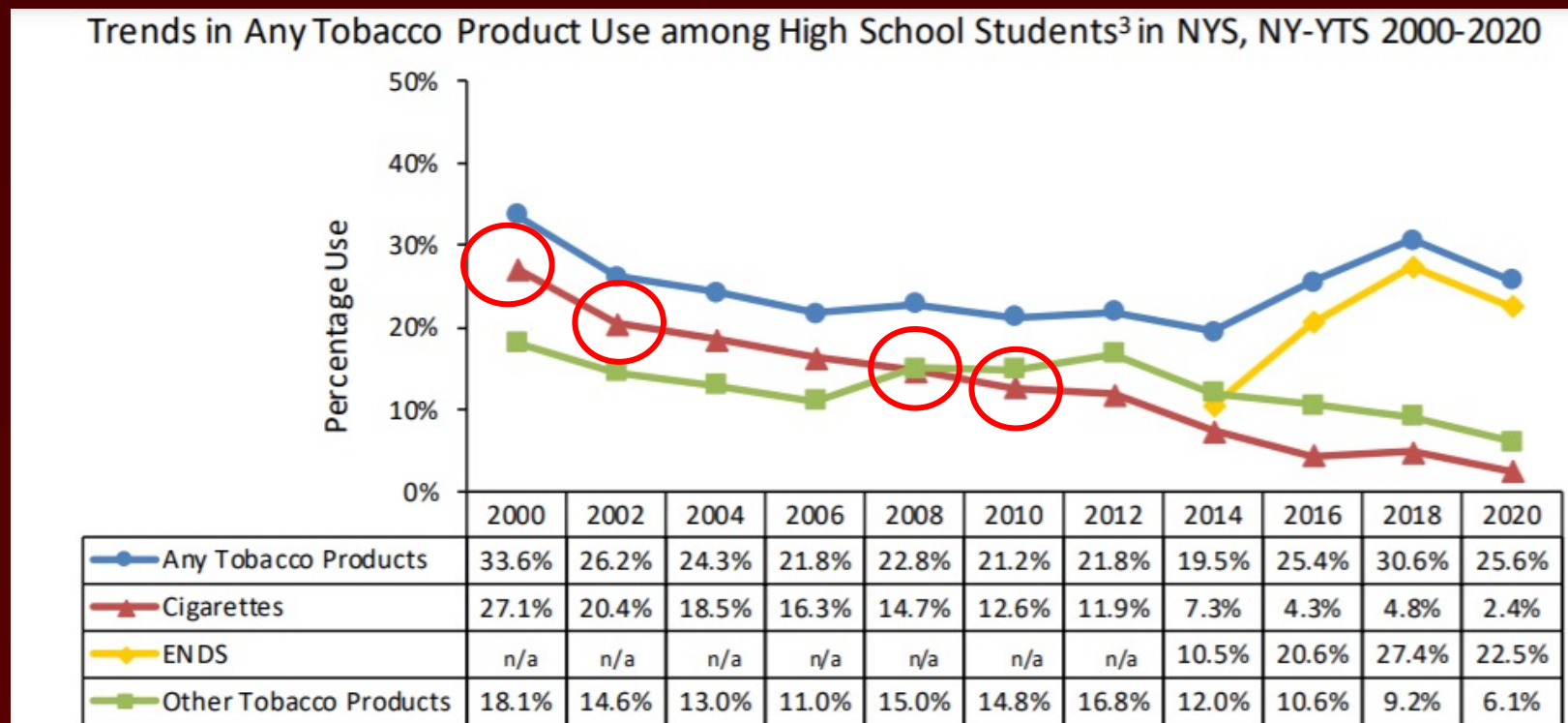
Adam Hoffer

New York Governor Kathy Hochul (D) has her sights trained on tobacco. Earlier this month, she [proposed](#) increasing the New York cigarette [tax](#) rate by \$1.00 a pack and extending New York's existing flavored vaping ban to all other flavored tobacco products. If enacted, these policies would fuel black markets and create a fiscal hole for the state to fill, all while hurting New York businesses and consumers.

Opposition Talking Points are Predictable & Misleading

Fuels illicit markets

- If taxes were counterproductive, we'd expect evidence
- Focusing on years of tax increases, youth use shows steady decline
- Adult cigarette data follows similar trend lines

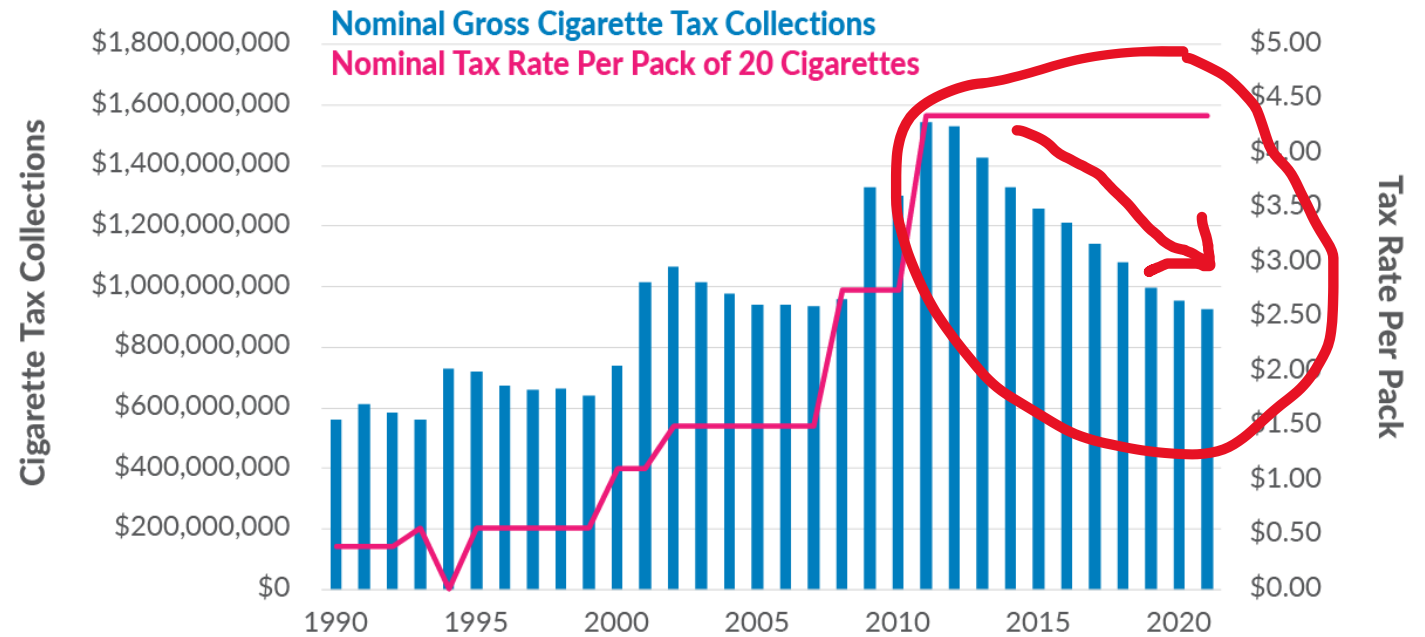


Opposition Talking Points are Misleading – Revenue

- Declining revenue

Despite New York Having the Nation's Highest Cigarette Tax Rate, Revenue Continues to Decline

Nominal Gross Cigarette Tax Collections and Tax Rate Per Pack of 20 Cigarettes, 1990-2021



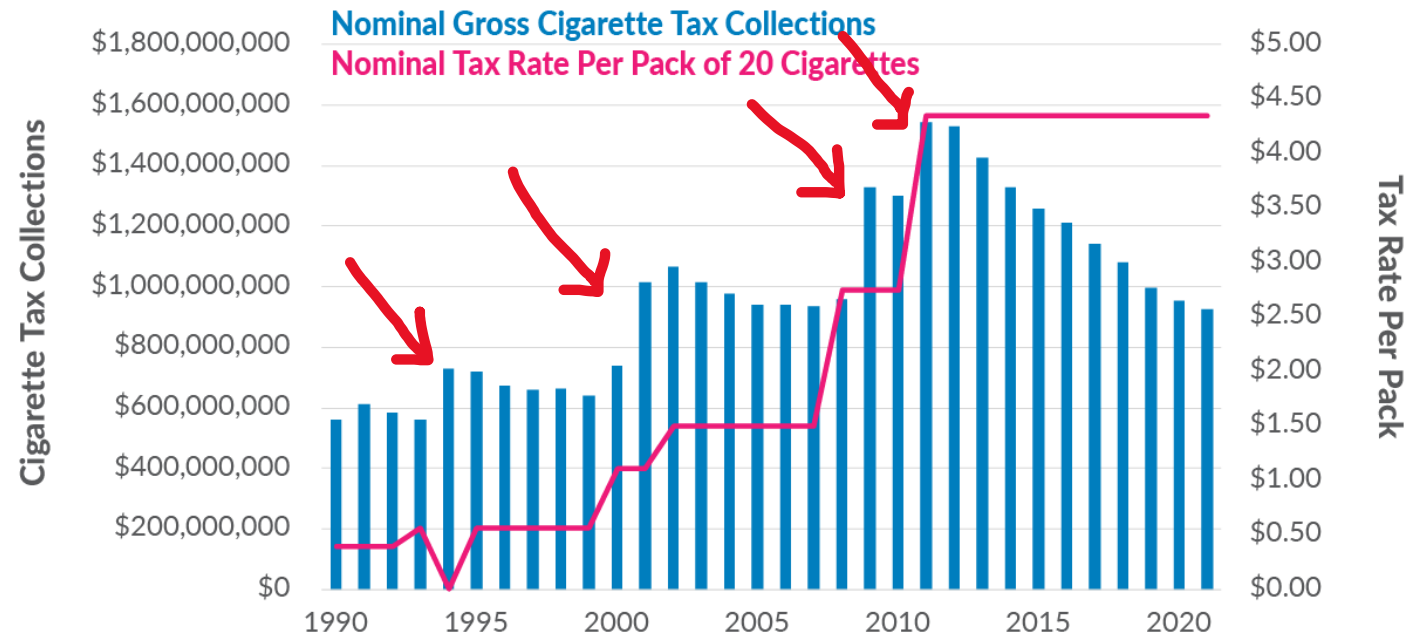
Source: Orzechowski and Walker (2022)

Revenue

- Ignores increases in revenue after tax increases
- Declines in revenue after tax increases show positive public health impact

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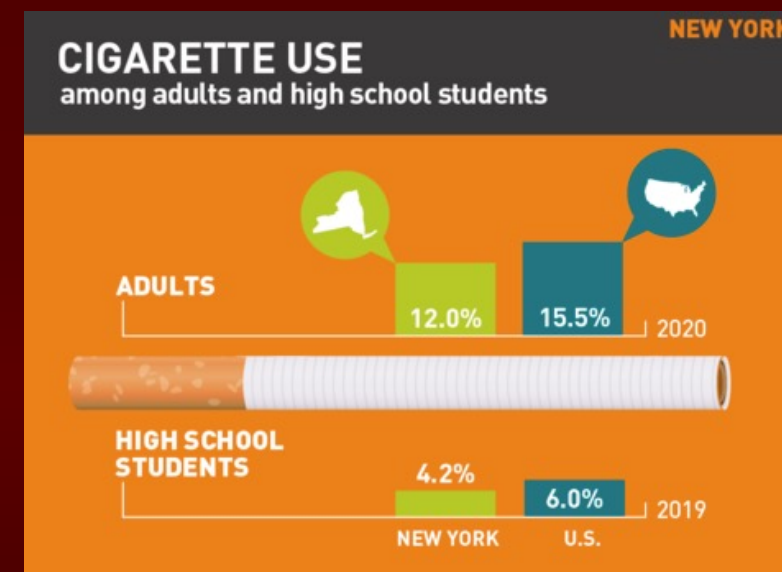
Nominal Gross Cigarette Tax Collections and Tax Rate Per Pack of 20 Cigarettes, 1990-2021



Source: Orzechowski and Walker (2022)

Benefits to Public

- NY has high cigarette taxes
 - Washington DC: \$4.50
 - Connecticut: \$4.35
- Cigarette smoking is low
 - Adult: 12%
 - Youth: 4.2%
- High taxes and strong smoke-free air laws → lowest smoking rates
 - Vice versa



Costs of Tobacco Illnesses Dramatically Exceed Tobacco Revenue

Total tobacco revenue

- Altria estimated (2018) **\$63 billion** is generated annually from:
 - Excise taxes
 - MSA payments
 - Sales tax
 - Income tax (corporate and personal from tobacco-related businesses)

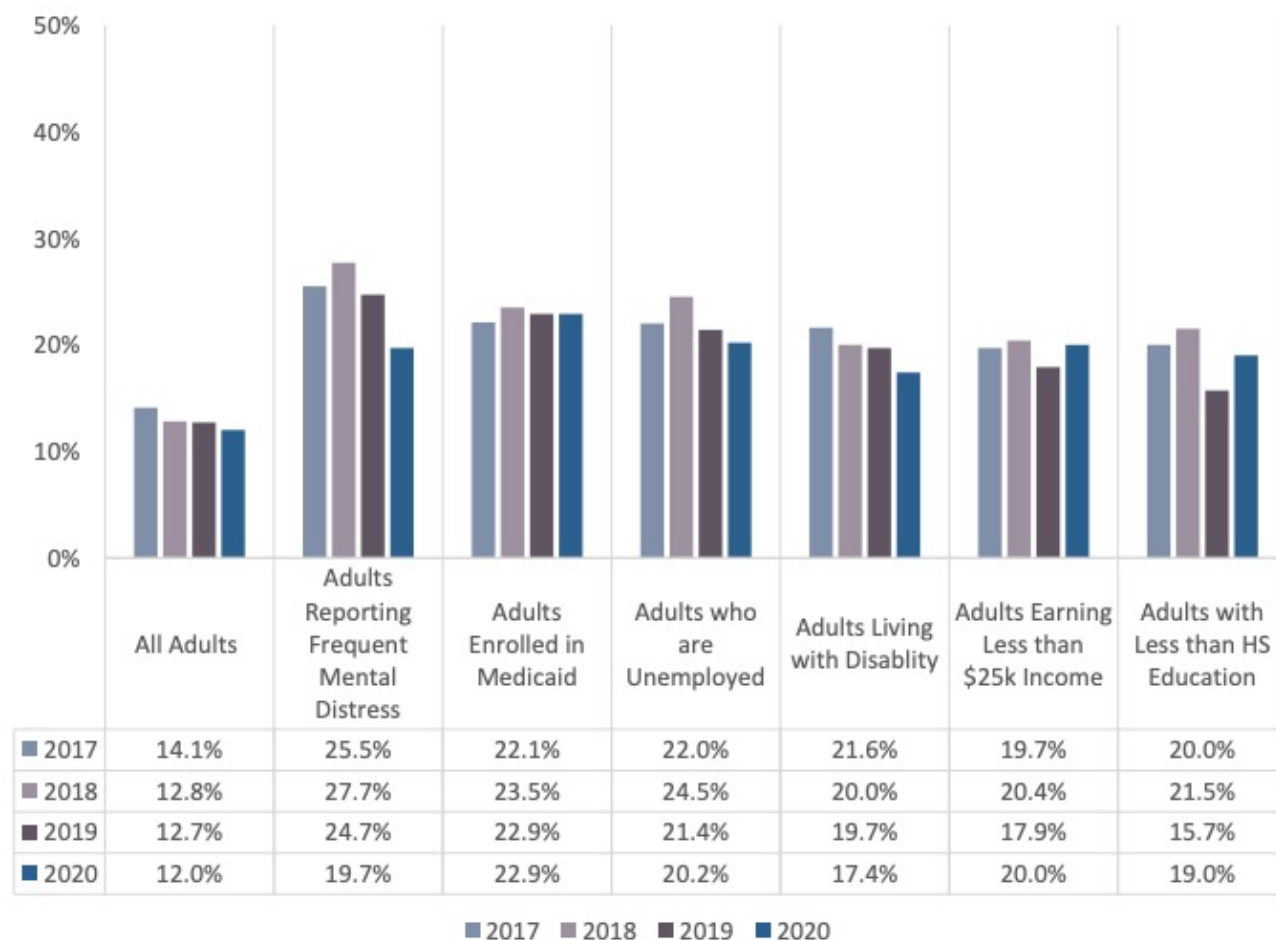
*Cost of smoking-related illnesses is more than **five times** greater*



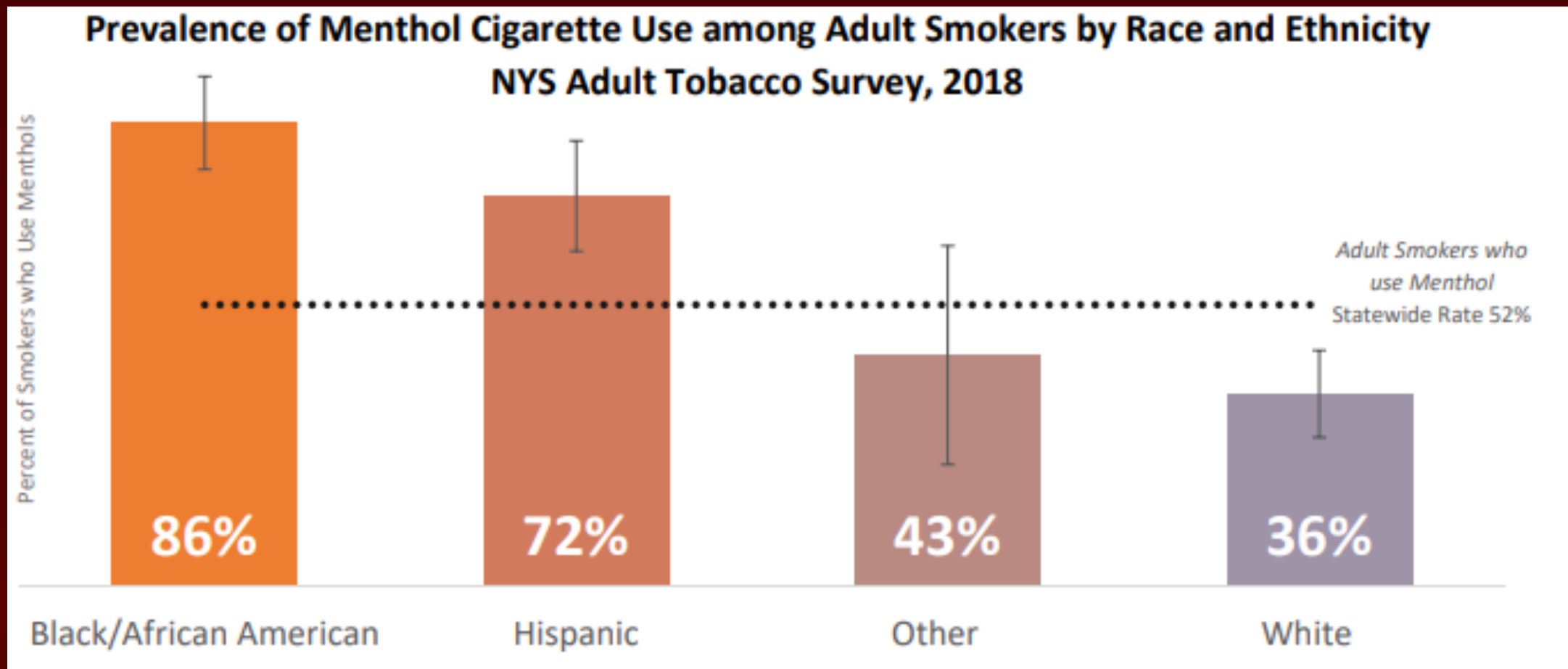
Disparities Persist Among Adults

- Medicaid – 22.9%
- Unemployed – 20.2%
- Low income – 20%
- Mental distress – 19.7%
- Less than HS education – 19%
- Disabilities – 17.4%

Figure 2. Trends in the Prevalence of Current Smoking among All Adults and Adults in Demographic Groups with the Highest Smoking Rates in NYS, BRFSS 2017-2020



Disparities Among Menthol Smokers



Taxes Benefit Public and Correct Disparities

Opposition talking point

- Taxes are regressive
- Impose unfair burden on those who cannot afford it

Research shows:

- Taxes correct disparities
- Health benefits of tobacco taxes far exceed liabilities
- Benefits accrue disproportionately to low-income people



Tobacco Taxes Reduce Health Disparities, Raise Needed Revenue

SEPTEMBER 15, 2021, 3:47 PM

Taking these effects into account, the regressivity "[criticism is backward](#)," concludes Jason Furman, Chair of President Obama's Council of Economic Advisers. "The health benefits of tobacco taxes far exceed the increase in tax liability, and these health benefits accrue disproportionately to lower-income households. Moreover, it is important to also evaluate what the revenue raised by the tobacco tax is used for." When federal tobacco taxes were last increased by the Obama Administration in 2009, the revenue helped fund the State Children's Health Insurance Program.

Retailers Overestimate Tobacco's Impact on Business

Four Studies of Retailer Purchases

- Philadelphia
 - Lawman, H. G., Dolatshahi, J., Mallya, G., Vander Veur, S., Coffman, R., Bettigole, C., ... & Foster, G. D. (2018). Characteristics of tobacco purchases in urban corner stores. *Tobacco Control*, 27(5), 592-595.
- New York City
 - Ruff, R. R., Akhund, A., & Adjoian, T. (2016). Small convenience stores and the local food environment: an analysis of resident shopping behavior using multilevel modeling. *American Journal of Health Promotion*, 30(3), 172-180. (Tobacco data not published)
- New Zealand
 - Robertson, L., Cameron, C., Hoek, J. A., Sullivan, T., Marsh, L., Peterson, E., & Gendall, P. (2019). Prevalence and characteristics of tobacco purchases in convenience stores: results of a postpurchase intercept survey in Dunedin, New Zealand. *Tobacco control*, 28(6), 696-700.
- Australia
 - Wood, L., & Gazey, A. (2022). Tobacco mythbusting—tobacco is not a major driver of foot traffic in low socio-economic small retail stores. *Tobacco Control*, 31(6), 754-757.



Case Study – Brown Bag Bodega Study

Retailers overestimate value of customers who buy cigarettes

In 2012, NYC DOHMH conducted study of retailers in all 5 boroughs (n=2,118)

- 10% of customers bought tobacco
- 5% of customers bought tobacco plus other items
 - Mean amount spent on other items \$2.10
 - Tobacco products have low profit margins
- Non-tobacco customers' mean amount spent: \$3.56

Take-away:

- Non-tobacco customers spent more on items that tend to have higher profit margins



Similar Findings Across Studies

	NYC	Phila	AUS	N.Z.
Customers who purchased tobacco	10%	13%	8%	14%
Tobacco purchasers who bought nothing else	50% of tobacco purchases	61% of tobacco purchases		64% of tobacco purchases
Tobacco + other item	5%	5.1%		5%
Non-tobacco customers spent more on non-tobacco items	Yes	No difference	No evidence tobacco purchases led to unplanned purchases of other items	Yes

Similar Conclusions Across Studies

Philadelphia

- 87% of purchases did not include tobacco
- Spending on non-tobacco items was similar for tobacco purchases and non-tobacco purchases

New York City

- Non-tobacco customers spent more on items that tend to have higher profit margins.
- Tobacco sales typically do not include non-tobacco items.
- Tobacco customers tend to spend less on non-tobacco items.

New Zealand

- Tobacco products constitute a small proportion of items purchased.
- Tobacco is typically not purchased with other items

Australia

- Tobacco was rarely a reason for store visits, indicating it is unlikely a key driver of consumer foot traffic.
- No evidence of unplanned purchases of non-tobacco items.
- Banning tobacco sales is unlikely to have a pronounced negative impact on small retail stores.

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Responses to Opposition Talking Points

OPPOSITION TALKING POINTS	EVIDENCE-BASED RESPONSES
Fuels illicit markets	<ul style="list-style-type: none"> • Go-to industry position – inherently difficult to disprove • Industry estimates consistently exceed independent researchers’ estimates [1] • Industry estimates consistently difficult to verify [2]
Decreases revenue	<ul style="list-style-type: none"> • Tax hikes increase revenue significantly, followed by gradual decline
Hurts businesses	<ul style="list-style-type: none"> • Small business concerns are difficult to verify • NYC brown bag study counters idea that tobacco purchasers are important profit center
Hurts consumers	<ul style="list-style-type: none"> • Strong evidence shows tax hikes decrease tobacco consumption, even given the existence of illicit markets • Decreases in tobacco use disproportionately benefit low SES communities

1. Gallagher, Tobacco industry data on illicit tobacco trade: a systematic review of existing assessments, Tobacco Control 20182

2. WTO, Australia—certain measures concerning trademarks, geographical indications and other plain packaging requirements applicable to tobacco products and packaging (2018).

**EVERY FLAVOR, EVERYWHERE, (NOT QUITE)
ALL AT ONCE: SOME PITFALLS AND A LOT OF
PROGRESS**

TOBACCO CONTROL ACT OF 2009

STATE AND LOCAL AUTHORITY



Preservation of State/Local Authority

Nothing in the Act limits state/local authority to enact a law “prohibiting the sale . . . of tobacco products.”

Preemption of State/Local Laws

No state/locality may establish “any requirement which is different from . . . any requirement under [the Act] relating to tobacco product standards.”

Saving Clause

The preemption restriction above “does not apply to [state or local] requirements relating to the sale” of tobacco products.

FLAVORED TOBACCO RESTRICTIONS THE EVOLUTION

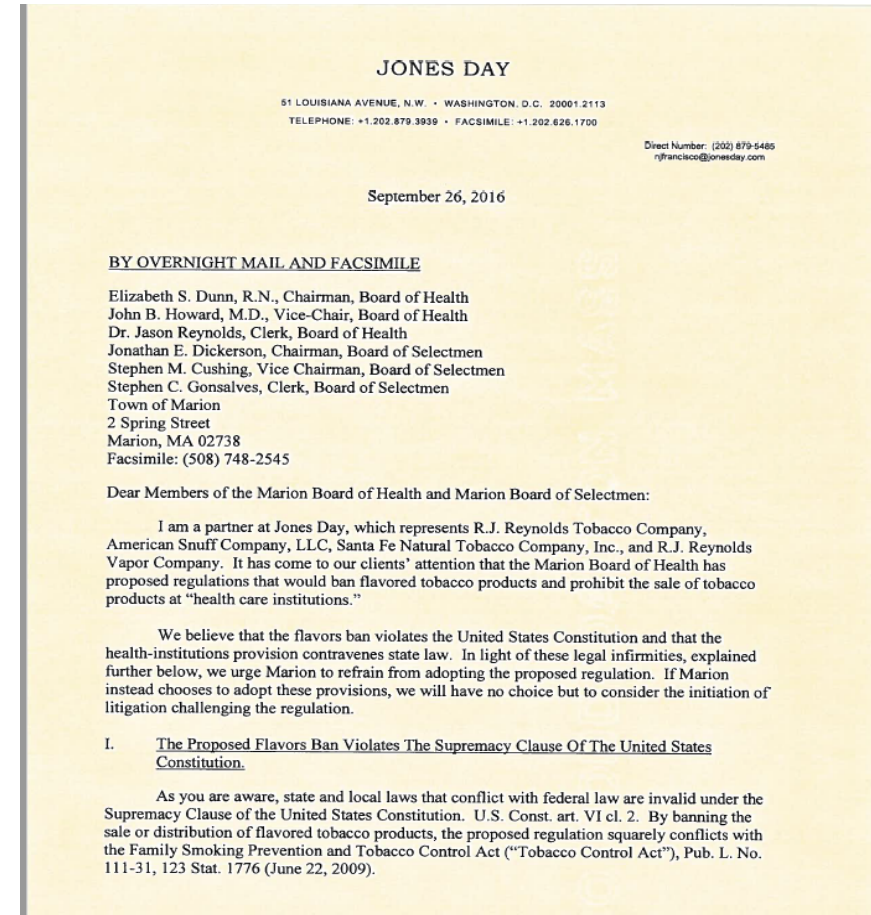


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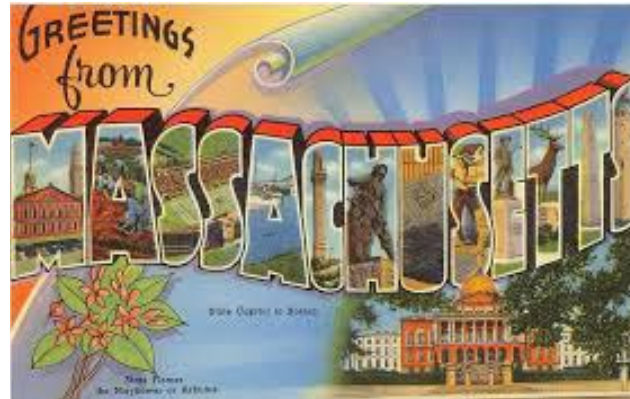
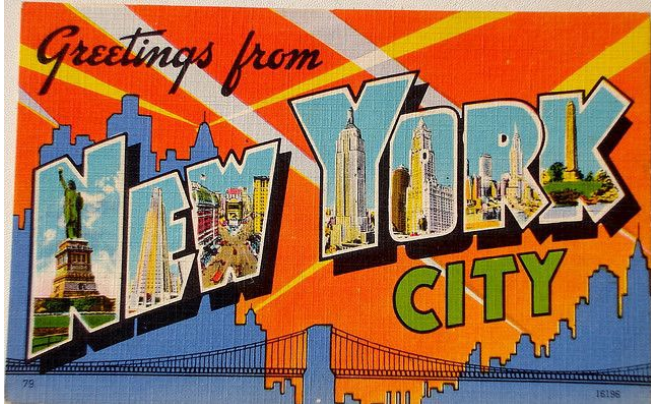
HOW DO WE KNOW THESE POLICIES ARE EFFECTIVE? ANALYZING THE INDUSTRY'S REACTION

- The industry is deeply concerned about flavor policies momentum.
- Threats, lawsuits, and exemptions, oh my!



LITIGATION CHALLENGES

WHAT WE HAVE LEARNED TO DATE



LITIGATION CHALLENGES MASSACHUSETTS TOWNS

- Cumberland Farms was plaintiff.
- Flavored tobacco list culled from multiple sources.
- Argued that “smell test” is arbitrary and capricious.
- Outcome: local ordinance and process for identifying flavored tobacco products upheld in Yarmouth.
- Takeaway: smell test is ok. Reasonable person is sufficient.



CHALLENGE OUTSIDE OF LITIGATION

SAN FRANCISCO AND CALIFORNIA

- Ordinance ended the sale of flavored tobacco products in the city and the state.
- Industry put it on the ballot.
- Voters upheld the laws!



EXEMPTIONS ARE THEY WORTH IT?

- Menthol is the cautionary tale.
- Increases disparities.
- No public health benefit.
- Increased likelihood of litigation.

EXEMPT



HOOKAH BARS

- Menthol redux.
- Health risks of hookah are significant – one session can be equivalent of 5 packs of cigarettes.*
- 79% of hookah users cite flavors as a reason for use.*

*Source: Los Angeles City Attorney Report No. R19-0305, 9/18/2019



NEXT PHASE NEW PRODUCTS

- “Non-menthol” products – cooling sensations.
- Important to review definitions and focus on user experience.
- These appear to be flavored products and are marketed to indicate that they’re flavored.



STRONG DEFINITIONS

“Flavored Tobacco Product” means **any tobacco product** that contains a taste or smell, other than the taste or smell of tobacco, that is **distinguishable by an ordinary consumer** either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, **menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, molasses, or any candy, dessert, alcoholic beverage, herb, or spice.**



ENFORCEMENT LANGUAGE – CAPTURING CONCEPTS

There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer:

1. makes a public statement or claim that a tobacco product imparts a taste or smell other than the taste or smell of tobacco; or
2. uses text, images, or coloring on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a taste or smell other than the taste or smell of tobacco.



WHAT DOES THIS MEAN FOR FLAVOR POLICIES?

- Well-drafted policy should be on solid legal grounds.
- Litigation challenges are relatively rare and have been unsuccessful.
- Focus should be on restricting the sale of the products.
- Contact us with any question about:
 - Policy development.
 - Litigation updates.
 - Anything else!



RESOURCES



August 2020

Law and Policy Partnership to End the Commercial Tobacco Epidemic

KEEPING HOOKAH TOBACCO IN FLAVORED SALES RESTRICTIONS

Why It's Important for Health Equity

The e-cigarette epidemic has drawn attention to the commercial tobacco industry's decades-long tactic of using flavored products to addict young people to nicotine.¹

Several U.S. states, tribes, and other jurisdictions have reacted by prohibiting the sale of flavored tobacco products.² Studies have shown that these measures, when effectively implemented and enforced, can prevent thousands of people — particularly youth — from initiating tobacco use, which can lead to numerous health harms.³ Although many people use hookah⁴ (that is,



"traditional tobacco" Search

Health through the power of law and policy

- Commercial Tobacco Control
- Healthy Eating
- Active Living
- Other Public Health Law
- About Us
- Webinars

Case Summaries

Home » Case Summaries

The passage of the Family Smoking Prevention and Tobacco Control Act, granting the U.S. Food and Drug Administration regulatory authority over tobacco products has ushered in a new era of tobacco litigation.

Many of the cases below are centered on the tobacco industry's attempts to stop the Tobacco Control Act from being implemented and to prevent effective FDA regulation. The industry has also attempted to use the Tobacco Control Act's narrow preemption provision to stamp out local tobacco control policies. In addition, public health groups have also filed lawsuits against the FDA seeking to stop attempts to roll back important regulation and to push the agency to regulate more effectively. **Click the links under each dropdown menu below** for information about each case.



MENTHOL

September 2018



REGULATING MENTHOL TOBACCO PRODUCTS

Tips and Tools

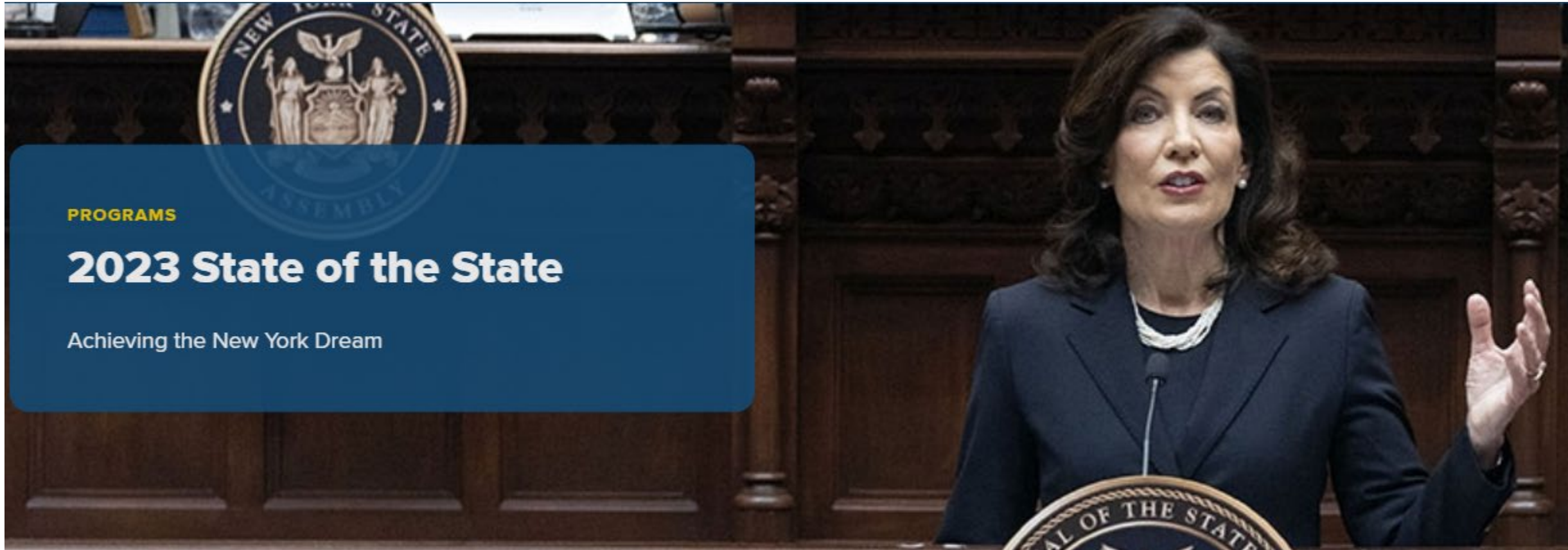


The Tobacco Control Legal Consortium has created this series of legal technical assistance guides to serve as a starting point for organizations interested in implementing certain commercial



2/23/2023

GOVERNOR HOCHUL'S FLAVOR PROPOSAL



PROGRAMS

2023 State of the State

Achieving the New York Dream

THE NEW YORK STATE LANDSCAPE

No vapor products dealer, or any agent or employee of a vapor products dealer, shall sell or offer for sale at retail in the state any flavored vapor product intended or reasonably expected to be used with or for the consumption of nicotine.

New York Public Health Law, § 1399-mm-1(2),
<https://www.nysenate.gov/legislation/laws/PBH/1399-MM-1>



THE NEW YORK STATE LANDSCAPE

For the purposes of this section "flavored" shall mean any vapor product intended or reasonably expected to be used with or for the consumption of nicotine, with a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of such product or a component part thereof, including but not limited to tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, menthol, herb or spice, or any concept flavor that imparts a taste or aroma that is distinguishable from tobacco flavor but may not relate to any particular known flavor.

New York Public Health Law, § 1399-mm-1(1),

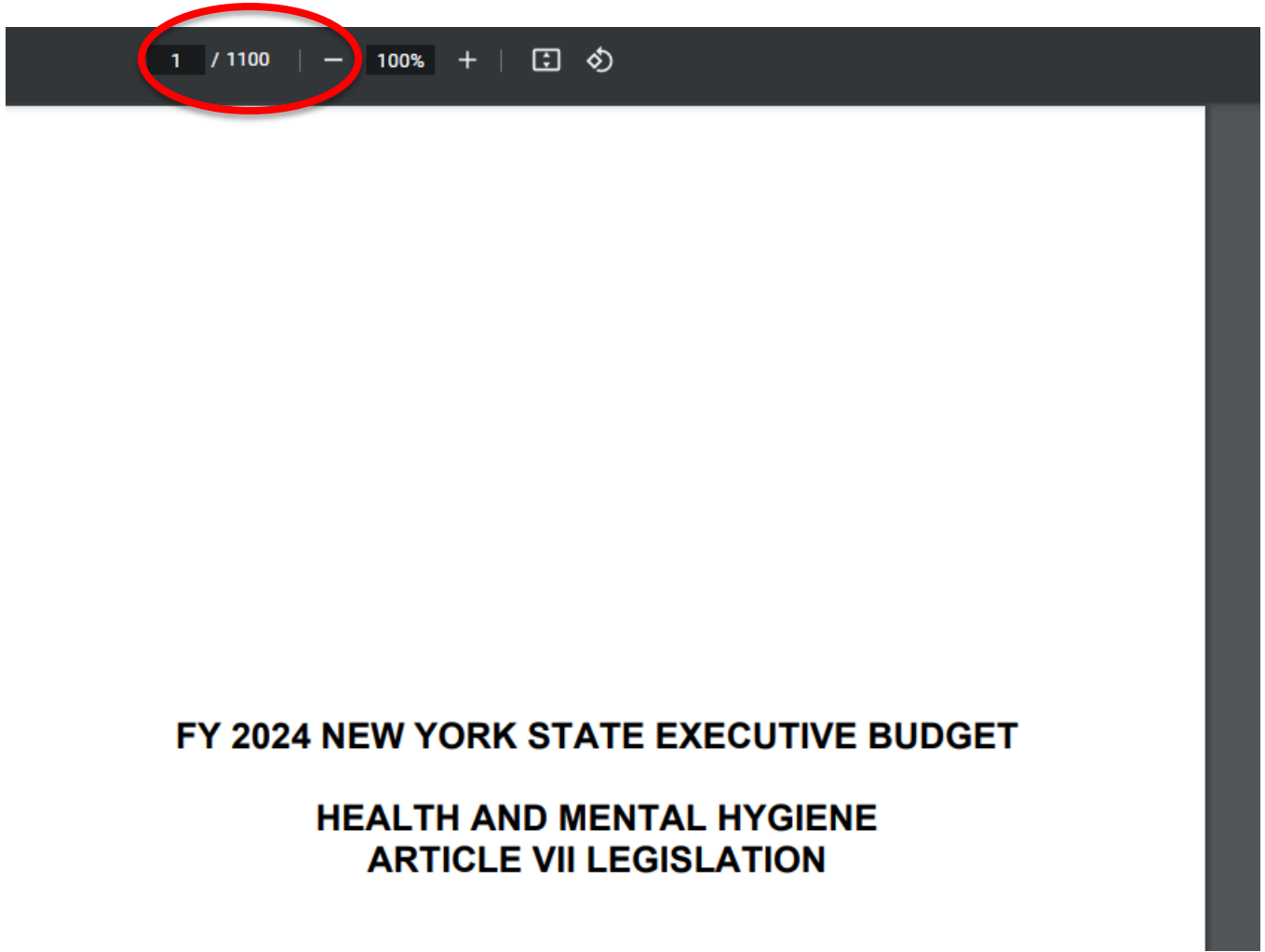
<https://www.nysenate.gov/legislation/laws/PBH/1399-MM-1>

THE NEW YORK STATE LANDSCAPE

The provisions of this section shall not apply to any vapor products dealer, or any agent or employee of a vapor products dealer, who sells or offers for sale, or who possess with intent to sell or offer for sale, any flavored vapor product intended or reasonably expected to be used with or for the consumption of nicotine that the U.S. Food and Drug Administration has authorized to legally market as defined under 21 U.S.C. § 387j and that has received a premarket review approval order under 21 U.S.C. § 387j(c) et seq.

New York Public Health Law, § 1399-mm-1(4),
<https://www.nysenate.gov/legislation/laws/PBH/1399-MM-1>





FY 2024 NEW YORK STATE EXECUTIVE BUDGET

**HEALTH AND MENTAL HYGIENE
ARTICLE VII LEGISLATION**

Source: <https://www.budget.ny.gov/pubs/archive/fy24/ex/artvii/hmh-bill.pdf>

NEW LANGUAGE

5 of this section "flavored" shall mean any vapor or tobacco product
6 [intended or reasonably expected to be used with or for the consumption
7 of nicotine,] with a [distinguishable] taste [or], aroma, or sensation,
8 distinguishable by an ordinary consumer, other than the taste or aroma
9 of tobacco, imparted either prior to or during consumption of such prod-

Source: <https://www.budget.ny.gov/pubs/archive/fy24/ex/artvii/hmh-bill.pdf>, p. 317

NEW LANGUAGE

15 flavor, or a cooling or numbing sensation imparted during consumption of
16 a tobacco or vapor product. This shall not include any product approved
17 by the United States Food and Drug Administration as a drug or medical
18 device. A vapor or tobacco product [intended or reasonably expected to

Source: <https://www.budget.ny.gov/pubs/archive/fy24/ex/artvii/hmh-bill.pdf>, p. 317

NEW LANGUAGE

27 2. No vapor products dealer, or retail dealer, or tobacco or vapor
28 seller, or any agent or employee of a vapor products dealer, retail
1 dealer, or a tobacco or vapor seller, shall sell or offer for sale [at
2 retail in the state], or exchange or offer for exchange, for any form of
3 consideration, any flavored vapor or tobacco product [intended or
4 reasonably expected to be used with or for the consumption of nicotine],
5 whether through retail or wholesale.

Source: <https://www.budget.ny.gov/pubs/archive/fy24/ex/artvii/hmh-bill.pdf>, p. 317-318

NEW LANGUAGE

16 approval order under 21 U.S.C. § 387j(c) et seq.] 5. Nothing in this
17 section shall be construed to penalize the purchase, use, or possession
18 of a tobacco product or vapor product by any person not engaged as a
19 vapor products dealer, retail dealer, tobacco or vapor seller, or any
20 agent or employee of a vapor products dealer, retail dealer, or tobacco
21 or vapor seller.

Source: <https://www.budget.ny.gov/pubs/archive/fy24/ex/artvii/hmh-bill.pdf>, p. 319

ADDITIONAL PROVISIONS

- New penalties for denying state or local health officials access to a retail store and all storage areas (303.14)
- Vapor products added to prohibition on selling tobacco products with a suspended license (303.26)
- Removal of exemption for products authorized for sale by FDA (319.9)
- Removal of “reasonably expected to be used with or for the consumption of nicotine” to make it clear that all flavored vape products are prohibited from being sold in NYS (throughout)

CONTACT US



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**FLAVOR RESTRICTIONS:
MYTH VS REALITY**



PUBLIC HEALTH
LAW CENTER
at Mitchell Hamline School of Law

REALITY: FLAVOR RESTRICTIONS ARE GOOD FOR PUBLIC HEALTH



REALITY: FLAVOR RESTRICTIONS ARE BAD BUSINESS FOR THE TOBACCO INDUSTRY



MYTH #1: FLAVOR BANS FUEL ILLICIT MARKET



REALITY: EXISTING FLAVOR RESTRICTIONS HAVE NOT CREATED SURGE IN ILLEGAL SALES

A new research study has found that **banning menthol cigarettes does not lead more smokers to purchase menthols from illicit sources**, contradicting claims made by the tobacco industry that the proposed ban of menthol cigarettes in the U.S. by the Food and Drug Administration (FDA) will lead to a significant increase in illicit cigarettes.

Illicit cigarette purchasing after implementation of menthol cigarette bans in Canada: findings from the 2016–2018 ITC Four Country Smoking and Vaping Surveys [8](#)

[Janet Chung-Hall](#)¹, [Geoffrey T Fong](#)^{1, 2, 3}, [Gang Meng](#)¹, [Lorraine V Craig](#)¹

Correspondence to Dr Janet Chung-Hall, Department of Psychology, University of Waterloo, Waterloo, ON N2L 3G1, Canada: jchunghall@uwaterloo.ca



MYTH #2: FLAVOR BANS DON'T WORK



NYACS

Tell Governor and Legislature C-Stores OPPOSE Flavor Ban and Tax Increase

NYACS Members:

The Governor has proposed a statewide tobacco flavor ban and \$1.00 cigarette tax increase. These prohibitionist and regressive proposals will only hurt small businesses, expand the illicit underground market, and have no impact on public health.

Please take time to email and call your local legislator and Governor and tell them NO!

Compose Your Message

- Governor
- Lt. Governor
- State Senator
- + more

Subject

Oppose Flavor Ban and Tax Increase

Message Body

Please add your own story about this issue to personalize your message

I am writing to ask you to oppose the proposal to ban flavored tobacco products in New York State and to raise taxes on cigarettes an additional \$1.00. Prohibitionist policies and

REALITY: COMPREHENSIVE FLAVOR POLICIES REDUCE SMOKING RATES & SAVE LIVES



=



MYTH #3: FLAVOR BANS TARGET BLACK AMERICANS; SINGLE OUT MENTHOL CIGARETTES

OPINION

Commentary: For Black Americans, menthol ban will mean more police encounters



Wayne P. Harris

Feb. 15, 2023

African Americans and other people of color make up the largest demographic of menthol tobacco users. In fact, of those African Americans who use tobacco products, 85 to 90 percent say they prefer menthol cigarettes. This begs the question: Why would lawmakers consider legislation to prohibit menthol tobacco, yet allow the preferred products of their white adult counterparts to remain legal? **That will discriminate against the Black and Latino adults who choose to use menthol.**

REALITY: COMPREHENSIVE FLAVOR RESTRICTIONS CLOSE INEQUITABLE GAPS



**PUBLIC HEALTH
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THE TOBACCO INDUSTRY & THE BLACK COMMUNITY: THE TARGETING OF AFRICAN AMERICANS

Factsheet describing the tobacco industry's manipulation and abuse of targeted, at-risk populations and its use of front groups, distortion, and corporate giving to mask disreputable corporate conduct.

DOCUMENT

The Tobacco Industry & the Black Community: The Targeting of African Americans (2021)

TOPICS

Commercial Tobacco Control
Menthol and Other Flavored Products
Retail Sales, Internet Sales, and Licensure



REALITY: COMPREHENSIVE FLAVOR RESTRICTIONS ADVANCE RACIAL EQUITY



opinions

Black history has taught us that Big Tobacco is not an ally

Tobacco company donations to institutions are part of the playbook to give cigarette companies a sheen of respectability.

By Phillip Gardiner February 13, 2023 at 12:23 PM CST

The Washington Post
Democracy Dies in Darkness

MYTH #4: FLAVOR BANS LEAD TO OVERPOLICING



OPINION

Commentary: For Black Americans, menthol ban will mean more police encounters

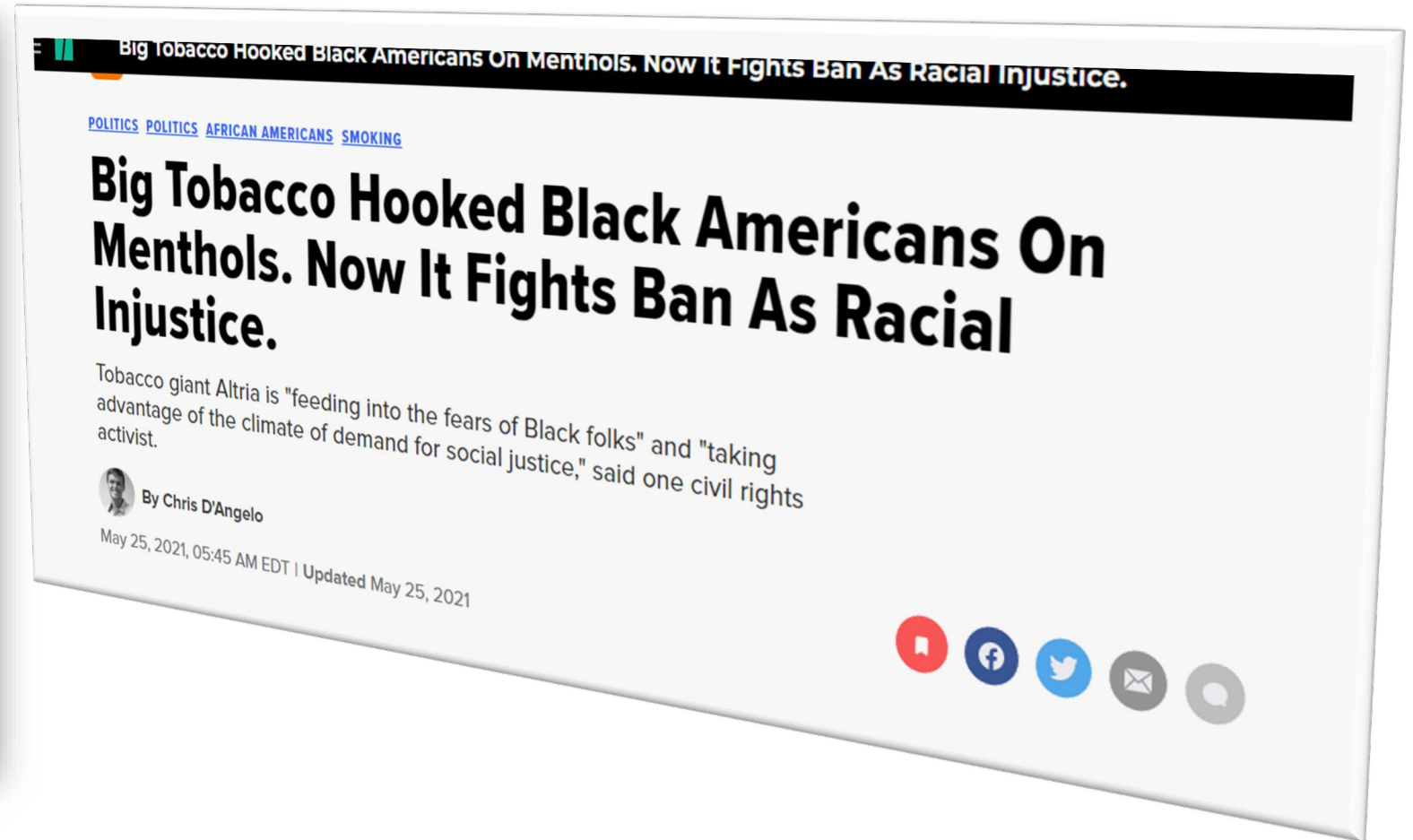
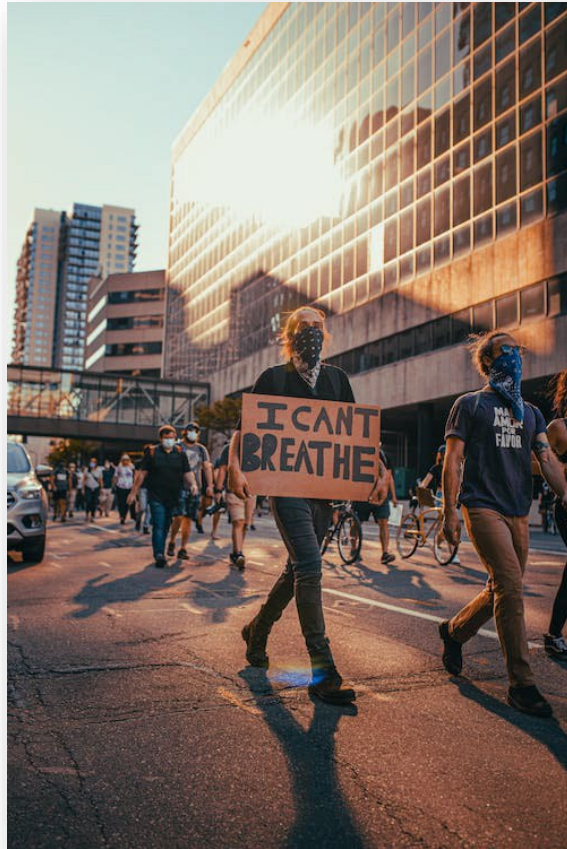
Wayne P. Harris

Feb. 15, 2023



Moreover, the consequences of such a racially discriminatory ban increase the chances of negative interactions between law enforcement and African Americans.

REALITY: COMPREHENSIVE FLAVOR PROPOSAL DOES NOT PUNISH INDIVIDUAL USERS



REALITY: HEALTH DEPTS ENFORCE FLAVOR RESTRICTIONS (NOT POLICE)

RESEARCH PAPER

African American leadership groups: smoking with the enemy

V B Yerger, R E Malone

Tobacco Control 2002;11:336-345

See end of article for authors' affiliations

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Received 5 June 2002 and revision requested 19 September 2002. Accepted 21 September 2002

Background: Among all racial and ethnic groups in the USA, African Americans bear the greatest burden from tobacco related disease. The tobacco industry has been highly influential in the African American community for decades, providing funding and other resources to community leaders and emphasising publicly its support for civil rights causes and groups, while ignoring the negative health effects of its products on those it claims to support. However, the industry's private business reasons for providing such support were unknown.

Objective: To understand how and for what purposes the tobacco industry sought to establish and maintain relationships with African American leaders.

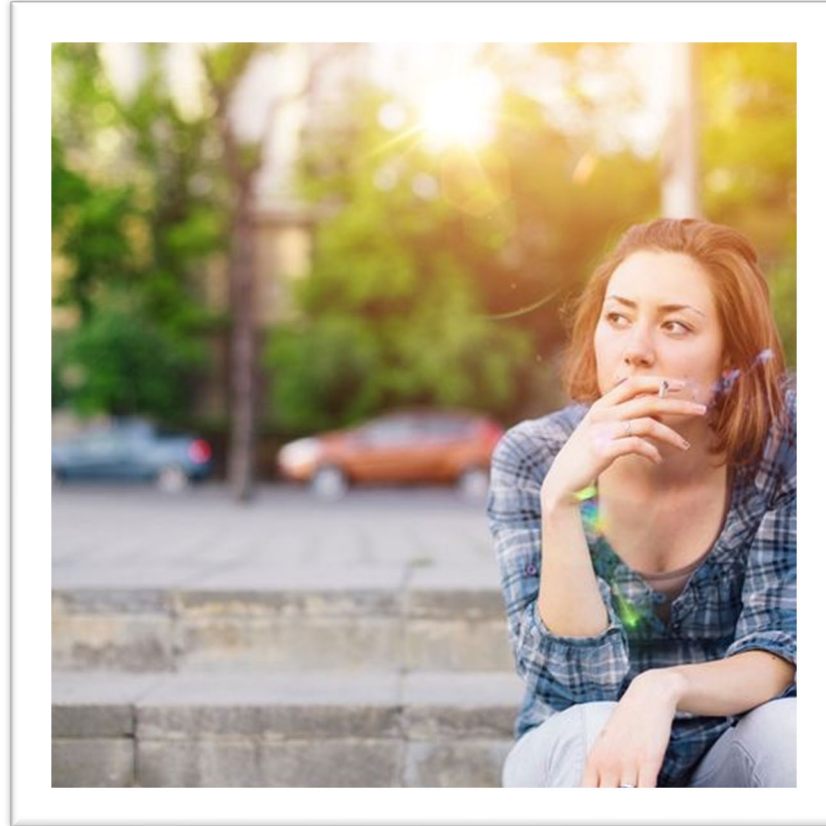
Methods: Review and analysis of over 700 previously secret internal tobacco industry documents available on the internet.

Results: The tobacco industry established relationships with virtually every African American leadership organisation and built longstanding social connections with the community, for three specific business reasons: to increase African American tobacco use, to use African Americans as a frontline force to defend industry policy positions, and to defuse tobacco control efforts.

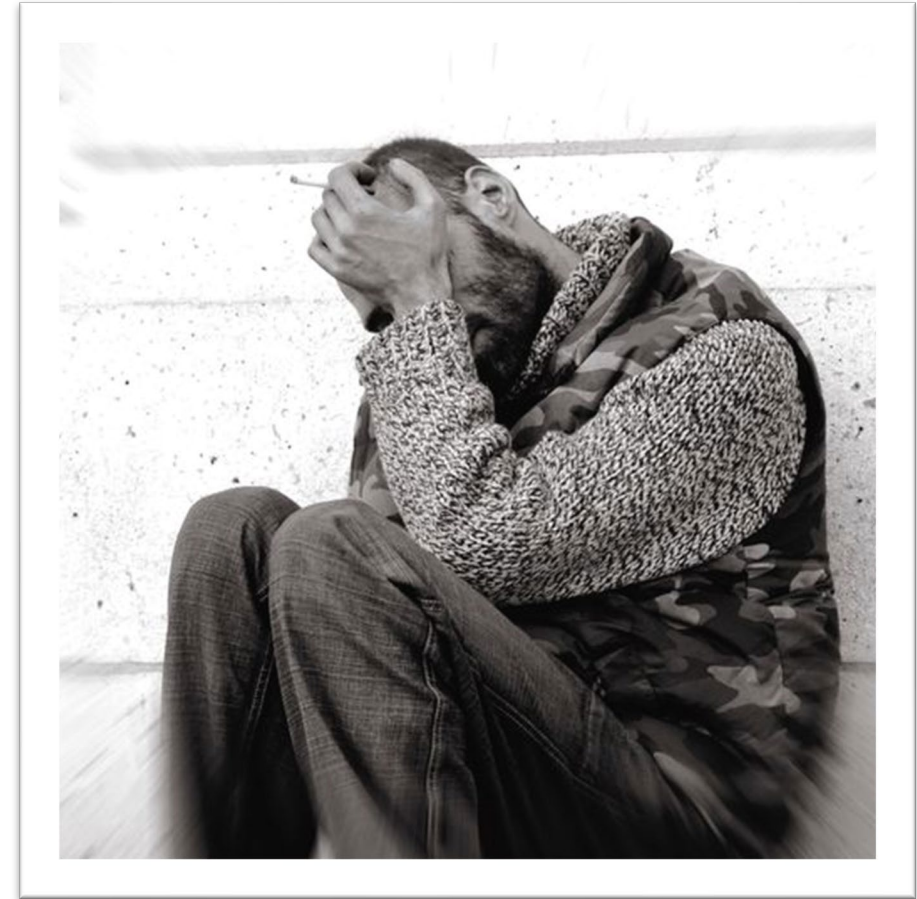
Conclusion: As the tobacco industry expands its global reach, public health advocates should anticipate similar industry efforts to exploit the vulnerabilities of marginalised groups. The apparent generosity, in part of their membership, and the hidden costs of their efforts.

Results: The tobacco industry established relationships with virtually every African American leadership organisation and built longstanding social connections with the community, for three specific business reasons: to increase African American tobacco use, to use African Americans as a frontline force to defend industry policy positions, and to defuse tobacco control efforts.

MYTH #5: COMMERCIAL TOBACCO USE IS A PERSONAL CHOICE



REALITY: TOBACCO INDUSTRY PUSHES & PROFITS FROM ADDICTION



MYTH #6: EDUCATE & ENFORCE, DON'T BAN



The members of the Board of Legislators, in bringing forth this specific piece of legislation, have advanced the conversation, and I appreciate and welcome their thoughtful leadership. I believe there is the opportunity for all of us to discuss legislation in this area once we fully implement our Tobacco Education Initiative and our Tobacco Enforcement Initiative, and assess the progress we make in these two areas.

**REALITY: FALSE CHOICE!
EDUCATION/ENFORCEMENT AND RESTRICTING SALES**



MYTH #7: CAN'T BAN FLAVORED TOBACCO WITHOUT BANNING FLAVORED CANNABIS

NEW YORK POST

NY's Kathy Hochul accused of double standard for banning flavored cigs not cannabis

By **Carl Campanile**

January 22, 2023 | 4:27pm | U



REALITY: ANOTHER FALSE CHOICE CANNABIS & COMMERCIAL TOBACCO NOT THE SAME



MYTHICAL REALITY: ...THEN WHY NOT BAN ALL CIGARETTES?



Great Idea!

REALITY: PUBLIC SUPPORT FOR TOTAL BAN



Centers for Disease Control and Prevention
CDC 24/7: Saving Lives, Protecting People™

Preventing Chronic Disease

Support for Policies to Prohibit the Sale of Menthol Cigarettes and All Tobacco Products Among Adults, 2021

Abstract

This study assessed support for commercial tobacco retail policies among adults. Data came from SpringStyles 2021, a web panel survey of adults in the US aged 18 years or older (N = 6,455). Overall, 62.3% of adults supported a policy prohibiting the sale of menthol cigarettes, and 57.3% supported a policy prohibiting the sale of all tobacco products. A majority of adults supported tobacco retail policies aimed at preventing initiation, promoting quitting, and reducing tobacco-related disparities. These findings can help inform federal, state, and local efforts to prohibit the sale of tobacco products, including menthol cigarettes.

PHLC INFORMATION & RESOURCES



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