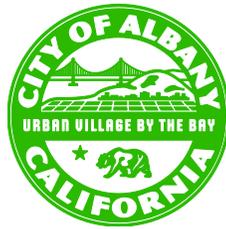


Emails Received regarding agenda items

## CITY OF ALBANY, CALIFORNIA



ALBANY CITY HALL  
1000 SAN PABLO AVENUE  
ALBANY, CALIFORNIA 94706

*Agenda Item Public Hearing:  
9-1 - Flavored Tobacco*

CITY COUNCIL MEETING  
APRIL 1, 2019

**From:** [Liz Williams](#)  
**To:** [citycouncil](#)  
**Subject:** Letter of support for Agenda Item 9.1  
**Date:** Thursday, March 28, 2019 8:00:28 PM  
**Attachments:** [image001.png](#)  
[Letter to Albany CA 03.28.19.pdf](#)

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Dear Mayor Nason and members of the City Council,

Americans for Nonsmokers' Rights would like to submit the attached letter of support for Item 9.1 on Monday's agenda to prohibit the sale of flavored tobacco products.

Sincerely,

Liz Williams | Project Manager  
Americans for Nonsmokers' Rights | [nonsmokersrights.org](http://nonsmokersrights.org)  
American Nonsmokers' Rights Foundation | [no-smoke.org](http://no-smoke.org)  
2530 San Pablo Ave, Suite J | Berkeley, CA 94702  
510-841-3032 x314  
[Join Us!](#) | [Email Alerts](#)



March 28, 2019

Mayor Rochelle Nason  
Albany City Hall  
1000 San Pablo Avenue  
Albany, CA 94706

**Re: Agenda Item 9.1**

Dear Mayor Nason and members of the City Council,

On behalf of our members in Albany, **Americans for Nonsmokers' Rights supports Item 9.1** to strengthen the city's Tobacco Retail Licensing Ordinance to prohibit the sale of flavored tobacco products.

Communities around California are **prohibiting the sale of flavored tobacco products, including menthol cigarettes and flavored 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.

In December 2018, U.S. Surgeon General Jerome Adams issued an "Advisory on E-cigarette Use Among Youth" that declares the country is facing a **youth vaping epidemic**, citing the *Monitoring the Future* survey findings that youth vaping of nicotine nearly doubled between 2017-2018 among 12th graders (from 11% to 20.9%) and 10th graders (from 8.2% to 16.1%). The *National Youth Tobacco Survey* also shows that e-cigarette use (vaping) drastically increased from 2017 to 2018, with 1 in 5 high school students now vaping, and 1 in 20 middle school students vaping.

Flavored vaping products, also called electronic smoking devices—especially market-leading JUUL—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 treats like cotton candy, lemonade, and even apple juice.

San Francisco-based JUUL accounts for 75% of e-cigarette sales in the U.S. and is the driving force behind the nation's youth vaping epidemic. Tobacco giant Altria (parent company of Philip Morris) recently invested nearly \$13 billion for a 35% stake in JUUL. Vaping companies like to claim they are not Big Tobacco, but JUUL and the tobacco industry are now one and the same.

**Flavors are the key to attracting kids to JUUL and other tobacco products.** Flavors make it easier to inhale the nicotine; the science on this is unequivocal.

**Tobacco companies, JUUL, and other vaping companies have everything to gain from addicting young people to their products.** Research shows that the earlier a person starts using nicotine, the higher the risk of addiction, and the harder it becomes to quit. The use of flavors is strategic because it targets the age group that is most susceptible to nicotine addiction.

Research also indicates that youth who begin nicotine use with e-cigarettes (vaping) are significantly more likely to progress to cigarette smoking than youth who do not use e-cigarettes.

Likewise, **youth smokers are more likely to use menthol cigarettes** than any other age group. Over half of smokers ages 12-17 use menthol cigarettes, compared to less than one-third of smokers over age 35. Significantly, more than 80% of African-American smokers smoke menthols.

Research shows that **menthol tobacco products are marketed more to African-Americans.** While the tobacco industry's history of targeting the African-American community is often cloaked by its generous community contributions and other forms of "corporate responsibility," it is no secret that the health of African-Americans is most impacted by cancer, heart disease, and stroke—all of which are associated with smoking and secondhand smoke exposure.

The Food and Drug Administration (FDA) announced that it will consider ending the sale of menthol cigarettes and restricting the sale of flavored vaping products. This is good news, but the reality is that **FDA regulations take many years to come to fruition.** Likewise, we can expect federal regulations to face years of delay due to interference and legal action by the tobacco and vaping industries. In the meantime, California is in the position to lead the way by adopting strong statewide regulations that can save lives now.

Communities should hold tobacco and vaping retailers accountable for being part of the tobacco epidemic by selling these addictive and deadly products in flavors that are appealing to youth and young adults. It is important to take action because the tobacco and vaping industries continue the deceptive and targeted marketing of their products to youth and young adults, African-Americans, the LGBTQ community, and low-income communities. **When it comes to industry tactics, some things never change.**

**Albany should put the health of the community ahead of tobacco industry and retailer profits.**

Thank you for your leadership and desire to make Albany the best place to live, work, and visit. Please feel free to contact me at 510-841-3045 if you have any questions, comments, or feedback.

Sincerely,



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.*

**From:** [Cassie Ray](#)  
**To:** [citycouncil](#)  
**Subject:** Support for a comprehensive tobacco ordinance  
**Date:** Thursday, March 28, 2019 6:46:18 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Albany request for comprehensive TRL.docx](#)

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Dear Mayor Nason and Members of the Albany City Council:

Attached is a letter asking for this council to create comprehensive amendments to the current tobacco retail license which includes prohibiting the sale of all flavored tobacco products, including mint and menthol, create a minimum pack size and minimum price for tobacco products that prohibits discounting or coupons, eliminating sales in pharmacies, and decreasing density of tobacco retailers—particularly around youth sensitive locations.

Thank you for taking up this discussion and moving forward in protecting the youth of Albany.

**[Cassie Ray](#)**

Northern California Government Relations Director  
707.290.0003 | m: 707.290.0003 | f: 916.447.6931

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American Cancer Society Cancer Action Network, Inc.  
555 11th Street NW Suite 300  
Washington, DC 20004  
[fightcancer.org](http://fightcancer.org) | 1.800.227.2345



**Cancer prevention starts with healthy lifestyle choices.**  
Reduce your risk of cancer by eating healthy, staying active, not smoking, and following screening and vaccination guidelines.

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March 28, 2019

The Honorable Rochelle Nason  
Members of the Albany City Council  
1000 San Pablo Avenue  
Albany, CA 94706

Dear Mayor Nason and Members of the Albany City Council:

The American Cancer Society Cancer Action Network (ACS CAN) is committed to protecting the health and well-being of the citizens of the City of Albany through evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. As such, we are writing to urge this council to pass comprehensive amendments to the current tobacco retail license (TRL) that would prohibit the sale of *all* flavored tobacco—including menthol cigarettes, create a minimum pack size and minimum price, restrict where new retailers could locate and prohibit pharmacies from selling tobacco products within the City of Albany.

Tobacco remains the leading cause of preventable death in our country, and sadly, greater than 90% of adult smokers begin smoking 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.

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 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 appealing flavors.

The use of e-cigarettes by teens has sky-rocketed in recent years. A 2018 study by the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) found

that vaping increased 78% among high school students in just the past year alone. These products are designed to be discreet and come in a wide variety of candy flavors that appeal to youth and beginning smokers.

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 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.

Similarly, while adult cigar use has declined, cigar use by young men and teenage boys has continued to increase. It is not coincidental that these are the same products that are available in a wide array of kid-friendly flavors, packaged in bright colors, and sold in small packs with product names designed to be alluring to young people. Many of these small packs are available for as little as five for \$1, which adds an additional appeal to price sensitive youth. These inexpensive products, with their targeted marketing, make it easy for youth to experiment. Creating a minimum pack size and a minimum price, while prohibiting discounting or coupons, adds deterrents for beginning smokers, who often have limited disposable income.

ACS CAN also supports elimination of tobacco sales in pharmacies and limiting where new tobacco retailers may locate. Pharmacies are in the business of improving health, and it is a contradiction to be a facilitator of health and wellness, while selling tobacco products alongside over-the-counter medications and prescription drugs. Youth are often confused about the safety of e-cigarettes, and mistakenly believe that these products are harmless. Selling these products next to approved cessation devices creates additional confusion and helps to diminish the hazards of tobacco use.

Restricting new tobacco retailers to locations that are more than 1000-feet from youth sensitive areas and capping the total number of tobacco license available makes it less convenient for youth to purchase these products. These changes also diminish the amount of advertising to which youth are exposed on a regular basis.

Prohibiting the sale of flavored tobacco products removes much of the allure of these products and is a key component of a comprehensive strategy to effectively help reduce tobacco initiation, and subsequent addiction. However, adding a minimum pack size and price, eliminating sales in pharmacies, and restricting where new retailers may locate are all important pieces of a comprehensive approach to protecting youth from the influences of the tobacco industry. 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, by taking action now. ACS CAN urges this council to make protection of this generation of Albany youth a priority by passing a comprehensive amendment to the current tobacco retail licensing ordinance.

Sincerely,

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

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

**From:** [Ojig Yeretsian](#)  
**To:** [citycouncil](#)  
**Subject:** Support for limiting youth access to flavored tobacco products  
**Date:** Monday, April 1, 2019 4:08:26 PM

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Dear Members of Albany City Council,

I am writing in support of agenda item 9-1. As an Albany parent with two young children, I am very concerned about the growing popularity of flavored tobacco products, hookahs, electronic cigarettes and cigars. As a public health professional and parent of two Ocean View Elementary students, I worry about the availability of flavored and sweetened tobacco in their environment. Also, as a former smoker, I started to smoke cigarettes when I was in high school and I know first hand how difficult it is to quit. I want for my kids and for all children in this community, to be protected from these harmful and addictive products.

As you may already know, cancer is the leading cause of death in Alameda County. Despite cigarettes being less appealing now, non-cigarette tobacco products are proliferating. I hope the City of Albany can get ahead of this problem and regulates the sale of flavored tobacco products. I support banning menthol cigarettes, enforcing minimum package size for cigarillos and other cigar products and enacting minimum price for tobacco products.

Thank you for your consideration.

Ojig Yeretsian  
600 Red Oak Ave. #618  
Albany, CA 94706  
510-387-9857