



## FLAVORED TOBACCO PRODUCTS ATTRACT KIDS

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Cigarettes with specific characterizing flavors were prohibited in the U.S. on September 22, 2009, as part of the Family Smoking Prevention and Tobacco Control Act (TCA) that gave the U.S. Food and Drug Administration (FDA) authority over tobacco products.<sup>1</sup> However, before that, tobacco companies marketed cigarettes with flavors, images, and names that appealed to a young audience. Continuing the long tradition of designing products that appeal explicitly to new users, tobacco companies in recent years have significantly stepped up the introduction and marketing of flavored other tobacco products (OTPs), particularly smokeless tobacco, cigars, and now electronic cigarettes\*. In the case of cigars, tobacco companies have even manipulated some of their products to meet the legal definition of cigars in order to circumvent the law.

Although tobacco companies claim to be responding to adult tobacco users' demand for variety, flavored tobacco products primarily serve to lure new users, particularly kids, to a lifetime of addiction. An industry publication stated, "While different cigars target a variety of markets, all flavored tobacco products tend to appeal primarily to younger consumers."<sup>2</sup>

### Flavored Tobacco Products are on the Rise

Tobacco companies market products in many kid-friendly flavors such as gummy bear, berry blend, chocolate, peach, cotton candy, strawberry, and grape, and more seem inevitable. "Candy-flavored" is, in fact, an appropriate way to describe these products since a recent chemical analysis has shown that the same flavor chemicals used in sweet-flavored cigars of various sizes and smokeless tobacco products are also used in popular candy and drink products such as LifeSavers, Jolly Ranchers, and Kool-Aid.<sup>3</sup> A 2013 survey of internet tobacco retailers found that more than 40 percent of cigarette-sized cigars, machine-made cigars, moist snuff, and dry snuff tobacco products were flavored, including fruit, sweet, and mint/menthol.<sup>4</sup> An article in *Convenience Store News* stated, "flavored tobacco is offering a bright spot in the category," referring to the increased tobacco sales – and number of consumers – in stores that sell such products.<sup>5</sup>

### Smokeless Tobacco

- Smokeless tobacco manufacturers have a long history of using flavors to attract new youth users. U.S. Smokeless Tobacco Company (UST, owned by Philip Morris USA's parent company, Altria) increased the number of its sub-brands—including flavored products—by 140 percent from 2000 to 2006 in order to "cast a wide net" and appeal to as many potential users as possible.<sup>6</sup> In 2011, more than 80 percent of Skoal smokeless tobacco sold in convenience stores was flavored; and more than one out of five (21.1%) were fruit-flavored, including vanilla, apple, and berry blend.<sup>7</sup>
- A trade publication for convenience stores quoted one retailer stating, "In the case of smokeless tobacco, you get a new flavor once every quarter."<sup>8</sup>
- In 2012, flavored products made up more than half (58%) of all smokeless tobacco sales. Menthol and mint flavors are most popular, followed by fruit flavors.<sup>9</sup>

### Cigars

- The cigar manufacturer, Swisher International, Inc., offers a variety of chocolate, strawberry, peach, grape, and other flavored cigars under the name "Swisher Sweets." Altria, parent company of Philip Morris USA, also expanded its business to the cigar category by acquiring John Middleton, Inc., which sells Black & Mild brand cigars in flavors that include apple, wine, and cream. The top five most popular cigar brands among 12- to 17-year olds who have used cigars include Black & Mild, Swisher Sweets, Al Capone, and White Owl.<sup>10</sup>

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\* For the purposes of this factsheet, the term "e-cigarettes" will be used to represent the entire category of products.

- There has been an explosive growth in flavor options for cigars, such as candy, fruit, chocolate, and various other kid-attracting tastes. The vice president of one distributor commented, “For a while it felt as if we were operating a Baskin-Robbins ice cream store” in reference to the huge variety of cigar flavors available – and, no doubt, an allusion to flavors that would appeal to kids.<sup>11</sup> And a cigar retailer stated, “The flavors attract customers.”<sup>12</sup>
- 2014 Nielsen convenience store market scanner data show that flavored cigars represent more than half (53.3%) of the U.S. cigar market, with the most popular flavors being fruit (20.9%), sweet or candy (12.8%), and wine (9%).<sup>13</sup>
- 2014 Nielsen convenience store market scanner data also show an increasing number of “other” options have emerged in the past few years, using names that do not explicitly identify a flavor such as Swisher’s “Tropical Fusion” and Altria’s “Jazz,” even though they are flavored. This could be an attempt by cigar manufacturers to circumvent local sales restrictions on characterizing flavors, which rely on definitions that describe flavors.<sup>14</sup>
- A survey of licensed tobacco retailers in Washington, DC found that 95 percent of stores that sold little cigars and cigarillos sold them in flavors such as fruit, candy, and wine.<sup>15</sup>
- To evade the federal flavored cigarette ban, cigarette makers have manipulated their products to become “little” or “filtered” cigars.<sup>16</sup> For instance, the recent Surgeon General’s report, *Preventing Tobacco Use Among Youth and Young Adults*, noted that flavored cigarettes such as Sweet Dreams re-emerged as Sweet Dreams flavored cigars after the federal restriction on flavored cigarettes went into effect.<sup>17</sup>

In October 2009, U.S. Representative Henry Waxman and Representative Bart Stupak sent letters to two flavored cigarette companies, Cheyenne International and Kretek International, that began making little cigars shortly after the federal flavored cigarette ban went into effect.<sup>18</sup> Representative Waxman discovered that Kretek International intentionally changed their cigarettes to cigars to exploit a loophole in the TCA.<sup>19</sup>

### Electronic Cigarettes

- Though these products are relatively new to the market, the variety of flavors available for use in e-cigarettes has grown exponentially. As of January 2014, researchers had identified more than 7,700 unique e-cigarette flavors available online, with an average of more than 240 new flavors being added per month.<sup>20</sup> Among more than 400 available brands, 84 percent offered fruit flavors and 80 percent offered candy and dessert flavors.<sup>21</sup>
- In addition to the more traditional candy and fruit flavors like cherry and chocolate, the liquid nicotine solutions are also being sold in such kid-friendly options as cotton candy, root beer float, and banana split. One study even uncovered over twenty different types of unicorn-flavored e-liquid, often paired with cartoon imagery, undoubtedly appealing to kids.<sup>22</sup>
- “Vape shops,” which are specialty e-cigarette retail stores, offer an even wider assortment of flavors. In addition to the pre-made options, these stores allow patrons to mix their own preferred flavor combinations.<sup>23</sup>

### Cigarettes

- Menthol cigarettes, the only remaining flavored cigarette, maintain a significant market share. Data from the Federal Trade Commission show that in 2012 (the most recent year for which data are available) menthol cigarettes comprised 31 percent of the market.<sup>24</sup> In 2013, the U.S. Food and Drug Administration (FDA) released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking. The agency concluded that, “these findings, combined with the evidence indicating that menthol’s cooling and anesthetic properties can reduce the harshness of cigarette smoke and the evidence indicating that menthol cigarettes are marketed as a smoother alternative to nonmenthol cigarettes, make it likely that menthol cigarettes pose a public health risk above that seen with nonmenthol cigarettes.”<sup>25</sup>
- Before cigarettes with specific characterizing flavors were prohibited by the Tobacco Control Act, R.J. Reynolds’ “Camel Exotic Blends” came in flavors such as Twista Lime, Kauai Kolada, Warm Winter Toffee and Winter Mocha Mint, among others. Bright, colorful and alluring ads for these cigarettes

have appeared in magazines popular with kids, including *Rolling Stone*, *Cosmopolitan* and *Sports Illustrated*. RJR has also marketed alcohol-flavored Camels with names like ScrewDriver Slots, Blackjack Gin and SnakeEyes Scotch.

- In 2006, RJR entered into a settlement with 39 state attorneys general to stop marketing – but not manufacturing – certain flavored cigarettes. The agreement specified that the company could not use specific terms such as “sweet” and “creamy” to market any future flavored cigarettes in media accessible to the general public. However, the company continues use these terms to market products. For instance, the company released Camel Signature Blends in mid-2007, describing these cigarettes using words such as “sweet apple-like flavor,” “toasted honey,” “creamy finish,” and “cocoa,” and promoted them heavily on their website and in direct mail pieces.

### Flavored Products Appeal to Youth and Young Adults

Research at the state and national level shows that flavored products – no matter what the tobacco product – appeal to youth and young adults. Data from the 2013-2014 Population Assessment of Tobacco and Health (PATH) study found that 80.8 percent of 12-17 year olds who had ever used a tobacco product initiated tobacco use with a flavored product, and that 79.8 percent of current tobacco users had used a flavored tobacco product in the past month.<sup>26</sup> Moreover, for each tobacco product, at least two-thirds of youth report using these products “because they come in flavors I like.”<sup>27</sup>

Additional national data from the 2014 National Youth Tobacco Survey (NYTS) found that 70 percent of current middle and high school tobacco users—a total of over 3.2 million youth (12% of all youth)—had used a flavored tobacco product in the past month.<sup>28</sup> Another national study found that 18.5 percent of young adult tobacco users (18-34 years old) currently use a flavored tobacco product, with younger age being a predictor of flavored tobacco product use. In fact, the study found that those aged 18-24 years old had an 89 percent increased odds of using a flavored tobacco product compared to those aged 25-34 years old.<sup>29</sup>

**Smokeless Tobacco.** As with cigarettes, characterizing flavors in other tobacco products (OTPs) mask the tobacco flavor, and can make the products appealing to youth. Smokeless (or spit) tobacco companies, particularly the U.S. Smokeless Tobacco Company (UST), have a long history of creating new products that appeal to kids and marketing them aggressively to children in order to “graduate” them to more potent smokeless tobacco varieties.<sup>30</sup>

- The 2013-2014 PATH study found that 68.9 percent of 12-17 year olds who had ever used smokeless tobacco used flavored smokeless tobacco the first time they tried the product, and 81 percent of current smokeless tobacco users had used a flavored product in the last month.<sup>31</sup>
- The 2014 NYTS found that 58.8 percent of middle and high school smokeless tobacco users—a total of nearly 700,000 youth—had used flavored smokeless tobacco in the past month.<sup>32</sup>
- The 2013 Maryland Tobacco and Risk Behavior Survey found that 57.1 percent of high school smokeless tobacco users used flavored smokeless tobacco.<sup>33</sup>
- The 2015 Florida Youth Tobacco Survey found that 6.9 percent of high school students had ever tried flavored smokeless tobacco, while 3.9 percent were current flavored smokeless tobacco users.<sup>34</sup>

**Cigars.** With their colorful packaging and sweet flavors, flavored cigar products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets.

- The 2013-2014 PATH study found that 65.4 percent of 12-17 year olds who had ever smoked cigars smoked a flavored cigar the first time they tried the product, and 71.7 percent of current cigar smokers had used a flavored product in the last month.<sup>35</sup> Additionally, 73.8 percent of current youth cigar smokers said they smoked cigars “because they come in flavors I like.”<sup>36</sup>
- The 2014 NYTS found that 63.5 percent of middle and high school cigar smokers—a total of 910,000 youth—had smoked a flavored cigar in the past month.<sup>37</sup>
- The 2013 Maryland Tobacco and Risk Behavior Survey showed that nearly three-quarters (71.4%) of high school cigar smokers used flavored cigars.<sup>38</sup>

- The 2015 Florida Youth Tobacco Survey found that 12 percent of high school students had tried a flavored cigar, while 6 percent were current flavored cigar users.<sup>39</sup>
- National data suggest that flavored cigar products are driving cigar use among adults, particularly young adults. With few exceptions, use of flavored cigars among adult cigar smokers is highest among those groups with the highest overall cigar use rates, including young adults aged 18-24 (57.1%), income below \$20,000 (51.7%), and non-Hispanic others (62.4%).<sup>40</sup>
- Data from the National Adult Tobacco Survey indicate that use of flavored cigars decreases with age. Flavored cigar use among cigar smokers was 57.1 percent among 18-24 year olds, 43.2 percent among 25-44 year olds, 28.9 percent among 45-64 year olds and 13.4 percent among those ages 65 and older.<sup>41</sup>
- Youth and young adults prefer brands that come in a variety of flavors, and that preference declines significantly with age – in one study, 95 percent of 12-17 year old cigar smokers reported a usual brand that makes flavored cigars compared with 63 percent of cigar smokers aged 35 and older.<sup>42</sup>
- As mentioned previously, tobacco manufacturers will do anything – including slightly changing their products to take advantage of a loophole that enables flavored cigarettes to become flavored cigars – to keep their flavored tobacco products on the market – with success.<sup>43</sup>

**E-Cigarettes.** News articles have documented that kids get access to flavored liquid nicotine and e-cigarettes – and like them. An 8<sup>th</sup> grade student in San Francisco stated, “my favorite flavor is gummy bears because it tastes really good.”<sup>44</sup> One tobacco company has even acknowledged that youth are attracted to sweet flavored products. Lorillard Inc.’s Youth Smoking Prevention Program posted a page on e-cigarettes on its “Real Parents Real Questions” website that stated: “Kids may be particularly vulnerable to trying e-cigarettes due to an abundance of fun flavors such as cherry, vanilla, piña-colada and berry.”<sup>45</sup>

- The 2013-2014 PATH study found that 81 percent of 12-17 year olds who had ever smoked an e-cigarette used a flavored e-cigarette the first time they tried the product, and 85.3 percent of current users used a flavored product in the last month. Additionally, 81.5 percent of current youth e-cigarette users said they used e-cigarettes “because they come in flavors I like.”<sup>46</sup>
- The 2014 NYTS found that 63.3 percent of middle and high school e-cigarette users—totaling nearly 1.6 million youth—had used a flavored e-cigarette in the past month.<sup>47</sup>

**Cigarettes.** As the only flavored cigarette left on the market, it is no surprise that menthol cigarettes are popular among youth. Menthol cools and numbs the throat to reduce throat irritation and make the smoke feel smoother, making it an appealing option for youth who are initiating tobacco use.

- The 2013-2014 PATH study found that half (50.1 percent) of 12-17 year olds who had ever smoked a cigarette smoked a menthol cigarette the first time they smoked, and 59.5 percent of current cigarette smokers used a menthol flavored cigarette in the past month.<sup>48</sup>
- The 2014 NYTS found that 53.6 percent of middle and high school cigarette smokers—totaling 900,000 youth—had smoked a menthol cigarette in the past month.<sup>49</sup>
- The popularity of menthol flavored cigarettes is also evidenced by brand preference among youth.
  - According to data from the 2013 National Survey on Drug Use and Health, 20.1 percent of 12-17 year olds prefer Newport cigarettes, the most marketed menthol cigarette brand.<sup>50</sup> Preference for Newport is even higher among African American youth (64.3%) because of targeted marketing by the tobacco industry.
  - A 2011 national study found that Newport cigarettes are significantly less expensive in neighborhoods with higher proportions of African Americans.<sup>51</sup>
  - The 2011 California Tobacco Advertising Survey reported significantly more menthol advertisements at stores in neighborhoods with a higher proportion of African-American residents and in low-income neighborhoods.<sup>52</sup>

Although they are no longer on the market, older studies on flavored cigarettes other than menthol are still relevant to reinforce the general appeal of flavors to youth and young adults. When they were

available, flavored cigarettes were being tried and used primarily by the young.<sup>53</sup> Candy-flavored cigarettes clearly had their greatest appeal to new smokers, 90 percent of whom were teens or younger. Research indicated that youth and young adults were more likely to notice flavored tobacco products and their ads, and this awareness translated into higher use rates among young smokers.

- Older adolescents and young adults aged 17 to 19 years old were more than twice as likely to report using flavored cigarettes (specifically Camel Exotic blends, Kool Smooth Fusion or Salem Silver Label brands) in the past 30 days compared to those aged 22 years or older.<sup>54</sup>
- A significant gradient in flavored cigarette use was seen across age, with the highest rates of utilization among 17 year old smokers (22.8%) and 18-19 year old smokers (21.7%). Nine percent of 24-26 year olds reported flavored cigarette use.<sup>55</sup>

**Other Tobacco Products.** Use of flavored tobacco is common in other tobacco products as well:

- The 2013-2014 PATH study found that 88.7 percent of 12-17 year olds who had ever smoked hookah used flavored hookah the first time they tried the product, and 89 percent of current users used a flavored product in the last month.<sup>56</sup>
- The 2014 NYTS found that 60.6 percent of middle and high school hookah smokers—totaling over 1 million youth—had used flavored hookah in the past month.<sup>57</sup>
- The 2014 NYTS found that 42.3 percent of middle and high school pipe tobacco smokers—totaling over 100,000 youth—had smoked flavored pipe tobacco in the past month.<sup>58</sup>

### **Tobacco Companies Have Long Recognized that Flavored Products Appeal to Youth**

As early as the 1970s, the tobacco companies were discussing the “benefits” of sweet flavors. Their internal documents and public statements show that the tobacco industry’s use of sweet flavors goes beyond just encouraging current smokers to switch brands, but rather to attract new users, mostly kids.

- As early as 1972, advisors to Brown & Williamson reviewed new concepts for a “youth cigarette,” including cola and apple flavors, and a “sweet flavor cigarette,” stating, “It’s a well-known fact that teenagers like sweet products. Honey might be considered.”<sup>59</sup>
- A 1974 summary of an RJR meeting discussed cigarettes designed for beginning smokers, noting that such a cigarette should be “low in irritation and possibly contain added flavors to make it easier for those who never smoked before to acquire the taste of it more quickly.”<sup>60</sup>
- An RJR interoffice memo revealed ideas for new products: “Make a cigarette which is obviously youth oriented. This could involve cigarette name, blend, flavor and marketing technique....for example, a flavor which would be candy-like but give the satisfaction of a cigarette.”<sup>61</sup>
- A Lorillard report summarizing the test results from new cigarette flavors, included smokers’ description of “Tutti Frutti” flavored cigarettes as “for younger people, beginner cigarette smokers, teenagers . . . when you feel like a light smoke, want to be reminded of bubblegum.”<sup>62</sup>
- A UST document called “The graduation theory” stated: “New users of smokeless tobacco – attracted to the product for a variety of reasons – are most likely to begin with products that are milder tasting, more flavored, and/or easier to control in the mouth. After a period of time, there is a natural progression of product switching to brands that are more full-bodied, less flavored, have more concentrated ‘tobacco taste’ than the entry brand.”<sup>63</sup>
- A former UST sales representative revealed that, “Cherry Skoal is for somebody who likes the taste of candy, if you know what I’m saying.”<sup>64</sup>

### **What States and Localities Can Do**

In addition to the federal ban on flavored cigarettes, states and localities can implement additional sales restrictions to address the flavored non-cigarette tobacco products – for instance, cigars and smokeless – on the market and their appeal to youth and young adults.

Despite inevitable challenges from tobacco companies, states and localities have clear authority to restrict the sale of flavored tobacco products (or any tobacco product) to reduce tobacco use and its harms to its citizens. At least two states and half a dozen localities restrict sales of flavored tobacco products, although laws differ in their application to specific products and store types. For example:

- New Jersey's law covers only cigarettes and went into effect November 30, 2008.
- Maine's law, which prohibits the sale of cigarettes and cigars with characterizing flavors (with the exception of menthol, clove, coffee, nuts, or peppers), went into effect on July 1, 2009, but was amended to apply only to non-premium cigars after the federal law went into effect.
- New York City's ban restricts the sale of all flavored tobacco products, except menthol products and electronic cigarettes, in most retail stores and went into effect on February 25, 2010. The ordinance has withstood a lawsuit and subsequent appeal by tobacco companies.<sup>65</sup>
- Providence, RI's ordinance restricts the sale of all flavored OTP, including e-cigarettes but excluding menthol, in most retail stores. The ordinance has withstood a lawsuit and subsequent appeal by tobacco companies, and went into effect on January 3, 2013.<sup>66</sup>
- Hayward, CA, restricts the sale of flavored tobacco products, including e-cigarettes and menthol products, within a 500-foot radius of schools, and exempts retailers that have been selling such products before these provisions went into effect in January 2014.<sup>67</sup>
- Chicago, IL's ordinance restricts the sale of all flavored tobacco products, including menthol products and electronic cigarettes, in retail stores within a 500-foot radius of any school, with the exception of stores that sell primarily tobacco products (at least 80% of revenue). Originally slated to go into effect in 2014, litigation and subsequent revisions to the regulations delayed enforcement of the ordinance until July 20, 2016.<sup>68</sup>
- Santa Clara County, CA, passed its Tobacco Retailer Permit ordinance in 2010, which included a provision prohibiting retailers from selling flavored tobacco products, excluding menthol products and electronic cigarettes and exempting adult-only tobacco retailers. The provision went into effect on February 2, 2015.
- Minneapolis, MN, passed an ordinance to restrict the sale of flavored tobacco products, including e-cigarettes but exempting menthol, in most retail stores. The law went into effect on January 1, 2016.

**Campaign for Tobacco-Free Kids, September 14, 2016 / Laura Bach**

<sup>1</sup> See U.S. Food and Drug Administration's (FDA) Flavored Tobacco webpage at

<http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/FlavoredTobacco/default.htm>.

<sup>2</sup> Niksic, M, "Flavored Smokes: Mmmmm...More Profits?" *Tobacco Retailer*, April 2007, [http://tobacco-retailer.com/uploads/Features/2007/0407\\_flavored\\_smokes.asp](http://tobacco-retailer.com/uploads/Features/2007/0407_flavored_smokes.asp).

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<sup>4</sup> Morris, DS, Fiala, SC, "Flavoured, non-cigarette tobacco for sale in the USA: an inventory analysis of Internet retailers," *Tobacco Control* [Epub ahead of print] doi: 10.1136/tobaccocontrol-2013-051059, August 8, 2013.

<sup>5</sup> "Flavors Add New Dimension to Tobacco," *Convenience Store News*, October 1, 2007.

<sup>6</sup> Alpert, HR, et al., "Free nicotine content and strategic marketing of moist snuff tobacco products in the United States: 2000-2006," *Tobacco Control* 17:332-338, 2008.

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<sup>13</sup> Viola, AS, et al., "A cigar by any other name would taste as sweet," *Tobacco Control*, published online October 1, 2015.

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