



Eliminating Flavored Tobacco Products is Critical to Protect Kids and Save Lives; Flawed Study on Youth Smoking in San Francisco Should Not Deter Other Policymakers from Moving Forward

E-cigarette use remains a serious public health concern, caused by an industry that lures kids with flavored products and hooks them with massive doses of nicotine. Nationally, more than 2 million kids use e-cigarettes and a growing percentage of them are using e-cigarettes frequently or daily – a sure sign of addiction. There is also growing evidence that kids who use e-cigarettes are more likely to subsequently start smoking. The evidence is clear that flavored e-cigarettes have fueled youth use – 85% of youth e-cigarette users use flavored e-cigarettes and 70% of current youth e-cigarette users say they use e-cigarettes “because they come in flavors I like.” To reduce youth e-cigarette use and prevent the tobacco industry from addicting a new generation of kids, it is imperative that federal, state and local policymakers prohibit flavored e-cigarettes and other flavored tobacco products. Flavored products have long been a favorite tobacco industry strategy for targeting and addicting kids. In addition to e-cigarettes, flavored cigars have proliferated in recent years and become popular with kids, while about half of youth smokers smoke menthol cigarettes.

*Yet a study examining the impact of San Francisco’s law ending the sale of flavored tobacco products, including flavored e-cigarettes, is being used by e-cigarette supporters to oppose legislation to end the sale of flavored e-cigarettes – despite obvious flaws in the data used in the study. The author, using data from the Youth Risk Behavior Survey (YRBS), suggests that the flavor ban in San Francisco led to increased odds of cigarette smoking among high school students compared to other school districts, even though **the analysis does not use any data collected after enforcement of the San Francisco law began. As a result, the study is fundamentally flawed and provides no information about the effect of San Francisco’s flavor ban on youth smoking.***

- **The study did not include any data collected after enforcement of the policy began, so any conclusions about the impact of the policy on youth smoking are entirely unfounded. A recent study in *Tobacco Control* revealed that the author mistakenly assumed that San Francisco’s 2019 YRBS data collection had occurred in 2019, when in fact it was conducted in the fall of 2018, before policy implementation.**
 - According to the *Tobacco Control* study, which cites communication with a CDC official, data collection for the San Francisco school district 2019 YRBS actually occurred during the fall of 2018.² While San Francisco’s law was legally effective as of July 2018, the San Francisco Department of Public Health had announced that it would not be enforced until January 2019 to allow time for merchant education about the law and for merchants to sell off their existing stock of flavored tobacco products. According to compliance data, only 17% of retailers had stopped selling flavored tobacco by December 2018, which increased to 80% throughout 2019.³
- **Data collected after the San Francisco law went into effect shows that it was effective.**
 - A study from researchers at RTI International, Stanford University School of Medicine and the California Tobacco Control Program found that sales of all flavored tobacco products – including menthol cigarettes and flavored e-cigarettes – were virtually eliminated in San Francisco after implementation of the policy, with no evidence of widespread substitution of non-flavored products. The authors found that sales of all flavored tobacco products decreased by 96% in San Francisco after implementation of the city law in early 2019. Total tobacco sales also significantly decreased over the same period, suggesting consumers did not broadly switch to unflavored tobacco products. The study concludes, “A reduction in total tobacco sales in SF suggests there was not a one-to-one substitution of tobacco/unflavored products for flavored products.” This study is just further evidence that eliminating flavored tobacco products protects kids and saves lives.⁴

- Other data collected **after** policy implementation from the 2019-2020 California Student Tobacco Survey found that cigarette smoking among San Francisco high schoolers is at a historic low of 1.6%.⁵ This data certainly suggests that there is not cause for alarm about the impact of the flavor policy on youth smoking.
- **There are substantial benefits to prohibiting the sale of flavored tobacco products.**
 - Flavored e-cigarettes draw many young people into tobacco use. A growing number of studies show that kids who use e-cigarettes are more likely to subsequently start smoking. When e-cigarettes increase the number of young people who become addicted to nicotine, they increase the risk that more kids will become cigarette smokers. The San Francisco law properly recognizes that the best way to avoid that problem is not to sell products that addict our kids in the first place.
 - As wisely put by authors of a recent Comment & Response piece published in *JAMA Pediatrics* that critiqued the study, “Cigarette companies are spending millions of dollars to fight flavor bans across the US. If flavor bans increased cigarette sales, then tobacco companies would be supporting them rather than trying to defeat them.”⁶

¹ Liu, J, et al., “Youth tobacco use before and after flavoured tobacco sales restrictions in Oakland, California and San Francisco, California,” *Tobacco Control*, published online March 17, 2022.

² Liu, J, et al., “Youth tobacco use before and after flavoured tobacco sales restrictions in Oakland, California and San Francisco, California,” *Tobacco Control*, published online March 17, 2022.

³ Vyas, P, et al., “Compliance with San Francisco’s flavoured tobacco sales prohibition,” *Tobacco Control*, published online April 16, 2020.

⁴ Gammon, DG, et al., “Implementation of a comprehensive flavoured tobacco product sales restriction and retail tobacco sales,” *Tobacco Control*, published online June 4, 2021.

⁵ Zhu S-H, et al. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

⁶ Maa, J and Gardiner, P, “Comment & Response: Further Considerations on the Association Between Flavored Tobacco Legislation and High School Student Smoking Rates,” *JAMA Pediatrics*, published online September 13, 2021.