

TO: Chair Hass & Committee Members
Senate Committee on Health Care

DATE: April 7, 2015

RE: SB 415

Chair Hass and members,

On behalf of the American Heart Association and the American Stroke Association, thank you for the opportunity to address tobacco use, Oregon's number one preventable cause of death. The American Heart Association and the American Stroke Association support SB 415, which would protect public health—in particular, Oregon's youth.

It's been 50 years since the US Surgeon General issued its first report warning of the dangers of tobacco, yet we still have more work to do. Consider that 213,400 of today's Oregon kids will become smokers, and 68,000 of those Oregon youth who are alive today will die prematurely from smoking.¹

Today, we know what policies work to save lives. With over 90% of adult smokers starting before the age of 18 and 99% before age 26,² policies that prevent kids from ever starting to use tobacco can make a huge impact.

2009 Ban on Flavored Cigarettes a Partial Victory

The FDA has reported that 20% of tobacco users report using flavored products, and that flavored product use is higher among youth/young adults. Tobacco industry documents show that the industry has long recognized the benefits of sweet flavors in attracting new tobacco users, especially kids. According to an October 2013 CDC study on youth use of flavored tobacco products:

“Flavors can mask the natural harshness and taste of tobacco, making flavored tobacco products easier to use and increasing their appeal among youth. Advertising for flavored tobacco products has been targeted toward youth, and flavored product use may influence the establishment of lifelong tobacco-use patterns among younger individuals.”

In 2009, acknowledging the danger in flavoring, federal law gave the FDA authority over tobacco products and the FDA proceeded to ban candy- and fruit-flavored cigarettes. However, cigars, smokeless tobacco, electronic cigarettes, and other products continue to be available in a wide range of candy and fruit flavors, many of which are attractive to youth. The agency has noted that the prevalence of flavored products has increased since the 2009 ban on flavored cigarettes.

If It Looks like Candy, And It Tastes like Candy...

It is disturbing that the tobacco industry is continuing to lure kids to use candy-flavored tobacco products by using the same flavors found in popular candy and drink products. A recent study conducted by a team of researchers at Portland State University, and led by Professor James F. Pankow, analyzed 12 artificially

¹ Campaign for Tobacco Free Kids, “Key State-Specific Tobacco-Related Data & Rankings”

² U.S. Surgeon General, “Preventing Tobacco Use Among Youth & Young Adults – Fact Sheet”
<http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/factsheet.html>

flavored candy and fruit drink products, including different versions of LifeSavers, Jolly Ranchers and Kool-Aid. They then compared them to 15 widely-available flavored cigar and smokeless tobacco products.

The study found that candy-flavored tobacco products actually do taste like candy, because tobacco products contain the same flavor chemicals used in candy and children's drink mixes. According to the study's authors, there is "great overlap in the flavor chemicals used."

Youth Cigar Consumption on the Rise

When flavored cigarettes were banned, some companies modified their flavored cigarettes to meet the legal definition of cigars (e.g., by adding tobacco to the wrapper) and continued to market them with sweet flavors. The most popular cigar brands among youth come in a wide variety of flavors like chocolate, cherry, strawberry, grape, and lemonade, as well as with catchy names that appeal to children such as *Da Bomb Blueberry*, *Pinkberry*, and *Banana Split*.³

Between 2000 and 2013, cigar consumption increased by 114 percent, while cigarette consumption declined by 37 percent. Consider the recent rise in cigar use among adolescents: every day, more than 2,700 youth try cigar smoking for the first time⁴, making cigars one of the most commonly used tobacco products among youth, second only to cigarettes (15.7% vs. 12.6%).⁵

Much of this increase in cigar use can be attributed to the availability of flavored cigars. The Maryland Youth Tobacco Survey, for instance, found that over 76% of cigar users in high school smoke flavored cigars, while less than 2% of adults do.⁶ Another study found that 75% of the growth in cigar sales from 2008 to 2011 represents growth in the sale of flavored cigars.⁷ Unfortunately flavored cigars have replaced flavored cigarettes as the gateway to tobacco use for many youth.

Youth E-Cigarette Use Nearly Doubles in One Year

We believe the same trends are developing with flavored e-cigarettes. E-cigarette use among middle and high school students nearly doubled in one year, and the number of e-cigarette flavors has increased exponentially in recent years. Even the tobacco industry has acknowledged that flavored e-cigarettes may appeal to youth. According to Lorillard, the parent company for Blu e-cigarettes, "Kids may be particularly vulnerable to trying e-cigarettes due to an abundance of fun flavors such as cherry, vanilla, pina-colada and berry."⁸

E-cigarettes are also available in a variety of flavors. According to one recent survey, there are more than 460 brands of e-cigarettes online, offering more than 7,700 unique flavors.⁹ More than 240 new flavors of e-cigarettes are introduced, on average, each month. E-cigarettes are available in flavors like *graham cracker*, *Swedish Fish*, and *absinthe*¹⁰, as well as flavors using the names of children's cereal (*Cap'n Crunch*, *Froot Loops*, *Cocoa Puffs*, *Cinnamon Toast Crunch*), candy and cookies (*Tootsie Rolls*, *Thin Mints*) or children's cartoon characters (*Hello Kitty*, *Curious George*). One can only assume that products like *Cap'n Crunch Berries* or *Curious George* e-juice are intended for a younger audience.

³ Not Your Grandfather's Cigar: A New Generation of Cheap and Sweet Cigars Threatens a New Generation of Kids. Campaign for Tobacco Free Kids. March 13, 2013.

⁴ SAMHSA, Results from the 2012 National Survey on Drug Use and Health: Detailed Tables, 2013

⁵ Kann, L, et al. Youth Risk Behavior Surveillance – United States, 2013. Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report: 63(ss04); 1-168, June 13, 2014.

⁶ Cigar Use Among Youth. Maryland Department of Health and Mental Hygiene. November 17, 2011.

⁷ Delnevo C, et al. Preference for Flavored Cigar Brands Among Youth, Young Adults and Adults in the -

⁸ What You Need to Know About E-Cigarettes – Infographic. Real Parents Real Answers. Sponsored by Lorillard's Youth Smoking Prevention Program, 2014. www.realparentsrealsanswers.com

⁹ Zhu SH, et al. Four Hundred and Sixty Brands of E-Cigarettes and Counting: Implications for Product Regulation. *Tob Control* 2014;23:iii3-iii9 doi:10.1136/tobaccocontrol-2014-051670. http://tobaccocontrol.bmj.com/content/23/suppl_3/iii3.full

¹⁰ Deborah Netburn. The E-Cigarette Boom: Study Finds 466 Online Brands, 7,700 Flavors. Los Angeles Times. June 17, 2014.

<http://www.latimes.com/science/sciencenow/la-sci-sn-research-foodcompanies-misleading-consumers-with-health-halo-buzzwords-20140617-story.html>.

Oregon Should Ban Flavor Use in All Tobacco Products

AHA's recommendation is based on the clear evidence that flavored cigars, just like flavored cigarettes, are attractive to youth and have led to increased initiation and use among adolescents. Thus, cigars should not be allowed to use characterizing flavors. While the evidence base for e-cigarettes is still emerging and the link is not as clear, it is reasonable to believe that flavored e-cigarettes will have a similar impact on youth initiation and use. It is therefore reasonable to assume that flavored e-cigarettes are likely to follow a parallel track as flavored cigarettes and cigars and appeal to youth. We believe this justifies a flavor ban for both cigars and e-cigarettes.

Characterizing flavors should only be allowed if manufacturers can prove that flavored tobacco products do not appeal to youth, that the flavors are safe, and that they have been tested for toxicity and teratogenicity. Until then, the legislature should be proactive and establish a flavor ban to protect public health.

We urge the legislature to act quickly to stop the tobacco industry from using flavored products to addict children.

Thank you.

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