



FLAVORED TOBACCO PRODUCTS ATTRACT KIDS: BRIEF OVERVIEW OF KEY ISSUES

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. However, this prohibition did not extend to other tobacco products. Continuing the long tradition of designing products that appeal explicitly to new users, tobacco companies have significantly stepped up the introduction and marketing of flavored non-cigarette tobacco products, especially e-cigarettes and cigars. Flavored tobacco products are just as addictive as regular tobacco products. These flavored products are undermining the nation's overall efforts to reduce youth tobacco use and putting a new generation of kids at risk of nicotine addiction and the serious health harms that result from tobacco use.

This issue is quite simple—it is about protecting our kids. The scientific evidence makes clear that flavored tobacco products have the greatest appeal to young, novice smokers. Tobacco companies are making and marketing deadly and addictive products that look and taste like a new line of flavors from a Ben and Jerry's ice cream store. Restricting the sale of flavored tobacco products will protect kids.

Flavored Tobacco Products are on the Rise. Tobacco products are now available in a wide assortment of flavors that seem like they belong in a candy store or ice cream parlor – like mango, blue razz and pink punch for e-cigarettes and chocolate, watermelon, and cherry dynamite for cigars. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets.

- As of 2017, there were more than 15,500 unique e-cigarette flavors available online.¹ In February 2020, the FDA restricted some flavors in cartridge-based e-cigarettes, but exempted menthol-flavored e-cigarettes and left flavored e-liquids and disposable e-cigarettes widely available in every imaginable flavor. Since then, sales of flavored e-cigarettes have continued to grow, increasing by 61.0% from February 2020 to December 2023.²
- The share of flavored cigars sold in convenience stores rose from 45% in 2009 to 53.3% in 2020. Among flavored cigars sold in these stores in 2020, the most popular flavors were sweet or candy (30.6%), fruit (29.5%), concept (21.4%), and wine (9.0%).³ In 2015, researchers had identified 250 unique cigar flavor names.⁴
- While overall cigarette sales have been declining, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.⁵ Menthol cigarettes comprised 36% of the market share in 2022.⁶

Flavored Products Appeal to Youth and Young Adults. Studies show that flavors play a major role in youth initiation and use of tobacco products. Although there has been significant progress in reducing youth cigarette smoking in recent years, there has been no progress in reducing overall tobacco use in a decade due to the popularity of flavored products like e-cigarettes and cigars.

- 81% of youth who have ever used tobacco initiated with a flavored product.⁷
- 87% of youth tobacco users used a flavored tobacco product in the past month.⁸
- At least two-thirds of youth tobacco users report using tobacco products “because they come in flavors I like.”⁹
- Half of youth who have ever smoked initiated with menthol cigarettes.¹⁰

Flavored Tobacco Products are Intentionally Designed to Attract Kids. Although tobacco companies claim to be responding to adult tobacco users' demand for variety, flavored tobacco products play a key role in enticing new users—who are predominantly under 18—to a lifetime of addiction.

- Industry documents show that the tobacco companies have a long history of developing and marketing flavored tobacco products as “starter” products that attract kids.¹¹
- Flavors improve the taste and reduce the harshness of tobacco products, making them more appealing and easier for beginners to try the product and ultimately become addicted.¹² Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating tobacco use.¹³
- According to FDA's Tobacco Product Scientific Advisory Committee (TPSAC), menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking.¹⁴
- Flavors can create the false impression that a tobacco product is less harmful than it really is.¹⁵

States and Localities Should Restrict the Sale of Flavored Tobacco Products. States and localities can implement sales restrictions to address flavored tobacco products on the market and their appeal to youth. Five states—California, Massachusetts, New Jersey, New York and Rhode Island—have enacted laws or rules to prohibit the sale of flavored e-cigarettes, and both California and Massachusetts prohibit the sale of menthol cigarettes. Maryland and Utah also restrict the sale of some flavored e-cigarettes. In addition, over 380 localities across the country restrict the sale of flavored tobacco products, although laws differ in their application to specific products and store types.

Restricting the sale of flavored tobacco products is an important step that will protect children from the unrelenting efforts of the tobacco industry to hook them to a deadly addiction.

For more information visit <https://www.tobaccofreekids.org/what-we-do/us/flavored-tobacco-products>

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¹ Zhu, S-H, et al., “Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites,” *Journal of Medical Internet Research*, 20(3), published online March 12, 2018.

² CDC Foundation & Information Resources, Inc., “Monitoring U.S. E-Cigarette Sales: National Trends,” <https://www.cdcfoundation.org/programs/monitoring-e-cigarette-use-among-youth>. Data from Information Resources, Inc. (IRI), which includes e-cigarette sales data from convenience stores, gas stations and other retail store chains. Sales from the internet and tobacco-specialty stores, including vape shops, are not included.

³ Delnevo, CD, et al. “Cigar Sales in Convenience Stores in the US, 2009-2020,” *JAMA* 326(23):2429-2432.

⁴ Delnevo, CD, et al., “Changes in the mass-merchandise cigar market since the Tobacco Control Act,” *Tobacco Regulatory Science*, 3(2 Suppl 1): S8-S16, 2017

⁵ Villanti, A., et al., “Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014,” *Tobacco Control*, 25(Suppl 2):ii14-ii20, 2016.

⁶ U.S. Federal Trade Commission (FTC), *Cigarette Report for 2022, 2023*, https://www.ftc.gov/system/files/ftc_gov/pdf/2022-Cigarette-Report.pdf [data for top 4 manufacturers only].

⁷ Ambrose, BK, et al., “Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014,” *Journal of the American Medical Association*, published online October 26, 2015.

⁸ Birdsey J., et al. “Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, 2023,” *MMWR*, 72(44): 1173–1182, November 3, 2023, <https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm>.

⁹ Ambrose, BK, et al., “Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014,” *JAMA*. 2015;314(17):1871-1873.

¹⁰ Ambrose, BK, et al., “Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014,” *Journal of the American Medical Association*, published online October 26, 2015.

¹¹ See e.g., Marketing Innovations, “Youth Cigarette - New Concepts,” Memo to Brown & Williamson, September 1972, Bates No. 170042014; R.J. Reynolds Tobacco Company, “Conference report #23,” June 5, 1974, Bates No. 500254578-4580; R.J. Reynolds Inter-office Memorandum, May 9, 1974, Bates No. 511244297-4298.

¹² HHS, *Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General*, 2012.

¹³ FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013.

¹⁴ TPSAC, Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, July 21, 2011.

¹⁵ Huang, L.-L., et al., "Impact of Non-menthol Flavours in Tobacco Products on Perceptions and Use Among Youth, Young Adults and Adults: A Systematic Review," *Tobacco Control*, 26(6):709-719, 2017.