

Oakland bans flavored tobacco products

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Flavored e-cigarettes are among the products that will not be allowed to be sold in Oakland. (Rich Pedroncelli/Associated Press)

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OAKLAND — Flavored tobacco products such as menthol cigarettes, blunt wraps and e-cigarette, or vape materials, will be banned in Oakland as of next year.

The Oakland City Council gave final approval to the ban Sept. 19, following in the footsteps of San Francisco, Sonoma and unincorporated Contra Costa County, which have imposed similar bans. The ban goes into effect in 2018, and exempts “tobacco stores” — stores where tobacco products account for more than 60 percent of sales.

The ordinance, dubbed the “Oakland Children Smoking Prevention Ordinance,” was approved by the council in July, then tweaked by committees before last week’s final vote. Several people spoke out both in support and opposition of the ordinance at the meeting.

People favoring it touted the city’s decision to curb what many see as a plot by tobacco companies to get children, young people and minorities hooked on tobacco.

“The real harm is in (tobacco companies’) targeted marketing towards our low-income communities and communities of color,” said Liz Williams, project manager for the lobbying group Americans for Nonsmokers’ Rights Foundation. “What we need to be real about is that the tobacco industry’s goal is to continue making money by addicting a new generation of our youth to nicotine.”

According to a report compiled by council members Annie Campbell-Washington and Larry Reid, who co-sponsored the ban, 78 percent of smokers in 11th grade at Oakland Unified School District schools reported in a 2014 survey picking up the habit between ages 11 and 17. A national study in 2015 published in the Journal of the American Medical Association found that 81 percent of tobacco users between the ages of 12 and 17 started

with a flavored product.

“Though other, pressing issues may be diverting our attention, our community’s addiction to tobacco continues to kill more people than AIDS, violence, car accidents and non-tobacco-related cancers combined, and that’s unacceptable,” said Rachel Gratz-Lazarus, specialist with Alameda County Department of Public Health’s Tobacco Control Program.

Critics of the ban said it will stifle local businesses who comply with local and state tobacco regulations. National Association for Tobacco Outlets lobbyist Jaime Rojas said convenience stores and other tobacco retailers in Oakland are 97 percent compliant with U.S. Food and Drug Administration regulations and will be unfairly penalized by the ban.

“Our retailers proudly check more ID’s than the (Transportation Security Administration) and serve as the first line of defense in preventing youth from gaining access to tobacco products,” Rojas said. “Some in this room may attempt to minimize the role of our retailers in this fight or our impact on the community. They may even use reinforced negative stereotypes to paint an unfavorable picture of all community markets. However, the numbers just don’t support that harmful and offensive rhetoric.”

Rojas is aligned with Let’s Be Real, a San Francisco campaign that gets a majority of its funding from the R.J. Reynolds Tobacco Co. The campaign has rallied against the ban, as well as similar ones in the Bay Area, on the grounds that it prevents people from having access to vapor products, which the group sees as a healthier alternative to smoking.

According to the Centers for Disease Control and Prevention, “Scientists are still learning more about how e-cigarettes affect health.” Some studies have shown that it can be healthier than smoking, others have shown that it is still dangerous.

“Let’s be real, vapor products and electronic cigarettes should have never been included in this ordinance,” said Stefan Didak, an advocate for vapor products. “Vapor products have helped reduce the harms of smoking for more than 10 million Americans when all other options have failed. Let’s be real, your ordinance takes away the option of less harmful vapor products and wipes out a decade of progress in curbing smoking.”

Gratz-Lazarus pointed out that vaping devices have not been approved by the FDA as a “smoking cessation product.”

“While there is anecdotal evidence that some people have successfully used e-cigarettes to quit smoking, research has found that many people who attempt to quit smoking by using e-cigarettes end up with dual use of both traditional tobacco and electronic smoking devices.”

Laura Miller, a program assistant with the Community Health Education Institute, said the city will be much better off without flavored tobacco products.

“It’s already hard enough being alive in 2017,” Miller said. “Flavored tobacco and menthol cigarettes are terrible, terrible products that nobody needs. Get them out of our city.”