

Menthol and flavor policies: Lessons from the field

INTRODUCTION

The national smoking rate has decreased dramatically among both adults and teens in the last few decades. But flavored tobacco products, those containing menthol or other added flavors, continue to hook new customers and keep millions smoking. These products particularly appeal to young people. In 2014, the majority of high school students who smoked a cigarette in the past 30 days used a menthol product.ⁱ Middle school students also chose menthol products with alarming frequency: nearly 50 percent of past 30-day middle school smokers used a menthol product.ⁱⁱ Among African-American teens the numbers are even higher: a whopping 95 percent of current (past 30 day) smokers smoked menthols. Flavored products are often “starter products” for young adults.ⁱⁱⁱ In 2014, more than three million middle and high school students reported recent use of a flavored product, and more than 80 percent of teenagers reported that the first tobacco product they used was a flavored product.^{iv} While the federal government did take measures to curb these trends, including a 2009 ban on flavored cigarettes, the policy did not include menthol cigarettes, or any flavor restrictions on e-cigarettes, cigars, smokeless or hookah products.^v

Fortunately, cities are stepping up to the challenge of ending flavored product use. Cities have long led the way in creating innovative policies to meet the needs of their residents and flavored tobacco is no different. In 2017 alone, several cities have successfully passed menthol bans and other types of flavor restrictions.

Truth Initiative® set out to learn more about how cities implement these types of restrictions, with the goal of learning what types of education might be helpful to encourage more cities to consider flavor-restriction policies — especially those that include menthol. Researchers spoke with public health officials in 13 cities across the Northeast, West and South. Some cities had successfully passed flavored tobacco restrictions while others had considered enacting restrictions and some had not yet taken any steps toward flavor restrictions. Their experiences

are valuable and instructive for any city thinking about how to reduce menthol and other flavored tobacco use.

The most important step is to know your city. Not all cities have the same populations, set of problems or will face the same challenges. Menthol poses the greatest threat because of its popularity and disproportionate use by youth, African-Americans, Hispanics, Asian-Americans, women and members of the LGBTQ community. Several cities included in this report originally did not consider including menthol in flavor restrictions because its exclusion from the 2009 federal legislation triggered legal concerns. However, recent successful menthol restrictions in several cities show that the tide is beginning to turn.

This report shows that there are many ways to curb flavored use and recommends five strategies:

1. **Tailor your message to your area**
2. **Engage the community and allies**
3. **Gather resources and carefully construct legislation**
4. **Anticipate opposition**
5. **Plan for implementation and sustainability**

TAILOR YOUR MESSAGE TO YOUR AREA

The needs of cities vary greatly depending on their size, composition, governance, prevalence of flavored tobacco product use and many other factors. What works for one city may not work for all. However, by engaging with the community and local leaders, public health advocates can tailor a message that resonates with the local area. Some things to keep in mind are:

CITY SIZE

A city's size often determines its approach to flavor restrictions. Smaller cities may have other, competing policies and priorities, such as existing economic goals for the area or maintaining exemptions for new licenses in times of economic need. On the other hand, smaller cities may benefit by having fewer retailers, creating the ability for city representatives to form one-on-one relationships with retailers to help them understand policy changes and provide ongoing support. One city reported that they spoke with retailers and were able to help them think about other products to sell.

Smaller cities may also be able to "slip under the radar" of tobacco companies, who might have challenged new legislation if they were a bigger city with more potential revenue loss. For example, one smaller city we spoke with indicated they did not experience much industry

opposition, likely due to their smaller size. Larger cities may benefit from having more people on staff who can help to pass flavor restrictions. Some cities have an epidemiologist, for example, or others who can collect data to illustrate how restrictions could affect their city.

PRODUCTS

Deciding which products to include in a flavor-restriction policy can take some consideration. Menthol products are most common and several cities have enacted laws that prohibit the sale of all flavored tobacco products, including menthol. Some cities may aim for a more modest approach, such as a prohibition on the sale of tobacco products with any characterizing flavor (excluding menthol, mint or wintergreen). Others have attempted to curb youth use by restricting flavored tobacco products to adult-only retail tobacco stores or by creating buffer zones around schools. More information on specific policy options can be found in the additional resources section below.

POPULATION

Flavored tobacco products, and menthol in particular, can be a political hot-button issue, especially for populations to whom menthol was heavily promoted by the tobacco industry for decades. For example, when working with communities with large African-American populations, participants in several cities told us they found it valuable to take the time to really explain the history of the tobacco industry's exploitation of African-Americans — from donating to African-American groups and leaders, to disproportionately advertising in African-American neighborhoods and publications, to free cigarette giveaways and cheaper prices. It doesn't take long, but it is important to educate the community, and it often can get them energized around the issue.

Youth are also disproportionately impacted by menthol. Discussing how flavors, and menthol in particular, impact youth is a particularly compelling message. One study, for example, found that African-American children between the ages of 11-15 were three times as likely to recognize Newport packaging than their peers, and significantly less likely to identify Marlboro packaging.

GEOGRAPHY AND CULTURE

Similar to understanding the population, knowing the cultural ties that may exist in your community can help advocates to tailor an appropriate message. It may be challenging, for example, for cities located within a state that has historically been a major tobacco producer to overcome their history with the tobacco industry. One participant spoke about how the economies of many cities in the South were "built on tobacco" and how generations of families benefitted from the work that tobacco companies created. Pointedly, and likely because of these difficulties, there are currently no flavor restrictions in areas where tobacco is grown or

produced. Two of the communities we spoke with in tobacco-producing regions were preempted from taking action at the local level. However, all of these communities were interested in educating their constituencies about menthol and flavors.

Tobacco control advocates should not be dissuaded from developing programs to protect their constituents from tobacco and may choose to frame the issue around the health impact of tobacco — using statistics about the range of disease and death that it can cause. Some have found it effective to work with broader public health groups to build campaigns around creating healthy communities, and speak of tobacco control as one part of a larger goal of improved community health.

POLITICAL TIMING

Some cities have the unquestioned advantage of having political leaders who support flavor restrictions. But even in cities without such support initially, it is possible to engage leaders and persuade them to consider flavor restrictions. Some might be motivated to “leave a positive legacy” or to change the reputation of a city perceived as unhealthy. It is also important to consider past actions, such as the enactment of previous tobacco-control policies (e.g., smoke-free ordinances in public housing and/or commercial properties, smoke-free school zones), in making the case to elected leaders. On the one hand, these actions can help pave the way for future policies, but one participant also remarked that her city council felt “they had done enough for tobacco” for the time being. “Tobacco regulation is a second-term issue,” according to one city’s experience. On the other hand, there could be a “perfect storm of opportunity,” as experienced by several cities, when a motivated policymaker, along with the background work of educated advocates, came together to produce a golden moment where the policy had a lot of support. “Be prepared,” cities warned, “because you never know when that might happen.”

Nearly every participant we spoke to mentioned the importance of educating political leaders, who are often not tobacco users themselves and aren’t always aware of all the different flavored products, such as little cigars, hookah or electronic cigarettes, or the huge role that menthol plays in contributing to tobacco use rates. As we discuss elsewhere, this education is absolutely critical to successfully passing flavor- and menthol-restriction policies.

OTHER WAYS TO RAISE AWARENESS

Cities without flavor restrictions may also be focusing on other types of tobacco control policies, such as smoke-free laws, higher taxes on cigarettes, Tobacco 21 policies (the movement to raise the legal age to buy tobacco to 21) or other initiatives and may choose to focus their energies on those policies before attempting flavor restrictions. However, even some cities not actively engaged in the passage of a new flavor policy still conducted outreach and education to the community about the issue of flavors. Some said they were “trying to reach people where

they are,” such as through social media, and would consider putting magazine ads in target population magazines to increase the awareness of these products and their impact on the community.

One community recently conducted focus groups with low-income African-American males and used outreach in corner stores, community events, barber shops and other local spots to inform them about quit lines and other resources. Encouraging cessation and providing resources to help is valuable whether or not the product is flavored.

ENGAGE THE COMMUNITY AND ALLIES

Community involvement is a key tool in successfully passing flavor restrictions. No matter what other resources a city has, the public can be engaged and, ideally, lead the charge. It can be helpful for council members to see that this issue is a priority to their constituents and not just being pushed by some “fringe” public health advocates. Other critical allies are:

COALITIONS AND CHAMPIONS

Many cities’ campaigns were strengthened by leaders who had a personal connection to tobacco or who had been affected by tobacco-related diseases. These leaders knew the issue intimately and could speak powerfully about the importance of flavor restrictions. These champions were often community leaders such as mayors, council members or health department leaders, who also helped to provide political leverage and the resources needed to overcome a variety of obstacles. Cities also used existing tobacco control coalitions to build their campaigns, which typically included residents, community leaders, local community-based organizations, universities, public health advocates and representatives from national organizations.

One participant spoke about the importance of reaching out to new partners in this policy fight. They mentioned that when discussing menthol’s impact on the African-American community, black churches were a helpful ally in educating the community. Another participant found that reaching out to law enforcement helped gain support of tobacco control issues, and specifically, it was important to combat industry arguments that menthol and flavor policies are simply another reason police will harass African-Americans. As this participant noted, working closely with the police on tobacco control is a win-win situation: the tobacco control community gets police buy-in, and police see it as a way to develop trust within the community.

YOUTH

Youth are an integral part of any restriction policy. They are often the ones most affected by flavored products and whose futures depend on the protections gained from flavor restrictions. We heard from several cities with organized youth groups who attended council meetings in

great numbers and several spoke at these meetings to demand action on flavored products. Many also did much of the legwork to gather resources and get a sense of community needs. In one city, a local youth association first decided to pursue flavored tobacco restrictions and were the ones who made the decision to include menthol. They conducted school surveys and key informant interviews to better understand flavored tobacco use among their peers. Youth also analyzed these data, generated conclusions and provided them to the city council in a policy package. Seeing youth engaged so fully in an issue that directly impacts them can make a compelling argument to policymakers.

MEET WITH AND EDUCATE THE COMMUNITY

It is important to meet with your community. Some cities used this tactic for the first time around flavors and menthol and found that meetings, whether they lasted 90 minutes or 20, were a valuable way to raise awareness around industry tactics and frame the issue as one of social justice. Meeting with residents also provides a forum for having “tough but authentic” discussions about race, as one participant put it, and allows communities to get involved and engaged on a different level. Educating the community about the impact flavors and menthol have on the community, as well as industry tactics, can also be an important way to gain support and smooth the way to passage and implementation.

Several communities held focus groups in various sectors of the community to educate them about flavors and menthol. They found it was also a good way to develop speakers to testify at council meetings and other venues to bolster support. For some localities that had the resources, developing a public education campaign was an effective way to help generate interest and support for the policy.

SPREAD MESSAGES THAT WORK

Several key themes around messaging came through in the interviews:

FOCUS ON KIDS

Keeping kids healthy, reducing their access to unhealthy products and the way that the tobacco industry targets kids, in particular, can be galvanizing.

FRAMING TOBACCO AS A SOCIAL JUSTICE ISSUE

Aside from the positive impact on health, effective messaging in many cities highlighted the legacy of exploitative targeting by the tobacco industry of selected groups, including minorities, youth and low-income residents. Several cities specifically cited the targeting of African-American communities as a compelling and motivating message that encouraged their community to act.

VISUAL STORIES

Messages that show and tell can be powerful, too. One city spoke of an early advocate who stood before his city council and threw a collection of flavored tobacco products and candy on a table. The uniformly, brightly colored, “fun-shaped” packaging, boasting great fruity flavors, made it almost impossible to tell which were tobacco and which were candy without closer inspection. This visual made it clear: if it looked like candy and was flavored like candy, then it was being marketed to kids.

ENGAGE RETAIL AND BUSINESS LEADERS

It is important to engage with retailers, who need to be educated about the harm of flavored products. This may not convince them to see the benefit of enacting restrictions, but at least they will understand the need for the policy. Smaller cities we talked to often made efforts to reach out to retailers, with one location telling us that they worked to help them find alternatives for any potential loss of revenue resulting from restrictions. Larger cities often don't have strong connections between the public health department and retailers, though at least one large city had made strides toward better relations with retailers. Larger cities may want to look to their smaller counterparts for guidance in initiating and developing these relationships — because they can make a difference.

In one city, a retailer ultimately came to the conclusion that he wasn't going to sell “this stuff” anymore. A participant from one city that had recently begun phasing in retailer licensing for tobacco provided existing retailers with two choices: they could slowly sell off inventory and pay full licensing costs at the end of two years, or they could comply immediately by ridding their store of all flavored products and pay reduced licensing costs right away. This city reported that several retailers chose early compliance and two retailers stopped selling tobacco altogether. Developing innovative ways to reach out to retailers can be helpful in smoothing the way to implementation of flavor and menthol restrictions.

CROSS-DEPARTMENTAL SUPPORT

Participants strongly recommended involving representatives from other departments involved in the implementation and enforcement of a flavor policy, such as local law enforcement, from the outset. Support from other departments in your city can help pave the way for successful passage and especially for implementation.

One participant suggested creating an on-going, cross-departmental committee so that representatives from other city agencies could help frame legislation and ensure that it made sense logistically, was economically feasible and clearly laid out roles and agreements. Other departments have their own responsibilities that are not always public health focused. Cities should be sensitive to these obligations while making the public health case relevant to them.

In order to encourage other departments to get involved, one participant said it was important for public health officials to help them to see how flavor restrictions would benefit them. For example, one city found it was helpful to note that the enforcing agency would receive the revenue from enforcement actions, which gave the enforcers more incentive to participate.

It is also critical to determine how a policy will work logistically, for example, determining which department will handle enforcement. In some cases, this will be police but in other cases it falls to departments of revenue or other departments.

NATIONAL GROUPS

National organizations, such as Truth Initiative, Campaign for Tobacco Free Kids, National African American Tobacco Prevention Network, African American Tobacco Control Leadership Council and other tobacco control organizations, can provide guidance and support. Groups like ChangeLab Solutions and the Tobacco Control Legal Consortium are other good resources for assistance in developing flavor policies and other technical assistance, such as legal support.

Several cities expressed the potentially positive impact of public support from groups such as the National Association for the Advancement of Colored People or historically black colleges and universities.

GATHER RESOURCES AND CAREFULLY CONSTRUCT LEGISLATION

In addition to community support and allies, it is important to assess all the resources, both financial and non-financial (e.g., talented staff), as well as external funding opportunities, that can be helpful to enact flavor restrictions. Once cities determine which type of flavor restriction is appropriate for their area, they should be deliberate in the wording used in legislation or policy.

FUNDING

Cities can work towards enacting flavor restrictions even if they don't have dedicated funding towards the project, as was the case for most participants interviewed. Cities should think about the resources they might already have, such as staff and data from their existing tobacco control or public health program, an epidemiologist who can provide local data on how restrictions would positively affect the city or lawyers familiar with or unbowed by tobacco industry tactics. A few of the participants we spoke to did have the luxury of dedicated funding for this policy change.

Some potential sources of funding that cities have used to support flavor restrictions include: city and state agencies, state tobacco prevention money and local department of health funding. Some also received “in kind” money from local agencies, as well as funding from national organizations. Depending on the needs of the city, funds might be used to engage and assess the needs of the community, collect baseline data, create public health campaigns, obtain legal assistance and build coalitions. But even in the absence of internal expertise or funding, participants noted that they were able to find free advice by reaching out to other cities who had worked on flavor policies to learn how they had handled various barriers.

TAILORING THE MESSAGE

Knowing your city is the best way to know which message will be most persuasive to policy leaders. It can be helpful to take stock of the community needs: researching what is happening on the ground, what concerns the public has about tobacco and how it impacts retailers and the community (including youth, minorities, low-income populations and others). This can also be a great way to engage advocates.

DATA

In making their case to local governments, some cities relied more heavily on local data, others on national data and still others on relatively little data at all. Some advocates found that using simple statistics, such as: “81 percent of adult smokers start with a flavored product,” paired with the fact that “by age 26, 99 percent of all people who are going to ever become smokers have already started smoking” to be compelling messages. Another participant spoke about an impactful health survey, conducted by the school district, which included questions on tobacco. She said that these survey data were invaluable for being able to “drill down to our high school and show our kids were trying flavor[ed] tobacco.” Here, again, youth can be helpful in conducting local surveys and testing messages. Having information about tobacco retailer density can also be helpful in showing how youth are exposed to these products.

Some cities who had not yet implemented a policy expressed interest in gaining more data, especially on African-American support of flavor restrictions and incidents of lung cancer among African-Americans. There are many free sources for data, including information from Truth Initiative and the African American Tobacco Control Leadership Council. Other examples can be found in the additional resources section below.

STORIES

Participants also highlighted the power of personal stories, which can convey the stakes of flavor restrictions in an immediate and compelling way. One participant noted, “research helps, but stories are the most effective response to opposition.” Another said

that because “data [have] to be used in small doses” so that policy makers’ “eyes don’t glaze over,” it is good to have stories of real people to illustrate the problem. For example, several participants mentioned that youth who talked about the flavored products they saw every day in their communities, or adults who spoke about being given free menthols as a kid which led to them becoming smokers, provided impactful stories to make the case as to how menthol and flavored tobacco affect communities.

Sometimes data and stories were combined, where stories from youth talking about the plethora of stores that they see every day on their way to school, were paired with results from retail assessments showing differences in the number of stores, the number of advertisements and the prices of menthol or other flavored tobacco in poor or minority communities compared to wealthier communities.

DEVELOPING THE POLICY

There are several things to consider when developing flavor-restriction policies:

METHOD

Some policies are proposed as an amendment to tobacco retailer licensing laws. Other policies limit what kinds of retailers can sell flavored tobacco (e.g., flavored tobacco can only be sold in adult-only tobacco retailers) or put limits on flavored tobacco sales only in stores near schools, sometimes referred to as “buffer zone” policies. Communities must take into account which policy best fits their community, gets the biggest public health benefit and weigh the enforcement implications of each policy. For example, policies that involve a “buffer zone” may require additional resources to determine exactly which stores fall within the zone, and could require significant education of the retailers located within the zone.

DEFINITIONS

It is critical to include clear definitions so that everyone understands the impact, who will be enforcing the policy and which products are affected. For example, a few cities stated that they wished their definition of flavored product was more broad, to allow authority to add “presumptive flavored products” or “inexplicitly named flavored products” to the restricted lists. Also, sometimes the definition of “tobacco product” in some jurisdictions can be outdated and not include e-cigarettes or other novel tobacco products, which are often flavored. Cities found they needed to update those definitions to ensure that all flavored tobacco was included.

These experiences reflect that taking care with the definitions can make the difference between a lasting policy that targets all flavored products and one that could be undermined by industry interference or new products.

DETERMINING WHERE THE RESPONSIBILITY LIES

Many flavor-restriction policies are written to ensure that the legal responsibility lies with the retailers — not with those who purchase, use or possess the products. In other words, the restriction is on the retailers, who are prohibited from selling flavored products. To enforce age restrictions, some cities use what are known as “PUP” laws, which place the burden on those who purchase, use or possess the prohibited or restricted product. However, there is much data to show that these laws are not effective and are often not implemented evenly. All the cities we spoke to structured their policies so that the retailer, not the purchaser, bears the burden for the restricted product.

FINES

Cities also recommended thinking carefully about the inclusion of binding language about fine sharing, where collected fines are invested and if fees should increase over time.

ANTICIPATE OPPOSITION

Policy change can be hard and flavor-restriction attempts will invariably be met with some resistance. Anticipating the arguments of those against flavor restrictions, and arming oneself with powerful responses, can help to blunt the opposition.

PREPARE CHAMPIONS AND POLICY MAKERS

Leaders need to know not only why flavor restrictions are important but also how to counter common arguments against such restrictions. Some common lines used against flavor (or any tobacco) restrictions are that it “hurts business,” tobacco and tobacco retailers are “over-regulated,” these restrictions “take away our freedom” or are “taking African-Americans’ choice away,” “it’s a legal product, why are you taking it away” and “it will create a black market.” It is important to counter these messages with science, data and stories. Pointing out the fact that the tobacco industry has been exploiting African-Americans for years, and putting their health at risk, for example, is an effective way to combat the “choice” issue. Educated council members will be less inclined to be persuaded by arguments of opposition. As noted above, one participant said that personal stories from the community served to counter industry opposition as well. At least one participant noted that youth saying that this issue was important to them motivated lawmakers and empowered them to act in the face of industry opposition.

The education of council members ensured that when industry presented its arguments, the council members were prepared with an assured response: “Look, we need to protect the kids.” They were less open to arguments of opposition because the focus was on the health impact of the policy and, in some cities, the social justice impact as well.

Another way to counter the opposition was to work directly with retailers. One participant noted that when retailers objected, saying that they were worried about their business, this participant said that they offered business development assistance to retailers to help them think about other products they could sell instead, etc. As noted above, this may be easier to do in smaller localities rather than large ones, but thinking of innovative ways to work with retailers can help pave the way for better implementation and enforcement efforts.

Finally, when countering opposition, it is also helpful to know what previous legal challenges have been raised about flavor restrictions to counter arguments that have already been settled in court.

TOBACCO INDUSTRY

The tobacco industry has a long history of interference in tobacco control legislation, both in direct and less-direct ways.

DIRECT INTERFERENCE

Most participants reported at least some contact from tobacco companies during their attempts to pass flavor restrictions. Some cities reported receiving letters from tobacco industry lawyers threatening a lawsuit. Others reported that industry representatives attended public meetings but would often remain silent. Sometimes industry representatives appeared to be organizing groups of community members, providing them with talking points for public testimony. As one participant said, tobacco companies “liked to remain quiet until they file a lawsuit.”

OTHER TYPES OF INTERFERENCE

The tobacco industry has also interfered with tobacco control efforts by sponsoring events or paying leaders in the African-American community to undermine menthol restrictions. R.J. Reynolds Tobacco Company, for example, paid Al Sharpton and others to speak out against menthol bans. The arguments are often that menthol bans not only take away African-Americans’ choices in tobacco, but could also be another excuse for law enforcement to harass African-Americans.

One city reported that Reynolds America sponsored a conference for the National Organization of Black Law Enforcement and spoke out against menthol restrictions, but

in this case the participant was able to discuss the subject from the tobacco control point of view and counter those arguments. One way to combat this is to avoid enacting PUP laws that punish those who purchase, use or possess the restricted products. That way police would only need to interact with retailers, not tobacco users, to enforce the policy. Finally, this argument highlights the importance of reaching out to law enforcement early on in the process to get their support — or at least to try to prevent their opposition.

LEGAL ISSUES

Legal challenges can come in several forms and can be most effectively addressed by working with city legal departments to educate them about industry practices and to build relationships.

INDUSTRY CHALLENGES

It is helpful to know about the previous legal challenges that have been raised about flavor-restriction policies and to work with the city attorney to construct a sound policy. Several participants reported that they received letters threatening lawsuits during their campaigns. Others had gone to court and won lawsuits against tobacco companies. Cities underlined the importance of having a policy that can stand up to legal scrutiny and strongly recommended talking to city attorneys about the policy in advance. Once again, groups like ChangeLab Solutions and the Tobacco Control Legal Consortium can provide helpful resources.

PREEMPTION

The practice of preemption occurs when a higher level of government eliminates or limits the authority of a lower level of government to regulate an issue and has been used to thwart the enforcement of tobacco control legislation. One city reported that, even with motivated council members who wanted to move forward and “test” the preemption, without a legal counsel willing to defend the case in court, it can mean that even if a law passes and is on the books, if there is a worry about preemption, then the locality can be advised to actually not enforce the law. This reinforces the need to know your community, and to reach out to other departments as the policy is being developed to ensure that everyone is willing to work together.

However, even several participants we spoke to that were preempted from taking action on flavor restrictions had educational programs about menthol and flavor’s impact on the community, and were laying the ground work for future state-level action, underscoring the need to have a long-term approach to flavor restrictions.

INDUSTRY EVASION TACTICS

The tobacco industry has been known to rename their products to evade local restriction policies (e.g., grape flavor became “purple,” cherry became “red,” mint became “green,” vanilla became “gold,” etc.). Fortunately, many cities have begun to talk to each other about these “ambiguously named” products. Cities share product lists so that when labels change from flavors to colors, for example, local authorities can be ready. By working together, cities can ensure that their restriction policies truly restrict all the flavored products they were designed to curb.

PLAN FOR IMPLEMENTATION AND SUSTAINABILITY

In order to ensure a flavor restriction’s success, cities need to plan for implementation and sustainability. Some participants spoke about how easy it was for policy makers to forget all the work that comes after a big legislative win. Planning for enforcement and sustainability can ensure the success of restriction policies.

ENFORCEMENT

Policies are nothing without enforcement. The greatest flavor-restriction campaign could be successfully passed, but without adequate enforcement it is meaningless.

CROSS-DEPARTMENTAL SUPPORT

Once again, as we learned from our participants, the importance of working with other departments to lay the groundwork cannot be overstated. Administration and enforcement are often a cross-departmental effort, involving city management, code enforcement and the police. Funding may determine, for example, how well the police were trained to enforce a particular policy, how often they were able to visit retailers and check for violations as well as how thoroughly they could perform checks.

At least one participant from a city that has retailer licensing mentioned that enforcement was not happening with the regularity it should be because they lacked appropriate funding. Funding is also required to create information systems or adapt old ones as necessary. For example, one participant spoke about how important it was to have a database in order to manage and update information on retailer tobacco licenses.

LAW ENFORCEMENT

One city partnered with law enforcement on many issues and found them to be happy to work with youth. This can be a win-win for the community and the police because it can help to establish trust of police in the community. “In low income communities where ads are plastered all over the windows, it’s a hotbed for crime because the store

workers can't see out the window." Having this type of relationship can be useful for many issues, including flavors.

SUSTAINABILITY

To ensure sustainability, it can be helpful to have dedicated funding. Some cities may also benefit from a continuing campaign. One participant's advice to other cities was that players change and memories are short, so public health departments should never stop providing community education and "making sure everyone still [has] a strong understanding of the issue." She suggested that media campaigns and/or grassroots work must go on. New champions need to be developed. Participants highly recommended that all plans for policy change include this "back-end element" to sustain support for flavor restrictions after legislation went into effect. As some communities saw firsthand, without this back-end planning, hard-won policy restrictions could potentially be overturned by new city councils.

CONCLUSIONS

When looking at the toll of tobacco on a community it can be easy to get overwhelmed. But no matter the size or composition, cities have the power to create policies to improve the health of its residents. All cities can benefit from flavor restrictions. Taking into account the unique components of your area, engaging with the community and forging allies, gathering resources and preparing for implementation and sustainability can create the conditions for a successful flavor-restriction policy.

ADDITIONAL RESOURCES

TRUTH INITIATIVE

The truth about: Menthol

Why local governments should take action on menthol cigarette sales

CAMPAIGN FOR TOBACCO-FREE KIDS

Resources

CHANGELAB SOLUTIONS

Policy options for restricting sales of menthol cigarettes and other flavored tobacco products

TOBACCO CONTROL LEGAL CONSORTIUM

Tips and tools: Regulating flavored tobacco products

AFRICAN AMERICAN TOBACCO CONTROL LEADERSHIP COUNCIL

All about menthol

ⁱ Corey CG, Ambrose BK, Apelberg BJ, King BA. Flavored Tobacco Product Use Among Middle and High School Students - United States, 2014. MMWR Morb Mortal Wkly Rep. 2015;64(38):1066-1070.

ⁱⁱ Ibid

ⁱⁱⁱ Truth Initiative. "The truth about menthol." October 2016. Accessed 2 November 2017.
<https://truthinitiative.org/sites/default/files/Menthol-Tobacco-Fact-Sheet-10-2017.pdf>.

^{iv} Villanti, AC. et al. Flavored Tobacco Product Use in Youth and Adults: Findings From the First Wave of the PATH Study (2013–2014). American Journal of Preventive Medicine, 2017; 53(2):139 - 151

^v Truth Initiative. "The truth about menthol." October 2016. Accessed 2 November 2017.
<https://truthinitiative.org/sites/default/files/Menthol-Tobacco-Fact-Sheet-10-2017.pdf>.