The tobacco industry has a history of using flavored tobacco to target youth and hook the next generation of smokers. These products come in a variety of flavors including: bubble gum, grape, menthol and cotton candy. These flavored products include e-cigarettes, hookah tobacco, cigars, smokeless tobacco, and even flavored accessories such as blunt wraps.

Additionally, menthol tobacco poses a particularly significant health risk to communities of color and LGBTQ communities. In California, 70% of adult African-American smokers and almost 50% of LGBTQ smokers use menthol products; compared with only 18% of White smokers and 28% of non-LGBTQ smokers, respectively. The tobacco industry has a long history of aggressively targeting people of color and low-income, urban areas with menthol-based promotions and marketing. Since menthol flavoring masks the harshness of tobacco, some new smokers find that these products are easier to use than non-flavored products. Menthol users also show greater signs of nicotine dependence and have a more difficult time quitting.

In 2018, The American Lung Association in California Center for Tobacco Policy and Organizing commissioned focus groups with various target populations to assess understanding of flavored tobacco products and gauge reactions to related policy proposals and messaging. Participants were shown documents and arguments from both public health organizations and the tobacco industry.

LGBTQ and African-American participants expressed concern with the way the tobacco industry targets their communities. This document highlights quotes from various participants and provides insight for when working with diverse communities.

Resources
For more resources on these policies, including the Matrix of Strong Local Tobacco Retailer Licensing Ordinances with policy and enforcement details for every strong ordinance in the state, visit: www.Center4TobaccoPolicy.org

For model tobacco retailer licensing ordinance language, visit ChangeLab Solutions at www.changelabsolutions.org

When working with diverse populations it is important to contact the CTCP Coordinating centers for more information on appropriate messaging.
Targeting from Tobacco Industry

Participants recognize that the tobacco industry marketing is designed to appeal to marginalized communities and has harmful consequences.

Passing a tobacco retailer licensing ordinance can give communities the local power to combat aggressive industry marketing.

“Yeah because everyone nowadays it is ‘oh yes, let’s show our pride’. They are taking advantage of that and using that. That is offensive.”

—LGBTQ Woman

“Sad. There are so many underlying words but overall it is just sad. We already know you all don’t like us.”

—African-American Man

Flavor Restrictions

The tobacco industry has historically targeted flavored tobacco at marginalized communities, especially menthol to African-Americans. By passing citywide flavor restrictions, including menthol, communities can help fight back against years of wrong doing, promoting equity and a healthier environment.

“I think that they are targeting LGBTQ and other ethnic minorities. I think in general we feel more stress living in a heterosexual white male society and smoking is supposed to relax you or that is the image, so they are pushing it on us because we are more stressed and this is the solution to help us relax.”

—LGBTQ Man

They know their kids are probably not using this stuff or grandkids, and it is just one more version of an attack on our people.

—African-American Man

Tobacco Retail Environment

Policies in the tobacco retail environment are a tool to limit youth access to tobacco. Along with tobacco retailer license (TRL), jurisdictions can add additional “plug-in” policy provisions to a retail ordinance.

In the following boxes you can find examples of TRL “plug-in” policy provisions that address the concerns highlighted by focus group participants.

Focus Group Methodology

Goodwin Simon Strategic Research conducted focus groups with a total of 57 participants in three separate California locations. Two groups were conducted in Redding on April 5, 2018: one among white women and another with white men. Two more groups were held in Oakland on April 12, 2018: one among LGBTQ participants and another among African-American men and women. Two final groups were conducted in Fresno on June 28, 2018: one among Latina women and another among Latino men (both in English).

Participants were recruited to ensure a mix of ages, education levels, political ideologies, non-smokers, and smokers. To avoid a predominance of potential experts in the discussion, physicians were excluded from the groups. However, non-physician health care workers and cashiers were allowed in each group, with a maximum of one each. Note that the findings from these focus groups represent in-depth qualitative, not quantitative, research.

As such, any numeric data presented from these findings is suggestive only and is not statistically generalizable to larger populations.
Unintended Consequences

While the tobacco industry unfairly targets minorities, African-Americans also fear unintended consequences of tobacco policies. Tobacco control advocates need to be aware of the political and social environment affecting communities when trying to pass any type of policy.

One way to protect communities is to ensure local jurisdictions do not pass tobacco possession laws to further criminalize community members and instead focus on laws regulating sales.

Because it felt like a setup. Target them, get them hooked—then if you prohibit it—I mean it makes sense but it just got me really thinking like how unfair would that be to try to undo...

—African-American Woman

Purchase, Use, and/or Possession Laws

In 2016, California state law raised the legal age of sale for tobacco products to 21. Included in this law was the removal of the state’s purchase, use, and/or possession (PUP) law which punished minors for possessing tobacco products. Civil and criminal penalties for youth purchase, use and/or possession have not proven to be effective enforcement measures and detract from more effective tobacco control strategies. Penalties (if the law is broken) should be levied only on the retailer and not the underage purchaser. Studies also suggest that PUP laws are disproportionately applied to communities of color.

To best protect youth from the harmful effects of tobacco, it is important that local jurisdictions do not pass new local youth possession laws.

“Law enforcement will use these restrictions [sale of flavored tobacco restrictions] and black markets as an excuse to unfairly target African-American communities that are already vulnerable to increased scrutiny and harassment.”

All African-American participants ranked this statement a 10 for most compelling

Density

Limiting the proximity of tobacco retailers to one another is especially beneficial in marginalized communities that have historically been targeted by the tobacco industry. Low income communities have a higher density of tobacco retailers and higher likelihood of those store having increased tobacco storefront advertising.

When asked to rate statements on a scale of 1-10, 10 being the most compelling:

—African-American Woman

They loooove putting black people in jail.

—African-American Man

I didn’t interpret restrictions in a way where it became these laws and incarceration but I think that should always be taken into account when you are dealing with black communities being affected by things and what are the consequences.

—African-American Woman

When asked to rate statements on a scale of 1-10, 10 being the most compelling:

Law enforcement will use these restrictions [sale of flavored tobacco restrictions] and black markets as an excuse to unfairly target African-American communities that are already vulnerable to increased scrutiny and harassment.

All African-American participants ranked this statement a 10 for most compelling
Skepticism about Data

While participants see that the tobacco industry is targeting their communities, there is still skepticism toward data highlighting tobacco disparities. Participants did not trust the way public health reports differences among select populations.

Whenever possible, trusted messengers and data collectors should be involved when working with target populations.

“Who comes up with these numbers?”
—African-American Woman

“I’m not believing none of this. This is a joke. They are all swagged out. Look at them, every single one.”
—African-American Man

Trusted Messengers

Participants emphasized the need for authentic representation and credible voices when relaying tobacco control messages, especially in combatting skepticism and working with target populations.

“I am looking for black-focused things that cover health and tobacco to put forth.”
—African-American Woman

“I find that kind of off, too, because the amount of actual transgender adults who are out and who are transitioning, they are not as likely to advertise due to all of the issues that come with that.”
—LGBTQ Woman

African-American participants wanted to hear more about flavored tobacco from trusted voices and leaders in the African-American community.

Although LGBTQ participants stated they wanted to hear more about flavored tobacco from traditional sources geared for the general population, participants also shared the need for more accurate representation and understanding of the LGBTQ community.

LGBTQ participants were concerned with a lack of understanding of additional issues impacting the LGBTQ community. There is a need for these issues to be considered when addressing tobacco related disparities.