

Summary of The Contra Costa Store Survey¹ Report:

The 300-store randomized sample for the Contra Costa Store Survey consisted of stores that sell tobacco throughout the county, including convenience, supermarket, liquor, tobacco, small market, discount, drug and big box stores. The findings confirmed that tobacco is still being promoted to youth and that:

- **Over 80% of stores near schools in Contra Costa sell flavored (non-cigarette) tobacco products** like “watermelon” and “tropical blast” flavored cigarillos and little cigars. Many of these products sell for under a dollar, making them very attractive and affordable for youth.
- **Over eight in 10 stores sell packs of 5 or less of cigarillos/little cigars, and close to 70% of stores sell these products as "singles".** These products are also available very cheaply, making them affordable for youth. Eighty-five percent of tobacco retailers sell the most popular brand of cigarillos for under \$1.
- **Close to half of all stores in Contra Costa sell e-cigarettes.** The number of stores that are selling e-cigarettes statewide has quadrupled, from just over 10% in 2011 to over 45% in 2013. The percentage of high school students who reported ever using e-cigarettes doubled between 2011 and 2012. Many of these products are attractive to youth because they are relatively cheap and come in flavors like cherry-limeade and mint.
- **Seven in 10 stores in Contra Costa have exterior advertising for *unhealthy* products** like tobacco, alcohol and sugary drinks. This compares with 1 in 10 stores with exterior advertising for *healthy* items including fruits, vegetables and non-fat/low-fat milk.

In addition to the Store Survey, information on the location and density of stores selling tobacco across the county was collected and mapped. (See page 6 of Attachment 1.) This information found that:

- **34% of stores selling tobacco throughout the County are located within 1000 feet of a school.** One-third of youth who buy tobacco purchase these products within 1000 feet of school.²
- Every school day, youth are exposed to tobacco influences such as advertising and product promotions on their way to and from school.
- Many of the Contra Costa communities with **high numbers of stores selling tobacco near schools** are low-income. Low-income communities have high rates of smoking and tobacco-related diseases like heart disease, cancers and stroke.

Possible Policy Options

Communities across the Country and state have increasingly adopted laws to address youth tobacco influences in the retail environment. These policies are also highlighted in the American Lung Association’s 2015 Report on the State of Tobacco Control for CA. These community level policy options may include:

- A. Prohibiting the sale of flavored (non-cigarette) tobacco products, such as candy, fruit and spice characterizing flavors in little cigars, hookah tobacco and dissolvable tobacco products, as well as in electronic smoking devices and vapor solutions for these devices.** Under the federal Family Smoking Prevention and Tobacco Control Act, it is illegal for manufacturers to make *cigarettes* that contain “characterizing flavors” other than that of tobacco, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa or chocolate. (Menthol flavoring in cigarettes was exempted and is discussed below.) The Act was enacted in 2009 largely because these flavored products were marketed to youth and young adults,³ and younger smokers were more likely to have tried these products than older smokers.⁴

Flavored non-cigarette tobacco products have become increasingly common and are available in a variety of flavors that appeal to children and young adults.⁵ The U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products are considered to be “starter” products for youth and help establish smoking habits that can lead to long-term addiction.⁶ Adding flavorings to tobacco products such as little cigars, cigarillos, and smokeless tobacco can mask the natural harshness and taste of tobacco, making these products easier to use and increasing their appeal among youth.⁷

The U.S. Centers for Disease Control and Prevention has reported that electronic cigarette use among middle and high school students doubled from 2011 to 2012.⁸ Nicotine solutions, which are consumed via electronic smoking devices such as electronic cigarettes, are sold in dozens of flavors that appeal to youth, such as cotton candy and bubble gum.⁹ The California Attorney General has stated that electronic cigarette companies have targeted minors with fruit-flavored products.¹⁰

In the Bay Area, Santa Clara County and Hayward have adopted similar laws, and Berkeley and El Cerrito are currently considering such regulations.

- B. Requiring a minimum pack size for sale of cigars, including cigarillos and little cigars.** Small packages of tobacco products make these products more accessible to youth, who are generally a more price-sensitive market. Although federal and state law ban the sale of individual cigarettes, neither restrict the sale of individual little cigars, cigarillos and cigars. Many retailers sell little cigars and cigars individually, making them more affordable and appealing to youth.¹¹ The cities of Hayward and Huntington Park currently regulate pack size, and El Cerrito is considering doing so.
- C. Prohibiting the sale of tobacco within at least 1000 feet of schools and other area youth sensitive areas.** Research has demonstrated that youth are more likely to experiment with tobacco products when retailers are located near schools, and that the number of tobacco retailers in a community affects youth smoking behaviors as well as access to tobacco products.¹² The density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates.¹³ Restricting the location of all tobacco retailers near schools and other youth sensitive areas, as well as within a certain distance to each other, creates tobacco-free zones and reduces tobacco influences in the community. Twenty-three California cities and counties have adopted similar laws, including Santa Clara County and Union City. A map showing the Number of Tobacco Retailers Within 1,000 Feet of a School, by City or Place in Contra Costa can be found in Attachment II.
- D. Reducing the density of tobacco retailers by prohibiting the location of new tobacco retailers within 500 feet of existing tobacco retailers** (density relative to other retailers), or capping the total number of tobacco retailer licenses issued. High density of tobacco retailers has been associated with increased smoking rates, particularly among youth.¹⁴ A study of California neighborhoods found that the density and proximity of tobacco retailers influence smoking behaviors, including number of cigarettes smoked per day.¹⁵ Of additional concern, widespread presence of tobacco in retail settings normalizes the use of tobacco products and triggers smoking urges among former smokers and those attempting to quit.¹⁶ California law limits alcohol licenses based on density, and this policy applies that same rationale to tobacco retailers. Nine cities and counties in CA have adopted similar

E. Prohibiting the sale of menthol flavored cigarettes. Due to intense lobbying from the tobacco industry, menthol flavored cigarettes were excluded from the federal ban on flavored cigarettes. However, studies show that 50% of youth start smoking with menthol flavored cigarettes, and that these are “starter” cigarettes for many youth to go on to become regular smokers. Youth who smoke menthol cigarettes are significantly more likely to show signs of nicotine addiction than their peers who smoke non-menthol brands.¹⁸

- ¹ 2013 Healthy Stores for a Healthy Community (HSHC) Survey, California Department of Public Health.
- ² Lipton R, Banerjee A, Levy D, Manzanilla N, Cochrane M. [The spatial distribution of underage tobacco sales in Los Angeles](#). *Subst Use Misuse*. 2008;43(11):1594-614.
- ³ Carpenter CM, Wayne GF, Pauly JL, et al. 2005. “New Cigarette Brands with Flavors that Appeal to Youth: Tobacco Marketing Strategies.” *Health Affairs*. 24(6): 1601–1610; Lewis M and Wackowski O. 2006. “Dealing with an Innovative Industry: A Look at Flavored Cigarettes Promoted by Mainstream Brands.” *American Journal of Public Health*. 96(2): 244–251; Connolly GN. 2004. “Sweet and Spicy Flavours: New Brands for Minorities and Youth.” *Tobacco Control*. 13(3): 211–212; U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 537, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.
- ⁴ U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.
- ⁵ U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 164, 205, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf; Morris DS and Fiala SC. 2013. “Flavoured, Non-cigarette Tobacco for Sale in the USA: An Inventory Analysis of Internet Retailers.” *Tobacco Control*. [Electronic publication ahead of print], <http://tobaccocontrol.bmj.com/content/early/2013/08/08/tobaccocontrol-2013-051059.full>.
- ⁶ Food and Drug Administration. 2011. *Fact Sheet: Flavored Tobacco Products*, www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf; U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.
- ⁷ King BA, Dube SR, and Tynan MA. 2013. “Flavored Cigar Smoking Among U.S. Adults: Findings from the 2009–2010 National Adult Tobacco Survey.” *Nicotine & Tobacco Research*. 15(2): 608–614; Nelson DE, Mowery P, Tomar S, et al. 2006. “Trends in Smokeless Tobacco Use Among Adults and Adolescents in the United States.” *American Journal of Public Health*. 96(5): 897–905.
- ⁸ Centers for Disease Control & Prevention. 2013. “Electronic Cigarette Use Among Middle and High School Students—United States, 2011–2012,” *Morbidity and Mortality Weekly Report (MMWR)* 62(35): 729–730.
- ⁹ Cameron JM, Howell DN, White JR, et al. 2013. “Variable and Potentially Fatal Amounts of Nicotine in E-cigarette Nicotine Solutions.” *Tobacco Control*. [Electronic publication ahead of print], <http://tobaccocontrol.bmj.com/content/early/2013/02/12/tobaccocontrol-2012-050604.full>; U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 549, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.
- ¹⁰ Press Release, State of California Department of Justice, Office of the Attorney General, Brown Announces Electronic Cigarette Maker’s Agreement to Stop Deceptive Marketing and Sales to Minors (Aug. 3, 2010), oag.ca.gov/news/press-releases/brown-announces-electronic-cigarette-makers-agreement-stop-deceptive-marketing.
- ¹¹ California Department of Public Health. (2012). *Tobacco in the Retail Environment*, www.cdph.ca.gov/programs/tobacco/Documents/Tobacco%20Retail%20Environment%20Fact%20Sheet_Easy%20Print.pdf
- ¹² McCarthy, W.J., Mistry, R., Lu, Y., Patel, M., Zheng, H., Dietsch, B., Density of tobacco retailers near schools: effects on tobacco use among students. *American Journal of Public Health*, 2009. 99(11): p. 2006 2013.
- ¹³ Henriksen L, Feighery EC, Schleicher NC, et al. 2008. “Is Adolescent Smoking Related to Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?” *Preventive Medicine* 47: 210–214.
- ¹⁴ Henriksen L, Feighery EC, Schleicher NC, et al. 2008. “Is Adolescent Smoking Related to Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?” *Preventive Medicine* 47: 210–214.
- ¹⁵ Chuang YC, Cubbin C, Ahn D, et al. 2005. “Effects of Neighbourhood Socioeconomic Status and Convenience Store Concentration on Individual Level Smoking.” *Journal of Epidemiology and Community Health* 59: 568–573.

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- ¹⁶ McDaniel PA and Malone RE. 2011. "Why California Retailers Stop Selling Tobacco Products, and What Their Customers and Employees Think About It When They Do." *BMC Public Health* 11: 848.
- ¹⁷ "Matrix of Local Ordinances Restricting Tobacco Retailers Near Schools, July 2013", Center for Tobacco Policy and Organizing.
- ¹⁸ Hersey JC, Ng SW, Nonnemaker JM, et al. Are menthol cigarettes a starter product for youth? *Nicotine & Tobacco Research*. 2006;8:403-413.