



## FLAVORED TOBACCO PRODUCTS ATTRACT KIDS: BRIEF OVERVIEW OF KEY ISSUES

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Cigarettes with specific characterizing flavors—except menthol—were prohibited in the U.S. on September 22, 2009, as part of the Family Smoking Prevention and Tobacco Control Act (TCA) that gave the U.S. Food and Drug Administration (FDA) authority over tobacco products.<sup>1</sup> Despite this restriction, the overall market for flavored tobacco products has grown, as the industry continues to introduce and market other flavored tobacco products, particularly e-cigarettes and cigars, as well as smokeless tobacco and hookah. This growing market for flavored tobacco products is undermining the nation's overall progress in reducing youth tobacco use. A 2024 Surgeon General's report concluded that, "**The tobacco industry has designed, engineered, and marketed menthol cigarettes and other tobacco products that deliver multisensory flavor experiences which increase the likelihood of tobacco initiation, addiction, and sustained use.**"<sup>2</sup>

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 tobacco users. 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.<sup>3</sup> 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 54.6% from February 2020 to September 2024.<sup>4</sup>
- 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%).<sup>5</sup> In 2015, researchers had identified 250 unique cigar flavor names.<sup>6</sup>
- Nicotine pouches are a rapidly growing segment of smokeless tobacco products. While mint-flavored nicotine pouches are the most sold flavor, sales of fruit-flavored pouches have been growing.<sup>7</sup>
- While overall cigarette sales have been declining, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.<sup>8</sup> Menthol cigarettes comprised 36% of the market share in 2022.<sup>9</sup>

**Flavored Products Appeal to Youth and Young Adults.** Studies show that flavors play a major role in youth initiation and use of tobacco products.

- 81% of youth who have ever used tobacco initiated with a flavored product.<sup>10</sup>
- 87% of youth tobacco users used a flavored tobacco product in the past month.<sup>11</sup>
- At least two-thirds of youth tobacco users report using tobacco products "because they come in flavors I like."<sup>12</sup>

- Half of youth who have ever smoked initiated with menthol cigarettes.<sup>13</sup>

**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.<sup>14</sup>
- 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.<sup>15</sup> 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.<sup>16</sup>
- 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.<sup>17</sup>
- Flavors can create the false impression that a tobacco product is less harmful than it really is.<sup>18</sup>

**States and Localities Should Restrict the Sale of Flavored Tobacco Products.** States and localities can implement additional sales restrictions to address the remaining flavored tobacco products on the market, including menthol cigarettes. A 2020 Surgeon General report concluded that, “Prohibiting flavors, including menthol, in tobacco products can benefit public health by reducing initiation among young people and promoting cessation among adults.”<sup>19</sup> More specifically, a 2024 Surgeon General Report found that, “Sales restrictions on flavored products in the United States and Canada have been shown to reduce (1) sales of tobacco products, (2) the odds of youth trying flavored tobacco products, (3) the odds of youth ever using tobacco products, and (4) youth current use of tobacco products, particularly when the restrictions apply to all flavors in all tobacco products.”<sup>20</sup>

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>

*Campaign for Tobacco-Free Kids, December 5, 2024 / Laura Bach*

<sup>1</sup> See U.S. Food and Drug Administration's (FDA) Flavored Tobacco webpage at

<http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/FlavoredTobacco/default.htm>.

<sup>2</sup> U.S. Department of Health and Human Services. Eliminating Tobacco-Related Disease and Death: Addressing Disparities—A Report of the Surgeon General (p.9). Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2024.

<sup>3</sup> 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.

<sup>4</sup> CDC Foundation, “Monitoring U.S. E-Cigarette Sales: National Trends,” <https://tobacomonitoring.org/>. Data from Circana, 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.

<sup>5</sup> Delnevo, CD, et al. “Cigar Sales in Convenience Stores in the US, 2009-2020,” *JAMA* 326(23):2429-2432.

<sup>6</sup> 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

<sup>7</sup> Marynak, KL, et al., “Nicotine Pouch Unit Sales in the US, 2016-2020,” *JAMA* 326(6):566-568, 2021, doi: 10.1001/jama.2021.10366.

<sup>8</sup> 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.

<sup>9</sup> U.S. Federal Trade Commission (FTC), *Cigarette Report for 2022, 2023*, [https://www.ftc.gov/system/files/ftc\\_gov/pdf/2022-Cigarette-Report.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/2022-Cigarette-Report.pdf) [data for top 4 manufacturers only].

<sup>10</sup> 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.

<sup>11</sup> 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>.

<sup>12</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *JAMA*. 2015;314(17):1871-1873.

<sup>13</sup> 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.

<sup>14</sup> 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.

<sup>15</sup> HHS, *Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General*, 2012.

<sup>16</sup> FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013.

<sup>17</sup> TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

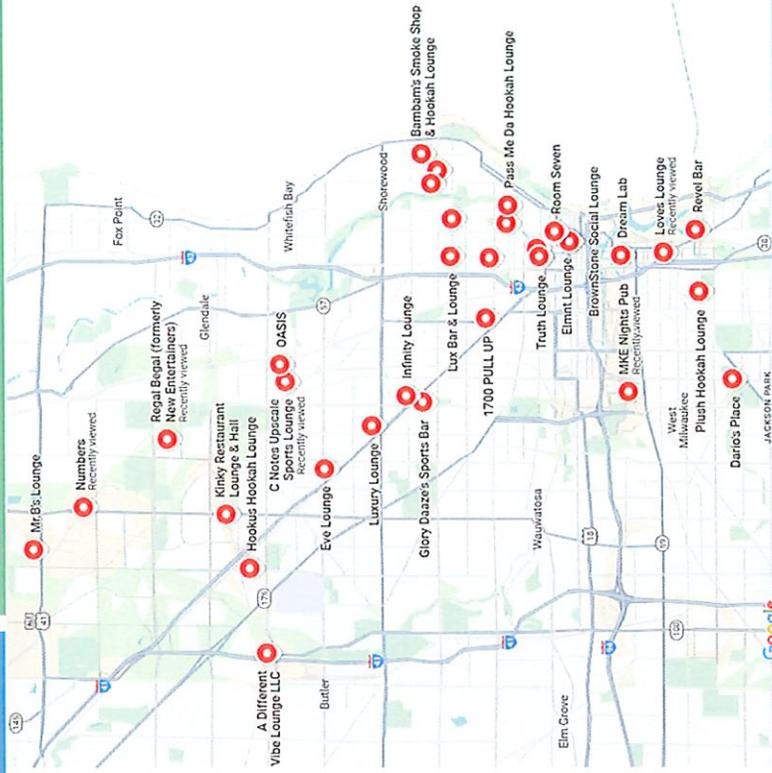
<sup>18</sup> Huang, L.-L., et al., "Impact of Non-menthol Flavours in Tobacco Products on Perceptions and Use Among Youth, Young Adults and Adults: A Systematic Review," *Tobacco Control*, 26(6):709-719, 2017.

<sup>19</sup> U.S. Department of Health and Human Services (HHS), *Smoking Cessation. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2020.

<sup>20</sup> U.S. Department of Health and Human Services. *Eliminating Tobacco-Related Disease and Death: Addressing Disparities—A Report of the Surgeon General* (p.600). Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2024.

# HOOKAH ESTABLISHMENTS BY ALDERMANIC DISTRICT

- District 1
  - C Notes Upscale Sports Lounge
  - OASIS
- District 2
  - Eve Lounge
  - \*Hook-us Hookah Lounge
  - Kinky Restaurant Lounge & Hall
- District 3
  - AlReem Lounge & Restaurant
  - \*Bambam's Smoke Shop & Hookah Lounge
  - ^Casablanca
  - Oakland Café
  - Pass Me Da Hookah Lounge
  - ^Shi Chai Hookah Lounge
- District 4
  - \*Allure MKE
  - Brownstone Social Lounge
  - \*City Social Bar & Grill on Water St
  - ELMINT Lounge
  - \*Pass Me Da Hookah Lounge
  - Pourman's
  - Room Seven
  - \*S'Lush Daiquiri Lounge & Events
  - \*Tropic Lounge - Downtown Milwaukee
  - Truth Lounge
- District 5
  - \*A Different Vibe Lounge
- District 6
  - \*Bronzeville Kitchen & Lounge
- District 7
  - Glory Daaze's Sports Bar
  - \*Infinity Lounge
  - \*Luxury Lounge
- District 8
  - \*Dario's Place
  - MKE Nights Pub
- District 9
  - \*Mr. B's Lounge
  - \*Numbers
  - \*Regal Begal
- District 12
  - Dream Lab
  - \*Loves Lounge
  - \*Plush Hookah Lounge
- District 14
  - Revel Bar
- District 15
  - \*1700 Pull Up



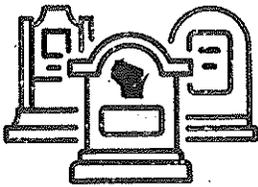
\*Opened in or after 2020  
 ^Grandfathered into the Smoke-Free Indoor Air Act passed in 2009

# The State of Tobacco in **WISCONSIN**



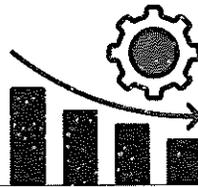
**Tobacco\* is the leading cause of preventable death in the state**

and costs Wisconsinites an average of **\$3 billion** in direct health care costs.



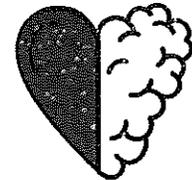
**7,850**

Wisconsinites die each year from smoking-related causes.



Smoking caused

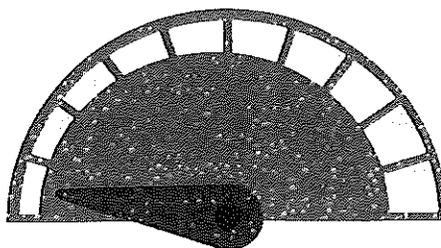
**\$5.6 billion** in productivity losses in Wisconsin.



People with mental health conditions or substance use disorders can have higher rates of death from tobacco-related diseases like cancer, lung disease, and cardiovascular disease.

**\$5.3 million**

WI Commercial Tobacco Prevention and Treatment Program funding (2023-24)



**\$161 million**

Estimated marketing expenditures by Big Tobacco spent in Wisconsin each year.

Wisconsin spends **less than 10%** of what the Centers for Disease Control and Prevention (CDC) recommends. (CDC Best Practice State Spending: **\$57.5 million**)

\*This document focuses on commercial tobacco — mass-produced products sold for profit that contain chemical additives. Native Americans have used traditional tobacco in sacred ways for centuries. By focusing tobacco prevention and treatment on commercial tobacco, we acknowledge and respect sovereign tribal nations' relationship with sacred tobacco.

# The Wisconsin Commercial Tobacco Prevention and Treatment Program (CTPTP) works with state partners and local communities.

CTPTP partners with **19 regional tobacco coalitions** to support community-specific initiatives. Funded partners work with youth, schools, faith communities, tobacco and vape retailers, law enforcement, and municipalities.



Supporting local school districts in addressing the vaping epidemic is a priority. CTPTP supports prevention, intervention, and cessation programs and alternatives to suspension that prevent use and help young people quit.



CTPTP and partners support outreach to healthcare professionals and the general public. This work saves **\$1,986** per year in Medicaid/BadgerCare Plus expenses per member who quits smoking.

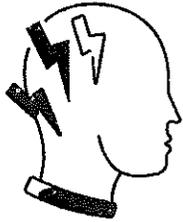


The Wisconsin Tobacco Quit Line expanded its vaping cessation support for teens and young adults; those ages 18-26 now have a text-based service that also offers nicotine replacement therapy.



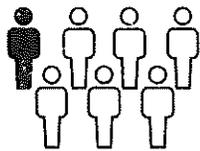
First Breath helps people make positive changes to their tobacco, alcohol, and other substance use during pregnancy and beyond. In 2023, First Breath reached **25.5%** of all pregnant tobacco users in Wisconsin.

# E-cigarette use among youth and young adults is a public health crisis.



The most common reason youth give for continuing to vape: **“I am feeling anxious, stressed, or depressed.”**

Vaping can harm young people’s mental health and brain development. Nicotine can exacerbate anxiety and depression as users become addicted. It also can harm young people’s developing brains, including focus, impulse control, learning, sleep, and mood.



In 2021, **1 in 7 Wisconsin high schoolers used e-cigarettes** — a rate comparable to conventional cigarette use among teens in 2011. This is almost over a decade of lost progress.



Wisconsin’s underage tobacco sales rate is more than double the pre-pandemic rate — up to 13.6% in 2023 from 5.5% in 2019.



Wisconsin remains **1 of only 8 states without a state Tobacco 21 law**. Local police cannot assist with enforcement without a state law.



The Wisconsin tax on e-cigarettes is a fraction of the tax per pack of conventional cigarettes despite both products containing nicotine, making vapes more accessible to youth. Tobacco tax increases are one of the most effective ways to reduce tobacco use.

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**The indoor smoke-free air law does not currently include all forms of smoking — like e-cigarettes and cannabis.**

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**78%** of Wisconsinites support the state’s smoke-free air law.

**18%** neither support nor oppose, and only **4%** oppose the clean indoor air law.

Preserving and strengthening Wisconsin’s smoke free air laws are the best ways to protect people from involuntary secondhand smoke and aerosol exposure.

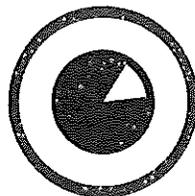
**The tobacco industry uses menthol, candy, and fruity flavors to appeal to Wisconsinites from all walks of life and get them addicted to nicotine.**



Almost **9 out of 10** current middle & high school students who have used e-cigarettes (89.4%) used flavored e-cigarettes, with fruit flavors being the most popular, followed by sweets, mint, and menthol.



Over half of Hispanic adults over 18 who smoke use menthol cigarettes. Menthol, a mint flavoring, makes cigarettes easier to start and harder to quit because of its soothing and cooling effect; it is the only conventional cigarette flavor still allowed on the market.



In Wisconsin, nearly **85%** of Black smokers use menthols. Each year **45,000** Black Americans die from smoking and die at higher rates from tobacco-related diseases like cancer, heart disease, and stroke.



LGBTQ+ people who smoke are more likely to smoke menthol cigarettes than heterosexual people who smoke. Tobacco companies use phrases like “**Take pride in your flavor**” and rainbow imagery to market menthol and flavored products to LGBTQ+ people.

An estimated

**17,200**

**more adults in Wisconsin who smoke would QUIT if menthol cigarettes were no longer available.**



Scan QR code to view references or visit [bit.ly/tobacco-WI-2024](http://bit.ly/tobacco-WI-2024)