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May 18, 2015

**Mayor David Cook
City Council
City of Sonoma, Calif.**

Re: City of Sonoma tobacco flavor ban

Mayor Cook, ladies and gentlemen of the council, my name is Ian Adams and I am the Western region director of the R Street Institute. Thank you for the opportunity to offer these comments on the ordinance before you today to, among other things, circumscribe the availability of flavored tobacco products.

R Street is a nonprofit, free-market think tank based in Washington, though I hail from Sacramento. We have worked for years at the federal, state and local levels to encourage policies that reduce the harm that tobacco products cause.

Toward that end, we agree with many of the aspirational sentiments expressed in Section I (Findings) of the proposed ordinance. Preventing minors from gaining access to tobacco products is crucial. We are encouraged by the inclusion of a positive identification requirement in Section II (proposed Sec. 7.25.020(d)) of the draft. Requiring individuals that appear to be under the age of 27 to present identification at the time of purchase is a concrete and productive step toward curtailing the availability of age-restricted products to minors.

But other proposed amendments to Chapter 7.25 of the City of Sonoma's municipal code are problematic. Sec. 7.25.020(h), which seeks to circumscribe the availability of flavored tobacco products, is particularly flawed.

The rationale for introducing a flavor ban is to reduce the appeal of tobacco products to minors. That rationale is predicated on the intuitively plausible assumption that minors find the idea of flavored tobacco more appealing than traditional tobacco to such an extent that they will be driven to seek access to flavored products. That assumption is flawed. No meaningful nexus has been established between tobacco flavoring and underage tobacco use. In fact, there is academic literature that speaks to that very point.

A study published in January 2015 by Oxford University Press, in the *Journal of Nicotine & Tobacco Research*,¹ found that tobacco flavor descriptions do not have a bearing on the propensity of nonsmoking teens to show interest in tobacco products. What's more, the study also found that adult smokers of traditional cigarettes show far more interest in e-cigarettes, which are less harmful than their combustible alternatives, when flavorings are available.

Thus, proposed Sec. 7.25.020(h) will, lamentably, not accomplish its goal of reducing youth exposure to tobacco products while simultaneously making it more difficult for adult smokers to reduce the harm they currently experience from smoking traditional cigarettes.

Preventing youths from accessing tobacco products is crucial. But public policy must be moored to more than a hoped-for outcome. The weight of scientific evidence simply does not support the introduction of a de facto ban on flavored tobacco products.

In summary, the City of Sonoma would do no service to its youth, and would do an active disservice to its residents who currently smoke traditional cigarettes, by adopting Sec. 7.25.020(h).

Respectfully,

Ian Adams, Esq.
Western Region Director & Senior Fellow
R Street Institute

CC: Mayor Pro Tempore Laurie Gallian
Councilmember Madolyn Agrimonti
Councilmember Gary Edwards
Councilmember Rachel Hundley
City Clerk Gay Johann

¹ Shiffman, Saul, PhD, et al. *Journal of Nicotine & Tobacco Research*. Oxford University Press. January, 2015. <http://ntr.oxfordjournals.org/content/early/2015/01/06/ntr.ntu333.abstract>