



November 7, 2019

Honorable Robert Garcia, Mayor  
City of Long Beach  
11 W Ocean Blvd.  
Long Beach, CA 90802

Re: Council File 19-1132, Flavored Tobacco

Dear Mayor and Council Members:

I write on behalf of the American Petroleum and Convenience Store Association (APCA) representing licensed tobacco retailers in Los Angeles. Our members include convenience stores, gas stations and liquor stores located throughout the City.

The September 19 report from the City Attorney related to the above referenced Council Motion recommended the elimination all flavored tobacco products from licensed tobacco retailers. We oppose this sweeping sales ban as it eliminates an entire category of products from our stores despite the fact that flavored traditional tobacco products (cigarettes, chewing tobacco and cigars) are not attractive to youth.

Banning legal products at licensed retail locations would undermine the city's and the state's tobacco retail licensing program which has successfully limited youth access to tobacco, protected consumers from adulterated products, and given government enforcement tools. Moreover, local bans on tobacco products creates an illicit market. In localities with flavored tobacco bans, single menthol cigarettes are being sold illegally on the street for \$1.00 - \$2.00. That is an enormous profit margin driving illegal sales in those locales.

Tobacco sales are an important component to the overall viability of our businesses – not because we make a lot of money selling tobacco – we don't. Tobacco sales drive ancillary sales of gas, food and other items sold at our stores and gas stations. If we lose the ability to sell flavored tobacco products, our customers will go elsewhere to buy gas, food, and snacks – everything they currently buy in our stores.

According to a recent study funded by the California Department of Public Health<sup>1</sup> smoking prevalence for Los Angeles youth, like the rest of California, has reached a historical low. Only 1.7% of high school students in Los Angeles smoked cigarettes in 2017–18. The study noted that:

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<sup>1</sup> Zhu S-H, Zhuang YL, Lee J, Cole A, Braden K, Wolfson T, Gamst A (2019). *Tobacco use among high school students in Los Angeles County: Findings from the 2017-18 California Student Tobacco Survey*. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California, San Diego

*As far as the numerical goal for tobacco control is concerned, the prevalence for each of the combustible tobacco products among high school students in Los Angeles had dropped to the level accepted by many as an end-game number. There is cause for celebration.*

Given this data and the high rate of compliance by licensed tobacco retailers, we ask that any city policy related to flavored tobacco sales ban exclude traditional tobacco products such as cigarettes, cigars, smokeless tobacco, and products with FDA marketing approval. Taking these products off of our shelves will have a significant economic impact on our stores and drive sales out of licensed venues and into the illicit market.

We appreciate your consideration of our comments invite you or a member of your staff to visit one of our businesses in your district prior to the next public hearing on this issue so you can see first hand how all tobacco products are regulated and sold at licensed tobacco retailers in LA.

Should you have questions or require additional information, please do not hesitate to contact our CEO, Porsche Middleton, at 916.230.7278.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Johal', written in a cursive style.

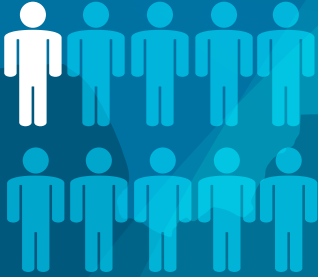
Joe Johal  
APCA  
Chairman

cc: Long Beach City Clerk [cityclerk@longbeach.gov](mailto:cityclerk@longbeach.gov)

# Los Angeles County

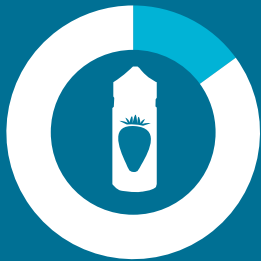
## Tobacco Use among High School Students

### At a glance



1 in 10

high school students are current **e-cigarette users**



83%

current tobacco users reported using a **flavored tobacco product**

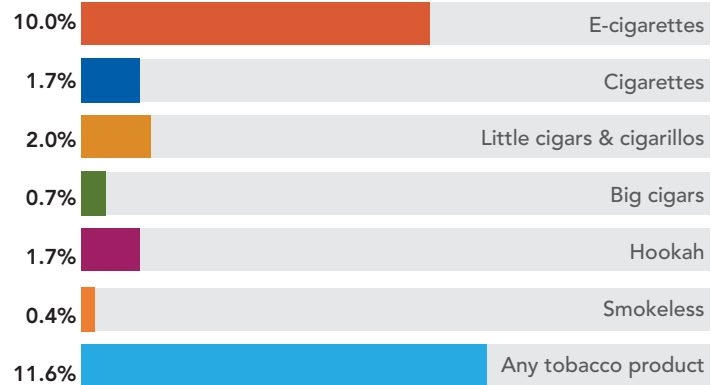


61%

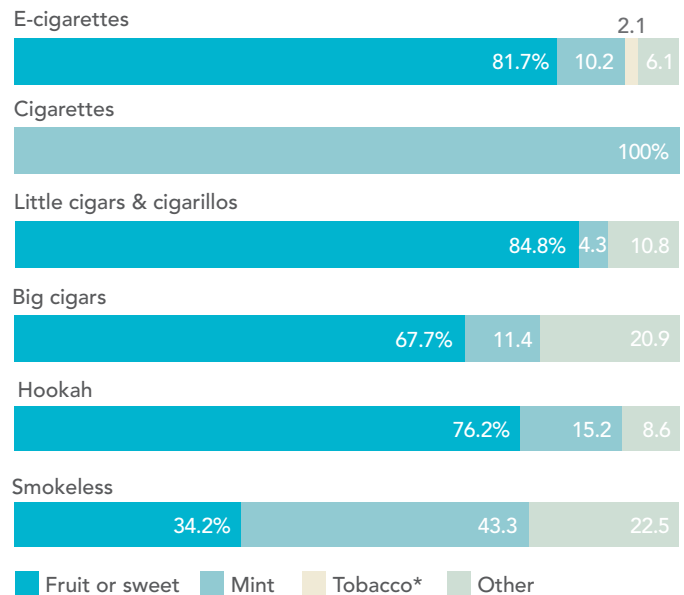
current e-cig users bought e-cigarettes from **vape shops**

- The cigarette smoking prevalence for high school students in Los Angeles County has reached a historical low (1.7%).
- E-cigarettes were the most commonly used tobacco product among high school students in Los Angeles County.
- The majority of current tobacco users reported using a flavored tobacco product.
- Flavored tobacco product use was high across all genders, races/ethnicities, and grades.
- Fruit or sweet was the most popular reported flavor for most tobacco products.

### Prevalence of Current Use of Tobacco Products by High School Students

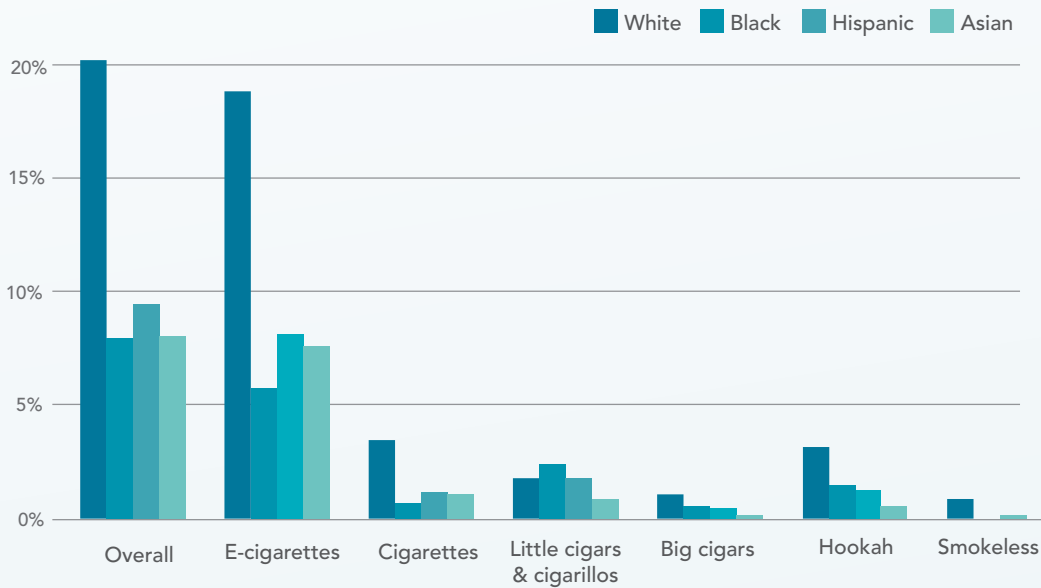


### Proportion using Flavored Tobacco Products by Flavor Type

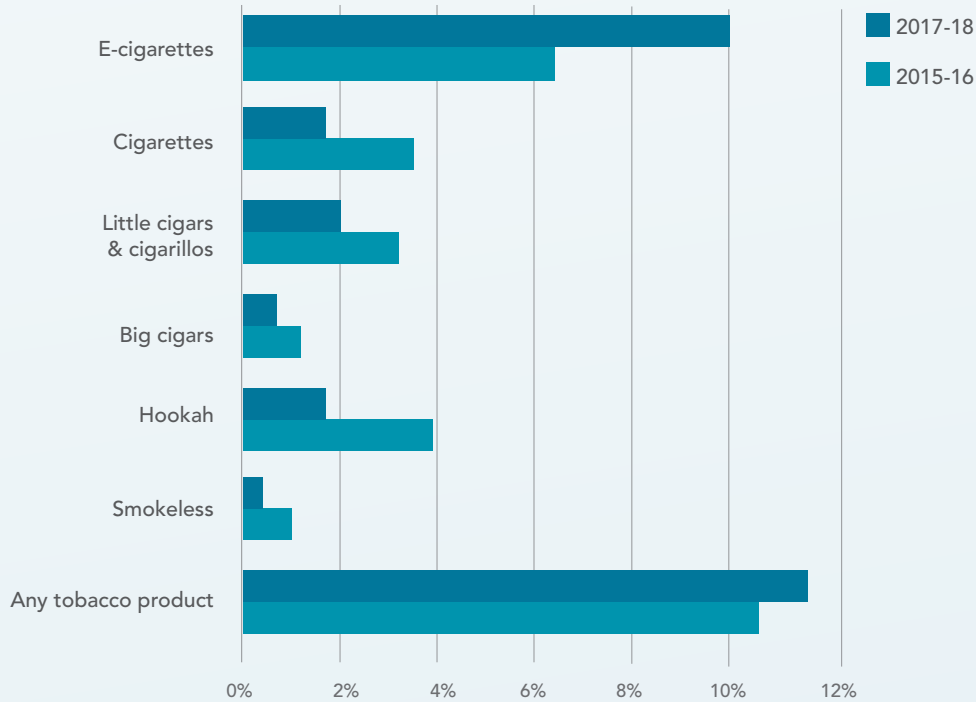


\*Tobacco was only included as a flavor option for e-cigarettes.

## Prevalence of Current Tobacco Product Use by Ethnicity



## Prevalence of Current Tobacco Product Use by Survey Cycle



Source: Zhu S-H, Zhuang YL, Lee J, Cole A, Braden K, Wolfson T, Gamst A (2019). *Tobacco use among high school students in Los Angeles County: Findings from the 2017-18 California Student Tobacco Study*. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California, San Diego.