

# Sales Restrictions of Flavored Tobacco Products are Effective



Hundreds of localities across the U.S. have some kind of restriction on the sale of flavored tobacco products. Massachusetts is the only state to restrict the sale of flavored tobacco products including menthol. California’s law is pending due to a voter referendum to repeal it, and three states restrict the sale of flavored e-cigarettes only (New Jersey, New York, and Rhode Island).

This factsheet provides highlights of key studies demonstrating that flavored tobacco product sales restrictions can reduce tobacco product availability, sales, retailer advertising, and use rates. Equally important, the enforcement of these policies is critical to their effectiveness.

## Reduction in Sales

### *Massachusetts’s Comprehensive Policy Evaluation*

Massachusetts implemented a statewide sales restriction on all flavored tobacco products, including menthol cigarettes, in 2020. In a first-of-its-kind study, American Cancer Society researchers used Nielson data from January 2017 to July 2021 to evaluate the impact of the restriction on cigarette sales.<sup>i</sup> The study concluded that the policy resulted in an overall decrease in cigarette sales. The overall decrease in cigarette sales was driven by the significant decrease in menthol cigarette sales despite a slight increase in non-menthol cigarette sales.

### *San Francisco’s Comprehensive Policy Evaluation*

San Francisco implemented a comprehensive flavored tobacco products sales restriction, including menthol cigarettes, in 2018. One study found that sales of flavored tobacco products decreased by 96% and overall tobacco product sales decreased by 25% by the end of 2019.<sup>ii</sup>

### *Massachusetts, New York, Rhode Island, and Washington – E-cigarette-Only Policy Evaluation*

Massachusetts, Rhode Island, and Washington implemented statewide sales restrictions on flavored e-cigarettes in 2019 and New York’s law was implemented in 2020. Washington’s restriction was an emergency order and has since expired. One study looked at e-cigarette sales in these four states compared to 35 states with no such statewide restriction and found that all four states experienced a decline in e-cigarette sales after their policy was implemented.<sup>iii</sup> These overall sales declines were driven by declines in sales of flavored e-cigarettes.

## Menthol Cigarette Prohibition in Canada

Between 2015 and 2017, seven of Canada’s 10 provinces implemented prohibitions on menthol cigarettes. One study found that the prohibition was significantly associated with **higher rates of quit attempts and quit success** among people who smoked menthol cigarettes compared with people who smoked non-menthol cigarettes, and the prohibition may have helped to **prevent relapse** among people who had quit smoking menthol cigarettes prior to the prohibition.

## Reduction in Availability & Advertising

### *Alameda County & San Francisco County, California*

Several cities in both Alameda and San Francisco County, California implemented flavored tobacco product sales restrictions between 2015 and 2019. One study found reduced availability of flavored tobacco products and decreased exterior advertising of tobacco products in cities with flavored tobacco product sales restrictions compared to cities without such restrictions.<sup>iv</sup>

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<sup>i</sup> Asare, S., Majmundar, A., Westmaas, L. J., Bandi, P., Xue, Z., Jemal, A., & Nargis, N. (2022). Association of Cigarette Sales with Comprehensive Menthol Flavor Ban in Massachusetts. *JAMA Internal Medicine*.

<https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2787781>

<sup>ii</sup> Gammon DG, Rogers T, Gaber J, Nonnemaker JM, Feld AL, Henriksen L, Johnson TO, Kelley T, Andersen-Rodgers E.

Implementation of a comprehensive flavoured tobacco product sales restriction and retail tobacco sales. *Tob Control*. 2021 Jun 4:tobaccocontrol-2021-056494. doi: 10.1136/tobaccocontrol-2021-056494. Epub ahead of print. PMID: 34088881.

<sup>iii</sup> Ali FRM, Vallone D, Seaman EL, Cordova J, Diaz MC, Tynan MA, Trivers KF, King BA. Evaluation of Statewide Restrictions on Flavored e-Cigarette Sales in the US From 2014 to 2020. *JAMA Netw Open*. 2022 Feb 1;5(2):e2147813. doi:

10.1001/jamanetworkopen.2021.47813. PMID: 35142832; PMCID: PMC8832173.

<sup>iv</sup> Holmes, L.M.; Lempert, L.K.; Ling, P.M. Flavored Tobacco Sales Restrictions Reduce Tobacco Product Availability and Retailer Advertising. *Int. J. Environ. Res. Public Health* 2022, 19, 3455. <https://doi.org/10.3390/ijerph19063455>