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Snuffing out tobacco sales to minors

By Edwin Folven, 8/30/2012

Waxman calls for tougher regulation on cigar sales

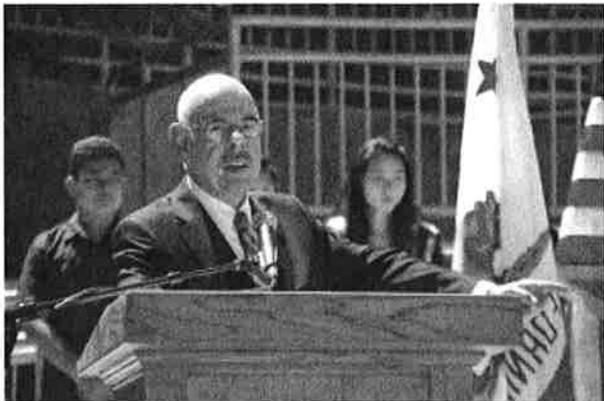
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Tobacco companies are circumventing federal laws enacted to prevent young people from smoking by marketing flavored cigars, according to Congressman Henry Waxman (D-California), who held a press conference in front of Fairfax High School Monday to call for tighter regulations.



Congressman Henry Waxman called on tobacco companies to stop marketing to minors during a press conference at Fairfax High School. (photo by Edwin Folven)

Waxman said the Family Smoking Prevention and Tobacco Control Act was signed into law in 2009, giving the federal Food and Drug Administration (FDA) more stringent authority to regulate tobacco products. The law required new warning labels on tobacco products, and banned flavored cigarettes, which federal officials said were particularly targeted to minors. Waxman said the law does not cover cigars, however, and added that tobacco companies are now using that loophole to market favored cigars to minors and avoid paying the higher taxes levied on cigarettes. The cigars, which are sometimes called cigarillos, are sold in flavors such as grape, peach, cherry and vanilla, which Waxman said can be very enticing to young people.

“The tobacco industry is relentless in finding new ways to hook children,” Waxman said. “After Congress outlawed flavorings in cigarettes, tobacco companies began promoting cigarette-like cigars and pipe tobacco as a way to circumvent the flavoring ban and avoid paying their fair share of taxes.”

The congressman said an increase in the sales of cigars and flavored pipe tobacco is offsetting reductions in cigarette smoking since the 1990s. The Centers for Disease Control (CDC) recently released a report indicating that one in five young adults between the ages of 18 and 24 now smoke cigars, and that they are primarily smoking flavored cigars. In 2000, cigar and pipe tobacco consumption accounted for 2 percent of tobacco sales, and in 2009, that figure increased to 9 percent of the market, according to the CDC. The figures were particularly discouraging for Dr. Jonathan Fielding, director of the Los Angeles County Department of Public Health.

“We have made strides in preventing youth tobacco use ... but we have also seen that there is a staggering amount of work still to be done,” Fielding said. “Tobacco use remains a leading cause of death in Los Angeles County. Let’s be clear, this is an addiction in the first order. Kids and tobacco are a deadly combination. We can stop this horrible epidemic, but we have to revitalize our effort so [declines] are not only sustained, they continue with vigor.”

Dr. Lori Vollandt, coordinator of health education programs for the Los Angeles Unified School District, said the district strives to inform students about the dangers of smoking, but that it can be difficult when there are choices such as flavored cigars. She added that the information has to be continuously imparted in students, because once they start smoking, it’s too late.

“We have seen a big decrease in the use of tobacco with our students, and a big decrease amongst our students in first-time usage. But the critical piece is not just giving them information, but giving the students the skills to use what they have,” Vollandt said. “Across the street [from Fairfax High School] there is a smoke shop. How do you teach the students who go by there not to go in?”

Vollandt said it starts in the elementary grades, where students are taught about the dangers of tobacco usage at a young age. There are also after-school programs where students are taught to become advocates who spread the information to their peers, thus becoming anti-smoking ambassadors.

“The issues involving cigars has to be driven home in our health classes,” Vollandt added. “We can’t go on with business as usual.”

The smoke shop across the street from Fairfax High School at 7801 Melrose Ave. is operating legally, according to the Los Angeles City Attorney’s Office.

“The Smoke Shop has a valid 2012 tobacco retailer’s permit and a state issued Cigarette and Tobacco Products License,” City Attorney’s Office spokesman Frank Mateljan said. “The owner is current on all permits and licenses.”

Mateljan added that there is no city ordinance regulating the distance between tobacco retailers and schools, but they are required to obtain a city permit to sell tobacco, regardless of location. Mateljan said authorities vigorously enforce laws requiring people purchasing tobacco to be 18 or older.

“The Tobacco Enforcement Program of the City Attorney’s Office is charged with enforcing the permit,” Mateljan said. “Currently, we have approximately 5,200 tobacco retailers in the city. We conduct minor decoy compliance checks and concentrate our enforcement efforts on retail locations that are in and around schools. In addition, we work closely with the LAUSD and collaborate on projects that educate students, teachers and parents about the illegal sale of tobacco products to minors.”

Los Angeles County Supervisor Zev Yaroslavsky, 3rd District, a local Fairfax District resident, also participated in the press conference, and commended Waxman for spearheading the effort to prevent tobacco use among young people.

“What Congressman Waxman and his colleagues have tried to do over the years is to create a peer pressure in America, not only to dissuade adults from using tobacco, but to prevent young people from using tobacco,” Yaroslavsky said. “Youth are the primary target of the tobacco industry in America. We should do everything in our power to keep the lungs of our young people clean until they are old enough to make the decision for themselves.”

Waxman added that he will continue to press for more stringent federal regulations regarding cigars, and will be coordinating with the FDA to broaden its regulations.

“We are calling on the FDA to regulate these flavored tobacco products,” Waxman added. “We want them to close the loopholes so the tobacco companies can no longer take advantage of them.”

