



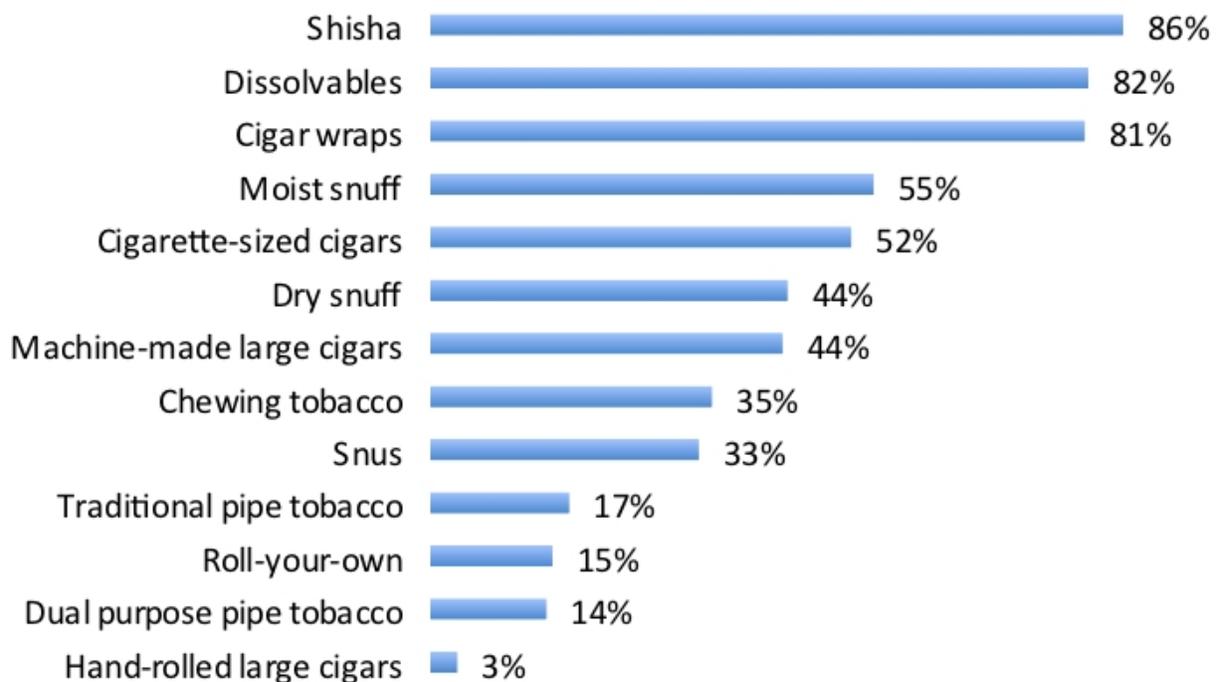
Flavored Tobacco on Sale in Minnesota

Although federal law prohibits cigarettes from being sold in most flavors, many tobacco products are still sold in youth-enticing flavors. This report examines which flavored tobacco products are for sale in the State of Minnesota. Daniel Morris, MS, PhD, a scientist who studies tobacco sales trends, compiled this information and prepared this report.

Key points

- In Minnesota, many tobacco products are on sale besides cigarettes.
- Many of these products have flavors that are no longer permitted in cigarettes.
- Tobacco products for sale in Minnesota that are popular with youth are commonly flavored.

Percentage of Tobacco Products that are Flavored



Introduction

State and federal governments tax tobacco products and regulate their manufacturing, marketing, delivery, sale, and use. These regulations have driven down the consumption of cigarettes, a reduction which greatly benefits the public's health. But as cigarette smoking declines, the industry is shifting to other tobacco products (OTP) that are much less regulated.¹ OTP includes cigars, moist snuff (dip or spit tobacco), shisha (for hookah) and dissolvables ("tobacco candy").

Since 2009, menthol and tobacco are the only flavors allowed in cigarettes.² Flavors like menthol, strawberry, peach, and grape appeal to kids and mask the harshness of tobacco, making it easier for new users to get hooked.³ This is important, because the long-term viability of the domestic tobacco industry depends on recruiting new, younger users to replace those who quit or die. Unlike cigarettes, there are no federal restrictions on flavored OTP.

Both the Federal Trade Commission (FTC) and the Alcohol and Tobacco Tax and Trade Bureau (TTB) publish reports which provide valuable information about the quantity of OTP sold in the United States and money spent marketing these products. This study describes the variety of OTP on the market, and how these products are flavored.

Tobacco users can purchase OTP from dozens of Internet retailers who ship through the U.S. Postal Service or private carriers like UPS, FedEx, and DHL. Web sites selling tobacco provide detailed information about products on the market today. This study examines OTP for sale in Minnesota based on information gathered from a number of online retailers.

Methods

Tobacco products identified for sale in Minnesota were listed on web sites of online retailers. As these retailers ship to Minnesota, all these products are accessible throughout the state. Data on dissolvables came from manufacturer's web sites. All data were collected without first registering as a customer. Here are the sites that provided data:

| | |
|--|--|
| americanthrustryo.com | mistersnuff.com |
| bnbtobacco.com | momscigars.com |
| cstore-wholesale.com | pipesandcigars.com |
| discountlittlecigars.com | roadrunnercigars.com |
| hookahhub.com | rollyourown.com |
| hookah-shisha.com | ryocigarette.com |
| famous-smoke.com | samsclub.com |
| fujipub.com/82ave | smokes-spirits.com |
| Jrcigars.com | zigzag.com |

Product types are based on brand names and how web sites categorize products for sale. Smokeless OTP included chewing tobacco (loose leaf, twist and plug), dissolvables, dry snuff, moist snuff and snus. Dry snuff is powdered tobacco that is inhaled into the nasal cavity. Combustible tobacco products were little (cigarette-sized) cigars, machine-made cigars (including cigarillos), premium cigars, pipe tobacco, RYO, shisha and cigar wraps. Cigarette-

sized cigars look just like cigarettes, but have some amount of tobacco incorporated in the wrapper. Cigar wraps are rolling papers used mainly for smoking marijuana. They used to be called “blunt wraps”, but manufacturers changed the name after U.S. Customs deemed these products to be non-importable drug paraphernalia.⁴

A number of brands of “dual purpose” pipe tobacco are actually RYO in disguise.⁵ Pipe tobacco and RYO used to have the same federal tax, but now the tax on RYO is nearly \$22 per pound greater than the tax on pipe tobacco. Many RYO manufacturers relabeled their products as pipe tobacco in 2009 to minimize their tax burden, costing state and federal governments over \$1.3 billion in taxes by August 2011.⁶ “Dual purpose” brands are identified from the RYO Source Guide⁷ and marketing language posted online.

Many products are sold in different size packages (e.g., a 6 oz. bag and a 16 oz. bag). The analysis is based on only one entry for each unique product. Products that only differ because of their package were excluded. After combining information from multiple web sites, classifying products, and removing duplicates, the final sample was 8,426 unique tobacco products.

The flavor of each product was determined from the brand name and marketing information posted online. **Mint** includes fresh, ice, peppermint, spearmint and wintergreen. **Fruit** includes apple, apricot, cherry, grape and strawberry. **Liquor** includes margarita, rum, whiskey and wine, while **Sweet** includes bubble gum, candy, chocolate, honey, toffee and vanilla. **Other** flavors include coffee, hickory and spice. Flavors like “honey berry” are classified as both Fruit and Sweet.

Results

Out of 8,426 OTP identified for sale in Minnesota, 1,900 (23%) were flavored (Table 1). The proportion of flavored products in each category varied widely, from 3% of premium cigars to over 80% of dissolvables, shisha, and cigar wraps. Over half the brands of cigarette-sized cigars, cigar wraps, dissolvables, moist snuff and shisha were flavored. Flavors were least common in premium cigars and pipe tobacco. Apple, cherry, chocolate, honey, grape, mint, menthol, peach, rum, strawberry, sweet and vanilla were among the most common flavors.

Table 1. Flavors among 8,426 tobacco products for sale in Minnesota

| | N | Any % | Fruit % | Sweet % | Mint % | Menthol % | Liquor % | Other % |
|---------------------------|-------|----------|------------|------------|-----------|--------------|-------------|------------|
| Total | 8,426 | 22.5 | 11.9 | 5.2 | 2.9 | 1.6 | 2.3 | 3.3 |
| Chewing tobacco | 163 | 35.0 | 17.2 | 17.2 | 3.7 | 0.6 | 3.1 | 4.3 |
| Cigar wraps | 91 | 81.3 | 63.7 | 8.8 | 0.0 | 0.0 | 11.0 | 4.4 |
| Dissolvables | 11 | 81.8 | 9.1 | 0.0 | 45.5 | 0.0 | 0.0 | 27.3 |
| Dry snuff | 577 | 44.4 | 16.1 | 8.5 | 6.8 | 5.4 | 4.3 | 13.0 |
| Dual purpose pipe tobacco | 174 | 14.4 | 2.9 | 2.9 | 7.5 | 12.6 | 1.1 | 0.6 |
| Hand-rolled cigars | 4,628 | 3.3 | 0.8 | 1.3 | 0.2 | 0.1 | 0.5 | 0.7 |

| | | | | | | | | |
|---------------------|-----|------|------|------|------|------|-----|------|
| Little cigars | 325 | 52.3 | 31.4 | 19.7 | 0.9 | 18.5 | 3.1 | 4.9 |
| Machine-made cigars | 432 | 43.8 | 23.8 | 20.1 | 0.5 | 1.4 | 3.9 | 1.6 |
| Moist snuff | 187 | 55.1 | 8.6 | 1.6 | 43.3 | 0.0 | 0.5 | 1.6 |
| Pipe tobacco | 912 | 17.2 | 5.9 | 7.3 | 0.1 | 0.3 | 4.9 | 4.2 |
| RYO | 66 | 15.2 | 13.6 | 1.5 | 0.0 | 13.6 | 0.0 | 0.0 |
| Shisha | 779 | 86.1 | 63.9 | 8.2 | 8.1 | 0.0 | 7.2 | 11.7 |
| Snus | 81 | 33.3 | 3.7 | 1.2 | 27.2 | 0.0 | 1.2 | 0.0 |

Discussion

Thousands of tobacco products are for sale in Minnesota, many of which have fruit or candy flavors. Products popular with youth are commonly flavored.

In Minnesota, about one in five (18%) high school students smoke cigars.⁸ Youth typically don't have much money to spend, so they smoke the less expensive machine-made cigarette-sized cigars, cigarillos, and large cigars. Flavors are common among these machine-made cigars, which make up the bulk of the cigar market. Premium hand-rolled cigars account for less than 3% of the total number of cigars sold in the United States (TTB),⁹ though this study demonstrates that a great variety of them are available. As very few hand-rolled cigars are flavored, a flavor ban would have little impact on the premium cigar industry.

About one in five high school students in America smoked hookah in 2011;¹⁰ Minnesota-specific youth hookah data are not yet available. Flavors were identified in more than four out of five of the shisha brands in this study. Though not all flavors could be determined from product names, nearly all shisha is flavored and sweet.

Fifteen percent of high school boys in Minnesota used smokeless tobacco in 2011.⁷ Most of the smokeless tobacco sold is moist snuff, and 55% of the moist snuff products identified had some added flavor. Snus and dissolvables are gaining in popularity as tobacco companies invest hundreds of millions of dollars to market them.¹¹ Companies claim these new products are marketed to adult cigarette smokers, but more 12th grade students than college students use them.⁸

Among the cigarette-sized cigars, RYO and dual purpose pipe tobacco categories, 20% of the product names included terms like "mild," "light," or "ultra light." These terms were rare among other products. Descriptors like "mild" and "light" are now prohibited for cigarettes and RYO. Some of the RYO products identified as carrying these descriptors may have actually removed them, but the information was not updated on the retailer web sites. Therefore, though the label on the package may have changed, products are still offered to consumers with misleading descriptors that imply reduced harm.

Limitations

A large variety of OTP was identified for this study, but there may be many more products on the market. However, these data from the most prominent internet tobacco retailers should be representative of OTP on the U.S. tobacco market today.

The sheer number of flavored OTP on the market is some indication that these products are popular among tobacco users. However, it is not possible to conclude from this study that flavored products sell better than unflavored ones. Although there is currently no publicly available data source to answer that question, states could require tobacco companies to provide this information.

Flavors could not be identified from every brand name (e.g., Tonic Smooth Sex Shisha). Therefore, a few products are probably incorrectly characterized as having no additional flavor, which will result in conservative estimates of the percentage of OTP that are flavored. Extensive data cleaning sought to remove duplicate entries but a few products may be counted twice, especially if the brand name changed recently. These limitations affect few cases and are unlikely to have a large effect on the results.

Conclusions

There are thousands of tobacco products on sale in Minnesota. About a quarter of the identified products are flavored. These flavors mask the harshness of tobacco and make it easier for new, younger users to become addicted. It is no surprise that the more commonly flavored types of products are the ones preferred by youth. Interventions to restrict the sale of flavored tobacco products will benefit the public's health.

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² 21 U.S.C.A. § 387g (a)(1) (2009).

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⁴ Rod Brewer, *Analysis of AB 2757, Tobacco Products: Blunt Wraps*, available at ftp://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2751-2800/ab_2757_cfa_20100420_132658_asm_comm.html.

⁵ *Tobacco Taxes: Large Disparities in Rates for Smoking Products Trigger Significant Market Shifts to Avoid Higher Taxes*, GAO-12-475, available at <http://www.gao.gov/products/GAO-12-475>.

⁶ Daniel Morris & Michael Tynan, *Fiscal and Policy Implications of Selling Pipe Tobacco for Roll-Your-Own Cigarettes in the United States*, 7 PLoS ONE 5, e36487 (2012), available at <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0036487>.

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¹¹ FED. TRADE COMM'N, *SMOKELESS TOBACCO REPORT FOR 2009 AND 2010* (2012), available at <http://www.ftc.gov/os/2012/09/120921tobaccoreport.pdf>.