FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 DEC -9 PM 5:29

Approved as to Form and Legality

Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 83113 C.M.S.

RESOLUTION DECLARING THE CITY OF OAKLAND'S SUPPORT OF FOOD AND DRUG ADMINISTRATION (FDA) REGULATION OF MENTHOL IN CIGARETTES AND FLAVORING IN OTHER TOBACCO PRODUCTS

WHEREAS, 44% of children ages 12-17 years who smoke and 51% of Asian American and Hispanic, 79% of African American, and 37% of White high school-aged smokers use menthol cigarettes, according to a 2004 report from the American Journal of Health Behavior, and;

WHEREAS, Tobacco Industry documents reveal clear patterns of the Tobacco Industry's designing of flavored tobacco products to target youth, according to a report from the Federal Drug Administration in 2009, and;

WHEREAS, mentholated [and flavored] products are shown to be "starter" products for youth who begin smoking, and, the Tobacco Industry has been manipulating the dose of menthol in cigarettes to ensure the uptake and continued use, especially by young people and other vulnerable populations for many years, according to reports from the FDA in 2009, and;

WHEREAS, the Tobacco Industry has targeted African Americans with mentholated products, according to a report conducted in 2008 from the American Journal of Public Health and a survey conducted by Brown and Williamson Tobacco Company on the marketing of Menthol in Tobacco Products, and;

WHEREAS, nearly 83% of African American smokers smoke menthol cigarettes, compared with 24% of White smokers, and;

WHEREAS, the Food and Drug Administration (FDA) has the authority to issue product standards to promote public health, which can include eliminating or reducing certain ingredients, and;

WHEREAS, the FDA prohibits cigarettes from having candy, fruit and spice as their characterizing flavors because these flavors make tobacco products especially appealing to kids, and can lead to a lifetime of tobacco addiction, and;

WHEREAS, menthol was exempted from this ban on candy, fruit and spice as characterizing flavors in cigarettes, and;

WHEREAS, other tobacco products (smokeless, little cigars, hookah tobacco, dissolvable tobacco products) are exempted from this ban on candy, fruit and spice as characterizing flavors, and;

WHEREAS, the tobacco industry has a well-documented history of developing and marketing mentholated brands to racial and ethnic minorities and youth; and;

WHEREAS, in cigarettes, menthol is the only cigarette additive that is actively marketed to consumers and virtually all cigarettes contain menthol to make cigarettes more palatable; and;

WHEREAS, the City of Oakland is committed to the health and wellbeing of it's residents and is particularly concerned about preventing tobacco use among youth, so, therefore be it:

RESOLVED, that it is the intent of the City Council of the City of Oakland, in enacting this resolution, to support Food and Drug Administration regulation of menthol in cigarettes and flavoring in other tobacco products.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 21 2010

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER – 8

NOES – 0
ABSENT – 0
ABSTENTION – 0

ATTEST: LaTonda Simmons
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California