

Counter Tools' Healthy POS Webinar Series: Flavored Tobacco Policies and Evaluation - A Massachusetts Case Study

Wednesday, February 26th, 2020

1:00pm EST

Moderator: Jackie Boards, Counter Tools

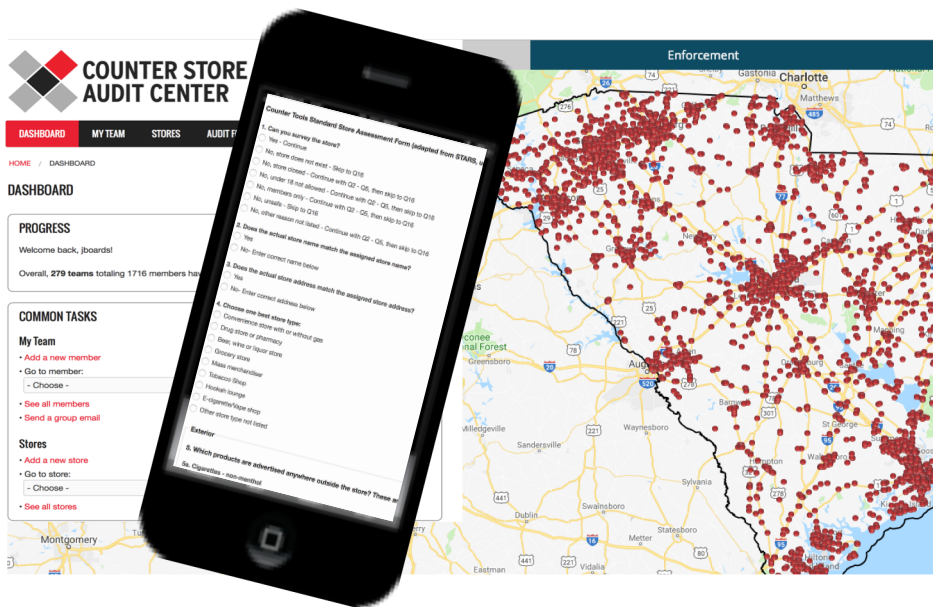
Speakers: Lindsay Kephart and Melody Kingsley, Epidemiologists, Tobacco Cessation and Prevention Program - Massachusetts Department of Public Health



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Empowering communities to become healthier places –
starting with the retail environment.





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- Training
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- Supporting Advocacy Efforts
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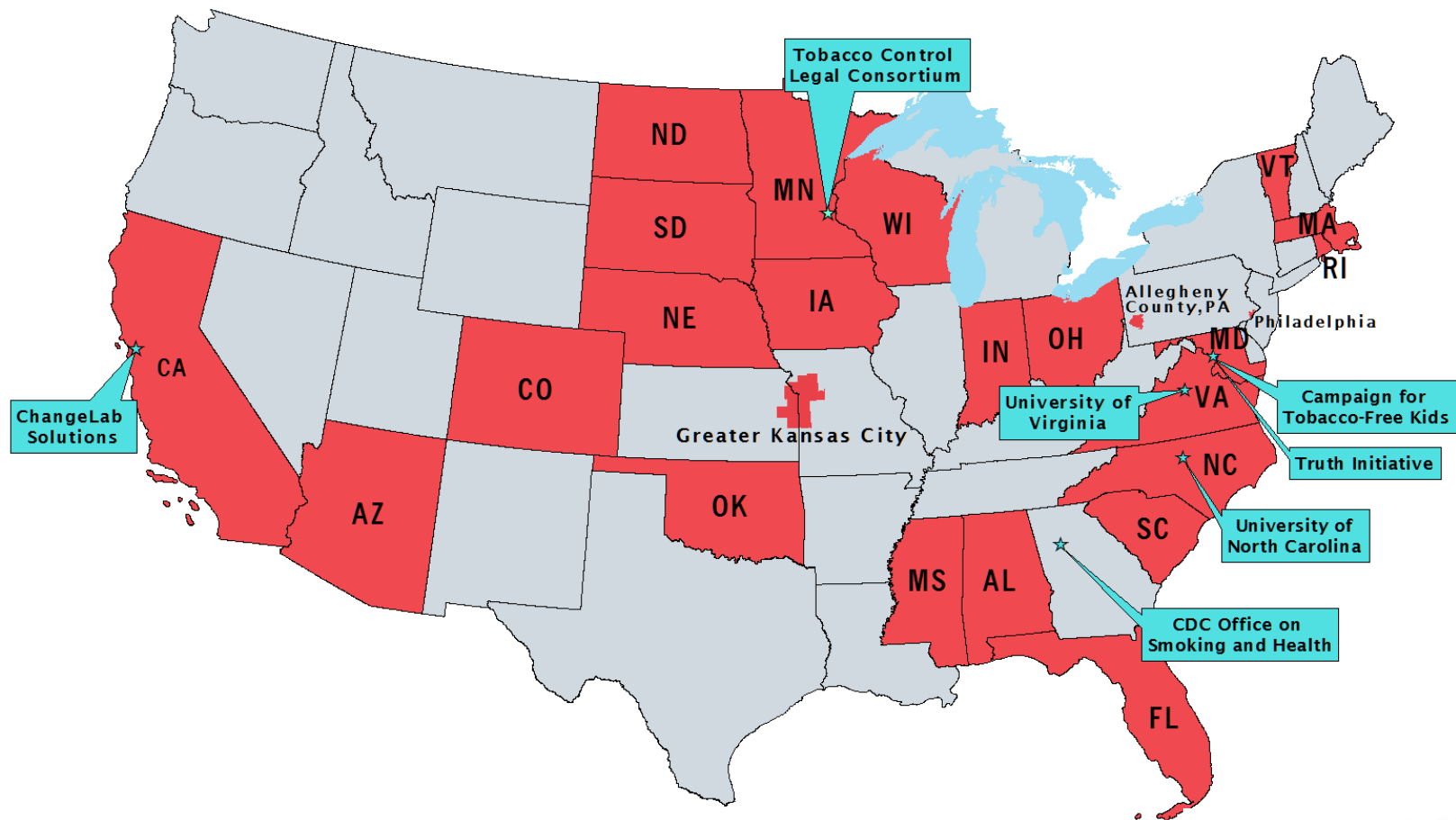
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150 YEARS
OF ADVANCING
**PUBLIC
HEALTH**

Massachusetts Department of Public Health

Evaluation of Flavored Tobacco Restriction Policies

Massachusetts Tobacco Cessation and Prevention Program (MTCP)
Massachusetts Department of Public Health

Counter Tools Healthy POS Webinar Series
February 26, 2020

Outline

Background: Youth Tobacco Use and Point-of-Sale Policies

Data Sources for Evaluation of Flavored Tobacco Restrictions

Results from Evaluation of Flavored Tobacco Restrictions

- Retail tobacco environment
- Youth tobacco use

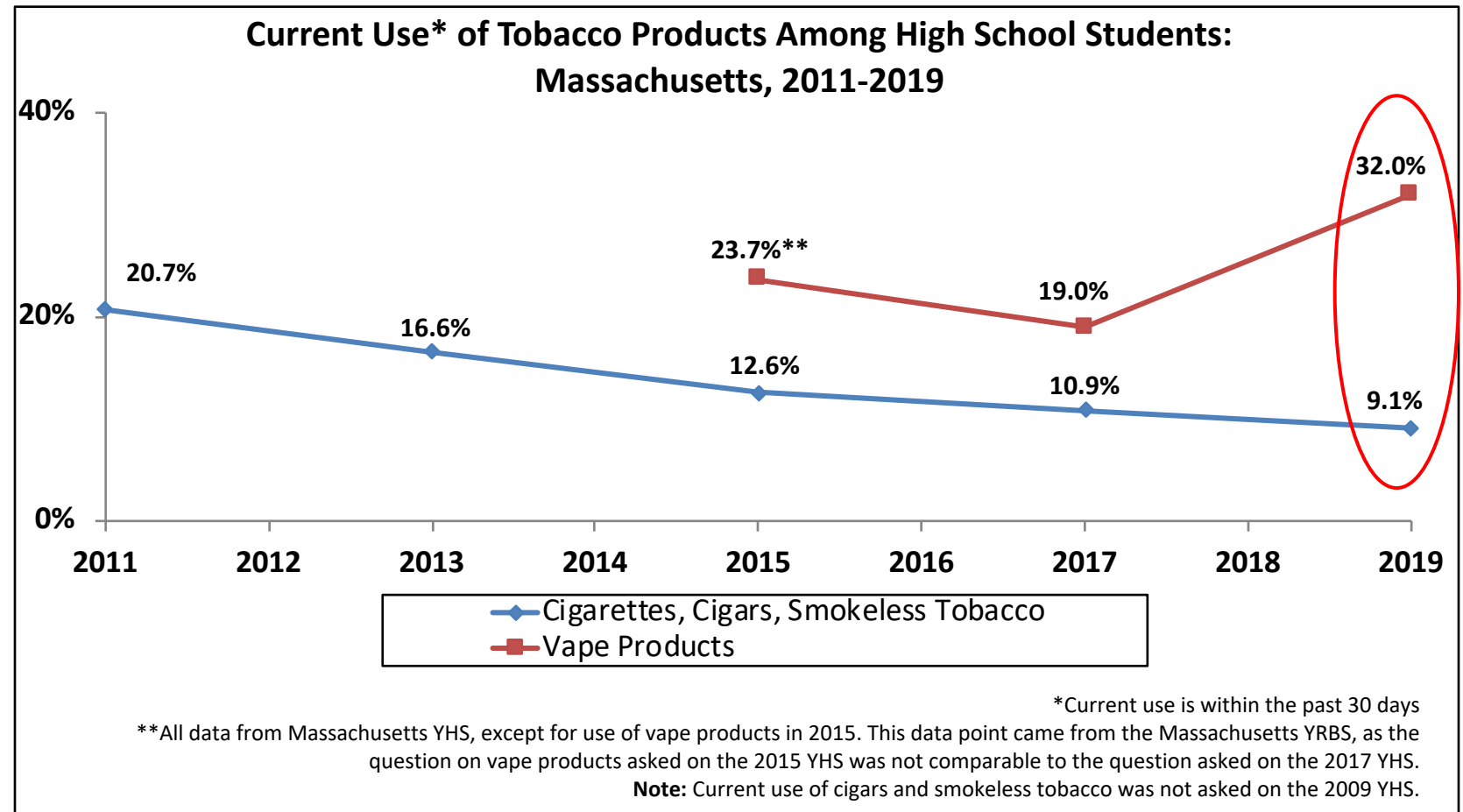
Next Steps: Focus on Equity and An Act Modernizing Tobacco Control

Background

Youth Tobacco Use is at an All-Time High

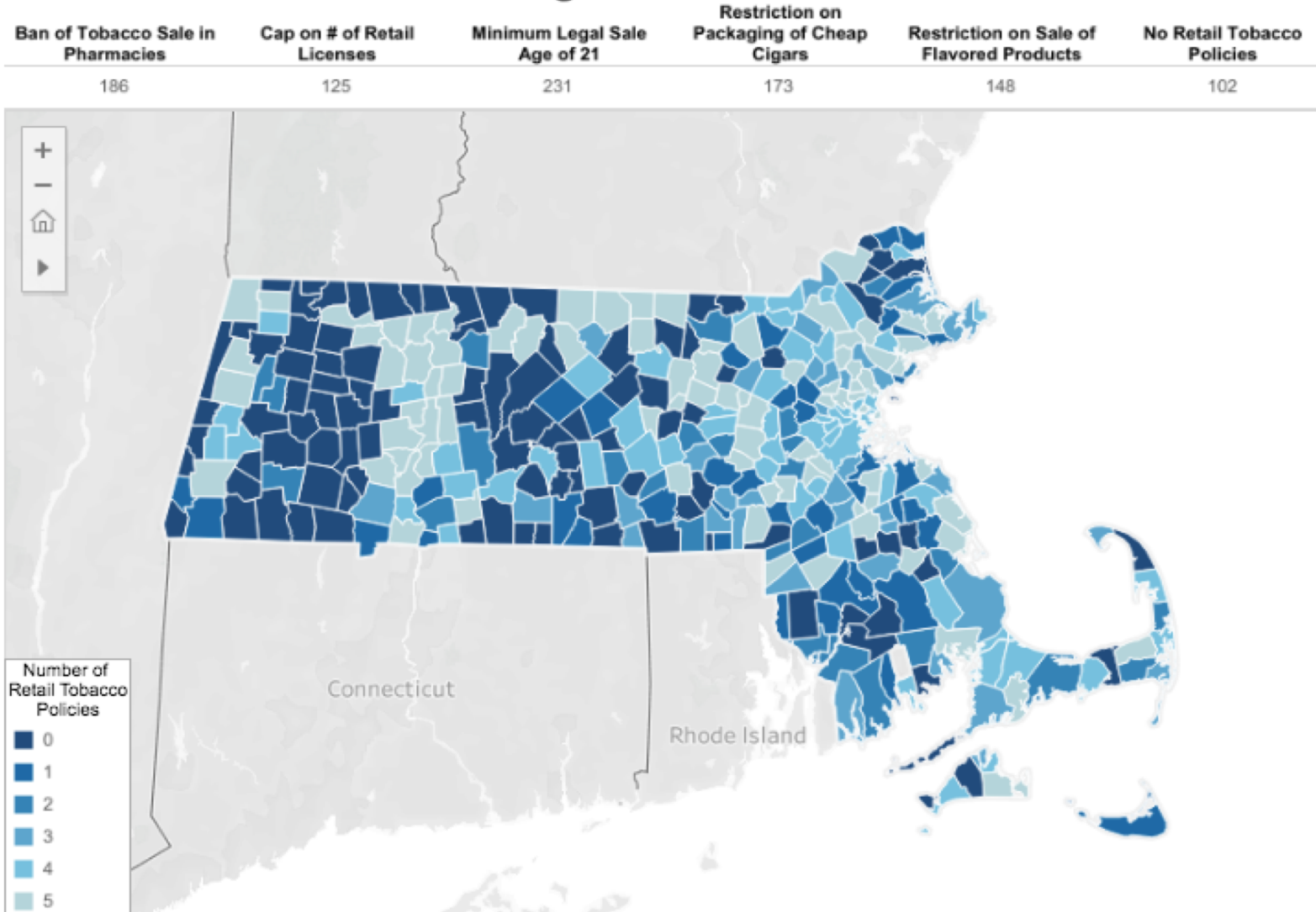
In 2019, over **1 in 3 high school students** used a tobacco product (cigarettes, cigars, smokeless tobacco products, vape products) in the past 30 days. This is the highest rate of youth tobacco use in Massachusetts in **two decades**.

This dramatic increase in youth tobacco use has been driven by use of vape products. In 2019, youth used vape products at **over 3x the rate** of conventional tobacco.



Massachusetts Local Policy Movement

Tobacco Regulations in Massachusetts



Massachusetts Municipality Structure

- Each municipality with Board of Health to pass local-level regulations and policies.
- Since 2003, municipalities have passed Point-of-Sale regulations impacting the local retail environment.
- Most municipalities require permit to sell tobacco.
- Permit system enables municipalities to regularly keep track of tobacco retailer info, conduct enforcement activities, and collect product and cost data.

FTR: A High Impact Policy

Not all POS policies are created equal. Some tobacco point-of-sale policies impact more than one tactic; these are considered higher-impact policies.

Flavored tobacco restrictions (FTRs) are a higher impact policy because they impact three tactics.

Tobacco Industry Tactics	Strategy to Reduce Tobacco Industry Influence	Point-of-Sale Policies							
		Flavored Product Restriction	Cap on Number of Retailers	Cigar Packaging Restriction	Pharmacy Ban	No New Retailers 500ft from Schools	E-cigarette Age Restriction	21 Age Restriction	Coupon Restriction & Out of Package Sale Ban
Density Tactic: Makes tobacco available in numerous locations to normalize its sale and increase young peoples' exposure.	Density Strategy: Reduces the number or location of retail outlets.		✓		✓	✓			
Pricing Tactic: Makes tobacco inexpensive so it is easier for young people to buy it, and to try it on impulse.	Pricing Strategy: Increases the cost of tobacco products.			✓					✓
Exposure Tactic: Uses product displays and indoor and outdoor marketing to expose young people to tobacco industry messages.	Exposure Strategy: Reduces the types of products youth are exposed to in their communities.	✓	✓	✓	✓	✓			
Access tactic: Makes tobacco easy for young people to get.	Access Strategy: Reduces the channels in which youth may access tobacco.	✓					✓	✓	
Flavor Tactic: Makes products sweet to mask tobacco taste, and uses a variety of youth-centered flavors for wider appeal.	Flavor Strategy: Reduces exposure and access to flavored products, which are targeted at youth.	✓							

Data Sources for FTR Evaluation

Types of Data Used for Flavor Evaluation

Ongoing

Pricing Survey

- Tracks availability and price of select flavored and non-flavored tobacco products, including cigarettes, cigars, smokeless, and vape products
- Conducted in **100% retailers** every year

Intensive Data Collection

Full Inventories of Flavored Tobacco Products

- Assessed flavor product availability, flavor product inventory, flavor product advertising, barriers to compliance, helpful resources
- Conducted in select communities during first CDC Competitive Grant period

Youth Tobacco Surveys

- Assessed ever and current flavored and non-flavored tobacco use, awareness of tobacco, marijuana use, and access to tobacco (2016 and 2018-2019)
- Conducted in select communities during first and second CDC Competitive Grant periods

Intensive Data Collection (as resources permit)

Retail Surveys

Type of Product: A) Cigar/Cigarillo/Blunt Wrap B) E-Cig/Nicotine Liquid C) Smokeless/Dissolvable D) Pipe Tobacco E) Hookah/Shisha

#	Type of Product	Brand	Name	Designated Flavor? (Yes/No)
Example	Cigar/Cigarillo/Blunt Wrap	Phillies	Passionfruit	Yes
Example	E-Cig/Nicotine Liquid			
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

Retailer Flavored Product Survey Date of Visit: Survey Start Time: Survey End Time:

Establishment: Employee Name: Employee Title: ☐ Owner ☐ Manager ☐ Supervisor ☐ Clerk Unable to Complete: ☐ Out of Business ☐ Closed ☐ Refused ☐ Not Selling Tobacco ☐ Other

A. Flavored Product Advertising
☐ No ads anywhere
☐ Ads outside
☐ Ads inside

B. Inventory Assessment
☐ Store does not sell flavored products
1. Did store previously sell flavored products?
☐ YES ☐ NO ☐ DON'T KNOW
2. If YES, how long did retailer say it took to sell down stock?
☐ # of Days ☐ Don't Know
☐ Returned to Distributor/Transferred to another store

C. Reasons for Non-Compliance
☐ Was not aware of the policy
☐ Disagrees with policy
☐ Distributor sent the product(s)
☐ Did not know that a product was in violation
☐ Unable to sell down stock
☐ Don't Know
☐ Others

D. Enforcement Activities Related to this Visit
☐ Education ☐ Verbal Warning
☐ Fine \$ ☐ Written Warning
☐ None ☐ Other

E. How Many Activities Done PRIOR to this Visit?
of Letters Sent # of Educational Visits
of Written Warnings # of Fines
of Retailer handouts # of FPL distributed

F. General Activities Completed During Visit
☐ Gave copy of regulation and provided explanation
☐ Gave copy of retailer handout and FPL
☐ Answered questions from retailers
☐ Showed retailer product(s) in violation
☐ Took photos of product(s) in violation/suspected
☐ Purchased suspected flavored products not on FPL
☐ None of the above ☐ Others

If store is not selling flavored products, skip to Part E

☐ Store sells products **LABELED** with a flavor (e.g. Strawberry, Grape, etc.)
1. How many different kinds in total? (Ex: B&M Wine, B&M Cherry, Dutch Master Cherry = 3 kinds)
Total # of Kinds
2. On attachment, list out the labeled flavored products **NOT** on the Flavored Product List (FPL). Please indicate the a) Brand, b) Name, and c) Product type.
3. Types of Labeled Flavored products Available:
☐ Cigars/Cigarillo ☐ Blunt Wraps
☐ E-Cigs/E-Hookahs ☐ E-Liquids
☐ Others
☐ Store sells products **NOT** labeled with a flavor, but **are** on the FPL and/or you believe are flavored
1. How many different kinds in total? (Ex: Pink package (peach), Green package (apple), B&M Jazz = 3 kinds)
Total # of Kinds

School Surveys

9. Does anyone you live with currently use tobacco (for example, cigarettes, cigars, e-cigarettes, chew, dip, snus, pipe tobacco, etc.)? A. Yes B. No C. Don't know

10. For each **NON-FLAVORED** tobacco product, please check ☐ if you have never used the product. (Non-flavors include: plain, tobacco, regular, menthol)

11. For each **FLAVORED** tobacco product, please check ☐ if you have never used the product. (Flavors include: grape, cherry, watermelon, berry, red, tropical crush, caramel, honey, banana, etc.)

12. What is the price of a multi-pack of cigars (2 or more) like this in Attleboro? A. I don't know B. \$1 or less C. \$2.50 D. \$5.00 E. \$8.25 F. \$10

13. What is the price of a single cigar (1) like this in Attleboro? A. I don't know B. \$1 or less C. \$2.50 D. \$5.00 E. \$8.25 F. \$10

14. Do you know someone who would buy tobacco products for you if you asked? A. Yes B. No C. Don't know

15. Have you seen the following tobacco products in convenience stores, corner stores, or gas station/mini-marts in Attleboro in the past 3 months?

A. Single Black & Mild cigar
☐ Yes, I have seen these products
☐ No, I have not seen these products

B. Single flavored BluntVille cigar
☐ Yes, I have seen these products
☐ No, I have not seen these products

C. Multi-pack flavored Show cigars
☐ Yes, I have seen these products
☐ No, I have not seen these products

D. Flavored e-liquids
☐ Yes, I have seen these products
☐ No, I have not seen these products

Origins of the Flavor Tobacco Restriction (FTR) in Massachusetts

In **January 2012**, Providence, RI passed an ordinance prohibiting the sale of all flavored tobacco products, including e-cigs, excluding menthol, in youth-accessible retailers. Ordinance successfully litigated.

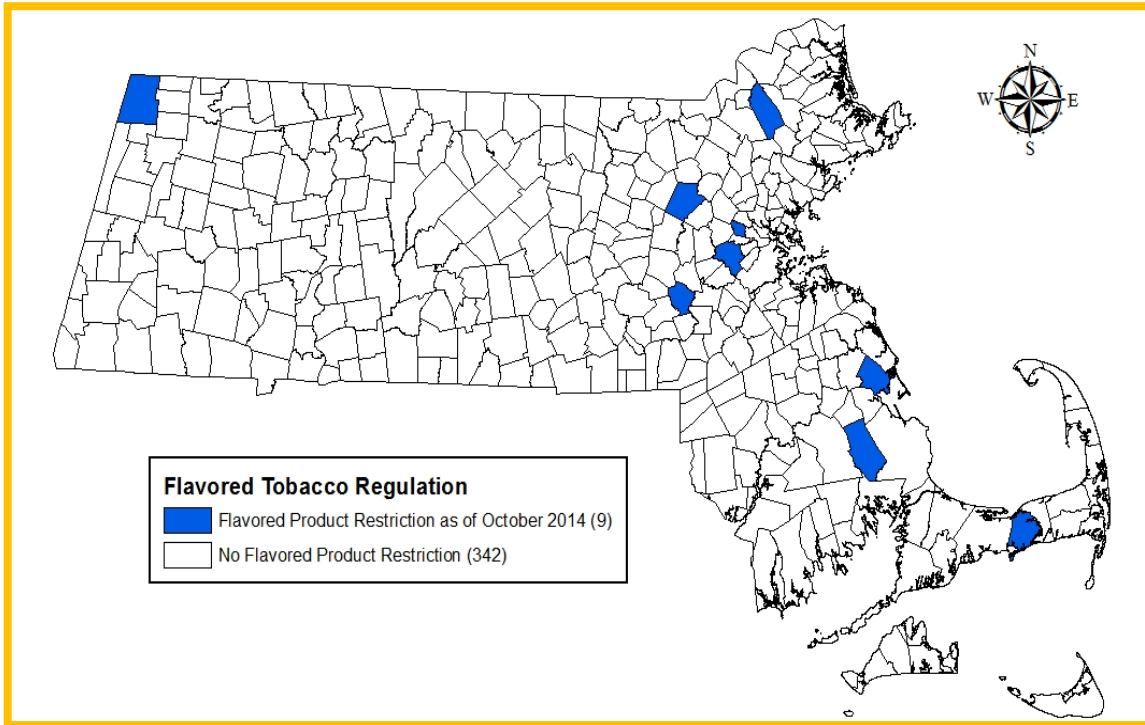
Prohibits sale of flavored tobacco products except in adult-only retail tobacco stores

❖ Flavored: Taste or aroma *other than mint, menthol or tobacco*

❖ Tobacco Products: Includes e-cigarettes, e-liquids, hookah, shisha, blunt wraps, *regardless of nicotine content*

❖ Adult-only Retail Tobacco Stores: 1) do not allow anyone under the minimum legal sale age to enter 2) do not hold a food service permit and 3) are licensed as such by the municipality

Origin of the FTR Evaluation

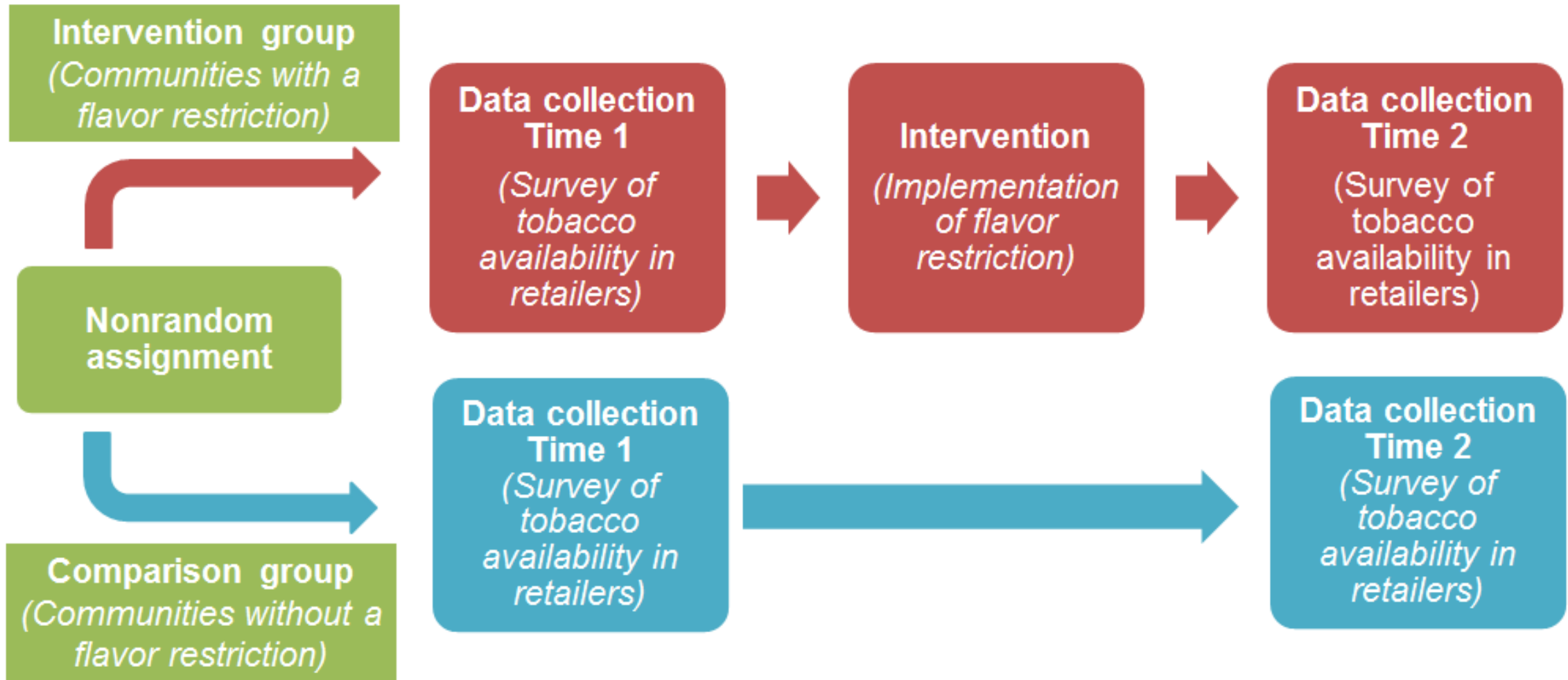


- In 2014, New York City, Providence, RI, and 9 municipalities in Massachusetts had already adopted a flavor restriction policy.
- Many more localities were looking to pass it in the near future.
- At the time, **no prior publication** on the impact of the policy had been released
- In 2014, Massachusetts applied for and was awarded a **CDC Competitive grant**, which supports designing, implementing and evaluating innovative and/or promising practices.
- Massachusetts proposed to **evaluate the impact** of a flavored tobacco restriction policy that removed the sale of these youth-oriented products from youth accessible retail settings into adult-only establishments.
 - Impact on the **retail environment** (availability and advertising)
 - Impact on **youth access, initiation, and use** of flavored products

Policy Evaluation Methods: Quasi-Experimental Design



Policy Evaluation Methods: Quasi-Experimental Design



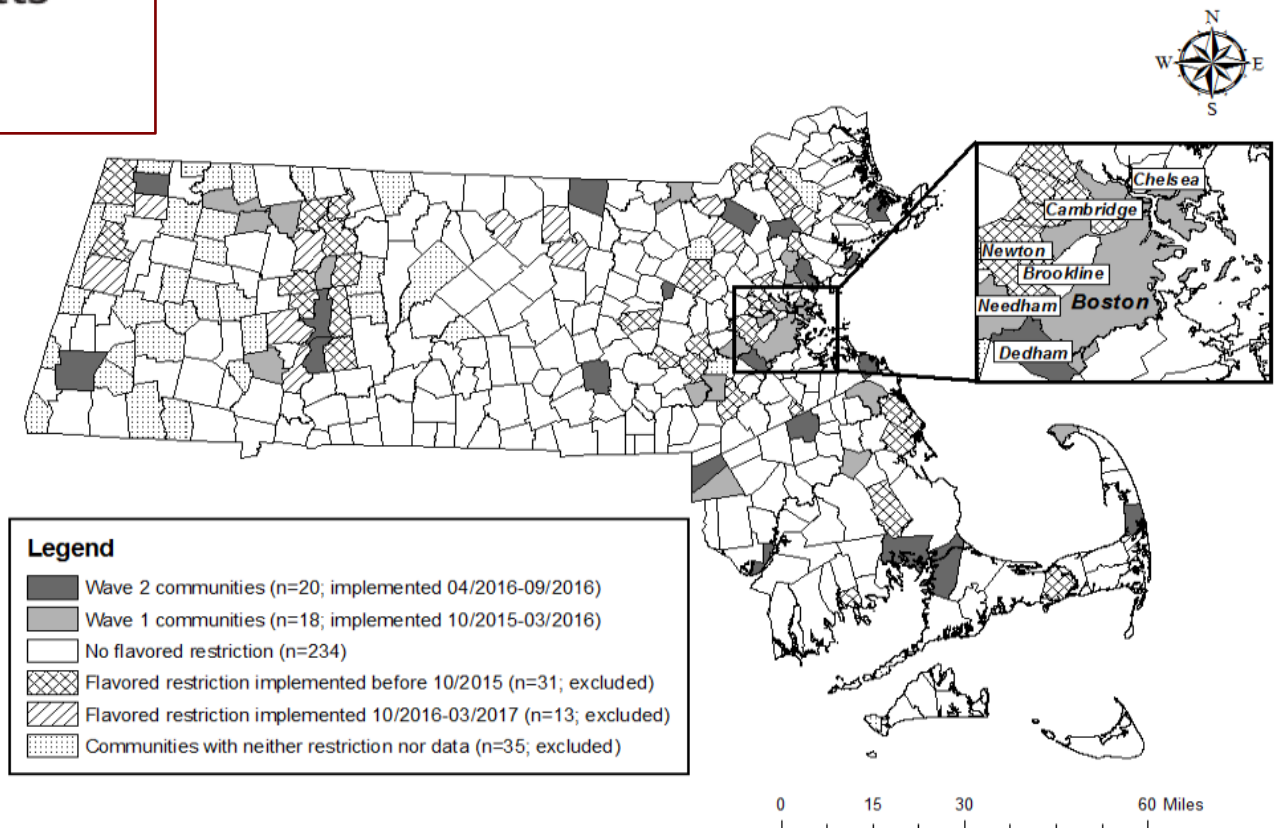
Retailer Compliance with Flavored Tobacco Restrictions

Study #1: With adequate enforcement, compliance to local FTR policies can be high, regardless of community demographics

Impact of flavoured tobacco restriction policies on flavoured product availability in Massachusetts

Melody Kingsley, [✉] Glory Song, Jennifer Robertson, Patricia Henley, W W Sanouri Ursprung

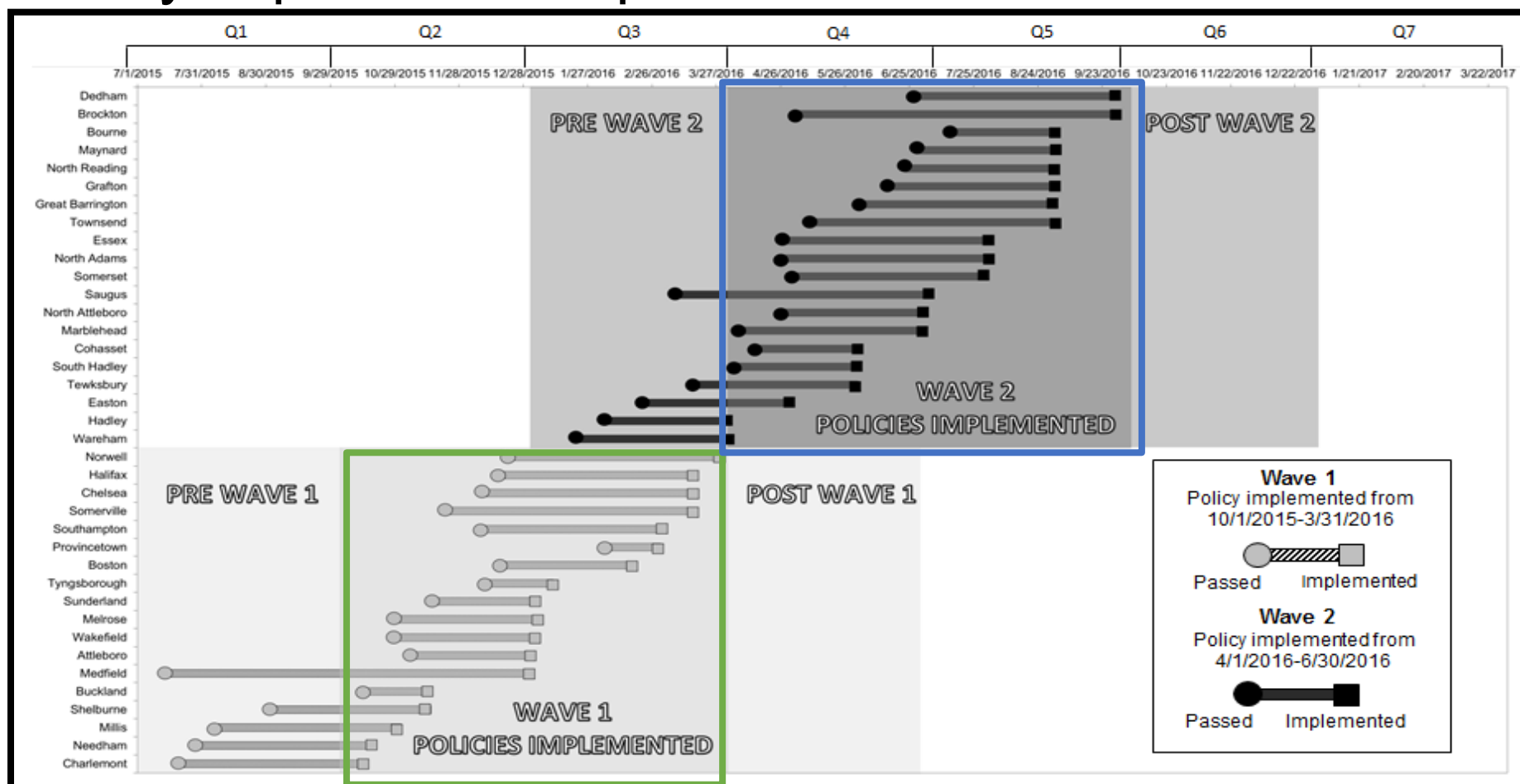
- ❖ **Case communities:**
38 with the policy
(grouped into 2 waves
based on date of policy
implementation)
- ❖ **Comparison
communities:** 234
without the policy



Study #1: Methods

Wave 1: Policy implemented October 2015 - March 2016

Wave 2: Policy implemented April - June 2016



Study #1: Results

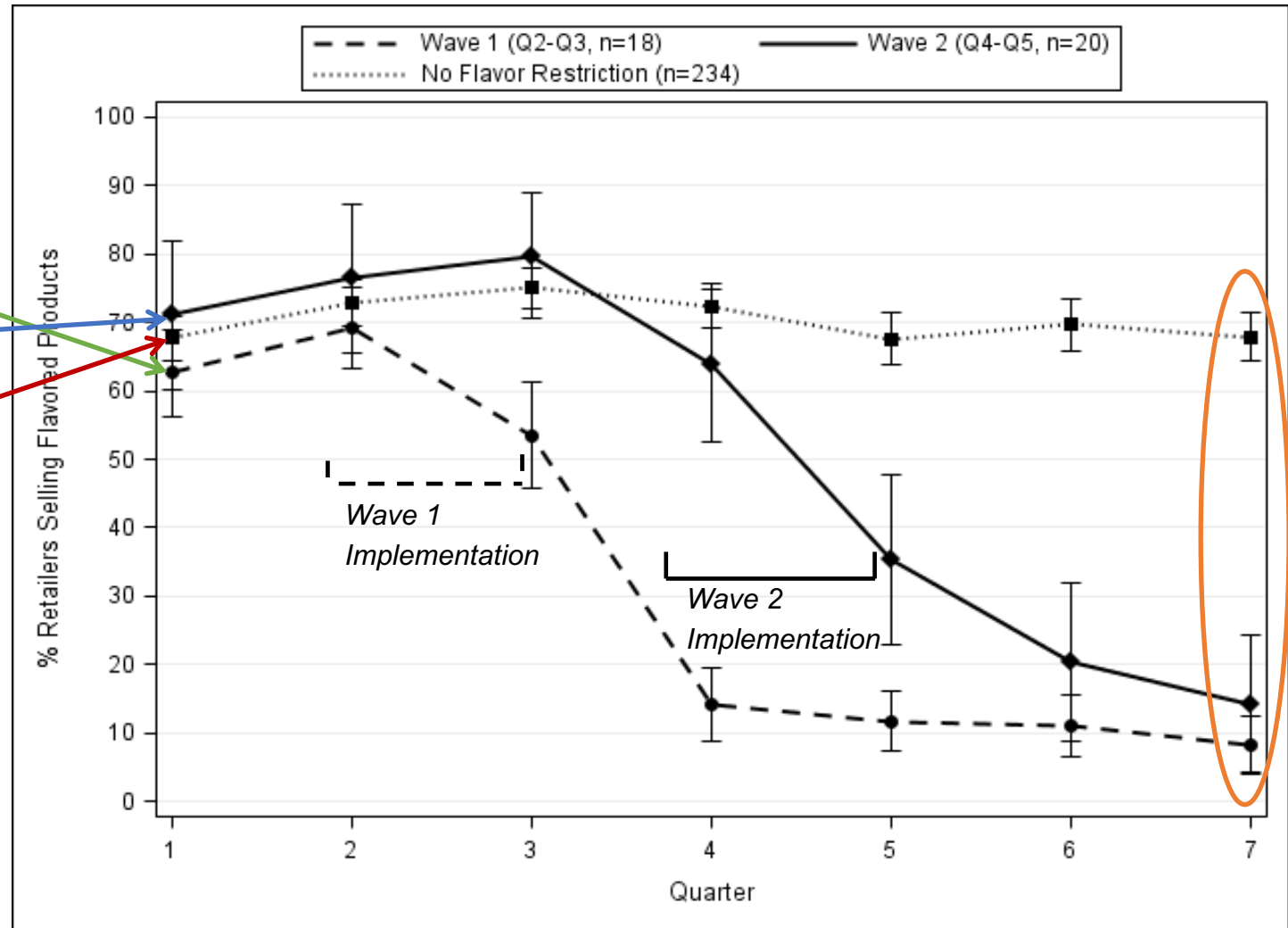
Outcome: Flavored product availability over time

Wave 1

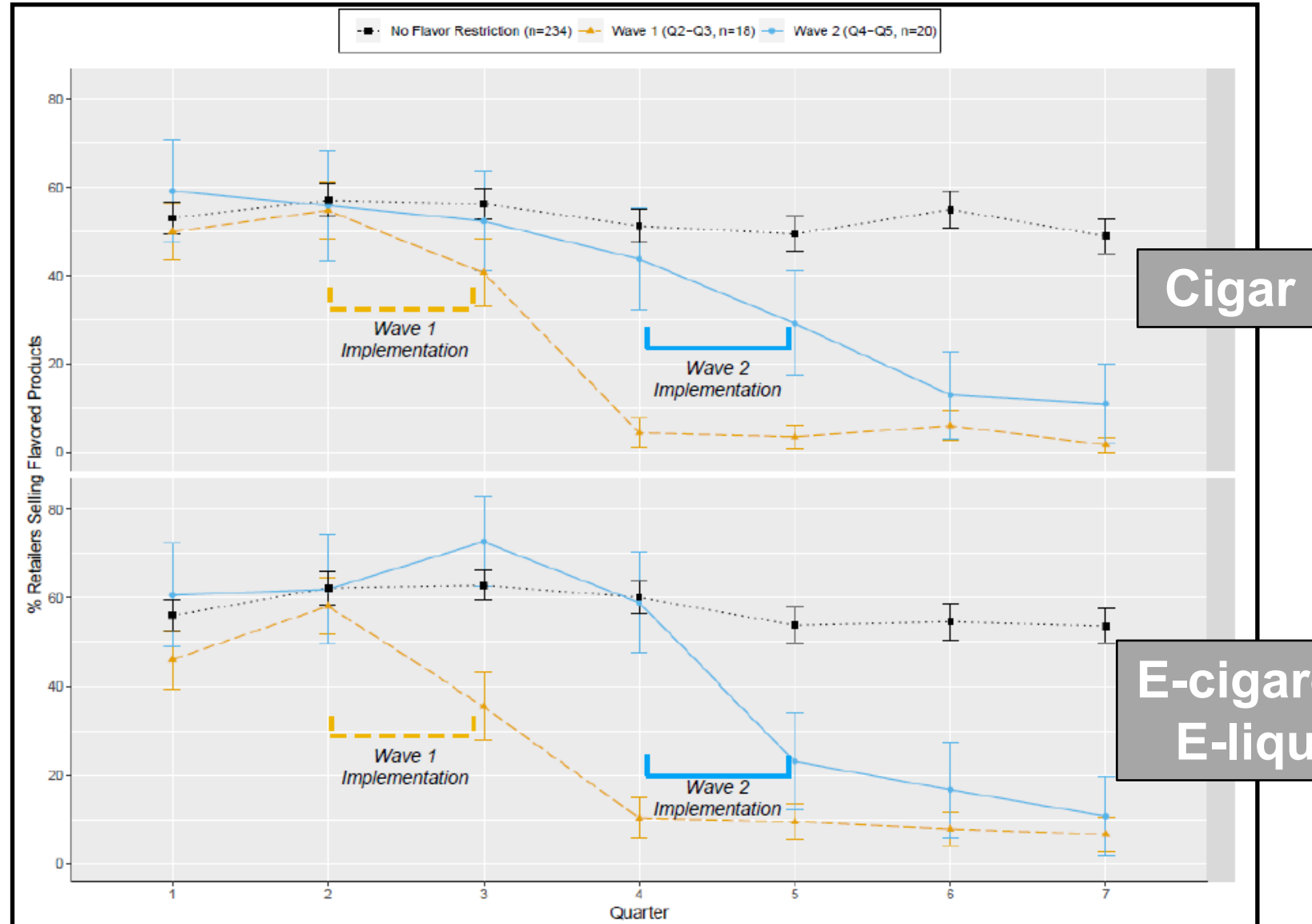
Wave 2

Comparison

By Q7, both Wave 1 and Wave 2 had flavored product availability under **15%**, while comparison communities had significantly higher availability (68%)



Study #1: Results



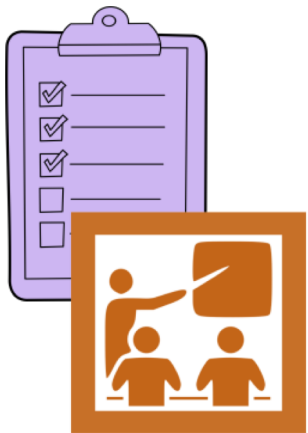
Availability of flavored products decreased drastically, **regardless of product type**

Study #1: Conclusions



Within a short (12 month) period of time:

- **Drastic reductions** occurred in **all types** of flavored tobacco captured (cigars, e-cigarettes, e-liquid droppers)
- Reductions occurred regardless of time of policy implementation (early or later adopters)
- Reductions occurred regardless of community and retailer level characteristics.



Compliance with the policies was aided by **MTCP's enforcement infrastructure** and **resources** that were provided to enforcement agents across the state. Includes:

- Multiple enforcement trainings
- Educational visits and materials for retailers
- Flavored product list with all known flavored products.

Study #2: Local FTR policies drastically reduces flavor product advertising and inventory in the retail environment

Evaluating tobacco retailer experience and compliance with a flavoured tobacco product restriction in Boston, Massachusetts: impact on product availability, advertisement and consumer demand

Lindsay Kephart ¹, Claude Setodji, ² Joseph Pane, ² William Shadel, ² Glory Song, ¹ Jennifer Robertson, ³ Nikysha Harding, ⁴ Patricia Henley, ⁵ Wannakuwatte Waduge Sanouri Ursprung ¹

All pre-post changes significant (P < 0.001)

	ANALYTIC SAMPLE (N = 353 RETAILERS)	
	BASELINE	FOLLOW-UP
% Selling flavored products	100%	14.4%
Average # of products	19.1	0.39
% retailers with flavor ads	54.5%	25.8%

Of retailers not compliant at follow-up (n=51)

Average # of flavored products: 3

45% (N=23) selling only one product

144 products inventoried at follow-up

- 85.4% were cigars/cigarillos/blunt wraps
 - 11.8% were e-cigarettes/e-liquids
- Top flavors:
- Blue (14.6%)
 - Vanilla (11.8%)
 - Grape (8.3%)
 - Chocolate (6.9%)

Study #2: Conclusions

- Prior to implementation of FTPR, flavored tobacco products (particularly cigars/cigarillos/blunt wraps and e-cigarettes/e-liquids) were *widely* available in youth accessible stores.
 - 400+ unique flavors documented
 - Most common flavors: grape, vanilla, blue, chocolate and wine
- Flavored tobacco product restriction in Boston lead to a decrease in flavored product availability and advertisements in youth-accessible stores
- Educational and Enforcement infrastructure in Boston aided with retailer knowledge and compliance
- Concept flavors may pose a challenge to compliance.
- Mint/menthol flavors still available in youth-accessible retailers.

Full paper available at:

<http://tobaccocontrol.bmj.com/cgi/contezznt/full/tobaccocontrol-2019-055124>

Co-author Acknowledgements:

- Claude Setodji
- Joe Pane
- Bill Shadel
- Glory Song
- Jennifer Robertson
- Nikysha Harding
- Patti Henley
- Sanouri Ursprung

Impact of Flavored Tobacco Restrictions on Youth Tobacco Use

Study #3: Local FTR policies can reduce youth use of flavored and non-flavored tobacco in the short-term (6 months – 1 year)

Short-Term Impact of a Flavored Tobacco Restriction:
Changes in Youth Tobacco Use in a Massachusetts
Community



Melody Kingsley, MPH,¹ Claude M. Setodji, PhD,² Joseph D. Pane, MSP,² William G. Shadel, PhD,²
Glory Song, MPH,¹ Jennifer Robertson, JD,¹ Lindsay Kephart, MPH,¹ Patricia Henley, MEd,¹
W. W. Sanouri Ursprung, PhD¹

A Massachusetts community with the policy was matched to a similar community without the policy on demographics, retailer characteristics, and presence of other point-of-sale tobacco control policies.

Data Collection (2016-2017)

Baseline: pre-policy
implementation

Follow-up: 6 months post-policy
implementation



Case
Community



118 retailer inventories

593 youth surveys

113 retailer inventories

524 youth surveys

Comparison
Community



51 retailer inventories

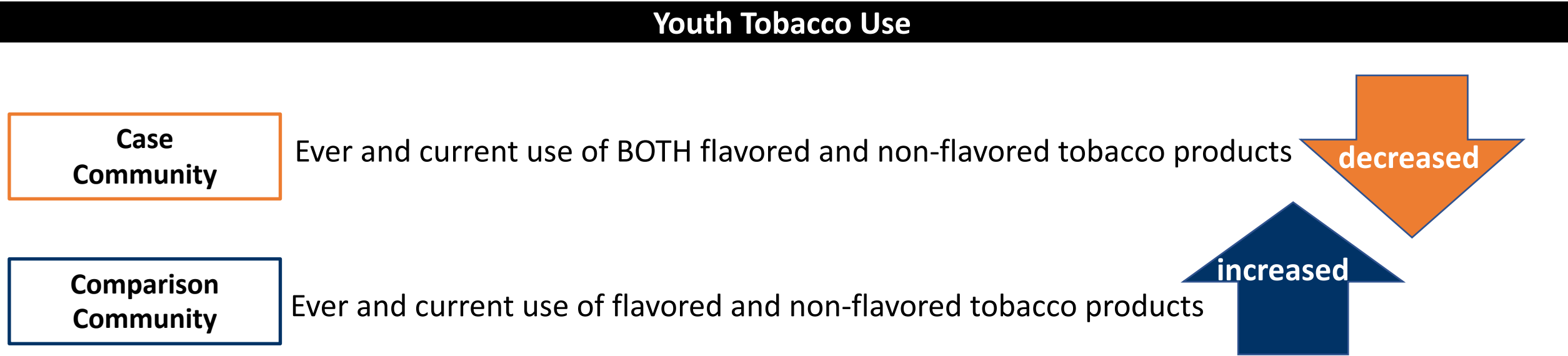
636 youth surveys

48 retailer inventories

646 youth surveys

Study #3: Results

From **baseline** to **6 months** post-policy implementation:



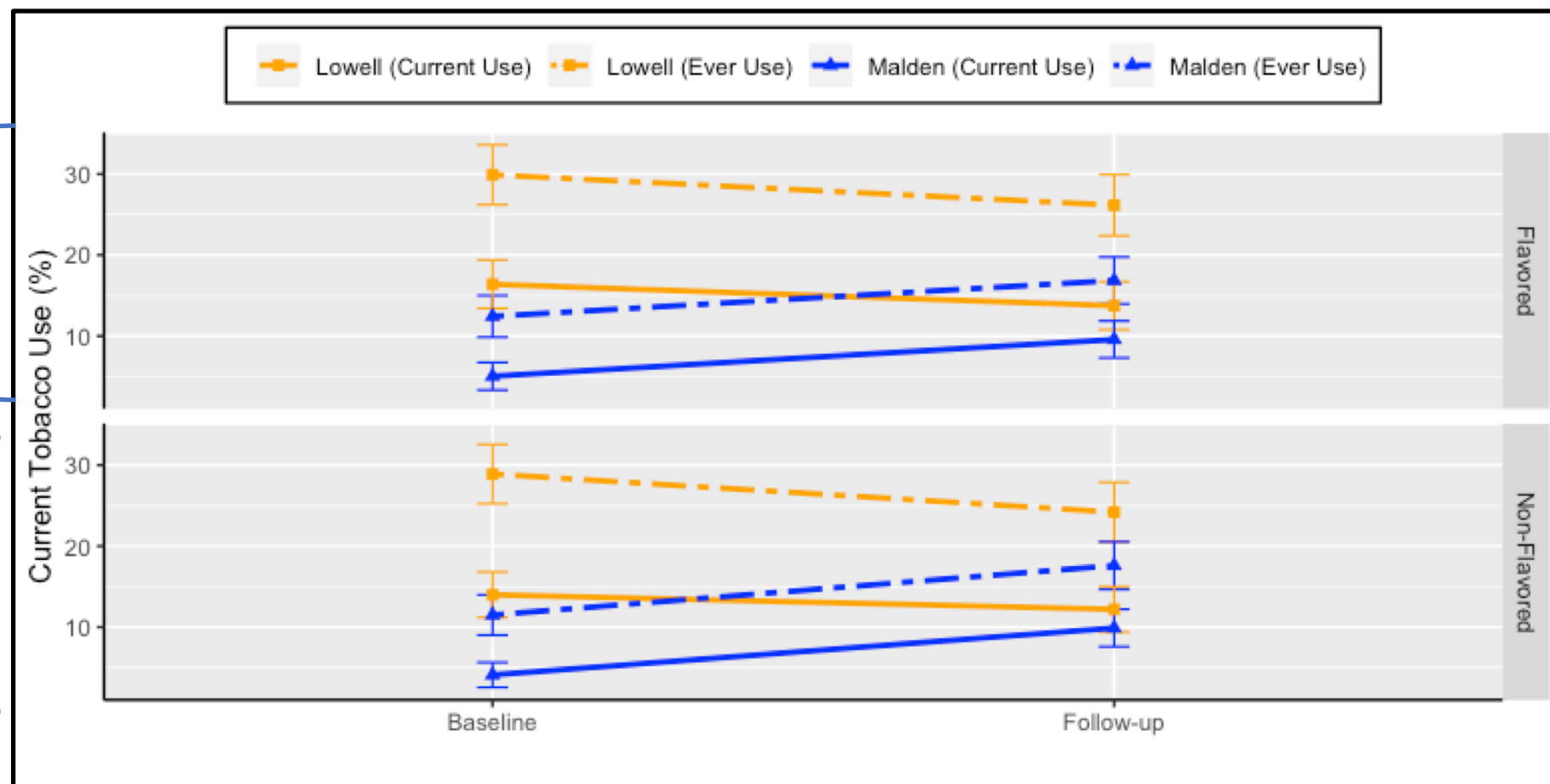
Study #3: Results

Flavored Tobacco:

Changes in current use significantly different between communities ($p=0.03$); changes in ever use approached significance ($p=0.07$)

Non-Flavored Tobacco:

Changes in ever and current use significantly different between communities ($p=0.01$)



Difference-in-difference models adjusted for age, gender, and race/ethnicity

Study #3: Conclusions

Implementation of a flavored tobacco restriction in Massachusetts' communities:

- **Decreased** availability of flavored tobacco products
- **Decreased use** of both flavored and non-flavored tobacco products among youth (even after controlling for youth demographic characteristics), even within 6 months
- **Did not** necessarily drive youth to switch to non-flavored tobacco
- **Did not** impact initiation of tobacco use with a flavored product **in the short-term**; future studies could assess longer-term impact of the policy on this outcome



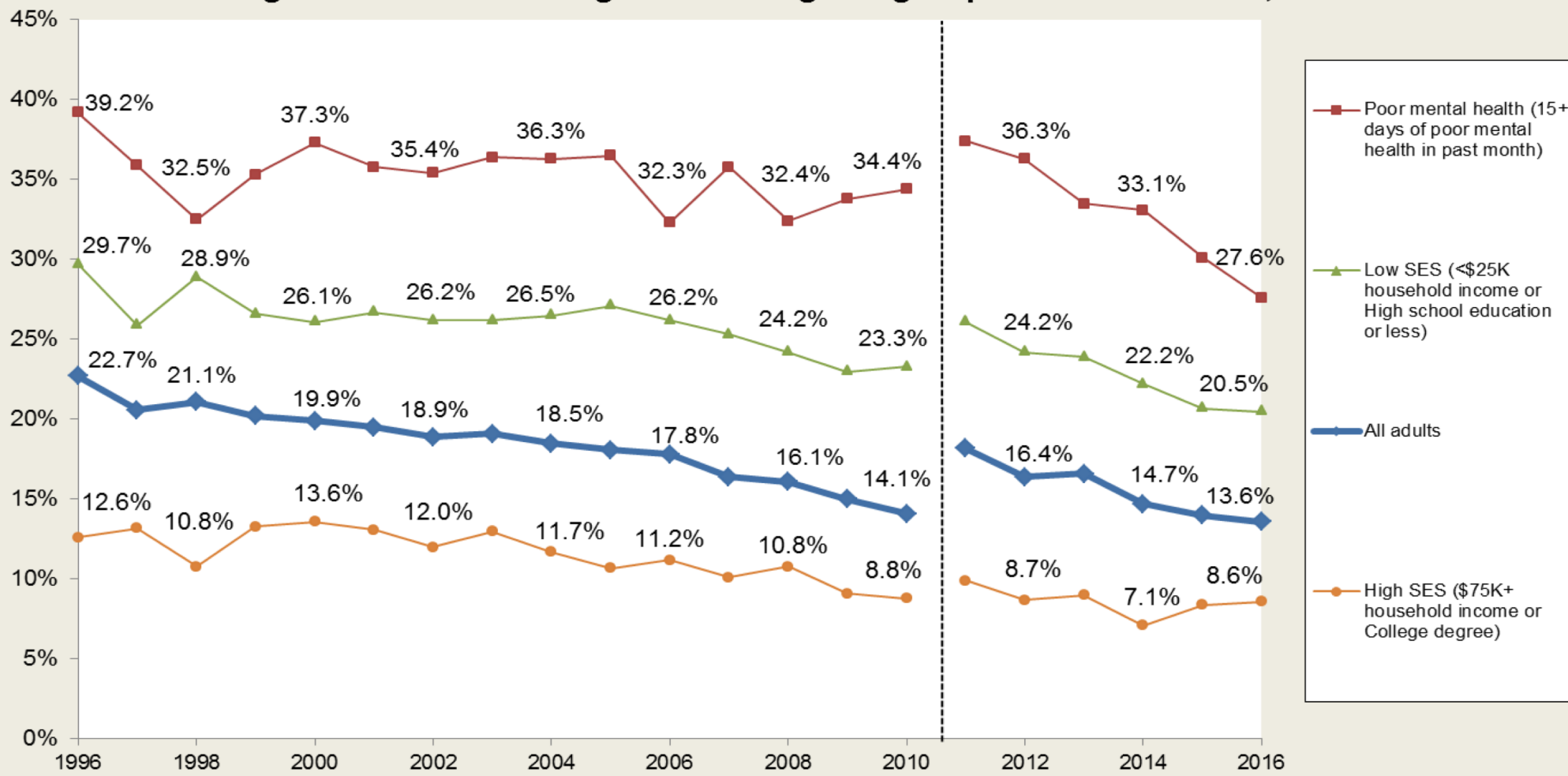
Study #4: Local FTR policies can sustain reduction in youth use of flavored tobacco in the long-term (2-3 years)*

*Coming soon....

Focus on Equity

Despite major progress, who has been left behind?

Figure 3. Adult Smoking Rate Among Subgroups: Massachusetts, 1996-2016

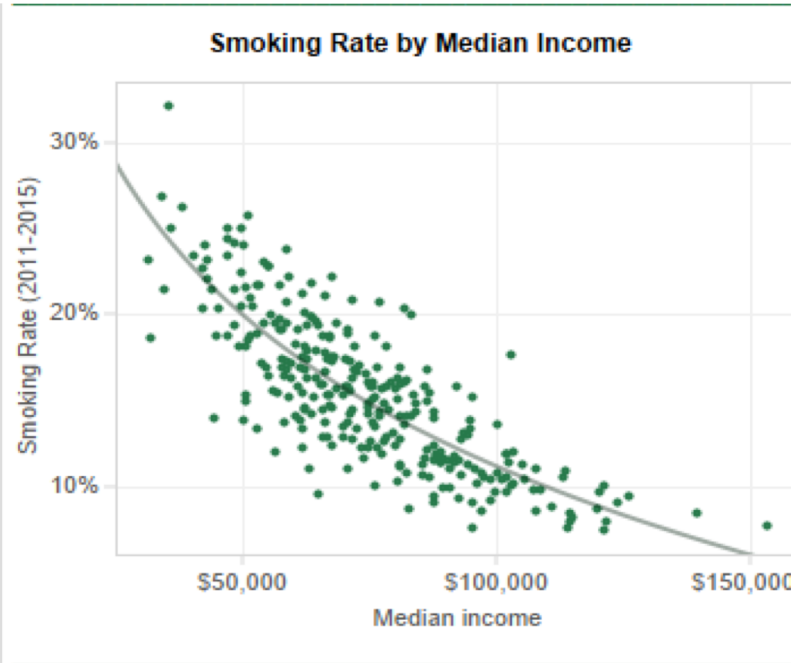
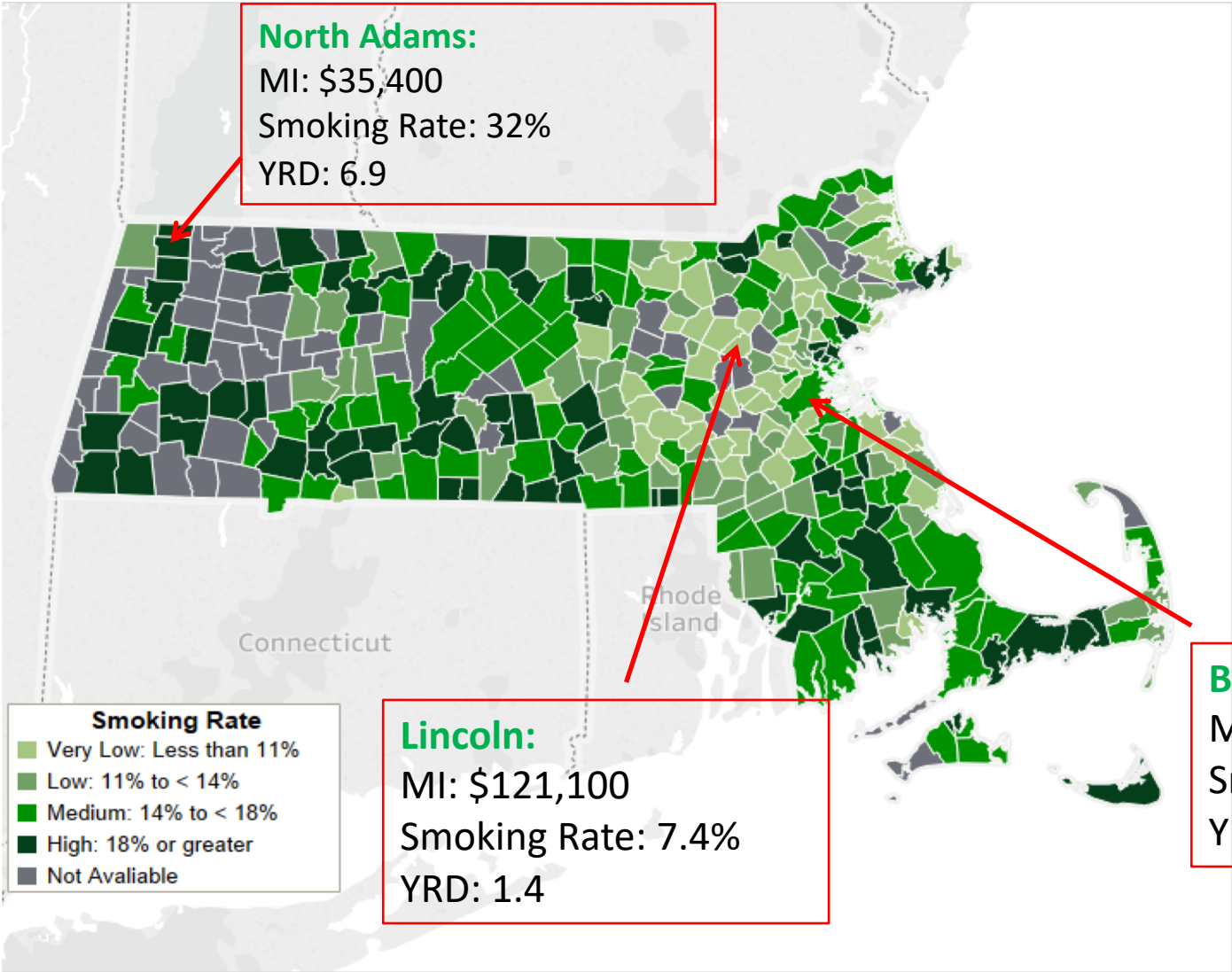


Source: Massachusetts BRFSS

Despite remarkable progress in reducing tobacco use overall, certain populations continue to be disproportionately impacted by tobacco use and face barriers to quitting.

- With disabilities
- Low education
- Low income
- Poor mental health
- LGBTQ
- People of color (blacks and Hispanics)

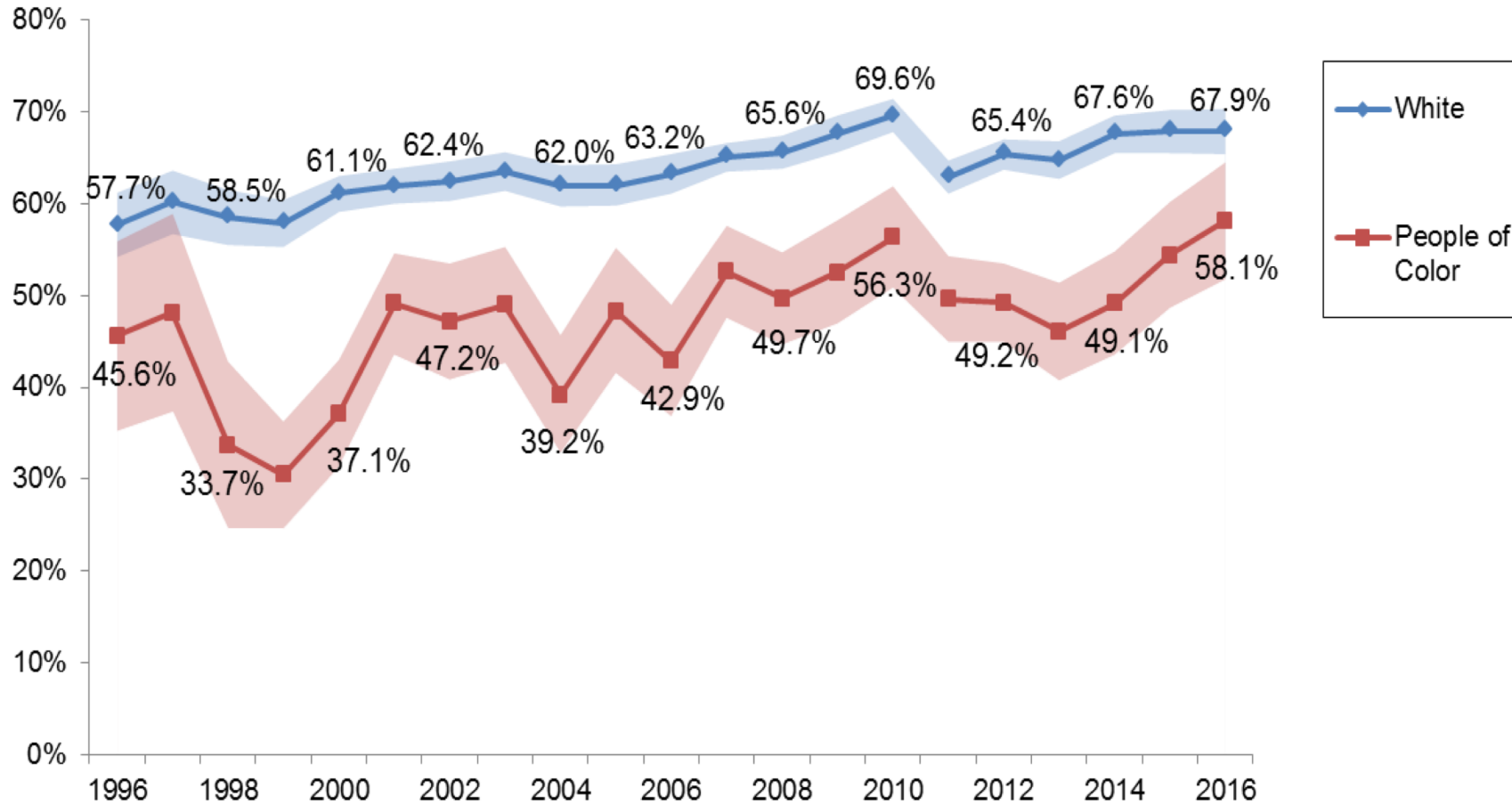
Despite major progress, who has been left behind?



Data Sources:
Smoking Rates were calculated using small area estimates from 2011-2015 Massachusetts Behavioral Risk Factor Surveillance System (BRFSS).
Valid estimates are not available for every municipality.
Median Income for each town was obtained from the 2010 U.S. Census.

Despite major progress, who has been left behind?

**Figure 8. Rates of Successful Quitting by Race/Ethnicity Subgroup:
Massachusetts, 1996-2016**



Source: Massachusetts BRFSS

Note: Shaded areas represented 95% confidence intervals. Break in trend due to a change in survey weighting methodology in 2011

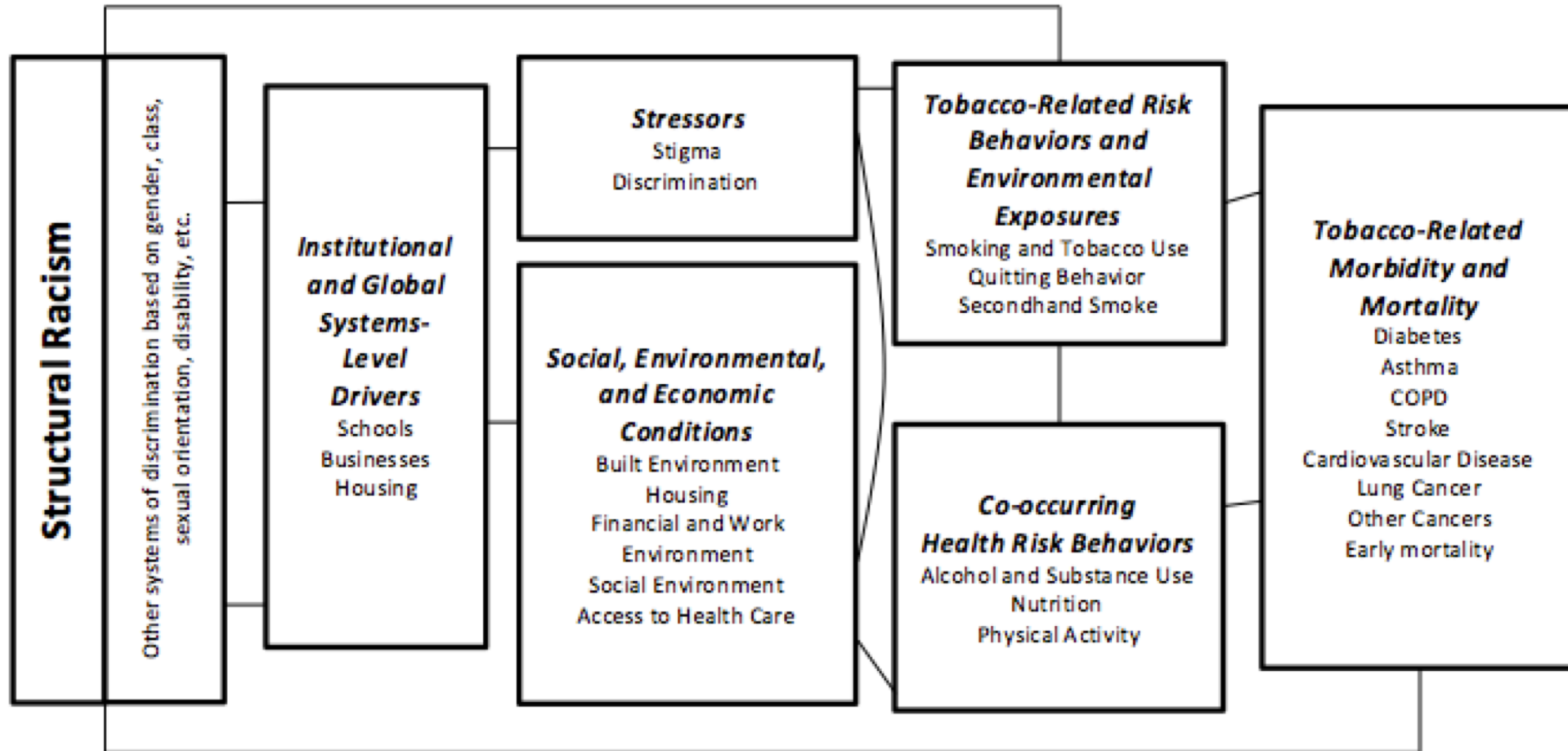
Despite having similar rates of smoking compared to Whites, **blacks and Hispanics** consistently have **lower rates of successful quitting**, even after adjusting for income.

Why are there racial inequities in cessation?

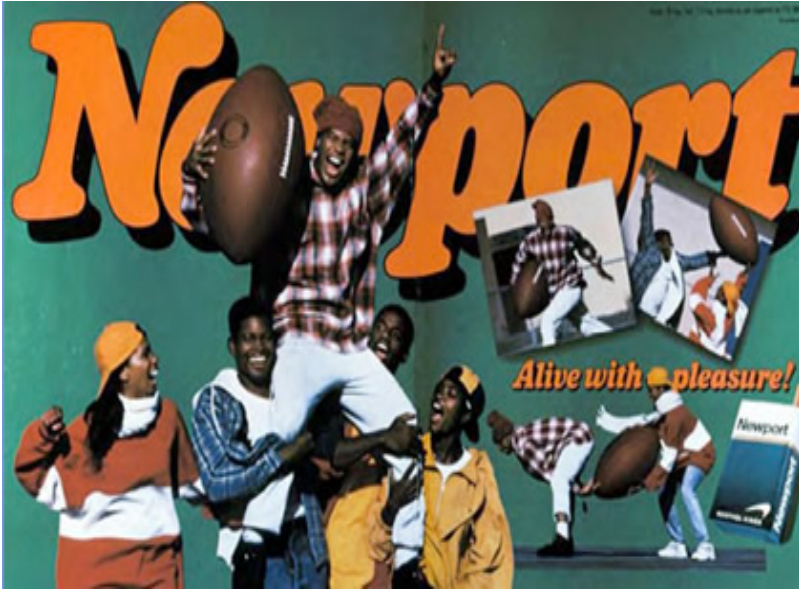
- Access to and quality of health care, cessation resources.
- Increased exposure to ads, retail density, SHS
- Socio-economic stressors due to low education, low income, job instability
- Less family and social support
- Experiences of discrimination and racism

Despite major progress, who has been left behind?

Figure 1. Conceptual Framework Explaining Tobacco-Related Inequities



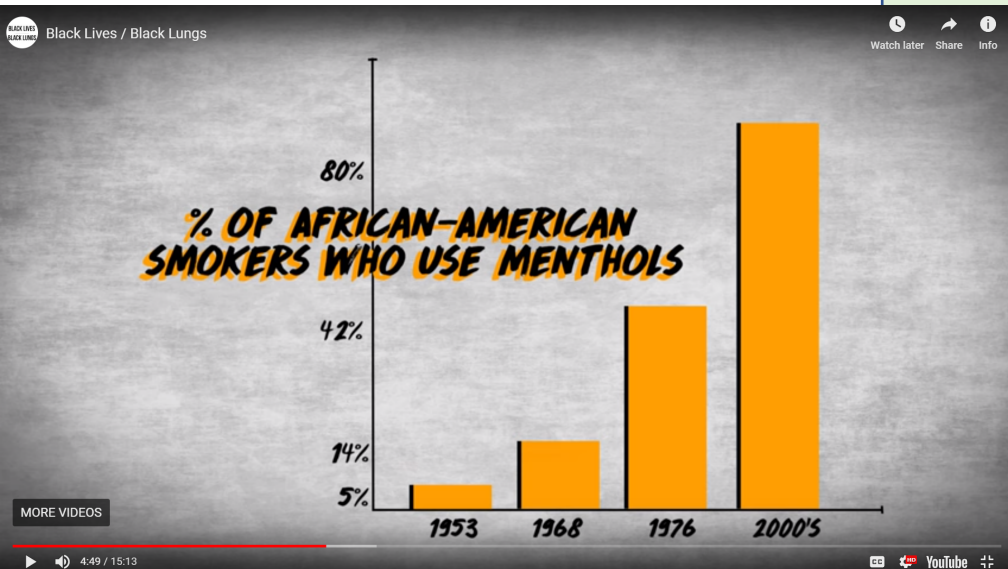
Menthol Cigarettes: An Equity Issue



Research shows inequities in menthol cigarette exposure among communities of color including more availability and advertisement, and lower pricing in Massachusetts.

2002 study looked at tobacco availability and POS marketing in demographically contrasting MA neighborhoods. → Found **29%** of total tobacco ads were for **menthol** in minority neighborhoods compared to **10%** of ads in non-minority neighborhoods.

2010 study looked storefront cigarette advertising in Dorchester and Brookline. → Dorchester had significantly more **menthol** ads than Brookline [54% vs 18% (P<0.001)]
Prices appeared to be, on average, 36 cents cheaper in Dorchester.



Tobacco industry documents reveal the deliberate targeting of **menthol** to women, LGBT population, low-income communities and communities of color.

The tobacco industry targeted Black Americans through:

- Targeted magazine advertisements
- Event sponsorships
- Provision of funding for Black organizations.
- Free samples of menthol products in black communities.

Examining menthol cigarette pricing practices in Boston

The association between neighborhood racial composition and menthol cigarette pricing in Boston, MA

Lindsay Kephart^{a,*}, Glory Song^a, Patricia Henley^b, W.W. Sanouri Ursprung^a

RESEARCH QUESTIONS

Is there a relationship between the proportion of black residents in a block group and the price of menthol cigarettes?

Is there a relationship between % black in a block group and the percent of retailers selling menthol cigarettes 25 cents or more below the established minimum price?

Need to control for other block group characteristics and variables that affect retailer behavior

Compare **menthol** brand to models featuring *non-menthol* brands

FY16 BOSTON PRICING SURVEY



AVAILABILITY: Do stores carry brands?

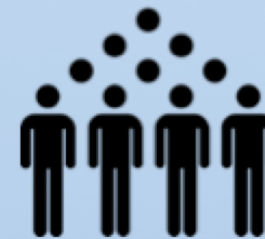
PRICING: Price per pack (pre-tax)

MINIMUM PRICING: What percent of stores are selling below minimum price?

TYPE: Chain vs Independent

LOCATION: Where is the retailer located?

2011-2015 American Community Survey



Total population
Gender
Race



Youth (<18) Population



Education



Median Income

Use of ARCGIS mapping software to link data spatially

Examining menthol cigarette pricing practices in Boston

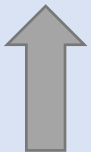
RESULTS



For every 10 percentage point increase in % black residents in a block group,

The average price of Newport cigarettes decreases by 3 cents.*
* ($p < 0.05$)

There was no relationship between % black and the average price of Marlboro and Camel cigarettes.



There was a 19 percentage point increase in the percent of retailers selling Newport cigarettes 25 cents or more below minimum price.*
* ($p < 0.01$)

There was no relationship between % black and the % of retailers selling 25 cents or more below minimum price for the other three brands: Marlboro, Camel and Pall Mall.

IMPLICATIONS

- Significant finding for Newport, an expensive brand. A bigger effect size may be present for cheaper menthol cigarette brands.
- Higher prices may reduce not only a single youth's propensity to smoke, but their peers as well.
 - Lower prices may make these products more accessible to youth.
- Lower menthol prices might be considered the "norm" alongside advertisements and peer/family use.
 - All these factors might impact someone's decision to initiate and continue to use menthol products.
- There is evidence of tobacco industry targeting of menthol cigarettes through advertisements and lower pricing strategies.

Historical targeting, current day industry strategies, and peer normalization create an environment where black residents are disproportionately exposed to menthol cigarettes, which can lead to higher use rates and worse health outcomes.

AN ACT MODERNIZING TOBACCO CONTROL

Law Overview - An Act Modernizing Tobacco Control

- On November 27, 2019, Governor Baker signed into law An Act Modernizing Tobacco Control (“Act”), which provides DPH with additional regulatory authority to regulate **ALL** flavored (including menthol) tobacco products and electronic nicotine delivery systems (ENDS)
- Effective immediately, the new law places the following restrictions:
 - **Retail stores** licensed to sell tobacco products, such as convenience stores, gas stations, and other retail outlets, are restricted to the sale of **non-flavored nicotine products** with a nicotine content of **35 milligrams per milliliter or less**
 - The sale of non-flavored nicotine vaping products (with a nicotine content **over 35 milligrams per milliliter**) is restricted to licensed, **adult-only retail tobacco stores and smoking bars**
 - The **sale and consumption** of all **flavored** nicotine vaping products may only occur within licensed **smoking bars**
- Effective June 2020, the new law places the following restrictions:
 - The sale of **ALL flavored (including menthol) combustible cigarettes, cigars, and chewing tobacco** will be restricted to licensed **smoking bars** where they may be sold only for on-site consumption
 - Retailers will not be able to **advertise** tobacco products that they do not actually carry (eliminate flavor product ads + reduce vape ads)
 - A **75 percent excise tax** on the wholesale price of nicotine vaping products, in addition to the state’s 6.75 percent sales tax will be imposed
 - Requires private insurers, the Group Insurance Commission, & MassHealth to **provide coverage for tobacco use cessation counseling** and all **generic FDA approved tobacco cessation products** with at least 1 product available @ no out of pocket costs.

**The New Look of
NICOTINE
ADDICTION**

**TALK WITH YOUR KIDS ABOUT
THE DANGERS OF VAPING**

The tobacco and vaping industries have gone high-tech to attract kids and future smokers. E-cigarettes and vaping devices look like pens or thumb drives, and they use sweet, flavored e-juices to appeal to youth.

They contain nicotine, which can damage a teenager's developing brain and lead to addiction.*

* U.S. Department of Health and Human Services, *E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General—Executive Summary*, 2016.

GET OUTRAGED!
Get the facts at GetOutraged.org

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THANK YOU QUESTIONS?

Melody Kingsley

Melody.Kingsley@state.ma.us

Lindsay Kephart

Lindsay.Kephart@state.ma.us

VAPES AND CIGARETTES

Different products. Same dangers.

ADDICTION

NICOTINE

**CANCER-CAUSING
CHEMICALS**

GET THE FACTS

Some vape pods have as much nicotine as 20 cigarettes.

It's not water vapor— aerosol from vaping has cancer-causing chemicals.

Nicotine can harm your brain, including your memory and ability to learn.

If you vape, you are 4 times more likely to smoke cigarettes.

mass.gov/vaping @GetTheVapeFacts

Massachusetts Department of Public Health

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