

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MILPITAS DECLARING 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 (FDA) 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 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 Milpitas is committed to the health and well-being of its residents and is particularly concerned about preventing tobacco use among youth.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. It is the intent of the City Council of the City of Milpitas, in enacting this Resolution, to support Food and Drug Administration regulation of menthol in cigarettes and flavoring in other tobacco products.

PASSED AND ADOPTED this ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney