



How to Talk about Ending the Sale of Tobacco Products

The California Tobacco Control Program's (CTCP) new goal of ending the commercial tobacco epidemic in the state by 2035 comes from years of discussion and debate in tobacco control and is built on policy advances achieved by California communities. (CTCP's goal does not include limiting traditional tobacco use such as tobacco plants grown or harvested and used by American Indians and Alaska Natives for ceremonial or medicinal purposes.) While many policies may help advance toward the endgame goal, the ultimate endgame policy is phasing out sales of tobacco products. Some may find this idea implausible, but it's important to remember that many tobacco control achievements, such as smoke-free bars, once also seemed unlikely. Policy innovations in support of this new goal may bring up new objections. Below are some of the arguments you may hear and some potential responses.

Tobacco is a “legal product.”

We, as a society, get to decide what products are legal to be sold. Harmful products have been taken off the market before, such as leaded gasoline and asbestos. On a smaller scale, legal consumer products found to be hazardous are regularly pulled from the market, such as toys that might cause children to choke, or contaminated foods, sometimes even before harms have occurred. Manufacturers of other products have to ensure that they are safe to use or consume. The tobacco industry, seller of the only legal consumer product that kills two-thirds of its regular users,^{1,2} shouldn't be an exception.

What about the right to smoke?

There is no legal “right to smoke.”³ The U.S. constitution does not extend special protection to smokers. Furthermore, CTCP's vision does not focus on individuals who smoke, but rather on sales of tobacco products. CTCP does not support laws that criminalize purchase, use, or possession of tobacco products.

Prohibiting tobacco sales will lead to prohibitions on other products (sugar, meat, etc.)

Tobacco is not like products that can be used safely in moderation. It is more similar to products that harm and kill in even small amounts – like asbestos and leaded gas. Like commercial tobacco, these are fundamentally defective products, and were banned without affecting the sale of other/safer products.

What about freedom of choice?

Most people start using tobacco in their teens,⁴ as a result of persistent and pervasive tobacco industry marketing,⁵ without fully understanding how addictive nicotine is.^{6,7} Although young people may decide to smoke their first cigarette, they don't understand that this decision may lead to years of smoking.^{8,9} They also overestimate their ability to quit when they want to.^{10,11} Thus, most tobacco users do not make a free choice. Ninety percent of smokers regret that they started smoking,¹² and 70% want to quit.¹³ The widespread availability and marketing of tobacco makes it much harder to quit,¹⁴⁻¹⁸ prolonging addiction and thus diminishing rather than expanding freedom.



California will become a nanny state.

The government has a basic duty to protect the health of its citizens.¹⁹ National, state, and local governments have saved untold lives by mandating seatbelts and airbags, setting standards for clean drinking water and food quality, and prohibiting leaded gasoline and paint. Taking products that cannot be used safely off the market is a standard and necessary function of government, particularly in a globalized society where individuals often do not have knowledge about or control over manufacturers. Ending sales of tobacco products is akin to recalling contaminated food and toys that pose a choking hazard.

Ending sales will harm small businesses.

The concept of tobacco products as an anchor for corner stores is a myth created by the tobacco industry and isn't supported by facts. A recent study in Philadelphia found that only 13% of purchases from corner stores included tobacco, and a comparison of receipts showed that purchasing tobacco made no difference in the average amount that customers spent on food and beverages.²⁰ Other research illustrates that retailers underestimate the potentially positive impact of ending tobacco sales, including generating good will and increased foot traffic from appreciative customers.²¹ It is just good planning to start preparing now because as tobacco sales decline, retailers will need to modify their business models anyway. California already has the second-lowest smoking prevalence among US states (7% among adults),²² so governments should be helping local retailers anticipate and prepare for the transition away from tobacco.

This will create a black market and/or increase crime.

The vast majority of adult Californians do not smoke (93%) or use any tobacco product (88%).²³ With gradual sales restrictions phased in city by city, tobacco users will still be able to buy products legally from neighboring cities or unincorporated areas for a time, allowing for gradual cessation. Most tobacco users want to quit.¹³ As more jurisdictions phase out sales, the increasing inconvenience will act as an incentive for more of them to quit, reducing the black market. Eliminating sales will also reduce demand by eliminating point of sale advertising and further denormalizing tobacco use.

That being said, some black markets may arise. The important question is: How large or harmful would black markets be? Most policies are not obeyed completely: people speed, provide alcohol to minors, and shoplift, but this is not considered a reasonable argument against speed limits, minimum alcohol purchase ages, or criminalizing theft. When considering the costs of that hypothetical black market, we also must consider the consequences of presenting young people with legal sales of tobacco products on every street corner, including the costs of their future addiction and resulting diseases, and the health care costs to society.

Current tobacco control policies are working well enough.

The great strides that have been made in tobacco control over the last three decades in California did not come "naturally," but were achieved by hard work to establish increasingly strong policies. Because the tobacco industry is always creating new ways to undermine tobacco control,²⁴ we have to continue to push back with new public health policies. At some point, we want to be finished fighting the industry once and for all. The only way to get there is to believe in that goal.

Parents should be the ones talking to/making decisions for kids, not politicians.

As a result of relentless tobacco industry marketing targeted to minors, the majority of tobacco users start while they are still kids.^{4,5} It is unfair to make each parent fight a multibillion dollar tobacco industry for the health of their children. The tobacco epidemic can't be solved by individual parents; taking hazardous products off the shelves protects everyone's kids.



Changing the rules about what is legal to be sold is not fair.

Rules are changed all the time as new information about products comes to light. Some products are just too dangerous to be sold and should be removed from the marketplace. The tobacco industry has been allowed to escape the rules that other industries have to live by, like the requirement to ensure that their products are safe for human use and consumption.²⁵ It's fair to level the playing field and hold tobacco companies to the same standards everyone else is held to.

What about people who are addicted?

Seventy percent of smokers say they want to quit¹³ and 90% say they wish they had never started.¹² Restricting access is the usual approach societies take to dangerous, addictive products. It is not neurochemical effects or the severity of withdrawal from tobacco products that make them “harder to quit than heroin,”²⁶ but rather their widespread availability and cheapness. Many tobacco users would welcome the absence of triggers in the form of tobacco displays, advertising, and sales everywhere. Nicotine replacement therapy will continue to be available and as the state moves toward ending the tobacco epidemic, there will be new initiatives to help people break free from tobacco addiction.

People have always smoked.

Widespread, addictive tobacco use is a 20th century phenomenon created by the tobacco industry, which flooded the market and invented mass advertising after the invention of the mechanical cigarette rolling machine.²⁷ People created the tobacco epidemic, and people can end it. While Native American rituals involving tobacco likely go back thousands of years, it is only since the industrial promotion of highly engineered tobacco products that we experienced widespread disease from tobacco use.²⁸ Ritual use of tobacco is very different from the addictive and widely available commercial cigarette.²⁹

“Prohibition” does not work.

Alcohol prohibition failed because there was a large population of social drinkers who wanted to continue their unproblematic occasional use.³⁰ Tobacco, in contrast, is used by a shrinking minority of the population, most of whom want to quit. Also, although national prohibition focused on sales, some states criminalized purchase, use, and possession of alcohol, so large numbers of people were affected by enforcement. In ending the tobacco epidemic the focus is on phasing out sales, not on regulating possession, use, or purchase. Rather than Prohibition, the appropriate analogy is Abolition, as in abolishing slavery—ending tobacco product sales enhances freedom rather than restricting it.

You can't take tobacco away without addressing the stressors/issues (such as structural inequalities) that cause people to use it.

The tobacco industry has long exploited structural inequalities (e.g., racism, oppression, discrimination) by targeting disadvantaged populations.³¹⁻³³ Although tobacco use is often represented by the industry as a way to relieve stress, the reality is different. The only stress that tobacco use relieves is the stress of withdrawal, caused by tobacco addiction.^{34,35} Far from assisting in stress relief, tobacco products add multiple stressors to the lives of their users: the costs of purchasing tobacco, the discomfort of periodic withdrawal, the inconvenience of having to find a place to smoke. Tobacco control policies cannot solve the larger problems of racism/homophobia/poverty; they can help to end the exploitation of disadvantaged populations by the tobacco industry.

Restrictions on tobacco sales will lead to over-policing communities of color.

CTCP strongly discourages policies that regulate possession, use, or purchase. Enforcement of restrictions on sales (e.g., flavor bans or ending sales) focuses on the retailer, not on smokers. Many jurisdictions are placing enforcement powers on entities other than police (e.g., code enforcement or health departments). Sales restrictions do not criminalize smoking.



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