Protecting Young People in Minneapolis

A Case Study in

Limiting Flavored Tobacco

and

Raising the Minimum Price of Cigars

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ClearWay Minnesota®
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Tobacco combined with candy and fruit flavorings and sold at low prices is ubiquitous in convenience stores in low-income neighborhoods. But not in Minneapolis. There, a cadre of youth, supported by a coalition of public health advocates, persuaded the Minneapolis City Council to restrict the sale of flavored tobacco products to adult-only tobacco shops and raise the minimum price of cigars. This cutting-edge policy, in force in a handful of municipalities in the nation, reduces the accessibility of cheap, flavored tobacco products to young people.

The ordinance, which was unanimously passed by the Minneapolis City Council on July 10, 2015, means that tobacco with such kid-friendly flavors as grape, chocolate and cherry can only be sold in about 25 of the city’s 350-plus licensed tobacco vendors, and that cigars must be sold for at least $2.60 apiece.

City Council Members Cam Gordon and Blong Yang (front row, second and third from left) gather on the steps of the Minneapolis City Hall with coalition members who worked for the new restrictions.
The increasing varieties and wide availability of flavored tobacco products make them a growing public health concern. In 2009, the U.S. Food and Drug Administration (FDA) banned the use of most flavoring agents (except menthol) in cigarettes, but the ban does not include other tobacco products (OTPs) such as little cigars and cigarillos. Internal tobacco industry documents show that the tobacco companies recognize that young people are attracted to fruit, candy and alcohol flavors in tobacco products, and statewide surveys prove that to be true.

More than 35 percent of Minnesota students have tried flavored cigars, according to the 2011 Minnesota Youth Tobacco Survey. Minnesota high-school students are more likely to smoke menthol cigarettes than any other type. And although flavored tobacco products are just as addictive and as dangerous as other tobacco products, most young people do not think that is the case. Not surprisingly, after the FDA banned most flavors in cigarettes, young adults increased their use of flavored OTPs.

In addition, OTPs are regulated and taxed differently than traditional cigarettes. These differences allow tobacco companies to sell these tobacco products with sweet flavors, in individual packages and at very low prices. The cheap prices and targeted marketing tactics used to sell OTPs mean they are widely available and attractive in communities with high concentrations of poverty, which often also means high concentrations of racial and ethnic minorities. And even as Minnesota’s statewide smoking rate has decreased, the availability and accessibility of tobacco persists in these communities, along with the related health disparities caused by its use.

The coalition that worked to pass and implement the flavoring and minimum pricing policies in Minneapolis credits these key elements for the campaign’s success:

- Leadership from public health professionals;
- Solid legal analysis and strategy;
- Coordinated advocacy work;
- Clear and compelling media messages; and
- Authentic community involvement that included young people.

“It was a huge public health accomplishment,” says Lara Pratt, manager of the Minneapolis Healthy Living Initiative at the Minneapolis Health Department. “It’s a big, bold policy that will make a difference. And it happened because of everybody coming together to play the role they were most suited to play.”
Laying the Groundwork

The Minneapolis Health Department, the Hennepin County Human Services and Public Health Department and the city of Bloomington’s Public Health Division received a 2011 Community Transformation Grant (part of the Affordable Care Act) from the U.S. Centers for Disease Control and Prevention (CDC) to work on tobacco-free living. In addition, the Minneapolis Health Department began exploring options for reducing youth access to tobacco from retail settings.

For additional expertise, Lara Pratt of the Health Department brought in Laura Oliven, a consultant who helped lead a successful effort to limit flavored tobacco sales in Providence, Rhode Island. Oliven set about conducting an environmental scan of Minneapolis to determine the nature of flavored tobacco use, its availability, where it was sold and to whom, and what compliance rates were. To get a better sense of the needs and perceptions of people in the city, she conducted seven interviews with a variety of representatives of the city’s different population groups.

“Originally,” says Pratt, “we just asked, ‘What’s possible?’ Laura [Oliven] had a sense from her work in Providence, so we set about educating ourselves. Laura created factsheets so that all of our data was in one place, and we were always referring to the same studies and statistics.”

While Oliven researched the available studies on flavored tobacco and minimum pricing and collected facts and citations, the Public Health Law Center at Mitchell Hamline School of Law reviewed the legal lessons learned elsewhere in the country, including recent ordinances enacted in New York City and Rhode Island, to identify potential legal and policy design issues.

TIMELINE

2011: Hennepin County, Minneapolis and Bloomington public health departments receive a Community Transformation Grant (part of the Affordable Care Act) to work on tobacco use prevention. Hennepin County funds the Public Health Law Center to review and analyze tobacco-related laws. The Law Center subcontracts with the Association for Nonsmokers-Minnesota (ANSR) to conduct a point-of-sale tobacco marketing assessment in Minneapolis.

Fall 2013: The Minneapolis Health Department begins working with the Minneapolis Youth Congress on tobacco prevention.

2013: Blue Cross and Blue Shield of Minnesota funds Breathe Free North to work on flavored tobacco issues, and Breathe Free North youth start gathering local data.

2013: An effort to prohibit e-cigarettes in all indoor spaces in Minnesota fails.

Spring 2014: The Minneapolis Youth Congress presents four tobacco-related recommendations to the Minneapolis City Council during a meeting of the Health, Environment, and Community Engagement (HECE) Committee of the Council, which is chaired by Council Member Cam Gordon.

Breathe Free North Youth present local data to Council Member Blong Yang and he signs on as a champion of the effort and co-author of the proposed ordinance.

Summer 2014: The Minneapolis Health Department funds four grantees to do short-term projects in their communities to raise awareness of the harms of flavored tobacco.
In October of 2009, New York City prohibited the sale of flavored (other than menthol), non-cigarette tobacco products in the city, except in certain tobacco bars. U.S. Smokeless Tobacco filed a complaint in District Court, arguing that the city’s ordinance was preempted by the Tobacco Control Act because it set a “tobacco product standard,” which is an authority reserved to the FDA. The company asked the court to delay enforcement of the law while the litigation was pending, but the court denied that request. The company and the city then filed motions, agreeing that there were no factual issues in dispute and asking the court to rule in each party’s favor.

In November of 2011, the court ruled in favor of the city. The judge found that the Tobacco Control Act doesn’t take away state and local authority to regulate the sale or distribution of tobacco products. The court said that the Act gives the federal government exclusive control over tobacco product manufacturing standards, while allowing state or local governments to make laws regulating the sale or distribution of tobacco products. The court also found that the Act allows state and local governments to restrict tobacco products more strictly than federal regulations. In 2013, the tobacco company appealed. The appeals court upheld the district court’s ruling, finding that a state or local government regulation imposing a sales prohibition on a class of products was not preempted by the Act. The tobacco companies appealed for a rehearing, which was denied in May of 2013.

Similarly, in 2012, the city of Providence enacted two tobacco control ordinances, one to prohibit the redemption of coupons (pricing ordinance) and one to prohibit the sale of flavored non-cigarette tobacco products (flavor ordinance). An association of tobacco retailers, an association of cigar manufacturers and seven tobacco product manufacturers

December 2014: The Minneapolis City Council prohibits e-cigarettes in nearly all public indoor places.

January 2015: The Ramsey Tobacco Coalition runs the “31 Flavors” television ad in Ramsey County.

March 2015: ClearWay Minnesota begins running the “31 Flavors” and “Tobacco Predator” television ads statewide, in addition to advertising through other media vehicles, as a part of its ongoing Still A Problem campaign.

May 1, 2015: Minneapolis City Council Members Yang and Gordon file notice of intent, launching the proposed ordinance to restrict the sale of flavored tobacco products, other than menthol, to adult-only tobacco shops and to raise the minimum price of non-premium cigars to $2.60 on the path to law.

Late May 2015: ANSR releases findings from a poll that shows 73 percent of Minneapolis residents support the proposed ordinance.

June 8, 2015: The HECE Committee of the Minneapolis City Council holds a public hearing on the proposed ordinance.

June 11, 2015: Coalition members meet with representatives of convenience stores and tobacco retailers, along with City Council Members.

June 22, 2015: The HECE Committee of the Council unanimously passes the ordinance.

July 8, 2015: Minneapolis City Council Committee of the Whole hears the ordinance.

July 10, 2015: The Minneapolis City Council unanimously passes the ordinance.

July 15, 2015: Minneapolis Mayor Betsy Hodges signs the ordinance.

Jan. 1, 2016: The ordinance goes into effect.
sued, alleging that the two ordinances were preempted by the Act. The tobacco industry argued that the Providence coupon restriction governed “cigarette promotion,” which is preempted by the Federal Cigarette Labeling and Advertising Act, and that the flavored product restriction set a “product standard,” which the FDA’s responsibility under the Tobacco Control Act. Both sides filed motions for summary judgment and the court held a hearing in August of 2012.

In December of 2012, both of Providence’s ordinances were upheld. The court ruled that the pricing ordinance does not impose additional requirements on labeling and advertising of cigarettes or the content of promotional materials but merely regulates the sale of cigarettes. In deciding whether the flavor ordinance was preempted, the court came to the same conclusion as in the New York City case. The tobacco industry appealed the decision and in September of 2013, the district court’s ruling was affirmed.

Armed with the objective legal advice from the Public Health Law Center, Oliven and Pratt analyzed all of the information and considered potential strategies to achieve the most significant impact for Minneapolis residents. They considered, for example, focusing on raising the minimum price for cigars, but realized that such a policy wouldn’t affect the availability of other flavored tobacco, such as shisha, a molasses-flavored tobacco often smoked in a hookah. Restricting flavored tobacco products and setting a minimum price for cigars, says Pratt, “is a package, and together they fix a lot.”

Restricting menthol, the flavoring in many mainstream cigarettes, was considered but not included in the proposed ordinance. After extensive deliberation, the advocates decided to develop a recommendation for restricting menthol-flavored tobacco products and take it to the Council at a future date.

**Galvanizing Young People**

“We worked hard to figure out the best strategies,” says Lara Pratt, “and I think one of the best things we did was approach the Youth Coordinating Board, a partnership in Minneapolis of the city, county, park board and the school district that runs the Youth Congress. That’s an action group of young people, mostly high-school students. Their motto is: No decision about us without us.”

The Minneapolis Youth Congress (MYC) has 55 members in grades eight through 12 from across the city, and advises policymakers on issues of special importance to young people. After hearing the Health Department’s presentations on tobacco use in Minneapolis, the Youth
Congress formed a committee in the fall of 2013 to work on tobacco issues. D’Ana Pennington, a Public Health Specialist in the Minneapolis Health Department, staffed the MYC committee and led the young people through an 18-month education about public health, politics and policy-making.

“In May of 2014, we went to the health committee of the City Council and gave them a Tobacco 101, because many of them didn’t really know anything about tobacco,” Pratt says. “We just said here’s what’s going on, here’s what other cities are doing, and we’re working with the Youth Congress. The Youth Congress kids were there and told the Council what they were doing. The Committee was captivated by the young people.”

When the Youth Congress teenagers returned to the Council’s Health, Environment and Community Engagement (HECE) Committee, they had developed four specific tobacco policy recommendations:

- Clean Indoor Air laws (state and local) should prohibit e-cigarette use in all of the same places that cigarette smoking is prohibited. (In 2013, the state’s Clean Indoor Air Act was updated to include restrictions on e-cigarettes but stopped short of prohibiting their use in all indoor public spaces.)
- Minimum pack-size and minimum pricing on tobacco items such as little cigars and cigarillos.
- Flavored tobacco products should only be sold in tobacco-only stores.
- No coupons or discounts should be allowed for tobacco products.

City Council Member Cam Gordon, who chairs the HECE Committee, remembers the impact of the young people’s presentation.

“When they presented to the Committee,” he says, “you could tell it got the Committee Members’ attention. We hear from staff and grownups all the time but these were some articulate high-school seniors presenting their case. Of course, it also had the full support of the professional staff from the Health Department.
“We’ve done some strategic planning for the city, and health is one of our priorities,” says Gordon, who was in his ninth year on the City Council. “We’re concerned about health disparities. We want to address disparities and promote health and this aligned with our goals and priorities, but the timing was really chosen because of the Youth Congress. They were working on smoking issues and had done some surveying of their peers and that really got it going. They really made the case that flavored tobacco was linked to young people. It was so affordable, it was confusing to folks – maybe it has real fruit in it? – and it’s clearly a gateway to other tobacco products.”

Gordon decided to work on the MYC recommendations, beginning with the first one. After leading the successful effort to get the City Council to ban e-cigarettes in indoor public spaces in December of 2014, he and Minneapolis City Council Member Blong Yang took on the next two recommendations.

“Blong said he was willing to take on the flavored tobacco issue,” says Gordon. “There seems to be more marketing of those products in low-income areas. Ward 5 is Blong’s ward and he wanted to do some work for his community.”

NorthPoint Health and Wellness Center, Inc., is a multi-specialty health center and human service agency located in Ward 5’s North Minneapolis neighborhood. NorthPoint previously worked with the Minneapolis Health Department on tobacco-related projects, and, in 2013, NorthPoint began to work on flavored tobacco issues with funding from Blue Cross and Blue Shield of Minnesota. LaTrisha Vetaw is a Program Coordinator at NorthPoint and works with a youth group called Breathe Free North.

“We have 30 kids in Breathe Free North,” says Vetaw, “and they went to all the stores in North Minneapolis and did an assessment. They found a lot of flavored tobacco. There’s a lot of it in poor neighborhoods because the products are so cheap.”

In addition to assessing the retail environment, the youth group surveyed more than 600 young people.

“Our youth talked to other youth in parks, at schools, at sports, at churches,” says Vetaw. “I had tried surveying kids myself, but they would say, ‘Oh no, here comes my mom.’ They told our youth everything. [Our youth] even found a very small percentage of kids who started buying tobacco at age eight. You couldn’t wish for better data. So our youth took the information to Blong Yang and said, ‘We’ve got to do something about this.’”
Yang says the young people’s arguments were compelling – so compelling that the first-year Council Member waded into an unfamiliar policy area.

“I didn’t – I don’t – look at myself as a champion of tobacco control,” says Yang with a smile, adding that as a new Council Member he didn’t have any plans to take on tobacco restrictions. “But Breathe Free North contacted me and asked me about the issue. I got a chance to get a sense of the issue and it just seemed like a no-brainer. I live in North Minneapolis where Breathe Free North is, and to hear that it was so easy for youth of color to access flavored tobacco products and that they were so cheap was new to me. It looked like there were some big holes that we needed to fill.

Gordon (left) and Yang with coalition members

“There were really two fronts working together, the Breathe Free North folks, who were mainly young African Americans, and the Youth Congress, which was, I think, more mixed in terms of race, ethnicity and where they were from in the city.

“The Breathe Free North kids were talking about themselves and their friends and that really gave some perspective on the issue. I really think the access and noncompliance issues were more in North Minneapolis so maybe it became a health equity issue for me.”

Vetaw agrees that the two groups of young people brought different voices, and faces, to the issue, but says “we were united in our strategies.”

“This was all youth-driven and that was the determining factor,” says Vetaw. “The youth really gained the respect of the Council Members.”

Holding Their Own

Many of those who worked on the effort recall a momentous meeting of Council Members, young people, advocates and seasoned tobacco industry and retail lobbyists. The opponents of the proposed ordinance had asked Council Member Yang to arrange a meeting with members of the Minneapolis Youth Council and Breathe Free North to discuss the issues.
“I insisted on that meeting,” says Yang of the June 2015 gathering. “I wanted us all to come together and have a conversation. The anti-tobacco folks were a bit distrustful, maybe with good reason, but regular folks want purity and we’re always looking to compromise. That’s what real government is about and that’s how we make laws. You take a road, you think it’s straight, then it swerves and you have to adjust. I think that meeting might have lessened the nastiness a bit, because this wasn’t a nasty fight. It was a fight, but it wasn’t a knockdown, drag-out fight.”

His co-author, Council Member Gordon, and some of the adult advocates didn’t like the idea of having the young people meet with the pro-tobacco lobbyists, about whose motives they were skeptical.

“The retailers – SuperAmerica, Holiday – wanted a meeting with the Youth Congress kids and I wanted adults to be there,” says Gordon. “I didn’t want the kids to be intimidated or to back down. That was an important meeting.”

The meeting was difficult to schedule and delayed the usual legislative process about a month. The Association for Nonsmokers-Minnesota (ANSR) is a nonprofit advocacy organization that was supporting the proposed ordinance. Jeanne Weigum, the President of ANSR, remembers the meeting as a pivotal moment for the effort.

“At the meeting, there were big-deal, very professional, highly trained lobbyists,” she says. “The Holiday rep was trying to show that she knew all about kids. She said, well, if kids can’t buy products in our stores, they’ll just drive to another community and buy them. One of our kids said, ‘Look, I don’t have a driver’s license. I don’t have a car. My parents don’t have a car.’ Here was a woman who thinks she knows so much about kids, and she didn’t know anything about North Minneapolis.”

“Both Breathe Free North and Minneapolis Youth Congress [representatives] did an amazing job making their points, challenging the lobbyists’ arguments and staying respectful,” says D’Ana Pennington of the Minneapolis Health Department, who had helped develop the young advocates. “It was really a shining moment!

“It demonstrated to everyone how much thought and passion the youth had for the topic and that they were not a token support group of the health advocates,” says Pennington. “These were youth who had done their research and wanted change. They came up with recommendations that were actionable, and they became experts, able to stand on their own in presenting their ideas and challenging the adults who opposed their ideas. Youth bring creative
and thoughtful ideas to problems. When we want to work on issues and problems that directly impact youth, we need to engage directly with them.”

Chris Turner, a Program and Media Specialist at ANSR, was another of the adult mentors who worked with the young activists.

“We conducted a media training with more than 20 young people from the two youth groups,” she explains. “We wanted everyone to be able to communicate why they were involved and why this was important to them. We had several speakers and spent a couple of hours with them.”

“The role those well-spoken young people played can't be overstated,” says Weigum. “Could they have done it alone? No. But they had adult mentors, and now they are advocates and they've had their first baptism by fire. The role of young people was essential.”

One young Breathe Free North advocate explains her position on flavored tobacco products to the media.

**Inside, Outside Strategy**

As interest grew around the issue of youth access to flavored tobacco products, the Minneapolis Health Department met with ClearWay Minnesota, a nonprofit leader in tobacco control efforts, to discuss funding advocacy work on the issue.
“The city of Minneapolis came to ClearWay Minnesota just as its [Community Transformation Grant] funding was about to end and showed us that they were on the cusp of being able to pass bold policy because of an active and engaged coalition,” said Alexis Bylander, Senior Public Affairs Manager at ClearWay Minnesota. “ClearWay Minnesota was in a position to support advocacy funding in Minneapolis and ANSR was chosen to lead that work.”

With an advocacy group coordinating the campaign, the work split into two tracks: an inside strategy and an outside strategy. The Health Department continued educating and assisting the City Council and the city’s administration, and the advocates worked to mobilize and motivate the City Council’s constituents.

“It was a really amazing convergence of people who do their craft well in a coordinated way,” says consultant Laura Oliven. “There was excellent communication and coordination. Our state is very fortunate because there is a very good foundation of communication. All of us know and work with each other on a weekly basis. Everybody is united against the tobacco industry with the same mission and same goals. Nothing is completely smooth but I would say the infrastructure of communication going into it was key. You have to have a system of regular communication.”

ANSR’s Jeanne Weigum describes the roles of the collaborating organizations like this: “The Health Department was the trusted voice and that meant a good deal to the Council. Also, the Health Department was often the door-opener to the city attorney and the licensing department. The Health Department would know who to talk to, but there are limits on what they can do.”

Lara Pratt agrees, saying that the Minneapolis Health Department filled the key inside roles: writing the request for Council action, helping with approval of ordinance language by the city attorney, managing the public comment period, reporting to the Council and assembling the legal, public health rationale for the ordinance.

“I also worked with the business licensing person – they enforce the tobacco licenses – to get his reaction to policy ideas,” she says. “I kept him engaged and talked through things with him.”

Betsy Brock is the Director of Research for ANSR. She says that the advocates focused on building relationships, particularly with Minneapolis City Council Members, as well as organizing concerned citizens.
“There are 13 members on the Council and the Mayor, and we did personal outreach to all of them,” Brock says. “Some Council Members got it right away and others weren’t sure what to think about the issue. We worked with the undecided members while still being respectful.”

However, ANSR’s President points out that, sometimes, less really is more.

“Some of the Council Members got tired of talking with us,” Weigum says, “and they said, ‘Hey, you’ve gotta leave us alone.’ We were smart enough to back off. We agreed on one person to touch base with each Council Member. That required a level of trust because the others had to trust that that one person would keep them informed. But you just don’t burden your supporters.”

**Making the Case Publicly**

In 2014, the Minneapolis Health Department created tobacco mini-grants of $6,000 each with a minimal application process for short-term projects. Four organizations were funded and trained.

“We really wanted other people to know about this issue and to educate their communities,” says Lara Pratt. “A lot of times, we tell people, ‘Here’s the problem; what do you want to do about it?’ But because of the small amount of money and the short amount of time, we really defined things up front. We said you have to do so many community events and so many store visits and meet with Council Members twice, things like that. We really focused them from the get-go.”

Consultant Laura Oliven points out that requiring the four grantees – We Win, Indigenous Peoples Task Force, Southside Urban Coalition and Ka Joog – to do earned media work was essential to raising awareness about the harms of flavored tobacco, a relatively new issue for most. The increased awareness fed the extensive role communities had in persuading policymakers.

With advocacy groups on board, the outside game ramped up. Anne Mason, Public Affairs manager at ClearWay Minnesota, and ANSR’s Chris Turner led a coordinated public affairs
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effort to generate earned media.

“We split up a lot of the media pitching, helped with letters of support and thank-you letters,” says Turner. “We targeted the Star Tribune [the largest newspaper in Minneapolis] and I made contact with the main reporter on the beat. We also contacted the editorial board, although we didn’t meet with them. We targeted eight or nine community newspapers, especially those in the communities [with the highest availability and promotion of tobacco products]. We pitched all four of the major TV stations and also worked with radio stations.”

The work paid off. Among the earned media generated:

- Letters to the editor, several of which were published, including one from a Breathe Free North member that appeared in the Star Tribune.
- A commentary piece by former Minnesota Department of Health (MDH) Commissioner Jan Malcolm that appeared on MinnPost, a major Minnesota news website.
- An opinion piece in support of the policy by current MDH Commissioner Edward Ehlinger that was published in the Star Tribune four days before the vote.
- News reports on three of the four major local TV stations (Fox, KARE 11 and WCCO).
- Coverage on three major local radio stations.

The coalition also posted updates on its Facebook pages and tweeted about the campaign.

“When the language was first introduced, we tweeted out thanks to our sponsor,” says Turner. “Early on, we decided to use the hashtag #FlavorDanger. We live-tweeted during the hearings and vote, and, at one point, we were trending in Minneapolis.”

ANSR also developed a video, a kind of infomercial, on the issue and distributed it over its social media vehicles.
Another key element of gauging and communicating public opinion on the issue was a poll of Minneapolis residents that was done at the end of May of 2015.

With ClearWay Minnesota funding, ANSR hired a market research firm to conduct a poll. “They polled 400 randomly selected adult residents of Minneapolis,” says Turner, “and we released a factsheet with the key findings.”

Among those key elements:

- 75 percent of Minneapolis adults were concerned about smoking and tobacco use among youth.
- 74 percent were concerned about flavors in tobacco and 52 percent were very concerned.
- 73 percent supported the proposed revision to the ordinance.

“The poll let the Council Members see that their constituents were also supportive of the measure and gave them that added confidence,” says Turner. “The poll showed them that the support from the community existed.”

The advocates made sure every Council Member received calls and letters from constituents. Members of community-based organizations contacted Council Members and wrote letters to the editor.
Supporters in green shirts filled the City Council chambers.

“Community organizing is finding a few people who care about an issue and are willing to step up and be identified with the issue,” says Jeanne Weigum of ANSR. “We’ve figured out how to organize. You get people who care enough about an issue to be vocal.”

And wear their team colors.

“We had people wear green shirts,” says ANSR’s Betsy Brock. “People would turn up at hearings and the Council Members would see all those people in green shirts in the audience and know that the community was behind this. The unified look really helps show your support.”

Weigum says the group was aware of the visual impact on those who weren’t in the chambers as well.

“The green shirts really popped on camera,” she says. “In public hearings, the camera is fixed, so what the camera sees are the people behind the person testifying. No one else is on camera that long. The first time, the industry had those seats and we said, OK, that’s not happening
again. The second time, we had a green shirt in every seat and the people in those seats were representative of the coalition we had.”

“Have You Seen Those Ads?”

Paid media also played a significant role in raising awareness of the problem and support for the proposed solution.

As a major force in the state’s tobacco control effort, ClearWay Minnesota conducts ongoing advertising efforts to educate the public about tobacco’s harms, motivate smokers to quit and promote its free cessation assistance. In 2014, ClearWay Minnesota began developing new messaging within its Still A Problem advertising campaign that was designed to draw a direct comparison between the candy flavors kids love and the candy flavors tobacco companies produce.

After extensive message testing, ClearWay Minnesota selected two television ads that had been created by California and Florida. In the ad called “Tobacco Predator,” children are invited to look at a table strewn with brightly colored packages that look like a variety of candies but are actual tobacco products. The children eagerly inspect the packages, sniffing the sweet flavors. One child asks, “Can we keep any?”

In the ad known as “31 Flavors,” a fictional ice cream truck is shown driving down a residential street, attracting neighborhood kids with its bright colors and cheery tune. When the kids, and the viewer, get closer, however, it becomes obvious that the truck is offering tobacco products, not ice cream treats.
In addition to ClearWay Minnesota’s paid media efforts, other related paid media efforts were being conducted. The Minnesota Department of Health’s nine Tobacco-Free Community grantees included three grantees in the Twin Cities: Rainbow Health Initiative, WellShare International and Ramsey Tobacco Coalition. Rainbow Health Initiative continued its Love Notes campaign on public transportation, encouraging Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) smokers to consider quitting. Wellshare’s hookah-focused ads appeared on public transit and on billboards in areas of Minneapolis with significant Somali populations. The Ramsey Tobacco Coalition ran the “31 Flavors” ad in Ramsey County, which borders Hennepin County, for the first two months of 2015.

In March of 2015, the messages went all across the state as ClearWay Minnesota launched a campaign about the dangers of flavored tobacco products, using the two television ads, online banner ads, radio spots, digital ads and several out-of-home ads for bus sides and transit stops.

“In message testing the ads prior to airing them, we found that ‘Tobacco Predator’ was effective at communicating that tobacco companies were targeting children,” says Michael Sheldon, a Senior Communications Manager at ClearWay Minnesota. “It was also most convincing that more should be done to protect youth from the harms of flavored tobacco.

“Both the ‘Tobacco Predator’ spot and the ‘31 Flavors’ spots were effective in convincing viewers that more controls were needed on where flavored tobacco was sold. The messages were certainly helpful in encouraging discussion around flavored tobacco and the TV spots were referenced during the Minneapolis debates.”

Weigum credits the advertising campaign run by ClearWay Minnesota with drawing positive attention to the issue, particularly in Minneapolis.

“People would come up to us and ask us, ‘Have you seen those ads?’” says Jeanne Weigum of ANSR. “The ads were statewide so that Minneapolis didn’t feel like they were singled out, but that they were part of a movement. I think it was important that they were broadly focused.”
Community Voices

As Council Members Yang and Gordon led the process toward a public hearing early in June of 2015, the coalition strove to make sure voices of many community members – young people, parents and businesspeople – were heard.

“Council Members wanted to see that certain groups they care about, certain populations, were involved,” says ANSR’s Betsy Brock, “and we had really good testimony.”

Jeanne Weigum calls the coalition’s diversity essential. “We had the suits, the health plan folks, who really gave us credibility,” she says, “and we had the everyday neighborhood person, like a young man who chewed tobacco and didn’t want his child exposed to flavored tobacco.”

The group also took on the fear of hurting businesses and the concerns of small business owners. Coalition members observed retail transactions and interactions to gather information that would counter erroneous or misleading industry claims and alleviate unwarranted fears.

“One Council Member was particularly worried about shisha and that’s 100 percent flavored,” says Brock. “He comes from a community that uses hookah a lot and he was worried that he would be putting people in his community out of business. We went to all the tobacco retailers in his area and found out that it’s not a make-or-break situation for them. It’s a small portion of their inventory and they’d be OK. We presented that information to him and he was convinced. He was trying to do the right thing. You have to remember that it’s not easy for policymakers. Sometimes, they have to weigh a lot of factors.”

As an experienced City Council member, Gordon wasn’t surprised that opponents of the policy offered economic arguments against it.

“The case that I thought had potential to resonate with people was how this would hurt business,” he remembers. “There were fears that this would mean more regulation, over regulation, for them. There was a notion that if you’re a borderline business, it’s not fair. You’ll lose business while other places could still sell these products. This will drive business out of the city. And we’d be depriving responsible adults of access to a legal product. But everybody admitted that these products were a fraction of their sales, not a very big portion at all.

“We also talked about the fact that other times when we’ve done smoking [restrictions] or something like that, the fears that were raised beforehand didn’t pan out.”
There were some business owners who were supportive of the policy.

“At the public hearing, there were many store owners who opposed the policy,” says the Minneapolis Health Department’s D’Ana Pennington. “However, there was one store owner who had stopped selling tobacco and said he supported the policy. He had been involved in the Health Department’s Corner Store program. The community was advocating for policies that were backed by data.”

Coalition members continued to bolster their case by collecting current and specific data. When the coalition feared that the opponents might push an amendment to exclude liquor stores (which aren’t required to be adult-only businesses), LaTrisha Vetaw of NorthPoint Health and Wellness asked some of the Breathe Free North youngsters to see if they could purchase pop and candy from those places.

“They came back and said, ‘Hey, we had 11-year-olds buying things in 90 percent of the liquor stores we went to,’” remembers Vetaw.

Numbers alone, of course, rarely make a sufficiently dramatic argument. The advocates bolstered their case with a startling example of the existing problem.

“The day before the hearing,” Weigum recalls, “Betsy [Brock] went to Holiday and bought a bunch of really egregious flavored products. She gave them, and the receipts, to [City Council Member] Cam Gordon.

“Then, during the hearing, the Holiday rep kept saying, ‘We’re the responsible ones; it’s the mom-and-pops who sell these things; you shouldn’t limit us because of what they do.’ And [Gordon] reached under the desk and pulled out products and said, ‘How do you explain these?’ She had nothing to say.”
And the Council Votes

Then, after nearly four years of groundwork that began with assessment and education, and developed into a youth and community cause supported with earned and paid media advocacy, the effort culminated in the Minneapolis City Council vote.

“The chambers were filled with green shirts, completely filled,” says Lara Pratt of the Minneapolis Health Department. “Council President [Barbara] Johnson walked in and she said, ‘Oh my.’ It was such a great day.”

“I love to remember the day of the vote,” says LaTrisha Vetaw. “We had every kid from each ward lined up, sitting across from their City Council Member, whom they had met with and talked to. There was no way they were going to vote against those faces. Every City Council Member felt like, ‘I don’t want to let these kids down.’

“I didn’t expect a unanimous vote but we got it. It was all because of the hard work of all the partners.”

What made the environment in Minneapolis in 2015 conducive to instituting a policy limiting flavored tobacco and raising the minimum price of cigars?

“There was a pretty new City Council, and the makeup of the Council was really good,” says Betsy Brock of ANSR. “There are a lot of younger, progressive members who are interested in issues like this. And all that work in the assessment, the background, helped us [take advantage
of the timing]. Cam Gordon is a seasoned Council Member and Blong Yang is in his first term, so they approached it from different angles. I don’t think Blong Yang knew what a big fight it would be, so he deserves praise for continuing to move forward on it. Gordon really helped get the ordinance passed.”

The veteran Council Member Gordon remembers feeling excited and proud to be on the first city Council in the state that restricted the sale of flavored tobacco.

“We were excited that we could be the first city in Minnesota to do this,” says Gordon. “Previous experience does help. But it was nice to be a pioneer. We tried to be careful so that others could use us as a model. We thought others would follow us and they did.”

Rookie Council Member Yang, meanwhile, says the significance of being first was lost on him.

“That didn’t really matter to me,” says Yang. “What mattered was that it was the right thing to do. I didn’t know it was that big a deal. I guess that was my naïveté. It was the right thing to do and my constituents asked me to do it.”
Lessons Learned and Some Advice

Start with money.

“Funding is essential,” says Jeanne Weigum. “There were people working on this and they weren’t under time constraints; it was just ‘Get the job done.’ ”

Collect local data.

“Have good data so you can show that this is a problem and illustrate the situation in your community,” says Betsy Brock, adding that having local data is crucial.

“[In Minneapolis, flavored tobacco] use rates and the availability of products were very well documented,” says Laura Oliven. “That’s the foundation for policy change: excellent documentation.”

Learn from others’ experience.

Sound policy is based on sound legal analysis. Understand what has been done and what can be done. “The Public Health Law Center helped identify legal and policy design issues based on lessons learned in New York City,” says Lara Pratt.

Do the groundwork.

“Organize. Build relationships. Relationships were key,” says LaTrisha Vetaw. The campaign was successful in large part because of the relationships between Council Members and constituents, and public health professionals and advocates.

“Lay the foundation with policymakers,” says Pratt. “The Tobacco 101 we did and then the incremental changes really worked for us.”

Know your role.

“Health departments, health advocates, foundations, the medical community, community members all have important roles to play in creating a ripe environment for action,” says D’Ana Pennington.
Know your opposition.

“Be prepared for the various opponents and anticipate them,” says Pennington. “E-cigarette store owners are different than corporate gas station owners who are different from small corner store owners.”

Involve the community, including youth.

“Educate the community,” says Vetaw, “and if that community is kids, educate the kids.”

“Work with youth and other community members to help them explore the problem of youth tobacco use and create their own recommendations that fit their community’s needs,” says Pennington.

Prepare your champions.

“Let them know it’s not going to be an easy fight,” Brock advises. “The tobacco industry is going to show up, and people are going to say, ‘You’re putting me out of business.’ Make sure your champions know what to expect.”