

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEES ON PUBLIC SAFETY AND
CHILDREN AND YOUTH

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, October 27, 2017
10:10 a.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN AL TAUBENBERGER

RESOLUTION 170410 - Resolution authorizing the joint City Council Committees on Public Safety and Children and Youth to hold hearings reviewing the impact of flavored tobacco products, such as "Hood Wraps" or "Four K's," on the youth of Philadelphia.

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2 COUNCILMAN JONES: Good
3 morning, everyone.

4 (Good morning.)

5 COUNCILMAN JONES: This is a
6 hearing called to order. This is a
7 public hearing of the joint Committees of
8 City Council on Public Safety and
9 Children and Youth, and we'll have more
10 members join us as we get started. I
11 wanted to be sensitive to everyone else's
12 time.

13 The purpose of this public
14 hearing is to hear testimony on
15 Resolution No. 170410, and I wanted to --
16 can the Clerk please read the title of
17 the resolution.

18 THE CLERK: Resolution No.
19 170410, a resolution authorizing the
20 joint City Council Committees on Public
21 Safety and Children and Youth to hold
22 hearings reviewing the impact of flavored
23 tobacco products, such as "Hood Wraps" or
24 "Four K's," on the youth of Philadelphia.

25 COUNCILMAN JONES: So we've put

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2 up an Exhibit A, if you would, at the
3 testimony table for everyone to just take
4 a look at and see what they see and see
5 what I saw. And this kind of started by
6 grand-pop, and affectionately known as
7 pop-pop, picking his granddaughter up to
8 take her to school. It is approximately
9 a five-mile sojourn from my house to her
10 school, and we were going through several
11 neighborhoods and I was trying -- my
12 duties were to pick her up a healthy
13 lunch and a snack. And as I did so, I
14 stopped at a store to do that, and this
15 is what I saw. I saw flavored tobacco
16 right in close proximity to some of her
17 favorite candies, and that's why we did
18 the display today.

19 As a child, I remember my
20 mother and father sending me to the
21 corner store. My dad wanted a pack of
22 Pall Malls and a Dr. Pepper and my mother
23 wanted Virginia Slims and a Pepsi. The
24 price back then was a little over \$4 for
25 both of those things, which left me a

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2 nice healthy tip of about a dollar to
3 keep for myself.

4 Little did I know the cost of
5 those cigarettes and soda would cost me
6 literally both of my parents. My father
7 died of lung cancer, and four years later
8 we found my mother in her home with a
9 partially burnt cigarette still in the
10 ashtray as she suffered a massive stroke.

11 I hold no grudges against the
12 cigarette companies. In fact, I have
13 smoked cigarettes in my lifetime. You
14 see, my mother's and father's choices
15 were adult choices. Bad ones, but they
16 were adult choices.

17 Young people today use these
18 flavored tobacco wraps, a/k/a hood wraps,
19 for a number of non-tobacco related uses.
20 And I don't fault them because, again,
21 those are adult choices.

22 But these hood wraps and these
23 fruit punches and these wild berry wraps
24 and watermelon-flavored wraps right next
25 to candies, they don't make them adult

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2 decisions. They make them children's
3 decisions. And this is about today
4 product placement for me. This is about
5 subliminal seduction to me.

6 My children knew how to say
7 McDonald's before they knew how to say
8 daddy, and that was because of strict
9 marketing, psychological impact of seeing
10 the happy clown. Clowns aren't so cool
11 today. It has changed that, but those
12 are the images that they saw. And they
13 knew how to say McDonald's before they
14 knew how to say granola mix. That is the
15 world of marketing, and children are
16 susceptible to those imageries more so
17 than adults.

18 For years, subliminal seduction
19 has been used to hook adults on
20 cigarettes, and it made it perfectly
21 clear -- I want to make it perfectly
22 clear that I am a co-sponsor on
23 decriminalization of marijuana, but that
24 does not mean I'm giving a green light to
25 children to make those mind-altering

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2 decisions based on product placement.

3 And anyone representing tobacco is free
4 to come up and look at what I saw and the
5 horror in which marketing can be used on
6 formidable minds and disproportionately,
7 disproportionately in zip codes of low
8 and moderate income and poor people,
9 specifically targeted towards them.

10 And so with that, I'd like to
11 get started. Ms. Williams, would you
12 please say the names -- oh, my colleague,
13 Bill Greenlee, is here. Would you like
14 to --

15 COUNCILMAN GREENLEE: Thank
16 you, Mr. Chairman. Just very quickly, I
17 first want to thank you for bringing this
18 to the attention of so many people. I
19 was not aware of that, and I think the
20 display says it all.

21 In a perfect world, I would
22 like nobody to smoke. I've had family
23 members also suffer from the results of
24 cigarette smoking, but this is -- as you
25 said, that was adult decisions. This is

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2 clearly trying to get children on tobacco
3 much earlier, before they can make those
4 informed decisions.

5 So, again, I appreciate you
6 bringing that to the attention of
7 everybody, and I think this is a very
8 important issue.

9 Thank you, Mr. Chairman.

10 COUNCILMAN JONES: Councilman,
11 you've been an advocate for causes. I
12 would almost call you second generation
13 because of who you worked for, Councilman
14 Cohen, but truly you have been a moral
15 compass for this Council, and I
16 appreciate your attendance here today.

17 Ms. Williams, would you bring
18 up the names of the people to testify.

19 THE CLERK: Vanessa Lowery
20 Brown and Dr. Thomas Farley.

21 UNIDENTIFIED SPEAKER:
22 Dr. Farley is on his --

23 COUNCILMAN JONES: Come to the
24 witness stand, please, on his behalf.

25 (Witness approached witness

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2 table.)

3 COUNCILMAN JONES: Pull the mic
4 to you.

5 UNIDENTIFIED SPEAKER: Excuse
6 me, Councilman Jones.

7 COUNCILMAN JONES: My staff
8 have already claimed all of that candy on
9 there.

10 Have a seat.

11 UNIDENTIFIED SPEAKER:
12 Dr. Farley, Health Commissioner, is on
13 his way. He's en route. He'll be here
14 in a minute.

15 COUNCILMAN JONES: So we'll
16 wait.

17 And who are the next people to
18 testify?

19 THE CLERK: Dr. Brian Jenssen,
20 Reverend Leroy Miles, and Reverend Jesse
21 Brown.

22 COUNCILMAN JONES: Would you
23 all please come to the witness table.
24 It's not your first time, Doctor. Not
25 your first time, Reverend.

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2 (Witnesses approached witness
3 table.)

4 COUNCILMAN JONES:
5 Commissioner? All right.

6 Don't hurt yourself getting
7 there. We'll be okay.

8 (Witness approached witness
9 table.)

10 COUNCILMAN JONES: Good
11 morning.

12 COMMISSIONER FARLEY: Good
13 morning.

14 COUNCILMAN JONES: And I give
15 everybody the same instruction. Do not
16 eat my candy mixed with the hood wraps.

17 COMMISSIONER FARLEY: Thank you
18 very much. I'm sorry I'm late.

19 COUNCILMAN JONES:
20 Commissioner, good morning. Welcome.
21 State your name for the record and begin
22 your testimony.

23 COMMISSIONER FARLEY: Thank you
24 very much. I'm Thomas Farley. I'm the
25 Health Commissioner for Philadelphia.

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2 Good morning, Chairman Jones,
3 and thanks for the opportunity to testify
4 on this important topic. I think you
5 have my written testimony, but if I
6 could, I wanted to speak a little more
7 informally. I want to talk about the
8 marketing technique for tobacco products;
9 that is, the use of flavorings.

10 First, a little bit of
11 background on smoking. Smoking is the
12 number one underlying killer in
13 Philadelphia. There have been different
14 estimates over the years about how many
15 people it's responsible for killing each
16 year. With new data from the Centers for
17 Disease Control, we estimated 3,600
18 people per year in Philadelphia, which is
19 a lot. Those are people who don't die
20 suddenly as they would from, say, a car
21 crash. They tend to die a slow, painful
22 death from cancer or from heart failure
23 or from the disability from a stroke.

24 Now, over the years, smoking
25 rates have gradually fallen. That's good

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2 news. It used to be that close to half
3 of adults smoked. Now we're down to 22
4 percent of adults in Philadelphia smoke,
5 which is higher than pretty much every
6 other major city, but down from where we
7 were decades ago.

8 Among teenagers, about 30
9 percent used to smoke cigarettes. Now
10 we're down to about 7 percent. That's
11 good news. But in response to that, the
12 tobacco companies continue to devise new
13 methods to try to keep customers. And
14 because 90 percent of smokers start
15 before the age of 18, for the most part
16 that means that they're targeting
17 children.

18 Now, tobacco leaves don't grow
19 naturally with flavorings. Tobacco
20 companies deliberately infuse these
21 products with chemicals to try to get
22 customers to start smoking and to get
23 them to keep smoking.

24 There are two types of
25 flavorings I want to talk about today.

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2 There are candy flavorings and there's
3 the use of menthol.

4 As far as candy flavorings,
5 there are cigarillos that are sold
6 throughout the City, particularly in
7 minority neighborhoods, that are flavored
8 with flavorings like watermelon and fruit
9 punch and french vanilla. I think we got
10 a few examples right here that are pretty
11 impressive. These are the same chemicals
12 that are used to flavor candy, like Jolly
13 Ranchers and Life Savers and Kool-Aid, to
14 make it easier for children to make the
15 transition from candy to smoking, and
16 they're sold in these bright-colored
17 packs, right next to the candy on the
18 shelves. And they're sold, as you see
19 from the prices here, at four for 99
20 cents or five for 99 cents, the sort of
21 prices that kids can afford, as opposed
22 to \$10 for a pack of cigarettes. So
23 these are the penny candy of tobacco
24 products, and they're designed
25 specifically to entice kids to start

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2 smoking.

3 Now, a few years ago Congress
4 banned the use of flavorings in
5 cigarettes, with one exception. That's
6 menthol. But they did not ban the use of
7 flavorings in cigars, and it's these
8 flavored cigar products which is probably
9 why our teenagers are showing a great
10 increase in cigar smoking. So in 2011, 6
11 percent of teenagers in Philadelphia
12 smoked cigars. Now we're up to 11
13 percent. That's compared to 7 percent of
14 cigarette smoking, which means our teens
15 these days are much more likely to smoke
16 cigars than cigarettes.

17 And this rise in cigar smoking
18 is especially prevalent among African
19 American teens. For them, the rise was 5
20 percent in 2011 to 12 percent. So that's
21 a two and a half fold increase in just
22 four years.

23 Now, the candy flavorings are
24 what gets kids started. There's another
25 flavoring, though, I want to talk about

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2 today, and that is what keeps smokers
3 smoking, and that's the use of menthol.
4 Menthol is a chemical that gives a
5 wintergreen flavor, and what it does is,
6 it numbs up the back of your throat.
7 It's the active ingredient in cough
8 drops. I got an example here.

9 COUNCILMAN JONES: We'll add
10 that to the collection.

11 COMMISSIONER FARLEY: Oh, you
12 got one here too, yes.

13 And what the menthol does is,
14 it numbs up the back of your throat so
15 you don't cough. Now, that's okay if you
16 just have a cold. It's not okay if
17 you're coughing because you have
18 irritation from tobacco smoke. If your
19 throat is numb and you don't cough from
20 that irritation, it means you're more
21 likely to start smoking and you're less
22 likely to quit smoking.

23 As a matter of fact, teens who
24 smoke menthol products or teens who start
25 smoking with menthol products are twice

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2 as likely to become long-term smokers.

3 Put it another way, menthol makes tobacco

4 more addictive. And the menthol brands

5 are specifically targeted to African

6 Americans. So if you don't believe me,

7 just check out the brands that are

8 advertised in bodegas and African

9 American neighborhoods in the City. The

10 brands you'll see will look like this,

11 Newport and Salem and Kool, the ones that

12 are in the green packs.

13 A few years ago the Food and
14 Drug Administration at the federal level
15 convened a group of scientific advisors
16 and asked them what should be done about
17 menthol in tobacco products, and the
18 group said that menthol tends to make
19 tobacco products more addictive and that
20 prohibiting menthol flavorings would
21 benefit the public health. It would save
22 thousands of lives, they said. We can't
23 expect that we're going to get action,
24 though, from the federal government on
25 menthol.

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2 Now, let me just say for a
3 minute there may be some stores that will
4 testify here today and they'll say that
5 they don't sell these products to
6 children. What the Health Department
7 does is, it tries to enforce the law
8 which says that they cannot sell these
9 products to children under the age of 18,
10 but we know that many stores sell to
11 children anyway. We've done better than
12 in past years, but at least one in ten
13 stores, when we test them out, are
14 selling to underage youth. And even if
15 100 percent of the stores were obeying
16 the law and not selling to children,
17 these products get in the hands of
18 children anyway, because they get their
19 older siblings and their older friends to
20 buy them for them. That's how we get to
21 11 percent of our teenagers smoking these
22 cigars.

23 So the flavorings are
24 dangerous. They're harming our kids, and
25 we don't want our kids to be the next

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2 generation of smokers. So cities,
3 because the federal government is not
4 acting, cities around the country are
5 beginning to act on that. The San
6 Francisco and Oakland City Councils both
7 voted to prohibit the use of flavorings
8 in cigars and in cigarettes, including
9 menthol. So those prohibitions will take
10 place in San Francisco and in Oakland.

11 In New York City and
12 Minneapolis a few years ago, they have
13 already prohibited the candy-flavored
14 cigars, and they're now looking at
15 prohibiting the menthol flavorings.

16 So Philadelphia has an
17 opportunity here to be at the forefront
18 of cities in this country addressing this
19 number one killer in the City. So that's
20 something we would very much like for
21 this Committee and the City Council to
22 do.

23 So thanks for the opportunity
24 to testify, and I'll be happy to answer
25 any questions.

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2 COUNCILMAN JONES: So what role
3 does the Health Department play or is it
4 Licenses and Inspection to go out into
5 neighborhood stores and see what they're
6 doing?

7 COMMISSIONER FARLEY: In order
8 to sell tobacco products in the City, you
9 have to have a city permit in addition to
10 a state permit. The Health Department
11 issues those permits, and then we do send
12 out teams that include one underage youth
13 who then attempts to purchase tobacco
14 products, and if they successfully can
15 purchase that, then we write a ticket and
16 fine them.

17 COUNCILMAN JONES: So under the
18 definition of tobacco product, those
19 candy wraps, hood wraps, and others are
20 covered?

21 COMMISSIONER FARLEY: Yes.

22 COUNCILMAN JONES: So those are
23 illegal for minors to buy?

24 COMMISSIONER FARLEY: That's
25 right. And more important, they're legal

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2 for the stores to sell; that is to say,
3 they can't sell to minors.

4 COUNCILMAN JONES: Got it.

5 As we look at these flavors, as
6 we look at these colors, psychologically
7 what is it for the record enticing to do?
8 I mean, is it attempting to entice.

9 COMMISSIONER FARLEY: You know,
10 we have shown these to third and fourth
11 graders, and we say, What's this? And
12 they think it's candy. This is in every
13 way designed to look, feel, smell like
14 candy, and so it makes it easy for
15 children to make the switch from candy
16 that they're consuming, as all children
17 do, to smoking.

18 COUNCILMAN JONES: And you said
19 in other cities. In the other cities
20 is -- and my issue here, quite frankly,
21 is product placement. Why would you put
22 it near the candy if you did not want
23 that correlation drawn? And what would
24 you -- I mean, I know you would recommend
25 banning it, but is there any way we can

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2 require them to keep them separate and
3 distinct? Is there any precedent by
4 which we keep product separated?

5 COMMISSIONER FARLEY: So, yes,
6 they are put on the shelves right next to
7 candy, which draws children's eyes to
8 them. I'm not aware of any city that has
9 put any requirements on where they can be
10 placed in the store. I'm not sure if
11 that can be done in a practical way.

12 COUNCILMAN JONES: I mean, the
13 first store I went into, Councilman, I
14 thought it was just a bad placement, but
15 after the -- and keep in mind, the reason
16 I was going into the stores was to try to
17 find my granddaughter a healthy lunch,
18 which I could not find, literally. I
19 found plenty of wraps, but I could not
20 find a vegetable. I could not find
21 fruit. I could not find healthy
22 alternatives for her lunch, but I found
23 those wraps. And in each of the stores I
24 went to, the product tobacco, it might
25 have been behind a case, but it was right

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2 near the candy. So the eye was drawn to
3 both, because my granddaughter didn't
4 really care about the vegetables, didn't
5 really care about the fruit. What she
6 wanted was her snack. And I'm looking
7 and pulling from areas where those
8 proximities were there.

9 So I'm concerned. I mean, I
10 have health concerns about all of this,
11 but particularly marketing to our
12 children is reprehensible. And I don't
13 know if it's by design, but after the
14 third store, I started thinking it was.
15 And so I cannot sit here and speak for
16 other people's motivations, but
17 coincidence? I don't know.

18 So, Councilman, do you have
19 questions?

20 COUNCILMAN GREENLEE: Just one.

21 And, Commissioner, you may not
22 know the answer to this. This may be a
23 Law Department question. It seems like
24 oftentimes the state figures out all kind
25 of ways to limit our ability to do

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2 anything. Would you see as far as the
3 banning of candy-flavored cigarettes,
4 would there be any state problem in this?

5 COMMISSIONER FARLEY: Well, the
6 state would have the legal authority to
7 do it.

8 COUNCILMAN GREENLEE: I guess
9 I'm thinking, is there some regulation
10 that they have that you know of that
11 would stop us from doing it individually?

12 COMMISSIONER FARLEY: No. The
13 City is not preempted by the state from
14 doing this.

15 COUNCILMAN GREENLEE:
16 Preempted. That's the word I was looking
17 for.

18 COMMISSIONER FARLEY: The City
19 has the authority to do this, as other
20 cities around the country have done.

21 COUNCILMAN GREENLEE: But other
22 cities sometimes don't have the
23 restrictions that --

24 COMMISSIONER FARLEY: Correct.
25 But we have looked into this, and the

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2 City does have the authority to make
3 these.

4 COUNCILMAN GREENLEE: Okay.

5 But I would agree with the Chairman that
6 certainly they shouldn't be right next to
7 candy. Again, I don't know how legally
8 we do that either, but as I said before
9 you got here, if I ruled the world,
10 nobody would smoke, but at least we
11 shouldn't have these candy-flavored
12 things so easy for children to get.
13 That's just wrong.

14 Thank you.

15 COUNCILMAN JONES: I want to
16 give everybody -- thank you, Councilman.

17 I want to give everybody the
18 benefit of the doubt, but coincidence and
19 maybe it's an issue of education and some
20 of the store owners not knowing the
21 problem with this, but I'm beginning to
22 be cynical about that.

23 So thank you for bringing this
24 to Council's attention and particularly
25 about the flavored tobaccos and what they

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2 tend to do by way of making smoking more
3 acceptable to our bodies, and that
4 particularly was enlightening to me.

5 Thank you, Commissioner.

6 COMMISSIONER FARLEY: Thank you
7 very much.

8 COUNCILMAN JONES:
9 Ms. Williams, who do we have next?

10 THE CLERK: Dr. Brian Jenssen,
11 Reverend Leroy Miles, and Reverend Jesse
12 Brown.

13 COUNCILMAN JONES: Thank you,
14 guys. Please come up to the witness
15 table.

16 (Witnesses approached witness
17 table.)

18 COUNCILMAN JONES: Good
19 morning.

20 (Good morning.)

21 COUNCILMAN JONES: Gentlemen,
22 pull the mic close to you, state your
23 names, and then begin your testimony.

24 DR. JENSSEN: So good morning.
25 My name is Dr. Brian Jenssen. Good

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2 morning, Councilmembers. I think I'll
3 start.

4 So I am a -- the reason I'm
5 here today, I'm a practicing primary care
6 pediatrician in West Philadelphia and a
7 researcher at the Children's Hospital of
8 Philadelphia and University of
9 Pennsylvania. My research focuses on
10 building systems and tools to help
11 improve care for children and their
12 families, and that includes protecting
13 children from the harms of tobacco.

14 I'm here today in my official
15 capacity as a doctor to offer my expert
16 insight as someone who takes care of
17 children, adolescents, and young adults
18 in our city so that this group can have
19 the best evidence available to them on
20 this critical health issue. Every day in
21 my clinical practice I'm faced with the
22 harms of tobacco and, in particular, the
23 toll that flavored tobacco products and
24 particular menthol products has on my
25 patient population.

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2 I'll be brief, because the
3 evidence of harm of menthol products is
4 so readily available.

5 Let me share three patient
6 stories. I changed the names and some
7 specific details to protect patient
8 identities.

9 First, let me tell you about a
10 teenage patient named Jaden. Jaden is 16
11 years old, doing well in high school, has
12 hopes of going to a vocational program
13 here in Philadelphia after graduation.
14 In our last visit, he disclosed to me
15 that he started smoking this past year
16 and he wants help quitting. The
17 cigarettes he smokes are menthol,
18 Newport, which were up here before, and
19 he's embarrassed that he's now regularly
20 using.

21 Jaden's developing brain is
22 particularly vulnerable to nicotine, so
23 the addiction happened quickly. He
24 experimented with menthols. They were
25 easy to smoke, and he progressed to being

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2 a regular smoker in less than a year. If
3 this could happen to Jaden, it could
4 happen to anyone.

5 This is a typical story here in
6 Philadelphia. Menthol cigarettes are
7 disproportionately used by young smokers,
8 and the menthol in cigarettes makes them
9 more attractive to children, easier to
10 smoke, and more likely to result in
11 addiction.

12 While a child's first cigarette
13 is usually an unpleasant experience,
14 menthol can make it less so, partially by
15 anesthetizing the throat against the
16 harshness of tobacco smoke. Menthol is
17 not just a flavorant. It makes it easier
18 for our youth to start smoking. It keeps
19 people smoking, and it inhibits them from
20 quitting. That's why so many experts, so
21 many pediatric experts, so many tobacco
22 experts, so many health experts say
23 menthol makes the poison go down easier.

24 Jaden's story of a teenager
25 getting pulled into the tobacco use

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2 through menthol is all too common in
3 Philadelphia and is one of the reasons
4 that pediatricians like me are
5 particularly concerned about the dangers
6 that menthol poses to child health.

7 The second story is a story of
8 Amir, an inquisitive and perceptive
9 eight-year-old with asthma. Amir's
10 asthma is poorly controlled. He finds it
11 difficult to breathe when running around
12 playing. He often coughs at night and he
13 has frequent asthma attacks, which often
14 lead to pediatrician visits and
15 hospitalizations every couple of months.
16 All of his asthma symptoms are worsened
17 by the fact that he is regularly exposed
18 to the secondhand smoke from his mother's
19 cigarette use.

20 I see this direct harm of
21 tobacco on my patients all too often. At
22 a recent visit, Amir's mother told me
23 that she's trying to quit smoking to
24 protect her son's health. When I asked
25 her about her smoking, Amir blurted out

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2 his mother smokes Newports.

3 An eight-year-old, while smart,
4 shouldn't know the name of a particular
5 tobacco brand. How does he know that?

6 This gets to the earlier point.
7 The tobacco industry has a
8 well-documented history of developing and
9 marketing mentholated brands to youth.
10 Even though tobacco advertised on TV and
11 in print has been strictly limited for
12 decades, the industry finds ways to
13 market their products to youth in stores
14 and in the community. Numerous studies
15 show targeted marketing of menthol
16 cigarettes at the point of sale, in
17 corner stores throughout the U.S., and in
18 particular here in Philadelphia in our
19 African American communities.

20 So my patient, Amir, is not
21 only dealing with the harms of tobacco on
22 his asthma, he's being targeted by
23 tobacco companies pushing mentholated
24 brands to pull him in as a future user.

25 Finally, my last story I want

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2 to tell you about two adorable
3 six-month-old twins I just saw named
4 Cameron and Kiara. Both have been
5 recently admitted to the hospital for
6 breathing and lung issues that have been
7 worsened by exposure to their father's
8 smoking. Their father, who is the
9 primary caretaker, started smoking
10 Newports as a young adult in his teenage
11 years and now switched to Black & Mild
12 cigars, another menthol product, in the
13 false hope that switching could help him
14 cut down and quit. Instead, he's been
15 struggling, finding it extremely
16 difficult to quit to not only help his
17 health but, more important to him, help
18 the health of his twins.

19 Parents of young children like
20 Cameron and Kiara are often highly
21 motivated to quit, especially when they
22 see the direct harms of tobacco on their
23 children's lives. Unfortunately, menthol
24 undermines quit attempts, keeping parents
25 addicted and children exposed to smoke.

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2 Numerous scientific studies find that
3 adult menthol smokers are less likely
4 than non-menthol smokers to successfully
5 quit smoking, despite increased quit
6 attempts. Smoking menthol cigarettes or
7 other mentholated tobacco products makes
8 it harder to quit.

9 Sadly, these patient
10 experiences of Jaden, Amir, Cameron and
11 Kiara's father are the typical clinical
12 issues when it comes to tobacco and
13 menthol. Tobacco companies target
14 children, adolescents, and young adults
15 with their advertising of menthol brands.
16 Menthol cigarettes offer no health
17 benefit to smokers. Instead, menthol in
18 cigarettes makes them more attractive to
19 children, more likely to lead to
20 addiction, and harder for users to quit.

21 Children are a vulnerable
22 population, and my job as a pediatrician
23 is to protect them from harm and from
24 dangerous products. There is more than
25 enough evidence of menthol's harm to

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2 children and families. Menthol's
3 continued presence in the cigarette
4 marketplace harms children by keeping
5 their parents addicted and preys on
6 teenagers, recruiting them to become a
7 lifetime smoker. These products must be
8 removed from store shelves as soon as
9 possible.

10 Thank you so much for the
11 opportunity to speak with you today.

12 COUNCILMAN JONES: If it's okay
13 with my colleague, I'd like the entire
14 panel to testify before we go into
15 questions.

16 Reverend.

17 REVEREND MILES: Again, good
18 morning. Good morning. It's a pleasure
19 to be here. I too, Councilman, grew up
20 as a young child having my mother send me
21 to the store with some change wrapped up
22 in a napkin and purchasing her Kent
23 menthols. So I remember that as a child.
24 I remember ads by Kools in our
25 communities, "You've come a long way,

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2 Baby," targeting specific demographics.

3 So, again, I'm Reverend Leroy
4 Miles, Associate Pastor of Pastoral Care
5 and Counseling at Enon Tabernacle Baptist
6 Church. I'm here under the leadership of
7 our Senior Pastor, Reverend Dr. Alyn E.
8 Waller, to speak specifically on this
9 topic. And I'm not here as an expert to
10 flood you with statistics or studies, but
11 I am acutely aware that the CDC has
12 placed a report in 2014 that say although
13 African Americans usually smoke fewer
14 cigarettes and usually start smoking
15 cigarettes at an older age, they/we are
16 more likely to die from smoking-related
17 diseases than our white counterparts.
18 And I know that to ring true. Again, I'm
19 here as a pastor, but I'm also here as a
20 citizen and as a father and a son to my
21 mother whom I buried two years ago due to
22 COPD, a breathing illness directly
23 related to her issue with smoking.

24 So, therefore, I'd like to
25 start off by saying that as a church, we

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2 believe in holistic ministry. We have
3 various health ministries to serve the
4 community and families within the
5 community, and this is an issue that's
6 very dear and near to our hearts. And
7 the vitality of these communities are
8 measured by the degree in which we
9 protect our most vulnerable members and
10 citizens from excesses of power.

11 So I'm here today because our
12 children are being made part of a bigger
13 scheme by powerful tobacco companies
14 peddling dangerous products, in
15 particular flavored tobacco products. In
16 the past, and again very true today,
17 menthol is the most dangerous of the
18 tobacco products. Mentholated tobacco
19 products have been specifically targeted
20 to African American youth to make it more
21 likely that our children will become
22 addicted to tobacco. And I know you have
23 had some campaigns and this concept of
24 replacement smokers rings true, so we
25 know that the companies are looking for

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2 new customers, if you will.

3 So, again, we know that they're
4 being marketed in our communities. We
5 know they're being targeted to our
6 children. And the success of the
7 strategy is measured by the
8 disproportionate number of African
9 American deaths due to tobacco-related
10 illnesses.

11 Now big tobacco companies have
12 added a new weapon to the deadly arsenal,
13 the candy-flavored tobacco products,
14 which are again on display here before us
15 today. These products are specifically
16 designed to attack low-income black and
17 brown children. This predatory approach
18 to marketing makes false claims, promises
19 that our children will live lives of
20 pleasure, well-being, and success,
21 reminiscent of some of the ads that I
22 grew up on that, again, were lies and led
23 to death, destruction, and a diminished
24 quality of life.

25 But the reality is that these

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2 candy-flavored products only put our
3 children at risk for possibly lifelong
4 addiction, disability, and early death.

5 We have a significant
6 congregation in this city. We are the
7 largest congregation in the City. And I
8 only say that because again our footprint
9 is wide. We're primarily housed in the
10 Northwest portion of the City, but the
11 tentacles and the relationships that we
12 share spread throughout the entire City
13 of Philadelphia.

14 So we do stand on the name of
15 Philadelphia as it touts itself as the
16 City of Brotherly Love, and that love
17 should and needs to specifically address
18 our children to families within this
19 community. But to truly build a city of
20 brotherly love, we must act together to
21 develop policies that protect our
22 community from those who would profit
23 before the people. It's a cruel form of
24 economic development that we cannot
25 afford in our city.

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2 Therefore, we hope that at the
3 end of these deliberations, this body
4 will formulate measures that will protect
5 our children from the kind of predatory
6 marketing that we're being subjected to
7 now. Big tobacco companies must
8 understand their blatant targeting of our
9 city's children and teens will not be
10 tolerated. We will use every vehicle
11 available to block their thinly veiled
12 messages. We will permanently invest in
13 ensuring that this effort is our foremost
14 priority.

15 I thank you again for your time
16 and your attention.

17 COUNCILMAN JONES: Thank you
18 for your testimony and Enon's commitment
19 to holistic approach to spiritual
20 development.

21 REVEREND BROWN: Good morning,
22 Councilman Jones and Councilman Greenlee.
23 Good morning.

24 COUNCILMAN JONES: Good
25 morning.

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2 REVEREND BROWN: And I want to
3 also say good morning to all these
4 defenders back here, Philadelphia's
5 children and public health advocates that
6 are in the room. We don't acknowledge
7 you enough.

8 COUNCILMAN JONES: You can give
9 yourselves a round of applause.

10 (Applause.)

11 REVEREND BROWN: Many of you in
12 this Chamber may not know how we got to
13 this hour. In 1989 and 1990, R.J.
14 Reynolds Tobacco Company targeted
15 Philadelphia to test-market a new brand
16 of cigarette called Uptown. They were
17 capitalizing on the positive branding and
18 history of the Uptown Theatre and the
19 complacency of the Philadelphia community
20 to its marketing efforts in the past.
21 But the community did not sit idly by,
22 and successfully defeated R.J. Reynolds'
23 marketing plans, preventing thousands of
24 Philadelphia's young people from ever
25 starting to smoke.

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2 In 1997, the National
3 Association of African Americans for
4 Positive Imagery started a campaign that
5 was called "Say No to Menthol Joe." It
6 was a community crusade that had a
7 special appeal to black youth who showed
8 a preference for mentholated brands.

9 In 1998, NAAAPI, with many
10 other groups, forced the removal of the
11 tobacco billboards from all communities
12 across America. And also in 1998, the
13 master settlement agreement went into
14 effect. One of its provisions was to
15 restrict the sale and promotion of
16 flavored cigarettes, but in order to get
17 this agreement, many of my fellow
18 advocates believed that they could get no
19 agreement if menthol would be included as
20 one of the banned flavorings. So menthol
21 was removed, sacrificing black and Latino
22 youth on the altar of political
23 expediency. And here we are now.

24 We have this power placed in
25 our hands. As the Commissioner has

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2 already noted, it is not likely to get
3 taken care of on the federal level and
4 not likely to be dealt with on the state
5 level, but we have the power right here
6 in Philadelphia in these Council Chambers
7 to make that happen now. To ban menthol,
8 along with all the other flavorings,
9 would be a leadership role that this
10 Council could take, which is all a part
11 of this hearing; is it not? To be
12 leaders, not followers, to set the tone
13 so that as we begin to march across the
14 country, this will happen.

15 I actually serve at the current
16 moment as the Chairperson of the Ban
17 Menthol Campaign, and some of the cities
18 have already been noted where the banning
19 is beginning. I should also note that in
20 places like Saint Paul, Minneapolis,
21 Minnesota, they're also working on this
22 issue. We've also dealt with it in
23 Chicago and several cities in California.

24 We want to continue this, but
25 Philadelphia now needs to take the lead.

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2 We have led the country before in
3 protecting our young people back through
4 Uptown days and we can lead again with
5 the banning of menthol. And for me this
6 is not something that I will sit by and
7 let pass on us. To me this is -- the
8 finishing product is to get menthol in
9 the game as we have chocolate, vanilla,
10 and strawberry. It's now time for
11 menthol. Now it's in our hands.

12 So I urge you to love
13 Philadelphia's children with the fervor
14 you claim and lead the march to making
15 Philadelphia -- making smoking history in
16 Philadelphia.

17 COUNCILMAN JONES: Thank you.

18 And thank you all for your
19 testimony. And I couldn't help but think
20 about Mayor Nutter's role within that
21 timeline, and I remember him out of
22 nowhere coming up with the ban of tobacco
23 and smoking in government buildings and
24 restaurants, and at the time, it just
25 seemed so unachievable, I guess would be

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2 the word, and he did it. I remember you
3 being a part of that as well. So thank
4 you for what you've done already for our
5 children and the health of our people in
6 Philadelphia.

7 REVEREND BROWN: Yes. May I
8 address you with one of the questions you
9 had earlier for one of our earlier
10 speakers? You talked about the access of
11 candy -- the promotion of candy and
12 cigarettes. That's not a happenstance.
13 That's actually been going on literally
14 for 50 years or more. The tobacco
15 industry has always attempted to
16 associate its products with candies in
17 order to desensitize kids to the impact
18 of tobacco, and they've done it in many
19 ways.

20 Before we were talking about
21 earlier, you know, African American kids
22 don't participate in chewing tobacco that
23 often. Well, in the early 1990s Wrigley
24 chewing gum, which was owned by Reynolds
25 by the way at the time, came out with a

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2 shredded bubble gum that looked like and
3 packaged just like what? Chewing
4 tobacco. They wanted the kids to begin
5 to participate.

6 While white kids may have been
7 participating through baseball and other
8 sports figures in chewing tobacco,
9 African American kids were not. So they
10 got who, the best icon we could get?
11 Michael Jordan to promote that program.
12 We once again launched a campaign to get
13 Michael Jordan to withdraw his support
14 and his endorsement of the product, which
15 he eventually did, but the point is that
16 the industry has always attempted to
17 desensitize kids to the death that
18 tobacco will bring to their lives or the
19 misery that it will bring. So this is
20 not by accident.

21 And the second part of that
22 that you also need to know is that
23 product placement of tobacco is extremely
24 important to the industry. It's not just
25 about the candy. It's about going up to

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2 the counter and what do you see -- where
3 do you put your money down on and what do
4 you see over the clerks that are in
5 stores. Industry deliberately created
6 those cigarette things to promote their
7 products and, once again, desensitize the
8 kids.

9 And I'll give you one last
10 example of that, and this is particularly
11 targeting the kids. You have never heard
12 of anybody ever complaining, an employee
13 at a store ever complaining about
14 cigarettes being stolen. Yet they put
15 them by the door in open forums where you
16 can do what? Pick them up and walk out
17 the door. Because the industry will
18 compensate these companies, as they have,
19 for anything that didn't show up in the
20 inventory.

21 These things have been going on
22 on the basis of years, not last week, not
23 last month, but years. If we want to do
24 something about it and now this Council
25 has the power to do it, then now is the

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2 time.

3 COUNCILMAN JONES: Insightful.

4 I had no idea that it was that -- see, I
5 mean, coincidence, coincidence in a city
6 is very different things. When you do
7 product placement designed to target
8 kids, to target poor kids in particular,
9 that just gets me.

10 By way of health, so we all
11 know about the issue of lung cancer and
12 associating with smoking. What are some
13 other illnesses and related health
14 problems that come with smoking?

15 REVEREND BROWN: You're the
16 doctor.

17 DR. JENSSEN: So when you think
18 across the adult spectrum, one -- so one
19 out of every three cancers is caused by
20 smoking. So that just gives you a sense
21 of the position there. Half of all heart
22 disease is caused by smoking in some
23 form.

24 On a pediatric level when we
25 see these harms directly, asthma is

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2 worsened by it. Respiratory illnesses
3 are worsened by it. Poor pregnancy
4 outcomes are worsened by it. We see all
5 too often in our neonatal intensive care
6 unit premature babies that are born
7 because of the harms of smoking, and then
8 many times don't make it through their
9 experience in the hospital and die from
10 it.

11 It causes roughly 1,100 deaths
12 each year throughout the United States,
13 from infants dying from secondhand smoke
14 and the direct harms of their mothers
15 using tobacco on the infant themselves.

16 So it's a huge issue. That's
17 why Dr. Farley started by saying it's the
18 leading preventable cause of disease and
19 death in the United States. Four hundred
20 eighty thousand people die each year from
21 the harms of tobacco.

22 COUNCILMAN JONES: So I'm going
23 to go rapid fire. Eyesight, does it deal
24 with eye pressure at all?

25 DR. JENSSEN: There's a nice

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2 surgeon general report that came out that
3 updated 50 years of tobacco, and so they
4 have a nice figure where pretty much
5 every body system is affected in some
6 form. So it can increase the risk of not
7 necessarily eyesight issues but long-term
8 glaucoma issues. So certainly. If you
9 go head to toe, you can find an issue
10 that is worsened by tobacco.

11 COUNCILMAN JONES: Secondhand
12 smoke.

13 DR. JENSSEN: Yes. Kills
14 48,000 to 50,000 people each year and
15 worse is lung disease as well.

16 REVEREND BROWN: But remember,
17 Councilman Jones, there is more than 400
18 carcinogens in cigarettes along --

19 COUNCILMAN JONES: Say it
20 again. Pull that mic to you.

21 REVEREND BROWN: There is more
22 than 400 carcinogens in cigarettes alone.
23 So every organ system in the body is
24 affected in some way by tobacco. Both
25 the cumulative effect and the longevity

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2 of which one uses the thing multiplies
3 the damage over time. And just as
4 important, if they stop smoking, it
5 decreases some of those damages that have
6 taken place.

7 COUNCILMAN JONES: Last
8 question for bonus points. Marijuana.
9 Grab the mic, Doctor. The question is,
10 what are the different impacts, tobacco
11 versus marijuana?

12 DR. JENSSEN: We'll start by
13 saying it's hard to really know. We
14 don't have a lot of evidence around
15 marijuana, because it's been so hard to
16 study. What we do know is about all --
17 we have more than 50, 60 years of data
18 about the harms of tobacco.

19 COUNCILMAN JONES: I got the
20 tobacco. I got it. As we move forward
21 in our evolution as a country, we're
22 seeing both medical and then recreational
23 marijuana become a part of -- so the
24 hippies of the '60s are the super voters
25 of today and they're becoming more

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2 acceptable to the notion of it. Are
3 there any cautionary tales, warnings that
4 you would give us here today?

5 DR. JENSSEN: I think I'd defer
6 right now for that. There's just not
7 enough good evidence around this.

8 COUNCILMAN JONES: That's fair.

9 DR. JENSSEN: I will close by
10 saying one of the important thing is to
11 making sure -- the goal here today is to
12 protect children.

13 COUNCILMAN JONES: And I agree
14 with that, because I'm walking -- I have
15 my dog -- and he's going to get his own
16 blog, Captain Jack Jones. We're walking
17 and we're going by a middle school, and
18 the kids were coming out of the store and
19 they were in the driveway rolling their
20 breakfast, if you know what I mean. So I
21 stopped and I looked at them, and they
22 point blank said, Well, it's not illegal
23 anymore.

24 I said, Well, wait a minute.
25 It's not criminalized, but it's not

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2 encouraged. It's not what you need to
3 learn, reading, writing, and arithmetic.

4 And so I say that to say as the
5 acceptance goes on, we need to monitor
6 and so that some day we're not sitting
7 here talking about if we but knew.

8 Reverend Jesse.

9 REVEREND BROWN: Yes. One of
10 the campaigns I helped develop was around
11 menthol cigarettes, menthol -- alcohol,
12 which also has menthol by the way,
13 particularly the malt liquors, and
14 marijuana, and we found there's a direct
15 correlation, particularly in the African
16 American community, of users of all three
17 products, and they kind of reenforce
18 themselves in the process.

19 But I think to the larger point
20 that you were making, whether we ever
21 decriminalize it, I'm generally all right
22 with that. The point is that marijuana,
23 like many other things, does impair
24 people, period, whether it's driving,
25 whether it's walking, whether it's, you

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2 know. So as a society, as a community,
3 as a city, I think we need to have some
4 conversation about those people who will
5 be irresponsible -- I don't care what you
6 do -- and how much of that we're willing
7 to accept on ourselves around this issue.

8 COUNCILMAN JONES: Excellent
9 point. Excellent point.

10 REVEREND BROWN: And that to me
11 will be the conversation that needs to
12 continue.

13 COUNCILMAN JONES: You seem
14 like you're breaking out in words. Did
15 you want to say something?

16 REVEREND MILES: Me?

17 COUNCILMAN JONES: Yes.

18 REVEREND MILES: It may be
19 related, may be not necessarily related,
20 but there is a correlation around
21 violence in some of the bodegas and these
22 smaller corner stores that sell this type
23 of product. We're seeing an uptick, if
24 you will, in violence within our
25 communities and absolutely want to invite

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2 that as part of the conversation.

3 COUNCILMAN JONES: One of the
4 interesting things about being in these
5 positions is you hear different entities
6 say different things that are related one
7 to the other, and there was a hearing we
8 did on the geography of violence, the
9 geography of crime, where does it happen,
10 does it happen in your recreation center
11 or at a corner store, and there is a big
12 debate about those things. And you most
13 recently heard about stores that have
14 been asked to close at a particular time,
15 and there's a reason to that. There's a
16 reason to that.

17 Do you have any questions,
18 colleague?

19 COUNCILMAN GREENLEE: No.

20 COUNCILMAN JONES: Seeing none,
21 thank you for your testimony. I
22 appreciate what you've taken the time to
23 tell us today, and it will be useful
24 information going forward. And
25 information without action is nothing.

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2 So thank you so much.

3 (Thank you.)

4 COUNCILMAN JONES:

5 Ms. Williams.

6 THE CLERK: Roy Roman, A'lexsus
7 Carruth, Vanessa Caracozza, and Barbara
8 Rahke.

9 COUNCILMAN JONES: Give them
10 time to get their selfies.

11 You know we're counting that
12 candy.

13 (Witnesses approached witness
14 table.)

15 COUNCILMAN JONES: Thank you
16 all. Good morning. Welcome. Please
17 have a seat at the table. Pull the mic
18 close to you. State your names and
19 please begin your testimony. Is that my
20 youth commissioner?

21 MR. ROMAN: Yes, sir.

22 COUNCILMAN JONES: Now I put a
23 face to a name.

24 MR. ROMAN: Good morning,
25 Chairman Jones and members of the joint

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2 Committees on Public Safety and Children
3 and Youth. My name is Roy Michael Roman,
4 Chairman of the Philadelphia Youth
5 Commission. It is an honor to have the
6 opportunity to speak on this Resolution
7 No. 170410, and we are honored to join
8 the discourse surrounding the negative
9 impacts of flavored tobacco on the youth
10 of our great city.

11 The Philadelphia Youth
12 Commission is an entirely youth-led and
13 youth-composed body. Councilwoman
14 Blondell Reynolds Brown spearheaded and
15 sponsored the legislation that prompted
16 the creation of this Commission. On
17 behalf of the Philadelphia Youth
18 Commission, we'd just like to first thank
19 Honorable Blondell Reynolds Brown for
20 believing in our vision and bringing our
21 dreams of bridging the gap between adults
22 and youth to fruition.

23 We have made it a priority to
24 be outspoken regarding legislation
25 affecting the youth of Philadelphia, and

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2 as flavored tobacco is primarily
3 advertised and marketed towards youth,
4 this issue demands our involvement and is
5 in fact highly salient.

6 First and foremost, the
7 Philadelphia Department of Public Health
8 found that, at minimum, one in four
9 Philadelphia youth reported that they use
10 tobacco. Additionally, and according to
11 that same study, Philadelphia youth have
12 the highest rate of illegal tobacco
13 purchases in the entire State of
14 Pennsylvania.

15 COUNCILMAN JONES: Could you
16 repeat that.

17 MR. ROMAN: Youth have the
18 highest rate of illegal tobacco purchases
19 in the entire State of Pennsylvania. As
20 a result of these findings, we feel as
21 though we must speak up and join the
22 chorus denouncing these harmful products.

23 Studies have shown that cigars,
24 e-cigarettes, things around that nature
25 are much more likely to be used by youth

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2 than actual cigarettes. This is
3 precisely where the flavored tobacco
4 products become more attractive. Youth
5 will stray towards flavored tobacco
6 products because the tobacco industry has
7 steered these products towards them.
8 Enticing advertisements, deceitful
9 presentation, and overall exploitation of
10 undereducated young people on these
11 topics of tobacco usage are just a few of
12 the plethora of ways that the tobacco
13 industry is targeting the youth of our
14 city. Even more worrying is the fact
15 that companies are deliberately targeting
16 youth of color. The tobacco industry has
17 not only subjected undereducated youth of
18 color to a bombardment of these tobacco
19 advertisements, but they have also taken
20 advantage of youth trends in order to
21 maximize profit. The Philadelphia Youth
22 Commission believes that these tactics
23 are abhorrent and unacceptable.

24 As a result of these findings,
25 we suggest a three-pronged action list

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2 that we believe will aid Philadelphia
3 City Council in crafting policies and
4 legislation surrounding the widespread
5 presence of flavored tobacco. We believe
6 we can support Council in creating these
7 tasks and completing these tasks. The
8 action list is as follows:

9 First, education. Youth must
10 be educated regarding the issue of
11 flavored tobacco. The tobacco industry
12 is taking advantage of undereducated
13 young people by making these products
14 seem similar to candy, as we see here,
15 fruity substances and other desirable
16 scents and flavors so as to increase
17 youth interest. Therefore, we suggest
18 distributing a genuine set of materials,
19 one-pagers or pamphlets, that will help
20 inform youth of the dangers of flavored
21 tobacco. Through efforts such as this
22 hearing and outreach by Council offices
23 and ourselves, we can reach the younger
24 generations around the City and educate
25 them on the dangers of flavored tobacco.

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2 Education is one of our first and
3 foremost and primary concerns.

4 Second, creation. When youth
5 have free time after school, they are
6 more likely to engage in behaviors that
7 they may otherwise not engage in.

8 Specifically, they may try these flavored
9 tobacco products that are advertised
10 directly towards them in their local
11 corner stores, poppy shops, and bodegas.

12 As a result, we must give youth something
13 positive and productive to do.

14 After-school programs, sports, jobs,
15 clubs, all of these things should be
16 expanded upon to give youth more
17 opportunities to engage in their
18 communities in a positive way rather than
19 being abducted into these kinds of trends
20 based on cigarettes and candy that look
21 entirely the same.

22 Finally, cessation. We as a
23 city must address the flavored tobacco
24 epidemic for what it is and stop the
25 tobacco industry from taking advantage of

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2 youth through policies or legislative
3 action that puts a stop to these unfair
4 practices.

5 Ultimately it is our primary
6 purpose to provide the youth perspective
7 in all legislative matters in our city.
8 We believe that providing this youth
9 perspective is crucial to ensure equity
10 amongst all of our citizens and all
11 generations.

12 Thank you very much for
13 listening to this testimony, and after
14 everyone else speaks, I would be more
15 than willing and honored to answer any
16 questions regarding the Youth Commission
17 or anything regarding youth involvement
18 in tobacco usage in general.

19 Thank you.

20 COUNCILMAN JONES: I want to
21 thank the Kenney Administration for
22 supporting the Youth Commission and
23 literally advocating to make sure you got
24 on here to testify today. They really
25 pushed our buttons to say if it's

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2 impacting youth, they should have a voice
3 in it, and I totally agree.

4 MR. ROMAN: Thank you,
5 Councilman.

6 COUNCILMAN JONES: So thank you
7 for your testimony.

8 We will hold questions,
9 Councilman, as other people testify.

10 Please state your name and
11 begin your testimony.

12 MS. CARACOZZA: Good morning,
13 everyone. My name is Vanessa Caracozza.
14 I am here to testify on a business
15 perspective. I am a Latina and a small
16 business advisor at the Welcoming
17 Center for New Pennsylvanians. We are a
18 private non-profit organization that
19 supports neighborhood businesses through
20 business services. I work on a project
21 called the Tobacco Retail Project. This
22 is a project that helps corner stores in
23 low-income areas transition from selling
24 tobacco products to healthier items. We
25 do this through business planning, market

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2 research, technical assistance, and
3 connecting to resources. Furthermore,
4 myself, colleagues, and interns from
5 local universities have spent hours
6 serving neighborhoods near some of these
7 stores, and out of 120 surveys we
8 conducted, 90 percent of customers
9 expressed over and over that, one, they
10 want more fruits, vegetables, and
11 prepared food options; and, two, that
12 they support corner stores who go
13 tobacco-free.

14 I've also spoken to 400 corner
15 store owners, also known as bodegas, in
16 Philadelphia, and not one owner is a
17 smoker. Their concern for their health
18 and desire to set a good example to their
19 family and especially their children has
20 been a common reason for their choice not
21 to smoke. Moreover, they agree that the
22 profit margin for tobacco sales is low
23 and simply not worth it.

24 For example, Julio Soto is the
25 owner for El Soto Deli Grocery, a corner

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2 store in South Philly. He is a proud
3 tobacco-free store since June of 2016.
4 He shared that -- he shared this in
5 Spanish: As a business in the
6 neighborhood, we have a great
7 responsibility to its members and it's
8 not worth a 30 cent profit that tobacco
9 brings us. Companies like tobacco only
10 care about themselves.

11 So I am here today to share
12 that I've seen firsthand corner stores be
13 profitable without the sale of these
14 harmful products.

15 Thank you.

16 COUNCILMAN JONES: Thank you
17 for your testimony.

18 MS. CARRUTH: Good morning. My
19 name is A'lexsus Carruth and I am a
20 former youth surveyor for Health
21 Promotion Council. In my position as a
22 youth surveyor, I traveled throughout the
23 City of Philadelphia with an adult
24 surveyor visiting different retailers to
25 conduct undercover buys of tobacco

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2 products.

3 COUNCILMAN JONES: Wait a
4 minute. You're our undercover young
5 person?

6 MS. CARRUTH: I mean,
7 technically like they're not supposed to,
8 you know.

9 So if asked to show my ID, I
10 had to do so, and if asked my age, I had
11 to be truthful about that as well.

12 My concern is about the
13 negative impact that menthol and flavored
14 tobacco products have on youth. Since it
15 has been documented that 90 percent of
16 smokers start at the age of 18, I feel as
17 though if the merchants that sell these
18 tobacco products, especially the flavored
19 ones that are more attractive to youth,
20 would not sell them, then the number of
21 teen smokers would decrease.

22 The tobacco industry seems to
23 advertise around what will draw the
24 minors into buying the products, and the
25 merchants let them put these displays

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2 where they want to, even encouraging them
3 to put the flavored products in with the
4 candy and other things that the minors
5 purchase when they come into the store.

6 There will be some who say that
7 flavored and menthol tobacco is not sold
8 to children and that laws to protect our
9 children from these products are not
10 necessary. However, you know the grocery
11 bags that you -- from Shop Rite, Acme,
12 over the course of just two months, we
13 have like one or two grocery bags full of
14 just tobacco products like this and this
15 and vanilla Dutches, Irish cream,
16 different things that are flavored and
17 that is appealing, it smells good, it
18 smells fruity. So of course it would
19 appeal to our children, because if you
20 have stuff that says cool mint, it's
21 mint. You can eat mint. You know, some
22 children that are too young to know what
23 it is, they'll think that it's candy or a
24 mint.

25 Another thing I wanted to bring

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2 to you guys' attention that I didn't hear
3 anyone say is that on these wrappers,
4 they're starting to say slow burn, cough
5 resistant. So they're starting to
6 actually put out there that, hey, if you
7 smoke this, you'll be less likely to
8 cough and, you know, a cigarette or slow
9 burn, you know, it's going to burn slower
10 than a cigarette. So if it's cheaper and
11 it's not going to burn as fast as a
12 cigarette, of course they're going to buy
13 that versus a cigarette.

14 Thank you.

15 COUNCILMAN JONES: Somehow I
16 feel like we should have changed your
17 face and voice so that they don't know
18 who you are.

19 Can we do that over there
20 technically? Can we change her voice?

21 Thank you for your testimony.

22 MS. CARRUTH: Thank you.

23 MS. RAHKE: Good morning. My
24 name is Barbara Rahke. I'm the Director
25 of the Philadelphia Area Project on

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2 Occupational Safety and Health, better
3 known as PhilaPOSH, and appreciate again
4 an opportunity to be here today to offer
5 testimony for our organization.

6 Philadelphia -- also just to
7 add that PhilaPOSH does represent 30
8 different unions. So we're a labor-based
9 organization, but more recently over the
10 last several years due to federal funding
11 we got, we've been doing a youth program.
12 It's called Teens Lead at Work, and I'll
13 be talking a little bit more about that
14 and the topic that we're discussing
15 today.

16 Philadelphia, where I live,
17 where most of us live, is a city of
18 neighborhoods, like my own neighborhood
19 of Franciscville, and our neighborhoods
20 continue to represent the real fabric of
21 our city in every way, to provide the
22 environment where our youth learn the
23 skills they need to survive, the
24 importance of education, to learn the
25 skills they need to get a job, and to

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2 basically have peer leadership through
3 the elders in the neighborhood.

4 Over the past ten years,
5 PhilaPOSH has been very active in the
6 Philadelphia neighborhoods as a result of
7 the increase in residential construction,
8 and we've been strongly advocating on the
9 streets the promotion of bringing
10 awareness to unsafe and unhealthy
11 conditions. And I know that's not on
12 point to this discussion, but it is,
13 because what we found is our
14 neighborhoods and our residents are very
15 concerned. So when unsafe scaffolding
16 has been erected and it collapses and
17 crushes two parked cars, those could have
18 just as easily been two children walking
19 to the corner store to get their snack
20 for the day. Luckily it wasn't true.

21 I have pictures of mothers
22 holding their four-year-old or
23 five-year-old going into the corner store
24 on my block where they were grinding
25 stone across the street, creating clouds

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2 of silica dust, which of course causes
3 cancer, and mothers were walking their
4 children through these clouds of silica
5 dust to get into the corner store.

6 So we've been very proactive in
7 the neighborhoods not only trying to stop
8 these abuses, but building awareness in
9 the neighborhood about issues that
10 involve residents' health and safety and
11 how residents can become more proactive
12 to stop that kind of behavior.

13 So many people have testified
14 this morning about remembering going to
15 the corner store. We still go to the
16 corner stores. Our neighborhoods are
17 still loaded with them. On my street
18 there's a corner store right at the end
19 of the block, and the youth go there all
20 the time. They go to run errands for
21 their parents. They go before school to
22 buy snacks. They go after school to buy
23 snacks, and they also just hang out.

24 If you go to the corner of 20th
25 and Parrish on any afternoon, you'll find

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2 at least ten youth just hanging out in
3 front of the corner store. It's actually
4 a gathering place as well. And so
5 they're constantly exposed to and not
6 just buying and interacting, but they're
7 just part of the corner store sort of
8 fabric of the neighborhood, which is why
9 I want to address directly the issue of
10 the impact of flavored tobacco and
11 menthol products.

12 We cannot pretend to be
13 concerned as a city about the safety and
14 the health of our youth if we don't
15 address this issue, just flat out. It
16 would be the height of hypocrisy to not
17 do so. It's the elephant in the room,
18 because as has been testified earlier,
19 this has been going on for a very long
20 time, although new techniques are
21 constantly being created.

22 We know that the -- I'm not
23 going to repeat the statistics. Others
24 have eloquently given it. But we know
25 that people who use menthol products are

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2 twice as likely to continue to stay
3 addicted probably for life. We know that
4 the marketing targets neighborhoods of
5 color, targets low-income neighborhoods.
6 Unacceptable. It's unacceptable in any
7 form in any way. And certainly when the
8 youths of our neighborhoods are also
9 targeted, it's a double crisis, a double
10 insult.

11 Our youth program, as I
12 mentioned earlier -- unfortunately, the
13 Washington Administration just cancelled
14 the funding for our youth program. We're
15 going to continue it because we're
16 committed regardless of that. But in our
17 youth program, it's been for the last
18 four years, and we've trained about 600
19 youth throughout the City on their rights
20 as young workers, and with the particular
21 focus on workplace violence, because in
22 their jobs they're more prone to that.

23 So last week after I became
24 aware of this hearing, I met with our
25 four youth trainers. Three are black,

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2 one is brown, the four we have. They're
3 all teenagers. They are peer trainers.
4 So we have youth training other youth.
5 And they've become real experts on the
6 different topics we train on. And so I
7 raised this issue with them. Now, none
8 of the four smoke. None of them are
9 smokers, but they have friends that are.
10 And I asked them how they felt about this
11 new initiative, about the flavored
12 cigars, et cetera, and their comment to
13 me was, Barbara, isn't that violence? It
14 may not be workplace violence, but isn't
15 that violence against us? Isn't that
16 sort of just another aspect of what we've
17 been training about?

18 That was their reaction to this
19 discussion, that a campaign is underway
20 that they weren't even aware of, but now
21 are, to violate them, to bring violence
22 against them. And I think they called
23 it -- they identified it as just for what
24 it is.

25 So we believe the best solution

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2 moving forward is to engage our youth in
3 this discussion. We intend to continue
4 to do that. And for City Council to take
5 this opportunity and the momentum to move
6 forward to take actions necessary to get
7 this situation controlled.

8 However, I will say if not,
9 then we will do what we've always done as
10 an organization and we'll work with many
11 of the people here. We'll hit the street
12 ourselves and we'll make it an issue and
13 we won't let it go. And I think people
14 that know PhilaPOSH's history knows we
15 will do that. And our Board is strongly
16 behind my testimony in that regard.

17 Thank you very much.

18 COUNCILMAN JONES: I love
19 government that is trickle up as opposed
20 to trickle down. So that's fine with me.

21 I want to recognize my
22 colleague and friend, Councilman
23 Taubenberger, has joined us as well. I
24 thank you for your participation.

25 COUNCILMAN TAUBENBERGER:

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2 You're welcome.

3 COUNCILMAN JONES: Do we have
4 one more to testify? No. So we can
5 begin questions.

6 So first question I would have
7 is, so are you guys millennial or
8 something different? Are you millennial?

9 MR. ROMAN: So there's actually
10 two bodies. The Philadelphia Youth
11 Commission that are appointed by the 17
12 Councilpeople and then four --

13 COUNCILMAN JONES: I got that.

14 MR. ROMAN: -- are appointed by
15 the Mayor. There's also a Millennial
16 Advisory.

17 COUNCILMAN JONES: No. What
18 would you classify yourselves as?
19 Millennials?

20 MR. ROMAN: Not necessarily.

21 COUNCILMAN JONES: Tell me.
22 That's what I'm asking.

23 MR. ROMAN: So the age range
24 from 13 to 23. We represent the younger
25 generation.

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2 COUNCILMAN JONES: So what are
3 they called? You haven't gotten a name
4 yet? Young folks.

5 MR. ROMAN: We haven't made it
6 that far yet.

7 COUNCILMAN JONES: Younger than
8 millennial. We're ancient. And the
9 reason --

10 COUNCILMAN TAUBENBERGER: Speak
11 for yourself. I may not be ancient.

12 COUNCILMAN JONES: All right.
13 I went to public school. I can count.

14 COUNCILMAN TAUBENBERGER: So
15 did I.

16 COUNCILMAN JONES: So my
17 question to you is, what is trending in
18 your world? And as you see the
19 decriminalization of marijuana, the
20 possible legalization, both medically and
21 recreationally, and these flavored
22 cigarettes, so what's -- so I know
23 because the streets, as you said, be
24 talking and I be listening. What is your
25 flavor of choice? I mean, what are

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2 you -- do you see your peers smoking
3 marijuana more or less? Do you see your
4 peers smoking cigarettes more or less?
5 Which way is it trending?

6 MR. ROMAN: So based on my own
7 personal opinion --

8 COUNCILMAN JONES: You don't
9 have to confess to anything, but people
10 you know.

11 MR. ROMAN: Right. Based on my
12 own personal experiences, I think there
13 are a plethora of issues going both ways
14 and I also think that there are two very
15 different roads that we're crossing. If
16 we're addressing the issue of tobacco
17 usage itself is one thing and addressing
18 the issue of utilizing marijuana and
19 using these kinds of blunt wraps to smoke
20 that marijuana, I think those are two
21 completely different things.

22 Obviously the purchase of these
23 products are still going to continue,
24 whether it be to smoke these cigarillos
25 or to use them to smoke other substances.

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2 I think that's common. I also think it's
3 two very different issues in the sense
4 that these products are being advertised
5 to younger children, ages 10 to 13, who,
6 based on my own experience, are more
7 likely to try these first rather than to
8 use these to roll and to smoke other
9 substances. Whereas, once the trend
10 starts to come in and the social media
11 and other things along those lines starts
12 to become more prevalent, that's when
13 other things start to come in and kind of
14 add into that space.

15 So I think they're certainly on
16 different paths, but at some point they
17 do converge.

18 COUNCILMAN JONES: And the
19 reason I'm leading you to this is,
20 tobacco is the least of the products I
21 worry about, in that they are lacing
22 these things -- colleagues, just to give
23 you a glimpse into some of the things I
24 see in my neighborhood. K2, which is
25 synthetic marijuana, which it defies a

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2 biological description because they keep
3 changing what the chemicals are, is worse
4 than any of these, because it's a
5 hallucinogen, and the District Attorney's
6 Office has dedicated a considerable
7 amount of manpower to dealing with it.
8 And they wrap that stuff with this.

9 Lacing is another thing, and
10 you can speak to what that is for my
11 forever young colleagues. Do you have
12 knowledge of that?

13 MS. CARRUTH: Regarding the K2,
14 it does eat your brain away. If you look
15 it up in research, if you smoke something
16 that is laced with K2, you may not die
17 right then and there, because everybody's
18 body is different, but you can have a
19 reaction to it to where you will not come
20 back and it does eat away your brain if
21 you don't pass out from that one time.

22 COUNCILMAN JONES: And that's
23 the vehicle by which they deliver it to
24 their bodies. This is potpourri that
25 they take out, crush, and put chemicals

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2 on. And the reason why it's so difficult
3 for the District Attorney to pursue it is
4 because they change -- once we define
5 what the chemical compounds that they're
6 putting in, we make it illegal, and then
7 they change it by one household product
8 and then it's something different.

9 This is a real problem that I
10 see, and I want to try to figure out why.
11 Not that you have to speak for your whole
12 generation, but that's really discerning
13 to me.

14 And I'll give you another
15 example what I'm concerned about by these
16 product placements. Right next to the
17 candy, right next to the flavored tobacco
18 are these pipes and things that they use
19 as well. I mean, other than drug use, is
20 there a legitimate use for these things?
21 To my knowledge, I don't know.

22 MS. CARRUTH: There's
23 different -- are you talking about the
24 pipes for hookah or are you talking about
25 the --

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2 COUNCILMAN JONES: No, not
3 hookah. I know what a hookah pipe is.
4 But even those smaller ones to me that
5 seem like crack pipes.

6 MS. CARRUTH: It's similar,
7 like you do the same exact thing. It's
8 the same concept, but it wouldn't be for
9 like crack. It would be for like
10 marijuana.

11 COUNCILMAN JONES: That's why I
12 need an expert, my undercover expert,
13 because I wouldn't know.

14 MS. CARRUTH: I'm not an
15 expert. I just -- my generation, you see
16 a lot. In this world today you have to
17 be knowledgeable, because a lot is
18 dangerous, you know.

19 COUNCILMAN JONES: So --

20 MS. CARRUTH: Because even
21 candy, they put things in candy now and
22 that you have to watch out. Like if
23 someone gives you something, you have to
24 make sure that it's legit, because now
25 they're starting to put things in candy.

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2 COUNCILMAN JONES: Councilman
3 Greenlee.

4 COUNCILMAN GREENLEE: Thank
5 you, Mr. Chairman.

6 I guess my question is really
7 for Ms. Caracozza. Did I mess that up
8 too bad? All right. First of all, you
9 said that -- did I hear you right, that
10 400 of the store owners said they don't
11 smoke personally? Is that what you said?

12 MS. CARACOZZA: That's correct.

13 COUNCILMAN GREENLEE: Really?
14 Okay.

15 As far as what we're
16 particularly focused on today, these
17 candy-flavored cigarettes, I know you
18 said you talked to business owners about
19 not selling cigarettes generally. Has
20 this issue ever come up in discussion
21 with them, particularly the gearing
22 towards kids these kind of things?

23 MS. CARACOZZA: So when we --

24 COUNCILMAN GREENLEE: Closer to
25 the microphone, please. I'm even older

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2 than Councilman Jones.

3 MS. CARACOZZA: So when we get
4 into the discussion of like why they
5 would be interested in becoming a
6 tobacco-free store and like we start
7 getting into the moral reasons, a lot of
8 them have shared with me that they don't
9 like seeing pregnant moms buy cigarettes,
10 that they don't like seeing outside their
11 store an adult, you know, going into a
12 store, buying cigarettes, buying these
13 products and giving them to children, and
14 that's something that it's very hard for
15 them because it's conflict, right? So,
16 yes, they can ask for an ID in the store,
17 but outside of the store like what can
18 they do. So those two are the main
19 issues I hear, the main themes.

20 COUNCILMAN GREENLEE: I guess
21 what I'm getting at, I mean, it's great
22 that some have said they wouldn't sell
23 tobacco products. I get that. But I
24 would think that's only going to be so
25 many, but I would like to think there

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2 might be some more who would voluntarily
3 not sell these things or at least not
4 promote them the way we're talking about
5 today. Has that been specifically
6 discussed? I mean, it may not have been.
7 I'm just trying to think, because that's
8 really what our focus here at least today
9 is, and I'm just wondering has that
10 particular issue been talked about?

11 MS. CARACOZZA: To
12 voluntarily --

13 COUNCILMAN GREENLEE: Like,
14 okay, you're selling cigarettes, fine.
15 Rather you not, but how about these
16 things.

17 MS. CARACOZZA: Yeah. It's all
18 tobacco-related products, so including
19 these candy-looking tobacco products. So
20 they have mentioned all of that, and
21 currently four stores in Philadelphia
22 that have worked with me to become
23 tobacco-free through this project --

24 COUNCILMAN GREENLEE: You say
25 four stores?

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2 MS. CARACOZZA: Yeah. So these
3 stores have incorporated more fruits and
4 vegetables to their stores and have, you
5 know, incorporated catering and just
6 other sources of income that replaces the
7 tobacco products. And they say all these
8 products also bring violence to their
9 stores, customer and employee conflict.
10 So in general they are happier being
11 tobacco-free.

12 COUNCILMAN GREENLEE: Okay.
13 All right.

14 Thank you, Mr. Chairman.

15 COUNCILMAN JONES:
16 Enlightening.

17 Councilman Taubenberger.

18 COUNCILMAN TAUBENBERGER:
19 Vanessa, if I could ask the following:
20 As I see here -- and it's a great
21 distance, and my eyes are not as good as
22 they used to be, but I don't consider
23 myself ancient. I couldn't tell the
24 difference -- because I'm told there's
25 candy mixed in with those.

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2 MS. CARACOZZA: Yes.

3 COUNCILMAN TAUBENBERGER: I

4 couldn't tell the difference. They all
5 look like candy to me from this distance.
6 Now, I can't see. And if you could,
7 because I was distracted with other
8 things that happened, but your testimony
9 is very important. You had said that
10 this causes conflict, and how so in the
11 stores?

12 MS. CARACOZZA: Yeah. So I had
13 a store owner share a story with me about
14 his employee, a female, a woman working
15 the front desk, and a customer bought in
16 particular a pack of cigarettes. When
17 he --

18 COUNCILMAN TAUBENBERGER:

19 Regular cigarettes?

20 MS. CARACOZZA: Right. This
21 time around it was regular cigarettes.
22 When he opened the pack, one of them was
23 broken. So he just got -- he wanted a
24 return. Obviously the employee was like,
25 I'm sorry, like that's how it came. And

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2 like he basically threw the cigarette box
3 back at her and started yelling. They
4 had to call the cops, and it was just a
5 situation where she didn't feel safe, and
6 usually that's why --

7 COUNCILMAN TAUBENBERGER: He
8 wanted a new pack or a refund?

9 MS. CARACOZZA: Yeah, wanted
10 another pack. So just, you know, this
11 could come broken in some way and someone
12 could, due to their addiction and not
13 having maybe more money to buy another
14 pack, is going to fight back. And it's
15 usually -- I've seen corner store owners
16 who even have if it's going to be a
17 female employee in the front, they have
18 two just so they feel safe. So that's
19 another issue.

20 COUNCILMAN TAUBENBERGER: I
21 mean, the conflict that you articulated,
22 I get that, and there should be no
23 conflict in stores. On the other hand, I
24 mean, if the person opened the cigarette
25 package and one was broken, I would say

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2 that the store owner ought to replace it
3 and eventually send it down the line to
4 wherever it's supposed to go and that
5 should end the conflict. On the other
6 hand, I can't make that decision. There
7 should be really no conflict, but I guess
8 people get pretty emotional.

9 I lost, I have to say -- look,
10 I'm not a smoker. I'm not in favor of
11 smoking, but it is a legal product. I
12 will say that. That being said, however,
13 cigarette packages are not cheap, and if
14 I bought something for -- I don't know.
15 What is the price for a cigarette pack?
16 \$5? \$4? \$6?

17 MS. CARACOZZA: Like 10.

18 COUNCILMAN TAUBENBERGER: \$10.

19 A man just gave over, a woman, whoever,
20 who does smoke, gave over \$11. Let's go
21 the higher price, \$11, and one of the
22 cigarettes is broken, well, I think
23 they're entitled to complain about that.
24 They're buying a legal product and so on.
25 Not that any violence should be used.

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2 They're not entitled to that, but they're
3 entitled to raise, I guess some people
4 would say, hell if they wanted to,
5 because they're upset. I mean, so I get
6 that.

7 What I'm concerned about is,
8 it's obvious, I think, they are set for
9 the youth market, and I am very, very
10 opposed to that, very opposed. And if
11 some legislation arises from this body to
12 stop that, I'm going to tell you right
13 now, I will support it, because it's
14 obvious that this is set for youth.

15 How are most -- and I think you
16 testified to this, but if you could just
17 repeat it simply. I don't want to take a
18 lot of time. How do they buy most of
19 these? I mean, they're geared for the
20 youth. So if a 17-year-old comes into
21 the store, there's a fine for that.
22 There's a fine for that.

23 MS. CARACOZZA: Yes, there's a
24 fine.

25 COUNCILMAN TAUBENBERGER: You

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2 think the store owner sells it to them
3 anyway? You think?

4 MS. CARACOZZA: Yeah.

5 COUNCILMAN JONES: So she can't
6 see a head nod or report it. You're
7 saying yes?

8 MS. CARRUTH: Absolutely. Not
9 even 17, but I've been -- I'm 20 now.
10 When I'm in a store, I see someone who
11 looks like 13 or 12 and they go up and
12 they'll ask for like a Dutch or a
13 cigarillo, and they'll just give it to
14 them, not even ask for ID.

15 COUNCILMAN TAUBENBERGER:
16 Shouldn't they have an ID? Do they ask
17 you for ID when you were --

18 MS. CARRUTH: Honestly, well,
19 sometimes yes and sometimes no. Like
20 they would ask me how old are you
21 sometimes or --

22 COUNCILMAN TAUBENBERGER: Just
23 take you on your word and say -- you can
24 say anything.

25 MS. CARRUTH: Yeah, but I had

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2 to be truthful. Also some would ask me
3 for my ID and I would give it to them and
4 they would still sell when I would give
5 my ID.

6 COUNCILMAN TAUBENBERGER: Even
7 though the ID said you were --

8 MS. CARRUTH: Yeah. It clearly
9 says -- like in red it will say under 18
10 until my birthday. Then it will say
11 under 21 in yellow. So it clearly says
12 like when I turn 18.

13 COUNCILMAN TAUBENBERGER: Let
14 me ask you this, and this is for all
15 four: How many stores do you think are
16 out there that actually sell to minors
17 regardless, they don't care, and how many
18 do you think actually adhere to the law
19 of 18?

20 COUNCILMAN JONES: Percentages.

21 MS. RAHKE: I want to address
22 sort of a clarification without knowing
23 the answer, but if you go to a Rite Aid,
24 there's a very different experience. If
25 you go to a Walgreens or whatever, I

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2 mean, they are adamant about seeing ID.

3 The corner store sort of role in

4 neighborhoods is so different. So

5 parents all the time do send their kids

6 to the corner store to pick up stuff for

7 them, and the owners -- I mean, it's just

8 a whole different dynamic. So I know and

9 there are three corner stores in my

10 neighborhood. I go to all of them, and I

11 see young people. I've never seen

12 anybody carded or asked for ID. So

13 that's not a scientific study. Whereas

14 in Rite Aid you have to show five pieces

15 of ID. It's a very different kind of

16 dynamic.

17 MS. CARRUTH: Not only that,

18 but in Rite Aid and Wawa, they have to

19 scan your ID. You have to give it to

20 them, and they have to put it through a

21 scanner and they'll tell them that you're

22 either of age or you're underage. But

23 like a Chinese store or a corner store,

24 they don't have a scanner, but they'll

25 have warning signs all over right in

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2 front of your face, but they'll still
3 give it to you.

4 COUNCILMAN JONES: So for the
5 record, it doesn't matter ethnic to me.
6 It doesn't matter rich, poor. Legal is
7 legal. Illegal is illegal. Improper is
8 improper regardless of race, creed or
9 color.

10 COUNCILMAN TAUBENBERGER: I
11 would agree. The law is the law.

12 COUNCILMAN JONES: The law is
13 the law.

14 COUNCILMAN TAUBENBERGER: But I
15 can see where having come from a small
16 deli, you have -- my parents owned it.
17 It was our own house. We lived on top of
18 it. Things weren't quite -- and we knew
19 the neighborhood well, and I truly
20 believe my parents always adhered to the
21 law, but I could see if they knew Mary
22 Smith was sending her little kid down
23 here because it was a regular order and
24 she was getting cigarettes anyway and she
25 was a heavy smoker, they may have done

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2 the cigarettes, because Mary Smith knows
3 you and she's going to call you on your
4 phone and say, Hello, those cigarettes
5 are for me, even though it's a violation
6 of the law, although that law I don't
7 think existed in 1960 and 1962 when my
8 parents had that delicatessen.

9 But I can see where the
10 pressure is on, because they knew each
11 other. Everybody knows each other in the
12 neighborhoods much better than you do at
13 a Rite Aid or wherever, but that doesn't,
14 in my eyes, today exempt or excuse the
15 small owner. They still have to adhere
16 to the law regardless if they know Mary
17 Smith or not.

18 Do you think there's adults out
19 there that purchase cigarettes and then
20 sell them, resell them to kids and think
21 that's sort of funny? Not funny. Maybe
22 they're making a couple dollars.

23 MS. CARRUTH: Yeah; loosies.

24 COUNCILMAN TAUBENBERGER: It
25 does exist?

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2 COUNCILMAN JONES: Could you
3 explain loosie to my learned colleague.

4 COUNCILMAN TAUBENBERGER: Well,
5 I don't know about how learned I am.

6 MS. CARRUTH: That's not
7 even -- that's often in stores as well,
8 like they'll sell loose cigarettes out
9 of --

10 COUNCILMAN TAUBENBERGER: Is
11 that allowed?

12 MS. CARRUTH: Oh, yeah.

13 COUNCILMAN TAUBENBERGER: I
14 don't think it's allowed. You can't
15 sell --

16 MS. CARRUTH: I'm sorry. You
17 asked me if it was allowed?

18 COUNCILMAN TAUBENBERGER: Yes.

19 MS. CARRUTH: Oh, no. That's
20 illegal.

21 COUNCILMAN JONES: But is it
22 common?

23 MS. CARRUTH: Yeah. But people
24 also do that on the street too, like
25 they'll stand on the corner.

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2 COUNCILMAN JONES: So in same
3 stores where this happens, it is often a
4 policy practice that you can get a
5 loosie. And what a loosie is is, I can't
6 afford that \$10, but I can afford maybe a
7 dollar for that cigarette, and the
8 addiction to the tobacco is that much
9 that you paid a dollar.

10 MS. CARRUTH: But people are
11 starting to join the two together to
12 where now you can get five of these for
13 four quarters.

14 COUNCILMAN TAUBENBERGER: What
15 you just picked up, what is that exactly?

16 MS. CARRUTH: This is
17 actually -- it's a cigarillo. It's five
18 of them and it's --

19 COUNCILMAN TAUBENBERGER: It's
20 a cigarette?

21 MS. CARRUTH: Well, it's a
22 cigarillo. It's like a blunt.

23 COUNCILMAN TAUBENBERGER:
24 Because that has tobacco in it, so it's
25 exempt from some of the cigarette laws.

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2 MS. CARRUTH: And it's fruit
3 punch flavored. That one in his
4 hand is --

5 (Sergeant-at-arms brought
6 products to Councilman.)

7 COUNCILMAN TAUBENBERGER: Thank
8 you. This way I can get to see them
9 quicker, but okay.

10 COUNCILMAN JONES: Councilman,
11 what's interesting is if you look at the
12 package colors, when you put it up in
13 that arrangement there, it's hard to
14 distinguish the Reese Cup, which is my
15 personal favorite, from -- what's the
16 name of that one?

17 MS. CARRUTH: They're the same
18 colors.

19 COUNCILMAN JONES: Look at
20 that.

21 MS. CARRUTH: They're the same
22 colors.

23 COUNCILMAN JONES: M&M's. And
24 what's the flavored tobacco you have in
25 your hand there?

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2 MS. CARRUTH: This one is
3 watermelon.

4 COUNCILMAN JONES: Right. And
5 what's the other one?

6 MS. CARRUTH: And this one is
7 honey.

8 COUNCILMAN JONES: Honey?

9 MS. CARRUTH: Honey.

10 COUNCILMAN TAUBENBERGER: I
11 have five grandchildren and with the
12 exception of the one who is too young, I
13 think the others would all kind of have
14 an interest in this because the color and
15 thinking they're candy.

16 MS. CARRUTH: Oh, absolutely.

17 COUNCILMAN TAUBENBERGER: This
18 is absurd actually.

19 MR. ROMAN: Councilman
20 Taubenberger, if I may add, I think
21 that's the primary reason why the
22 education of our youth is so crucial.
23 When we're looking at it from a top down
24 governmental perspective, we
25 automatically assume that, well, why is

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2 there not some way that we can stop
3 corner stores from selling these or why
4 is there not some way that we can
5 restrict youth from purchasing these in
6 illicit manners, because it's illegal.

7 But on the other hand, the more
8 important thing is educating our youth
9 and informing them that this is in fact
10 not a candy. This is not something that
11 is sugar. It's not fattening. It's not
12 something that you would receive for
13 Valentine's Day or Halloween. It's
14 something that you will actually become
15 medically addicted to and something that
16 will actually cause medical problems for
17 the remainder of your life. And I think
18 that's the key issue here, because when
19 youth don't know what is going on, just
20 echoing Councilman Jones' point, that's
21 not an adult issue at that point when
22 they're not informed about what they're
23 purchasing. That is a youth issue, and
24 that is an undereducated decision, and
25 that is primarily one of the largest

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2 issues that we feel the youth are facing
3 at this point in time.

4 MS. CARRUTH: Can I just
5 piggyback off of that and I'm done,
6 unless you have a question for me.

7 COUNCILMAN TAUBENBERGER: We
8 may. You're very informative here. I'm
9 glad you came. Thank you for taking time
10 out, seriously.

11 MS. CARRUTH: Sure. Like for
12 an example, for like a five-year-old or
13 an eight-year-old, if they go into the
14 store and see a chocolate Dutch
15 displayed -- first of all, they don't
16 know what a Dutch is. They're not going
17 to pay attention to the Dutch part.
18 They're going to pay attention to the
19 chocolate part. Why is the Dutch named
20 after chocolate? You know what I mean?

21 So that's my main thing, is
22 like not only do they look like candy and
23 the color is similar, they're named after
24 candy. They're named after food.
25 They're named after fruit.

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2 COUNCILMAN TAUBENBERGER: I see
3 very clearly in what you have here, you
4 have Hi-Fi cigarillos, fruit punch, and
5 the fruit punch in size is at least the
6 size of the cigarillos or even larger. I
7 mean, and the Hi-Fi, it kind of sounds
8 interesting.

9 MS. CARRUTH: And it encourages
10 you on the package. It tells you
11 something about a good time or it says
12 good times or something like that. So
13 not only that, but it encourages you to
14 smoke it as well.

15 COUNCILMAN TAUBENBERGER: And I
16 would like noted for the record here -- I
17 always like to know where things are
18 made. Mr. Chairman, half of these are
19 made in the Dominican Republic, half of
20 them are made in the United States, which
21 is kind of interesting. I didn't think
22 any of them were made -- I thought they
23 were all made in the United States. Not
24 that that's an issue, but it is an issue
25 to a degree. People ought to know where

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2 things are made, but the fact is these
3 are clearly, clearly, clearly marked
4 for -- you have the surgeon general
5 report very small, but the fruit punch is
6 very large and the warnings are very
7 small. The fruit punch is very large.

8 There's no question in my mind
9 that these are not made for kids.

10 COUNCILMAN JONES: Thank you --

11 COUNCILMAN TAUBENBERGER: Thank
12 you very much.

13 COUNCILMAN JONES: --

14 Councilman, for your comments.

15 Seeing no other questions for
16 this panel, thank you all for your
17 testimony, and we appreciate the
18 information that you've given us. Thank
19 you.

20 MR. ROMAN: Thank you,
21 Councilman.

22 COUNCILMAN JONES: Ms.
23 Williams.

24 THE CLERK: Tonnetta Graham,
25 Sandra Harman, and William Mackey.

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2 COUNCILMAN JONES: Thank you
3 guys for your patience. Please come to
4 the witness table, have a seat.

5 (Witnesses approached witness
6 table.)

7 COUNCILMAN JONES: Please bring
8 the mic to you and please state your name
9 and begin your testimony.

10 MS. HARMAN: My name is Sandra
11 Maryna Harman. I'm here on behalf of
12 myself and would like to thank my
13 employer, the Nicetown CDC, who also
14 supports this cause.

15 COUNCILMAN JONES: Thank you.
16 I'm familiar with my friends up in
17 Nicetown. I was trying very hard to get
18 it to be in my district. That wasn't
19 going to happen.

20 MS. HARMAN: Glad to be here.

21 MS. GRAHAM: Good morning. My
22 name is Tonnetta Graham and I am a proud
23 resident of Strawberry Mansion, which is
24 a neighborhood in North Philadelphia, as
25 well as the President of the Strawberry

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2 Mansion CDC.

3 As a concerned resident and
4 community leader, it is very important
5 for me to lend my voice to an issue that
6 is causing generational harm to our
7 fellow citizens and, that is, the
8 predatory marketing and targeted use of
9 menthol and flavored tobacco products on
10 low-wealth African American communities,
11 especially our youth. And we've seen
12 that here and we've heard information to
13 that point today.

14 I commend the joint Committee
15 for inviting the public to express our
16 concerns about this growing tobacco
17 issue, and I am hopeful that the
18 information shared here with you today
19 about menthol and flavored tobacco and
20 targeted marketing toward youth in
21 neighborhoods like Strawberry Mansion
22 will intensify the tobacco discussion and
23 prompt much-needed regulation and
24 monitoring of the tobacco industry's
25 operations here in Philadelphia.

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2 Upon reviewing Philadelphia's
3 statistics on tobacco use and the
4 correlations between the data and the
5 characteristics of neighborhoods like
6 Strawberry Mansion, the strategies to
7 promote tobacco use is clearly evident.
8 In other words, the data clearly aligned
9 with the industry's current targeted
10 marketing strategies. And here's a few
11 examples:

12 Thirty-two percent of
13 low-income residents in Philadelphia are
14 smokers. Well, Strawberry Mansion is one
15 of the largest low wealth neighborhoods
16 in Philadelphia. So it's pretty clear
17 that we probably house a number of those
18 designated smokers.

19 Twenty-six percent of African
20 Americans smoke in Philadelphia. While
21 Strawberry Mansion is one of
22 Philadelphia's less diverse communities,
23 in that 98 percent of our residents are
24 African American. So it is likely that a
25 number of those smokers reside in

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2 Strawberry Mansion.

3 Additionally, according to
4 recent studies, nationally billboards in
5 black neighborhoods are more likely to
6 show menthol brands than in white
7 neighborhoods. While if you take a quick
8 tour of Strawberry Mansion, you will see
9 posters, advertisements, magazines with
10 advertisements that clearly advertise
11 menthol brands, if not all of them.
12 They're all menthol brand tobacco
13 products.

14 Because of Strawberry Mansion's
15 characteristics of low wealth of
16 predominantly African American residents
17 and high rates of chronic illnesses like
18 diabetes, heart disease, high blood
19 pressure, the Philadelphia Department of
20 Public Health and the Strawberry Mansion
21 CDC decided to embark on a Get Healthy
22 Philly Youth Tobacco initiative. For
23 this initiative, ten Strawberry Mansion
24 youth ages 15 to 18 were employed for six
25 weeks to conduct a tobacco survey to

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2 residents of Strawberry Mansion ages 14
3 to 24. Why this demographic? It is
4 reported that 90 percent of smokers start
5 smoking as teens.

6 Throughout their six weeks, the
7 youth were educated about tobacco and its
8 effects. They received data collection
9 training, and they developed a tobacco
10 survey. Ultimately they went out to
11 survey residents of Strawberry Mansion.
12 They surveyed over 400 Strawberry Mansion
13 residents about their attitudes and
14 knowledge of tobacco use. Their results
15 were eye-opening, especially to our young
16 people.

17 Of those surveyed, 97 percent
18 had been exposed to any type of tobacco
19 promotion. Forty-six percent agreed that
20 menthol products were marketed more
21 toward African Americans, and 33 percent
22 did not know the effects of menthol on
23 repeated tobacco use and quitting. So
24 these figures may be good for tobacco ad
25 execs because their message is getting

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2 out there, but it's very detrimental for
3 the public health of our community.

4 Our youth found that 82 percent
5 of the respondents were in favor of more
6 laws to reduce the harms of tobacco.

7 After analyzing their data, our youth
8 suggested the following: passing
9 legislation; tobacco-free school zones;
10 more enforcement and penalties for
11 retailers who sell tobacco products to
12 youth; and increased education, public
13 awareness, and counter tobacco campaigns.

14 The Youth Tobacco initiative
15 survey had a significant impact on the
16 lives of our youth, and I'd like to thank
17 the Department of Public Health for
18 engaging our community and helping us
19 meet a couple of our needs for our
20 community through this initiative.

21 I encourage you to experience
22 their presentation to learn firsthand
23 their revelations about the tobacco
24 industry and the industry's inequitable
25 practices.

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2 Tobacco use and strategic
3 marketing to communities like Strawberry
4 Mansion further burden our community and
5 increases the work of combatting health,
6 social, and emotional threats that harbor
7 in many of our households. Stricter
8 regulations or a total ban on tobacco
9 advertisement and promotion toward our
10 youth will protect youth in Strawberry
11 Mansion from initiating their addiction
12 to menthol and these flavored products.
13 Likewise, dedicating more resources to
14 intensify tobacco prevention campaigns
15 will lower the risk of non-smokers and
16 encourage existing smokers to explore
17 cessation treatment.

18 Given these issues, Strawberry
19 Mansion is a resilient community. With
20 the help of smart legislation, proper
21 education, and adequate resources, we
22 will strengthen our resistance to tobacco
23 use and secure the health of our future
24 generations.

25 Thank you for your attention.

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2 COUNCILMAN JONES: Wow. Thank
3 you. We'll hold our questions until both
4 of you testify.

5 MS. HARMAN: All right. So my
6 position here is probably different than
7 what we've heard this morning. I'm a
8 former smoker. I smoked for 40 years.
9 And I want to start by quoting Angela
10 Davis, who was a -- or is a huge role
11 model for me. Her quote says, Until the
12 color of your skin is the target, you
13 will never understand.

14 I wish to state one huge factor
15 to consider in this battle to end the
16 reign of terror of big tobacco. They are
17 targeting our youth in the African
18 American and Latino communities. Many
19 years ago I was one of those children.

20 As a child, both of my parents
21 smoked. They smoked the harsh,
22 unfiltered brands that many in my
23 generations found too hard or too
24 unpleasant or too unattractive to smoke.
25 I remember my father smoking Chesterfield

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2 Kings. Now, I know that dates me, but
3 this is important.

4 While I tried over and over to
5 look grown up and hip, to coin a phrase
6 apropos of the time, I just couldn't do
7 it. I could not take that harsh
8 cigarette. I was about 12 or 13 at that
9 time. My curiosity was once again
10 ignited later in my teen years as I was
11 introduced to a green box, symbolic of a
12 new poison that many of my peers were
13 getting their hands on. The poison is
14 Treat (ph). Inside was a filtered minty
15 cigarette. Lo and behold, a menthol
16 cigarette, the product targeted just for
17 my people, the young ones, a new
18 generation of smokers, something I could
19 inhale and not choke. I was 16 years old
20 by this time, and I was hooked, as were
21 many of my peers who also wanted to look
22 grown up and sophisticated like the
23 well-dressed lady on that commercial.
24 You remember her, the one who had "come a
25 long way." Heard that mentioned already

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2 today.

3 I equated women's rights and
4 civil rights with those cigarettes. I
5 was with it. Many here today can relate.

6 So let's fast forward 40 years.
7 Until February 2016 I had smoked nearly
8 every day. Through high school we were
9 given 15-minute smoke breaks that they
10 would actually ring a bell and it was
11 almost like a cigarette bell, and those
12 students, along with myself, who smoked
13 were allowed to go outside and smoke
14 while we socialized. It's insane. And I
15 guess the whole process is that we were
16 able to get our nicotine levels up and
17 then we'd be able to sit in the classroom
18 and participate in that process.

19 I was also a world-class
20 sprinter. I anchored many 440 relay
21 races to a victory. Unfortunately, the
22 race that I lost was the one that I had a
23 cigarette in my hand.

24 I had enough of that habit
25 eventually, but I couldn't quit. The

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2 smelly environment, cigarette burns in
3 the house and in my clothing, shortness
4 of breath, coughing, and skin
5 discoloration caused by the cigarettes
6 was something that I dealt with. I
7 smoked while I was pregnant. I couldn't
8 kick the habit even with help. I learned
9 later that it wasn't a habit at all that
10 I was dealing with. I was addicted.
11 Addicted because of a cruel tactic used
12 by big tobacco, chemicals that were added
13 without my knowledge and my permission to
14 hook me, enslave me and, yes, I was
15 targeted because I was a young black girl
16 with a desire to look cool and grown up.

17 Thirty-two cents was the damage
18 the first time I bought my very first
19 pack. I had been buying them without
20 question for years for my folks before I
21 even started, and no adult ever got in my
22 path to say, What are you doing, you
23 can't do that.

24 I tried over and over again to
25 quit, and that is the central theme here.

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2 I tried over and over again to quit. I'd
3 stop, then I'd start again. It ruined
4 relationships. It led to numerous deaths
5 of people that I knew and love, to
6 include my parents who had also modeled
7 that deadly behavior throughout my entire
8 youth.

9 I'm thankful for the Health
10 Department and for the truth of giving my
11 family accurate information and those
12 proper tools for me to overcome my
13 addiction and to break the cycle of
14 stealing cigarettes -- the life-stealing
15 cigarettes.

16 Big tobacco industry, I know
17 three people you won't steal, and those
18 are my girls. They're my girls, not
19 yours.

20 Thank you, Shonda -- that's my
21 eldest daughter -- for never buying me
22 one cigarette. She told me as a child,
23 she'd as soon get a gun for me and allow
24 me to kill myself rather than to go to
25 the store and buy a pack of cigarettes

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2 for me.

3 My youngest daughter, Aziza,
4 who is here today, and I thank her for
5 never giving up. Every day she would tap
6 me on the shoulder and she would ask, Is
7 today your quit day? Thank you for that.

8 Lastly, I'd like to thank my
9 precious granddaughter, who her sixth
10 birthday actually did become my quit day,
11 and on February 2018, I'm going to
12 celebrate two years of being free of that
13 evil beast.

14 (Applause.)

15 MS. HARMAN: And, again, to big
16 tobacco, I took my life back and I'm
17 grateful.

18 And I thank you all for your
19 support and for being here for me today.

20 Thank you.

21 (Applause.)

22 COUNCILMAN JONES: So my first
23 question -- and thank you for that
24 testimony and sharing -- was, who did you
25 run for?

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2 MS. HARMAN: I started running
3 for the Willingboro Track Club when eight
4 years old under the tutelage of Bill and
5 Evelyn Lewis, Carl's parents.

6 COUNCILMAN JONES: So you were
7 our nemesis. I coached for
8 Mallery and --

9 MS. HARMAN: That's right,
10 Melita Johnson and that group.

11 COUNCILMAN JONES: We're
12 together today, but you guys were
13 formidable. Thank you for that.

14 And some of the Strawberry
15 Mansion statistics, it's ironic, I was
16 not going to name the neighborhood that I
17 drove through with my granddaughter,
18 Aziza, to get to school, and it was
19 Strawberry Mansion. And it was very
20 difficult to find -- there's an old --
21 well, it's not so old. It's a saying
22 that I have. In a neighborhood you can
23 tell when it's a good neighborhood when
24 you ask the question and get the right
25 answer for what, when you walk out the

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2 door, will you run into first, a book, a
3 vegetable, a gun or a cigarette. And
4 unfortunately in many neighborhoods it is
5 the cigarette and gun before you get the
6 book and the vegetable. So we have to
7 change that paradigm.

8 Listen, grown folks are grown
9 folks. Grown folks make grown folk
10 decisions, but when you bring the kids
11 into the battle and unwittingly put
12 them -- or them being unwitted about
13 being put in harm, that's not acceptable.

14 So thank you.

15 Do you have any questions?

16 COUNCILMAN TAUBENBERGER: I do.

17 COUNCILMAN JONES: Councilman
18 Taubenberger.

19 COUNCILMAN TAUBENBERGER:
20 First, I want to thank both of you for
21 coming, and congratulations for quitting
22 smoking.

23 MS. HARMAN: Thank you.

24 COUNCILMAN TAUBENBERGER: The
25 question I have really is for Ms.

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2 Graham. Are there any stores, as were
3 mentioned before I think by Ms. Caracozza
4 from the Welcoming Center, that in
5 Strawberry Mansion have not -- have
6 stopped selling cigarettes in place of
7 other things? Are there any stores that
8 exist that way?

9 MS. GRAHAM: Not that I know
10 of. The ones that were selling tobacco
11 products, they are still currently
12 selling tobacco products.

13 COUNCILMAN TAUBENBERGER: Not
14 one?

15 MS. GRAHAM: Not one. No one
16 said, No, I'm not going to sell, it's
17 detrimental, it's hurting the public
18 health of the community, no.

19 COUNCILMAN TAUBENBERGER: Okay.
20 And do you think most of these stores
21 that sell cigarettes to youth, as was
22 mentioned earlier -- but tell me if you
23 disagree -- come from the smaller stores?

24 MS. GRAHAM: Yes. Yes. The
25 corner stores, yes.

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2 MS. HARMAN: Yes.

3 COUNCILMAN TAUBENBERGER: Okay.

4 And in those corner stores there's
5 probably some familiarity with the
6 customer or whoever?

7 MS. GRAHAM: Yes. Some of them
8 may be familiar, but some of them it's
9 just, you know --

10 COUNCILMAN TAUBENBERGER: And
11 if you walk in and --

12 MS. GRAHAM: Right. It's
13 merchandise and selling.

14 COUNCILMAN TAUBENBERGER: Okay.
15 All right.

16 Mr. Chairman, thank you.

17 Thank you both very much.

18 COUNCILMAN JONES: Thank you,
19 Councilman, and thank you for -- I want
20 to, for the record, say that the 7-Eleven
21 stores are submitting written testimony,
22 and I have not gotten that, but I need to
23 put on the record that they have agreed
24 to submit that. And in particular Ms.
25 Neal from the Alpha Kappa Alpha Sorority,

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2 Incorporated, Omega Omega Chapter has
3 submitted testimony to this Committee,
4 and I must say that they are very active
5 in Philadelphia in all kinds of
6 philanthropic, community beneficial
7 activities, from shredding to playground
8 restoration, and they've taken the time
9 out to submit this testimony, for which
10 we are very grateful.

11 And so thank you for your
12 testimony.

13 Are there any others to testify
14 before this Committee?

15 COUNCILMAN TAUBENBERGER: I
16 have one request.

17 COUNCILMAN JONES: Councilman.

18 COUNCILMAN TAUBENBERGER: Thank
19 you very much, Mr. Chairman.

20 If Vanessa Caracozza can come
21 back to the stand for one question. It
22 will be very quick.

23 COUNCILMAN JONES: Listen, take
24 your time.

25 I think this is the most, other

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2 than some other controversial stuff, the
3 most photographic group of people to
4 testify in quite some time.

5 (Witness approached witness
6 table.)

7 COUNCILMAN TAUBENBERGER: Thank
8 you, Ms. Caracozza, for coming back and
9 actually for being here in the first
10 place.

11 You had mentioned earlier in
12 your testimony that there are four stores
13 that have no longer -- are no longer
14 selling cigarettes in places of -- well,
15 tell me a little bit more about that.

16 MS. CARACOZZA: Yeah. So four
17 stores that were recruited to just me and
18 colleagues and interns out in the
19 neighborhood talking to corner stores,
20 they voluntarily decided that they'd like
21 to participate in the program. So part
22 of our job is to survey the surrounding
23 neighborhoods and the stores around their
24 store and seeing, first of all, what does
25 the neighborhood want to see more in

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2 their corner store and also what are
3 stores around them doing, so --

4 COUNCILMAN TAUBENBERGER: All
5 of these are family-owned or small
6 stores?

7 MS. CARACOZZA: Yeah; in
8 low-income areas.

9 COUNCILMAN TAUBENBERGER: Okay.

10 MS. CARACOZZA: So Northeast
11 Philly and South Philly is one that I
12 mentioned.

13 So the one that I quoted, Julio
14 Soto, he went tobacco-free July 2016.

15 COUNCILMAN TAUBENBERGER: Where
16 is that store located?

17 MS. CARACOZZA: South Philly,
18 off of Tasker and the Broad Street Line.

19 He started growing his catering
20 menu. So he's now part of like the
21 Healthy Philly catering menu. So anyone
22 from here that wants to support a small
23 business can order from them like healthy
24 items, fresh fruit, hoagies, et cetera.

25 COUNCILMAN TAUBENBERGER: And

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2 what sort of incentive were they all
3 given?

4 MS. CARACOZZA: So through the
5 Welcoming Center and Health Department,
6 he had an incentive of \$1,000 for
7 participating and he removed tobacco
8 within a month.

9 COUNCILMAN TAUBENBERGER: And
10 that was a one-time?

11 MS. CARACOZZA: That was a
12 one-time, yes. So it's a one-year
13 program, that if they wish to participate
14 after one year, they're free to make the
15 decision to stay tobacco-free or if they
16 really want to go back to selling. But
17 he has been tobacco-free and he is not
18 planning to go back. He was able to grow
19 in other areas.

20 COUNCILMAN TAUBENBERGER: Is
21 there -- let me ask you this: Is it
22 something that I could visit, these four
23 stores, and just chat with owners? I
24 mean, you can come with me or a staffer
25 can come with me.

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2 MS. CARACOZZA: Yeah,
3 definitely.

4 COUNCILMAN TAUBENBERGER: I'd
5 like to hear from them on how they did
6 this, why they did this, and will they
7 continue. That's a key question. And I
8 think I've been on record very clearly, I
9 am not a friend of big tobacco in any
10 way, but I am a friend to the little
11 store, because they have enough
12 difficulty. And to take away the right
13 to sell a legal product that is legal
14 throughout the United States I don't find
15 too good, unless there are some
16 incentives. If there are incentives that
17 actually work and of course if somebody
18 wants to do it voluntarily, great, but
19 I'm very concerned of the family
20 business, because -- and I think I've
21 told the Chairman and many that have
22 listened to me -- the value of that store
23 greatly diminishes, unfortunately,
24 because of cash flow. People buy these.
25 People want to buy them. Some are

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2 addicted. I can't speak for all, but the
3 fact is, it's a legal product. However,
4 conversely, if you're selling to minors,
5 then I have no problem throwing the book
6 at you, because it's not right. And if
7 you're trying to entrap young people,
8 that's not right either with something
9 that is seen right here. I couldn't
10 agree more. This is an awful situation,
11 and I can't tell the difference between
12 candy. I don't think -- if I put these
13 in front of my grandchildren and say,
14 Which one do you want, they'll all think
15 it's candy and they'll take -- you know,
16 they're not going to smoke because
17 they're too young. They're just way too
18 young. But the fact is, they're
19 attractive to young people.

20 So anything to curtail young
21 people smoking, I am very much in support
22 of. On the other hand, those people that
23 play by the rules and do the right thing
24 and sell a legal product, I think they
25 should also be defended if they want to

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2 continue.

3 So I would be very happy to
4 speak to those other three stores and
5 maybe some others, maybe know a little
6 bit more of your program.

7 MS. CARACOZZA: I'll definitely
8 leave my information.

9 COUNCILMAN TAUBENBERGER: If
10 you could get that information to the
11 Chair in case there's any others that
12 want to do -- and maybe, Mr. Chairman,
13 you want to come along.

14 COUNCILMAN JONES: I'm always
15 for a road trip.

16 COUNCILMAN TAUBENBERGER: Yes,
17 you are. It's a good thing, because we
18 can learn. We can learn things. When
19 you actually talk to the person in the
20 field -- you know, the City Council of
21 Philadelphia has significant powers, but
22 if we don't understand how they are
23 adhered to or not adhered to or the
24 problems in the neighborhood, we're not
25 doing our job properly. So road trips I

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2 think are very appropriate.

3 Thank you for coming in and
4 sharing your knowledge with us.

5 MS. CARACOZZA: Thank you very
6 much.

7 COUNCILMAN JONES: Thank you,
8 Councilman, for that.

9 I am also in possession of
10 artwork that was done by a fourth grade
11 class -- and if the camera can get on
12 this -- that says -- and these are
13 symbols through art that our children
14 are, as they say today, woke. And
15 they're talking about that tobacco is
16 targeted at children. Advertisements on
17 their particular level they understand,
18 and submitted this. And so that's a sign
19 that our young people are aware of what
20 is happening to and around them.

21 In conclusion, I want to say
22 that one of my colleagues, Blondell
23 Reynolds Brown, was trying to convince me
24 about menu labeling. You may remember
25 that bill, where she tested me to say

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2 what has more calories, a cheeseburger, a
3 milkshake or the fries. Cheeseburger,
4 milkshake, fries. Am I making you
5 hungry? Yes. But consciously I thought
6 the fries would be the most heavy in
7 calories and then maybe the cheeseburger,
8 but it was actually the milkshake that
9 had sugar, liquid sugar. And I say that
10 to say knowledge is power.

11 She then showed me a map where
12 there were, quote, "food deserts" in
13 communities like Strawberry Mansion and
14 others where you cannot have healthier
15 choices. And then she showed me a map of
16 where hypertension was, where premature
17 births were, and where people who had
18 organ failures because of the ingestion
19 of these different calories. And me
20 being pro business, having run an
21 economic development corporation, I was
22 resistant to anything that was
23 anti-business until the compelling
24 evidence suggested that this was harmful
25 to my neighborhoods in my community, and

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2 she had my vote.

3 What I am saying to you is, I
4 don't have vendettas. You know, my
5 parents, as I started this, died of
6 health-related issues that could be
7 contributed to smoking. I myself also
8 smoked. But when you put kids at risk,
9 when you target them, that's where -- I
10 mean, I draw the line there.

11 I'll end with, it's Halloween
12 coming up. If you look at that table and
13 said trick or treat, if you said trick or
14 treat, for sure it's not a treat. It is
15 definitely a trick.

16 And I will conclude the hearing
17 on the joint Committees of Public Safety
18 and Children and Youth and end them at
19 the call of the Chair. So you may be
20 called back for legislation in this
21 regard.

22 Thank you all very much for
23 your time and your testimony.

24 (Committees on Public Safety
25 and Children and Youth concluded at 12:05

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2 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
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