



TO Interested Parties

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FM3 Research

RE: San José Voter Views of a Flavored Tobacco Ban

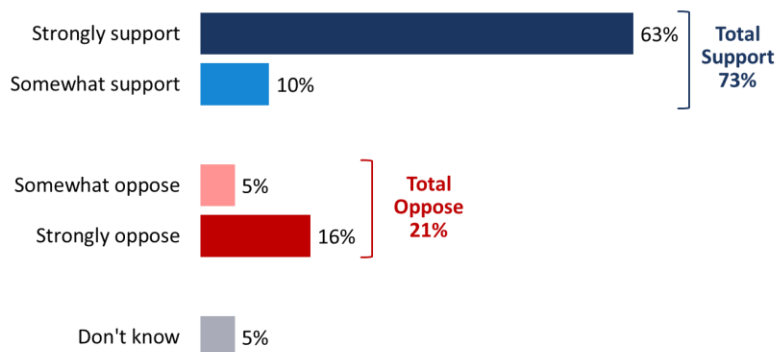
DATE September 13, 2021

Fairbank, Maslin, Maullin, Metz & Associates (FM3) recently completed a survey of San José voters to assess their opinions of a proposal under consideration by the City Council to ban sales of flavored tobacco.¹ **The survey results show that voters broadly support a flavored tobacco ban, including fruit and candy-flavored e-cigarettes, menthol-flavored cigarettes, and other flavored tobacco products, and would be more likely to vote for a councilmember who supports the policy.** They are very concerned about youth tobacco use, and - by an overwhelming margin - prioritize addressing it over protecting jobs and local businesses that sell flavored tobacco products. Key findings of the survey include:

- **Voters are very concerned about young people smoking and using e-cigarettes.** More than three in five (62%) San José voters say they are "extremely" or "very concerned" about people under 18 smoking cigarettes and cigars, and 66% are concerned about their use of e-cigarettes and vaping liquids containing nicotine, like JUUL.
- **Seven in ten favor a ban on flavored tobacco.** Fully 73% of San José voters support a proposal that would prohibit the sale of flavored tobacco in the city -- and more than three in five (63%) do so "strongly."

Figure 1: Support for a Flavored Tobacco Ban

The San José City Council is considering a proposal that would prohibit the sale of all flavored tobacco products that can appeal to kids, including fruit and candy flavored e-cigarettes, menthol-flavored cigarettes, and other flavored tobacco products. Does this sound like something you would support or oppose?

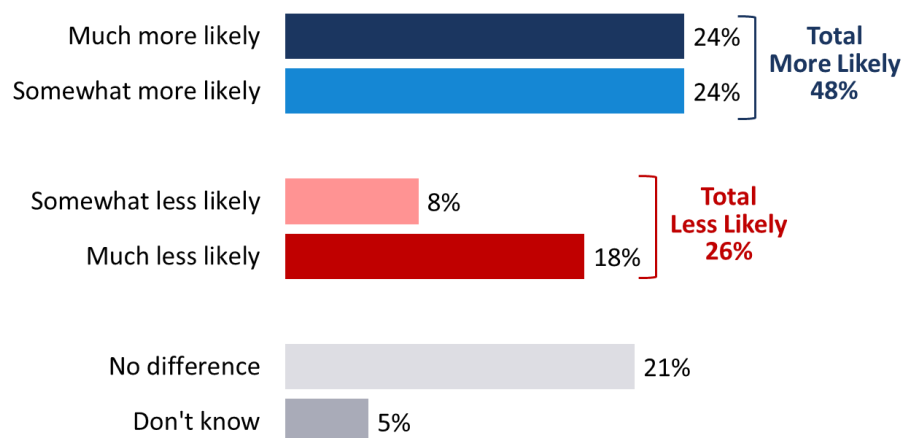


Support for this ban cuts across every major subgroup of the San José electorate, including:

- 70% of men and 76% of women;
 - 72% of voters under 50, 71% of voters ages 50 to 64, and 79% of voters 65 and older;
 - 79% of white voters and 72% of voters of color;
 - 78% of Democratic voters, 73% of independent voters, and 62% of Republican voters; and
 - Support in every Council district, as high as 82% in Council District 1 and no lower than 59% (District 7).
- **Nearly half of San José voters say that support for the proposal would make them more inclined to back a councilmember.** As shown in Figure 2 below, support for the ban is a positive motivator for nearly half (48%) of all voters when it comes choosing a City Council member. Just one-quarter (26%) say it would make them "less likely" to back a councilmember. Pluralities or majorities in nearly every council district see it as a positive.

Figure 2: Impact of Support for Flavored Tobacco Ban on a Vote for a Councilmember

Suppose your City Councilmember supported this proposal. Would that make you more likely to vote for them or less likely to vote for them?

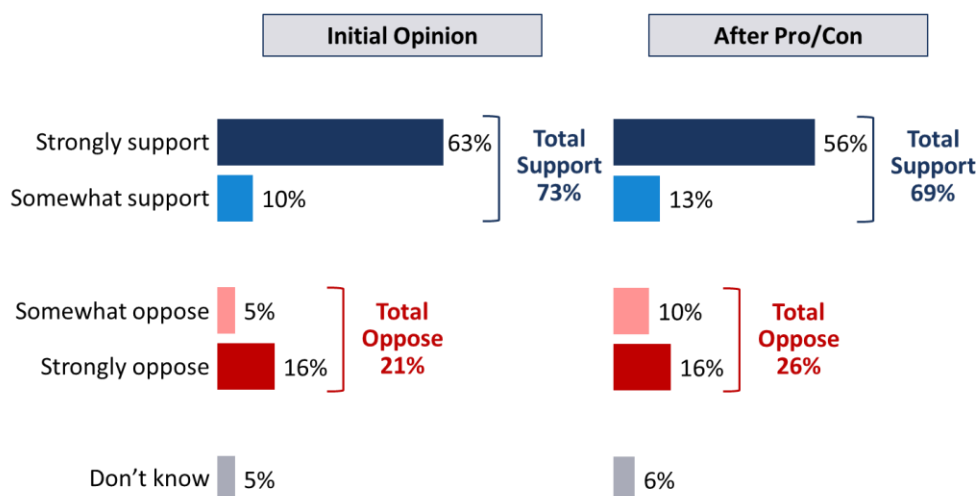


- **Support for the ban remains high even after an exchange of pro and con messaging.** As shown in Figure 3 on the next page, support for the flavored tobacco ban is consistent even after voters hear brief statements in favor of and opposed to the idea. The shifts in support and opposition are all within the margin of error -- with nearly seven in ten still supportive, and more than half (56%) "strongly" in support, after hearing messages on both sides.

Figure 3: Support After Rotated Pro and Con Arguments

Supporters say that tobacco companies target kids with candy-flavored tobacco products – which include cotton candy, chocolate, strawberry, and menthol flavors – using these starter products to get kids hooked on tobacco and nicotine. Now Big Tobacco is sending industry lobbyists to San José to protect their profits. This proposal will protect our kids from tobacco companies and their dangerous products.

Opponents say that small businesses, many owned by immigrants and people of color, will suffer as a result of this ban, which is being pushed by out-of-state anti-tobacco groups. As we’ve seen in other cities that have tried it, these regulations won’t stop kids from vaping if they want -- they’ll just buy it online or on the illegal market instead. And San José has much more important problems to focus on, like homelessness, crime, and the economy.



- **Asked directly whether it is more important to prevent kids from using flavored tobacco or to protect local businesses, voters choose protecting kids by a 58-point margin.** As shown in Figure 4, when asked to choose between two objectives that might guide thinking on the proposed prohibition of flavored tobacco sales, voters overwhelmingly prioritize protecting kids’ health.

Figure 4: Preference for Protection

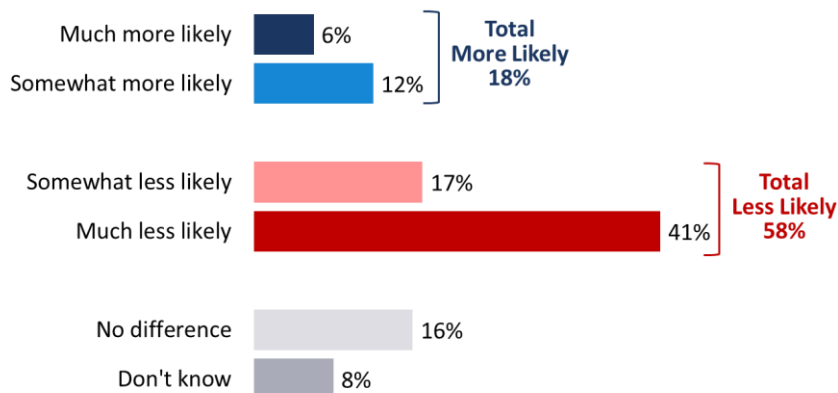
Statement	% Chosen
It is more important to prohibit the sales of flavored tobacco products to help prevent kids from using them	75%
It is more important to protect local small businesses and their ability to employ local residents by selling flavored tobacco products	17%

- **Nearly three in five see a councilmember consulting with the tobacco industry as a negative.** Figure 5 on the next page shows that 58% of San José voters would be less likely to back a Council member who was consulting

with the tobacco industry – and fully two in five (41%) say this would make them "much less likely" to support such a councilmember. This view is shared by broad pluralities in every council district.

Figure 5: Impact of Tobacco Industry Consultation on City Councilmember Support

If you knew that your City Councilmember was consulting with tobacco industry lobbyists on this issue, would that make you more likely to vote for them or less likely to vote for them?



In sum, broad majorities of San José voters across nearly every demographic and geographic subgroup support a ban on flavored tobacco sales, and see a council member's support for the proposal as a driving factor in their vote. **Voters are concerned about smoking and vaping by local youth, and are largely disinclined to support a councilmember who consults with the tobacco industry on this issue.**

ⁱ **Methodology:** From Aug. 18-27, 2021, FM3 completed 571 interviews on landlines, cellphones and online with likely November 2022 voters in San Jose in English and Vietnamese. The margin of sampling error for the study is +/-4.4% at the 95% confidence level. Due to rounding, not all totals will sum to 100%.