



American
Heart
Association.



American
Lung
Association.



March 29, 2022

Julie T. Vo, Managing Editor

Journal of the American Medical Association, Pediatrics

330 N Wabash Ave

Chicago, Illinois 60611

Dear Ms. Julie Vo:

We write to request a retraction of a research letter published in your journal on May 24, 2021, entitled “A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California” by Dr. Abigail Friedman because new information contained in a special communication in *Tobacco Control* (“Youth tobacco use before and after flavoured tobacco sales restrictions in Oakland, California and San Francisco, California”) by Jessica Liu and colleagues on March 17 demonstrates that the data upon which the study relied cannot be relied upon for the conclusions reached by the author.

As described in the Research Letter by Friedman, the “study’s objective was to estimate the association between San Francisco’s ban on flavored tobacco product sales and smoking among high school students younger than 18 years.” Dr Friedman concluded: “San Francisco’s ban on flavored tobacco product sales was associated with increased smoking among minor high school students relative to other school districts.” Dr. Friedman further concluded: “This result was robust to adjustment for district-specific time trends” and that “[w]hile the policy applied to all tobacco products, its outcome was likely greater for youths who vaped than those who smoked due to higher rates of flavored tobacco use among those who vaped.”

Thus, at the very heart of Dr. Friedman’s study is an assessment of the impact of a ban on the sale of flavored tobacco products in San Francisco. The recently published Special Communication in *Tobacco Control* by Liu et al however revealed that, according to the Centers for Disease Control and Prevention, the “post-ban” data from the 2019 Youth Risk Behavior Survey used in Dr. Friedman’s analysis was in fact collected in the fall of 2018, *before* San Francisco had begun enforcement. The new information presented in this article makes clear that the data on which Friedman relied cannot be used to measure the impact of San Francisco’s flavor ban because it was collected before the law was enforced and during the time when retailers were explicitly allowed to be non-compliant with the law and proven to be non-compliant with the law. It is a fundamental flaw that undermines its core conclusions.

There is an urgent need to retract the Friedman Research letter because it is being used by Dr. Friedman and tobacco industry related entities as evidence that the San Francisco law and any new proposed law similar to the San Francisco law has the potential, indeed, is likely to result in increased youth use of traditional tobacco products. Since publication, the Friedman’s *JAMA Pediatrics* research letter and findings have been cited by opponents of proposed legislation that seeks to prohibit the sale of flavored e-cigarettes and other flavored tobacco products before multiple state legislatures and city councils

considering such legislation. Both Dr. Friedman and tobacco-industry funded organizations, such as the National Association of Tobacco Outlets, have relied on these findings in their testimony opposing flavored tobacco restrictions across the United States, including in California, Colorado, Connecticut, Maine, and the cities of Denver, Edgewater, Los Angeles, Loveland, Rancho Cordoba, Santa Ana and more. As recently as March 16, 2022, Dr. Friedman testified in Colorado regarding her findings, despite being made aware of the error during a hearing in Connecticut two days prior.

Some have argued that it is appropriate to use the effective date of a law in an analysis such as done by Dr. Friedman. This may be appropriate when the effective date and enforcement date are the same, which is often the case. In the case of the San Francisco ordinance, however, the enforcement date was delayed several months to allow the San Francisco Department of Public Health to establish enforcement regulations and conduct merchant education and to give retailers time to sell off existing stock of flavored tobacco products. Dr. Friedman is aware of this distinction; in her response to correspondence on her *JAMA Pediatrics* paper she wrote: “retailer compliance jumped from 17% in December 2018 to 77% in January 2019 when the ban went into effect.” (Friedman AS. Further Considerations on the Association Between Flavored Tobacco Legislation and High School Student Smoking Rates-Reply. *JAMA Pediatr.* 2021 Dec 1;175(12):1291-1292. doi: 10.1001/jamapediatrics.2021.3293).

The frequent and continued use of this study that is not based on any data after the ordinance was enforced underscores the urgency of retracting this study. This is not a difference in opinion about statistical methodology. It is critically important to correct the record and take steps to ensure that this study is not cited for a proposition that its own data does not support. Only a full retraction of the study will achieve this goal. While you review this information and consider retraction, we strongly encourage you to add a statement of concern to the article online to alert readers about this problem while you are making a decision regarding retraction.

Thank you for your consideration.

Signed,

African American Tobacco Control Leadership Council
American Heart Association
American Lung Association
Campaign for Tobacco-Free Kids
Parents Against Vaping e-cigarettes (PAVe)
Truth Initiative