



Community Development Department

39550 Liberty Street | P.O. Box 5006, Fremont, CA 94537-5006

www.fremont.gov

Guidelines to Help Tobacco Retailers Evaluate Inventory for “Banned” Products under City of Fremont Tobacco Retailers License Ordinance (“TRL”) (FMC Chap 8.75) – Published November 2019

Prohibited or Banned Products

CIGARS

Any single cigar, except for single cigars with a minimum retail price of \$5.00, including taxes and fees.

All packs of cigars unless they contain at least five cigars, with a minimum retail price of \$8.00 per pack, including taxes and fees. All packs must be manufacturer’s original consumer packaging intended for sale to consumers.

CIGARETTES

All single cigarettes.

All packs containing fewer than the twenty cigarettes. All packs must be manufacturer’s original consumer packaging intended for sale to consumers.

All packs of cigarettes offered for less than \$8.00 per pack, including taxes and fees.

All menthol cigarettes.

FLAVORED TOBACCO PRODUCTS

All flavored tobacco products.

GENERAL

All self-service displays.

ADDITIONAL DETAILS

“Flavored tobacco product” means any tobacco product that imparts a characterizing flavor, including menthol cigarettes and flavored non-cigarette tobacco products such as little cigars, smokeless tobacco, and flavored components of e-cigarettes and vaping devices.

“Characterizing flavor” means a taste or aroma, other than the taste or aroma of tobacco, imparted prior to, or during consumption of the product, such as tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice.

- Tobacco products are “flavored” if the product contains any public statements or claims that the tobacco product imparts a characterizing flavor; or
- If the product contains text or images on its labeling or packaging indicating that it imparts a characterizing flavor; or
- If there are any other actions directed to consumers that might reasonably cause them to believe it imparts a characterizing flavor.

Characterizing terms indicating taste or aroma, especially related to quality or quantity, so long as it is describing otherwise unflavored tobacco qualities is allowed. Here, “characterizing” does not necessarily mean “flavoring.” For instance, the terms “bold,” “smooth,” “rich,” “mellow,” “green,” “sweet,” or “aromatic” etc. typically impart the tobacco taste or aroma, but not flavoring.

“Self-service display” means the open display or storage of tobacco products or tobacco paraphernalia that is physically accessible in any way to the general public without the assistance of the retailer. A vending machine is a form of self-service display.

For questions, please call Fremont’s Code Enforcement Team at 510-494-4430.

To obtain a Fremont Tobacco Retailers License, begin here:

<https://fremont.gov/TobaccoRetailLicenseApplication>