

The Administration Must Act Now on Menthol Cigarettes and Flavored Cigars

On April 28, 2022, the U.S. Food and Drug Administration proposed rules to prohibit the sale of menthol cigarettes and all flavored cigars, saying that these rules “have the potential to significantly reduce disease and death from combusted tobacco product use, the leading cause of preventable death in the U.S., by reducing youth experimentation and addiction, and increasing the number of smokers who quit.”ⁱ

Unfortunately, finalization of these rules has been delayed until at least March 2024. ACS CAN calls on the Administration to finalize these rules immediately to stop the deadly effects these products have on our nation.

Menthol Cigarettes and Flavored Cigars Use

Flavors are a tobacco industry marketing ploy to target youth and young people to a lifetime of addiction. Adding flavors can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product’s overall appeal.ⁱⁱ Tobacco manufacturers add menthol to cigarettes to improve the taste, flavor, aroma of cigarettes and create a soothing or cooling effect - making it easier for non-users, especially youth, to start smoking.ⁱⁱⁱ Cigars, cigarillos, and little cigars are all sold in many flavors that are appealing to young people, such as banana, mango, chocolate, and grape.

High rates of menthol cigarette use are the result of deliberate actions by the tobacco industry to target certain populations. Decades of tobacco industry documents show how the tobacco industry targeted Black Americans, as well as LGBTQ+ and limited-income communities with menthol cigarettes.^{iv}

- Menthol cigarette use is disproportionately higher for Black individuals, individuals who identify as bisexual and gay/lesbian, among individuals with limited household incomes, and younger age groups.^v
- Flavored cigar use is higher among non-Hispanic Black adults, have limited household incomes, and are younger.^{vi}

Scientific Reports on Menthol

The Tobacco Control Act required the Tobacco Products Scientific Advisory Committee (TPSAC) to submit a report and recommendations on the “issue of the impact of the use of menthol in cigarettes on the public health, including such use among children, African Americans, Hispanics, and other racial and ethnic minorities.” The TPSAC completed the report in 2011, concluding that:

- Menthol cigarettes have an adverse impact on public health in the United States.
- There are no public health benefits of menthol compared to non-menthol cigarettes.

Based on these scientific conclusions, the TPSAC recommended that removing menthol cigarettes from the market would benefit public health.

The FDA completed its own independent study on menthol cigarettes in 2013 concluding that menthol is associated with increased initiation, greater dependence, and decreased cessation. The report concluded that it is “likely that menthol cigarettes pose a public health risk above that seen with nonmenthol cigarettes.”

From 1980 to 2018, menthol cigarettes were responsible for 10.1 million more people smoking, 3 million life-years lost and 378,000 premature deaths.^{vii} African Americans made up 15% of the increase in people smoking, 41% of the life-years lost and 50% of premature deaths despite only comprising 12% of the total U.S. population.^{viii} This amounted to 1.5 million new people who smoked, 1.5 million life-years lost, and 157,000 smoke-related premature deaths among African Americans.

ACS CAN Position

ACS CAN calls on the administration to finalize FDA’s rules to prohibit the sale of menthol cigarettes and flavored cigars immediately. There is no scientific rationale for permitting any flavored tobacco product to remain on the market. To end cancer as we know it for everyone, tobacco use must be addressed and cannot be done without prohibiting the sale of menthol flavors and all flavored cigars.

ⁱ FDA Press Release. FDA proposes Rules Prohibiting Menthol Cigarettes and Flavored Cigars to Prevent Youth Initiation, Significantly Reduce Tobacco-Related Disease and Death. April 28, 2022. <https://www.fda.gov/news-events/press-announcements/fda-proposes-rules-prohibiting-menthol-cigarettes-and-flavored-cigars-prevent-youth-initiation>

ⁱⁱ FDA Guidance for Industry and FDA Staff, “General Questions and Answers on the Ban of Cigarettes that Contain Certain Characterizing Flavors (Edition 2) (“FDA Guidance on Characterizing Flavors”).

ⁱⁱⁱ U.S. National Cancer Institute. A Socioecological Approach to Addressing Tobacco-Related Health Disparities. National Cancer Institute Tobacco Control Monograph 22. NIH Publication No. 17-CA-8035A. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; 2017.

^{iv} Anderson SJ. Marketing of menthol cigarettes and consumer perceptions: a review of tobacco industry documents. *Tobacco Control*. 2011;20(Suppl 2):ii20-ii28. doi:10.1136/tc.2010.041939

^v ACS analysis of 2020 National Household Survey data.

^{vi} Odani S, Armour B, Agaku IT. Flavored Tobacco Product Use and Its Association With Indicators of Tobacco Dependence Among US Adults, 2014–2015. *Nicotine & Tobacco Research*. 2020;22(6):1004-1015. doi:10.1093/ntr/ntz092. Gentzke AS, Wang TW, Cornelius M, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021. *MMWR Surveill Summ* 2022;71(No. SS-5):1–29. DOI: <http://dx.doi.org/10.15585/mmwr.ss7105a1external> icon.

^{vii} Le TT, Mendez D. An estimation of the harm of menthol cigarettes in the United States from 1980 to 2018. *Tob Control*. 2021 Feb 25:tobaccocontrol-2020-056256. doi: 10.1136/tobaccocontrol-2020-056256. Epub ahead of print. PMID: 33632809; PMCID: PMC8384947.

^{viii} Mendez D, Le TTT. Consequences of a match made in hell: the harm caused by menthol smoking to the African American population over 1980-2018. *Tob Control*. 2021 Sep 16:tobaccocontrol-2021-056748. doi: 10.1136/tobaccocontrol-2021-056748. Epub ahead of print. PMID: 34535507; PMCID: PMC8924008.