

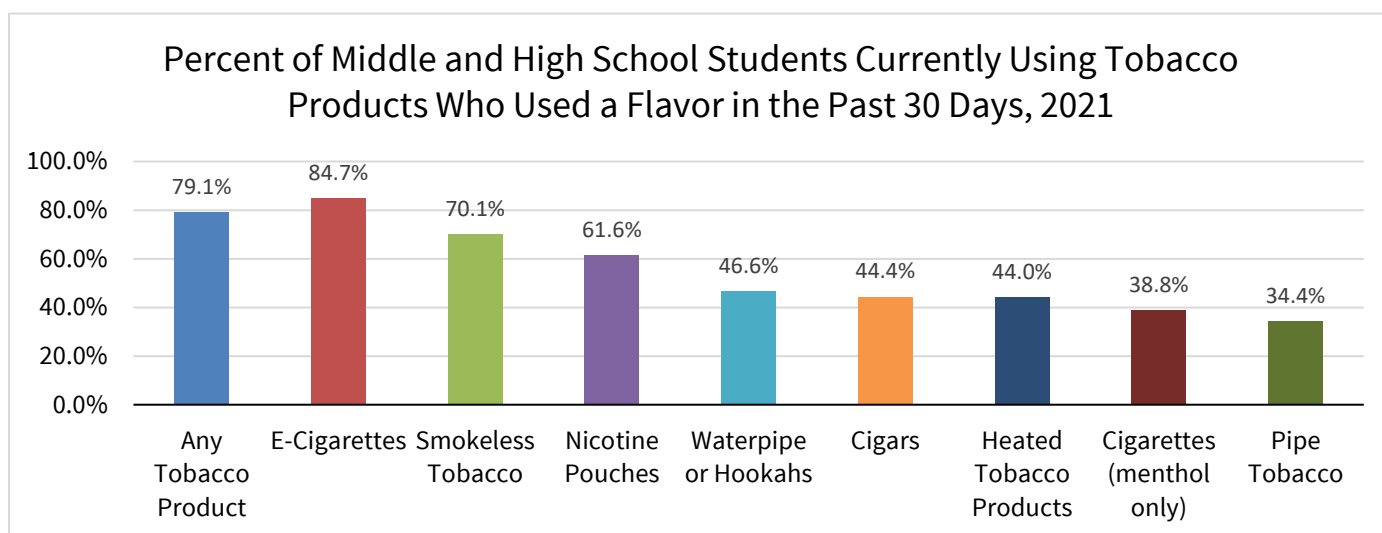
Massachusetts' Flavored Tobacco Products Law is Effective

In 2020, Massachusetts implemented the first statewide sales restriction on all flavored tobacco products, including menthol cigarettes. Hundreds of localities across the U.S. have restrictions on the sale of flavored tobacco products, and more are looking to implement comprehensive sales restrictions. Additionally, the U.S. Food and Drug Administration has proposed a national prohibition on menthol in cigarettes and all flavors in cigars.

This factsheet provides highlights of why ending the sale of menthol cigarettes and all other flavored tobacco products is needed, key studies demonstrating that Massachusetts' flavored tobacco product sales restrictions is decreasing tobacco product sales and use, and how sales restrictions on flavored tobacco products fit into a comprehensive tobacco control strategy to reduce tobacco-related suffering and death for all people.

Flavored Tobacco Products Addict Youth

For decades, tobacco companies have used flavors, in cigarettes, cigars, e-cigarettes, hookah, and smokeless tobacco to lure and target youth and young people and expose them to a lifetime of nicotine addiction, disease, and premature death. Flavors, especially menthol specifically, are known to improve the ease and use of a product by masking the tobacco's harsh effects. According to the 2021 National Youth Tobacco Survey, among middle and high school students who used tobacco products, 79.1% reported using a flavored tobacco product.ⁱ Furthermore, youth report flavors as a leading reason why they use tobacco products and perceive flavored products as less harmful.ⁱⁱ



Tobacco companies were manipulating levels of menthol to addict new, young customers before they started adding fruit, candy, and other sweet flavors to their products. Menthol acts to mask the harsh taste of tobacco with a minty flavor and by reducing irritation at the back of the throat with a cooling sensation. Additionally, menthol may enhance the delivery of nicotine. Knowing that youth who experience less negative physiological effects of smoking are more likely to continue smoking regularly, the tobacco industry has spent decades manipulating its menthol brand-specific product line to appeal to youth. Additionally, internal tobacco industry documents show that the tobacco companies were intentionally targeting Black people, other communities of color and LGBTQ+ communities with menthol-specific advertising and promotions.ⁱⁱⁱ The results of this aggressive targeting by the tobacco industry have led to greater menthol cigarette use and an unequal burden of death and disease in these communities.^{iv}

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MA's Law has Reduced Sales and Use of Cigarettes

In a first-of-its-kind study, American Cancer Society researchers used Nielson data from January 2017 to July 2021 to evaluate the impact of the restriction on cigarette sales.^v **The study concluded that the policy resulted in an overall decrease in cigarette sales.** The overall decrease in cigarette sales was driven by the significant decrease in menthol cigarette sales despite a slight increase in non-menthol cigarette sales.

In a follow-up study, American Cancer Society Researchers used data from the Behavioral Risk Factor Surveillance System (BRFSS) from 2017-2021 to evaluate the impact of the law on cigarette use rates among adults aged 25 or older. **The study concluded that the smoking rate in Massachusetts decreased by one percentage point more than compared to states without a sales restriction.** The overall decline in smoking highlights the effectiveness of the policy. The study also analyzed use rates by race and ethnicity, which highlighted that the decline in smoking was primarily experienced by men of all races and ethnicities and Hispanic women. A decline did not occur among white women and smoking increased among Black women which requires additional research to determine the cause, including questions related to industry marketing to these individuals and the availability and use of cessation services. Additionally, the estimates for Black adults should be interpreted cautiously as Black adults were underrepresented in the BRFSS data, only making up 5% of Massachusetts' population in that sample whereas Black individuals make up 9% of Massachusetts' population according to Census Bureau estimates.

A third study evaluated the impact of sales restrictions on flavored e-cigarettes in 4 states with such policies, including Massachusetts, compared to states with no such policy. **The study concluded that all four states with sales restrictions, including Massachusetts, experienced a decline in e-cigarette sales after their policy was implemented.**^{vi} These overall sales declines were driven by declines in sales of flavored e-cigarettes.

ACS CAN's Position

Tobacco control policies must be comprehensive to reduce tobacco use among all populations. No one policy will combat the tobacco industry's decades of fraud and millions of dollars that are poured into advertising and promotion of their products every year. It is imperative that we understand why white and Black women did not experience a decline in smoking in Massachusetts in the years immediately following the policy. We must also continue a comprehensive approach to tobacco control, which should include ending the sale of menthol cigarettes and all other flavored tobacco products, ensuring cessation services are comprehensive and accessible to all, fully funding tobacco control programs, regular and significant increases in taxes on all tobacco products, and comprehensive smokefree policies for all.

ⁱ 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.ss7105a1>.

ⁱⁱ Ambrose et al. Flavored tobacco product use among U.S. youth aged 12-17 years, 2013-2014. *JAMA*, 2015; 314(17): 1871-3. Huang L-L, Baker HM, Meernik C, Ranney LM, Richardson A, Goldstein AO. Impact of non-menthol flavours in tobacco products on perceptions and use among youth, young adults and adults: a systematic review. *Tobacco Control* 2016.

ⁱⁱⁱ U.S. Department of Health and Human Services. Tobacco Use Among U.S. Racial/Ethnic Minority Groups—African Americans, American Indians and Alaska Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, CDC; 1998

^{iv} American Cancer Society. Cancer Facts & Figures for African American/Black People 2022-2024. Atlanta: American Cancer Society, 2022.

^v Asare, S., Majmundar, A., Westmaas, L. J., Bandi, P., Xue, Z., Jemal, A., & Nargis, N. (2022). Association of Cigarette Sales with Comprehensive Menthol Flavor Ban in Massachusetts. *JAMA Internal Medicine*.

<https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2787781>

^{vi} Ali FRM, Vallone D, Seaman EL, Cordova J, Diaz MC, Tynan MA, Trivers KF, King BA. Evaluation of Statewide Restrictions on Flavored e-Cigarette Sales in the US From 2014 to 2020. *JAMA Netw Open*. 2022 Feb 1;5(2):e2147813. doi:

10.1001/jamanetworkopen.2021.47813. PMID: 35142832; PMCID: PMC8832173.