PRESS RELEASE

FDA's Proposed Rules to Prohibit Menthol Cigarettes and Flavored Cigars Will Protect Kids, Advance Health Equity and Save Lives, Especially Among Black Americans

Statement of Matthew L. Myers, President, Campaign for Tobacco-Free Kids
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WASHINGTON, D.C. – By issuing proposed rules today to prohibit menthol cigarettes and all flavored cigars, the FDA is taking historic and long-overdue action to protect our nation's kids, advance health equity and save lives, especially among Black Americans and other populations that have been targeted by the tobacco industry and suffered enormous harm from the predatory marketing of these products. For decades the tobacco industry has deliberately targeted Black communities with marketing for menthol cigarettes, with tragic consequences. The industry also uses these flavored products to lure kids into a deadly addiction. These rules will, once and for all, put an end to these predatory and deadly practices.

BREAKING:

FDA PROPOSES RULES TO BAN MENTHOL CIGARETTES AND FLAVORED CIGARS.

THESE ACTIONS WILL:

- ☑ PROTECT KIDS
- ☑ ADVANCE HEALTH EQUITY
- ☑ SAVE LIVES

The Covid-19 pandemic has further exposed the stark health disparities that exist in the United States. Tobacco use is a significant contributor to these disparities, and Black Americans die at higher rates from tobacco-related diseases such as cancer, heart disease and stroke. The FDA's proposal to ban menthol cigarettes and flavored cigars will have a profound and certain impact in reducing these health disparities.

The Biden Administration and the FDA deserve immense credit for standing up to the tobacco industry and moving forward with this bold, lifesaving policy, as they promised to do one year ago. Once implemented, these rules will represent some of the strongest actions our nation has ever taken to drive down the number of kids who start smoking and the number of Americans who are sickened and killed by tobacco.

Once again putting profits before lives, the tobacco industry is going all-out to fight these rules and push false claims that they will subject Black Americans to more law enforcement abuse. The FDA has made it crystal clear that these claims are without merit. The FDA has stated that its rules will apply to manufacturers and retailers and that it "cannot and will not enforce against any individual consumer possession or use of menthol cigarettes or any tobacco product." Racial bias in policing is a critical issue that must be addressed. But the tobacco industry's cynical fearmongering cannot hide the fact that the industry itself has caused so much harm to Black Americans through the targeted marketing of menthol cigarettes.

There is strong support for prohibiting menthol cigarettes and flavored cigars from a wide range of organizations, scientists and elected officials – including from leading Black organizations and members of Congress. Supporters include the NAACP, other Black civil rights and public health organizations, members of the Congressional Black Caucus, and a broad coalition of 77 public health, medical, education and community organizations. In a letter this month, NAACP President and CEO Derrick Johnson powerfully stated, "We do not agree with the tobacco industry's message and strategy presented by a few Black leaders: prohibiting menthol cigarettes would be discriminatory. We reject this view. The failure to prohibit the sale of menthol cigarettes and products would be discriminatory and counter the goal and function of the FDA to protect and promote public health for all, including the African-American community."

Because of the profound impact these rules can have on our nation's health, the FDA has an obligation to finalize and implement them with utmost urgency. The faster these rules are implemented, the faster we can stop the tobacco industry's lethal targeting of Black and other communities, the more kids we will prevent from smoking, and the more lives we will save.

ADDITIONAL INFORMATION: WHY MENTHOL CIGARETTES AND FLAVORED CIGARS MUST BE ELIMINATED

These rules are long overdue and supported by overwhelming scientific evidence. It has been more than a decade since the FDA's Tobacco Products Scientific Advisory Committee concluded in a landmark 2011 report that the removal of menthol cigarettes from the marketplace would benefit public health in the United States. Based on the scientific evidence, the FDA has found that menthol cigarettes are easier for kids to start smoking, more addictive and harder for smokers to quit.

Eliminating menthol cigarettes will protect kids from tobacco addiction. Menthol cools and numbs the throat and masks the harshness of tobacco smoke, making it easier for kids to start smoking and eventually become addicted. According to the 2021 National Youth Tobacco Survey, 41% of all current high school smokers use menthol cigarettes.

Eliminating menthol cigarettes will save lives and reduce health disparities, especially among Black Americans. For more than 60 years, the tobacco industry has deliberately targeted Black communities with marketing for menthol cigarettes through magazine ads, sponsorship of community and music events, free samples and other tactics. In the 1950s, less than 10% of Black smokers used menthol cigarettes. Today, that number is 85%.

The industry's targeted marketing of menthol cigarettes has caused enormous harm to the health of Black Americans. Tobacco use is the number cause of preventable death among Black Americans, claiming 45,000 Black lives each year. Largely because of more addictive menthol cigarettes, Black smokers have a harder time quitting smoking and die at higher rates from tobacco-related diseases like cancer, heart disease and stroke.

A 2021 study found that menthol cigarettes were responsible for 10.1 million additional smokers and 378,000 premature deaths in the U.S. from 1980 to 2018. This research underscores that Black Americans have been disproportionately harmed: While making up 12% of the U.S. population, Black Americans represented 15% of the additional smokers and a staggering 41% of the premature deaths due to menthol cigarettes – 157,000 premature deaths among Black Americans altogether.

Eliminating flavored cigars will also protect kids and reduce health disparities. Cheap, flavored cigars are sold in over 250 flavors – like banana smash, cherry dynamite and chocolate, as well as menthol. These flavored products have flooded the market in recent years and fueled the popularity of cigars with kids. 74% of youth cigar smokers report that they smoke cigars "because they come in flavors I like." The 2021 National Youth Tobacco Survey shows that cigars are the second most popular tobacco product (after e-cigarettes) among all high school students and are especially popular among Black high school students.

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