



THE CENTER FOR
BLACK HEALTH & EQUITY

Banning Menthol as an Endgame to Tobacco Use!

Delmonte Jefferson
May 18, 2022





THE CENTER FOR
BLACK HEALTH & EQUITY

Each year, approximately 45,000 African Americans die from a preventable smoking-related disease. Since June 2000, The Center has been working to reverse this burden by building the capacity of communities of color to advocate for policies that promote optimal health.



Black Children Still Suffer More

It's time to do something about it.



The Center's work has expanded to address other core influencers on African American health including economic, institutional and social justice inequalities and we have utilized our national network and social media platforms to mobilize our stakeholders around issues impacting our communities.



Race and public housing

Revisiting the federal role



What do we do?



THE CENTER FOR
BLACK HEALTH & EQUITY

The Center forms strategic partnerships with local communities, government agencies, corporate entities and philanthropic organizations to *build community capacity, develop a viable community infrastructure and advocate for equity-centered policies.*

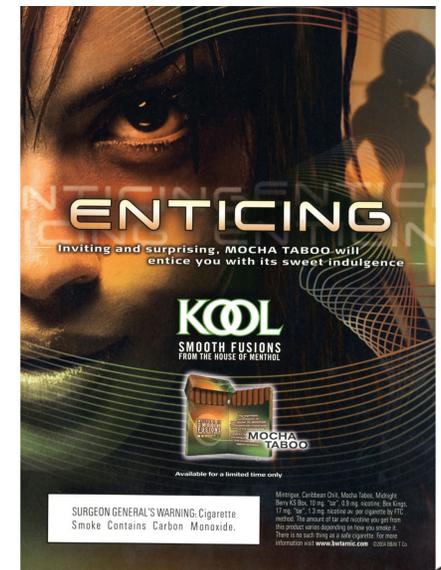


What are our key programs?

- Tobacco
- Cancer
- HIV/AIDS
- Food Insecurity
- COVID-19
- Equity-Centered Policies



THE CENTER FOR
BLACK HEALTH & EQUITY



What are our key events and products?

- No Menthol Sunday
- The State of Black Health Biennial Conference
- Health Justice Guide
- The Truth Check



How Do We Build Community Capacity?

- The Center ensures that we outreach to and engage all populations in our focus areas using the Community Develop Model outlined in the Health Justice Guide.
- The trainings build capacity in data collection, community mobilization, education campaign planning, model policy language development and evaluation.



What's the Deal with Menthol?



- A higher percentage of adolescent and young adult smokers smoke mentholated cigarettes than any other age group. (page 178 of the 2012 SGR)
- Mentholated flavoring increases the addictive potential of smoking among youth. (page 178 of the 2012 SGR)
- Menthol and other flavor additives including fruit and candy flavoring were used as marketing tools to attract young smokers. (page 600 of the 2012 SGR)
- Menthol cigarettes are more likely to be marketed in stores near schools with higher proportion of African American students. (page 543 of the report)





What's the Deal with Menthol?

African American menthol use has skyrocketed in the last 50 years.

2006 > 80%

1976 - 44%

1968 - 14%

1953 - 5%



Roper, B.W. (1953). A Study of People's Cigarette Smoking Habits and Attitudes Volume I. Philip Morris, Bates No. 2022239249. MSA, Inc. (1978) The Growth of Menthols, 1933 - 1977. Brown & Williamson, Bates No. 670586709-785. NSDUH, 2004-2008.





What's the Deal with Menthol?

Priority populations have been disproportionately targeted with this menthol assault.

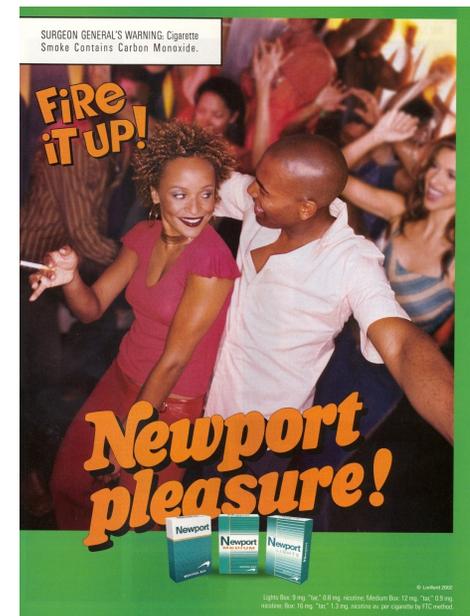
African Americans - 85%

Asians - 51%

Latinos - 47%

Whites - 30%

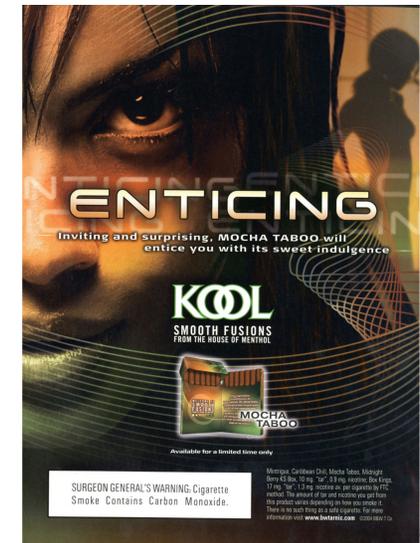
(Gardiner 2004)



What's the Deal with Menthol?

The assault on African American communities was/is systematic and intentional.

- African American Targeted Television Advertising
- Ebony and Jet Advertisements
- Community Philanthropy
- Kool Jazz Festivals
- Cigarette Sampling Vans





What's the Deal with Menthol?

Focus vs. Non-Focus Communities (Wright, 2009)

- ▶ **Focus Communities: Inner-city, Colored and Poor**
 - Less expensive, more desirable promotions
 - Buy 1, Get X Free
 - Summer/ Holidays

- ▶ **Non-focus Communities: Upscale, suburban, rural and white**
 - More expensive, less desirable promotions
 - Buy 2, Get X Free
 - Buy 3, Get X Free

- ▶ **Menthol Cigarettes Cheaper**
 - Non-focus- 50 cents off/ pack (\$5.00 off/ ctn)
 - Focus- \$1.00-\$1.50 off/ pack (\$10.00-15.00 off/ ctn)





What's the Deal with Menthol?

Storefront Cigarette Advertising Differs by Racial/Ethnic Community

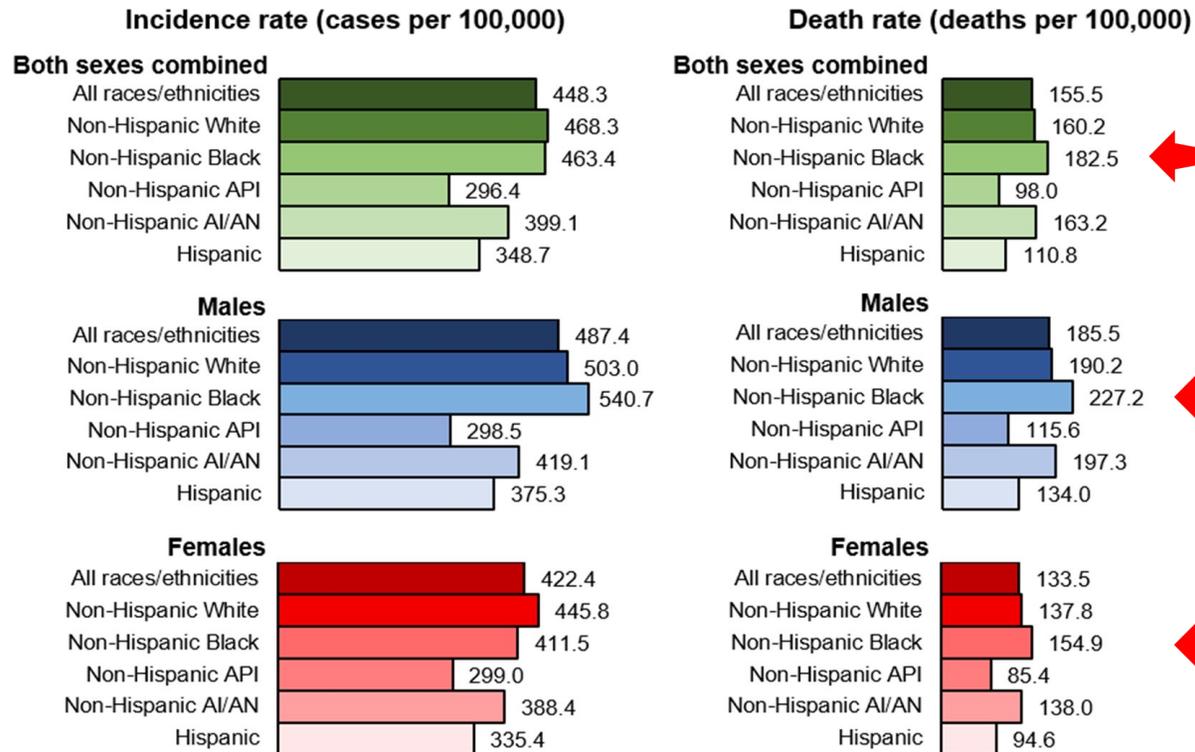
	Brookline	Dorchester	<i>p-value</i>
	n= 42	56	
	%	%	
• Retailer w/ Ads	42.9	85.7	<0.001
• Small Ads	56.8	20.1	“
• Large Ads	2.0	23.7	“
• Menthol Ads	17.9	53.9	“
• Average Price	\$4.94	\$4.55	“

(Seidenberg, et al., 2010)





Age-standardized, delay-adjusted overall cancer incidence rates (2013-2017) and age-standardized overall.





Why Banning Menthol Is An End Game Strategy

All Tobacco Products Contain Menthol!

Menthol content of US tobacco products

Product	Menthol (mg)
Regular (non-menthol) cigarettes	0.003
Menthol cigarettes (weak effect)	0.1-0.2
Menthol cigarettes (strong effect)	0.25-0.45
Pipe tobacco	0.3
Chewing tobacco	0.05-0.1

Hopp, 1993



Why Banning Menthol Is An End Game Strategy

TPSAC Estimates 2010-2050

Based on models conducted by Méndez, 2011

Description	Cumulative Excess Deaths			
	2020	2030	2040	2050
General Population	17,182	67,817	164,590	327,565
African Americans	4,716	16,381	35,250	66,524



THE CENTER FOR
BLACK HEALTH & EQUITY





Failing to Act to Save Lives

- **FDA excluded menthol from the Tobacco Control Act in 2009**
- **Since 2009, more than 190 municipalities passed restrictions on the sale of flavored tobacco products that excluded menthol flavors (some were dealbreakers)**
- **TPSAC recommended removing menthol to protect the public from harm in 2011 but the FDA ignored the recommendation**
- **Public Health Law Center filed a Citizen's Petition demanding that the FDA take action on menthol in 2013 but the FDA did nothing.**
- **FDA failed to exercise regulatory authority over e-cigarettes in 2016**
- **Although the FDA hinted at taking action against menthol under the Gottlieb administration, no action was taken.**
- **Opposition has been active since 2009**





Rev. Al Sharpton
National Action Network
President & Founder



Host
Pastor Billy G. Russell
Pastor of Greater Friendship MBC
President of Minnesota State Baptist Convention



NATIONAL ACTION NETWORK PRESENTS:

Community Leadership Luncheon
Topic: Decriminalizing The Black Community
Banning Of Menthol Cigarettes
January 25, 2017 12-2PM
Location: Greater New Friendship MBC
2600 E. 38th Street
Minneapolis, MN 55408

Panelists Includes:



Major Neill Franklin
Ex. Director/Former Narcootics Agent
Maryland State Police



Chief John I. Dixon III
President, Noble



Former Congressman Kendrick Meek
Former Captain
Florida State Highway Patrol



Art Way Esq.
Sr. Drug Policy Manager/Colorado
DPA (Drug Policy Alliance)

For More Information..Please call Rev. DeVes Toon 646-981-5972/nanfieldassist@yahoo.com
Greater New Friendship MBC 612-827-7928/info@greaterfriend.org





Opposition Messaging

“Beyond a basic sense of unfairness, there’s the obvious point that criminalizing the sale of an addictive and profitable product will lead to the over-policing of black neighborhoods—not to protect them—but to target them for these types of petty crimes.”

Guy Bentley, director of consumer freedom research at Reason Foundation.



Why We Need To Address Equitable Enforcement!



Eric Garner



Sandra Bland



George Floyd



TOBACCO CONTROL ENFORCEMENT FOR RACIAL EQUITY



Decriminalizing Commercial Tobacco

Addressing Systemic Racism in the Enforcement of Commercial Tobacco Control

This joint statement from a consortium of public health organizations sets forth aspirational principles to help local and state health departments, decisionmakers, advocates, and other stakeholders advance equitable enforcementⁱ practices related to the purchase, possession, sale, and distribution of all tobacco products.ⁱⁱ These principles can also help address tobacco addiction and reduce tobacco-related harms while maintaining and improving the efficacy of enforcement of commercial tobacco laws and policies.

BACKGROUND

Despite an overall decline in the prevalence of tobacco use, not all populations are equally protected by the laws, policies, and resources that are intended to reduce tobacco use and tobacco-related harm. Tobacco industry documents reveal how disparities in the burden of tobacco-related disease and death outcomes among certain communities are no coincidence. On the contrary, the tobacco industry strategically markets and perniciously targets its deadly products in underserved communities.^{1,2} As a result, certain racial and ethnic communities, low-income communities, and LGBTQ+ communities, among others, are exposed to

ⁱ This document adopts the definition of equitable enforcement set forth in the ChangeLab Solutions resource *Equitable Enforcement to Achieve Health Equity: An Introductory Guide for Policymakers and Practitioners*: “Equitable enforcement is a process of ensuring compliance with law and policy that considers and minimizes harms to underserved communities. An equitable enforcement approach means considering equity – both at the level of the public entity’s overall enforcement strategy and at the level of individual enforcement actions. It also means considering equity at all stages of enforcement, from determining when to undertake an enforcement action – and against whom – to deciding which enforcement tools to use.”

ⁱⁱ We recognize the important role of ceremonial and traditional tobacco for many indigenous communities. This document is intended to address commercial tobacco, not the provision, possession, or use of tobacco products as part of an indigenous practice or other recognized religious or spiritual ceremony or practice. All references to tobacco and tobacco products in this document refer to commercial tobacco, including e-cigarettes.

This statement is for informational purposes only and does not constitute legal advice. Readers should consult with an attorney licensed to practice in their state before adopting any recommendations in this statement.





Acting to Save Lives

Since 2009, public health organizations such as the AATCLC and The Center for Black Health & Equity have crisscrossed the country advocating for banning the sale of mentholated tobacco products.





Acting to Save Lives



The City of Chicago became the first municipality to ban the sale of mentholated cigarettes within a 500 ft buffer zone of public schools in 2013.





Acting to Save Lives

- **Since then, at least 145 communities have restricted the sale menthol cigarettes in addition to other flavored tobacco products.**
- **In November 2019, Massachusetts became the first state to restrict the sale of all flavored tobacco products, including menthol cigarettes. California followed suit in 2020.**
- **AATCLC, ASH filed a lawsuit against the FDA in June of 2020 for failing to act on the Citizen's petition that was filed in 2013. The lawsuit was later joined by the AMA and the NMA.**





Acting to Save Lives

On April 29th, 2021, the FDA announced that it would ban menthol flavored cigarettes and flavored cigars.

HEALTH

FDA says it will ban all menthol cigarettes and flavored cigars



By [Nicholas Florko](#) April 29, 2021

[Reprints](#)





Acting to Save Lives

On April 28th, 2022, the FDA announced the proposed rule to ban menthol flavored cigarettes and flavored cigars and opened a public commenting period.

MENTHOL
Get the Facts

 **Menthol makes smoking easier to start and harder to quit.**

 Evidence from tobacco industry documents shows that the industry studied smokers' menthol preferences and manipulated menthol levels to appeal to adolescents and young adults.

As a result of aggressive marketing of mentholated tobacco products to certain communities, African Americans smoke menthol-flavored cigarettes at nearly 3 times the rate as whites. They have a more difficult time quitting and are more likely to die from a smoking-related illness. 

 Studies show that amounts of tar, nicotine and other poisons are 30-70% higher in inhaled menthol cigarettes than in non-mentholated cigarettes.

The Surgeon General has stated that people who smoke menthols inhale more deeply and keep the smoke in their lungs longer, which gives them greater exposure to the 4000 chemicals and poisons in cigarettes. 

 If a menthol ban were in effect, researchers projected that 340,000 deaths could have been averted from 2011 to 2050, a third of them among African Americans.

 **NAATPN**
IT'S TIME. EMERGE. THE MOVEMENT.

www.naatpn.org





FDA Proposed Rule to Ban Menthol Commenting Period

Submit Comments in Support of FDA's Proposed Rule to Ban Menthols and All Flavored Cigarettes and Cigars

Join The Center for Black Health & Equity in providing robust, evidence-based comments to the Food & Drug Administration about the need to ban menthols and all tobacco products with characterizing flavors. It is important to share our personal experiences with tobacco use, cessation and marketing.

Note that while not all comments will be submitted verbatim, supporting sentiments and relevant illustrations will be reflected in The Center's submission. Not all comments will be included.

There is power in submitting individual comments in addition to submissions with The Center. To submit your comments directly to the FDA, go to:

<https://www.federalregister.gov/public-inspection/2022-08994/tobacco-product-standard-for-menthol-in-cigarettes>



Menthol is a social justice issue. Banning menthol can be an Endgame to the tobacco epidemic.



- Eliminate predatory marketing to vulnerable populations
- Eliminate dense advertising in focus communities
- Eliminate price discounts in focus communities
- Eliminate attempts to influence our community with 'alternate facts'
- Ensure equitable enforcement of commercial tobacco control regulations
- Reduce lung cancer disparities
- Build community capacity
- Develop community infrastructure
- Create equity-centered policies



The End

Delmonte Jefferson

djefferson@centerforblackhealth.org

www.centerforblackhealth.org

