

What's Menthol Got To Do With It? Everything!

Phillip S. Gardiner, Dr. P. H.

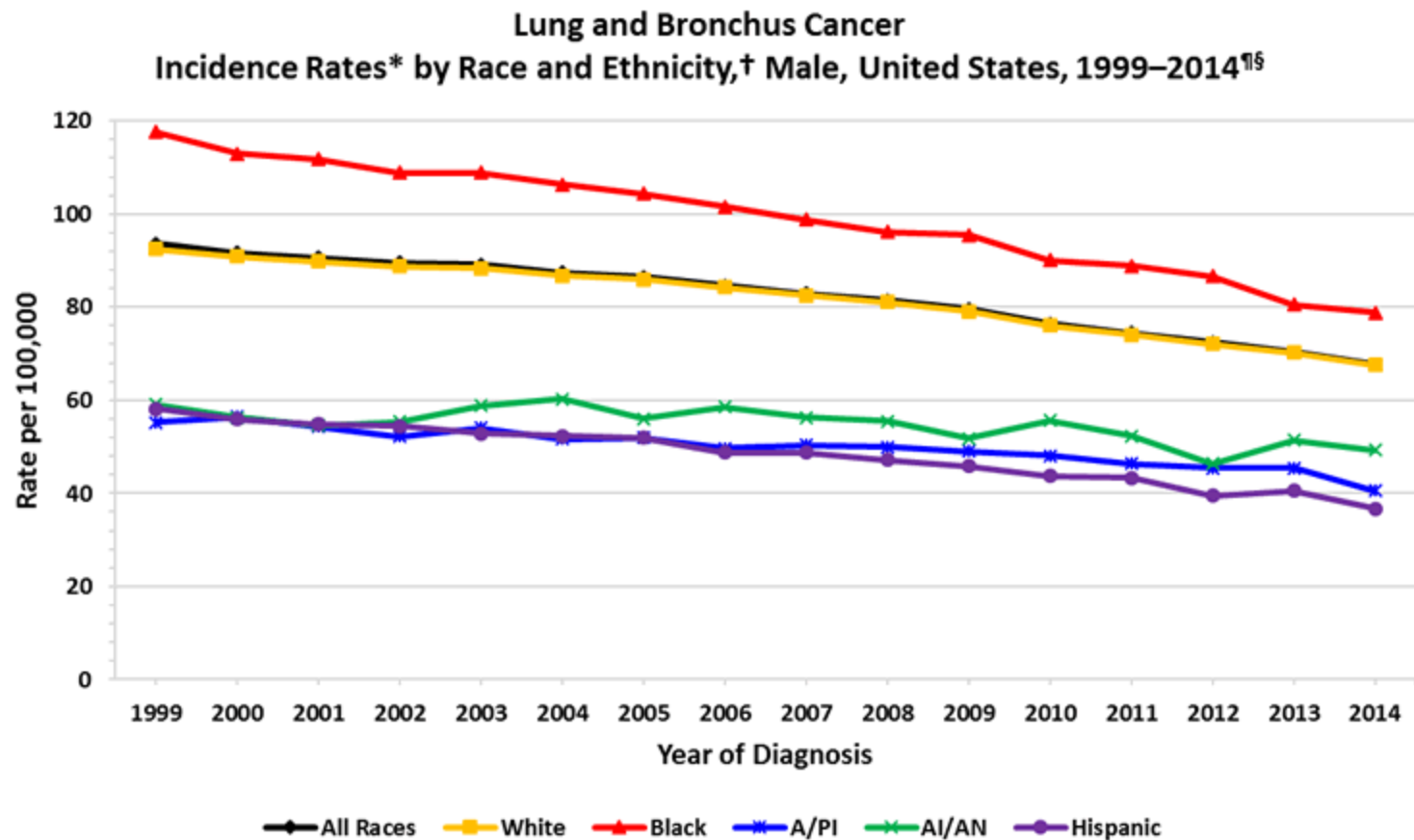
Senior Program Officer, Tobacco Related Disease Research
Program (**TRDRP**) University of California Office of the
President and Co-Chair African American Tobacco Control
Leadership Council (**AATCLC**)

Vermont Senate Committee on Health and Welfare

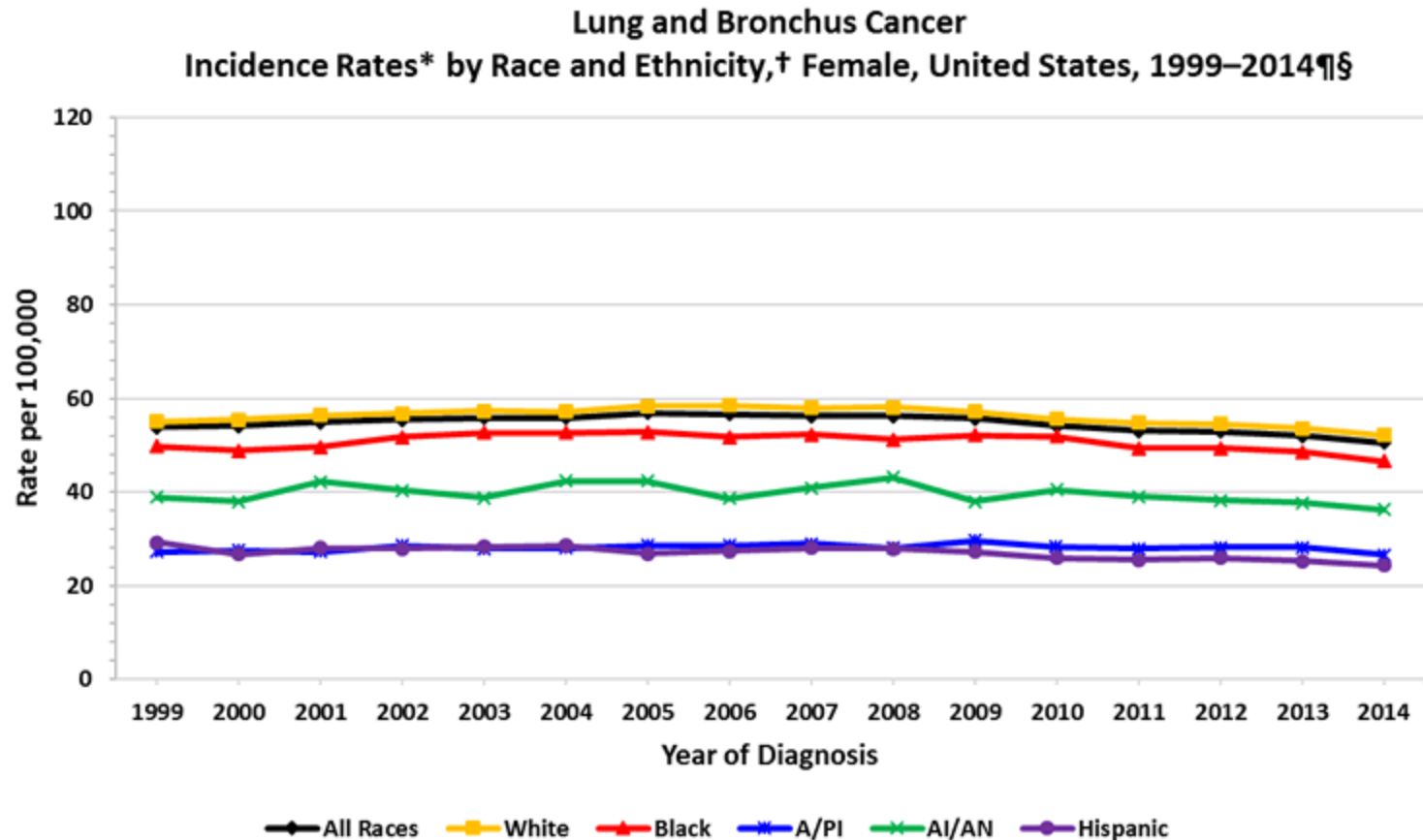
Hearing

January 22, 2020

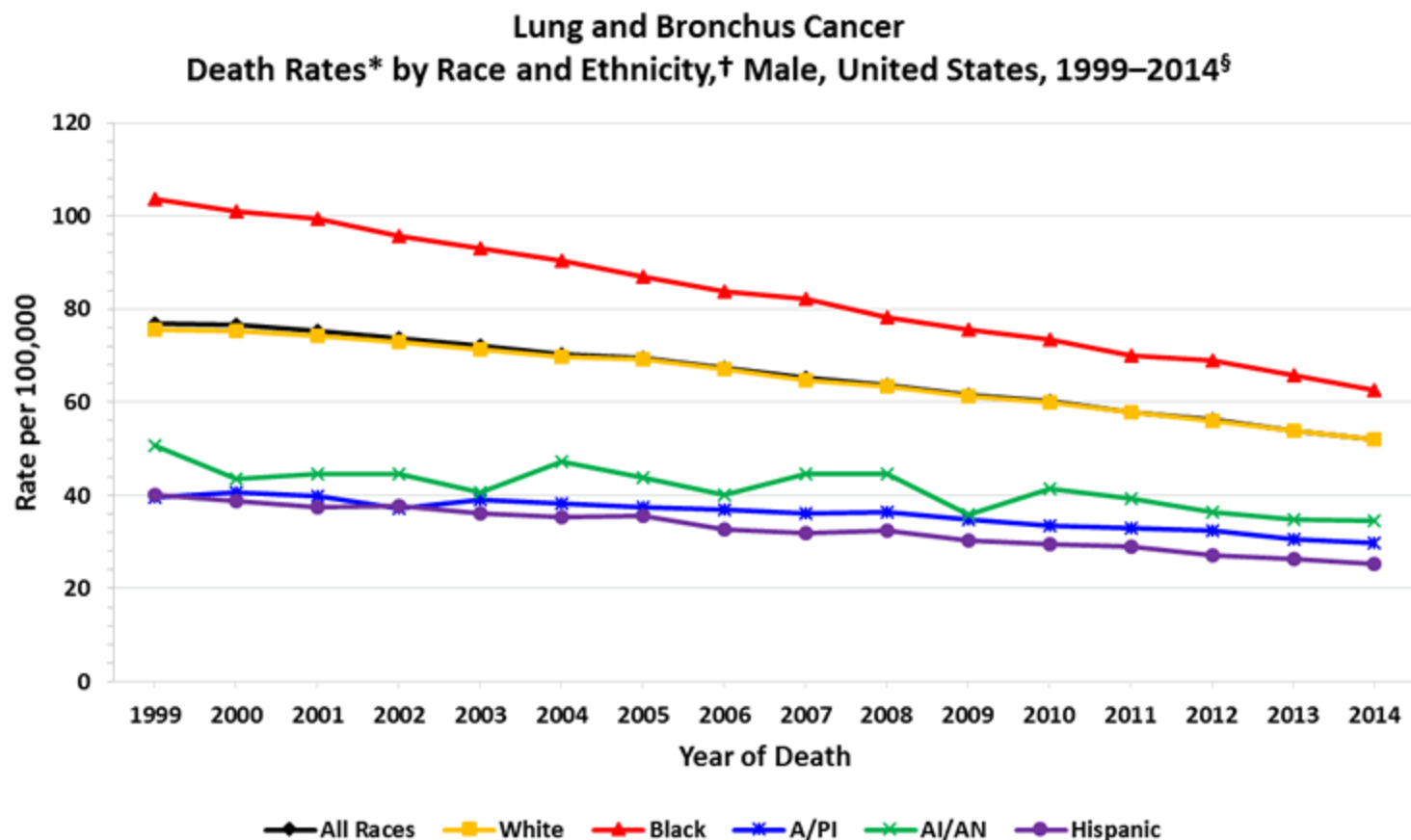
Lung Cancer Incidence Rates by Race/Ethnicity and Sex (Male)



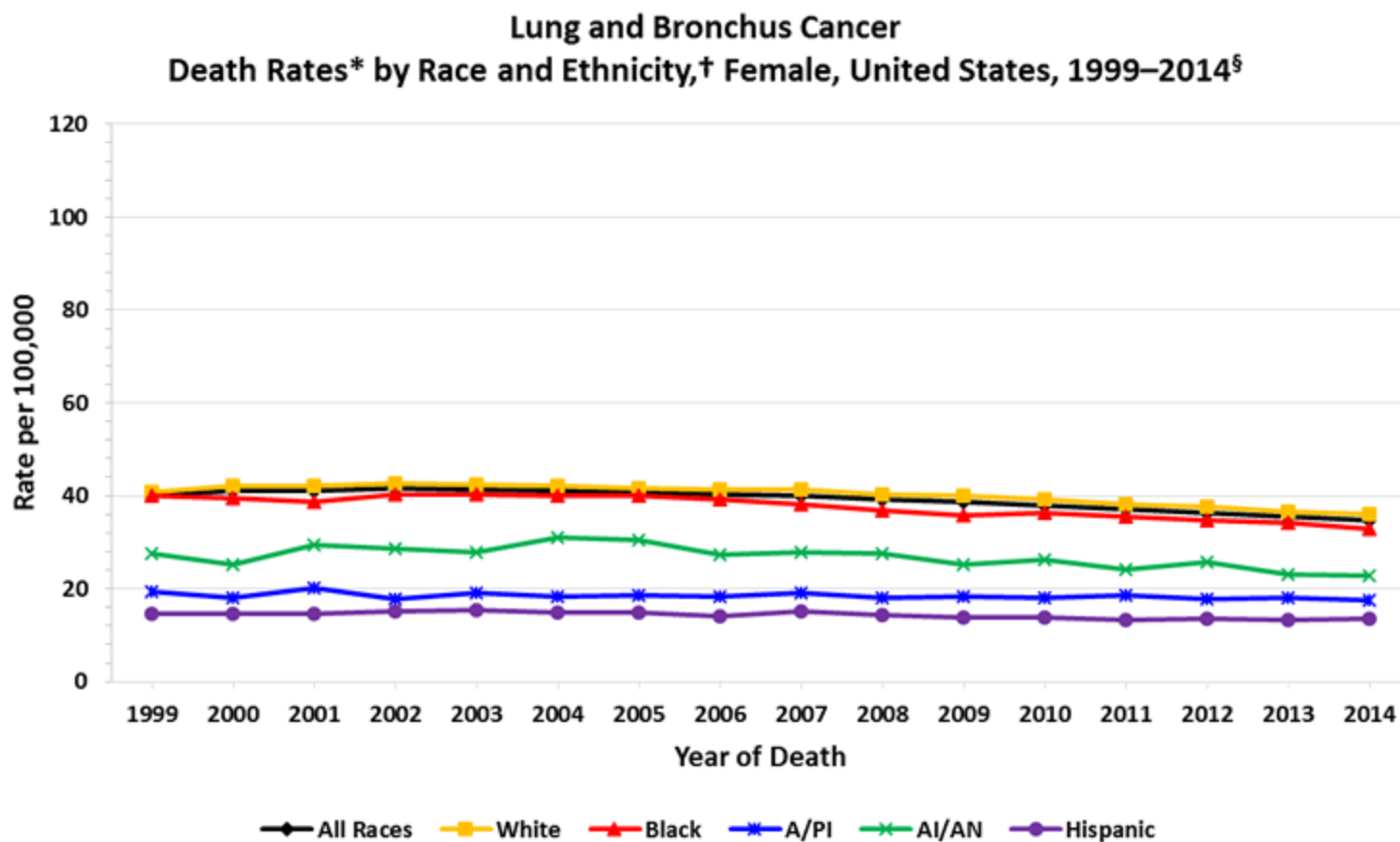
Lung Cancer Incidence Rates by Race/Ethnicity and Sex (Female)



Lung Cancer Death Rates by Race Ethnicity and Sex (Male)

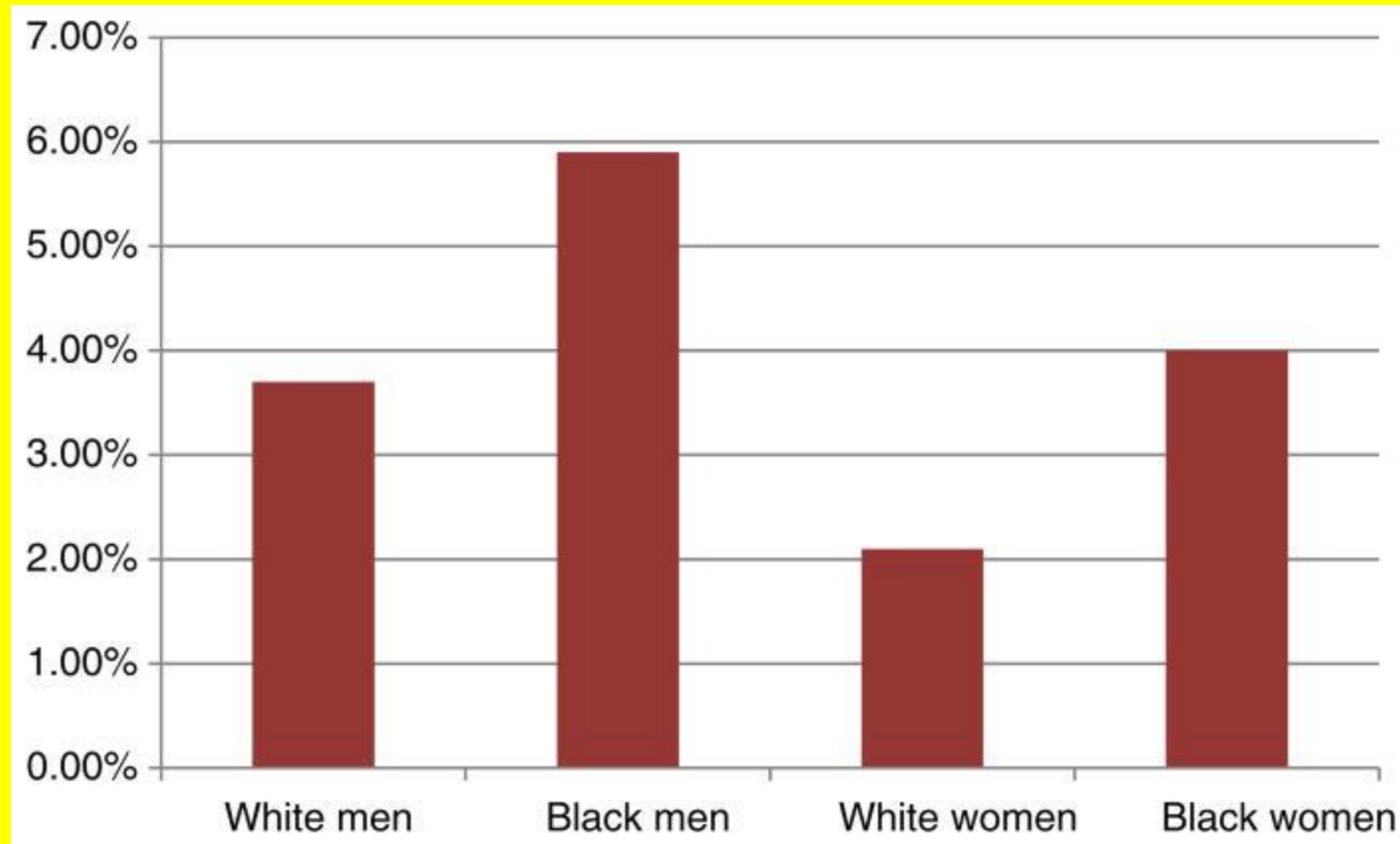


Lung Cancer Death Rates by Race Ethnicity and Sex (Female)

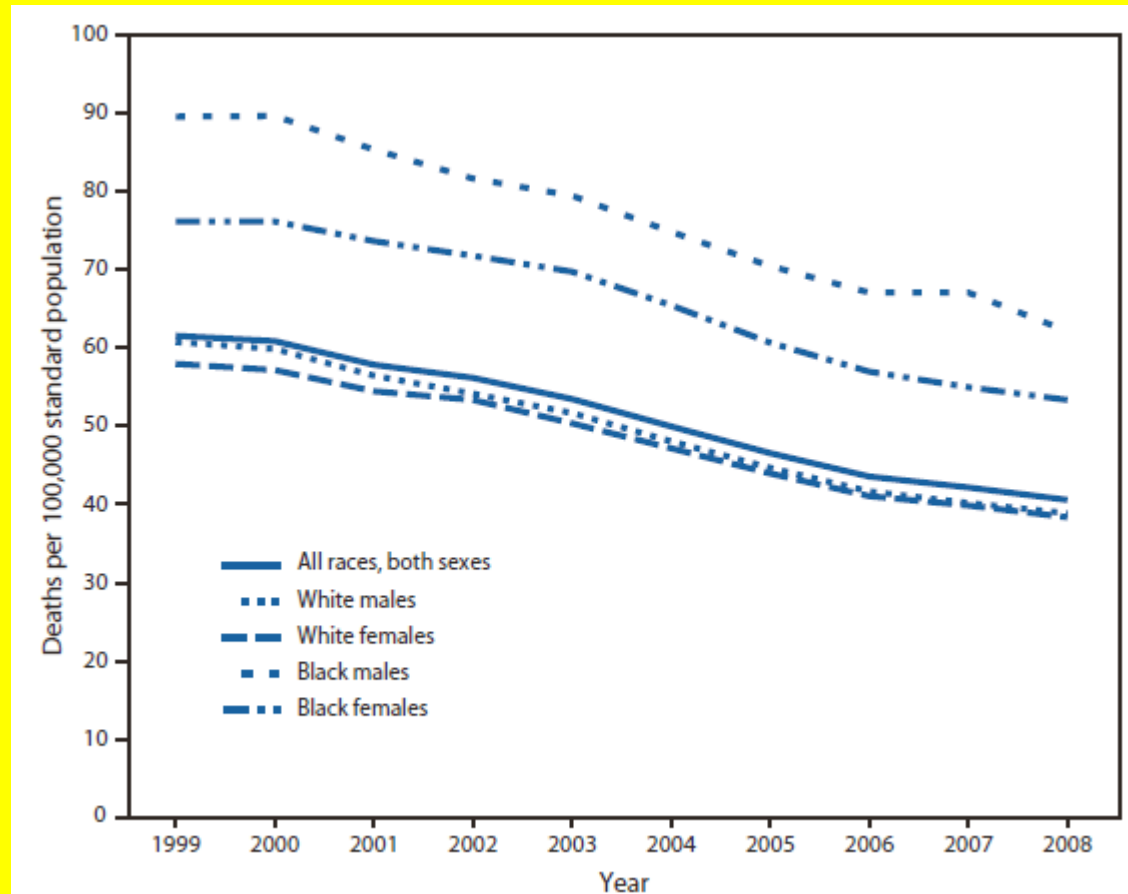


MI or Fatal CHD Incidence Rates by Sex and Race

(Leigh et al., 2016)



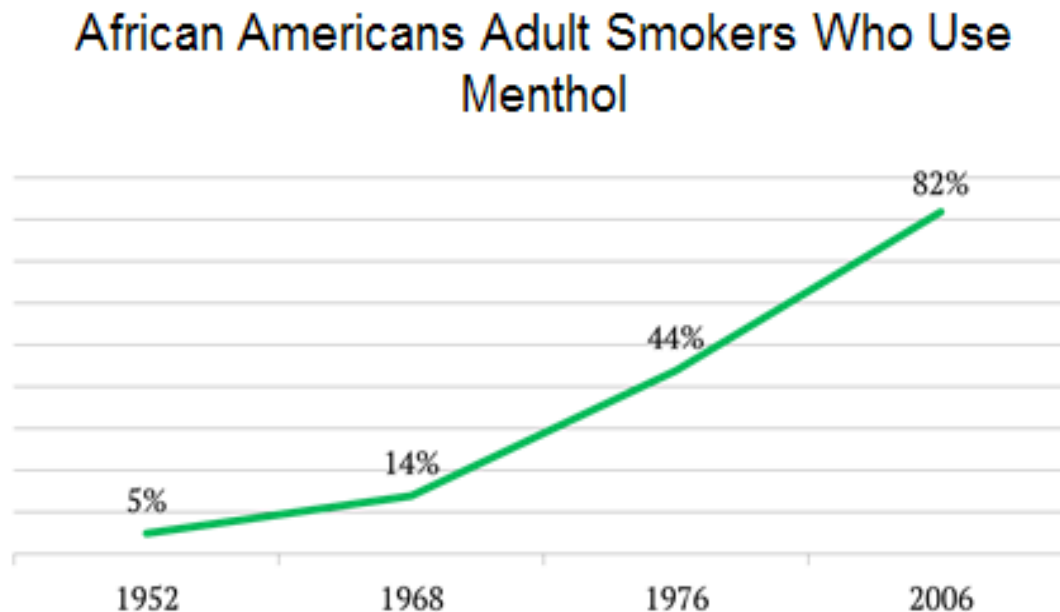
Cerebrovascular Disparities



The African Americanization of Menthol Cigarettes

50 Years of Predatory Marketing
And Counting

African American Menthol Use Skyrockets!



- 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.

Tobacco Industry's Assault on the African American Community (1960s & 70s)

- 91% of Advertising Budget for TV (B&W)
- Use of Male Actors with more Black features
 - Tripled Cigarette Advertising in Ebony
 - “Menthols got a brand new bag”
 - Cool Jazz; Cool Lexicon
 - Philanthropy

(Gardiner, 2004)

A new idea in smoking

Salem refreshes your taste



- menthol fresh
- rich tobacco taste
- modern filter, too

Smoking is wonderful...in the freshness of the air...the fragrance of soft, new grass...and the taste of a Salem cigarette together all the fresh and fragrant things of September. Through Salem's pure white filter comes the richest taste in cigarettes...rich tobacco...with a new, refreshing menthol. That's what makes Salem a whole new idea in smoking. Smoke refreshed...Salem Refreshed.

©1964 W.T. & A. Salem, Salem Company

N. Y. YANKEE STAR ELSTON HOWARD FLASHES THE SIGN:

"YOUR CIGARETTE'S NOT TASTING COOL ENOUGH
TILL YOU *Come Up to KOOL*"



"Feel extra coolness in your throat.."

says *Elston Howard*

"Extra coolness no other cigarette can offer. Taste a new freshness that lasts all through the day . . . Kool after Kool after Kool. Believe me," says Yankee Star Elston Howard, "I know!"

Take Elston Howard's advice: "Try just one carton of Kool. You'll never go back to those hot and dry-tasting cigarettes again!"



Cool ain't Cold. Newport is.



A whole
new bag of
menthol
smoking
filter kings & 100's

©1970 B&W T Co. Inc. New York, N.Y.

BOLD COLD



1970 *Ebony* magazine advertisement

Box: 17 mg. "tar", 1.1 mg. nicotine; 100's: 19 mg. "tar", 1.3 mg. nicotine av. per cigarette. FTC Report Nov. 1975.

Alive with pleasure! **Newport**

*After all, if
smoking isn't
a pleasure,
why bother?*



Warning: The Surgeon General Has Determined
That Cigarette Smoking Is Dangerous to Your Health.



REAL & RICH & COOL

THAT'S WINSTON MENTHOL

© 1994 R.J. REYNOLDS TOBACCO COMPANY. WINSTON BRAND is a
Ting "tar", 11mg nicotine av. per cigarette. FTC Report 8/85-79

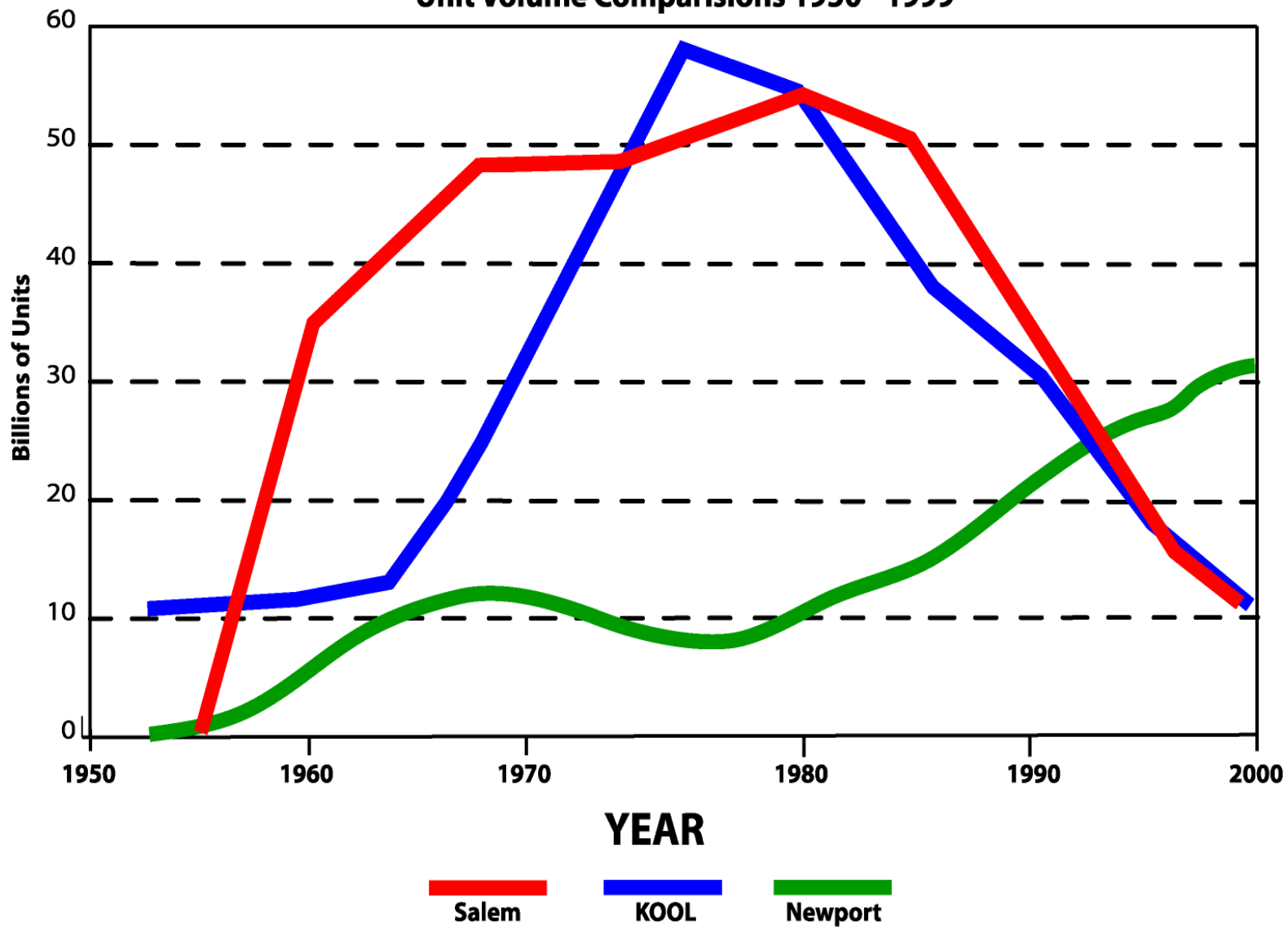


Menthol Wars: The 1980s and the Fight for Market Share

- **Cigarette Sampling *Vans***
 - Kool, Newport, Salem, Benson & Hedges
 - Free Cigarette Samples
 - High Traffic Areas: Parks, Known Street Corners, Daily Routes
 - (Yerger, Przewoznik and Malone, 2007)

Key Menthol Brands

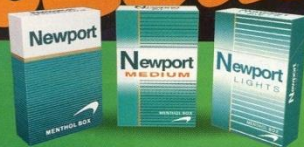
Unit Volume Comparisons 1950 - 1999



SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.

**Fire
it UP!**

**Newport
pleasure!**



© Lorillard 2002

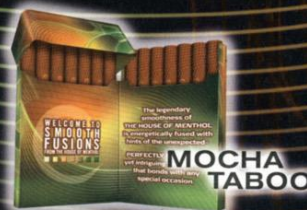
Lights Box: 9 mg. "tar," 0.8 mg. nicotine; Medium Box: 12 mg. "tar," 0.9 mg. nicotine; Box: 16 mg. "tar," 1.3 mg. nicotine av. per cigarette by FTC method.

ENTICING

Inviting and surprising, MOCHA TABOO will entice you with its sweet indulgence

KOOL

SMOOTH FUSIONS
FROM THE HOUSE OF MENTHOL



Available for a limited time only

SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.

Mintrigue, Caribbean Chill, Mocha Taboo, Midnight
Berry KS Box, 10 mg. "tar", 0.9 mg. nicotine; Box Kings,
17 mg. "tar", 1.3 mg. nicotine av. per cigarette by FTC
method. The amount of tar and nicotine you get from
this product varies depending on how you smoke it.
There is no such thing as a safe cigarette. For more
information visit www.bwtarnic.com ©2004 B&W T Co.

Menthol: What it is

What it Does

The Ultimate Candy Flavoring; Menthol Helps The Poison Go Down Easier

- Chief Constituent of Peppermint Oil; Minty-Candy Taste; Masks the Harshness of Smoking
- Cooling Sensation; activates taste buds; cold receptors; increases throat grab
- Anesthetic effects; Mimics Bronchial Dilatation; easier to inhale; deeper inhalation; more nicotine taken in.

The Ultimate Candy Flavoring; Menthol Helps The Poison Go Down Easier

- Mentholated cigarette smoking inhibits nicotine metabolism
- Independent Sensory Activation
Neurotransmitters
- Increases Salivary Flow; Transbuccal Drug absorption
- Greater Cell Permeability (Ferris, 2004; Benowitz, 2004)

All tobacco Products Contain Some Menthol

- Menthol content of U.S. 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)

Racial Differences Cotinine Clearance, Half-Life, and Nicotine

	Black		White
Cotinine	0.56 ml	(p=.009)	0.68 ml
Half/Life	1064 min	(p=.07)	950 min
Nic/Cig	1.41 mg	(p=.02)	1.09 mg

(Perez-Stable, et al., 1998)

Menthol and Inhalation

- Menthol reduces irritation, thus increasing the amount of smoke that is inhaled and allowing the smoker to inhale deeper and longer (Ton et al., 2015)
- Inhaling more smoke means greater nicotine intake, making menthol flavored tobacco products more addictive and harder to quit (Levy, 2011)

Melanin and Nicotine

- Melanin is the substance that gives color to our skin
- Nicotine is stored in tissues that contain melanin
- The darker your skin means that more nicotine is stored in your body (King et al., 2009)

Menthol Harder to Quit!

	Quit Attempts	% Difference
Non-Menthol	38.1%	
Menthol	41.4%	+8.8%

	Cessation (>3 mo.)	% Difference
Non-Menthol	21.2%	
Menthol	18.3%	-13.8%

(Levy, et al., 2011)

Predation:

“the action of attacking or plundering, where a *predator* (the tobacco industry) feeds on its prey (the African American Community and other marginalized groups)”

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**

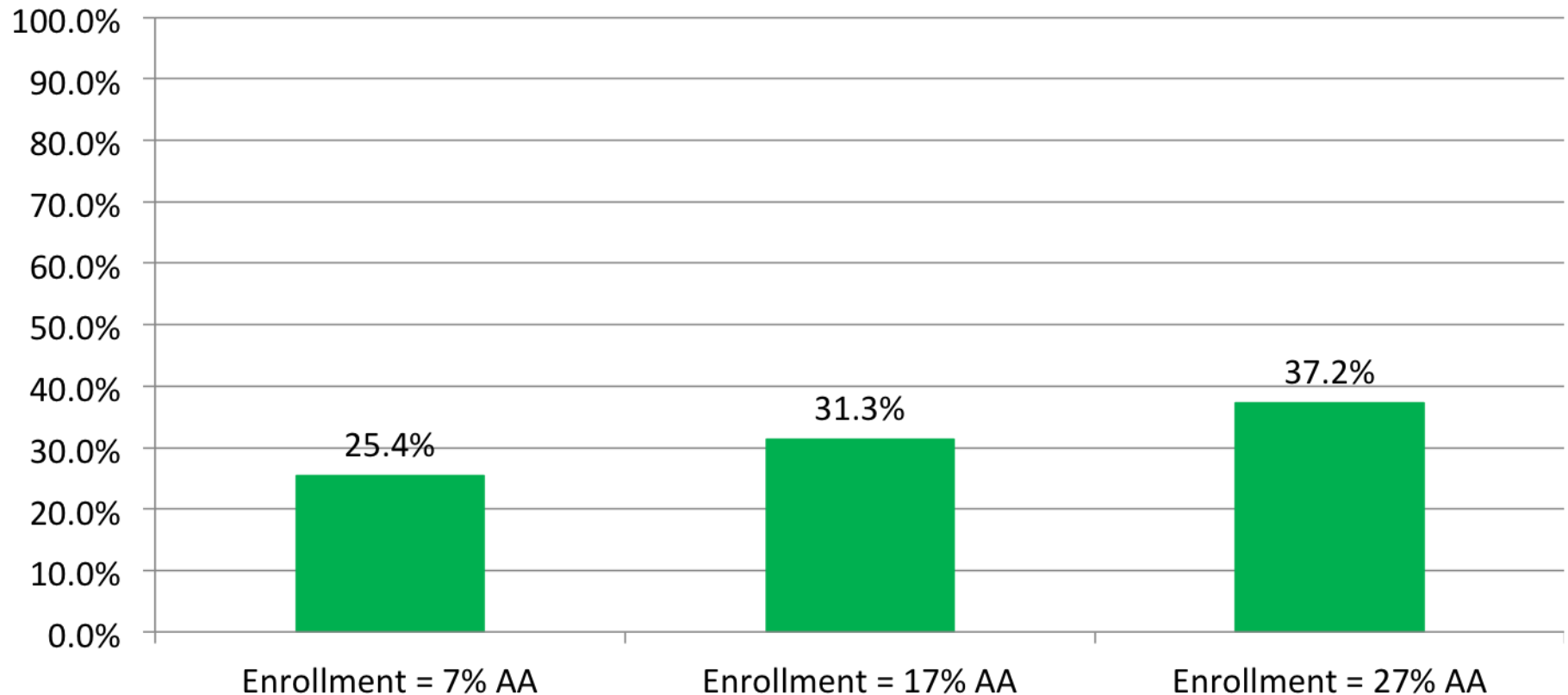
- More expensive, less desirable promotions
 - Buy 2, Get X Free
 - Buy 3, Get X Free

► **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)

Predatory Marketing Patterns (Henriksen, 2011)

As the % African American students increased, proportion menthol ads increased:



Menthol Cigarettes: Cheaper for African Americans

- For each 10% increase in the proportion of African American students:
 - Newport discount 1.5 times greater
 - The proportion of menthol advertising increased by 5.9%,
 - Newport promotion were 42% higher and
 - The cost of Newport was 12 cents lower.

(Henriksen, et al., 2011)

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)

Its Not Just Black Folks

**Menthol: The New Cigarette of
Choice**

Who uses Menthol Cigarettes?

- 1.1 million underage adolescents smoked menthol cigarettes
- 18.1 million adults
- 52.2% of all menthol smokers are women

(NSDUH, 2004-2008)

Kids: Targets of the Tobacco Industry

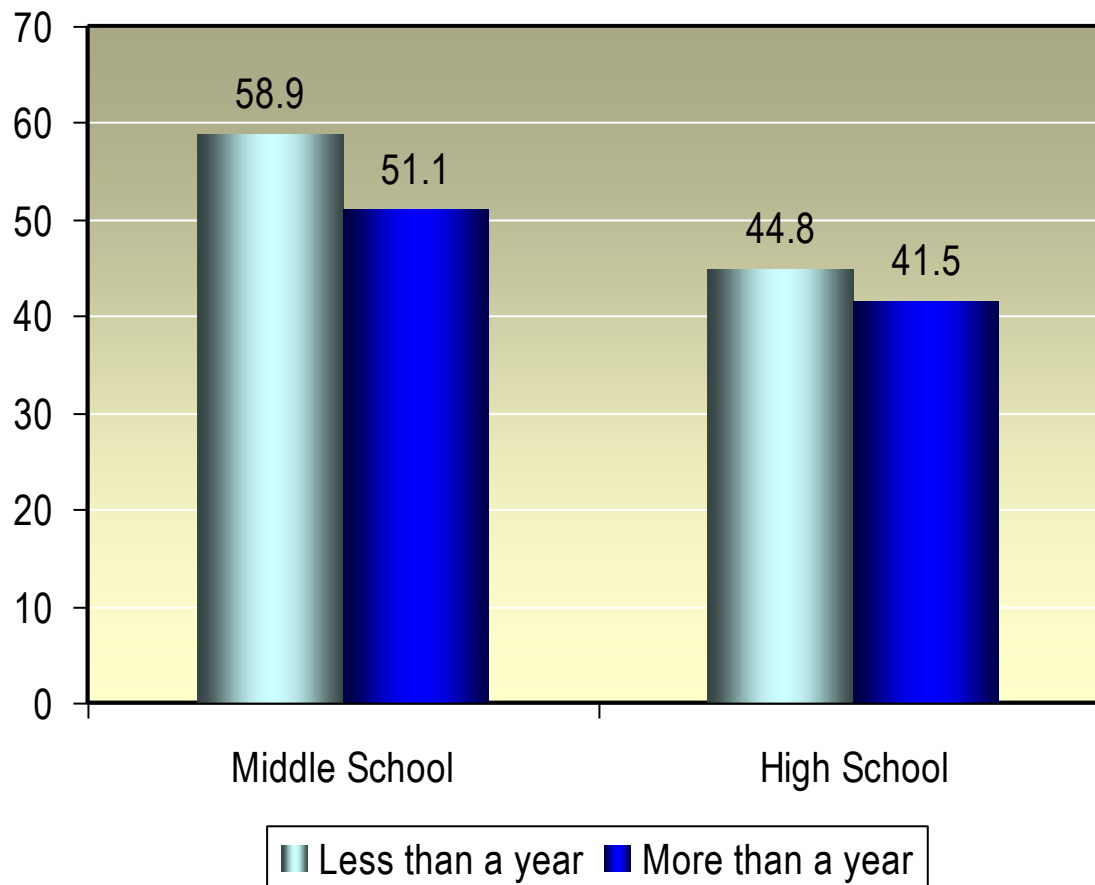
80% of youth's 12-17 start smoking using
Flavored/menthol cigarettes

- (Ambrose et al., 2015)

Are Mentholated Cigarettes a Starter Product for Youth? —2002 NYTS

Hersey, 2006

[Percentages for youth smoking a usual brand of cigarettes.]



- “Less Experienced” smokers in middle school are more likely to smoke menthol ($p = 0.002$)
- The same pattern exists for smokers in high school (but n.s.)

Prevalence of Menthol Smoking Among Ever Smokers; Hispanic Origin

(Delnevo, 2011)

Mexican	19.9 (18.3, 21.7)
Puerto Rican	62.0 (58.0, 65.8)
Other	26.5 (23.7, 29.5)
Total	27.1 (26.7, 27.6)

LGBTQ Community and Menthol

- Menthol use was significantly higher among LGBT smokers, compared of heterosexual/straight smokers ($p < 0.05$)
 - 36.3% LGBTQ reported smoking menthols
 - 29.3% Hetero reported smoking menthols
- (Fallin et al., 2015)

Hawaii Youth Tobacco Survey,

2000, 2003 and 2009 (Hawaii State Department of Health, 2009)

		Middle School			High School	
	2000	2003	2009	2000	2003	2009
Cigarette Prevalence	38.4	21.1	17.2	63.3	47.8	36.9
Menthol	61.5	61.4	70.0	76.1	75.8	78.4
Brand: Kools		56.1	27.1		61.1	57.6

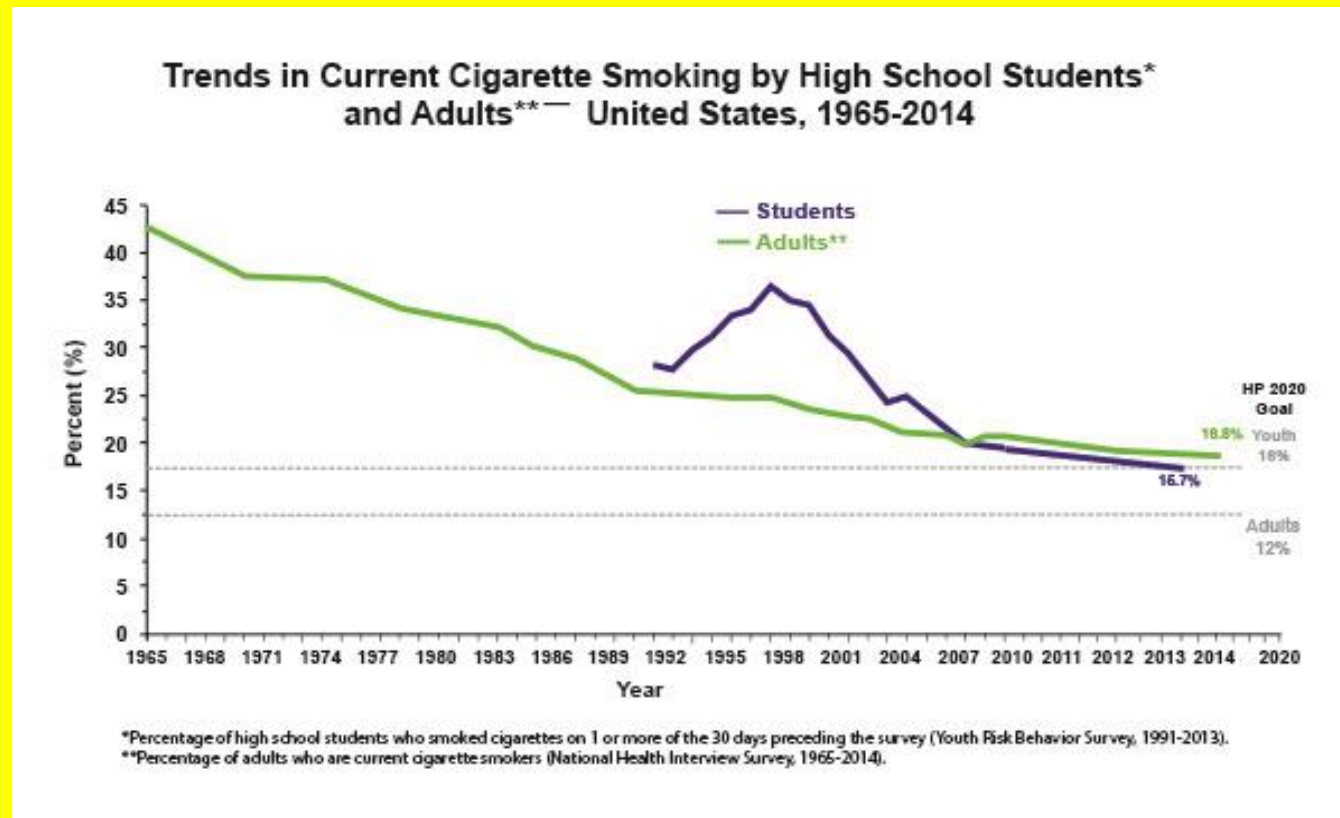
Filipinos and Menthol

- Menthol cigarettes constituted 55% of the cigarette market in 2007
- Marlboro Menthol Lights; Philip Morris Menthols
- Cigarettes in the Philippines were found to contain 8% more nicotine and 76% more tar than imported brands
- (Euromonitor Cigarette Report, 2008)

Mental Health and Menthol

- Respondents reporting severe distress in the past month had a 23% greater odds of menthol smoking compared with smokers with none or minimal distress.
 - (Hickman et al., 2014)

Cigarette Use Approaching Historic Lows (CDC, 2017)



Menthols: The New Cigarette of Choice

Although overall smoking prevalence has decreased, the prevalence of menthol cigarette use among past 30-day cigarette smokers increased significantly from

- **35% in 2008–2010 to**
- **39% in 2012–2014.**

(Villanti et al., 2016)

Menthols: Its Not Just Kids

- **Significant increases in menthol cigarette use among adults ages:**
 - 18–25
 - 26–34
 - 35–49
 - between the two time periods; 2008-2010 – 2012-2014
 - (Villanti et al., 2016)

All Smokers Choosing Menthols

- While menthol cigarette prevalence has remained constant among **African American** smokers, it has increased among:
 - **Whites**
 - **Asian Americans**
 - **Hispanics**
- (Villanti et al., 2016)

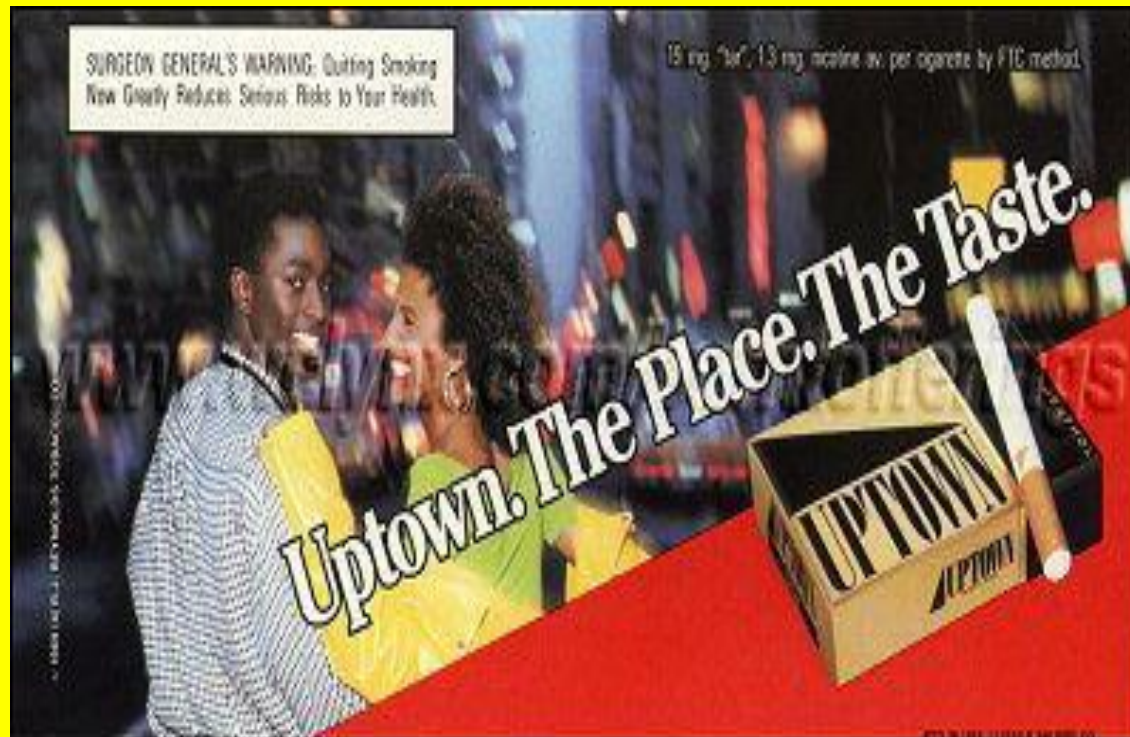
The Fight To Ban Menthol

Still A Burning Issue

Uptown Cigarettes: For Black Folks 1989-1990

- Reynolds Targeted Philadelphia Black Community in 1989 for 1990 February Launch of Uptown Cigarettes
- Local Coalition Led by African Americans and Other Health Groups Exposed this Predatory Marketing
- Louis Sullivan, Secretary of HHS calls out R.J. Reynolds; Reynolds Withdraws Uptown

Show Ya Right



Brand X Menthol Cigarettes 1995

- Red, Black and Green Packaging
- Capitalize on **X** Identification with **Malcolm X**
- Launched in Boston by Stowebridge Brook Distributors of Charlestown, Mass. 1995
- Community Based Opposition Forced the Suspension of sales



www.cigarettespedia.com

Kool Mixx Campaign 2004

- Attempt to Capitalize on Hip-Hop in the Black Community
- Nation-wide Contests on Mixing, Scratching and DJing to Culminate in a National Contest in Chicago
- Local Opposition by African American Groups
- Lawsuit Brought by Attorneys General of NY, Mass and Illinois Blocked the National Meeting in Chicago

KOOL MIXX

IF IT'S MUSIC, IT'S IN THE MIXX

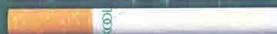


COAST TO COAST: HEAD TO HEAD

KOOL MIXX IS ALL ABOUT CONNECTING YOU WITH MUSIC, AND RIGHT NOW IT'S BEARING UP FOR ITS FIFTH BIG YEAR. ALL ACROSS THE NATION, DJS WILL BE BATTLING FIERCELY TO BECOME THE NEXT KOOL MIXX NATIONAL CHAMPION AND WINNING ALL THAT GOES WITH IT. TO LEARN MORE, CALL 877-604-5665.

IN ASSOCIATION
WITH
VIBE

THE HOUSE OF MENTHOL



SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

©2003 B&W T Co.

Box Kings, 17 mg. "tar", 1.3 mg. nicotine av. per cigarette by FTC method. The amount of tar and nicotine you get from this product varies depending on how you smoke it. There is no such thing as a safe cigarette. For more information visit www.bw.com

KOOL MIXX

KOOL recognizes DJs as the center of Hip Hop. Inspired by the real feel and energy of the streets.

The 2004 DJ Battle Is On. Be There.

In its sixth year, this fierce coast-to-coast battle of the hottest rising DJs is the ultimate way for you to...



EXPERIENCE THE SOUNDTRACK TO THE STREETS

Also experience it at: www.houseofmenthol.com or call 877-604-434 (5665) for more info.

You must be 21 years of age or older and a smoker to log on to this website.

THE HOUSE OF MENTHOL



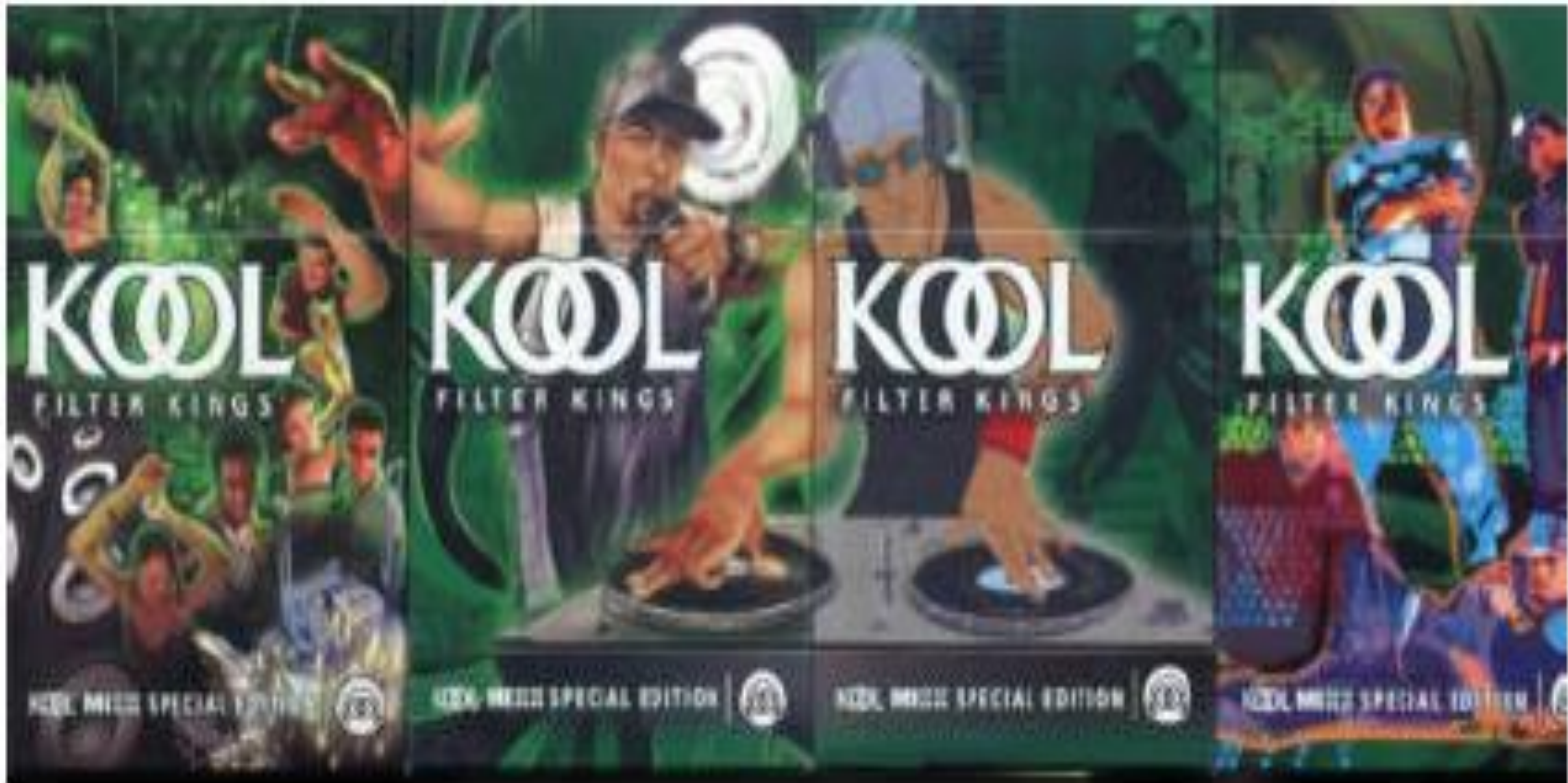
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KOOL Cigarette Packs

KOOL MIXX SPECIAL EDITION PACKS



Menthol A Sacrificial Lamb



1823060 www.fotosearch.com

A Deal with the Devil?

- **Family Smoking Prevention and Tobacco Control Act**
 - Proposed in 2008; Enacted in 2009
 - Dealers: Philip Morris, Southern Senators and representatives of the tobacco control movement
 - Eliminate 13 flavors in cigarettes
 - **Excluded Menthol!!**
 - African Americans, Women, Youth, Native Hawaiians, Filipinos, LGBTQ folks, Puerto Ricans, Behavioral Health issues

Push Back: Amended FDA Bill

- NY Times, May 2008
- Califano and Sullivan Letter, July, 2008
- Donna Christensen, D-V.I., Amendment, August 2008
- TPSAC 1st order of business issue a report of **the impact of the use of menthol in cigarettes on the public health, including such use among African Americans, Hispanics, and other racial and ethnic minorities.** (HR 1256, Sec. 907 (e) (1))

Federal Inaction

- 2011 TPSAC Report “the removal of menthol products from the marketplace would be beneficial to the public’s health.” **The OMB sat on this report until early 2013.**
- 2013/2014 FDA CTP Report Same conclusion as the TPSAC; **still no action**

Stirring?

- 2014 The tobacco industry sued; **thus effectively blocking the use of the TPSAC report.**
- 2015 Ruling was overturned
- 2016 **FDA CTP took the bold step of including restrictions on the selling of menthol and all other flavors** in the new “deeming regulations” for e-cigs, hookah, cigars, cigarillos and the like.

Same Old, Same Old!

- However, to add insult to 7 years of inaction and injury, 16 pages of the new deeming regulations were **red-lined / deleted by the OMB that pertained to flavors and menthol, thus again exempting menthol.**

– (FDA, May, 2016)

Snake in the Grass

- **Andrew Perraut** White House's Office of Information and Regulatory Affairs in the OMB from 2008 to 2014. He supervised FDA and USDA policies relating among other things, tobacco.
- Hired by the Cigar Industry and NjOY in 2014
- Re-hired by the White house to serve in the OMB in 2015 (NY Times, September 2, 2016)

Trump Called for Banning All E-Cig Flavors

- 30 Days after Published Notice All Flavors Off the Shelves
- The JUUL / Vaporist Strategy: Exempt Mint, Menthol and Wintergreen
- Trump has now only partially banned flavors, and of course menthol is exempted

Forces Arrayed Against Black Smokers

- Poverty and Racial Discrimination
 - Segregation, Police Brutality
- National Political Apparatus
 - OMB, FDA
- Tobacco industry
 - Predatory Marketing
- **Black Leadership Organizations**
 - Taking money from tobacco industry

Still Smoking with the Enemy!

- Reynolds American Inc. Sponsoring Nationwide Tour featuring
 - Al Sharpton, National Action Network (NAN)
 - Kendrick Meek, (past Florida Congressman)
 - John Dixon, National Organization of Black Law Enforcement (NOBLE)
 - Neill Franklin, Law Enforcement Action Partnership LEAP)
 - Ben Chavis!! Jesse Jackson!!

The Deltas and the NAACP Break the Industry's Stranglehold

- 2013 Delta Sigma Theda passed a national resolution calling on the FDA to Remove menthol from the market place
- 2016 NAACP passed a national resolution calling on all local and state chapters to join in work to prohibit the sale menthol and other flavored products.

— (Yerger and McGruder, respectively)

The JUUL Bum-Rush

- Focus on Black and Latino Lawmakers; Federal, State and Local
- 80 lobbyists on Capital Hill and growing; 400+ in 49 states
- Tobacco 21
- Ben Jealous, Al Sharpton et al.

The JUUL Bum-Rush

- 7.5 Million Grant to Meharry HBCU to Study Vaping
- Support for FDA's Push to leave Menthol in E-Juices
- Campaign to Overturn Prop E in San Francisco; Block menthol restrictions Nation-wide
- JUUL Stores

The Fight To Ban Menthol

**Moving to the Center of Local
Tobacco Control Coalitions Agendas**

Menthol/E-Cig Restrictions 2019

- 221 Localities* Flavor Restrictions
- 36 Cities* Menthol Restrictions
- 5 States: E-Cigarette Flavor Restrictions
 - Michigan
 - New York
 - Massachusetts*
 - Rhode Island
 - Washington

San Francisco Major Victories!

- Tobacco industry Referendum soundly defeated in June 2018. First American City to restrict the sale of Menthol and Flavored tobacco products city-wide!
- Board of Supervisors in June of 2019 unanimously passed e-cig restrictions until FDA they get FDA approval!

The Empire Strikes Back!

- JUUL SF Ballot Measure Prop C would:
- Overturn E-Cigarette Moratorium
- Overturn Flavor restrictions
- They Lost!!!

Take Home Message: Menthol is a Social Justice Issue!

- The disproportionate marketing and targeting candy-flavored poison to African Americans and other specially oppressed sectors of our society, is out-right discriminatory and genocidal.
 - Poorest; least informed; fewest resources; indeed the definition of preying on the most vulnerable sections of our society.

If Menthol Were Banned 100,000s of Lives would be saved

2010 – 2050

All Menthol Smokers Black Menthol Smokers

10%	323,107	91,744
20%	478,154	164,465
30%	633,252	237,317

(Levy, et al., 2011)

What's at Stake?



Thank You!

TRDRP

Research for a Healthier California

www.trdrp.org

phillip.gardiner@ucop.edu

AATCLC

Saving Black Lives

www.savingblacklives.org