

# MENTHOL

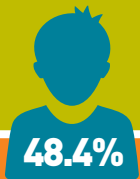
**Menthol makes  
cigarettes easier  
to smoke and  
harder to quit.**



Percentage of **students**  
who smoke and use  
**menthol** cigarettes:



high school



middle school



**Current law  
prohibits the use  
of flavors in  
cigarettes, except  
for menthol.**

**Nearly  
9 in 10**

**African-American smokers  
aged 12 and older use  
menthol cigarettes.**



**Nearly  
65%**

**of young menthol  
smokers say they  
would quit if menthol  
cigarettes were banned.**

**If a menthol cigarette ban had been  
enacted in 2011, it could have saved**

**320,000**

**lives by 2050.**



# MENTHOL

## BACKGROUND

The chemical compound menthol makes cigarettes easier to smoke and harder to quit. Menthol creates a cooling effect, reduces the harshness of cigarette smoke and suppresses coughing. Those effects may make menthol cigarettes **more appealing to young, inexperienced smokers**, and research shows that they are more likely to **addict youth**.<sup>78</sup>

## WHAT IS MENTHOL?

- > Menthol is a **chemical compound** extracted from peppermint or corn mint plants, or created synthetically. It reduces the harshness of cigarette smoke due to its characteristic cooling effects on the mouth and throat.<sup>1,2</sup> It also **suppresses the coughing reflex**,<sup>3</sup> which makes inhaling smoke from cigarettes more tolerable.
- > Menthol was first added to cigarettes in the 1920s and 1930s, and became **widespread** in the 1950s and 1960s.<sup>4-6</sup>
- > Although most cigarettes contain some menthol, **certain brands use menthol in greater quantities**, making it detectible as a characterizing flavor.<sup>7</sup> Tobacco manufacturers market and advertise those brands as “menthol cigarettes.”
- > Current **law prohibits** the use of characterizing **flavorings** in cigarettes, **except for menthol**.

## PATTERNS OF USE IN THE U.S.

- > In 2016, **7.26 percent of people** aged 12 or older used menthol cigarettes.<sup>8</sup>



Menthol creates a cooling effect, reduces the harshness of cigarette smoke and suppresses coughing. These effects may make menthol cigarettes more appealing to young, inexperienced smokers.

- > **Menthol cigarettes are slowing the reductions in overall cigarette smoking rates.** From 2004 to 2014, the decline in cigarette consumption was greater for non-menthol cigarettes than menthol cigarettes.<sup>9</sup>

>> For adult smokers aged 18 and older, there were **significant increases in menthol cigarette use from 2008 to 2014.**

>> **Menthol smoking prevalence** now exceeds non-menthol smoking prevalence among both **youth** and **young adult smokers.**

>> **Youth smokers** remain the age group **most likely to use menthol cigarettes.**

- > Among current cigarette smokers (those who have smoked in the past 30 days), **39 percent** used menthol cigarettes from 2012 to 2014, compared with **35 percent from 2008 to 2010.**<sup>9</sup>

- > **Menthol** cigarette smoking is **more prevalent** among smokers who are **young**,<sup>10</sup> **female**,<sup>10-14</sup> part of a **sexual minority**,<sup>16</sup> or part of a **racial or ethnic minority**.<sup>10-15</sup> There is also significant menthol use among smokers with **mental illness**.<sup>13,17</sup>

- > **African-American** smokers **predominantly use menthol cigarettes.**<sup>10</sup> Nearly **9 in 10** African-American smokers (88.5 percent) aged 12 and older use menthol cigarettes.<sup>10</sup>

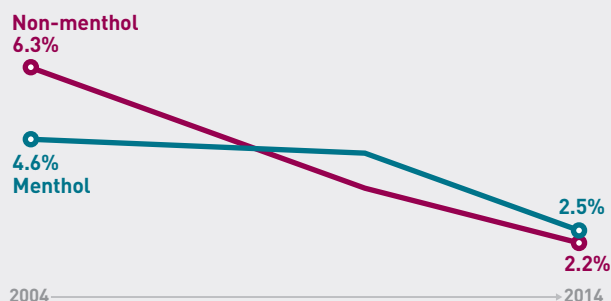
## YOUTH AND YOUNG ADULTS

Menthol cigarettes are **disproportionally used by young smokers** and may facilitate addiction.

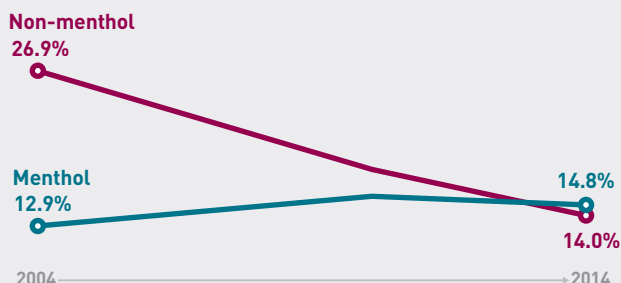
- > Menthol reduces the harshness of cigarette smoke, which may appeal to young, inexperienced smokers.<sup>1,18,19</sup>
- > Longitudinal studies show that **initiation with menthol** cigarettes facilitates **progression to established cigarette** use among **young smokers**.<sup>20,21</sup>
- > Data from nationally representative samples show that the **youngest cigarette smokers use menthol at the highest rates.**<sup>10,11</sup>

## Menthol vs. non-menthol smoking rates by age, 2004-2014

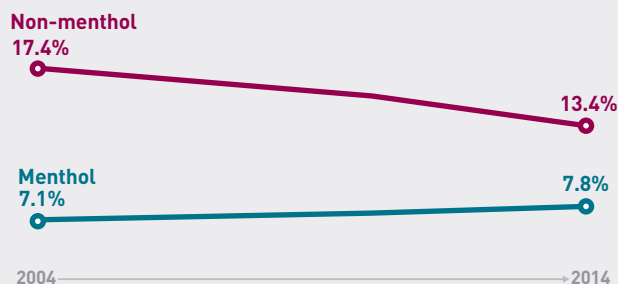
### Youth (12-17 years old)



### Young adults (18-25 years old)



### Adults (26+ years old)



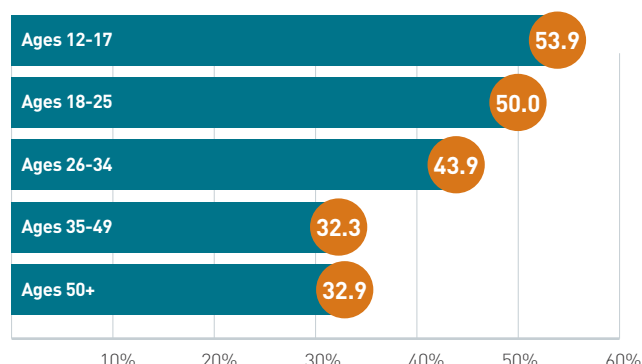
Source: National Survey on Drug Use and Health, 2004-2014.

- > Menthol cigarette use among youth and young adult smokers was greater than non-menthol cigarette use in 2014.<sup>9</sup>
- > In 2014, the prevalence of menthol cigarette use among current cigarette users was **54.5 percent** among all **high school students** and **48.4 percent** among all **middle school students**.<sup>22</sup>
- > A nationally representative study found that, among **youth** and **young adults**, **non-menthol cigarette prevalence declined** from 2004 to 2010. By contrast, menthol cigarette prevalence remained constant among youth and increased among young adults over this period.<sup>10</sup>
- > Menthol cigarette use is **higher among young adult smokers than older adult smokers**. Among adults surveyed from 2012 to 2014, current smokers aged **18-25 had the highest prevalence of menthol cigarette use** at 50 percent.<sup>9,10</sup>

## MINORITY GROUPS

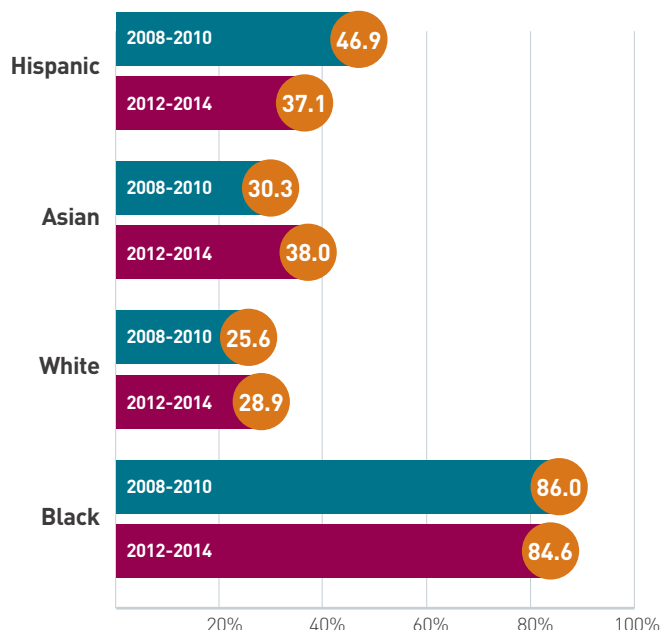
- > Most African-American youth smokers use menthol cigarettes. From 2008 to 2010, **94.9 percent of African-American youth current smokers used menthol cigarettes**. Other racial and ethnic groups used them in lower numbers, including just over half — 51.3 percent — of white youth current smokers.<sup>10</sup>
- > From 2008 to 2010, the prevalence of menthol cigarette use among **young adult** current smokers (aged 18 to 25) was **93.9 percent among African-Americans**, compared with 36.3 percent among whites, 47.3 percent among Hispanics and 49.7 percent among Asian-Americans.<sup>10</sup>
- > In 2010, the prevalence of **menthol** cigarette use among current adult smokers was **36.3 percent among LGBT smokers**, compared with 29.3 percent among heterosexual smokers. This difference was even **more pronounced** among **LGBT female** smokers (**42.9 percent**) compared with heterosexual female smokers (32.4 percent).<sup>16</sup>

### Menthol cigarette use among current smokers in the U.S. by age, 2012-2014



Source: Tobacco control<sup>9,10</sup>

### Menthol cigarette use among current smokers (aged 12+) in the U.S. by race/ethnicity



Source: Tobacco control<sup>9,10</sup>



## HEALTH EFFECTS

**Menthol cigarettes offer no health benefit to smokers**, and, in fact, are easier to start smoking and more difficult to quit than regular cigarettes. Truth Initiative® agrees with the Tobacco Products Scientific Advisory Committee that menthol cigarettes pose a **threat to public health above and beyond that posed by regular cigarettes**.

- > Menthol flavoring contributes to **addiction** in **youth** smokers.<sup>1,2,4,23,78</sup>
- > There are **no health benefits** associated with smoking menthol cigarettes, compared with smoking non-menthol cigarettes.<sup>24</sup>
- > Menthol cigarettes are as dangerous to an individual's health as non-menthol cigarettes,<sup>10</sup> and menthol cigarette smokers are as likely to experience premature morbidity and mortality as non-menthol cigarette smokers.<sup>25</sup>
- > **Adult menthol smokers report taking less time to have their first cigarette after waking than non-menthol smokers.** Time to first cigarette is an important measure of nicotine addiction.<sup>26-28</sup>
- > Scientific evidence indicates that **adult menthol smokers are less likely than non-menthol smokers to successfully quit smoking**<sup>4,29-37</sup> despite increased quit intentions<sup>34</sup> and quit attempts.<sup>31,34,38</sup> Studies show significantly reduced rates of quitting among African-American<sup>4,29,30</sup> and Hispanic menthol smokers compared with non-menthol smokers.<sup>30</sup>

## MARKETING IN THE U.S.

- > **Menthol** makes up a large portion — **35 percent** in 2016 — of the **cigarette market** in the U.S.<sup>39</sup>
- > The **tobacco industry** has a well-documented history of **developing** and **marketing mentholated brands to racial and ethnic minorities and youth**.<sup>40-44</sup>



Menthol cigarettes offer no health benefit to smokers, and, in fact, are easier to start smoking and more difficult to quit than regular cigarettes.

- Evidence from tobacco industry documents shows that the **industry** studied smokers' menthol preferences and **manipulated menthol levels to appeal to a variety of smokers**, including **adolescents** and **young adults**.<sup>18,19,41,45</sup>
- Evidence from tobacco industry documents also shows that **tobacco companies specifically targeted African-Americans** with **menthol cigarette advertising**.<sup>44,46-48</sup>
- A 2011 review found that **menthol marketing** is **higher** in **publications** and **venues** that appeal to **African-American** audiences.<sup>43</sup>
- Numerous studies show **targeted marketing** of menthol cigarettes at the **point of sale in African-American communities** throughout the U.S.<sup>49-53</sup>

## POLICY IN THE U.S.

- The 2009 Family Smoking Prevention and Tobacco Control Act gave the Food and Drug Administration the authority to regulate tobacco products. The law specifically prohibits the use of characterizing flavorings in cigarettes, except for menthol.<sup>54</sup> Nonetheless, it preserves the FDA's regulatory authority to ban menthol.
- Thus far, the **FDA's activities on menthol** include:
  - » The TPSAC was required by the Tobacco Control Act to conduct a **review of menthol cigarettes' effect on youth and other vulnerable populations**. The committee published a report in March **2011**, concluding that **"the removal of menthol cigarettes from the marketplaces would benefit public health in the United States."**
  - » Lorillard Tobacco Company (now **R.J. Reynolds** Tobacco Company) challenged the integrity of the TPSAC in a **lawsuit against the FDA**, alleging that several experts the agency appointed to the committee were conflicted and therefore must be removed. The **judge** in the case sided with Lorillard and **prohibited the FDA from using the TPSAC menthol report**.

Evidence from tobacco industry documents shows that the industry manipulated menthol levels to appeal to a variety of smokers, including adolescents and young adults.



**"The removal of menthol cigarettes from the marketplaces would benefit public health in the United States."**

- » The FDA appealed, and, in January 2016, the **D.C. Circuit reversed the district court's decision, allowing the agency to rely on the TPSAC menthol report** to take action to regulate menthol tobacco products.
- » In July 2013, the **FDA published its own report that also concluded that the removal of menthol cigarettes from the market would improve public health.** At the same time, the **FDA requested public comment** seeking additional information to help the agency make informed decisions about menthol in cigarettes.
- » Five years later, in March 2018, the FDA **again requested public comment** on the role that menthol in tobacco products plays in attracting youth, in the likelihood of quitting smoking and in the use of other tobacco products, including cigars and e-cigarettes.

## STATE AND LOCAL POLICIES

While many localities have prohibited flavored tobacco products in some way, most of these exclude menthol, mint or wintergreen. However, **several localities do include menthol in their flavor bans.**

- > **San Francisco, California**, prohibits the sale of flavored tobacco products, including menthol.<sup>55</sup>
- > **Berkeley, California**, prohibits the sale of flavored tobacco products, including menthol, within 600 feet of schools.<sup>56</sup>
- > **Chicago, Illinois**, prohibits the sale of flavored tobacco products, including menthol, within 500 feet of any city high school.<sup>57</sup>
- > **Contra Costa County, California**, prohibits the sale of flavored tobacco products, including menthol, within 1,000 feet of “youth-sensitive places,” including public and private schools, playgrounds, parks and libraries.<sup>58</sup>

## Tobacco industry opposition

At the local, state and national levels, the tobacco industry has worked hard to undermine government efforts to restrict the availability of menthol tobacco products.

For example, in June 2017, **San Francisco, California, prohibited the sale of all flavored tobacco products, including menthol.** R.J. Reynolds, the maker of Lorillard cigarettes, formed a campaign, “Let’s Be Real San Francisco,” and contributed **\$10.69 million to repeal the law** before it was implemented. On June 5, 2018, 68 percent of San Francisco voters upheld the flavors and menthol ban and the ordinance went into effect 10 days after the vote was certified.<sup>55,71,72</sup>

The industry often cites a concern that menthol bans will lead to a market for dangerous illicit trade, despite sparse evidence to support that concern.<sup>73,74</sup> The tobacco industry has also attempted to **spread fear that menthol bans unfairly target African-Americans and would lead to further criminalization of the community.** R.J. Reynolds, also the maker of the leading menthol cigarette brand Newport, **recruited prominent black leaders, including civil rights activist Rev. Al Sharpton**, to host town halls across the country on the subject. The public health community criticized these events as deceptive and exploitative.<sup>75</sup>

In July 2013, the FDA published a report which concluded that the removal of menthol cigarettes from the market would improve public health.



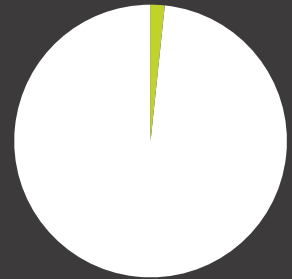
- > **El Cerrito, San Mateo County, Santa Clara** and **Yolo County, California**, prohibit the sale of flavored tobacco products, including menthol.<sup>59-62</sup>
- > **Duluth and Falcon Heights, Minnesota, Los Gatos, Oakland** and **Palo Alto, California**, prohibit the sale of flavored tobacco products, including menthol, except in adult-only tobacco stores.<sup>63-67</sup>
- > **Minneapolis** and **St. Paul, Minnesota**, prohibit the sale of flavored tobacco products, including menthol, except in adult-only tobacco stores and liquor stores.<sup>68,69</sup>
- > Despite research showing that menthol cigarettes are easier to start smoking and harder to quit,<sup>70</sup> **only 1.71 percent of the U.S. population is covered by a menthol cigarette ban.**

#### ESTIMATED EFFECTS OF NATIONAL MENTHOL BAN

- > If menthol cigarettes were banned, 38.9 percent of all menthol smokers and **44.5 percent of African-American menthol smokers reported that they would try to quit.**<sup>76</sup>
- > Among **young adult menthol smokers** (aged 18-24), **64.6 percent reported that they would quit smoking** and not use any other products if menthol cigarettes were **banned.**<sup>77</sup>
- > If a menthol cigarette ban had gone into effect in 2011, researchers estimate that more than **320,000 smoking-attributable deaths would be averted by 2050**, almost **a third** of them among **African-Americans.**<sup>38</sup>



**Only 1.71 percent of the U.S. population is covered by a menthol cigarette ban.**







## ACTION NEEDED: MENTHOL IN TOBACCO PRODUCTS

Consistent with a vision of a future where tobacco is a thing of the past, **Truth Initiative supports the following policies regarding menthol in tobacco products:**

- › Given its well-documented appeal to youth, **menthol should be eliminated from all tobacco products**, with the limited exception described below.
- › The **FDA must issue a product standard eliminating menthol as a characterizing flavor from all tobacco products**, particularly cigarettes, cigars and other combustible tobacco.
- › A **narrow exception may apply to proven harm-minimized products** if a manufacturer can demonstrate that the harm-minimized menthol product helps smokers completely switch from combustible tobacco to the product and show that it does not appeal to or attract a substantial number of youth (verified with careful post-market surveillance of actual use patterns).
- › **State and local entities** should enact policies **prohibiting the sale of flavored tobacco products**, including menthol, mint and wintergreen flavors.
- › The **marketing** of all flavored tobacco products, including menthol, should be **restricted so that it does not target youth**.

**These actions are especially urgent because the FDA has repeatedly failed to act, despite long-standing, overwhelming evidence that a menthol ban would benefit public health.** The agency's decision to issue an additional request for public comment in March 2018 is further delaying meaningful action. The FDA should immediately issue a proposed rule to accelerate the process of protecting the public from menthol tobacco products.

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