



IMPACT OF MENTHOL CIGARETTES ON YOUTH SMOKING INITIATION AND HEALTH DISPARITIES

Cigarettes with specific characterizing flavors were prohibited in the U.S. on September 22, 2009, as part of the Family Smoking Prevention and Tobacco Control Act (TCA) that gave the U.S. Food and Drug Administration (FDA) authority over tobacco products.¹ This provision excluded menthol cigarettes, which have subsequently increased their share of the cigarette market. Sales of menthol cigarettes increased from 2011 to 2015, at a time when overall cigarette sales have been gradually decreasing.² Data from the Federal Trade Commission (FTC) show that in 2018, menthol cigarettes comprised 36 percent of the market, the highest proportion on record since FTC began collecting this data in 1963.³

Menthol cigarettes pose a tremendous public health threat. A 2013 FDA report on the health impact of menthol cigarettes determined that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction and decreased success in quitting smoking.⁴ Further, FDA's Tobacco Products Scientific Advisory Committee's (TPSAC)* concluded, "**Removal of menthol cigarettes from the marketplace would benefit public health in the United States.**"⁵ Ontario, Canada banned menthol cigarettes as of January 1, 2017 and initial evaluation results suggest that the law led to increased quit attempts and smoking cessation among adult menthol smokers.⁶ The Canadian government subsequently banned menthol cigarettes nationwide in October 2017.

Menthol Makes it Easier for Youth to Initiate Tobacco Use

The tobacco companies know that almost all new tobacco users begin their addiction as kids, but they also know that to novice smokers, tobacco can be harsh and unappealing. Internal tobacco industry documents show that tobacco companies have a long history of using flavors to reduce the harshness of their products to make them more appealing to new users, almost all of whom are under age 18.⁷ By masking the harshness and soothing the irritation caused by tobacco smoke, flavors make it easier for beginners – primarily kids – to experiment with the product and ultimately become addicted. Menthol has particularly appealing qualities for novice smokers. Menthol is a chemical compound that cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating tobacco use.⁸ As TPSAC noted, "Menthol cannot be considered merely a flavoring additive to tobacco. Its pharmacological actions reduce the harshness of smoke and the irritation from nicotine."⁹ According to TPSAC's conclusions:¹⁰

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking.
- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.

As the only flavored cigarette left on the market, it is no surprise that menthol cigarettes remain popular among youth. In fact, a study analyzing the impact of the 2009 ban on characterizing flavors in cigarettes on youth tobacco use found that use of menthol cigarettes among high schoolers significantly increased

* TPSAC is a group of scientific experts charged with advising the Commissioner of Food and Drugs on safety, dependence, and health issues relating to tobacco. See <https://www.fda.gov/advisoryCommittees/CommitteesMeetingMaterials/tobacoproductsScientificAdvisoryCommittee/default.htm> for more details.

after the ban.¹¹ Since the reports from FDA and TPSAC, research has continued to demonstrate the popularity of menthol cigarettes among youth and menthol's role in smoking initiation:

- Youth smokers are more likely to use menthol cigarettes than any other age group. Over half (54 percent) of youth smokers ages 12-17 use menthol cigarettes, compared to less than one-third of smokers ages 35 and older.¹²
- Prevalence of menthol use is even higher among African American youth: seven out of ten African-American youth smokers smoke menthol cigarettes.¹³
- The popularity of menthol flavored cigarettes is also evidenced by brand preference among youth. According to data from the 2015 National Survey on Drug Use and Health, one in five smokers ages 12-17 prefers Newport cigarettes, a heavily marketed menthol cigarette brand. Preference for Newport is even higher among African-American youth smokers (69.1 percent) because of targeted marketing by the tobacco industry.¹⁴
- Data from Wave 1 of the government's Population Assessment of Tobacco and Health (PATH) study found that youth menthol smokers are more likely to perceive menthol cigarettes as easier to smoke than regular cigarettes.¹⁵
- Data from Truth Initiative's Young Adult Cohort Study, a national study of 18-34 year olds, showed that 52 percent of new young adult smokers initiated with menthol cigarettes. Initiation with menthol cigarettes was higher among black smokers (93.1%) compared to white smokers (43.9%).¹⁶

Menthol Increases Addiction and Makes it Harder for Smokers to Quit

While the tobacco industry initially marketed menthol cigarettes as safer and healthier cigarettes, because of their cooling properties and reduced throat irritability, this could not be further from the truth.¹⁷ In fact, because menthol cigarettes are less harsh, they are associated with increased initiation and greater addiction, and FDA found that it is **“likely that menthol cigarettes pose a public health risk above that seen with nonmenthol cigarettes.”**¹⁸

Both TPSAC's and FDA's own scientific analyses conclude that menthol cigarettes are associated with increased nicotine dependence and reduced success in smoking cessation.¹⁹ TPSAC projected that by 2020, about 17,000 premature deaths will be attributable to menthol cigarettes and about 2.3 million people will have started smoking because of menthol cigarettes.²⁰

Research continues to bolster the findings of FDA and TPSAC. A 2014 randomized clinical trial of FDA-approved cessation treatments among 1,500 US adult smokers found that menthol smoking was associated with reduced likelihood of quitting, compared to non-menthol smoking. African American female smokers had the lowest quit rates of all groups in the study.²¹ A meta-analysis of findings from nearly 150,000 smokers found that among African Americans, menthol smokers have a 12% lower odds of smoking cessation compared to non-menthol smokers.²²

The difficulty that menthol smokers have in quitting continues to be reflected in national smoking prevalence and sales trends. Between 2009 and 2016, sales of non-menthol cigarettes have declined by 25.8% nationally, while sales of menthol cigarettes have declined by only 2.2%.²³ While smoking rates have declined overall in recent years, use of menthol cigarettes has increased significantly. Menthol smoking rates have increased among young adults and remained constant among youth and adults, while non-menthol smoking has decreased in all three age groups.²⁴ Overall, nearly 40 percent (38.8%) of smokers use menthol cigarettes.

In recent years, use of menthol cigarettes has increased among White, Asian, and Hispanic smokers. Use of menthol cigarettes has remained constant among African-American smokers, who continue to use menthol cigarettes more than any other racial/ethnic group.²⁵ Research also shows that use of menthol cigarettes has perpetuated disparities among those with mental illness. Data from the 2008 and 2009 National Survey on Drug Use and Health show that smokers with severe psychological distress were significantly more likely to use menthol cigarettes than smokers with no or mild psychological distress.²⁶

Use of Menthol Cigarettes Leads to Health Disparities for African Americans

Prevalence of menthol use is highest among African Americans - 85 percent of all African-American smokers smoke menthol cigarettes, compared to 29 percent of Whites.²⁷ The tobacco industry's "investment" in the African-American community has had a destructive impact. TPSAC's report and FDA's analysis conclude that African Americans are disproportionately burdened by the health harms of menthol cigarettes. Specifically, TPSAC concluded that the marketing and availability of menthol cigarettes increases the overall prevalence of smoking and reduces cessation among African Americans.²⁸

- African Americans generally have higher levels of nicotine dependence as a consequence of their preference for mentholated cigarettes.²⁹ While research shows that African American smokers are highly motivated to quit smoking and are more likely than White smokers to have made a quit attempt and used counseling services in the previous year, they are less likely than White smokers to successfully quit smoking.³⁰
- TPSAC estimated that by 2020, 4,700 excess deaths in the African-American community will be attributable to menthol cigarettes, and over 460,000 African Americans will have started smoking because of menthol cigarettes.³¹
- African Americans suffer the greatest burden of tobacco-related mortality of any racial or ethnic group in the United States. Each year, approximately 45,000 African Americans die from a smoking-caused illness. Unless action is taken, an estimated 1.6 million African Americans alive today, who are now under the age of 18, will become regular smokers; and about 500,000 of these will die prematurely from a tobacco-related disease.³²
- Lung cancer is the second most common cancer in both African-American men and women, but it kills more African Americans than any other type of cancer.³³ Decreased cessation success due to the popularity of menthol cigarettes among African Americans likely contributes to this mortality disparity.³⁴

The Tobacco Industry Targets Minorities and Youth with Menthol Cigarette Marketing

The greater popularity of menthol cigarettes among African Americans, youth, and other minorities is a direct result of a decades-long marketing campaign by the tobacco industry. In fact, TPSAC concluded that menthol cigarettes are marketed disproportionately to younger smokers and African Americans.³⁵ Dating back to the 1950s, the tobacco industry has targeted these communities with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, and marketing in the retail environment.

Music and Community Event Sponsorship. Beginning in the 1970s, the major tobacco companies competed for the African American market share by sponsoring music and community events like Brown & Williamson's "Kool Jazz Festival," R.J. Reynolds' "Salem Summer Street Scenes," and Phillip Morris's "Club Benson & Hedges" promotional bar nights.³⁶ Kool also sponsored Latin music festivals, including the branded "Kool Latino Festival," in the 1970s and 1980s.³⁷

Magazine Advertising. Expenditures for magazine advertising of mentholated cigarettes increased from 13 percent of total ad expenditures in 1998 to 76 percent in 2006.³⁸ During the two years after the Master Settlement Agreement (MSA) in November 1998, the average annual expenditures for Newport in magazines with high youth readership increased 13.2 percent (from \$5.3 to \$6.0 million).³⁹ Between 1998–2002, *Ebony*, a magazine tailored to African-American culture, was 9.8 times more likely than *People* to contain ads for menthols.⁴⁰ One study comparing the English and Spanish language versions of *Cosmopolitan* and *Glamour* from 1998-2002 found that 51 percent of the cigarette ads in the Spanish language versions were for menthol brands, compared to only 28 percent in the English language versions.⁴¹

Youthful Imagery. The tobacco companies commonly use youthful imagery in its advertising to appeal to young consumers. As a R.J. Reynolds document from 1981 noted, “The benefit of smoking which has most frequently and most successfully been exploited by brand families appears to be Social Interaction. For example, some brands, such as Newport, have focused on the younger adult ‘peer group’ aspect of social interaction.”⁴² Newport’s “Alive with Pleasure” campaign, which continues today, portrays smokers in fun, social environments in its advertisements.⁴³ In 2004, Brown & Williamson started an ad campaign for their Kool brand cigarettes clearly aimed at youth—and African-American youth, in particular. The Kool Mixx campaign featured images of young rappers, disc jockeys and dancers on cigarette packs and in advertising. The campaign also included radio giveaways with cigarette purchases and a Hip-Hop disc jockey competition in major cities around the country. The themes, images, radio giveaways and music involved in the campaign all clearly have tremendous appeal to youth, especially African-American youth. Attorneys General from several states promptly filed motions against Brown & Williamson for violating the Master Settlement Agreement.⁴⁴

Retail Promotions. For decades, tobacco companies have specifically targeted minority communities, particularly African Americans, with intense advertising and promotional efforts. Beginning in the 1970s, the major tobacco companies used mobile van programs, like the Newport Pleasure Van, to expand their reach in urban areas through product sampling and coupon distribution.⁴⁵ The tobacco companies also developed specific strategies and specially designed product displays to adapt their point-of-sale marketing to smaller retailers that were more common in urban areas. Phillip Morris implemented promotion programs and paid retailers to exhibit product displays and grow their inventory. Brown & Williamson launched its Kool Inner City Point of Purchase Program, later the Kool Inner City Family Program, with the explicit goal, “to reach the core of Kool’s franchise (young, black, relatively low income and education),”⁴⁶ with both retailer and consumer promotions.⁴⁷ Today, menthol cigarettes continue to be heavily advertised, widely available, and priced cheaper in certain African-American communities, making them more appealing, particularly to price-sensitive youth. A wealth of research indicates that African-American neighborhoods have a disproportionate number of tobacco retailers, pervasive tobacco marketing, and in particular, more marketing of menthol products.⁴⁸

- Like many minority and low-income neighborhoods, African-American neighborhoods tend to have more tobacco retailers. Nationwide, census tracts with a greater proportion of African American residents have higher tobacco retailer density.⁴⁹
- A 2011 study of cigarette prices in retail stores across the U.S. found that Newport cigarettes are significantly less expensive in neighborhoods with higher proportions of African Americans.⁵⁰
- The 2011 California Tobacco Advertising Survey reports that there were significantly more menthol advertisements at stores in neighborhoods with a higher proportion of African-American residents and in low-income neighborhoods.⁵¹

- Another 2011 California study found that as the proportion of African-American high school students in a neighborhood rose, the proportion of menthol advertising increased, the odds of a Newport promotion were higher, and the cost of Newport cigarettes was lower.⁵²
- A 2013 study of tobacco retail outlets in St. Louis found more tobacco advertising, including more menthol advertising, in areas with a greater proportion of African-American residents.⁵³ Another 2013 study found similar patterns in Ramsey County, Minnesota.⁵⁴

FDA Action Needed to Prohibit Menthol Cigarettes

Despite strong evidence from the FDA and TSPAC reports and continued research on the public health harms, the FDA has yet to take action to prohibit menthol cigarettes. In 2013, the FDA issued an Advanced Notice of Proposed Rulemaking (ANPRM), soliciting additional research and comments from the public on prohibiting menthol cigarettes. In 2018, the FDA issued another ANPRM, seeking additional evidence on the public health harms of menthol cigarettes, along with other flavored tobacco products. Neither of these ANPRMs have led to the issuance of a rule to prohibit menthol cigarettes; however, in November 2018, FDA Commissioner Scott Gottlieb announced the agency's intention to ban menthol in combustible tobacco products, including cigarettes and cigars.⁵⁵ This announcement received strong support from the public health and African American communities, including the National Association for the Advancement of Colored People (NAACP), the National Urban League, the National African American Tobacco Prevention Network and the African American Tobacco Control Leadership Council.⁵⁶

State and Local Action to Restrict the Sale of Menthol Tobacco Products

States and localities can implement additional sales restrictions on menthol cigarettes and flavored non-cigarette tobacco products. Despite inevitable opposition from tobacco companies, states and localities have clear authority to restrict the sale of flavored tobacco products (or any tobacco product) to reduce tobacco use and its harms to its citizens.

In November 2019, Massachusetts became the first state to restrict the sale of all flavored tobacco products, including menthol cigarettes. The policy goes into effect June 1, 2020. In addition, over 250 localities around the country restrict sales of flavored tobacco products, and at least 80 of these include menthol cigarettes in their sales restriction.⁵⁷ For example:

- In 2017, the San Francisco Board of Supervisors unanimously passed an ordinance to prohibit the sale of all flavored tobacco products, including menthol cigarettes and e-cigarettes.⁵⁸ This law, originally slated to go into effect on April 1, 2018, is the strongest flavor restriction in the US. However, R.J. Reynolds, manufacturer of the top-selling menthol brand, quickly responded by gathering signatures for a referendum petition, allowing voters to decide on the June 2018 ballot whether the restriction should be implemented.⁵⁹ San Francisco residents overwhelmingly voted (68.4% to 31.6%)⁶⁰ to implement the flavored tobacco sales restriction, despite the industry spending nearly \$12 million to try to defeat the initiative.⁶¹ Many California localities, including Sacramento and Los Angeles County, have followed San Francisco's lead and passed comprehensive sales restrictions.
- Oakland, CA's ordinance, effective July 1, 2018, restricts the sale of all flavored tobacco products, including menthol cigarettes and e-cigarettes, except in adult-only tobacco retailers.⁶²
- Minneapolis and St. Paul, MN originally passed restrictions that restricted the sale of all flavored tobacco products, excluding menthol cigarettes, in all stores except adult-only tobacco retailers (effective 1/1/2016 and 4/15/2016, respectively). However, in 2017, both cities voted to expand these laws to also restrict the sale of menthol flavored tobacco products in all stores except adult-only tobacco retailers and liquor stores (effective 8/1/2018 and 11/1/2018, respectively).⁶³

The Canadian government banned menthol cigarettes in October 2017, although most provinces had banned menthol cigarettes prior to the nationwide law. Preliminary evaluation results from Ontario, which banned menthol cigarettes on January 1, 2017, suggest that menthol smokers had higher rates of quitting and quit attempts following implementation of the law than non-menthol smokers.⁶⁴ These results are promising, but it is important to note that menthol cigarettes comprised a much smaller proportion of the Canadian cigarette marketplace (~5%) than the US marketplace (36%), and the demographics of menthol smokers are very different between the two countries.

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More information on Tobacco and African Americans is available at
<https://www.tobaccofreekids.org/fact-sheets/tobaccos-toll-health-harms-and-cost/toll-of-tobacco-on-specific-populations-african-americans>

More information on Flavored Tobacco Products is available at
<http://www.tobaccofreekids.org/flavortrap> and <http://www.tobaccofreekids.org/research/factsheets/pdf/0383.pdf>.

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- ¹ See U.S. Food and Drug Administration's (FDA) Flavored Tobacco webpage at <http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/FlavoredTobacco/default.htm>.
- ² Kuiper, NM, et al., "Trends in sales of flavored and menthol tobacco products in the United States during 2011-2015," *Nicotine & Tobacco Research*, published online June 1, 2017.
- ³ U.S. Federal Trade Commission (FTC), *Cigarette Report for 2018, 2019*, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2018-smokeless-tobacco-report-2018/p114508cigarettereport2018.pdf> [data for top 5 manufacturers only].;
- ⁴ FDA. *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes* (2013).
- ⁵ Tobacco Products Scientific Advisory Committee (TPSAC), FDA, "Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, 2011," <https://wayback.archive-it.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.
- ⁶ Chaiton, MO, et al., "Ban on menthol-flavoured tobacco products predicts cigarette cessation at 1 year: a population cohort study," *Tobacco Control*, published online May 29, 2019. Chaiton, M, et al., "Association of Ontario's ban on menthol cigarettes with smoking behavior 1 month after implementation," *JAMA Internal Medicine*, published online March 5, 2018.
- ⁷ HHS, *Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General*, 2012, <http://www.cdc.gov/Features/YouthTobaccoUse/>.
- ⁸ FDA. *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes* (2013).
- ⁹ TPSAC, FDA, "Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, 2011," <https://wayback.archive-it.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.
- ¹⁰ TPSAC, FDA, "Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, 2011," <https://wayback.archive-it.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.
- ¹¹ Courtemanche, CJ, et al., "Influence of the Flavored Cigarette Ban on Adolescent Tobacco Use," *American Journal of Preventive Medicine*, published online January 9, 2017.
- ¹² Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016
- ¹³ Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016
- ¹⁴ SAMHSA's public online data analysis system (PDAS), National Survey on Drug Use and Health, 2015. http://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab?row=CIG30BR2&column=CATAG3&control=NEWRACE2&weight=ANALWT_C&results_received=true and https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab?column=CATAG3&results_received=true&row=CIG30BR2&weight=ANALWT_C.
- ¹⁴ FDA. *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes* (2013).
- ¹⁵ Cohn, AM, et al., "Menthol Smoking Patterns and Smoking Perceptions Among Youth: Findings from the Population Assessment of Tobacco and Health Study," *American Journal of Preventive Medicine*, 56(4): e107-e116, 2019.
- ¹⁶ D'Silva, J, et al., "Differences in Subjective Experiences to First Use of Menthol and Nonmenthol Cigarettes in a National Sample of Young Adult Cigarette Smokers," *Nicotine & Tobacco Research*, 20(9): 1062-1068, 2018.
- ¹⁷ Anderson, SJ, et al., "Marketing of menthol cigarette and consumer perceptions: a review of tobacco industry documents," *Tobacco Control*, 20(Suppl 2): ii20-ii28, 2011.

- ¹⁸ FDA, "Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes," <http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/UCM361598.pdf>, 2013.
- ¹⁹ TPSAC, Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, July 21, 2011 <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>
- ²⁰ TPSAC, Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, July 21, 2011 <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>
- ²¹ Smith, SS, et al., "Smoking cessation in smokers who smoke menthol and non-menthol cigarettes," *Addiction*, 109: 2107-2117, 2014.
- ²² Smith, PH, et al., "Use of Mentholated Cigarettes and Likelihood of Smoking Cessation in the United States: A Meta-Analysis," *Nicotine & Tobacco Research*, 2019, published online June 17, 2019.
- ²³ Estimate based on market share data from FTC, *Cigarette Report for 2014, 2016*. [Data for top 5 manufacturers only] and pack sales data from the Alcohol and Tobacco Tax and Trade Bureau (TTB), <https://www.ttb.gov/tobacco/tobacco-stats.shtml>.
- ²⁴ Giovino, GA, et al., "Differential trends in cigarette smoking in the USA: is menthol slowing progress?" *Tobacco Control*, 2013.
- ²⁵ Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016.
- ²⁶ Hickman, NJ, et al., "Menthol use among smokers with psychological distress: findings from the 2008 and 2009 National Survey on Drug Use and Health," *Tobacco Control*, 23: 7-13, 2014.
- ²⁷ Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016
- ²⁸ TPSAC, Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, July 21, 2011 <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>
- ²⁹ FDA, "Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes," <http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/UCM361598.pdf>, 2013; Tobacco Products Scientific Advisory Committee, FDA, "Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, 2011," <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>; Alexander, LA, et al., "Why we must continue to investigate menthol's role in the African American smoking paradox," *Nicotine & Tobacco Research*, 18(S1): S91-S101, 2016;
- ³⁰ See e.g., CDC, "Quitting Smoking Among Adults—United States, 2000-2015," *MMWR*, 65(52): 1457-1464, January 6, 2017, <https://www.cdc.gov/mmwr/volumes/65/wr/pdfs/mm6552a1.pdf>. Royce, J, et al., "Smoking cessation factors among African Americans and Whites: COMMIT Research Group," *American Journal of Public Health* 83(2):220-6, February 1993. <https://www.fda.gov/advisoryCommittees/CommitteesMeetingMaterials/tobacoproductsScientificAdvisoryCommittee/default.htm>
- ³¹ TPSAC, FDA, "Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, 2011," <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.
- ³² HHS, "Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General," 1998, http://www.cdc.gov/tobacco/data_statistics/sgr/1998/complete_report/pdfs/complete_report.pdf.
- ³³ American Cancer Society, "Cancer Facts & Figures for African Americans, 2016-2018," 2016, <http://www.cancer.org/acs/groups/content/@editorial/documents/document/acspc-047403.pdf>.
- ³⁴ Alexander, LA, et al., "Why we must continue to investigate menthol's role in the African American smoking paradox," *Nicotine & Tobacco Research*, 18 (Suppl 1): S91-S101, 2016.
- ³⁵ TPSAC, Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, July 21, 2011 <https://wayback.archive-it.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.
- ³⁶ Hafez, N. & Ling, P.M. "Finding the Kool Mixx: how Brown & Williamson used music marketing to sell cigarettes," *Tobacco Control* 15: 359-366, 2006. See also Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007. RJ Reynolds. Black Street Scenes: review and recommendations. Winston-Salem, NC: R.J. Reynolds Tobacco Company, 1983. Available at <http://legacy.library.ucsf.edu/tid/onb19d00>.
- ³⁷ Hafez, N, & Ling, P, "Finding the Kool Mixx: how Brown & Williamson used music marketing to sell cigarettes," *Tobacco Control*, 15: 359-366, 2006.
- ³⁸ Alpert, H, Koh, HK, & Connolly, GN, "After the Master Settlement Agreement: Targeting and exposure of youth to magazine tobacco advertising," *Health Affairs* 27(6):w503-w512, 2008.
- ³⁹ King, C, et al., "The Master Settlement Agreement with the tobacco industry and cigarette advertising in magazines," *New England Journal of Medicine* 345(7):504-11, August 2001.
- ⁴⁰ Landrine, H, et al., "Cigarette advertising in Black, Latino and White magazines, 1998-2002: An exploratory investigation," *Ethnic Disparities* 15(1):63-7, 2005.
- ⁴¹ Fernandez, S, et al., "Cigarette Advertising in Magazines for Latinas, White Women, and Men, 1998-2002: A Preliminary Investigation," *Journal of Community Health*, 30(2): 141-151, 2005.
- ⁴² RJ Reynolds. Strategic Research Report: The 1981 Brand Family Segmentation Study. Mangini, 1982. <https://www.industrydocumentslibrary.ucsf.edu/tobacco/docs/#id=zfbf0092>.

- ⁴³ Anderson, SJ, et al., "Marketing of menthol cigarette and consumer perceptions: a review of tobacco industry documents," *Tobacco Control*, 20(Suppl 2): ii20-ii28, 2011.
- ⁴⁴ Hafez, N, & Ling, P, "Finding the Kool Mixx: how Brown & Williamson used music marketing to sell cigarettes," *Tobacco Control*, 15: 359-366, 2006.
- ⁴⁵ Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007. Hafez, N, & Ling, P.M. "Finding the Kool Mixx: how Brown & Williamson used music marketing to sell cigarettes," *Tobacco Control* 15: 359-366, 2006.
- ⁴⁶ Hudson RC. Brown & Williamson. Inner city POP Program. Macon, GA: Brown & Williamson Tobacco Corporation, 1979 Oct 15. <http://legacy.library.ucsf.edu/tid/icb91d00>.
- ⁴⁷ Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007.
- ⁴⁸ Lee, JGL, et al., "A Systematic Review of Neighborhood Disparities in Point-of-Sale Tobacco Marketing," *American Journal of Public Health*, published online ahead of print July 16, 2015.
- ⁴⁹ Rodriguez, D, et al., "Predictors of tobacco outlet density nationwide: a geographic analysis," *Tobacco Control*, published online first on April 4, 2012. See also Lee, JGL, et al., "Inequalities in tobacco outlet density by race, ethnicity and socioeconomic status, 2012, USA: results from the ASPIRE Study," *Journal of Epidemiology and Community Health*, published online March 1, 2017.
- ⁵⁰ Resnick, EA, et al., *Cigarette Pricing Differs by U.S. Neighborhoods—A BTG Research Brief*. Chicago, IL: Bridging the Gap Program, Health Policy Center, Institute for Health Research and Policy, University of Illinois at Chicago, 2012, www.bridgingthegapresearch.org.
- ⁵¹ Schleicher, N, et al., "Tobacco Marketing in California's Retail Environment (2008-2011), Final report for the California Tobacco Advertising Survey. Stanford, CA: Stanford Prevention Research Center, July 2013.
- ⁵² Henriksen, L., et al., "Targeted Advertising, Promotion, and Price for Menthol Cigarettes in California High School Neighborhoods," *Nicotine & Tobacco Research*, June 24, 2011.
- ⁵³ Moreland-Russell, S. "Disparities and Menthol Marketing: Additional Evidence in Support of Point of Sale Policies," *International Journal of Environmental Research and Public Health*, 10: 4571-4583, 2013.
- ⁵⁴ Widome, R, et al., "The relationship of neighborhood demographic characteristics to point-of-sale tobacco advertising and marketing," *Ethnicity & Disease* 18(2): 136-151, 2013.
- ⁵⁵ FDA, "Statement from FDA Commissioner Scott Gottlieb, M.D., on proposed new step to protect youth by preventing access to flavored tobacco products and banning menthol in cigarettes," November 15, 2018, <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm625884.htm>.
- ⁵⁶ NAACP, "NAACP Statement on FDA Plan to Ban Sale of Menthol and E-Cigarettes," November 14, 2018, <https://www.naacp.org/latest/naacp-statement-fda-plan-ban-sale-menthol-e-cigarettes/>. National Urban League, "National Urban League: Proposed Menthol Cigarette Ban Would Benefit African Americans' Health," November 13, 2018, <http://nul.iamempowered.com/content/national-urban-league-proposed-menthol-cigarette-ban-would-benefit-african-americans-health>.
- ⁵⁷ Campaign for Tobacco-Free Kids, "States & Localities That Have Restricted the Sale of Flavored Tobacco Products," <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>.
- ⁵⁸ San Francisco Health Code 140-17, Banning the Sale of Flavored Tobacco Products, <http://sfbos.org/sites/default/files/o0140-17.pdf>
- ⁵⁹ Swan, R., "SF's battle over flavored tobacco heats up," *San Francisco Chronicle*, September 4, 2017, <http://www.sfchronicle.com/bayarea/article/SF-s-battle-over-flavored-tobacco-heats-up-12172353.php>. Matier & Ross, "SF ban on flavored tobacco looks headed for the ballot," *San Francisco Chronicle*, July 26, 2017, <http://www.sfchronicle.com/bayarea/article/SF-ban-on-flavored-tobacco-looks-headed-for-the-11408689.php>.
- ⁶⁰ City and County of San Francisco Department of Elections. June 5, 2018 Election Results – Summary. See Local Measure E - Prohibiting Tobacco Retailers from Selling Flavored Tobacco Products. <https://sfelections.sfgov.org/june-5-2018-election-results-summary>.
- ⁶¹ Hoffman, J. "San Francisco Voters Uphold Ban on Flavored Tobacco Products," *New York Times*, June 6, 2018, <https://www.nytimes.com/2018/06/06/health/vaping-ban-san-francisco.html>.
- ⁶² Oakland Municipal Code Chapter 5.91, Licensure of Tobacco Retailers, https://library.municode.com/ca/oakland/ordinances/code_of_ordinances?nodeId=854090.
- ⁶³ Minneapolis, MN. Municipal Code, Tobacco Dealers: https://www.municode.com/library/mn/minneapolis/codes/code_of_ordinances?nodeId=COOR_TIT13LIBURE_CH281TODE_281.15DE_St_Paul,MN_Legislative_Code_Chapter_324, https://stpaul.legistar.com/LegislationDetail.aspx?ID=3145418&GUID=42F0956E-EBB2-43E4-A74C-76FCC9A9E37C&Options=&Search=_.
- ⁶⁴ Chaiton, MO, et al., "Ban on menthol-flavoured tobacco products predicts cigarette cessation at 1 year: a population cohort study," *Tobacco Control*, published online May 29, 2019. Chaiton, M, et al., "Association of Ontario's ban on menthol cigarettes with smoking behavior 1 month after implementation," *JAMA Internal Medicine*, published online March 5, 2018.