



## IMPACT OF MENTHOL CIGARETTES ON YOUTH SMOKING INITIATION AND HEALTH DISPARITIES

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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.<sup>1</sup> 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.<sup>2</sup> Data from the Federal Trade Commission (FTC) show that in 2016, menthol cigarettes comprised 35 percent of the market, the highest proportion on record since FTC began collecting this data in 2001.<sup>3</sup>

Menthol cigarettes pose a tremendous public health threat. The FDA has determined that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction and decreased success in quitting smoking.<sup>4</sup> 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.**"<sup>5</sup>

### **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.<sup>6</sup> 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.<sup>7</sup> 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."<sup>8</sup> According to TPSAC's conclusions:<sup>9</sup>

- 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 after the ban.<sup>10</sup> National data clearly demonstrates the popularity of menthol cigarettes among youth:

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\* 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.

- 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.<sup>11</sup>
- Prevalence of menthol use is even higher among African American youth: seven out of ten African-American youth smokers smoke menthol cigarettes.<sup>12</sup>
- 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.<sup>13</sup>

### **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.<sup>14</sup> 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.”**<sup>15</sup>

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.<sup>16</sup> In fact, menthol smoking has hindered overall declines in cigarette smoking. While smoking rates have declined overall in recent years, use of menthol cigarettes has increased significantly. Overall, nearly 40 percent (38.8%) of smokers use menthol cigarettes. 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.<sup>17</sup> 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.<sup>18</sup>

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.<sup>19</sup>

### **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.<sup>20</sup> 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.<sup>21</sup>

- African Americans generally have higher levels of nicotine dependence as a consequence of their preference for mentholated cigarettes.<sup>22</sup> 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.<sup>23</sup>
- 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.<sup>24</sup>

- 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.<sup>25</sup>
- 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.<sup>26</sup> Decreased cessation success due to the popularity of menthol cigarettes among African Americans likely contributes to this mortality disparity.<sup>27</sup>

### **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.<sup>28</sup> 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.<sup>29</sup> Kool also sponsored Latin music festivals, including the branded "Kool Latino Festival," in the 1970s and 1980s.<sup>30</sup>

**Magazine Advertising.** Expenditures for magazine advertising of mentholated cigarettes increased from 13 percent of total ad expenditures in 1998 to 76 percent in 2006.<sup>31</sup> 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).<sup>32</sup> Between 1998–2002, *Ebony*, a magazine tailored to African-American culture, was 9.8 times more likely than *People* to contain ads for menthols.<sup>33</sup> 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.<sup>34</sup>

**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."<sup>35</sup> Newport's "Alive with Pleasure" campaign, which continues today, portrays smokers in fun, social environments in its advertisements.<sup>36</sup> 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.<sup>37</sup>

**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.<sup>38</sup> 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),”<sup>39</sup> with both retailer and consumer promotions.<sup>40</sup> 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.<sup>41</sup>

- 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.<sup>42</sup>
- 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.<sup>43</sup>
- 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.<sup>44</sup>
- 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.<sup>45</sup>
- 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.<sup>46</sup> Another 2013 study found similar patterns in Ramsey County, Minnesota.<sup>47</sup>

### **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 challenges 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. Recently, the National Association for the Advancement of Colored People (NAACP) adopted a resolution to support state and local restrictions on flavored tobacco products, including menthol. Over 100 localities around the country restrict sales of flavored tobacco products, and at least a dozen of these include menthol cigarettes in their sales restriction.<sup>48</sup> 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.<sup>49</sup> This law, originally slated to go into effect on April 1, 2018, would be 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.<sup>50</sup> San Francisco residents overwhelmingly voted (68.4% to 31.6%)<sup>51</sup> to implement the flavored tobacco sales restriction, despite the industry spending nearly \$12 million to try to defeat the initiative.<sup>52</sup>

- 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.<sup>53</sup> Several other smaller California municipalities have passed or are considering ordinances similar to Oakland and San Francisco.
- 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).<sup>54</sup>
- Chicago, IL's ordinance restricts the sale of all flavored tobacco products, including menthol products and e-cigarettes, in retail stores within 500 feet of any school, with the exception of stores that sell primarily tobacco products (at least 80% of revenue). Originally slated to go into effect in 2014, litigation and subsequent revisions to the regulations delayed enforcement of the ordinance until July 20, 2016. Chicago's ordinance was subsequently amended to only apply to stores near high schools as of February 4, 2017.<sup>55</sup>
- Berkeley, CA's ordinance restricts the sale of all flavored tobacco products, including menthol cigarettes, in all retailers within 600 feet of schools. Berkeley's ordinance went into effect on January 1, 2017.

***Campaign for Tobacco-Free Kids, July 25, 2018 / Laura Bach***

**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/research/factsheets/pdf/0383.pdf>

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<sup>1</sup> See U.S. Food and Drug Administration's (FDA) Flavored Tobacco webpage at

<http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/FlavoredTobacco/default.htm>.

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[https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?column=CATAG3&results\\_received=true&row=CIG30BR2&weight=ANALWT\\_C](https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?column=CATAG3&results_received=true&row=CIG30BR2&weight=ANALWT_C).
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