



The African American Tobacco Control Leadership Council

October 12, 2019

The Honorable Frank Pallone
Chairman, House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Chairman Pallone,

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the Subcommittee on Health of the Energy and Commerce Committee to adopt Representatives Pallone and Shalala's Bill: Reversing the Youth Tobacco Epidemic Act of 2019 (H.R. 2339). From our reading, this Bill is the most comprehensive tobacco legislation proposed in years, especially because it would prohibit the manufacturing of menthol and all characterizing flavors in tobacco products, including e-juices. Support for this Bill now is extremely important given the vaping lung injury crises that is sweeping our nation today, but also, this Bill would finally get menthol flavorings out of cigarettes, little cigars and all other tobacco products, something the FDA has failed to do for the past 10 years. The predatory marketing of these products must be stopped and we all should recognize this as a social injustice issue, an issue that disproportionately impacts poorer communities, marginalized groups, youths and communities of color.

This is no minor matter. Menthol and flavored tobacco products are driving tobacco-caused deaths and diseases nation-wide. While the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults; among Latinos, Blacks, and Whites (Villanti, 2016). Let's be clear, the majority of women smokers smoke menthol cigarettes; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes, with 62% of Puerto Rican smokers using menthol; nearly 80% of Native Hawaiians; a majority of Filipinos; and a majority of smokers with behavioral health issues smoke menthol cigarettes. Frankly, the most marginalized groups disproportionately use these "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015).

Be apprised that 85% African American adults and 94% of Black youth who smoke are using menthol products (Giovino, 2013). These striking statistics arise from the predatory marketing of these products in the Black Community, where there are more advertisements, more lucrative promotions, and *cheaper prices* for menthol cigarettes compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010). These predacious practices for the past 50

years have led to Blacks folks dying disproportionately from heart attacks, lung cancer, strokes and other tobacco related diseases (RSG, 2014).

Let's be clear – Menthol is the Ultimate Candy Flavoring: It Helps the Poison to go down Easier! Menthol:

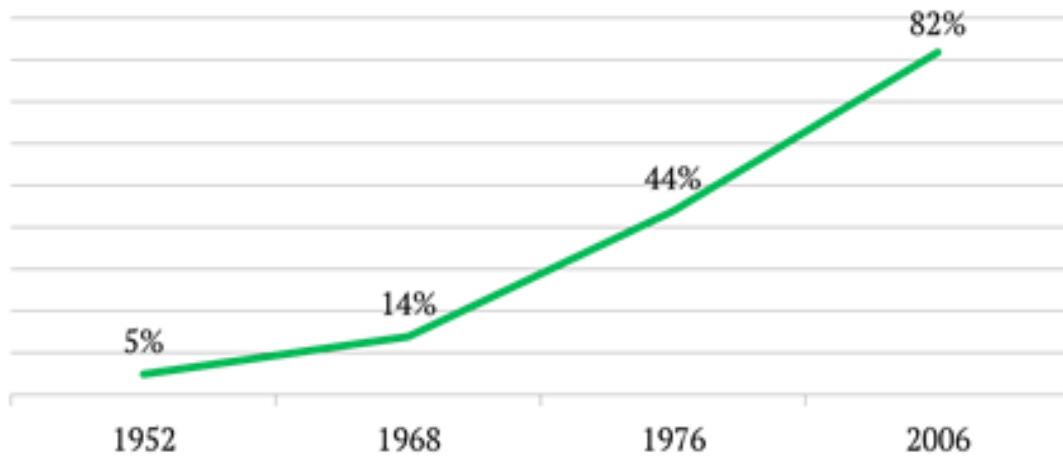
- Masks the harsh taste of smoking
- Activates cold receptors in the throat, bronchi and lungs. It also activates taste buds and increases throat grab (Green, 2003)
- Produces an anesthetic effect that allows for easier and deeper inhalation; the deeper the inhalation, the more nicotine and toxins you intake; the more nicotine and toxins you intake the greater the addiction (Ton et al., 2015)
- Inhibits the metabolism of nicotine (cotinine) in the liver, allowing for the nicotine to stay in the body longer (Benowitz et al., 2004)
- Activates more nicotine receptors in the brain, thus allowing greater nicotine arousal and addiction (Brody et al., 2013)
- Cigarettes are harder to quit (Levy et al., 2011).
- In chewing tobacco increases salivary flow and greater nicotine absorption by the gums (Hopp, 1993)
- Increases the ability of tobacco smoke to penetrate cell membranes (Ferris, 2004; Benowitz, 2004)

Criminalization? Not!

Unfortunately, there are many groups in the Black community that are spreading falsehoods, stating that restricting the manufacture and sale of menthol and flavored tobacco products, including flavored e-juices will lead to the “criminalization” of particularly young Black men. Nothing could be further from the truth. There are no provisions in Bill 2339 for arresting people for possession of menthol cigarettes. **The Bill would prohibit the manufacturing, not possession.** This Bill does not give the police any authority to harass, stop and frisk and or arrest Black youth for possession of menthol cigarettes, period. Some argue that menthol cigarettes are a “Black” cigarette and that it would be discriminatory to prohibit their sale. Let's be clear, disproportionately high menthol use by African Americans was created by the discriminatory practices by the tobacco industry!

African American Menthol Use Skyrockets!

African Americans Adult Smokers Who Use Menthol



(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.)

This meteoric rise in menthol use by Blacks was brought about by the predatory marketing of these products by the tobacco industry. As mentioned before, menthol cigarettes are more heavily advertised, there are more lucrative promotions and what is most unnerving is that menthol cigarettes are cheaper in the Black community compared to other communities. It is the tobacco industry that was and is discriminatory, it is the tobacco industry that were giving away free samples of menthol cigarettes nation-wide throughout the 1980's (Yerger, 2008).

Strike while the Iron is Hot!

The ground work for this legislation is being laid all across the Country. Already, over 220 localities restrict the sale of menthol cigarettes (<https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>), while more than 26 cities and counties prohibit their sale city and or county wide (<https://no-smoke.org/wp-content/uploads/pdf/flavored-tobacco-product-sales.pdf>). Indeed, today with the vaping crises, 6 States have enacted some degree of flavor restrictions:

Massachusetts: bans sale of all e-cigarettes for 4 months

Michigan: bans sale of all flavored e-cigarettes for 6 months

New York: bans sale of all flavored e-cigarettes (the inclusion or exclusion of menthol is being litigated for 90 days)

Rhode Island: bans sale of all flavored e-cigarettes

Utah: bans sale of flavored e-cigarettes except in adult-only tobacco retailers

Washington: bans the sale of all flavored e-cigarettes for 120 days

African American Tobacco Control Leadership Council

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though based in California, we are national in our scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago and Minneapolis to Berkeley and San Francisco. Our work has shaped the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings when the agency was first considering the removal of menthol cigarettes from the marketplace.

We here at the AATCLC recognize that the Committee is under extraordinary pressure from the tobacco industry and the vaporist community to put profits above human life by limiting or curtailing restrictions on flavored tobacco products. We are calling on the Subcommittee on Health of the Energy and Health Committee to stand up to the tobacco industry and their allies by moving the Pallone and Shalala Bill forward— this would be a tremendous victory for the public health of America.

We are all counting on you!

Sincerely,



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