

**STOPPING MENTHOL,  
SAVING LIVES:  
ENDING BIG  
TOBACCO'S  
PREDATORY  
MARKETING TO  
BLACK  
COMMUNITIES**

FEBRUARY 2021

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## ORGANIZATIONS ISSUING THE REPORT







## EXECUTIVE SUMMARY

For more than 60 years and continuing today, the tobacco industry has targeted Black communities, especially children, with marketing for menthol cigarettes and other tobacco products like flavored cigars. The industry's predatory marketing has had a devastating impact on Black health and lives. Tobacco use is the number one cause of preventable death among Black Americans, and tobacco-related health disparities in the Black community are largely the result of the tobacco industry's intentional, targeted efforts to hook generations of Black Americans to deadly and addictive products.

This report documents the pervasive and deliberate targeting of Black communities and children with advertising and promotions for menthol cigarettes and the resulting destructive impact menthol cigarettes have had on the health of Black Americans. It describes the overwhelming scientific evidence showing that menthol cigarettes are even more harmful to public health than other cigarettes – they lead to greater smoking initiation by youth and young adults, greater addiction and reduced success in quitting smoking, with a disproportionate impact on Black Americans.

### This report's key findings include:

**For more than 60 years, the tobacco industry has deliberately targeted the Black community, especially youth, with marketing for menthol cigarettes and other tobacco products like flavored cigars.**

Since the 1950s, the tobacco industry has targeted Black Americans with pervasive marketing of menthol cigarettes through sponsorship of community and music events, free sampling, magazine advertising and retail promotions. The tobacco industry's targeted marketing

efforts have been horrifyingly successful. In the 1950s, less than 10% of Black smokers used menthol cigarettes. Today, after decades of tobacco industry targeting, that number is 85%. Menthol cigarettes continue to be heavily advertised, widely available and priced cheaper in Black communities.

The tobacco industry is using the same strategies it used to hook generations of Black Americans on menthol cigarettes to target Black youth with marketing for cheap, flavored cigars, some of which can be smoked like cigarettes and can cause many of the same devastating health consequences as cigarettes. In 2020, cigars were the most commonly used tobacco product among Black high school students.

**The tobacco industry's predatory marketing has had a devastating impact on the health of Black Americans.** Tobacco use is the number one cause of preventable death among Black Americans, claiming 45,000 Black lives every year. Tobacco use is a major contributor to three of the leading causes of death among Black Americans – heart disease, cancer and stroke – and Black Americans die from these conditions at far higher rates than other Americans. Lung cancer is the leading cause of cancer death in the Black community.

Now, Black Americans are being disproportionately impacted by COVID-19, and the Centers for Disease Control and Prevention has found that smoking increases the risk for severe illness from COVID-19. Smoking is also a major cause of underlying conditions like heart disease and diabetes that disproportionately impact Black Americans and make them more vulnerable to the COVID-19 pandemic.

**Menthol cigarettes are a major reason why Black Americans suffer unfairly and disproportionately from tobacco use.** The devastating impact of tobacco use on Black Americans is no accident – it's the result of the tobacco industry's long history of targeting the Black

community with menthol cigarettes. The cooling mint flavor of menthol numbs the throat and reduces the harshness of tobacco smoke, making menthol cigarettes more appealing and easier to use for young people who are starting to smoke. As a result, menthol cigarettes increase the number of youth and young adults who experiment with cigarettes and become regular smokers. Young people who start smoking with menthol cigarettes are more likely to become addicted and long-term daily smokers.

Research also demonstrates that menthol cigarettes are more addictive and harder to quit, magnifying the public health impact on Black communities. Most Black smokers want to quit smoking, and while Black smokers are more likely than White smokers to try to quit, they are less likely to succeed. The difficulty that Black Americans experience in quitting smoking – and consequently their higher rates of tobacco-related disease and death – are due, in part, to their greater use of menthol cigarettes.

**Strong action is needed to protect health and save lives.** To protect the health of Black Americans and address health disparities, menthol cigarettes and all flavored tobacco products should be prohibited. The U.S. Food and Drug Administration (FDA) has had the authority to take such action since 2009 when Congress granted the agency authority to regulate tobacco products. However, the FDA has failed to act despite repeatedly concluding that prohibiting menthol cigarettes would benefit public health in the United States.

Comprehensive scientific reviews by the FDA's Tobacco Products Scientific Advisory Committee (TPSAC) in 2011 and the FDA itself in 2013 found that menthol cigarettes cause substantial harm to public health beyond that caused by other cigarettes. TPSAC concluded, "Removal of menthol cigarettes from the marketplace would benefit public health in the United States." In 2018, then-FDA Commissioner Scott Gottlieb announced the agency's intention to initiate rulemaking to ban menthol in cigarettes and other combustible tobacco products, stating that menthol cigarettes "represent one of the most common and pernicious routes by which kids initiate on combustible cigarettes" and "exacerbate troubling disparities in health related to race and socioeconomic status."

These findings demonstrate that the FDA has more than enough evidence to prohibit menthol cigarettes.

In June 2020, several public health organizations filed a lawsuit in the U.S. District Court for the Northern District of California asserting that the FDA's failure to take action on menthol cigarettes constituted "unreasonable delay" in violation of the Administrative Procedure Act. Among other claims, the lawsuit asserts that the FDA has unreasonably delayed responding to a Citizen Petition, filed in April 2013 by various public health organizations, calling on the FDA to prohibit menthol as a characterizing flavor in cigarettes. In a filing with the court on January 21, 2021, the FDA committed to issuing "a

final citizen petition response" by April 29, 2021. The plaintiffs in the case are the African American Tobacco Control Leadership Council (AATCLC), Action on Smoking and Health, the American Medical Association and the National Medical Association. The lawsuit was filed after years of grassroots activity by AATCLC, the Center for Black Health & Equity (formerly the National African American Tobacco Prevention Network) and other organizations to raise awareness about the need to take action and eliminate menthol cigarettes.

Until the FDA acts, cities and states should continue their growing efforts to prohibit the sale of all flavored tobacco products, including menthol cigarettes. To date, two states – Massachusetts and California – and at least 120 localities have adopted prohibitions on flavored tobacco products that include menthol cigarettes (California's law is on hold because the tobacco industry is seeking to overturn it through a referendum). Congress can also act to prohibit menthol cigarettes and other flavored tobacco products, as the U.S. House of Representatives did in February 2020 when it passed the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020.

To help more smokers quit, it is also critical to expand the availability and promotion of smoking cessation services, especially in medically underserved communities. These efforts should also include a national public education campaign that provides information about where to get help quitting and is targeted to populations disproportionately impacted by tobacco use.

These actions will improve health and save lives among Black Americans. They are needed now, more than ever, as we combat the COVID-19 pandemic and the shocking health disparities facing our nation.

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**Marketing images courtesy of Stanford Research into the Impact of Tobacco Advertising, [TrinketsandTrash.org](http://TrinketsandTrash.org), [CounterTobacco.Org](http://CounterTobacco.Org), and The University of Alabama Center for the Study of Tobacco and Society, Online Exhibition: "Of Mice and Menthol: The Targeting of African Americans by the Tobacco Industry."**

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## INTRODUCTION

For more than 60 years and continuing today, the tobacco industry has targeted Black communities, especially children, with marketing for menthol cigarettes and other tobacco products like flavored cigars.

The industry's predatory marketing has had a devastating impact on Black health and lives. Tobacco use is the number one cause of preventable death among Black Americans and menthol cigarettes are a major reason why. Black Americans die at higher rates than other groups from tobacco-related diseases such as cancer, heart disease and stroke. To make matters worse, Black Americans are now being disproportionately impacted by COVID-19 and the CDC has found that current and former cigarette smokers are at greater risk for severe illness from COVID-19.

There has never been a more important time to stop the tobacco industry from destroying Black health and lives. Ending the sale of menthol cigarettes and other flavored tobacco products will greatly improve the health of Black Americans and communities, reduce health disparities and save lives.

# TOBACCO HAS HAD A PROFOUND IMPACT ON THE HEALTH OF BLACK AMERICANS

Tobacco use is the number one cause of preventable death among Black Americans, claiming 45,000 Black lives every year.<sup>1</sup>

Black Americans die from smoking-caused diseases at far higher rates than other Americans despite starting to smoke at a later age, smoking fewer cigarettes per day, and being more likely to make a quit attempt.<sup>2</sup>

Tobacco use is a major contributor to three of the leading causes of death among Black Americans – heart disease, cancer and stroke.<sup>3</sup> The higher rates of some tobacco-caused diseases among Black Americans result, in part, from their greater use of menthol cigarettes, which are associated with reduced cessation.<sup>4</sup>

- Black Americans have the highest incidence and death rates and shortest survival of any other racial or ethnic group for most cancers. Smoking is responsible for one-third of all cancer deaths.<sup>5</sup> Each year, more than 72,000 Black Americans are diagnosed with a tobacco-related cancer and more than 39,000 die from a tobacco-related cancer.<sup>6</sup>
- Smoking is responsible for 87% of lung cancer deaths.<sup>7</sup> Lung cancer is the leading cause of cancer death in the Black community. It was estimated that in 2019, 25,390 Black Americans would be diagnosed with lung cancer and 16,550 Black Americans would die from it.<sup>8</sup>
- About a third (32%) of heart disease deaths are caused by tobacco use.<sup>9</sup> Black Americans are 20% more likely to die from heart disease than Whites.<sup>10</sup> Black Americans are 50% more likely to have a stroke and 40% more likely to die from a stroke than Whites.<sup>11</sup>
- Diabetes is the fifth leading cause of death among Black Americans. Black Americans are twice as likely as Whites to die from diabetes. The risk of developing diabetes is 30–40% higher for cigarette smokers than nonsmokers.<sup>12</sup>
- Smoking also increases the incidence of COPD and infant mortality among Black Americans.<sup>13</sup>
- Smoking has been identified as a risk factor for severe illness from COVID-19 and is a major cause of underlying conditions like heart disease and diabetes that disproportionately impact Black Americans and make them more vulnerable to this pandemic.<sup>14</sup>

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pleasure!

Visit us at [Newport-pleasure.com](http://Newport-pleasure.com)  
Restricted to Adult Smokers 21 or Older.

**CIGARETTES**

These cigarettes do not present a reduced risk of harm compared to other cigarettes.

Newport, Pleasure, Newport Pleasure, Menthol Gold, Menthol Blue, package design, and other trade dress elements TM Lorillard Licensing Company LLC Reg. U.S. Pat. & Tm. Off.

**SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.**

In addition, Black Americans are more likely to be exposed to secondhand smoke than any other racial or ethnic group. In fact, nearly half (48%) of Black Americans are still exposed to this preventable health hazard.<sup>15</sup> Among Black youth (ages 3-11), two-thirds (66.2%) are exposed to secondhand smoke, compared to 38.1% of white kids of the same age.<sup>16</sup> Exposure to secondhand smoke is known to cause sudden infant death syndrome (SIDS), respiratory infections, ear infections and more severe asthma attacks in children, as well as heart disease, stroke and lung cancer in adults.<sup>17</sup>



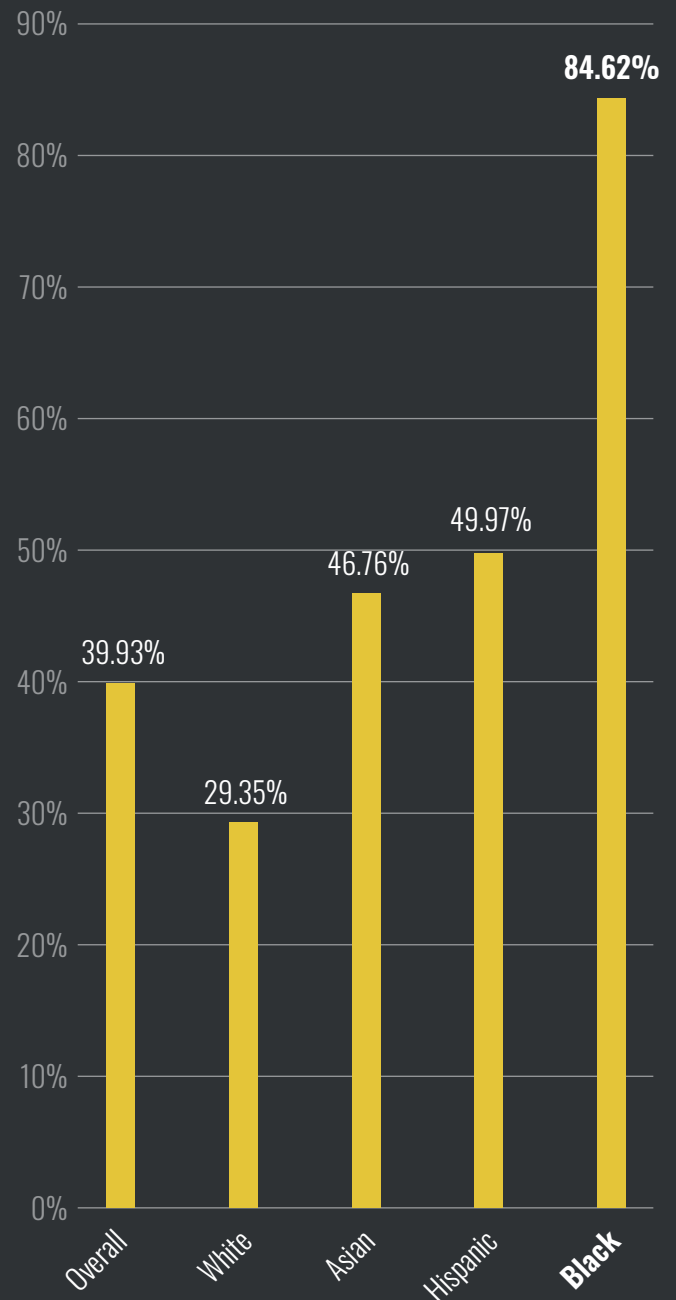


## MENTHOL CIGARETTES ARE MAJOR REASON WHY BLACK AMERICANS SUFFER DISPROPORTIONATELY FROM TOBACCO USE

Thanks to decades of pervasive, targeted marketing of menthol cigarettes, the tobacco industry has succeeded in addicting generations of Black Americans to menthol cigarettes. Today, 85% of all Black smokers smoke menthol cigarettes. But menthol cigarettes aren't just like other cigarettes.

In 2013, the U.S. Food and Drug Administration (FDA) released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking.<sup>18</sup>

## MENTHOL PREFERENCE AMONG CIGARETTE SMOKERS (AGES 12+)



Source: Delnevo, et al. *Nicotine & Tobacco Research*, 2020 (data from 2018 National Survey on Drug Use & Health)

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## MENTHOL MAKES IT EASIER FOR YOUTH TO START SMOKING

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. Menthol is a chemical compound that cools and numbs the throat, masking the harshness of tobacco smoke and making it easier for beginners – primarily kids – to experiment with cigarettes and ultimately become addicted.<sup>19</sup> About half of all high school smokers use menthol cigarettes.<sup>20</sup> According to FDA's Tobacco Products Scientific Advisory Committee (TPSAC):\*

- 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.

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## MENTHOL INCREASES ADDICTION AND MAKES IT HARDER FOR SMOKERS TO QUIT

Black adults smoke at nearly the same rate as Whites (14.9% vs. 15.5%, respectively).<sup>21</sup> However, while most Black smokers want to quit smoking and are more likely to try to quit, they are less likely to succeed.<sup>22</sup> The difficulty that Black Americans experience in quitting smoking – and consequently their higher rates of tobacco-related disease and death – are due, in part, to their greater use of menthol

cigarettes. Both TPSAC's and the FDA's scientific analyses of the impact of menthol cigarettes concluded that menthol cigarettes are associated with increased nicotine dependence and reduced success in smoking cessation.<sup>23</sup> Because menthol cigarettes are more addictive and harder to quit, the health damage that smoking inflicts on Black Americans is magnified.

More than 70% of current Black American smokers want to quit, and more than 60% made a quit attempt in the previous year.<sup>24</sup> However, Black Americans are less likely than White smokers to successfully quit smoking.<sup>25</sup> Among smokers who made a quit attempt in the past year, only 4.9% of Black Americans remained abstinent after 6 months, compared to 7.1% of Whites.<sup>26</sup>

Lower cessation among Black Americans is also related to barriers Black Americans face in accessing tobacco cessation treatment. For example, compared to Whites, Black Americans are less likely to receive advice to quit from a health professional and are less likely to use proven cessation medication treatments.<sup>27</sup>

In its 2011 report, TPSAC estimated that from 2010 to 2020, 460,000 Black Americans would start smoking and 4,700 Black Americans would die because of menthol cigarettes. TPSAC ultimately concluded that, **“Removal of menthol cigarettes from the marketplace would benefit public health in the United States.”**<sup>28</sup>

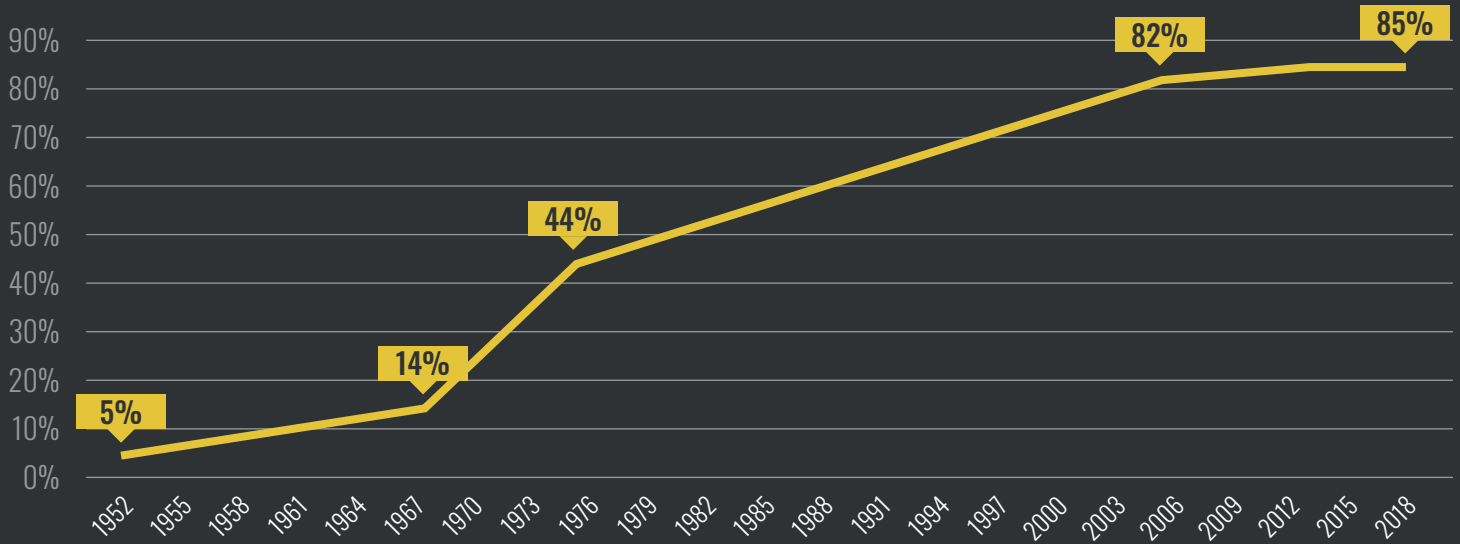
A decade later, there is even more scientific evidence demonstrating the public health toll of menthol cigarettes, particularly on the Black community. Due to the lower likelihood of smoking cessation among Black American menthol smokers, the 2020 Surgeon General Report on Smoking Cessation concluded that, “Use of menthol cigarettes has been shown to contribute to tobacco cessation-related disparities in the United States.”<sup>29</sup> A recent national study found that among daily smokers, Black menthol smokers had 53% lower odds of quitting compared to Black non-menthol smokers.<sup>30</sup>

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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/tobaccoproductsScientificAdvisoryCommittee/default.htm> for more details.



# MENTHOL PREFERENCE AMONG BLACK SMOKERS



**Sources:** Gardiner, PS, "The African Americanization of menthol cigarette use in the United States," *Nicotine & Tobacco Research*, February 2004; 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; National Survey on Drug Use and Health, 2004-2018.

## THE TOBACCO INDUSTRY TARGETS BLACK AMERICANS

Tobacco's devastating impact on Black Americans is no accident, but rather the direct result of decades of targeted marketing by the tobacco industry, dating back to at least the 1950s. For more than 60 years, the tobacco industry has ruthlessly targeted the Black community, especially youth, with marketing for menthol cigarettes, profiting enormously while destroying Black lives and health.

Brown & Williamson first began targeting Black Americans with Kool cigarettes after a 1953 survey showed that 5% of Black Americans preferred Kool compared to 2% of White Americans. Brown & Williamson seized the opportunity to capitalize upon this small preference margin, recognizing the marketing advantage of appealing to a newly urbanized and more concentrated population. When other tobacco companies realized Kool's growth stemmed from targeting Black Americans, they began competing for this market share with targeted marketing for Kool, Newport, Salem and Benson & Hedges. Newport's aggressive marketing successfully doubled its share of the menthol market between 1981 and 1987, and in 1993 it became – and has remained – the market leader in sales of menthol cigarettes.

The tobacco industry has targeted Black Americans through sponsorship of community and music events, magazine advertising and retail promotions. The industry often appropriates Black culture and music

to sell these deadly and addictive products. Today, menthol cigarettes continue to be heavily advertised, widely available and priced cheaper in Black communities, making them especially appealing to price-sensitive youth.

The tobacco industry's predatory marketing has worked all too well. In the 1950s, before these marketing efforts, less than 10% of Black smokers used menthol cigarettes. Once these sophisticated and slick marketing campaigns started appearing across Black media and neighborhoods, use of menthol cigarettes skyrocketed in the Black community. Black smokers continue to smoke menthol cigarettes disproportionately.

**Today, 85% of all Black smokers smoke menthol cigarettes as a direct result of the tobacco industry's predatory marketing.**



Menthols in general do better among the very young, and among very young blacks, almost the entire market is accounted for by Kool, Salem and Newport."

— Roper Organization report for Philip Morris

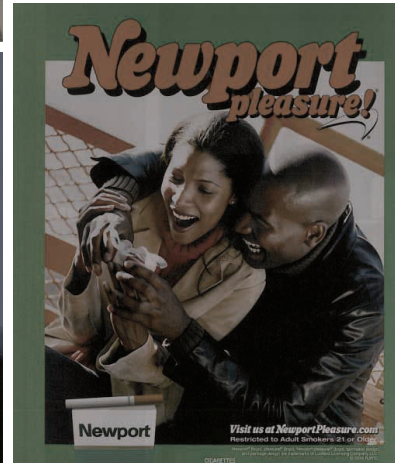
*"A Study of Smoking Habits Among Young Smokers." July 1974*

# HERE ARE EXAMPLES OF THE TOBACCO INDUSTRY'S DEADLY TARGETING OF BLACK AMERICANS.

## Magazine Advertising

The establishment of popular magazines like Ebony and Jet provided marketing venues that had not previously existed for reaching Black consumers. Since the 1960s and continuing into the 21<sup>st</sup> century, the tobacco industry has strategically placed advertising for menthol cigarettes in magazines with high Black readership. These advertisements feature Black models and use themes that have been effective industry strategies over the decades, including associating smoking with a popular lifestyle. From 1998 to 2002, Ebony was 9.8 times more likely than People to contain ads for menthol cigarettes.<sup>31</sup> Expenditures for magazine advertising of mentholated cigarettes increased from 13% of total ad expenditures in 1998 to 76% in 2006.<sup>32</sup>

Always looking to expand their market and find “replacement smokers”, Philip Morris introduced Virginia Slims, the first woman-specific brand, in 1968, signaling that women were also a major target of the tobacco industry. Ads for Virginia Slims depicted women, including many Black women, as independent, sophisticated and successful.



## Sampling and Mobile Van Programs

The tobacco companies considered free sampling to be an important strategy for attracting new customers, employing mobile van programs across the country to reach Black Americans. Lorillard introduced the Newport Pleasure Van program in 1979 in New York, expanding to cities across the United States to distribute free samples and coupons. Kool and Salem subsequently mimicked this effective strategy, reaching Black Americans in cities across the country.<sup>33</sup>

Salem van in Houston, TX (1991)



### TARGETED SAMPLING

A TOTAL OF 1,000,000 SAMPLES WILL BE DISTRIBUTED TO TARGETED SMOKERS IN 1983. SAMPLE DISTRIBUTION WILL BE TARGETED TO:

- HOUSING PROJECTS, CLUBS, COMMUNITY ORGANIZATIONS AND EVENTS WHERE KOOL'S BLACK YOUNG ADULT TARGET CONGREGATE.
- MUSIC EVENTS AND TARGETED NEIGHBORHOODS WHERE KOOL TARGET CONGREGATES AND WHERE THE SAMPLING VENUE PROVIDES IMAGE REINFORCEMENT OF THE CAMPAIGN.
- DEMOGRAPHICALLY TARGETED NEIGHBORHOODS WHERE COMPETITORS (E.G., NEWPORT) HAVE MADE SIGNIFICANT INROADS INTO THE KOOL BUSINESS. SAMPLING VANS WILL BE USED IN THE ABOVE AREAS IN SELECTED MAJOR MARKETS.

1984 Kool Magazine Ad

## Music and Event Sponsorship

The tobacco companies recognized the value of associating their brand with popular community events, particularly focused around music. Industry-sponsored events included Brown & Williamson's Kool Jazz Festival, R.J. Reynolds Salem Summer Street Scenes festivals, and Philip Morris' Club Benson & Hedges promotional bar nights, targeting clubs frequented by Black Americans.<sup>34</sup> R.J. Reynolds estimated that they reached at least half of Black Americans in Memphis, Detroit, Chicago, New York, and Washington, D.C through their Salem Summer Street Scenes festivals.<sup>35</sup>

EXTEND REACH AND FREQUENCY OF MUSIC ASSOCIATION TO GAIN CREDIBILITY THROUGH BLACK MEDIA PRESS COVERAGE OF KOOL MUSIC EVENTS.

— Kool Market Development Program  
Brown & Williamson Records

Nothing satisfies like KOOL. No wonder it's America's #1 menthol.





## Billboard Advertising

Prior to the Master Settlement Agreement's ban on cigarette billboard advertising, this strategy was widely employed by the tobacco industry. Research from several cities across the country found that low income and African American neighborhoods had significantly more cigarette billboard ads compared to White neighborhoods.<sup>36</sup>

2004 Kool Mixx Special Edition pack



## Branding and Packaging

While these strategies were ultimately short-lived, the tobacco industry also targeted Black Americans through targeted branding and packaging designs featuring culturally appropriated images. In 2004, Brown & Williamson started an ad campaign for their Kool brand cigarettes clearly aimed at Black youth. The Kool Mixx campaign featured images of young Black rappers, DJs and dancers on cigarette packs and in advertising. The campaign also included radio giveaways with cigarette purchases and a hip hop DJ competition in major cities. Attorneys General from several states promptly filed motions against Brown & Williamson for advertising to youth in violation of the Master Settlement Agreement.<sup>37</sup> Simultaneously, Brown & Williamson promoted a new line of cigarette flavors like Caribbean Chill, Mocha Taboo, and Midnight Berry using images of Black Americans and themes attractive to Black youth. These cigarettes were promoted through dance clubs and hip-hop music venues. In a similar vein, in the 1980s and 1990s, Uptown and "X" brand (emulating Malcolm X) cigarettes were also introduced, with the explicit aim of targeting the Black community, although these brand quickly failed due to community backlash.<sup>38</sup>

2013 Exterior retail advertising for Camel Durham, NC



2013 Exterior retail advertising for Newport Charlotte, NC



## Point-of-Sale Targeting

The tobacco companies developed specific strategies and specially designed product displays to adapt their point-of-sale marketing to smaller retailers that were more common in cities through programs like Brown & Williamson's 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>

Strategies to target stores in Black neighborhoods continue today. A wealth of research indicates that Black neighborhoods have a disproportionate number of tobacco retailers, pervasive tobacco marketing, and in particular, more marketing of menthol products.<sup>40</sup> Nationally, stores in neighborhoods with the highest proportion of Black Americans have more than double the odds of advertising price promotions for tobacco products, compared to stores in neighborhoods with the lowest proportion of Black Americans.<sup>41</sup> Newport cigarettes (the most popular menthol brand) are significantly less expensive in neighborhoods with higher proportions of Black Americans, making them even more appealing to price sensitive youth.<sup>42</sup>



# THE TOBACCO INDUSTRY TARGETS BLACK COMMUNITIES WITH CHEAP, FLAVORED CIGARS

The tobacco industry also targets Black communities with marketing for cheap, flavored cigars, some of which can be smoked like cigarettes. These products are sold in a wide assortment of kid-friendly flavors and can be as cheap as three for 99 cents, making them highly appealing to kids. In 2020, 9.2% of Black high school students smoked cigars, compared to 5.0% of all high school students.<sup>43</sup>

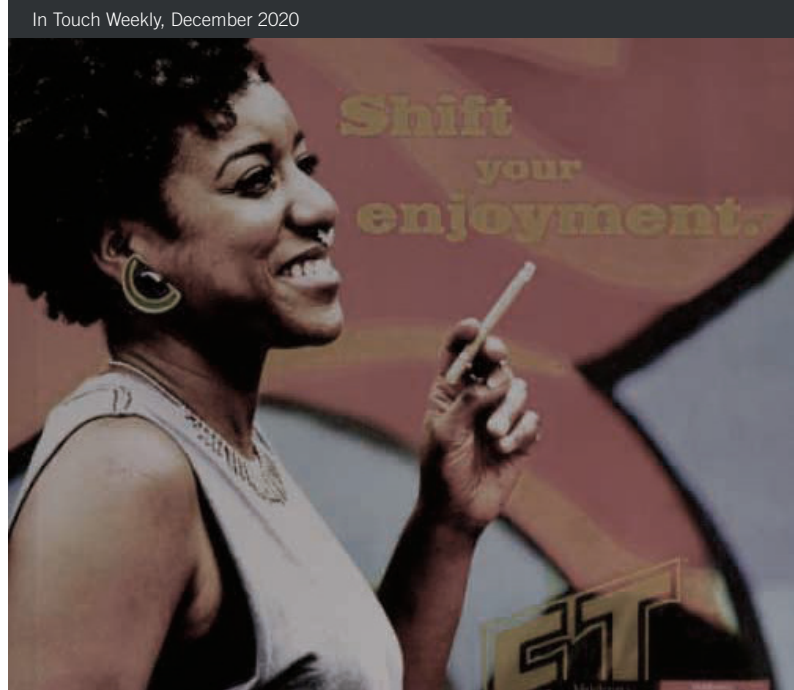
It is not surprising that Black youth use cigars at rates higher than other groups, when they are often surrounded by pro-cigar imagery. Black non-tobacco users are more than two times more likely to recall seeing ads for cigarillo and little cigar ads compared to non-Hispanic whites.<sup>44</sup> Images of attractive Black young people appear throughout marketing materials for cigars.

As with menthol cigarettes, years of research have documented greater cigar availability and more cigar marketing, including flavored cigars and price promotions, in Black neighborhoods.<sup>45</sup>

Likewise, cigar companies market their products using imagery and themes that are popular with Black communities. Studies show that music has been an important strategy used by cigar companies – a strategy also used by cigarette companies to market menthol cigarettes. Popular Black performers like Snoop Dogg or Jadakiss have been spokespeople for cigar brands,<sup>46</sup> and several cigar companies sponsor music events and programs to promote upcoming hip-hop artists.<sup>47</sup>

Even an informal scan of the social media and websites of popular cigar brands show the close relationship between Black music artists and cigars. Cigar companies highlight their sponsored events on their social media accounts, and in some cases, the artists post about their performance on their own social media accounts, amplifying the exposure to followers that may not normally be exposed to cigar branding. For instance, most of the influencers used in some major cigar brands' Instagram accounts are people of color, connected to the hip-hop music industry, and have a large following.<sup>48</sup>

Flavored cigars have proliferated in recent years and cigars are now available in many kid-friendly flavors such as “Berry Fusion,” White Chocolate, “Sticky Sweets,” and “Swiss Roll.” As with menthol-flavored cigarettes, flavors in cigars help to mask tobacco’s harshness and make cigars easier to smoke.<sup>49</sup> Nearly three quarters of current youth cigar smokers said they smoked cigars “because they come in flavors I like.”<sup>50</sup>



August 24, 2014, Gainesville, FL



SnoopDoggTV, YouTube, January 10, 2012



Shaq Fun House Instagram, February 17, 2020





Optimo Cigars Instagram, June 25, 2019



In addition, cheap, sweet cigars can serve as an entry product for kids to a lifetime of smoking cigars and, in some cases, cigarettes. A recent national longitudinal study found that between 2013 and 2018, “9.1% of cigarette initiation among non-Hispanic black youth was attributable to cigar products.” According to the study’s authors, “decreasing cigar use among youth could prevent up to 4.6% of cigarette initiation overall and 9.1% among black youth specifically.”<sup>51</sup>

Smoking cigars causes serious health consequences, including cancer of the oral cavity, larynx, esophagus and lung, and cigar smokers are also at increased risk for aortic aneurysms.<sup>52</sup> The FDA has concluded that cigars pose serious negative health risks, including about 9,000 premature deaths a year, and all cigars are potentially addictive.<sup>53</sup>

## E-CIGARETTES ALSO POPULAR WITH BLACK YOUTH

E-cigarettes are now the most popular tobacco product among youth, and Black youth have not been immune to the national e-cigarette epidemic. As of 2020, e-cigarettes were about as popular as cigars among Black high school students (9.1% vs. 9.2%).<sup>54</sup> This represents a decline from 2019, when youth e-cigarette use peaked nationally at 27.5%, and 18.4% among Black high schoolers.<sup>55</sup> E-cigarettes pose serious risks to the health of young people. A 2016 Surgeon General’s report concluded that youth use of nicotine in any form, including e-cigarettes, is unsafe, causes addiction and can harm adolescent brain development.<sup>56</sup>



# POLICYMAKERS MUST ACT TO PROTECT HEALTH AND SAVE LIVES

To protect the health of Black Americans and address health disparities, menthol cigarettes and other flavored tobacco products should be prohibited. The FDA has had the authority to take action since 2009 when Congress granted the agency authority to regulate tobacco products by passing the Family Smoking Prevention and Tobacco Control Act. However, the FDA has failed to act despite repeated conclusions by the FDA itself and its Tobacco Products Scientific Advisory Committee (TPSAC) that prohibiting menthol cigarettes would benefit public health in the United States:

- In 2011, TPSAC issued a comprehensive report evaluating the scientific evidence on menthol cigarettes and concluded, “Removal of menthol cigarettes from the marketplace would benefit the public health in the United States.”<sup>57</sup>
- In 2013, the FDA completed its own independent, peer-reviewed evaluation and concluded it is “likely that menthol cigarettes pose a public health risk above that seen with nonmenthol cigarettes.” The FDA report found that menthol cigarettes are associated with increased smoking initiation among youth and young adults, greater addiction and reduced success in quitting smoking, particularly among Black smokers.<sup>58</sup>
- In 2018, then-FDA Commissioner Scott Gottlieb announced the agency’s intention to initiate rulemaking “that would seek to ban menthol in combustible tobacco product, including cigarettes and cigars.” Gottlieb stated that menthol cigarettes “represent one of the most common and pernicious routes by which kids initiate on combustible cigarettes” and “exacerbate troubling disparities in health related to race and socioeconomic status.”<sup>59</sup>

These findings demonstrate that the FDA has more than enough evidence to ban menthol cigarettes.

In June 2020, several public health organizations filed a lawsuit in the U.S. District Court for the Northern District of California asserting that the FDA’s failure to take action on menthol cigarettes constituted “unreasonable delay” in violation of the Administrative Procedure Act. Among other claims, the lawsuit asserts that the FDA has unreasonably delayed responding to a Citizen Petition, filed in April 2013 by various public health organizations, calling on the FDA to prohibit menthol as a characterizing flavor in cigarettes. In a filing with the court on January 21, 2021, the FDA committed to issuing “a final citizen petition response” by April 29, 2021. The plaintiffs in the case are the African American Tobacco Control Leadership Council (AATCLC), Action on Smoking and Health, the American Medical Association and the National Medical Association. The lawsuit was

filed after years of grassroots activity by AATCLC, the Center for Black Health & Equity (formerly the National African American Tobacco Prevention Network) and other organizations to raise awareness about the need to take action and eliminate menthol cigarettes.

Until the FDA acts, states and cities should continue their growing efforts to prohibit the sale of all flavored tobacco products, including menthol cigarettes. To date, two states – California and Massachusetts – and over 120 localities have adopted prohibitions on flavored tobacco products that include menthol cigarettes (California’s law is on hold because the tobacco industry is seeking to overturn it through a referendum). Three other states – New Jersey, New York and Rhode Island – have ended the sale of flavored e-cigarettes.

Congress can also act to prohibit menthol cigarettes and other flavored tobacco products, as the U.S. House of Representatives did in February 2020 when it passed the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020. This legislation was supported by over 75 public health, medical, education and civil rights organizations. Supporting groups included the NAACP, the National Medical Association, the Association of Black Cardiologists, Black Women’s Health Imperative, the African American Tobacco Control Leadership Council, the National African American Tobacco Prevention Network (now the Center for Black Health & Equity) and the National Black Nurses Association.

To help more smokers quit, it is also critical to expand health insurance coverage, availability and promotion of smoking cessation treatments, especially in medically underserved communities. Specific actions should include:

- Ensuring barrier-free access to the full array of proven tobacco cessation treatments. These services must be widely promoted so health care providers and tobacco users know they are available.
- Developing and implementing targeted, culturally competent public education campaigns that reach populations disproportionately impacted by tobacco use and provide information about where to get help quitting.

**These actions will greatly improve the health of Black individuals and communities, reduce health disparities and save Black lives.**



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