

Citations:

1. FDA, “Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes,” at p. 6 (2013) (“...menthol in cigarettes is not associated with an increase in disease risk to the user compared to non-menthol cigarette smokers.”).
2. E.g., Gunawan et al. (2020) (“Menthol was not associated with greater smoke exposure.”); Strasser et al. (2013) (“This study adds to the scientific literature, and bridges previously identified gaps in the knowledge, and our results suggest minimal impact on smoking behaviors and exposures due to menthol presence.”).
3. CDC, National Health Interview Survey data (2021).
4. CDC, Tobacco Product Use Among Middle and High School Students — United States, 2022, MMWR 71(45) (Nov. 11, 2022), Table 1.
5. CDC, Tobacco Product Use and Associated Factors Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021, MMWR 71(5) (Mar. 11, 2022), Table 5.
6. FDA Center for Tobacco Products, Scientific Review of the Effects of Menthol in Cigarettes on Tobacco Addiction: 1980-2021, p. 75 (April 2022) (“Based on the weight of the evidence spanning 1980-2021, the evidence is not sufficient to support conclusions of an association of menthol in cigarettes with dependence among adults.”); see also Hyland et al. (2002) (studying involving 13,000 smokers, “data indicate that mentholated cigarette smokers do not exhibit greater signs of nicotine dependence as measured by the likelihood of future cessation”); Murry et al. (2007) (study involving 5,800 smokers, “We found no difference in success at smoking cessation with or without menthol.”); Keeler et al. (2017) (study involving 54,000 smokers, “African American menthol smokers were not significantly different from non-menthol smokers in successful cessation....”). Menthol smokers do not smoke more cigarettes per day (and frequently smoke less) than non-menthol. E.g., Pletcher et al. (2006) (fewer); Gandhi et al. (2009) (fewer); Fagan et al. (2010) (same); Gan et al. (2016) (same); Cohn et al. (2018) (same).
7. Master Settlement Agreement (1998) and Tobacco Control Act (2009) – Prohibit: billboards, free product samples, sponsoring social, cultural, athletic events, no logos on merchandise (e.g., t-shirts and bags), no athletes or celebrities.
8. Massachusetts - The Tax Foundation, “Massachusetts Flavored Tobacco Ban Has Severe Impact on Tax Revenue” (Jan 19, 2021) (“Massachusetts sales plummeted, but not because people quit smoking—only because those sales went elsewhere.”); Canada - Carpenter & Nguyen, Intended and Unintended Effects of Banning Menthol Cigarettes, 64 J. Law & Economics 629, 631 (2021) (Canada’s provincial menthol bans “did not significantly reduce overall smoking rates among youths or adults.”).
9. E.g., Yvette D. Clarke, Youth Tobacco Use Legislation Would Have Unintended Life-or-Death Consequences for Black Tobacco Users, The Hill (Feb. 27, 2020) (“A ban that targets menthol products but ignores other premium tobacco products unduly burdens the black community. This asymmetrical ban feels more like a targeted attack than a value-neutral healthcare policy decision. In effect, white adult smokers would see little difference in their lives after this ban while black smokers could face even more sweeping harassment from law enforcement if the hint of menthol smoke can justify a stop.”); Center for Tobacco Policy & Organizing (“Law enforcement will use these restrictions [on menthol cigarettes] and black markets as an excuse to unfairly target African-American communities that are already vulnerable to increased scrutiny and harassment.”)
10. A ban is not race neutral – FDA reports that minorities disproportionately prefer menthol (i.e., nearly 85% of African American smokers, 47.7% of Hispanic smokers, 41.1% of Asian smokers vs. 30.3% of White smokers).
11. See note 8.
12. See note 1.
13. The Daily Mirror, “EU ban on menthol cigarettes see smokers create dangerous DIY alternatives” (July 27, 2020).
14. Menthol ban graphic from <https://mentholkillnyc.org/>