

# Is a ban on menthol cigarettes a step toward health equity and social justice?

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As the Food and Drug Administration goes forward with its proposal to ban menthol cigarettes, Rutgers researchers insist the move is a step toward social justice and better health equity in the Black community,

where menthol cigarettes have been heavily marketed by tobacco companies.

In a commentary published in *JAMA Network Open*, researchers at the Rutgers Center for Tobacco Studies (CTS) said the ban will help prevent young people from starting to smoke and lower national smoking rates, particularly among vulnerable groups.

Indeed, the FDA's proposed product standard cites 26 research studies authored or coauthored by CTS team members.

Cristine Delnevo, director of the center and a professor at the Rutgers School of Public Health, and Andrea Villanti, deputy director of CTS and an associate professor at the Rutgers School of Public Health, have published multiple studies and were expert reviewers of the FDA's "Scientific Assessment of the Impact of Menthol in Cigarettes."

Delnevo, Villanti, Ollie Ganz—an instructor at the Rutgers School of Public Health and a researcher at CTS—and Kevin Schroth—associate professor at the Rutgers School of Public Health and a researcher at CTS—discuss why the scientific evidence outweighs any industry arguments.

## **Why should menthol cigarettes concern public health officials?**

Delnevo: The FDA's Tobacco Product Scientific Advisory Committee concluded that [menthol](#) in cigarettes reduced the harshness of smoking and was associated with increased initiation, higher dependence, and lower quit success.

Our study published in the journal *Nicotine & Tobacco Research* draws

attention to the continued availability of [menthol cigarettes](#) in the U.S. as a social justice issue. Most Black smokers in the U.S. smoke menthol cigarettes, and extensive research shows that the [tobacco industry](#) targeted African American communities with advertising for menthol cigarettes for decades.

Data from the National Youth Tobacco Survey also show that while menthol use declined overall among youth from 2011 to 2018, there was no decline among Black and Hispanic students.

## **How has the consumption of cigarettes, especially menthol cigarettes, changed over time and why is this important in the context of a ban on menthol cigarettes?**

Delnevo: Our study, published in *JAMA Network Open*, analyzed cigarette consumption data in the U.S. between 2000 to 2018, and found there was a 46 percent decline in cigarette consumption during this period—but 85 percent of that decline was attributed to nonmenthol cigarettes. This is a pattern consistent with evidence that menthol cigarettes increase initiation and progression to regular smoking and decreases smoking cessation success.

We also found that the introduction of menthol capsules, a product feature that allows consumers to crush a liquid-filled capsule in the filter, may have slowed the downward trajectory in cigarette consumption. The industry continues to innovate, and policymakers need to be comprehensive in their approach to banning flavors.

## **Why is it important to ban menthol cigarettes and why has it been difficult to enact a nationwide ban?**

Ganz: Research shows that a ban on menthol cigarettes would significantly impact public health and positively impact the African American community. A 2011 study modeling the effects of a menthol ban in the U.S. estimated that 633,252 deaths could have been averted and that one of three of these lives lost would be a Black person. Other vulnerable communities also are at risk if a menthol ban is not implemented. Our study concluded that the inaction on menthol came down to lack of political will.

## **Will an FDA ban on menthol cigarettes survive tobacco industry lawsuits?**

Schroth: Our commentary explains why the FDA has a high probability of prevailing when the [tobacco](#) industry inevitably files a lawsuit challenging the FDA's final rule. The 2009 Tobacco Control Act clearly gives the FDA the power to issue a product standard like this and sets parameters for a lawsuit. A product standard must be appropriate for the protection of [public health](#), with two primary considerations: It should help current smokers to stop and contribute to decreasing smoking initiation. A persuasive body of evidence shows that menthol cigarettes contribute to youth initiation and reduced success among people trying to quit. The persuasiveness of this [scientific evidence](#) is likely to be the decisive factor in a lawsuit.

## **Will an FDA ban on menthol cigarettes criminalize menthol cigarettes or lead to an increase in criminal activity, with a disproportionate effect on the African American community?**

Schroth: As our commentary recognizes, this question reflects a talking point that R.J. Reynolds Tobacco Company injected into the public

domain. However, the idea that a menthol ban will contribute to [criminal activity](#) or violence is not consistent with tobacco control enforcement practices. Companies and manufacturers are the ones that will be affected by enforcement of a menthol cigarette ban, not individuals.

But it appears that FDA is taking this issue seriously. The FDA invites comments from the public on how it can clarify the roles of enforcement authorities and any potential racial and [social justice](#) implications of the proposed product standards.

## **How can we maximize the public health benefit of an FDA menthol cigarette ban?**

Delnevo: We need to keep a watchful eye on youth tobacco use behaviors, including use of multiple products, substitution with other products or alternative methods of menthol flavor delivery. We also need to comprehensively evaluate the effects of menthol or flavor bans on tobacco-related health inequities.

Villanti: In a new commentary published in *JAMA Network Open*, we highlight that the FDA's proposed menthol cigarette ban is a pivotal moment for health equity and suggest a range of activities including:

1. Raising awareness and countering any misperceptions and disinformation about the goals of flavored tobacco policies
2. Ensuring that policy enforcement focuses on retailers and manufacturers
3. Limiting policy exemptions to prevent loopholes or inequitable implementation
4. Scaling up tobacco cessation resources

Schroth: Individuals and groups should consider contributing to FDA's

virtual listening sessions on June 13 and 15 and/or submitting public comments by July 5.

**More information:** Andrea C. Villanti et al, US Food and Drug Administration Action on Menthol Cigarettes and Flavored Cigars—A Pivotal Moment for Health Equity, *JAMA Network Open* (2022). [DOI: 10.1001/jamanetworkopen.2022.17150](https://doi.org/10.1001/jamanetworkopen.2022.17150)

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