Statement of Support from Dr. Karen Knudsen: Proposed Rules to Prohibit Menthol Flavoring in Cigarettes and All Flavors in Cigars

PHILADELPHIA – Today the Food and Drug Administration (FDA) released its proposed rules to eliminate menthol cigarettes and eliminate all flavors in all cigars, a long overdue action in reducing youth tobacco initiation and Big Tobacco's targeting of Black communities.

If implemented, this will be a huge win for our American Cancer Society (ACS) goal of improving the lives of cancer patients and their families, considering tobacco use is responsible for one-third of all cancer deaths. The decision comes after years of strong and consistent advocacy by the American Cancer Society Cancer Action Network (ACS CAN) and our public health partners (additional details are available in the ACS CAN press release), as well as our work in discovery and patient support.

Impacting Health Disparities

Prohibiting menthol could reduce the burden of tobacco use, which causes more than 480,000 deaths in the US each year. Recent ACS research published in the JAMA Internal Medicine found that Massachusetts' landmark law to restrict the sale of all flavored tobacco products, including menthol cigarettes, decreased the overall sale of all cigarettes, including menthol *(in fact, this ACS study is cited throughout FDA's proposed rule!).*

According to modeling studies, a menthol prohibition in the US would reduce smoking by an estimated 15 percent within 40 years, resulting in 324,000 to 654,000 smoking attributable deaths averted, including 92,000 to 238,000 among African Americans.

Menthol has been shown to increase smoking initiation, decrease successful quitting, and lead to greater addiction, all independent of the damaging effects of nicotine. Big Tobacco has intentionally and relentlessly marketed menthol cigarettes and cigars in Black neighborhoods and in magazines and events targeted at Black communities, in addition to LGBTQ+ and low-income communities.

Prohibiting menthol in cigarettes and flavors in cigars is important for ACS' commitment to advance health equity, considering the significant health disparities that we know exist:

- Menthol has a disproportionate impact on African Americans, who consistently report the highest prevalence of menthol cigarette use.
- 83.1% of Black people who smoke use menthol cigarettes, as compared to 48% of Hispanic people who smoke, 41.5% of Asian people who smoke and 31.6% of white people who smoke.
- Among adults who smoke cigars, black people are more than twice as likely to smoke flavored cigars as white people.
- Black students are twice as likely to smoke cigars then white students.
- Lung cancer death rates in Black males are 15% higher than those of white males.

Check out Cancer Facts & Figures for African American/Black People for additional data on cancer risk factors and screening in the Black population.

Our Contribution

Through our work in discovery, patient support, and advocacy, ACS helped play a role in the creation of these rules.

Our discovery and patient support work helped lead to reduced tobacco-caused cancer incidence and mortality.

- A study by ACS researchers presented at the SRNT 2022 Annual Conference showed that while menthol cigarette smoking in 2019 was most concentrated among Black people who smoke, over time since 2004,

this burden was shifting to American Indian/Alaska Native young adults and middle-aged adults. These emerging disparities reinforce the importance of FDA's proposed policy to prohibit menthol in cigarettes.
- ACS researchers continue to provide expert support by reviewing and synthesizing current scientific evidence regarding a) the role of menthol cigarette smoking in harming health and creating health disparities and b) the effectiveness of menthol prohibitions in reducing menthol and overall cigarette sales. This synthesis provides strong evidence for the conclusion that prohibiting menthol as a characterizing flavor in cigarettes will promote public health and improve health equity.
- Cancer.org provides information and resources to help people stay away from tobacco and support tobacco cessation efforts.

Through our Advocacy work, we had direct and significant influence in securing this major victory for public health.

- In 2013, ACS CAN joined 18 public health groups in filing a Citizen's Petition urging FDA to exercise its regulatory power to prohibit menthol in cigarettes. The petition was updated with a supplement in January of 2021, providing additional evidence the agency could use in its determination. FDA granted this petition a year ago, saying it would issue a draft rule within a year.
- We publicly supported a federal lawsuit filed by public health groups to compel the agency to assert its authority, as well as filed an *amicus curiae* brief in the case last September. The lawsuit resulted in FDA's decision to grant our petition.
- In the absence of FDA action, Massachusetts and California – the latter of which is on hold pending a November ballot measure – and at least 145 communities have ended the sale of menthol cigarettes and other flavored tobacco products. ACS CAN continues to lead state and local efforts nationwide to pass restrictions on the sale of flavored tobacco products.

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