



## Georgia Society For Public Health Education (GASOPHE)

### SUPPORT STATE AND LOCAL RESTRICTIONS ON THE SALE OF FLAVORED TOBACCO PRODUCTS, INCLUDING MENTHOL CIGARETTES

#### **Introduction:**

Menthol-flavored cigarettes currently account for 25% of cigarette sales in the United States. An over-whelming majority of menthol smokers are from minority populations, which are perniciously targeted by the tobacco industry in its advertising and marketing campaigns.

The Family Smoking Prevention and Tobacco Control Act of 2009 gave the U.S. Food and Drug Administration (FDA) the authority to regulate tobacco products. The law made the sale of most flavored cigarettes illegal, but exempted menthol-flavored cigarettes. However, under the law the FDA may create future regulations banning or restricting the use of menthol in cigarettes. The FDA is still reviewing information about menthol cigarettes and deciding what action to take.

Organizations can pass resolutions to encourage the FDA to regulate or completely ban the use of menthol in cigarettes. Once passed, a resolution may be submitted to the FDA and other officials to urge them to act in accordance with the resolution.

Additionally, cities, counties, and states have the power to legislate the “time and place” that these products may be sold.

#### **Findings and Resolution:**

WHEREAS, the mission of the National Association for the Advancement of Colored People is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate hatred and racial discrimination;

WHEREAS, the foundation and enjoyment of all rights begin with healthy individuals and communities;

WHEREAS, tobacco-related deaths continue to be the number one preventable cause of death, claiming 45,000 African American lives a year;

WHEREAS, tobacco-related deaths continue to claim more lives than violence, AIDS, car accidents, and (non-tobacco-related) cancer COMBINED;



WHEREAS, when compared to Whites, African Americans have the highest lung cancer mortality rate;

WHEREAS, from 1968 to 1999 the lung cancer death rate for males increased by 15%, whereas for females it increased by 266%. In the 1970s, the rising tide of lung cancer in women led to predictions that by the 1980s it would eclipse breast cancer as a leading cause of death. Those predictions unfortunately were realized in 1987, when lung cancer surpassed breast cancer as the leading cause of death in women;

WHEREAS, 67% of overall health disparities in mortality are related to the high smoking prevalence of African American men;

WHEREAS, the tobacco industry has a well-documented history of developing and marketing brands targeted to African Americans and their youth;

WHEREAS, the tobacco industry manipulated the manufacturing of cigarettes to ensure the uptake and continued use of tobacco, especially by African American young people and other vulnerable populations for many years<sup>1</sup> ;

WHEREAS, the tobacco industry has perniciously targeted African Americans with mentholated products and as a result nearly 83% of African American smokers smoke menthol cigarettes, compared with 24% of white smokers;

WHEREAS, the tobacco industry has been manipulating the dose of menthol in cigarettes to ensure the uptake and continued use of tobacco, especially by young people and other vulnerable populations for many years;

WHEREAS, 71% of Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) smokers, particularly youth, smoke menthol cigarettes;

WHEREAS, the tobacco industry has targeted African Americans with mentholated products and as a result nearly 83% of African American smokers smoke menthol cigarettes, compared with 24% of white smokers;

WHEREAS, the U.S. Food and Drug Administration (FDA) has the authority to issue product standards to promote public health, which can include eliminating or reducing certain ingredients;

WHEREAS, menthol was expressly exempted from the ban on characterizing flavors in cigarettes;



WHEREAS, other tobacco products (including but not limited to smokeless tobacco, cigars, blunt wrappers, Black N’Milds, Swisher Sweets, E-Cigarette, hookah tobacco, and dissolvable tobacco products) are not included in the ban on candy, fruit, spice or other characterizing flavors;

WHEREAS, the tobacco industry has a well-documented history of developing and marketing mentholated brands to racial and ethnic minorities and youth;

WHEREAS, many tobacco products besides cigarettes—including cigars, cigarillos, and electronic cigarettes are sold in menthol flavors that appeal to youth and may serve as a gateway to smoking;

WHEREAS, federal courts have upheld the authority of state and local governments to restrict the sale of flavored tobacco products, including menthol;

WHEREAS, approximately 8.4% (32,400) of middle school students and 15.7% (72,900) of high school students in Georgia say they have tried smoking electronic cigarettes (e-cigarettes), even one or two puffs;

WHEREAS, about 9.5% (18,600) of male middle school students and 7.3% (13,800) of female middle school students say they have tried smoking e-cigarettes;

WHEREAS, about 4.0% (15,200) of middle school students and 8.6% (39,300) of high school students in Georgia currently smoke e-cigarettes (defined as having smoked e-cigarettes during the past 30 days);

WHEREAS, about 5.0% (9,700) of male middle school students currently smoke e-cigarettes, while 2.9% (5,500) of female middle school students currently smoke e-cigarettes;

WHEREAS, approximately 9.8% (22,600) of male high school students currently smoke e-cigarettes and 7.0% (16,000) of female high school students currently smoke e-cigarettes;

WHEREAS, tobacco use is the leading cause of preventable illness and deaths in tobacco users and non-users in Georgia;

WHEREAS, about 10.1% of deaths among Georgia adults are linked to smoking<sup>1</sup>. There are approximately 600 ingredients in cigarettes, when burned, they create more than 7,000 chemicals. At least 69 of these chemicals are known to cause cancer, and many are poisonous;



WHEREAS, in 2014, 17.4% (1.24 million) of adult Georgians  
Smoked cigarettes;

WHEREAS, most tobacco retailers sale menthol cigarettes in Georgia;

WHEREAS, Delta Sigma Theta Sorority, Inc, and the Bay Area Black Nurses  
Association Inc. have signed resolutions asking the FDA to restrict the sale of  
mentholated tobacco products;

WHEREAS, the cities of Chicago, Illinois and Berkeley, California have enacted  
legislation that restricts the sale of mentholated and flavored tobacco products near  
schools;

WHEREAS, the cities of Chicago, Illinois and Berkeley, California and the State of  
California have passed legislation to raise the legal age to purchase tobacco products to  
21 years of age;

NOW, THEREFORE, BE IT RESOLVED, that the Georgia Society for Public Health  
Education (GASOPHE): hereby supports the Food and Drug Administration's exercise of  
its authority to ban the use of menthol in cigarettes and other tobacco products, including  
e-cigarettes and other electronic nicotine-delivery systems.

NOW, THEREFORE, BE IT RESOLVED, that the Georgia Society for Public Health  
Education hereby supports efforts by the state of Georgia and local governments in the  
United States to restrict the sale of flavored tobacco products, including menthol  
cigarettes.

ADOPTED by the Georgia Society for Public Health Education this 1<sup>st</sup> day of May 2017.

Adopted:



Anne Marie Coleman, MPH, PhD,  
President for Georgia Society for Public Health Education

References:

<sup>1</sup> United States v. Philip Morris, 449 F. Supp. 2d 1, 71 (D.D.C. 2006) aff'd, 566 F.3d 1095 (D.C. Cir. 2009).

<sup>1</sup> Valerie B. Yerger et al., Racialized Geography, Corporate Activity, and Health Disparities: Tobacco Industry Targeting of Inner Cities, 18 J. OF HEALTH CARE FOR THE POOR & UNDERSERVED 10, 10-38 (2007).

<sup>1</sup> Jennifer M. Kreslake et al. Tobacco Industry Control of Menthol in Cigarettes and Targeting of Adolescents and Young Adults. 98 AM. J. PUB. HEALTH 1685, 1685-1692 (2008).

<sup>1</sup> Substance Abuse and Mental Health Services Administration, Office of Applied Studies, The NSDUH Report: Use of Menthol Cigarettes, Nov. 19, 2009, available at: <http://oas.samhsa.gov/2k9/134/134MentholCigarettes.htm>.

<sup>1</sup> The Boston Globe, Dec. 16, 2010

Chung, A., Lavender, A., Bayakly, R., 2015 Georgia Tobacco Use Surveillance Report. Georgia Department of Public Health, Health Protection, Epidemiology, Chronic Disease, Healthy Behaviors and Injury Epidemiology Section, October 2015