

The FDA and Menthol: What is at Stake

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Making a Difference in Tobacco-Related Health Disparities
Science

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The FDA Family Smoking Prevention and Tobacco Control Act

- Ban all remaining tobacco-brand sponsorships of sports and entertainment events
- Ban free giveaways of any non-tobacco items with the purchase of a tobacco product
- Limit advertising in publications with significant teen readership

The FDA Family Smoking Prevention and Tobacco Control Act

- Ban outdoor advertising near schools and playgrounds
- Restrict vending machines and self-service displays to adult-only facilities
- Require retailers to verify age for all over-the-counter sales

The FDA Family Smoking Prevention and Tobacco Control Act

- Requires detailed disclosure of ingredients, nicotine and harmful smoke constituents
- Allows FDA to require changes to tobacco products to protect the public health –
- Prohibits the use of descriptors, such as “light”, “mild” and “low,” to characterize a product on labels or in advertising.

The FDA Family Smoking Prevention and Tobacco Control Act

- Requires bigger, graphic health warnings –The law requires graphic warning labels that cover the top 50% of the front and rear panels of the cigarette pack
- Fully funds FDA regulation of tobacco products through a user fee on manufacturers of cigarettes, cigarette tobacco and smokeless tobacco

The FDA Family Smoking Prevention and Tobacco Control Act

- **Preserves state and local authority** – The law does not preempt state and local governments from enacting other tobacco control measures, including tobacco taxes, smoke-free workplace laws and fire-safety standards for cigarettes.

Menthol: A Missed Opportunity

- cigarette or any of its component parts (including the tobacco , filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. (HR 1256, Sec. 907, (a) (1))

Amended FDA Bill

- `(e) Menthol Cigarettes-
- `(1) REFERRAL; CONSIDERATIONS- Immediately upon the establishment of the Tobacco Products Scientific Advisory Committee under section 917(a), the Secretary shall refer to the Committee for report and recommendation, under section 917(c)(4), the issue of the impact of the use of menthol in cigarettes on the public health, including such use among African Americans, Hispanics, and other racial and ethnic minorities. (HR 1256, Sec. 907 (e) (1))

Public Health Lens Needed to View Menthols Harm

- Harm is not mainly a chemical, toxicological or an epidemiological question
- Narrow definition aids the tobacco industry
- Group, Community-wide, Societal concern that must be examined at the population level
- Social Justice Issue that targets and preys upon the most vulnerable in our society

Public Health Lens Needed to View Menthols Harm

- **Menthol cigarettes are starter products for Youth**
 - Middle School smokers more likely to use menthol cigarettes
 - Those smoking less than a year more likely to be a menthol smoker; and youth use more flavored cigarettes (Hersey, 2004; SAMSHA, 2009; Klein, 2007)
- **Menthol cigarettes have greater addiction potential given their Unique Sensory Stimulation Properties**
 - “Throat grab” associated with menthol similar to that of nicotine
 - Reduces harshness; stimulates cold receptors and taste buds; mild analgesic effect; sensation of deeper inhalation; candy-minty taste ; classic re-enforcer (Ferris et al, 2004)
 - The Ultimate Candy Flavoring: It helps the poison go down easier

Cessation Inhibitor; Relapse Promoter

- Menthol Cigarettes are Harder to Quit and easier to take back up (Harris et al, 2004; Pletcher et al, 2006; Okuyemi 2003, 2004, 2007; Gandhi et al, 2009)
- Not all studies (Fu et al., 2008; Hyland et al., 2002; Murray, 2007)
- Design problems

Mass Disinformation Campaign(s)

Healthier alternative; soothes sore throats

- Refreshing; Alive with Pleasure
- African American smokers think menthols are healthier and safer than regular cigarettes
(Tibor Koeves Associates, 1968; Hymowitz, 1995; Richter, 2008; Unger, 2010)

It's a Social Justice Issue

- **Predatory and Relentless Marketing Toward the Most Vulnerable Populations**
 - African American
 - Native Hawaiians
 - Filipinos
 - Women
 - Youth
- (Appleyard et al, 2001; Gardiner et al, 2004; Sutton and Robinson, 2004; Yerger, 2007; Healton, 2009)

African American Menthol Use Skyrockets

1953 5%

1968 14%

1976 44%

1990 >80%

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. RSG, 1998.

From Whence Blacks and Menthol

Today, over 70% of African American smokers prefer menthol cigarettes, compared with 30% of White smokers. This unique social phenomenon was principally occasioned by the tobacco industry's masterful manipulation of the burgeoning Black, urban, segregated, consumer market in the 1960s.

(Gardiner, 2004)

Reasons to Ban Menthol

- **The Tobacco Industry “*keeping it real.*”**
 - Hip Hop
 - Jazz
 - Do-rags, cocked baseball caps, gold and silver chains tennis shoes baggy pants ear studs, etc., etc.
 - Focus Communities verses non-focus communities
 - Better promotions; better discounts
 - More interior and exterior signage
 - Least informed; fewest resources; lowest social and political support ; and least access to cessation services (Crawford, 2009; Wright 2009)

Brazen to say the least

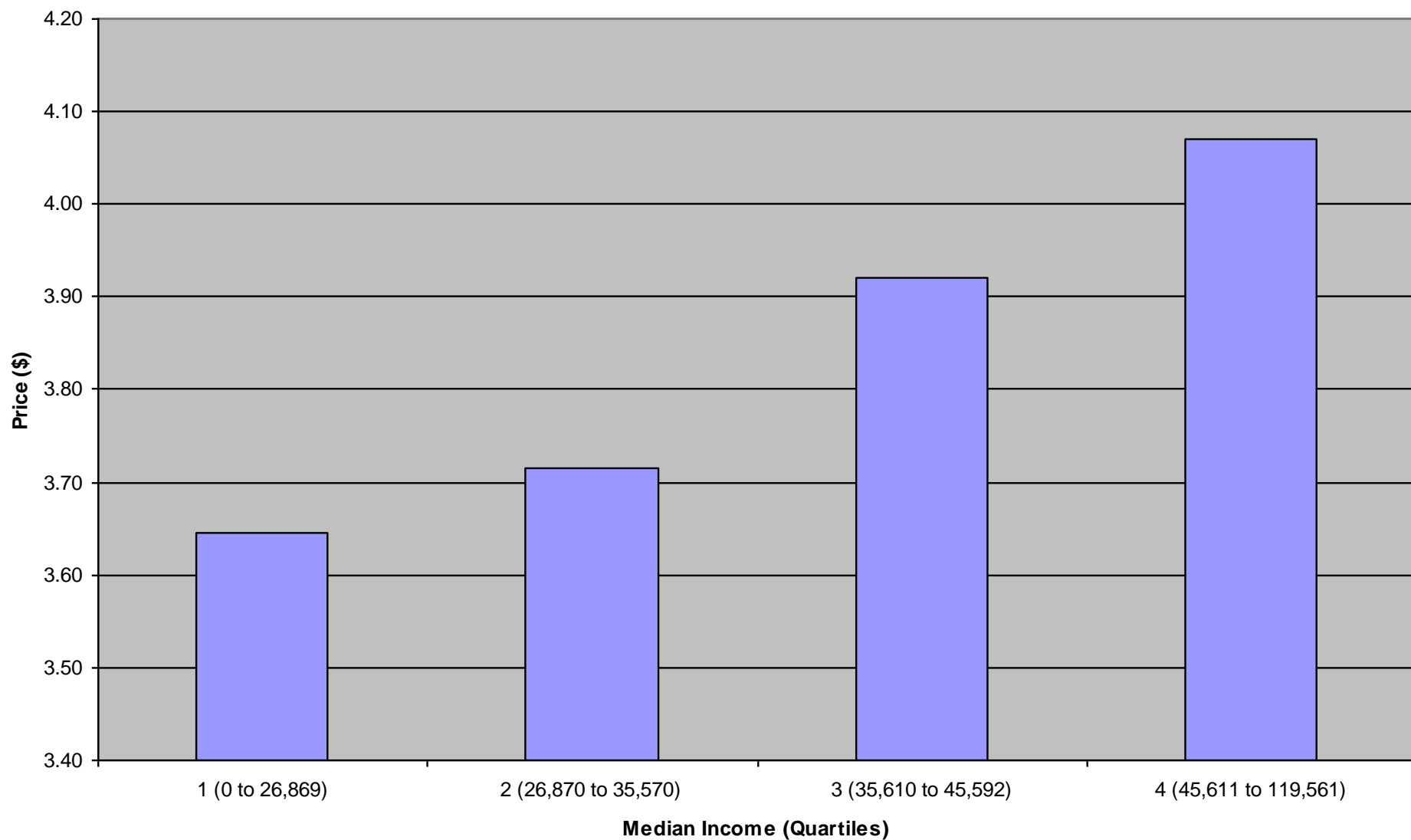
<http://mentholchoice.com/index.html>

"I CAN DECIDE FOR MYSELF."

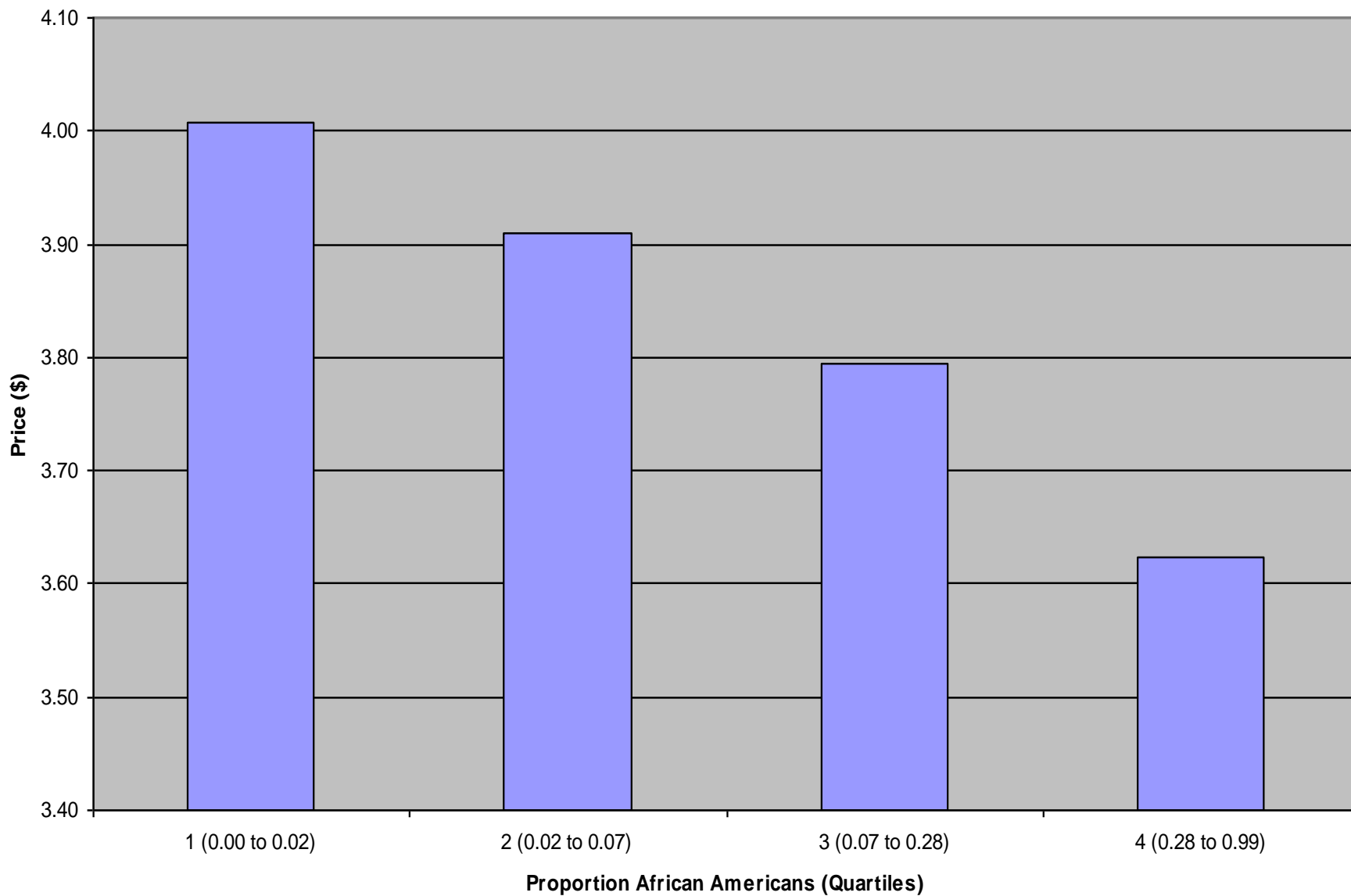


GROWN-UPS SHOULD HAVE
THE **FREEDOM** TO **CHOOSE**
WHETHER TO SMOKE
REGULAR OR MENTHOL
CIGARETTES.

Price Single Pack Newport (2002)



Price of Single Pack Newport Cigarettes (2002)



Outstanding Research Questions

- Black Market
- Cessation needs
- Menthol analogues
- Tobacco Industry

TRDRP

- Research for a Healthier California
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