

# Why FDA's move to ban menthol flavoring is long overdue

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**What's the news:** The Food and Drug Administration (FDA) has announced it will move to ban menthol flavoring in cigarettes and flavoring of all kinds in cigars. The long-overdue action follows a lawsuit filed last year by the African American Tobacco Control Leadership Council, Action on Smoking and Health, AMA and National Medical Association.

The FDA's lifesaving action "is a major step toward preventing a new generation from becoming tobacco users," said AMA President Susan R. Bailey, MD. "For too long, tobacco companies have been enabled to promote menthol cigarettes to the Black community, preying particularly on Black youth.

"We urge the FDA to move swiftly to implement the ban and remove these harmful products from the market without further delay," she said. "We will continue to support policies and initiatives that keep tobacco products out of the hands of our nation's youth to protect their health and well-being."

**Why it's important:** Tobacco is the leading cause of preventable death worldwide. Smoking-related illnesses are the leading causes of death among Black people, and 85% of African Americans who smoke use menthol cigarettes.

In her announcement, acting FDA Commissioner Janet Woodcock, MD, cited research published in the journal *Tobacco Control* estimating that nearly 1 million Americans—and about 230,000 African Americans—would quit smoking within 13 to 17 months of a ban on menthol cigarettes taking effect.

The lawsuit in which the AMA is a co-plaintiff was initially filed in June 2020. The complaint asserted that contrary to the duties imposed by the Family Smoking Prevention and Tobacco Control Act, the FDA had failed to act on menthol cigarettes. In November, the case passed its first hurdle when the court denied the FDA's motion to dismiss.

**Learn more:** With the FDA's coming action, the U.S. would join Canada, the European Union and others in banning menthol flavoring in cigarettes. The AMA has longstanding policies in support of



banning menthol in combustible tobacco products and calling for the FDA to prohibit the use of flavoring agents in all tobacco products.

That opposition to flavoring agents extends to e-cigarettes and vaping, which the AMA has declared a public health epidemic.

Find out more about the cases in which the AMA Litigation Center is providing assistance and learn about the Litigation Center's case-selection criteria.