

# How banning menthol cigarettes could save 6,000 Black lives a year

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The AMA supports the Food and Drug Administration (FDA) proposal to ban menthol-flavored cigarettes, a move that will save hundreds of thousands of lives in the coming decades while reducing health inequities. The AMA joined a 2020 lawsuit (PDF) to compel the FDA to fulfill its mandate to take action on the agency's own conclusions that banning the sale of menthol-flavored cigarettes would benefit the public's health.

AMA President Gerald E. Harmon, MD, said the organization was pleased the FDA is moving to "finally remove these harmful products from the market."

"For far too long, tobacco companies have used menthol-flavored products to prey on young people, particularly Black youth," he said, describing the rule as "long overdue."

If the rule is finalized, it "will be a big step toward preventing a new generation from becoming addicted to tobacco products and suffering unnecessary harm, including death," added Dr. Harmon, a family physician in South Carolina. "We will continue to support policies and initiatives that will keep tobacco products out of the hands of our nation's youth and work to address this leading cause of preventable disease and death."

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.

The proposed rule represents an "important step to advance health equity by significantly reducing tobacco-related health disparities," said Health and Human Services Secretary Xavier Becerra.

## Hundreds of thousands of lives at stake

If the sale of menthol-flavored cigarettes is indeed banned, the FDA projects a 15.1% drop in smoking within 40 years, which would help save between 324,000 to 654,000 lives. The agency also projects the ban would stop between 92,000 and 238,000 smoking-related deaths among African Americans—that’s up to 6,000 Black lives saved each year.

The 167-page proposed rule notes that tobacco-company marketing targeted historically under-resourced Black communities and Black teens with discount offers, free samples, advertising in nightclubs and bars, and packages with fewer cigarettes to provide a lower price and “encourage trial and initiation.”

After enactment of the Family Smoking Prevention and Tobacco Control Act in 2009, all cigarette flavoring except menthol and tobacco were prohibited, prompting the AMA to adopt policy opposing exempting menthol from the tobacco-flavor ban.

The law did, however, authorize the FDA to ban menthol flavoring if such a prohibition would be “appropriate for the public health.”

When the FDA failed to act on this authorization, two organizations—the African American Tobacco Control Leadership Council and Action on Smoking and Health—sued the Department of Health and Human Services (HHS) and the FDA to compel them to take action.

Soon afterward, the National Medical Association and the AMA joined the lawsuit as additional plaintiffs.

The lawsuit cited congressional research (PDF) highlighting “the historic targeting of African Americans for menthol cigarette use by tobacco companies.” It also cited projections from a 2011 report issued by an FDA advisory committee (PDF) estimating that a menthol cigarette ban could have, by 2020, stopped:

- Roughly 17,000 premature deaths, and 4,700 among Black people.
- About 2.3 million people from taking up smoking, including about 461,000 African Americans.

The government sought to have the case dismissed, but its motion was denied. The case was stayed pending promulgation of the FDA rule. The deadline for comments on the rule is July 5.

## **Cigar flavors would also be banned**

The FDA also proposed another rule to ban all cigar flavors except tobacco and cites a 2020 survey that found 58.3% of youth cigar smokers—about 550,000 people—reported smoking a flavored cigar,

little cigar or cigarillo during the past month.

Additionally, the rule cites a 2019 study showing that each day more young adults—3,163—were trying a cigar for the first time, a figure nearly 20% higher than the number trying 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.