



The African American Tobacco Control Leadership Council

January 29, 2019

To: New York City Council Committee on Health

From: The African American Tobacco Control Leadership Council

Re: Adopt Citywide Restriction on the Sale of Menthol and all Other Flavored Tobacco Products, Including Flavored E-Juices in the New York City

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the New York City Council to restrict the sale of menthol and all flavored tobacco products, including flavored e-juices citywide in New York City. We already know that 80% of youths aged 12-17 start smoking using flavored cigarettes (Ambrose et al., 2015). If the City Council truly wants a healthier New York City, and we believe that you do, then it is imperative that the sales of menthol and all other flavored tobacco products be restricted and the predatory marketing of these products be recognized as a social injustice issue, an issue that disproportionately impacts young people, poorer communities, marginalized groups, and communities of color.

This is no minor matter. Menthol and flavored tobacco products are driving tobacco-caused deaths and diseases nation-wide. While the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults; among Latinos, Blacks, and Whites (Villanti, 2016). Let's be clear, the majority of women smokers smoke menthol cigarettes; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes, with 62% of Puerto Rican smokers using menthol; nearly 80% of Native Hawaiians; a majority of Filipinos; and a majority of smokers with behavioral health issues smoke menthol cigarettes. Frankly, most marginalized groups disproportionately use these "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015).

Moreover, 85% African American adult smokers and 94% of Black youth who smoke are using menthol products (Giovino, 2013). These striking statistics arise from the predatory marketing of these products in the Black Community, where there are more advertisements, more lucrative promotions, and *cheaper prices* for menthol cigarettes compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010).

The City Council should be aware that menthol, as if to add insult to injury, masks the harsh taste of tobacco and allows for deeper inhalation of toxins and greater amounts of nicotine.

Furthermore, the presence of menthol makes cigarettes harder to quit compared to other cigarettes (Ton et al., 2015; Levy et al., 2011). The “cool refreshing taste of menthol” heralded by the tobacco industry is just a guise; ultimately, menthol allows the poisons in cigarettes and cigarillos to “go down into the body” more easily.

We all have been reading in the papers about the “JUUL Explosion,” where a little thumb drive looking device is used more than regular cigarettes among youth (CDC, 2018). And one of the major drivers of the massive uptake of c-cigarettes among youth is the fact that there are over 15,000 kid friendly flavors available in the marketplace! (<https://www.flavorhookkids.org/> 2018). The vaporist community would like you to believe that aerosol inhaled by e-cigarette users is only water vapor – nothing could be further from the truth. Here are the facts:

1. E-cigarettes are tobacco products that deliver nicotine, an addictive substance that especially in youth can compromise the brains executive functioning (Report of the Surgeon General, 2014).
2. The propylene glycol and vegetable glycerin that constitute a large portion of the e-juice and the resulting vapor **are not FDA approved for inhalation.**
3. The 15,000+ flavors available on the market may be Generally Recognized as Safe (GRAS) for **ingestion**, but they are not GRAS for **inhalation.**
4. There are as many, if not more, metals in the vapor of e-cigarettes than found in cigarette smoke (Williams et al., 2013).
5. Many of the same toxins and carcinogens found in regular cigarettes, like benzene, formaldehyde, and tobacco specific nitrosamines, can be found in e-cigarette vapor (Goniewicz et al., 2013). And yes, these toxins and carcinogens are at lower levels than in a regular cigarette; while toxic levels may be lower doesn’t mean that e-cigarettes are **safe!**
6. The vapor from e-cigarettes activates platelet formation just like regular cigarettes; such platelet activity leads to arterial blockages (Hom et al., 2016).
7. E-cigarette aerosol consists of ultrafine particles at levels comparable to or higher than cigarettes. These particles can cause cardiovascular and pulmonary disease. In addition, the particle size in e-cigarettes is often smaller, and thus more dangerous, than those generated by cigarettes (Fuoco FC, Buonanno G, Stabile L, Vigo P. 2014).
8. Kids who start with e-cigarettes are more likely to become regular cigarette users, and unfortunately, in many cases dual users (Byrne S et al., 2018).
9. Here is a link to the European Public Health Association: Fact or Fiction on E-cigs: https://eupha.org/repository/advocacy/EUPHA_facts_and_fiction_on_e-cigs.pdf

The AATCLC is calling upon the New York City Council to join a growing number of cities and counties around the country that are restricting jurisdiction-wide the sales of menthol cigarettes and all other flavored tobacco products, including e-juices. In June 2018, San Francisco voters passed the first ever citywide restriction on the sales of all other flavored tobacco products, including menthol cigarettes and flavored e-cigarettes juices. This “strongest flavor ban law ever” was rapidly replicated in the City of Richmond, CA the following month. Within weeks,

Beverly Hills followed with their own citywide restrictions. Since November, The County of Marin, the Cities of Alameda, Santa Cruz, San Pablo, Hermosa Beach, in California and the City of Needham in Massachusetts, all have passed city wide menthol and flavor restrictions city wide. Indeed, the Food and Drug Administration announced that it is contemplating initiating a process to remove menthol from combustible cigarettes and flavors out of little cigars. Moreover, Governor Cuomo, although not identifying menthol to be regulated, has mentioned the need to regulate certain flavors in tobacco products: “The budget will include a proposal to provide the Department of Health the authority to ban the sale of certain flavored liquids that target youth use of e-cigarettes.” Frankly, it would be a game changer, not only for the health of NYC residents, but would be a clarion call nationwide to get menthol and flavors out of tobacco products. These laws that are passed should also include money for cessation services to accompany the polices being implemented.

Rhetoric driven and funded by the tobacco industry has been used to try to block our efforts to save the lives of the 45,000 Black people who die each year from tobacco caused diseases. Such rhetoric usually centers around the very legitimate concerns that Black and Brown communities face with inequitable enforcement of tobacco control laws. It is posited that these laws, though well intentioned, will be punitively and unequally enforced on people who are already the victims of decades of predatory tobacco industry targeting and police harassment. Additionally, assertions that these restrictions will lead to a black market are not substantiated with facts; nowhere these restrictions are in place have we seen the emergence of a black market. Moreover, none of the above-mentioned restrictions on menthol and flavored cigarettes has led to arresting Black kids for possession of these products. All the regulations call for the restriction of sales, not for criminalizing possession; these products will remain legal for people to use. In this regard, we applaud the NAACP and Delta Sigma Theta Sorority, Inc. for supporting the ban of menthol and all other flavored tobacco products. While at the same time, we call on all civil rights organizations to take no money from the tobacco industry.

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though based in California, we are national in our scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago and Minneapolis to Berkeley and San Francisco. Our work has shaped the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations, and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings when the agency was first considering the removal of menthol cigarettes from the marketplace.

We here at the AATCLC recognize that the City Council is under extraordinary pressure from the tobacco industry and the vaporist community to put profits above human life by not including menthol in the City’s existing flavors restrictions. Please join your sister cities around the country and stand up to the tobacco industry and their allies by calling for: **No Selling of Menthol Cigarettes and All Other Flavored Tobacco Products, including Flavored E-Juices**

Citywide in New York City. Say “No” to the continued predatory marketing of menthol tobacco products to our youth, and say “Yes” to the health and welfare of our kids, who are the most vulnerable. In fact, say “Yes” to the protection for **all** New York City residents.

We are all counting on you!

Sincerely,



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