

The White House
Office of the President
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

December 19, 2023

Dear President Biden,

The undersigned organizations write to express our disappointment that the White House has delayed the release of a final rule to prohibit menthol cigarettes. We urge you not to give into the tobacco industry's fearmongering and commit to finalizing this rule expeditiously to protect kids, which should be the number one priority for any administration. Prohibiting menthol cigarettes would take away one of Big Tobacco's favorite tactics for targeting kids – flavored products – and help create the first tobacco-free generation.

Each day, more than 1,400 youth under age 18 will smoke their first cigarette.¹ Menthol cigarettes are a particularly enticing “starter product” for youth because menthol cools and numbs the throat, masking the harshness of tobacco smoke. Indeed, half of youth who have ever tried smoking started with menthol cigarettes.² Prohibiting menthol cigarettes will help to break this cycle of addiction and prevent youth from ever trying tobacco in the first place. Preventing initiation is critical because nicotine is a highly addictive drug, and adolescents are especially vulnerable to its effects. Nicotine can also impact adolescent brain development, particularly the areas of the brain responsible for attention and learning.³

It has been over a decade since the FDA issued a scientific review of the public health effects of menthol cigarettes, concluding that menthol cigarettes increase the number of kids who experiment with cigarettes and who become regular smokers.⁴ Since the FDA's 2013 report, the evidence has only grown and delays in acting on this science have serious consequences. Every day that menthol cigarettes remain on the market means that more children will try menthol cigarettes and risk long-term addiction and the associated health consequences of smoking, like heart disease and cancer. Researchers estimate that between 1980 and 2018, menthol cigarettes were responsible for 10.1 million additional new smokers, an average of 265,000 new smokers a year over the 38-year period.⁵

Since almost all smokers initiate use in their teenage years, the tobacco industry knows the importance of hooking young users. Tobacco industry documents clearly show that the tobacco industry has known for decades that menthol cigarettes make it easier for new smokers—primarily youth—to initiate smoking. For example, a 1987 Brown & Williamson document stated that, “Menthol brands have been said to be good starter products because new smokers appear to know that menthol covers up some of the tobacco taste and they already know what menthol tastes like, vis-à-vis candy.”⁶ For decades, menthol advertising has featured themes and images designed to appeal to youth.⁷ In particular, the industry has targeted Black youth and other communities of color.⁸ The industry's youth targeting continues today. Neighborhoods with a greater proportion of youth have more menthol advertising.⁹ Make no mistake, the tobacco industry's efforts to block this rule are fueled by their need to recruit youth to be replacement customers for the hundreds of thousands of

smokers who die each year in the U.S. The Biden Administration must stand up to this predatory industry.

Every leader should aspire to leave behind a healthier and better world for future generations. Time and time again, we have seen that investing in youth reaps dividends. This is especially true for policies that reduce tobacco use, which remains the leading cause of death in the United States and puts an enormous strain on our health care system. Research shows that for every youth we prevent from smoking, we'll save at least \$16,000 in long-term health care costs.¹⁰ Most importantly, prohibiting menthol cigarettes will prevent future generations from ever suffering the consequences of tobacco addiction. We urge the Administration to act swiftly to finalize this rule to protect kids.

Sincerely,

AASA, The School Superintendents Association
Academic Pediatric Association
American Academy of Family Physicians
American Academy of Pediatrics
American Pediatric Society
Association of Maternal & Child Health Programs
Association of Medical School Pediatric Department Chairs
Campaign for Tobacco-Free Kids
First Focus on Children
National Association of Pediatric Nurse Practitioners
National Association of School Nurses
Pediatric Policy Council
Society for Pediatric Research
The National Alliance to Advance Adolescent Health

¹ Substance Abuse and Mental Health Administration (SAMHSA), HHS, *Results from the 2022 National Survey on Drug Use and Health, NSDUH: Detailed Tables*, Table 4.10A, <https://www.samhsa.gov/data/report/2022-nsduh-detailed-tables>.

² Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

³ HHS, *The Health Consequences of Smoking—50 Years of Progress, A Report of the Surgeon General*, 2014, <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/>. See also, HHS, "Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General," 2012, <http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf>.

⁴ FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes* (2013).

⁵ Le, TT, "An estimation of the harm of menthol cigarettes in the United States from 1980 to 2018," *Tobacco Control*, published online February 25, 2021.

⁶ Cantrell, Dan V. "U.S. Exhibit 30,792, Report, 'Kool Isn't Getting the Starters/ 236' DAN V. CANTRELL, BROWN & WILLIAMSON TOBACCO CORP., February 17, 1987." Depositions and Trial Testimony (DATT); RICO Privilege Downgrades Collection. 1987. Available at <https://www.industrydocuments.ucsf.edu/docs/xskv0035>.

⁷ HHS, *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*, 2014, <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/>.

⁸ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011; Hafez, N. & Ling, P.M. "Finding the Kool Mixx: how Brown & Williamson used music marketing to sell cigarettes," *Tobacco Control* 15: 359-366, 2006. See also Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007. RJ Reynolds. *Black Street Scenes: review and recommendations*. Winston-Salem, NC: R.J. Reynolds Tobacco Company, 1983. Available at <http://legacy.library.ucsf.edu/tid/onb19d00>; Landrine, H, et al., "Cigarette advertising in Black, Latino and White magazines, 1998-2002: An exploratory investigation," *Ethnic Disparities* 15(1):63-7, 2005. Gardiner, PS, "The African Americanization of menthol cigarette use in the United States," *Nicotine & Tobacco Research*, 6(S1): S55-S65, 2004.

⁹ Widome R, et al., "The relationship of neighborhood demographic characteristics to point-of-sale tobacco advertising and marketing," *Ethnic Health* 18(2): 136-151 (2013) at 8. Henriksen L. et al., "Targeted advertising, promotion, and price for menthol cigarettes in California high school neighborhoods," *Nicotine & Tobacco Research*, 14(1): 116-121 (Jan. 2012) at 118.

¹⁰ Campaign for Tobacco-Free Kids, *Health Costs of Smokers vs. Former Smokers vs. Non-Smokers and Related Savings from Quitting*, <https://assets.tobaccofreekids.org/factsheets/0327.pdf>.