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A ban on menthol cigarettes and flavored tobacco and nicotine products will save lives in Vermont

Andrea Villanti, PhD, MPH

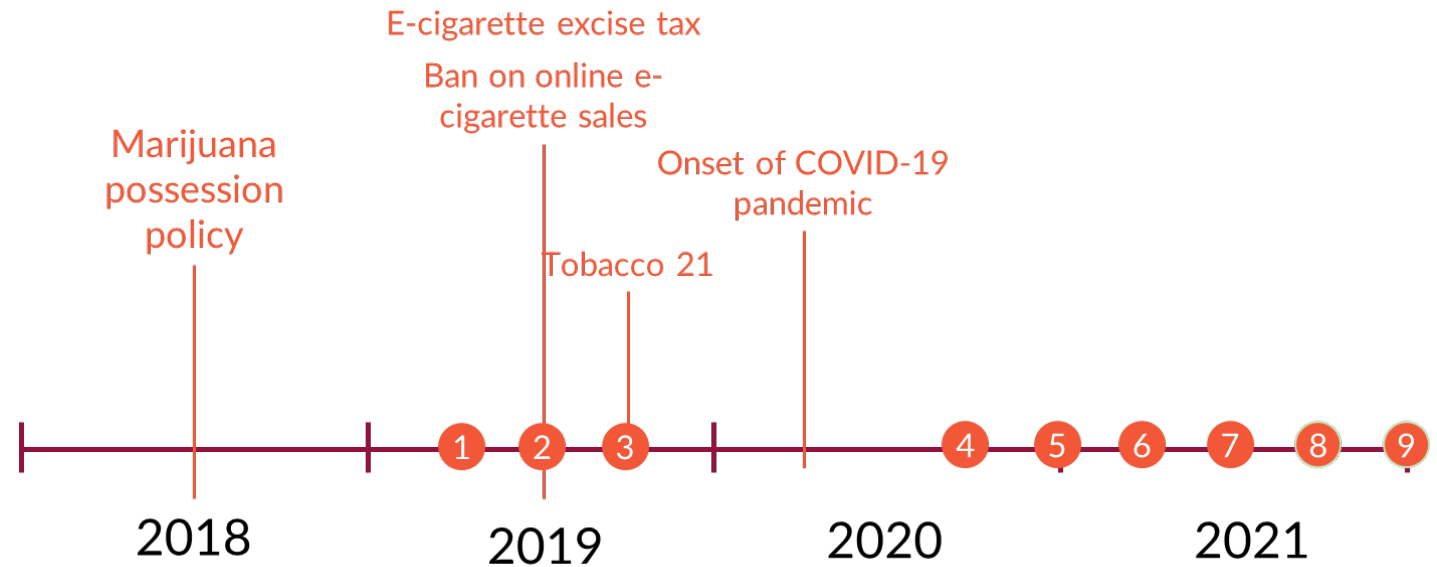
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- No other financial relationships to disclose.
- No industry funding; no off-label medications use discussed.
- The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Institutes of Health, the Food and Drug Administration, or the Health Resources and Services Administration.

- Scientific expert on menthol cigarettes and flavored tobacco products
 - Deputy Director, Rutgers Institute for Nicotine & Tobacco Studies and tenured Associate Professor in the Rutgers School of Public Health
 - Adjunct Associate Professor in Psychological Sciences and Psychiatry at UVM
- Vermonter and committed to public health in Vermont
- Parent whose children will be affected by this policy

- Flavored tobacco use is prevalent in Vermont young people.
- Existing policy evaluations have demonstrated public health benefit of menthol cigarette and flavored tobacco bans.
 - Decreased youth tobacco use
 - Increased tobacco cessation among adults who use menthol cigarettes
 - No impact on illicit market
 - No significant impact on retailers or employees
- Tobacco companies are taking aggressive actions and employing disinformation to maintain their profits from flavored tobacco, particularly menthol cigarettes.
- **Menthol must remain in a flavored tobacco ban to ensure public health benefits.**



- Lead the Policy and Communication Evaluation (PACE) Vermont study, in partnership with the Vermont Department of Health.
- Track issues related to tobacco and substance use in Vermont adolescents and young adults.

High flavored tobacco prevalence in VT young people

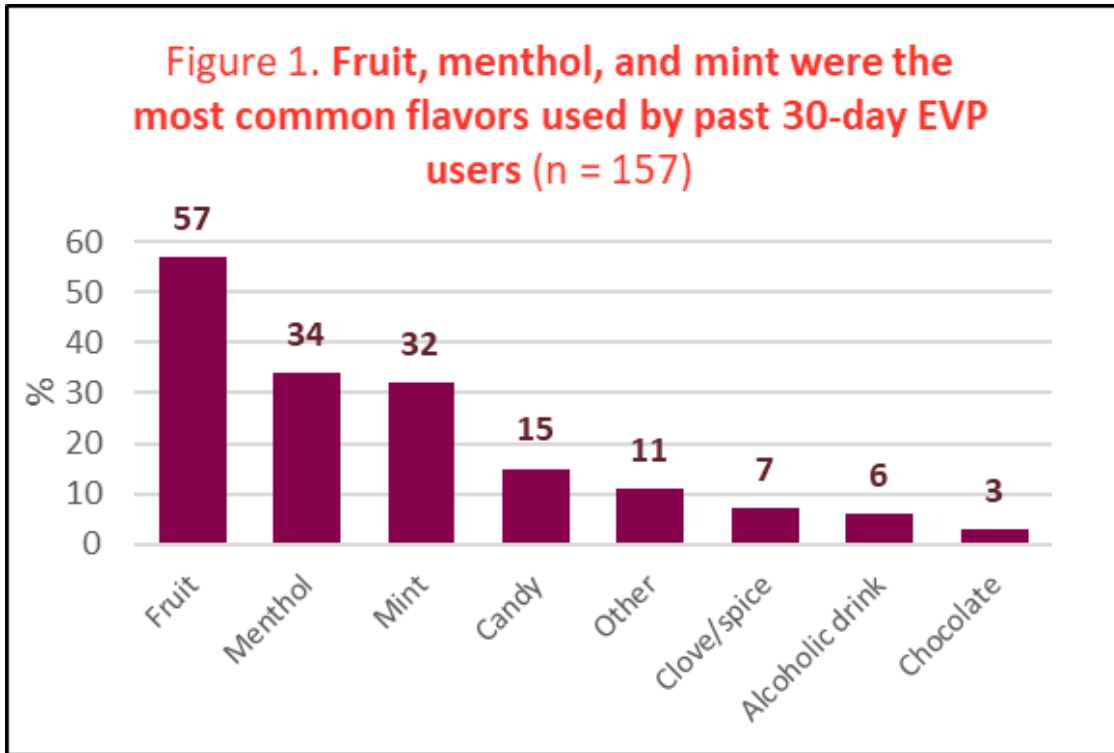
- Nearly 1 in 5 (18%) of PACE Vermont participants used an electronic vapor product (EVP) in the past 30 days.
 - Of those, 83% used flavored EVPs.
- Nearly 40% of PACE Vermont participants who used cigarettes in the past 30 days used menthol or flavored cigarettes.
- More than 40% of young people who used cigar, cigarillo, or little cigars in the past 30 days used flavored cigars.

Table 1. Prevalence of past 30-day nicotine and tobacco product use and proportion of flavored product use within each product, 2020.

	Age 12-20 (n = 471)	Age 21-25 (n = 402)	Total (n = 873)
Any electronic vapor product (EVP)	19% (88/471)	17% (69/402)	18% (157/873)
Proportion any flavored EVP	85% (75/88)	80% (55/69)	83% (130/157)
Any cigarette	8% (36/471)	13% (54/402)	10% (90/873)
Proportion any menthol/ flavored cigarette	31% (11/36)	41% (22/54)	37% (33/90)
Any cigars	4% (18/471)	7% (30/402)	6% (48/873)
Proportion any flavored cigars	33% (6/18)	50% (15/30)	44% (21/48)

Flavored products are “easier to use”

Figure 1. Fruit, menthol, and mint were the most common flavors used by past 30-day EVP users (n = 157)



- Fruit, menthol, and mint were the most common flavors used among Vermont adolescents and young adults who used electronic vapor products (EVPs).
- In participants aged 12-20 in Wave 5 (n = 433), 55% believed that **flavored tobacco products were “easier to use”** than non-flavored tobacco products (44% “about the same” and 2% “harder to use”).

Effect of FDA's flavored cigarette ban on youth tobacco use (2009)

- Flavored cigarette ban, exempting menthol cigarettes
 - Reduced youth cigarette use overall
 - BUT increases in youth menthol cigarette use, cigar use, pipe use

“The results suggest the 2009 flavored cigarette ban did achieve its objective of reducing adolescent tobacco use, but **effects were likely diminished by the continued availability of menthol cigarettes and other flavored tobacco products.**”

Key points re: menthol and flavored tobacco products

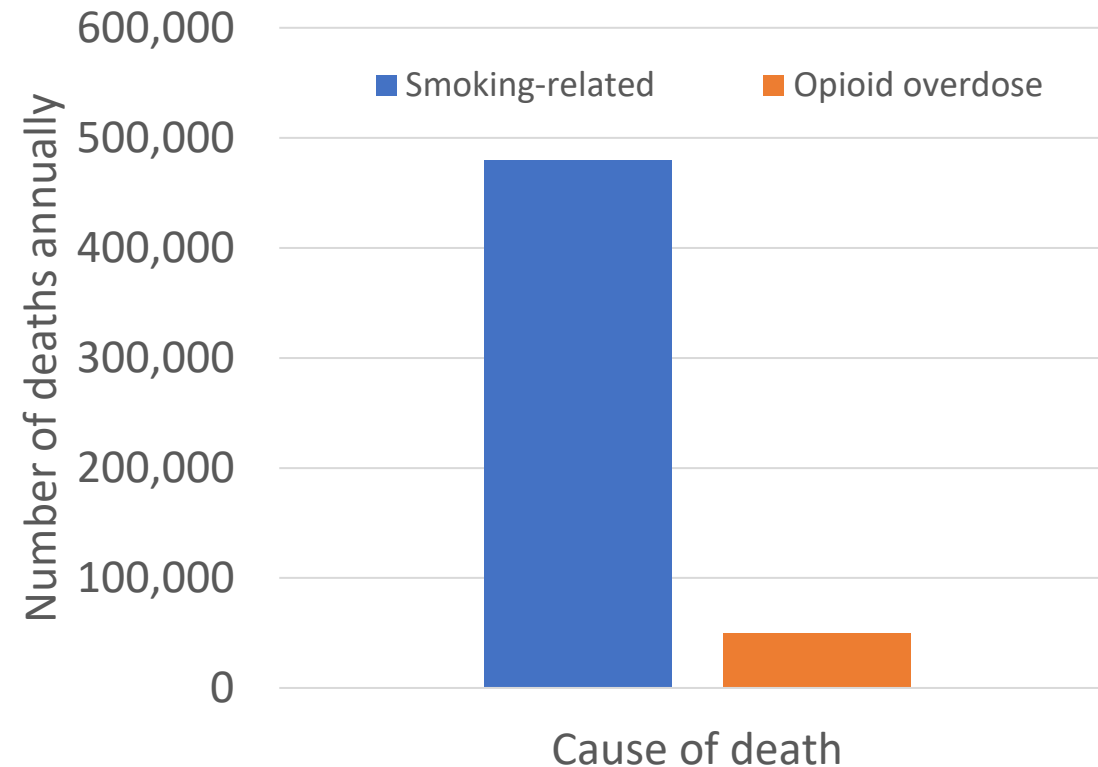
- Menthol cigarettes and flavored tobacco products facilitate youth initiation and progression to regular tobacco use.
- Menthol cigarettes impede adult smoking cessation.¹
- Banning menthol and flavors in tobacco/e-cigarette products would reduce the number of tobacco users and thereby benefit public health.

- Reduced tobacco use in youth and young adults
 - Current tobacco use (any product)
 - Vaping/use of electronic vapor products
 - Cigarette use
- Consistent, robust evidence of menthol cigarette bans increasing cessation among adults who use menthol cigarettes
- No evidence of increases in illicit tobacco seizures or purchases
- No meaningful reduction on tobacco retailers (i.e., number of convenience stores, tobacco stores or convenience store employees, nor did they reduce convenience store wages)

- **Declines in cigarette sales do not adversely impact retailers:**
 - Cigarette sales have been declining in the United States, yet the number of convenience stores, inside total store sales revenues, cigarette sale revenues and profits have all generally increased.
 - Compared to other product categories, cigarettes have the lowest profit margin for convenience stores, whereas food services have the highest profit margin.
 - Over time, cigarettes represent a declining share of convenience store revenues.
- **Bans on the sale of flavored tobacco products do not adversely impact retailers:**
 - Data demonstrate that flavor tobacco bans in Massachusetts, New York, and Rhode Island did not lead to any meaningful reduction in the number of convenience stores, tobacco stores or convenience store employees, nor did they reduce convenience store wages.
- **Claims of significant negative impact are exaggerated.**

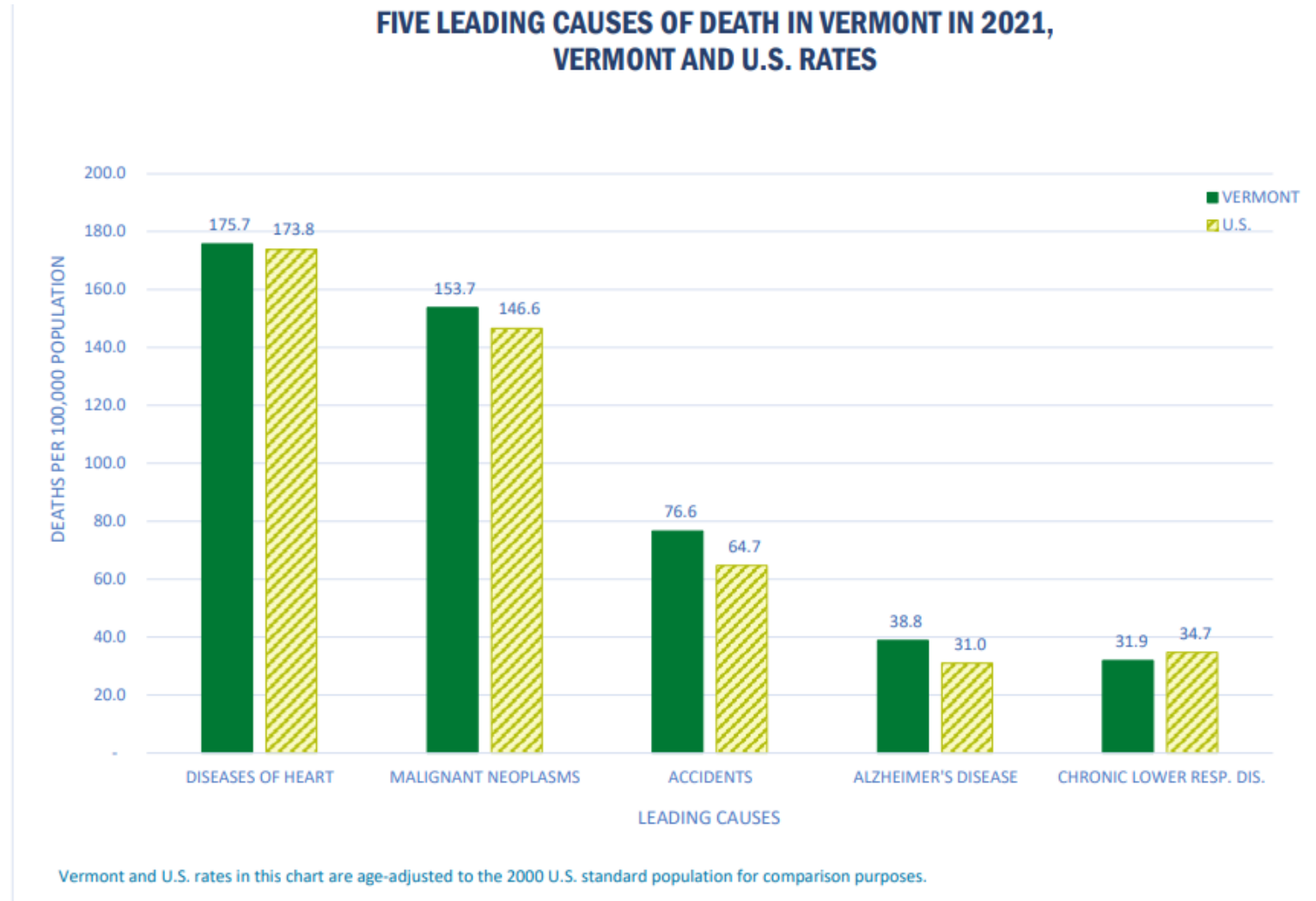
The burden of death and disease from tobacco use in the United States is overwhelmingly caused by cigarettes and other combusted tobacco products.

- Smoking accounts for 480,000 deaths annually in the U.S.
 - ~1,300 smoking-related deaths per day
- 5.6 million of today's youth expected to die prematurely from smoking



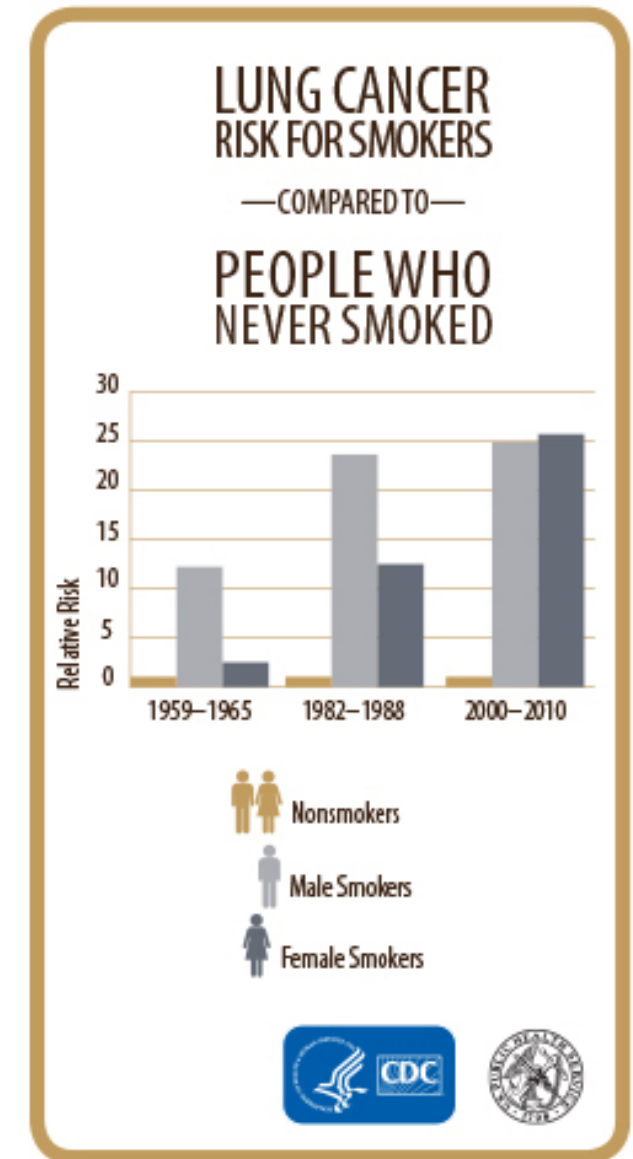
Tobacco use causes thousands of deaths each year in VT

- Tobacco use causally associated with 3 of the 5 leading causes of death in Vermonters
- Lung cancer comprised 20% of cancer deaths in VT in 2021



Cigarette smoking is still a major problem

- Cigarettes have become more lethal over time.
 - More death and disease, despite lower per capita consumption and lower smoking prevalence.
- Quitting tobacco use benefits people at any age.

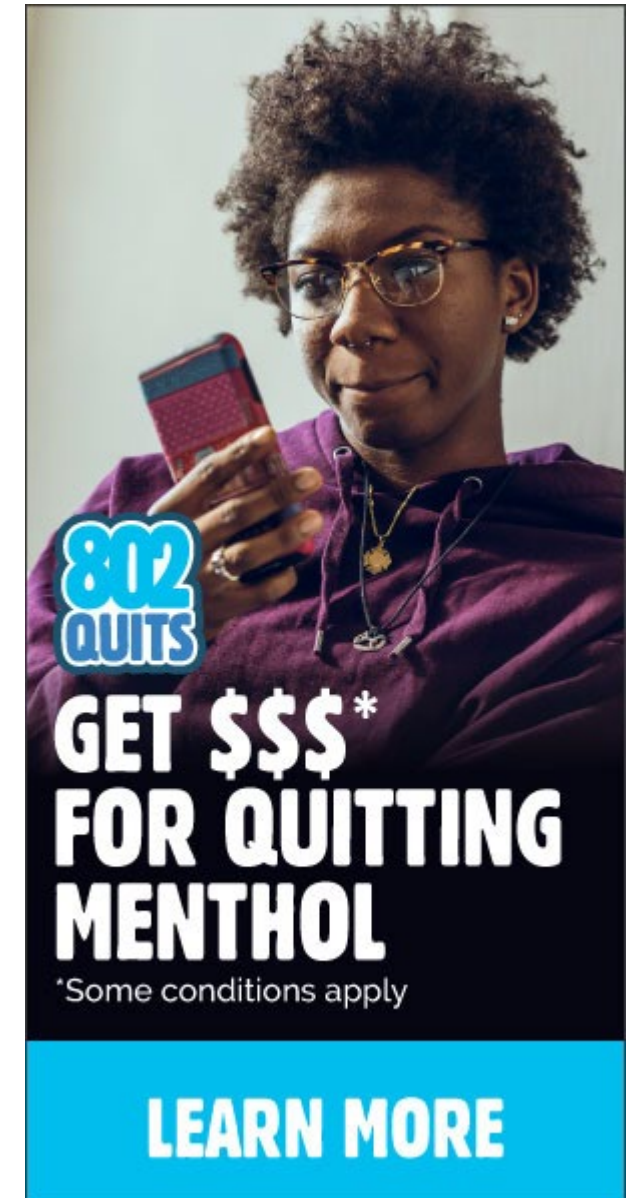


Menthol choice is not FREEDOM

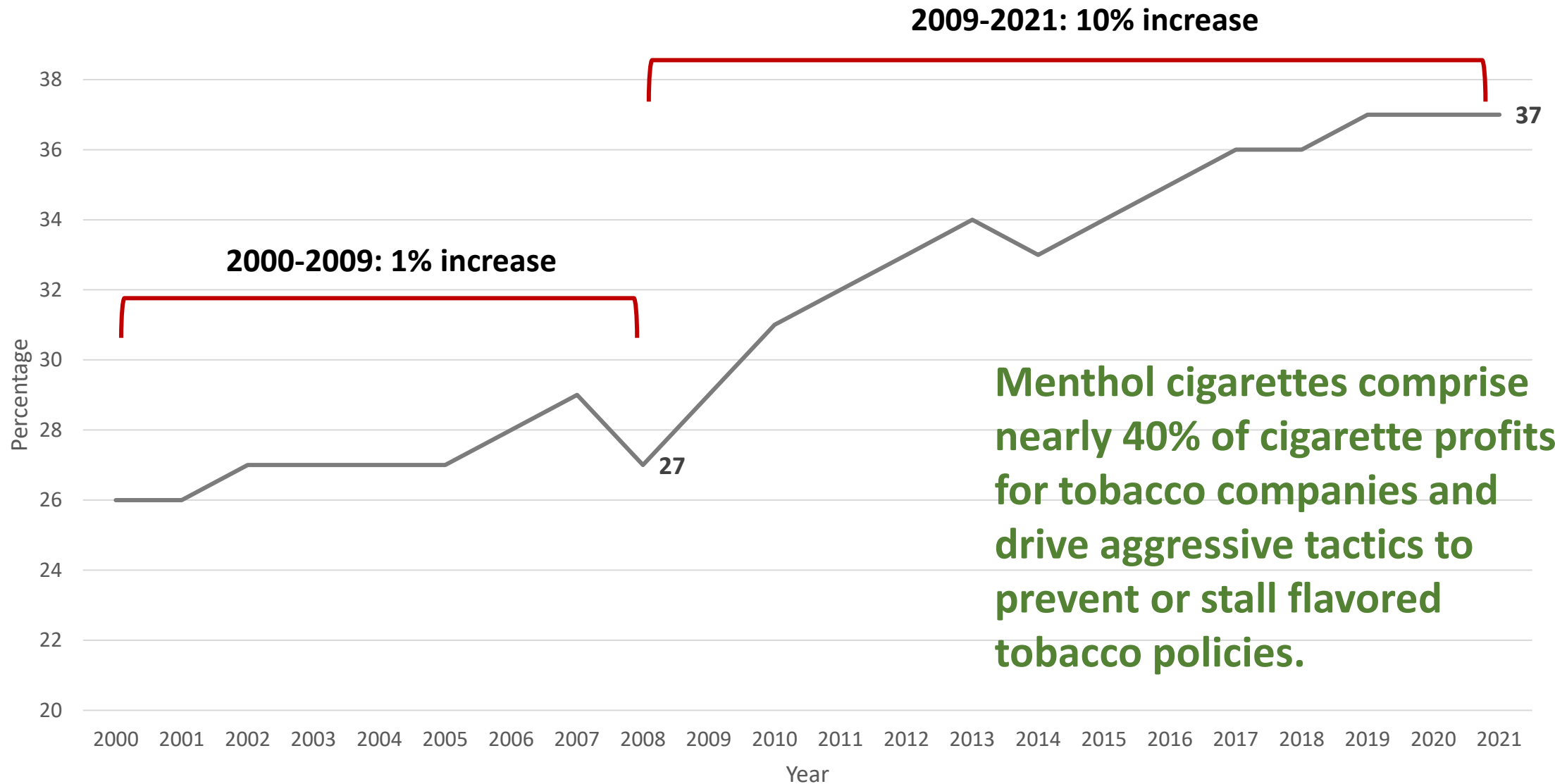
- **More than 2/3 of adults who smoke cigarettes want to quit (68.0%).**
 - Fewer than 1 in 10 succeed in quitting each year (7.6%).
- People who smoke menthol cigarettes are **more likely to try to quit** and **less likely to succeed in quitting** than people who smoke non-menthol cigarettes.
 - This is particularly true for non-white people who smoke menthol cigarettes.



- **Vermont is leading the way in helping adults to quit menthol tobacco products**
 - 1st state to use a quitline incentive to improve access to and adherence with evidence-based treatment for menthol tobacco users
- **Now is the time to enact a ban!**
 - We have a program IN-PLACE to help Vermonters quit



Menthol cigarette market share



Los Angeles Times

WORLD & NATION

How Big Tobacco used George Floyd and Eric Garner to stoke fear among Black smokers



Demonstrators rally in downtown Los Angeles in August 2020 in opposition to California Senate Bill 793. They contend that the ban on the sale of flavored tobacco statewide — including menthol cigarettes — would unfairly target African Americans. The bill briefly became law, but a successful petition drive will require voters to approve it in November. (Ringo Chiu / Alamy)

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MICHIGAN

Detroit pastor says he was offered \$250,000 to oppose menthol cigarette ban

Ben Stockton The Bureau of Investigative Journalism

Published 6:04 a.m. ET Aug. 25, 2022 | Updated 9:13 p.m. ET Aug. 25, 2022

View Comments



A pastor was offered hundreds of thousands of dollars to lead a campaign against banning the sale of menthol cigarettes in the U.S., the [Bureau of Investigative Journalism](#) has learned.

The Rev. Horace Sheffield, a prominent Black civil rights campaigner in Detroit, was told the money was coming from RJ Reynolds, the tobacco giant behind America's most popular brand of menthol cigarettes, Newport.

<https://www.latimes.com/world-nation/story/2022-04-25/inside-big-tobaccos-strategy-to-stoke-fear-among-black-smokers-facing-menthol-bans>

<https://www.freep.com/story/news/local/michigan/2022/08/25/detroit-pastor-says-he-offered-250-k-oppose-menthol-cigarette-ban/7866711001/>

Tobacco companies subvert flavored tobacco policy with synthetic coolants

- “New” Camel and Newport varieties with “bold, lasting flavor” marketed to California consumers in January 2023.
- The company’s records of ingredients show that the Camel Crisp and the Newport EXP versions contain a synthetic cooling agent referred to as WS-3.
 - Germany and Belgium have prohibited this particular additive.
- Lab studies show that WS-3 is highly efficacious, producing strong cooling sensations in “non-menthol” cigarettes; it is also present in oral nicotine pouch products described as “flavor-ban approved”

<https://www.nytimes.com/2023/01/11/health/cigarettes-flavor-ban-california.html>

The New York Times

R.J. Reynolds Pivots to New Cigarette Pitches as Flavor Ban Takes Effect

Now that California’s tobacco prohibitions are in place, some Camel and Newport items are billed as newly “fresh” or “crisp” non-menthol versions.

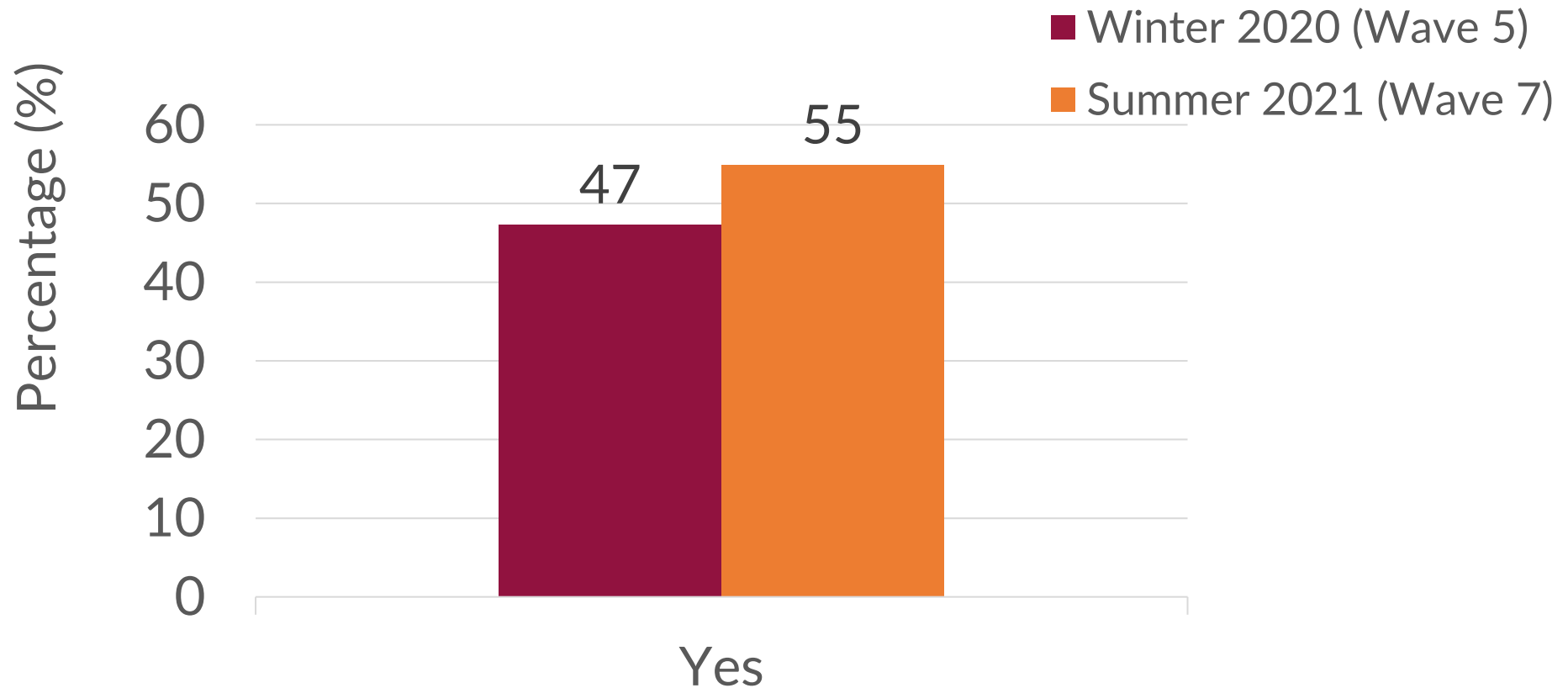
Give this article   135



In California, R.J. Reynolds has begun marketing what it says is a new, non-menthol Newport cigarette. Antismoking advocates criticized the campaign as an attempt to circumvent the state’s ban on flavored tobacco products. Aaron Wojack for The New York Times

- Flavored tobacco ban should NOT apply to FDA-approved cessation medications (i.e., nicotine replacement therapy)
 - Ensure access to these products to support cessation
- Consider specifying synthetic coolants (including WS-3) in Vermont's flavored tobacco ban
- Ongoing research on flavors in tobacco products at UVM.
 - Consider including language in the bill to allow for continuation of scientific research to inform and evaluate future policy efforts.

Do you think it should be illegal for all tobacco products to be sold in flavors such as menthol, clove, chocolate, candy and fruit?



- Flavored tobacco use is prevalent in Vermont young people.
- Existing policy evaluations have demonstrated public health benefit of menthol cigarette and flavored tobacco bans.
 - Decreased youth tobacco use
 - Increased tobacco cessation among adults who use menthol cigarettes
 - No impact on illicit market
 - No significant impact on retailers or employees
- Tobacco companies are taking aggressive actions and employing disinformation to maintain their profits from flavored tobacco, particularly menthol cigarettes.
- **Menthol must remain in a flavored tobacco ban to ensure public health benefits.**



Join the funeral for the 45,000 black people who die each year from tobacco-related illnesses.

<https://www.savingblacklives.org/event-details/funeral>

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Testimony on S. 18 - An act relating to banning flavored tobacco products and e-liquids

A ban on menthol cigarettes and flavored tobacco and nicotine products will save lives in Vermont

Andrea Villanti, PhD, MPH
Deputy Director, Rutgers Institute for Nicotine & Tobacco Studies
Associate Professor, Department of Health Behavior, Society & Policy, Rutgers School of Public Health

ADDENDUM WITH SCIENTIFIC REFERENCES

Slide 6: High flavored tobacco prevalence in VT young people¹

- Nearly 1 in 5 (18%) of PACE Vermont participants used an electronic vapor product (EVP) in the past 30 days.
 - Of those, 83% used flavored EVPs.
- Nearly 40% of PACE Vermont participants who used cigarettes in the past 30 days used menthol or flavored cigarettes.
- More than 40% of young people who used cigar, cigarillo, or little cigars in the past 30 days used flavored cigars.

Slide 7: Flavored products are “easier to use”¹

- Fruit, menthol, and mint were the most common flavors used among Vermont adolescents and young adults who used electronic vapor products (EVPs).
- In participants aged 12-20 in Wave 5 (n = 433), 55% believed that flavored tobacco products were “easier to use” than non-flavored tobacco products (44% “about the same” and 2% “harder to use”).

Slide 8: Effect of FDA’s flavored cigarette ban on youth tobacco use (2009)

- Flavored cigarette ban, exempting menthol cigarettes
 - Reduced youth cigarette use overall²
 - BUT increases in youth menthol cigarette use, cigar use, pipe use²
- “The results suggest the 2009 flavored cigarette ban did achieve its objective of reducing adolescent tobacco use, but **effects were likely diminished by the continued availability of menthol cigarettes and other flavored tobacco products.**”²

Slide 9: Key points regarding menthol and flavored tobacco products

- Menthol cigarettes and flavored tobacco products facilitate youth initiation and progression to regular tobacco use.³⁻⁹
- Menthol cigarettes impede adult smoking cessation.^{6,10-13}
- Banning menthol and flavors in tobacco/e-cigarette products would reduce the number of tobacco users and thereby benefit public health.¹⁴⁻¹⁶
 - These benefits would have important health equity effects.¹⁵⁻¹⁷

Slide 10: Policy evaluations of existing flavored tobacco bans show...

- Reduced tobacco use in youth and young adults²
 - Current tobacco use (any product)^{2,18}
 - Vaping/use of electronic vapor products¹⁸
 - Cigarette use¹⁸
- Consistent, robust evidence of menthol cigarette bans increasing cessation among adults who use menthol cigarettes¹⁹⁻²¹
- No evidence of increases in illicit tobacco seizures²² or purchases²⁰
- No meaningful reduction on tobacco retailers (i.e., number of convenience stores, tobacco stores or convenience store employees, nor did they reduce convenience store wages).²³

Slide 11: Flavored tobacco policies do not adversely impact retailers²³

- Declines in cigarette sales do not adversely impact retailers²³:
 - Cigarette sales have been declining in the United States, yet the number of convenience stores, inside total store sales revenues, cigarette sale revenues and profits have all generally increased.
 - Compared to other product categories, cigarettes have the lowest profit margin for convenience stores, whereas food services have the highest profit margin.
 - Over time, cigarettes represent a declining share of convenience store revenues.
- Bans on the sale of flavored tobacco products do not adversely impact retailers²³:
 - Data demonstrate that flavor tobacco bans in Massachusetts, New York, and Rhode Island did not lead to any meaningful reduction in the number of convenience stores, tobacco stores or convenience store employees, nor did they reduce convenience store wages.
- **Claims of significant negative impact are exaggerated.**

Slide 12: Tobacco use remains an epidemic

- The burden of death and disease from tobacco use in the United States is overwhelmingly caused by cigarettes and other combusted tobacco products.²⁴
- Smoking accounts for 480,000 deaths annually in the U.S.²⁴
 - ~1,300 smoking-related deaths per day
- 5.6 million of today's youth expected to die prematurely from smoking²⁴

Slide 13: Tobacco use causes thousands of deaths each year in Vermont

- Tobacco use causally associated with 3 of the 5 leading causes of death in Vermonters.²⁵
- Lung cancer comprised 20% of cancer deaths in VT in 2021.²⁵

Slide 14: Cigarette smoking is still a major problem

- Cigarettes have become more lethal over time.²⁴
 - More death and disease, despite lower per capita consumption and lower smoking prevalence.²⁴
- Quitting tobacco use benefits people at any age.^{24,26}

Slide 15: Menthol choice is not FREEDOM

- More than 2/3 of adults who smoke cigarettes want to quit (68.0%).²⁷
 - Fewer than 1 in 10 succeed in quitting each year (7.6%).²⁷
- People who smoke menthol cigarettes are **more likely to try to quit** and **less likely to succeed in quitting** than people who smoke non-menthol cigarettes.¹⁰
 - This is particularly true for non-white people who smoke menthol cigarettes.^{10,12,13,28}

Slide 16: Vermont has cessation supports in-place

- Vermont is leading the way in helping adults to quit menthol tobacco products
 - 1st state to use a quitline incentive to improve access to and adherence with evidence-based treatment for menthol tobacco users²⁹
- Now is the time to enact a ban!
 - We have a program IN-PLACE to help Vermonters quit²⁹

Slide 17: Menthol cigarette market share

- Menthol cigarettes comprise nearly 40% of cigarette profits for tobacco companies³⁰ and drive aggressive tactics to prevent or stall flavored tobacco policies.

Slide 18: Disinformation maintains tobacco profits

- Tobacco companies have launched national lobbying and public relations campaigns using Black and African American former lawmakers to promote messages that the bans would increase criminalization and exacerbate police brutality among Black and African American people.³¹⁻³⁴

Slide 19: Tobacco companies subvert flavored tobacco policy with synthetic coolants

- “New” Camel and Newport varieties with “bold, lasting flavor” marketed to California consumers in January 2023.³⁵
- The company’s records of ingredients show that the Camel Crisp and the Newport EXP versions contain a synthetic cooling agent referred to as WS-3.³⁵
 - Germany and Belgium have prohibited this particular additive.
- Lab studies show that WS-3 is highly efficacious, producing strong cooling sensations in “non-menthol” cigarettes.³⁶ It is also present in oral nicotine pouch products described as “flavor-ban approved.”³⁷

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