

# FDA moves to ban menthol cigarettes

*This Thursday 29th April 2021, public health has won a major victory in the United States of America. After a long fight to ban menthol in tobacco products, the Food and Drug Administration rendered its verdict: menthol cigarettes as well as all flavours for cigars are now banned on all the national territory. The decision is welcomed by all the organisations in support of this measure in recent years.*

On 29th April 2021 the Food and Drug Administration (FDA) has decided to ban menthol cigarettes and flavoured cigars.<sup>1</sup> This announcement is only the beginning of a long regulatory process to withdraw the concerned products from the market. However, the regulatory agency abstained from including menthol flavours for electronic cigarettes.

Efforts to enact a federal ban on menthol had stalled for years despite growing awareness of its harmfulness and its role in smoking prevalence.

Several medical and public health organisations called upon the FDA, decrying its inaction on the matter. Already in April 2013, organisations had filed a petition to the FDA, asking for it to ban menthol as a specific cigarette flavour. In June 2020, organisations initiated a proceeding to pressure the agency to speak out and to reply to this petition. The plaintives affirmed that the FDA's failure to take measures in regard to menthol cigarettes constituted an « unreasonable delay » that went against its responsibility for the regulation of tobacco products.

## **A social and political context favourable to the ban**

To deal with the federal agency's inaction, health actors have tried to work at a local scale. Several elected Democrats and politicians in important American cities had taken up the issue and had already banned the sale of menthol tobacco products locally. Joe Biden's election in November 2020 reignited the possibility for a potential federal ban. The President had repeated on several occasions wanting to reduce the health disparities that became indisputable due to the effects of the Coronavirus pandemic and efforts for the Black Lives Matter movement. A few days before this decisions, nearly 100 organisations across the world had appealed the United Nations<sup>2</sup> to address the harmful effects of menthol cigarettes on the health of African Americans in regard to a human rights issue. This demand increased pressure on the American government to ban menthol tobacco products.

## **A historic victory for public health**

This menthol ban is a milestone in the history of tobacco control. A large amount of data highlights how such a measure is likely to prevent smoking and the premature death of 45.000 African Americans each year from tobacco-related diseases in the country. Indeed, almost 9 out of 10 African Americans (88.5%), aged 12 and over, smoke menthol cigarettes. This ban will also help alleviate some of the health-related disparities they experience.

## **The effectiveness of the menthol ban in tobacco products**

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<sup>1</sup> Erika Edwards, [A "historic, lifesaving step": FDA moves to ban menthol cigarettes and flavored cigars](#), NBC news, 29 April 2021, accessed on the same day.

<sup>2</sup> Génération Sans Tabac, [Des associations appellent les Nations-Unies à se pencher sur la question du menthol](#), 27 April 2021, accessed on 29 April 2021.

In the report submitted to the United Nations, it is indicated that 67% of overall health disparities in relation to mortality among African American men are linked to high levels of smoking and that if menthol cigarettes were banned nationally 44.5% of African Americans who smoke menthol cigarettes would try to give up smoking. A previous study showed that menthol cigarettes had for effect the slowing the decrease in smoking prevalence in the United States. In fact, menthol cigarettes triggered the consumption of 10.1 million additional smokers and caused the premature death of 378.000 people between 1980 and 2018.<sup>3</sup>

Banning menthol is a measure that has been proven to save lives. Data from Canada demonstrate that the interdiction of menthol cigarettes resulted in a rise in the number of attempts to give up smoking. This measure is also associated with an increased chance of quitting and reduction of the risks of relapse among former smokers.<sup>4</sup>

The FDA's decision could pave the way for other countries, just like Canada, Brazil, Ethiopia and the European Union have previously done so.

**Key words: USA, Menthol, Public health, Menthol ban**

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<sup>3</sup> Génération Sans Tabac, Menthol : 10 millions de fumeurs supplémentaires aux États-Unis, 1 March 2021, accessed on 29 April 2021.

<sup>4</sup> Génération Sans Tabac, Les bénéfices de l'interdiction des cigarettes mentholées au Canada, 8 April 2021, accessed on 29 April 2021.