



National African American
Tobacco Prevention Network

(Revised) Policy Position

Re: The Family Smoking Prevention and Tobacco Control Act

(Legislation to Allow the FDA to Regulate Tobacco)

H.R. 1108 - Section 907. Tobacco Product Standards

The following constitutes the National African American Tobacco Prevention Network's (NAATPN) revised position on H.R. 1108:

- Whereas, NAATPN nor any African American health-related organization was included or consulted in the process of developing the proposed legislation;
- Whereas, nearly 80 percent of African Americans smokers use mentholated cigarettes;
- Whereas, menthol masks the harshness of emissions and allows a by-passing of the body's normal defense mechanisms for preventing exposure to detrimental substances;
- Whereas, research has shown that the use of mentholated cigarettes increases the retention and permeation of carcinogens in the esophageal mucosa, especially when coupled with alcohol consumption;
- Whereas, a compromise took place that put the African American and other ethnic communities at a disadvantage with regard to the immediate banning of fruit/candy flavorings, but not menthol;

- Whereas, African American menthol smokers use fewer cigarettes per day, but suffer disproportionate disease and death from tobacco use;
- Whereas, new state-based legislation is currently being proposed (i.e. S.613 in New Jersey) across the country that also delays the immediate ban of menthol from cigarettes, while including fruit/candy flavorings in an immediate ban;
- Whereas, the R.J. Reynolds company is currently test-marketing a new product called Camel Crush that features a “menthol-on-demand” self-controlled mechanism that releases menthol into the cigarette;
- Whereas, there is no mention of regulation of menthol in other tobacco products like cigars, cigarillos, snuff, smokeless tobacco, etc. in H.R. 1108;
- Whereas, we are still unclear about what criteria was used to treat menthol differently from the other banned flavorings;
- Whereas, admittedly , the health implications of menthol on initial use, addiction, difficulty in quitting, morbidity and mortality all need further study, but that should not supersede the right to ban menthol immediately as an additive “flavoring”;
- Whereas, *The First Conference on Menthol Cigarettes: Setting the Research Agenda* in 2002 raised pertinent questions and provided recommendations that indicated the seriousness of menthol in cigarettes as a broader public health issue with regard to target marketing, reaching new African American youth consumers, and the role of menthol in addiction and relapse;
- Whereas, the need for the regulation of tobacco products is long overdue, but *not* if the industry selling the products helps to craft the legislation;
- Whereas, we think the impact of completely removing mentholated products from African American communities will be:
 - Decreased tobacco advertising
 - Decreased tobacco use
 - A potential increase in the need for cessation services
 - Improved health and saved lives

And we would rather prepare to address any new challenges than to face continued tobacco use that contributes to disparate health outcomes;

- Whereas, we realize H.R. 1108 contains commendable provisions on oversight and restrictions of advertising, better warning labels, the creation of scientific and oversight committees to monitor compliance, the allocation of resources to enhance the FDA and other organizations in the control of tobacco products, the immediate banning of fruit/candy flavorings, it relies too heavily on “the FDA to determine” that menthol is an additive that would need further study prior to banning;
- Whereas, NAATPN is very concerned about how many more African Americans would die from mentholated tobacco products while additional studies are deemed necessary and/or are conducted;
- Whereas, NAATPN has, as part of its mission, to ensure more diverse, inclusive, transparent and beneficial processes in tobacco control; and
- Whereas, our constituents from across the country have voiced their opposition to the treatment of menthol within H.R. 1108,

The National African American Tobacco Prevention Network is withdrawing its support for H.R. 1108 in its present form. NAATPN is committed to assisting with the development of legislation that ultimately results in FDA regulation of tobacco products, but is not willing to do so at the expense of African Americans who currently suffer disproportionately from their use.

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