



VIEWPOINTS: Menthol cigarettes should be banned



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By **ALAN BLUM**

The public entrusts the U.S. Food and Drug Administration with ensuring the safety and effectiveness of medications that improve health -- not substances that cause disease.

Yet, two years ago, President Barack Obama signed into law a misguided bill supported by the American Cancer Society, the American Medical Association and most other health organizations that placed the nation's most lethal consumer product -- cigarettes -- under the control of the FDA.

Incredibly, the Family Smoking Prevention and Tobacco Control Act directs the FDA to issue safety standards for a product that kills nearly half a million Americans a year. Even cancer drugs can be pulled from the market by the FDA if they cause more harm than benefit. Not so cigarettes, which Congress explicitly bars the FDA from banning.

Small wonder, then, why Philip Morris, maker of Marlboro, the world's largest-selling cigarette, wholeheartedly supported the bill, even as the bill's proponents were claiming that it would be the death knell for Big Tobacco.

The law only served to increase the skepticism of all toomany smokers, who reason that if cigarettes were really so dangerous, then the government would ban them. Now Philip Morris can reassure its customers that it is complying with strict product-safety standards, in effect making and marketing government-approved cigarettes.

Although the bill banned the use of deceptive cigarette descriptors such as "lights" and "ultra-lights" and also prohibited the use of certain candy flavorings that might appeal to children, it did not require the FDA to eliminate menthol, the mint-flavored chemical added to mask the harshness of burning tobacco and create the false perception that such cigarettes are safer.

Pointing to the devastating impact of smoking on the black community and its disproportionate consumption of menthol brands, the National African-American Tobacco Prevention Network was outraged that the bill did not include a menthol ban. As it is, smoking-related diseases of the heart and lungs are the leading killer of African-Americans. William Robinson, chairman of the NAATPN, calls menthol "the flavor of death for nearly 83 percent of African-Americans who smoke." (Just 23 percent of whites smoke menthol brands.) Noting that "menthol simply makes the poison go down easier," Robinson estimates that 22,000 lives would be saved each year through the elimination of menthol, based on surveys that have found that nearly half of African-American menthol smokers would stop smoking entirely if menthol weren't on the market.

One of the specific charges to the FDA under the bill was to study the impact on public health of menthol cigarettes. Last month, a scientific advisory committee of the FDA released a detailed 231-page report that packs a wallop. The report left no stone unturned in reviewing the effects of menthol, including studies conducted in secret for decades by the tobacco industry since the introduction of menthol cigarettes in the 1920s.

Among the findings are that menthol is associated with lower levels of smoking cessation among African-Americans and that there is a higher prevalence of menthol cigarette use by the youngest adolescents. More than 80 percent of African-American teenagers who smoke buy Newport menthol cigarettes, in stark contrast to the similar percentage of white teenage smokers who choose nonmenthol Marlboro. This belies the claim of Newport maker Lorillard, cited in the report, that the company's marketing has not been targeted at African-Americans.

Although the report did not find that menthol cigarettes increase the already enormous risk of disease for cigarette smoking, it found that their availability has led to an increase in the number of smokers and that this increase does have adverse public health impact in the United States.

The elegant conclusion of the report was printed in boldface: "Removal of menthol cigarettes from the marketplace would benefit public health in the United States."

Unfortunately, the committee that produced this sobering report did not translate its conclusion into a recommendation that menthol be banned. Instead, the committee fretted about a potential black market for menthol cigarettes and the possible introduction of do-it-yourself menthol cigarette kits to circumvent such a ban. But this reasoning puts the cart before the horse. In the end, the committee proved weak-willed.

The committee's failure to recommend an unequivocal ban on menthol cigarettes reveals the toothlessness of the new law and the lack of effectiveness of the regulatory process by the FDA. The horrific impact menthol cigarettes have had on the African-American community warrants that all health organizations and everyone concerned about the rising cost of health care urge the FDA and Congress to add menthol to the list of far less widely consumed but already banned candy flavorings.

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