



THE TOBACCO INDUSTRY LIES FOR PROFITS. LEARN THE TRUTH.



TOBACCO INDUSTRY LIE: A flavor/menthol ban discriminates against people of color by taking away products they prefer, like menthol cigarettes and other flavored tobacco products.

TRUTH: A flavor/menthol ban is about putting an end to Big Tobacco's insidious targeting and about protecting young people from a lifetime of addiction and suffering by removing the tobacco products that are most appealing to children. According to the 2022 National Youth Tobacco Survey, more than 3 million (11.3%) U.S. middle and high school students said they use tobacco products.¹

People of color have been heavily targeted by tobacco companies pushing menthol cigarettes. For decades, these companies have spent billions of dollars on engineering menthol tobacco products, advertisements, sponsorships and promotions targeted toward communities predominantly of people of color to get them hooked on these highly addictive products. They priced menthol cigarettes more cheaply in communities of color, gave away free menthol-flavored cigarettes in Black neighborhoods across the country and appropriated Black culture, all to help hook as many generations of Black Americans as possible.^{2, 3}

As a result of these efforts, smoking-related illnesses are the Number 1 cause of death in the African American community, surpassing all other causes, including AIDS, homicide, diabetes and accidents.^{4, 5} Overall, 85% of African American smokers use menthol cigarettes, compared to 29% of White smokers.³ African Americans usually start smoking at an older age than White Americans but are more likely to die from smoking-related causes.⁶

TOBACCO INDUSTRY LIE: A ban on menthol will increase the potential for unjustly criminalizing Black Americans.

TRUTH: A menthol ban BANS THE MANUFACTURE and RETAIL SALE of menthol tobacco products. There are NO PENALTIES OR LAW ENFORCEMENT FOR INDIVIDUALS WHO PURCHASE, POSSESS OR USE MENTHOL PRODUCTS.

The NAACP issued a statement calling for a menthol ban, saying, "It's about time we prioritize the health and well-being of African Americans."⁷

TOBACCO INDUSTRY LIE: A flavor/menthol ban will just fuel the illicit market.

TRUTH: The tobacco industry likes to make that claim because what's *good* for public health is *bad* for Big Tobacco's bottom line. But data from countries that have banned menthol doesn't back that up. In fact, recent research shows that after Canada's menthol ban, there was no increase in the illicit purchase of menthol or non-menthol cigarettes from the main source of illicit cigarettes in that country.⁸ And, data shows that the Canadian menthol ban was associated with higher rates of quit attempts and quit success among menthol smokers compared with non-menthol smokers.⁹

TOBACCO INDUSTRY LIE: Flavored tobacco sales restrictions and tax increases result in tobacco retail closures and job loss.

TRUTH: Studies have repeatedly found this to not be the case. A study looking at tobacco retailers in the U.S. from 2000 to 2017 found that the number of tobacco retailers increased by 12% during that time.¹⁰ This aligns with other research findings, including a 13-year study that found tobacco tax increases did not lead to a decline in the number of convenience stores after tobacco tax increases; in fact, the analysis revealed a slight increase.¹¹ Big Tobacco made a similar claim that restaurants and bars in the state would go out of business with passage of New York State's Clean Indoor Air Act in 2003. That claim could not be further from the truth.¹² As a result of these policies, over the last two decades, there have been significant nationwide declines in cigarette consumption. Although, importantly, these declines have been greater in non-menthol cigarettes than in menthol cigarettes.¹³

TOBACCO INDUSTRY LIE: Banning flavored tobacco products discriminates against people from North Africa and the Middle East because a ban would end the sale of flavored hookah products.

TRUTH: Flavored hookah products like Blue Mist, Irish Kiss and Sex on the Beach have nothing to do with Middle Eastern culture. In fact, in the 1960s when science made it clear that smoking kills, Islamic leaders declared that these products were forbidden. It is only tobacco-flavored shisha that was part of the Arab traditional use of these products. When you consider how these products are used in hookah lounges with excessive drinking and outrageously named flavors, the way hookah products are used in these establishments is anything but a cultural tradition. The flavors that are currently marketed in hookah lounges are a typical American appropriation of Middle Eastern culture.

A Truth Initiative study found that 79% of youth hookah users say they use it because it comes in flavors they like, and 89% of current youth hookah users use flavored hookah products.¹⁴

TOBACCO INDUSTRY LIE: Banning flavored tobacco products when flavored cannabis is legal is a contradiction.

TRUTH: This is a diversion tactic of the tobacco industry used to create confusion about the validity of a flavor/menthol ban. There is no comparison between the mortality and morbidity caused by tobacco versus adult-use cannabis. Tobacco products are responsible for millions of deaths, which is not true of cannabis. Tobacco contains highly addictive nicotine, while cannabis does not.

TOBACCO INDUSTRY LIE: Restricting the sale of flavored tobacco will have a significant impact on cross-border sales in neighboring states where flavored products are still sold.

TRUTH: Following enactment of the Massachusetts law that restricts the sale of all flavored tobacco products, studies found no long-term impact on cross-border sales in neighboring states where menthol cigarettes are still sold.¹⁵ While there was a spike in sales in surrounding states in the initial three months the law took effect, after one year there was no statistically significant increase (compared to non-border states). In fact, one study found that overall tobacco sales decreased in most neighboring states, excluding New Hampshire, which saw the strongest initial increase in menthol sales, but was also not sustained.¹⁶

TOBACCO INDUSTRY LIE: New York's ban on flavored vape products is not yet fully enforced yet.

TRUTH: The ban on flavored vape products went into effect in 2020, just months into the COVID-19 pandemic. The NYS Department of Health's Center for Environmental Health is working to increase enforcement of the vape ban and to be ready to enforce any future policies around flavored tobacco products. Some states have banned the retail sale of all flavored tobacco products, eliminating confusion on the part of retailers about what can and what cannot be sold legally. This likely leads to more compliance with the law.

THE TRUTH ABOUT FLAVORED TOBACCO PRODUCTS AND YOUTH:

For decades, research has shown that flavored tobacco products attract youth and addict them. We have a new generation of nicotine-addicted youth who may struggle their entire lives with addiction. In fact, 80% of youth who have ever tried tobacco started with a flavored product.¹⁷ Sadly, 280,000 of New York's youth now under 18 are projected to die prematurely from smoking.¹⁷

NYS Tobacco Control Program March 2023

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- ¹ U.S. Food and Drug Administration. Results from the Annual National Youth Tobacco Survey. (Dec. 20, 2022) <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey> (Accessed March 20, 2023)
 - ² Centers for Disease Control and Prevention. (2022, June 27). Menthol tobacco products are a public health problem https://www.cdc.gov/tobacco/basic_information/menthol/public-health-problem.html. (Accessed March 20, 2023)
 - ³ Centers for Disease Control and Prevention. (2022, June 27). Unfair and Unjust Practices and Conditions Harm African American People and Drive Health Disparities | Smoking and Tobacco | CDC. (Accessed March 20, 2023)
 - ⁴ Campaign for Tobacco-Free Kids. (2021) Tobacco Use Among African Americans. <https://www.tobaccofreekids.org/assets/factsheets/0006.pdf> (Accessed March 20, 2023)
 - ⁵ American Cancer Society. Cancer Facts & Figures for African Americans 2022-2024 (p.22). (Accessed March 20, 2023)
 - ⁶ Centers for Disease Control and Prevention. (2022, June 27). African American communities experience a health burden from commercial tobacco. <https://www.cdc.gov/tobacco/health-equity/african-american/health-burden.html> (Accessed March 20, 2023)
 - ⁷ NAACP statement on FDA plan to ban sale of menthol and e-cigarettes. NAACP. (2021, December 3). <https://naacp.org/articles/naacp-statement-fda-plan-ban-sale-menthol-and-e-cigarettes> (Accessed March 20, 2023)
 - ⁸ Illicit cigarette purchasing after implementation of menthol cigarette bans in Canada: findings from the 2016-2018 ITC Four Country Smoking and Vaping Surveys. Tobacco Control published online first: Jan. 6, 2023. <https://tobaccocontrol.bmj.com/content/early/2023/01/06/tc-2022-057697.citation-tools> (Accessed March 20, 2023)
 - ⁹ Chung-Hall, J., Fong, G. T., Meng, G., Cummings, K. M., Hyland, A., O'Connor, R. J., Quah, A. C. K., & Craig, L. V. (2022, July 1). Evaluating the impact of menthol cigarette bans on cessation and smoking behaviours in Canada: Longitudinal findings from the Canadian arm of the 2016-2018 ITC four country smoking and vaping surveys. Tobacco Control. <https://tobaccocontrol.bmj.com/content/31/4/556> (Accessed March 20, 2023)
 - ¹⁰ Academic.oup.com. (July 2021). Trends in the Number and Type of Tobacco Product Retailers, United States, 2000-2017 <https://academic.oup.com/ntr/article-abstract/24/1/77/6327606> (Accessed March 20, 2023)
 - ¹¹ Huang, J., & Chaloupka, F. J. (2013, March 1). The economic impact of state cigarette taxes and smoke-free air policies on convenience stores. Tobacco Control. <https://tobaccocontrol.bmj.com/content/22/2/91> (Accessed March 20, 2023)
 - ¹² Campaign For Tobacco Free Kids. Smoke-free laws do not harm business at restaurants and bars. (2023, January 27). <https://www.tobaccofreekids.org/us-resources/fact-sheet/smoke-free-laws-do-not-harm-business-at-restaurants-and-bars> (Accessed March 20, 2023)
 - ¹³ Cristine D. Delnevo, P. D. (2020, August 7). Assessment of menthol and nonmenthol cigarette consumption in the US, 2000 to 2018. JAMA Network Open. <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2769132> (Accessed March 20, 2023)
 - ¹⁴ Truth Initiative. (2018, June 20). Hookah is the most popular flavored tobacco product among youth. <https://truthinitiative.org/research-resources/traditional-tobacco-products/hookah-most-popular-flavored-tobacco-product-among> (Accessed March 20, 2023)
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 - ¹⁶ American Public Health Association. (2022, July 13). Impact of Massachusetts' statewide sales restriction on flavored and ... American Journal of Public Health. <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2022.306879> (Accessed March 20, 2023)
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