



The African American Tobacco Control Leadership Council

FOR IMMEDIATE RELEASE

April 30, 2021

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AATCLC Statement on FDA Decision to Ban Menthol

**It's Been A Long Time Coming...A Long Time Coming...
But I Know A Change is Gonna Come...Oh Yes It Will!**

Sam Cooke (1964)

SAN FRANCISCO, CA– April 30, 2021 – Yesterday’s decision by the FDA to propose a ban on menthol cigarettes and flavored cigars is a long overdue step toward ending years of racialized tobacco industry predation on African Americans. Each year 45,000 African Americans lose their lives to tobacco induced diseases due in large part to mentholated tobacco products. The FDA decision was in response to the AATCLC lawsuit filed with co-plaintiffs, Action on Smoking and Health, the American Medical Association, and the National Medical Association, which included a request for the court to compel the FDA to respond to the Citizens Petition initially submitted in 2013. The lawsuit was filed on June 17, 2020 and asserted that, contrary to the duties imposed by the Family Smoking Prevention and Tobacco Control Act (“Tobacco Control Act”), the FDA failed to act on menthol cigarettes.

The complaints raised in the lawsuit were the culmination of a ten plus year struggle to get the FDA to remove menthol cigarettes from the marketplace as it had done with all other flavors. Though the scientific research was irrefutable, politics and tobacco industry interference prevented the FDA from doing so.

For decades, the industry marketed menthol cigarettes to our kids and communities with exploitative and discriminatory tactics. As we work to confront systemic racism and injustice in all forms, banning menthol cigarettes is one part of the push toward racial justice, health equity, and protecting Black lives.

While the FDA’s proposed ban on menthol cigarettes is real progress, there is more work to be done to end tobacco use and protect the health of African Americans. The AATCLC will continue to fight for justice and health equity in our communities. We will continue to work to educate the public about the harmful effects of tobacco on our communities. We will continue to love and embrace Black smokers and fight for the cessation services and programs tailored to their needs to become “former smokers.” We will continue to fight for justice and reparations from predatory multi-national tobacco companies that prey on Black people all over the world and destroy our health and prosperity. We will fight to ensure that we will not lose another generation of our children to nicotine addiction. The tobacco industry, the biggest profiler and killer of Black people, does not get a pass to keep addicting Black people. The AATCLC will continue to strongly encourage tobacco control activists throughout the country to keep fighting to ban the sale of menthol tobacco products at the local and state levels.

There are those who detract and claim that taking menthol tobacco products off the market will criminalize the Black community by giving police a pretext to profile or brutalize the Black community. If implemented, the FDA’s enforcement of any ban on menthol cigarettes and all flavored cigars will only address manufacturers, distributors, wholesalers, importers and retailers. Furthermore, state and



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local enforcement cannot enforce a federal ban on these products. The FDA cannot and will not enforce against individual consumer possession or use of menthol cigarettes or any tobacco product. The FDA will work to make sure that any unlawful tobacco products do not make their way onto the market.

So today, we applaud the FDA for their decision to protect African Americans from deadly tobacco industry tactics, including the predatory marketing and use of menthol cigarettes and flavored cigars. We are encouraged by the FDA's agreement to begin the rulemaking process to get these products out of the marketplace. This is a major step forward in Saving Black Lives; however, this is not the end of this fight, only the next stage. Therefore, as previously stated, the AATCLC continues to strongly encourage tobacco control activists throughout the country to keep fighting to ban the sale of menthol tobacco products at the local, state, and federal level. We know that this rule making process could take years and we know that the tobacco companies will continue to do everything in their power to derail any attempt to remove their deadly products from the market. The struggle continues!

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About The African American Tobacco Leadership Council (AATCLC)

The AATCLC was formed to educate the public about the effects of tobacco on the Black American and African Immigrant populations, the tobacco industry's predatory marketing tactics, and the need to regulate menthol cigarettes and all other flavored tobacco product. To more effectively reach and save Black lives, the AATCLC partners with community stakeholders and public serving agencies to inform and direct tobacco control policies, practices, and priorities. <https://www.savingblacklives.org>.

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