



The African American Tobacco Control Leadership Council

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September 27, 2013

Attorney General Kamala D. Harris
State of California
Office of the Attorney General
Department of Justice
P. O. Box 944255
Sacramento, CA 94244-2550

Dear Madam Attorney General,

The African American Tobacco Control Leadership Council (AATCLC) is calling upon you to urge the U.S. Food and Drug Administration (FDA) to ban the use of menthol in tobacco products. Mentholated tobacco products are intentionally designed by tobacco manufacturers to be starter products for youth who might not otherwise become smokers. **Research shows that among African American youth ages 12-17 who smoke, 72% use menthol cigarettes; among LGBT youth, 71% use menthol.** Menthol masks the harsh taste of tobacco smoke and, by making the poison go down easier, makes smoking easier to start and harder to quit. Taking action to limit the use of mentholated tobacco products among our youth will have a dramatic positive effect on our public's health.

The Family Smoking Prevention and Tobacco Control Act, signed into law by President Barack Obama in June 2009, gave the FDA authority to regulate tobacco products; this authority includes banning or restricting the use of menthol in cigarettes. However, the FDA has been slow to act on the recommendation of its own Tobacco Products Scientific Advisory Committee, which after reviewing scientific evidence, found that the **"Removal of menthol cigarettes from the marketplace would benefit public health in the United States."**

Your call for action by the FDA would add momentum to the other major developments that occurred this past summer, which are proving to be quite historic for our country's tobacco control movement. First, on July 15th at its centennial convention, the Delta Sigma Theta Sorority, Inc. passed a national resolution urging the FDA to ban the use of menthol as a characterizing flavor in cigarettes. The resolution was initially brought forth by the Berkeley Bay Area Alumnae Chapter and represents the first time that a national African American Pan Hellenic institution has weighed in on one of the most important public health issues of our times; truly, an unprecedented occurrence.

Then, on July 25th, 2013, Chicago Mayor Rahm Emanuel issued a press release announcing he had requested the Chicago Board of Health to **take action aimed at curtailing menthol cigarette use among Chicago youth.** In his letter to the Chicago Board of Health, Mayor Emanuel highlighted the particular dangers menthol cigarettes pose to young people and requested the Health Board to **identify "winnable" policy solutions that will curb the use of flavored tobacco products, including menthol cigarettes, among the most vulnerable: our children.** In response to Mayor Emanuel's letter, Board of Health President, Dr. Carolyn C. Lopez said, "Big tobacco is using menthol flavored cigarettes to turn our children into lifelong addicts...The Board of Health stands ready to work with Mayor Emanuel and our community to find new solutions to help our children."

Since this exchange between Mayor Emanuel and his Board of Health, the city of Chicago has held several Town Hall meetings to educate the public and begin planning the serious steps needed to take on this challenge. Mayor Emanuel's bold and extraordinary move is being applauded by public health experts and tobacco control advocates beyond the city limits of Chicago.

Since our inception in 2008, California-based AATCLC has worked diligently in calling for the FDA to ban the use of menthol in tobacco products. These efforts have included providing expert and public testimony, including testifying at FDA hearings on menthol in 2010-11; representing priority populations at community stakeholder meetings with officials from the FDA's Center for Tobacco Products; submitting materials to the FDA dockets related to menthol; co-hosting and co-authoring the report from the 2nd Menthol National Conference, which was held in Washington, D.C. in 2009; and conducting studies, from which the published findings have been cited in the menthol reports written by the FDA and its Tobacco Products Scientific Advisory Committee. Most recently, we collaborated on the *Saving Lives: Ban Menthol Cigarettes* national campaign that led up to this year's World NO Tobacco Day on May 31st, 2013.

A ban on menthol could prevent as many as 600,000 smoking-related premature deaths by 2050, a third of whom would be African Americans. The tragedies of Trayvon Martin and Oscar Grant have captured the attention of the world; yet our society remains slow in protecting our children, especially our inner city youth who continue to be the hardest hit by predatory marketing activities of the tobacco industry. Though our federal government has been slow to enact meaningful legislation banning menthol, the government of Brazil has moved swiftly and decisively to protect its citizens by eliminating the use of menthol in tobacco products. Furthermore, the European Union health officials have also called for the banning of menthol cigarettes.

Attorney General Harris, the AATCLC is now calling upon you to stand with us as we work to save our children from a lifetime of addiction. The FDA currently has a Docket open, allowing the public to comment until November 22, 2013. Minimally, we would like the California Department of Justice to submit comments through the Docket asking the FDA to protect our children by banning the use of menthol in tobacco products. We would also like to meet with you to brief you on this issue and explore ways in which the weight of the office of the California Attorney General's office can be added to this important issue.

Please give this request your utmost attention.

Best Regards,



Phillip Gardiner, Dr. P.H.



Carol McGruder

Co-chairs African American Tobacco Control Leadership Council

www.savingblacklives.org

Attachments:

Attachment 1-Mayor Rahm Emanuel-FDA Letter

Attachment 2-Chicago Department of Public Health-FDA Letter

Attachment 3-Chicago Press Release-FDA Letter

Attachment 4-Save Lives- Ban Menthol National Campaign

Attachment 5-Delta Resolution

Attachment 6-Sample Ban Menthol Resolution

Attachment 7-Healthy Chicago policy brief- menthol flavored cigarettes

cc: Hon. Holly Mitchell, Hon. Karen Bass, Hon. Barbara Lee, Hon. Maxine Waters, Hon. Lonnie Hancock, Hon. Nancy Skinner, Hon. Rahm Emanuel, Dr. Stanton Glantz, Jeanne Finburg