

# FDA s big menthol announcement: Nothing yet, keep in touch

By ACSH Staff — July 24, 2013



[1]

The FDA s Center for Tobacco Products, through its head, Mitch Zeller, made yet another [non-announcement yesterday](#) [2] concerning menthol cigarettes. The 2009 law giving the FDA regulatory authority over tobacco, the Family Smoking Prevention and Tobacco Control Act (FSPTCA), banned all flavored cigarettes with the notable exception of menthol, the only flavorant with any substantial smoker preference. But the law gave the agency authority to ban menthol too, after due deliberation and consideration of the public health effects, for good or ill, of such a ban.

A committee empaneled by the CTP began hearing input, both scientific and from the public, on this subject beginning in November of 2010, at which time ACSH presented our position [statement on mentholated cigarettes](#) [3]. At that time, our peer-reviewed publication concluded that menthol in cigarettes posed no independent health threat as compared to non-menthol cigarettes: both were equally deadly and addictive. ACSH s Dr. Gilbert Ross published an [op-ed around that time](#) [4] summarizing that paper, pointing out that the data supporting menthol s detrimental effects on public health were flimsy, while the likely ramifications of a ban were fraught, mainly involving a massive influx of illicit menthols to satisfy that huge market, flouting any ban.

Our subsequent [update of that menthol study](#) [5] came to similar conclusions as did the first: while some studies suggested that menthol can increase initiation of smoking and decrease cessation (quitting), other studies contradict those with equal legitimacy. And since the mandate of the CTP is to decide such questions based on the overall effect on public health, even a slight benefit in terms of reduced documented cigarettes smoked, if countered by a vast increase in undocumented, illicit menthols whose marketing checked no IDs nor paid any taxes, would amount to a net public health calamity. Since the menthol market comprises around \$30 billion and over 10 million smokers, stringent restrictions on it will undoubtedly lead to evasion of the ban on a huge scale.

I believe, despite the neutral discussion now coming from the FDA, that the likely criminal disruption following a menthol ban are weighing heavily on Mr. Zeller and his CTP colleagues as it

should, said Dr. Ross about the latest press release. I fear an illicit market similar to alcohol prohibition of the 1920s if menthol is banned. It s ironic indeed that one of the main proponents of a ban, Matt Myers, was directly involved in crafting the carve-out of menthol from the other banned flavorings during the negotiation process. He has changed his tune, it seems.

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**Links**

[1] <http://acsh.org/wp-content/uploads/2013/07/Menthols.jpg>

[2] [http://www.nytimes.com/2013/07/24/health/fda-takes-steps-toward-ruling-on-menthol-cigarettes.html?\\_r=0](http://www.nytimes.com/2013/07/24/health/fda-takes-steps-toward-ruling-on-menthol-cigarettes.html?_r=0)

[3] [http://www.acsh.org/wp-content/uploads/2012/04/20100421\\_Menthol\\_Statement\\_ACSH\\_2010.pdf](http://www.acsh.org/wp-content/uploads/2012/04/20100421_Menthol_Statement_ACSH_2010.pdf)

[4] <http://dailycaller.com/2011/01/10/should-menthol-cigarettes-be-banned/>

[5] <http://acsh.org/2013/03/the-mentholation-of-cigarettes-an-update-for-2013/>