The US Food and Drug Administration (FDA) announced a plan to prohibit menthol-flavored cigarettes and cigars with any flavoring other than tobacco. The agency said the measure has the potential to substantially reduce disease and death by reducing youth experimentation and addiction and by increasing the number of smokers who quit.

Ending the sale of menthol cigarettes and flavored cigars “will also help reduce the unjust disparities in tobacco use, primarily caused by the tobacco companies targeting vulnerable communities with menthol cigarettes,” American Lung Association president and CEO Harold Wimmer said in a statement. “When finalized, we believe this will be the single most significant action taken by FDA in its almost 13-year history of regulating tobacco products.”

The FDA was granted the authority to regulate the manufacture, distribution, and marketing of tobacco products by the Family Smoking Prevention and Tobacco Control Act, signed into law on June 22, 2009. A few months later, the agency announced a ban on cigarettes with chocolate, vanilla, clove, fruit, and other flavorings that appeal to young people, but menthol flavoring was excluded from the policy.

More than a decade later, in January 2020, the FDA announced it would step up efforts to prevent the manufacture, distribution, and sale of most flavored e-cigarette varieties (other than menthol and tobacco). The agency then said in April 2021 that it was working toward banning menthol in cigarettes and all flavors in cigars within a year.

In 2019, there were more than 18.5 million current menthol cigarette smokers aged 12 years or older in the US, with rates of use particularly high among youth, young adults, and some racial and ethnic groups, especially among Black communities, according to an FDA fact sheet on the new proposal. Nearly 85% of all non-Hispanic Black smokers use menthol cigarettes, compared with 30% of non-Hispanic White smokers.

Modeling studies estimate that banning menthol cigarettes in the US could result in a 15% reduction in smoking within 40 years and lead to 324 000 to 654 000 fewer smoking-related deaths overall, including 92 000 to 238 000 among African Americans.

Menthol’s minty taste and aroma provide a cooling sensation in the throat and blunt the irritation and harshness of smoking. This makes menthol-flavored products easier to use, particularly for youth and young adults, and it also interacts with nicotine in the brain to boost nicotine’s addictive effects.

“The combination of menthol’s flavor, sensory effects and interaction with nicotine in the brain increases the likelihood that youth who start using menthol cigarettes will progress to regular use,” and also makes it more difficult for people to quit smoking, the FDA noted.

A study published last week by Canadian and US researchers found that menthol smokers were more likely than nonmenthol smokers to quit smoking after a ban on menthol-flavored cigarettes in Canada was phased in between 2015 and 2018. The researchers calculated that if a similar US ban were to have an effect comparable to that of the Canadian ban, more than 1.3 million additional US smokers would quit, including more than 381 000 African Americans.

The proposed ban also targets cigars with flavors such as strawberry, grape, fruit punch, and cocoa that make the products more appealing and easier to use, especially among youth and young adults. A ban on such products is expected to reduce their appeal and decrease the likelihood that young people will try cigars, develop nicotine dependence, and become habitual smokers.
The FDA noted that data from the 2020 National Youth Tobacco Survey indicate that more than half (58.3%) of youth cigar smokers, or about 550,000 youth, reported flavored cigar use during the past 30 days. The survey also showed that flavored cigars are especially popular among non-Hispanic Black middle and high school students, with 6.5% reporting past 30-day cigar use compared with 2.8% of non-Hispanic White students.

The new ban would not apply to menthol e-cigarettes. In September 2021, the FDA said it had made "significant progress" in rejecting marketing applications for electronic nicotine delivery systems products, such as e-cigarettes and e-liquids, some featuring flavors such as Apple Crumble, Dr Cola, and Cinnamon Toast Cereal that are popular among young people. The agency is continuing to review all vaping products marketed in the US to determine which ones will be permitted to remain on the market.

The FDA said that if the proposed rules are finalized and implemented, only manufacturers, distributors, wholesalers, importers, and retailers who manufacture, distribute, or sell such products within the US will be subject to enforcement for noncompliance. The regulations would not apply to possession or use by individuals.

The proposed rules are slated for publication in the May 4 Federal Register and will be open for public comment through July 5, 2022.