

**RESOLUTION NO. 37-11**

**RESOLUTION OF SUPPORT FOR FOOD AND DRUG ADMINISTRATION (FDA)  
BANNING MENTHOL IN CIGARETTES AND FLAVORING  
IN OTHER TOBACCO PRODUCTS**

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WHEREAS, mentholated and flavored tobacco products are shown to be “starter” products for youth who begin using tobacco; <sup>i,ii,iii</sup>

WHEREAS, youth who experiment with menthol cigarettes are at far greater risk of becoming regular smokers than those who experiment with non-menthol cigarettes.<sup>iv</sup>

WHEREAS, the Tobacco Industry has been manipulating the dose of menthol in cigarettes to ensure the uptake and continued use, especially by young people and other vulnerable populations for many years; <sup>v</sup>

WHEREAS, the tobacco industry has a well-documented history of developing and marketing mentholated brands to racial and ethnic minorities and youth; <sup>vi,vii</sup>

WHEREAS, in cigarettes, menthol is the only additive that is actively marketed to consumers and virtually all cigarettes contain menthol to make cigarettes more palatable; <sup>viii</sup>

WHEREAS, the Tobacco Industry has targeted African Americans with mentholated products and as a result nearly 83% of African American smokers smoke menthol cigarettes, compared with 24% of White smokers; <sup>ix,x,xi</sup>

WHEREAS, 71% of Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQ) smokers, particularly youth, smoke menthol cigarettes; <sup>xii</sup>

WHEREAS, the availability of menthol cigarettes reduces cessation success, particularly among African Americans.<sup>xiii</sup>

WHEREAS, the Food and Drug Administration (FDA) has the authority to issue product standards to promote public health, which can include eliminating or reducing certain ingredients;

WHEREAS, the FDA prohibits cigarettes from having candy, fruit and spice as their characterizing flavors because these flavors make tobacco products especially appealing to youth, and can lead to a lifetime of tobacco addiction; <sup>xiv</sup>

WHEREAS, menthol was exempted from this ban on candy, fruit and spice as characterizing flavors in cigarettes;

WHEREAS, other tobacco products (smokeless, little cigars, hookah tobacco, dissolvable tobacco products) are exempted from this ban on candy, fruit and spice as characterizing flavors;

WHEREAS, the Tobacco Products Scientific Advisory Committee (TPSAC) recommendations to the FDA state that, “Removal of menthol cigarettes from the marketplace would benefit public health in the United States”;

WHEREAS, the city council of Richmond is committed to the health and wellbeing of it’s residents and is particularly concerned about preventing tobacco use among youth;

NOW, THEREFORE, BE IT RESOLVED, that the Richmond City Council calls on the U.S. Food and Drug Administration to ban the use of menthol in cigarettes and flavorings in other tobacco products in the United States.

And BE IT FURTHER RESOLVED that the City Manager on behalf of the Richmond City Council shall send this resolution to the following individuals

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**FDA Staff and Advisory Committee:**

Dr. Lawrence Deyton, MSPH, MD  
Director  
Center for Tobacco Products  
Food and Drug Administration  
9200 Corporate Boulevard  
Rockville, MD 20850-3229

Cristi Stark, MS  
Center for Tobacco Products  
Food and Drug Administration  
9200 Corporate Boulevard, Room 110H  
Rockville, MD 20850-3229

Dr. Jonathan Samet, MD, MS  
Chair  
Tobacco Products Scientific Advisory  
Committee  
Food and Drug Administration  
9200 Corporate Boulevard  
Rockville, MD 20850-3229  
Note: chair of advisory committee that is  
making report on menthol in cigarettes

Margaret Hamburg, MD  
Commissioner  
Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993-0002

Kathleen Sebelius  
Secretary  
Department of Health & Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Federal Elected Officials**

Senator Barbara Boxer  
United States Senate  
112 Hart Senate Office Building  
Washington, D.C. 20510

Congressman George Miller  
United States Congress  
2205 Rayburn HOB  
Washington, D.C. 20515

Senator Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

Congressman John Garamendi  
United States Congress  
2459 Rayburn HOB  
Washington, D.C. 20515

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on **May 17, 2011**, by the following vote:

AYES: Councilmembers Bates, Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California            }  
County of Contra Costa        }       : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 37-11**, finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on May 17, 2011.

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- <sup>i</sup> Substance Abuse and Mental Health Services Administration, Office of Applied Studies. November 19, 2009: *The NSDUH Report: Use of Menthol Cigarettes*. Rockville, MD.
- <sup>ii</sup> Hersey JC, Ng SW, Nonnemaker JM, Mowery P, Thomas KY, Vilsaint MC, Allen JA, Haviland ML. Are menthol cigarettes a starter product for youth? *Nicotine Tob Res*. 2006 Jun;8(3):403-13. PubMed PMID: 16801298.
- <sup>iii</sup> Wackowski O, Delnevo CD. Menthol cigarettes and indicators of tobacco dependence among adolescents. *Addict Behav*. 2007 Sep;32(9):1964-9. Epub 2006 Dec 22.
- <sup>iv</sup> Tobacco Products Scientific Advisory Committee (TPSAC) of the Center for Tobacco Products of the Food and Drug Administration (FDA), (2011). *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations (as reviewed at the TPSAC meeting on March 18, 2011)*. <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM247689.pdf>. Accessed April 4, 2011.
- <sup>v</sup> Kreslake J M., Wayne F, Alpert G, et al. Tobacco Industry Control of Menthol in Cigarettes and Targeting of Adolescents and Young Adults *Am J Public Health* 2008 0: AJPH.2007.125542.
- <sup>vi</sup> The National Cancer Institute. Research Topics: Menthol and Tobacco Page. [http://dcps.ni.nih.gov/tcrb/research\\_topic-menthol.html](http://dcps.ni.nih.gov/tcrb/research_topic-menthol.html). Updated November 5, 2009. Accessed September 1, 2010.
- <sup>vii</sup> Yeger, VB, Przewoznik J, et al. (2007). Racialized geography, corporate activity, and health disparities: tobacco industry targeting of inner cities. *J Health Care Poor Underserved*. 18(4 Suppl): 10-38.
- <sup>viii</sup> Gardiner P & Clark P. (2009) *Summary of the Second Conference on Menthol Cigarettes Menthol in Cigarettes: It helps the poison go down easier: A Report to the Food and Drug Administration (FDA)*. Prepared as Public Comment, Washington, D.C. [http://www.naquitline.org/resource/resmgr/news/100202\\_menthol-cigarette-rep.pdf](http://www.naquitline.org/resource/resmgr/news/100202_menthol-cigarette-rep.pdf) Accessed September 1, 2010.
- <sup>ix</sup> Moolchan E. Adolescent menthol smokers: Will they be a harder target for cessation? *Nicotine Tob Res* (2004) 6(Suppl 1): S93-S95 doi:10.1080/14622203310001649522.
- <sup>x</sup>The National African American Tobacco Prevention Network. Blacks and Menthol Fact Sheet. <http://naatpn.org/resources/Blacks%20&%20Menthol.pdf>. Accessed September 1, 2010.
- <sup>xi</sup> Substance Abuse and Mental Health Services Administration, Office of Applied Studies. *The NSDUH Report: Use of Menthol Cigarettes*. Rockville, MD. November 19, 2009.
- <sup>xii</sup> National Youth Advocacy Coalition. Coming Out About Smoking: A Report from the National LGBTQ Young Adult Tobacco Project. August, 2010. [http://wiki.nyacyouth.org/index.php?title=Coming\\_Out\\_About\\_Smoking&oldid=1674](http://wiki.nyacyouth.org/index.php?title=Coming_Out_About_Smoking&oldid=1674). Accessed August 30, 2010.
- <sup>xiii</sup> Tobacco Products Scientific Advisory Committee (TPSAC) of the Center for Tobacco Products of the Food and Drug Administration (FDA), (2011). *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations (as reviewed at the TPSAC meeting on March 18, 2011)*. <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM247689.pdf>. Accessed April 4, 2011.
- <sup>xiv</sup> U. S. Food and Drug Administration. FDA Parental Advisory on Flavored Tobacco Products - What You Need To Know. <http://www.fda.gov/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/ucm183196.htm>. Accessed September 1, 2010.