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As Trump tackles vapes, African Americans feel stung by inaction on menthol cigarettes

Hannah Knowles
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LaTrisha Vetaw has watched generations of her family suffer after getting hooked on menthol cigarettes. Her father died of a heart attack at 46, with a pack of cigarettes in his pocket alongside a doctor's note urging him to quit smoking. Her 45-year-old half sister, who has a cough she can't shake and loses her breath climbing the stairs, smokes Newports. So do her niece and nephew in their 20s.

So while Vetaw supports President Trump's recent vow to ban almost all flavored e-cigarettes to stop kids from getting hooked on nicotine, she's exasperated he isn't going after menthol cigarettes — the only flavored cigarettes still on the market and a decades-old scourge of African American communities that even the government says are more addictive than unflavored ones.

"When you look at the staggering numbers of African Americans smoking menthol, it's so hurtful that no one is taking a stand," said Vetaw, health policy and advocacy manager at NorthPoint Health and Wellness Center in Minneapolis.

Trump's unexpected assault on flavored e-cigarettes has resurrected a complicated, years-old debate over tobacco regulation, racial equity and health. Is the government wrongly ignoring another flavored nicotine product that poses particular dangers to African Americans? Or would it be discriminatory to ban a flavor so popular among blacks?

Some black leaders say a ban on menthol cigarettes would be paternalistic, robbing African American smokers of their right to choose which products to use. Others, including many black health advocates, counter that it's racist not to ban a dangerous product pushed for years by what they call predatory, racially targeted marketing.

For decades, the tobacco industry peddled menthol cigarettes to black consumers through billboards, TV ads and magazines like Jet and Ebony, with African Americans smoking under slogans such as, "Alive with pleasure!" Tobacco companies also bought good will by sponsoring high-profile athletic and cultural events and contributing to black politicians and organizations, including members of the Congressional Black Caucus and the group's foundation — contributions that critics say made black lawmakers more likely to support industry positions.

Menthol cigarettes are still popular among African Americans, 47,000 of whom die every year of smoking-related causes. But unlike the alarm over underage use of e-cigarettes — fueled in large part by the popularity of Juul among white, middle-class teenagers — neither the Trump administration nor the Obama administration have treated the devastating health effects of menthol cigarettes on the black community as a crisis.

When a health threat arises for "young white people, then action is taken really quickly," said LaTroya Hester, a spokeswoman for the National African American Tobacco Prevention Network, based in Durham, N.C. "When it's African Americans, it just seems that people are slow to move."

Almost a year ago, then-Food and Drug Administration Commissioner Scott Gottlieb pledged to issue a formal proposal banning menthol cigarettes, saying they "disproportionately and adversely affect underserved communities." But with Gottlieb's departure last spring, the administration appears unlikely to follow through anytime soon, given vociferous opposition by industry and tobacco-state lawmakers, say knowledgeable individuals inside and outside the government.

Asked the status of FDA efforts, agency spokeswoman Stephanie Caccomo said, "We continue to review all of the evidence related to flavored tobacco products, including menthol."

In 2009, Congress passed a landmark law giving the FDA authority to regulate tobacco products. The law banned sweet, candy-flavored cigarettes that had proliferated to appeal to youth. But because Congress exempted menthol cigarettes from that ban, trying to remove them from the market today would be a challenge. By contrast, e-cigarettes, which have never been authorized by the FDA, are easier to yank.

The e-cigarette plan outlined by administration officials in September would ban sales of almost all flavored vapes until they get the FDA's authorization. While top Trump health officials said in September they planned to exempt only tobacco-flavored vapes, two people familiar with the discussions said the White House is now considering excluding menthol and possibly mint from the ban. The president's campaign manager Brad Parscale warned him the plan could backfire in the 2020 election based on internal campaign polling. Another rationale is that people smoking menthol cigarettes might want to use menthol-flavored vapes to help them quit. But public health advocates are indignant, noting that more than 60 percent of youth vapers use mint and menthol flavored e-cigarettes.

A ban on flavored e-cigarettes would disproportionately affect white high schoolers because they are most likely to vape. Almost 27 percent of white teens said they were current e-cigarette users in 2018, compared to 7.5 percent of African American students, according to data from the Centers for Disease Control and Prevention.

Black students, by a small margin, prefer flavored cigars to e-cigarettes, the CDC says. The cigars, which come in versions that taste like candy and fruit, are marketed heavily in urban areas. Gottlieb moved to ban some flavored cigars as FDA commissioner, but it's not clear if the administration will follow through.

Menthol cigarettes have been on advocates' hit lists for years, partly because research shows menthol's cooling sensation makes it easier for kids of all races to start smoking. First used in cigarettes in the 1920s, menthol is a chemical compound extracted from peppermint or corn mint plants or created synthetically. It wasn't used widely until the 1950s and 1960s.

But there's a clear racial divide in smokers' preferences. While just over half of all teen smokers use menthol cigarettes, 70 percent of young African American smokers do. Among adults, the racial gap is even wider: More than three-quarters of African American smokers use menthol cigarettes — three times the proportion of white smokers.

And contrary to ads that once depicted menthol cigarettes as refreshing and "healthier" than other cigarettes, a growing body of research indicates menthol cigarettes are easier to start and harder to quit. African American and Latino smokers had an especially tough time stopping smoking menthol cigarettes, according to a 2009 study. That was backed up by a 2013 FDA report that found that menthol cigarettes "pose a public health risk above that of non-menthol cigarettes" because they are associated with greater addiction. Other studies show that African Americans are more likely to die of smoking-related diseases such as lung cancer, heart disease and stroke than are whites, although they smoke fewer cigarettes and start the habit at a later age. A 2014 study, meanwhile, suggested that menthol cigarettes might lead to more severe lung problems, resulting in more trips to the emergency room and more hospitalizations, compared to people smoking regular tobacco.

During the debate over the 2009 tobacco-control law, the Congressional Black Caucus was split on the contentious issue of whether to ban menthol cigarettes, with some members arguing it was unfair to outlaw African American smokers' product of choice. Some lawmakers were also concerned about jeopardizing Philip Morris' support for the bill. In the end, Congress exempted menthol and ordered the FDA to take a close look at the issue.

Today, an increasing number of African American lawmakers and activists are backing a menthol ban as well as other anti-tobacco measures. "We have seen a growing interest in members of the Black Caucus to tackle tobacco-related issues," said Matthew Myers, president of the Campaign for Tobacco-Free Kids.

After Gottlieb said last fall he wanted to ban menthol, he drew immediate support from the late representative Elijah E. Cummings (D-Md.), then-chairman of the caucus. Several caucus members have also signed onto a bill by House Energy and Commerce Chairman Frank Pallone Jr. (D-N.J.) to ban menthol cigarettes and other flavored tobacco products, including e-cigarettes.

The tobacco industry continues to contribute to caucus members, and industry officials serve on the caucus's foundation corporate advisory board. But fewer caucus members are accepting industry money, said Myers.

Nevertheless, getting a menthol cigarette ban through a Republican-controlled Senate remains a steep challenge, health advocates say.

They point, for example, to the reaction of Sen. Richard Burr (R-N.C.), to Gottlieb's talk about banning menthol cigarettes. Burr, whose state is home to R.J. Reynolds Tobacco Company, maker of best-selling Newports, denounced Gottlieb on the Senate floor in January, saying a menthol ban would rob adult smokers of a legal product and cost states billions in tax revenue. He also complained privately about Gottlieb to several administration officials. A Burr aide said the office typically does not comment on private conversations.

The industry itself remains adamantly opposed to a ban, saying there's no reason to regulate menthol cigarettes differently than other cigarettes. Reynolds American International, the parent company of R.J. Reynolds, cites studies finding menthol cigarettes no more addictive and contends the FDA's assertions to the contrary reflect an "incomplete" review of the evidence. The company said in a statement that prohibiting menthol would also create "troubling unintended consequences," including an illicit market.

Dismayed by the lack of federal action, some states and communities are using the vaping crisis to push through their own bans of flavored tobacco products — including menthol cigarettes and flavored cigars as well as e-cigarettes.

Los Angeles County recently approved such a ban. San Francisco's Board of Supervisors did the same thing two years ago. Last year, voters upheld the measure, defeating a multimillion-dollar campaign by Reynolds and other businesses to overturn it at the ballot box. Those measures permanently ban the products — unlike the administration plan, which would bar products until they got FDA clearance.

"We just kind of gave up on the FDA," said Carol McGruder, who co-chairs the San Francisco-based African American Tobacco Control Leadership Council.

In New York City, a major battle looms over a bill that would prohibit the sale of flavored tobacco products, including menthol cigarettes, pitting African American groups and health organizations against Al Sharpton and a civil rights group he founded, National Action Network. Sharpton argues that banning menthol cigarettes would harm African Americans by increasing encounters with police. He points to the case of Eric Garner, an African American man who died in 2014 after a cop put him in a chokehold while arresting him for allegedly selling untaxed cigarettes. Recently, Garner's mother also denounced the proposed ban.

"Can you tell me that police are not going to give tickets and make arrests?" Sharpton asked in an interview about the proposed New York City ban. Without such an assurance, he said, "I've got a concern."

Critics dismiss Sharpton's position that black men will face more targeting by police if menthol cigarettes are banned. "There's no evidence to support it," said Delmonte Jefferson, executive director of the National African American Tobacco Prevention Network, saying local bans target manufacturers and retailers, not buyers.

African American health advocates have long criticized Sharpton's ties to the tobacco industry. A few years ago, with funding from Reynolds American, Sharpton traveled around the

country discussing his concerns about menthol bans. "You don't necessarily see a big 'Alive with pleasure' billboard anymore," said Vetaw, the Minneapolis advocate. "But you see Al Sharpton show up and other black leaders, you know, who are in the pockets of Big Tobacco."

Sharpton said his opinions reflect his personal convictions, not industry support. Given his involvement in the Garner case, he said, "it would be inconsistent for me not to take a position" on the New York City bill.

Reynolds American, responding to criticism about its funding of Sharpton's presentations about menthol bans, said in a statement it has "made contributions to various organizations who share our concern with the unintended social justice consequences of a proposed menthol ban." The money is "not conditional upon organizations maintaining a particular position," the company said.

None of this debate is making it easier for Makesha Vetaw, LaTrisha's half sister, to quit smoking. She started when she was 18, and "before you know it," she said, "addiction had kicked in." Minneapolis' restrictions on menthol cigarette sales to tobacco and liquor stores make it harder for her, but they aren't enough to force her to quit. She wants menthol cigarettes off the market.

"I used to be athletic," she said. Now, "It's like, 'Ooh, I can't breathe.' "