



## Select Bibliography on Menthol Tobacco Products & Related Regulatory Resources

From January 2013 through September 2014, the Tobacco Control Legal Consortium engaged in an in-depth study of state and local options to regulate mentholated tobacco products.<sup>1</sup> As part of this project, staff collected scientific studies related to mentholated tobacco products, as well as resources and toolkits from states and communities on the health risks of these products. Some of this material includes advocacy pieces from jurisdictions that proposed measures for regulating mentholated tobacco products. These materials are organized by topic and then chronologically, along with links to additional sources of information that may be of interest to states and local governments considering options for regulating these products.<sup>2</sup>

### Select Scientific Studies

Amanda Fallin et al., *Menthol Cigarette Smoking among Lesbian, Gay, Bisexual, and Transgender Adults*, 48 AM. J. PREV. MED. 93 (2015), available at <http://www.sciencedirect.com/science/article/pii/S0749379714004139>.

Olivia Wackowski et al., *Young Adults' Behavioral Intentions Surrounding a Potential Menthol Cigarette Ban*, 10 NICOTINE AND TOBACCO RESEARCH 1093 (2014), available at <http://ntr.oxfordjournals.org/content/early/2014/02/09/ntr.ntu003>.

Emily Brennan et al., *Are Young People's Beliefs About Menthol Cigarettes Association With Smoking-Related Intentions and Behaviours?*, NICOTINE & TOBACCO RESEARCH doi: 10.1093/ntr/ntu134 (2014), available at <http://ntr.oxfordjournals.org/content/17/1/81>.

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<sup>1</sup> This bibliography was compiled as part of a ClearWay Minnesota<sup>SM</sup> grant-funded research project, Grant Number RC-2013-0002. This compilation is solely the responsibility of the author and do not necessarily represent the official views of ClearWay Minnesota.

<sup>2</sup> The list below is merely a selection of recent research reports available on these products. This bibliography is intended to be a starting point for research into mentholated tobacco products. It is neither an exhaustive list nor a meta-analysis, nor should it be considered legal advice. If you have specific legal questions, we recommend that you consult with an attorney familiar with the laws of your jurisdiction.

Karin A. Kasza et al., *Switching Between Menthol and Nonmenthol Cigarettes: Findings from the International Tobacco Control Four Country Survey, U.S. Cohort*, 16 NICOTINE & TOBACCO RESEARCH 1255 (2014), available at <http://ntr.oxfordjournals.org/content/16/9/1255.short>.

Seoung Ju Park et al., *Menthol Cigarette Smoking in the COPD Gene Cohort: Relationship with COPD, Comorbidities and CT Metrics*, RESPIROLOGY doi: 10.1111/resp.12421 (2014), available at <http://onlinelibrary.wiley.com/doi/10.1111/resp.12421/abstract>.

Michael Lewis et al., *Tobacco Control Environment in the United States and Individual Consumer Characteristics in Relation to Continued Smoking: Differential Responses Among Menthol Smokers?* 65 PREVENTIVE MEDICINE 47 (2014), available at <http://www.sciencedirect.com/science/article/pii/S0091743514001509>.

Amanda L. Dauphinee et al., *Racial Differences in Cigarette Brand Recognition and Impact on Youth Smoking*, 13 BMC PUBLIC HEALTH 170 (2013), available at <http://www.biomedcentral.com/1471-2458/13/170>.

Miranda R. Jones et al., *Smoking, Menthol Cigarettes and All-Cause, Cancer and Cardiovascular Mortality: Evidence from the National Health and Nutrition Examination Survey (NHANES) and a Meta-Analysis*, 8 PLOS ONE 377941 (2013), available at <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0077941>.

Sarah Moreland-Russell et al., *Disparities and Menthol Marketing: Additional Evidence in Support of Point of Sale Policies*, 10 INT. J. ENVIRON. RES. PUBLIC HEALTH 4571 (2013), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3823340>.

Juliet P. Lee et al., *Tobacco Environment for Southeast Asian American Youth: Results from a Participatory Research Project*, 12 J ETHN. SUBST. ABUSE 30 (2013), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3661407>.

Nadine Kabbani, *Not So Cool? Menthol's Discovered Actions on the Nicotinic Receptor and Its Implications for Nicotine Addiction*, 4 FRONTIERS IN PHARMACOLOGY 95 (2013), available at <http://www.ncbi.nlm.nih.gov/pubmed/23898298>.

Jennifer L. Pearson et al., *A Ban on Menthol Cigarettes: Impact on Public Opinion and Smokers' Intentions to Quit*, 102 AM. J. PUBLIC HEALTH e107-e114 (2012), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3474368>.

Lisa Henriksen et al., *Targeted Advertising, Promotion, and Price for Menthol Cigarettes in California High School Neighborhoods*, 14 NICOTINE & TOBACCO RESEARCH 116-21 (2012), available at <http://www.ncbi.nlm.nih.gov/pubmed/21705460>.

TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE (TPSAC), MENTHOL CIGARETTES AND PUBLIC HEALTH: REVIEW OF THE SCIENTIFIC EVIDENCE AND RECOMMENDATIONS (2011), available at <http://www.fda.gov/downloads/advisorycommittees/committeesmeetingmaterials/tobaccoproductsscificadvisorycommittee/ucm269697.pdf>.

Stacey Anderson, *Marketing of Menthol Cigarettes and Consumer Perceptions: A Review of Tobacco Industry Documents*, 20 TOBACCO CONTROL (Suppl. 2) ii20 (2011), available at [http://tobaccocontrol.bmj.com/content/20/Suppl\\_2/ii20.full.pdf+html](http://tobaccocontrol.bmj.com/content/20/Suppl_2/ii20.full.pdf+html)

Cristine D. Delnevo et al., *Smoking-Cessation Prevalence Among U.S. Smokers of Menthol Versus Non-Menthol Cigarettes*. 41 AM. J. PREV. MED. 357 (2011), abstract available at <http://www.ncbi.nlm.nih.gov/pubmed/21961462>.

Valerie B. Yerger, *Menthol's Potential Effects on Nicotine Dependence: A Tobacco Industry Perspective*, 20 TOBACCO CONTROL (Suppl 2) ii29 (2011), available at [http://tobaccocontrol.bmj.com/content/20/Suppl\\_2/ii29.full](http://tobaccocontrol.bmj.com/content/20/Suppl_2/ii29.full).

Ralph Caraballo & Katherine Asman, *Epidemiology of Menthol Cigarette Use in the United States*, 9 TOBACCO INDUCED DISEASES (2011) (Suppl 1) 51, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3102900>.

Jennifer M. Kreslake, *Tobacco Industry Control of Menthol in Cigarettes and Targeting of Adolescents and Young Adults*. 98 AM. J. PUBLIC HEALTH 1685 (2008), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2509610>.

Pebbles Fagan et al, *Nicotine Dependence and Quitting Behaviors Among Menthol and Non-Menthol Smokers with Similar Consumptive Patterns*, 105 ADDICTION (Suppl. 1), 55-74 (2010), available at <http://www.ncbi.nlm.nih.gov/pubmed/21059137>.

### **Federal Regulation of Menthol Tobacco Products**

Tobacco Control Legal Consortium, *Model Resolution Requesting that the U.S. Food and Drug Administration Prohibit Menthol as a Characterizing Flavor in Cigarettes* (2015), available at <http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fda-menthol-model-resolution-2015.pdf>.

CASAColumbia, *Time to Ban Menthol: A Report to the Citizens' Commission to Protect the Truth* (March 6, 2014), available at <http://www.casacolumbia.org/addiction-research/reports/time-to-ban-menthol-report-2014>.

Dragana Bolcic-Jankovic & Lois Biener, *Public Opinion About FDA Regulation of Menthol and Nicotine*, TOBACCO CONTROL doi:10.1136/tobaccocontrol-2013-051392 (2014), available at <http://tobaccocontrol.bmj.com/content/early/2014/03/17/tobaccocontrol-2013-051392.abstract.html?papetoc>.

TOBACCO CONTROL LEGAL CONSORTIUM ET AL., CITIZEN PETITION TO FOOD & DRUG ADMIN., PROHIBITING MENTHOL AS A CHARACTERIZING FLAVOR IN CIGARETTES (Apr. 12, 2013), available at <http://publichealthlawcenter.org/sites/default/files/resources/tclc-fdacitizenpetition-menthol-2013.pdf>.

Tobacco Control Legal Consortium, *Comments to FDA on Preliminary Evaluation of Menthol in Cigarettes* (July 8, 2013), available at

<http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-comments-FDA-preliminary-evaluation-menthol-2014.pdf>.

U.S. FOOD & DRUG ADMIN., PRELIMINARY SCIENTIFIC EVALUATION OF THE POSSIBLE PUBLIC HEALTH EFFECTS OF MENTHOL VERSUS NONMENTHOL CIGARETTES (July 23, 2013), *available at* <http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/UCM361598.pdf>.

TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMM., U.S. FOOD & DRUG ADMIN., MENTHOL CIGARETTES AND PUBLIC HEALTH: REVIEW OF THE SCIENTIFIC EVIDENCE AND RECOMMENDATIONS 225 (2011), *available at* <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf> (final as reviewed and approved on July 21, 2011).

Stanton Glantz, *TPSAC Gave the FDA What It Needs to Ban Menthol* (2011), <http://tobacco.ucsf.edu/tpsac-gave-fda-what-it-needs-ban-menthol>.

Family Smoking Prevention and Tobacco Control Act, Pub. L. No. 111-31, § 201(a), 123 Stat. 1776, 1842–44 (amending 15 U.S.C. § 1333(a)-(b) (2006)).

For more resources and information on the federal regulation of menthol tobacco products, visit the Tobacco Control Legal Consortium's FDA Tobacco Action Center at <http://publichealthlawcenter.org/topics/tobacco-control/fda-tobacco-action-center>.

### **Local and State Regulation of Menthol Tobacco Products**

Tobacco Control Legal Consortium, *Making a Move on Menthol: Regulating Flavored Tobacco Products in Your Community* (webinar recording and slides) (2014), *available at* <http://publichealthlawcenter.org/webinar/making-move-menthol-regulating-flavored-tobacco-products-your-community-2014>.

Tobacco Control Legal Consortium, *Cool, Minty & Toxic: What to Do About the Problem of Menthol in Tobacco Products* (2014) (poster), *available at* <http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-poster-menthol-CWM-2014.pdf>.

*Save Lives: Ban Menthol Cigarettes: Community Action Kit*, Facebook <https://www.facebook.com/pages/Save-Lives-Ban-Menthol-Cigarettes/579483115414914>

Tobacco Control Legal Consortium, *Regulating Flavored Tobacco Products: Tips & Tools* (2014), *available at* [http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-guide-regflavoredtobaccoprods-2014\\_1.pdf](http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-guide-regflavoredtobaccoprods-2014_1.pdf).

Tobacco Control Legal Consortium, *Sample Language to Restrict the Sale of Flavored Non-Cigarette Tobacco Products, Including Menthol* (2014), *available at* [http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fs-sample-flavored-tobacco-language-2014\\_0.pdf](http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fs-sample-flavored-tobacco-language-2014_0.pdf).

*U.S. Smokeless Tobacco Mfg. Co. v. City of New York*, 708 F.3d 428 (2d Cir. 2013) (rejecting preemption challenge to New York City ordinance governing sale of flavored tobacco products).

*Nat'l Assoc. Tobacco Outlets, Inc. v. City of Providence*, 731 F.3d 71 (1<sup>st</sup> Cir. 2013) (rejecting preemption challenge to Providence ordinance prohibiting most retail sales of flavored tobacco products other than cigarettes).

Philip S. Gardiner, *Menthol Cigarettes: A Starter Product that the FDA Should Ban*, Pressing the FDA on Menthol (webinar slides) (Nov. 13, 2012), available at <http://latinotobaccocontrol.org/wp-content/uploads/2012/04/Public-Health-Law-Center-Menthol.pdf>.

- **Chicago**

Chicago Dep't of Public Health, *Regulations and Guidelines for Tobacco Retailers* (2014), available at <http://www.cityofchicago.org/content/dam/city/depts/bacp/Rules%20and%20Regulations/regulationsflavoredtobaccofinal.pdf>.

Chicago Dep't of Public Health, *Menthol-flavored Cigarettes (Policy Brief)* (Aug. 2013), available at <http://www.cityofchicago.org/content/dam/city/depts/cdph/CDPH/HCPolicyBriefAug2013Menthol.pdf>.

Chicago Ordinance No. 02013-9185 (2014), available at <http://www.cityofchicago.org/content/dam/city/depts/bacp/tobacco/flavoredtobaccord04212014.pdf>.

Chicago Board of Health, *Curbing the Use of Menthol-flavored Cigarettes and Other Flavored Tobacco Products Among Youth: Policy Recommendations and Other Strategies for Local Action* (Nov. 2013), available at <http://www.cityofchicago.org/content/dam/city/depts/cdph/CDPH/MentholReport%20Jan212014.pdf>.

City of Chicago Dep't of Public Health, *Menthol in Cigarettes and Tobacco Products*, Docket No: FDA-2013-N-0521 (Sept. 26, 2013), available at <http://www.cityofchicago.org/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2013/September/9.26.13mentholreport.pdf>.

Letter from Bechara Choucair, Commissioner, Chicago Dep't of Public Health to U.S. Food and Drug Administration, Sept 26, 2013, available at <http://www.cityofchicago.org/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2013/September/9.26.13mentholreport.pdf>.

Chicago Board of Health, *Healthy Chicago: Transforming the Health of Our City* (Mayoral Report) (Nov. 2013), available at <http://www.cityofchicago.org/content/dam/city/depts/cdph/CDPH/Menthol%20Report%20Final%20Jan292014.pdf>.

Chicago Board of Health, *City of Chicago Resolution on Menthol Flavored Cigarettes* (Aug. 21, 2013), available at [http://www.cityofchicago.org/content/dam/city/depts/cdph/tobacco\\_alcohol\\_and\\_drug\\_abuse/ResolutionAug212013Final.pdf](http://www.cityofchicago.org/content/dam/city/depts/cdph/tobacco_alcohol_and_drug_abuse/ResolutionAug212013Final.pdf).

Am. Lung Ass'n, *City Council Approves Menthol Ban Near Schools* (Dec. 11, 2013), <http://www.lung.org/associations/states/illinois/news/city-council-approves-menthol.html>.

For additional information related to Chicago's experiences in regulating mentholated tobacco products, visit the City of Chicago's website and use the search term "menthol":

[http://www.cityofchicago.org/city/en/general/search\\_results.html?keyword=menthol&Go=Search](http://www.cityofchicago.org/city/en/general/search_results.html?keyword=menthol&Go=Search).

- **Hawaii**

Sam Eifling, *Quit Smoking? Hawaii Sends Mixed Messages on Smoking*, CHRISTIAN SCIENCE MONITOR, <http://www.csmonitor.com/USA/Latest-News-Wires/2014/0308/Quit-smoking-Hawaii-sends-mixed-messages-on-smoking>.

S.B. 2222 SD2, 27th Leg. (Hi. 2014), available at [http://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=2222&year=](http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=2222&year=)

H.B. 1788, 27th Leg. (Hi. 2014), available at [http://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=HB&billnumber=1788&year.](http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1788&year=)

Letter from Darryl Moore and Max Anderson, City Councilmembers, to Mayor and Members of City Council (Feb. 25, 2014), available at [http://www.ci.berkeley.ca.us/Clerk/City\\_Council/2014/02\\_Feb/Documents/2014-02-25\\_Item\\_15\\_Strengthen\\_Youth\\_Tobacco\\_Prevention.aspx](http://www.ci.berkeley.ca.us/Clerk/City_Council/2014/02_Feb/Documents/2014-02-25_Item_15_Strengthen_Youth_Tobacco_Prevention.aspx).

*The Impact of Menthol on Asian Americans, Native Hawaiians and Pacific Islanders, and the Need for Social Justice*, APPEAL (July 16, 2010), available at <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM220054.pdf>

## **International Regulation**

*Alberta Government Undecided About Menthol Ban: Bill 206 Bans Flavoured Products in a Bid to Curb Teen Smoking*, John Cotter, THE CANADIAN PRESS, Oct. 20, 2014, available at <http://www.cbc.ca/news/canada/edmonton/alberta-government-undecided-about-ban-on-menthol-tobacco-1.2805681>

*Brazil Bans Flavoured Tobacco*, fctc.org, March 23, 2013, available at [http://www.fctc.org/index.php?option=com\\_content&view=article&id=728:brazil-bans-flavoured-tobacco&catid=233:product-regulation&Itemid=237](http://www.fctc.org/index.php?option=com_content&view=article&id=728:brazil-bans-flavoured-tobacco&catid=233:product-regulation&Itemid=237).

Bruno Waterfield, *EU Bans Packets of 10 and Menthol*, THE TELEGRAPH, Oct. 8, 2013, available at <http://www.telegraph.co.uk/news/worldnews/europe/eu/10364709/EU-bans-packets-of-10-and-menthol-cigarettes.html>.

James Meikle, *EU to Ban Menthol Cigarettes and Make Tobacco Pack Health Warnings Bigger*, THE GUARDIAN, Oct. 8, 2013, available at <http://www.theguardian.com/society/2013/oct/08/eu-ban-menthol-cigarettes-health-warnings>.

Wiktor Szary, *Poland to Challenge EU Ban on Menthol Cigarettes*, Reuters.com, July 21, 2014, available at <http://www.reuters.com/article/2014/07/21/us-poland-tobacco-lawsuit-idUSKBN0FQ0RN20140721>.

Scientific Committee on Emerging and Newly Identified Health Risks, *Addictiveness and Attractiveness of Tobacco Additives* (November 12, 2010), available at <http://www.who.int/fctc/guidelines/SCENIHR.pdf?ua=1>.

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