



July 13, 2023

Mayor Eric Adams
City Hall
New York, NY 10007

Dear Mayor Adams:

We applaud your July 10th announcement of New York City's intention to hold the distributors of flavored tobacco products accountable for illegally pushing their products into our neighborhoods and putting our children at risk, in violation of city, state, and federal laws. As you said during your announcement, these flavors attract young people to these unhealthy products while obscuring how harmful they are.

New York City has always been a leader in the fight against tobacco. When we implemented a restriction on the sale of flavored tobacco products in 2010 (except for menthol cigarettes), the percentage of NYC teens who reported ever using flavored tobacco products, or using tobacco products entirely, declined significantly following the policy's implementation. However, carving out an exception for menthol cigarettes in that law was a questionable and troubling decision. Menthol is added to tobacco products and masks the harshness and soothes the irritation caused by tobacco smoke. Menthol makes it easier for beginners – especially kids – to experiment with the product and ultimately become addicted. In the 1950s, only 5% of Black people who smoked used menthol cigarettes. After four generations of predatory targeting by the tobacco industry, about 85% of Black people who smoke use menthols.

New York City can take another major step against nicotine addiction and tobacco use this year. Intro 577-2022 (Joseph) would remove the menthol exemption from the 2010 flavored tobacco restriction, with enforcement focused on retailers and not individual use. According to a recent study from the NYC Department of Health and Mental Hygiene (DOHMH), if the sale of menthol tobacco products was banned now, they estimate that over the next two years 90,000 New Yorkers would quit smoking, the majority being Black and Latino adults and 3,000 young New Yorkers will not start smoking, who would have otherwise.¹

Intro 577 has broad support from elected officials, advocates, civil rights leaders, and parents. If passed, New York City would join more than 250 municipalities in the United States that have eliminated the sale

¹ Li, Y., Sisti, J., Flórez, K.R. et al. Assessing the Health and Economic Impact of a Potential Menthol Cigarette Ban in New York City: a Modeling Study. *J Urban Health* 98, 742–751 (2021). <https://doi.org/10.1007/s11524-021-00581-8>

of menthol products, including the states of California and Massachusetts. The Food and Drug Administration (FDA) recently submitted two proposed regulations to the White House Office of Management and Budget (OMB), which together would ban the use of menthol in cigarettes and characterizing flavors in all cigars. It will likely be years before those new rules go into effect, and we cannot sit and wait for the federal process to play out. We need to get menthol cigarettes out of our city as soon as we can.

During the press conference you responded to a question about Governor Hochul's proposed statewide menthol restriction by voicing concern about illegal markets opening in response to a menthol ban. **The tobacco industry has consistently exaggerated the risk of a growing illicit market to discourage governments from implementing tobacco control measures.**

- When Massachusetts implemented a restriction on the sale of menthol cigarettes in 2020, for example, the tobacco industry argued that it would dramatically expand the illicit market for menthol cigarettes. While there is some evidence of initial tax avoidance (individual customers who travel to neighboring states for their cigarette purchases), there has been no increase in organized crime or criminal activity surrounding the sale of menthol cigarettes since the implementation of the law in Massachusetts.
- When Nova Scotia implemented a ban on the sale of menthol cigarettes in 2015, the tobacco industry warned that the law would primarily create an increased presence of the illegal tobacco market. Contrary to the industry's warnings, there was no surge in illicit cigarette sales following implementation of the restriction.

The primary goal of Intro 577 is to prevent the next generation of youth in New York City from getting hooked on flavored cigarettes. We appreciate that you would consider removing all cigarettes from the market, but this policy is effective and proven in accomplishing the goal of protecting our children from nicotine addiction and reducing overall tobacco use and can be in place before the end of your first term. Your greatest health legacy could be ushering through this legislation and taking all flavored tobacco products off the shelves of NYC stores forever. We are asking that you support the passage of Intro 577 and call on the City Council to pass it immediately.

We look forward to your continued leadership on this pivotal measure to improve health equity and eliminate the sale of menthol tobacco in New York City.

Sincerely,