

DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all people in Marin County.



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December 20, 2011

BOARD OF SUPERVISORS
3501 Civic Center Drive
San Rafael, CA 94903

Subject: Department of Health and Human Services, Division of Alcohol, Drug and Tobacco Programs requesting a Resolution to Support the Food and Drug Administration Banning Menthol in Cigarettes and Flavoring in Other Tobacco Products.

Dear Supervisors,

RECOMMENDATION:

1. Department of Health and Human Services, Division of Alcohol, Drug and Tobacco Programs recommends the Board of Supervisors to approve and sign the attached Resolution in support of the U.S. Food and Drug Administration banning menthol in cigarettes and flavoring in other tobacco products.

SUMMARY: Menthol-flavored cigarettes currently account for 25 percent of cigarette sales in the United States. An overwhelming majority of menthol smokers are from minority populations, which are specifically targeted by the tobacco industry in its advertising and marketing campaigns. The Family Smoking Prevention and Tobacco Control Act, signed into law in June 2009, gave the U.S. Food and Drug Administration (FDA) the authority to regulate tobacco products. The law made the sale of most flavored cigarettes illegal but exempted menthol-flavored cigarettes. However, the law provides that the FDA may create future regulations banning or restricting the use of menthol in cigarettes.

The FDA is currently reviewing information about menthol cigarettes and deciding what, if any, action to take. FDA's ban on certain characterizing flavored cigarettes highlights the importance of reducing the number of children who start to smoke, and who become addicted to dangerous tobacco products. The Tobacco Industry has a well-documented history of developing and marketing mentholated brands to racial and ethnic minorities and to youth. The court's findings in the United State vs. Philip Morris illustrate that tobacco companies: 1) Marketed menthol cigarettes as "healthier"; 2) Used menthol cigarettes as "starter products" directed at youth; and 3) Actively pursued the development of a significant market for menthol in minority communities, particularly African Americans.

The FDA has already banned other "candy" flavors because they were considered starter products for youth but menthol was exempted. Tobacco companies have a vested interest in keeping menthol legal because it makes products palatable. FDA

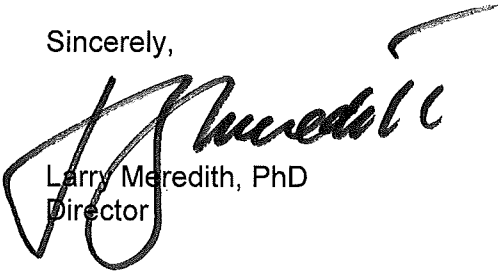
will decide what to do about menthol next year. Per the recommendation of the Smoke Free Marin Coalition, the Department of Health and Human Services is requesting the Board of Supervisors to sign the attached Resolution supporting that the FDA ban menthol in cigarettes and flavoring in other tobacco products.

COMMUNITY IMPACT: As tobacco companies use flavorings such as menthol as a marketing tool to attract young customers and some racial and ethnic minorities, the Resolution affirms Marin County's commitment to the health and well-being of its residents, especially with respect to preventing tobacco use among youth.

FISCAL/STAFFING IMPACT:
There is no net County cost associated with this action.

REVIEWED BY:	<input type="checkbox"/>	Auditor-Controller	<input checked="" type="checkbox"/>	N/A
	<input type="checkbox"/>	County Counsel	<input checked="" type="checkbox"/>	N/A
	<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A

Sincerely,



Larry Meredith, PhD
Director