

OMA Research Background: Menthol Cigarettes

I. INTRODUCTION

Menthol cigarettes were first created in 1925 and grew slowly in popularity in the United States as smokers discovered how mentholation could lessen the harshness of the unfiltered cigarettes of the day. In Canada, MacDonald's Tobacco Company introduced a menthol brand in 1934, and Imperial Tobacco launched Cameo Menthol cigarettes in 1935.¹

As the popularity of menthol cigarettes increased, tobacco companies increased their investigation of menthol's properties and effects. The industry's understanding of the various ways menthol impacted the smoker evolved through the 1970s-1990s: In the early 1970s, tobacco companies discovered that menthol levels affected the taste and feel of cigarettes, and ultimately the satisfaction of some smokers. In the mid-1990s, Philip Morris tobacco company research found that menthol reinforces smoking behaviour independent of nicotine."²

While the part of the Canadian market occupied by menthol cigarettes is small (between 2%³ and 5%⁴), it is of special concern to policy makers who wish to drive down youth smoking rates. There are now clear findings from both Canadian and US sources that menthol cigarettes are used by disproportionate numbers of young people. The recent study on Flavoured Tobacco Use Among Canadian Youth: Evidence from Canada's 2012/2013 Youth Smoking Survey by the Propel Centre for Population Health Impact, confirmed this.

More than 19,000 Ontario youth, or 1 in 4 who report smoking, say they are smoking menthol cigarettes according to the report.⁵ We know that young menthol users smoke more cigarettes per day, and are more likely to keep smoking, than non-menthol users.

II. THE DANGERS OF MENTHOL CIGARETTES: THE EVIDENCE

¹ Cunningham, Rob. *Smoke and Mirrors: The Canadian Tobacco War*. IDRC Books, December 1996, page 40.

² YO Lee and SA Glantz. Menthol: Putting the pieces together. *Tobacco Control* 2011;20(Suppl 2):ii1eii7.

³ Health Canada website. "An Act to Amend the Tobacco Act: Frequently Asked Questions". URL: http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/federal/amend_faq-modif-eng.php#q7. Accessed on July 14, 2014.

⁴ Minaker LM et al. "Flavored Tobacco Use Among Canadian Students in Grades 9 Through 12: Prevalence and Patterns From the 2010–2011 Youth Smoking Survey". *Preventive Chronic Disease* 2014;11:140094

⁵ Manske SR et al. "Flavoured Tobacco Use among Canadian Youth: Evidence from Canada's 2012/2013 Youth Smoking Survey. Waterloo: Propel Centre for Population Health Impact. September 2014, pages 6 & 15.

In the U.S., menthol is regulated as a drug, with restrictions on allowable doses and use, but as with other constituents of tobacco industry products, there are no product standards for menthol in cigarettes. In Canada, menthol is classified as a natural health product under Schedule 1, item 2 (an isolate) of the Natural Health Products Regulations.⁶ Again, there are no standards or regulations governing the addition of menthol to Canadian cigarettes.

Following enactment of the *Family Smoking Prevention and Tobacco Control Act* in June 2009, the US Food and Drug Administration (FDA) prepared and submitted a report on the impact of the use of menthol cigarettes on public health in the US. Issued in July 2013, the report⁷ summarizes the latest findings about all aspects of menthol cigarette constituents, use and impacts.

It is important to note that the FDA did not find evidence that menthol itself is toxic as an ingredient in cigarettes, but rather that it made already toxic cigarettes more appealing.⁸

Other findings show how menthol produces a cooling and desensitizing effect on the mouth and throat, to the point of anaesthesia.⁹ Menthol exposure can significantly reduce irritation caused by exposure to nicotine, and can lead to inhibition of nicotine metabolism, thus allowing the smoker to comfortably manage prolonged exposure to nicotine.¹⁰

While the FDA could not find evidence indicating that adding menthol raises the risk of disease compared to regular cigarettes, the Agency found evidence that menthol leads to both greater use by the young (both in terms of initiation and progression to regular smoking), and greater dependence.

They found that menthol smokers show greater signs of nicotine dependence and are less likely to successfully quit smoking. These findings combined with the evidence indicating that menthol's cooling and anaesthetic properties can reduce the harshness of cigarette smoke and the evidence indicating that menthol cigarettes are marketed as a smoother alternative to non-menthol cigarettes, led the FDA to conclude that "menthol cigarettes pose a public health risk above that seen with non-menthol cigarettes."¹¹

⁶ Health Canada. Drug and Health Products, Natural Health Products Ingredients Database. URL: <http://webprod.hc-sc.gc.ca/nhp/nd-bdipsn/ingredReq.do?id=7210&lang=eng>. Accessed 14 July 2014.

⁷ U.S. Food and Drug Administration. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. July 2013.

⁸ Ibid, page 4.

⁹ Ibid, page 22.

¹⁰ Ibid, page 25.

¹¹ Ibid, page 6.

A document prepared for Canada’s Imperial Tobacco in 1986, clearly presented the value of menthol cigarettes in discouraging smokers from quitting. It stated that less irritating cigarettes, including menthol cigarettes, could discourage quit attempts and keep smokers “in the market longer.”¹²

III. MENTHOL CIGARETTES: THE CANADIAN EVIDENCE

Estimates of the size of the Canadian menthol cigarette market vary, but it is certainly smaller than its U.S. counterpart (about one-quarter of American smokers smoke menthol). In responding to a frequently-asked question about why the Canadian 2009 Act to Amend the Tobacco Act excluded menthol flavouring, Health Canada’s response states in part that menthol-flavoured cigarettes “are used by about 2% of smokers in Canada,” but no source for this statistic was provided. In contrast, Minaker LM et al note that “the International Tobacco Control Study showed in 2006 that approximately 5% of Canadian adult smokers “usually” smoke menthol cigarettes. Unlike the American market, a relatively small number of adult Canadian smokers use menthol cigarettes.

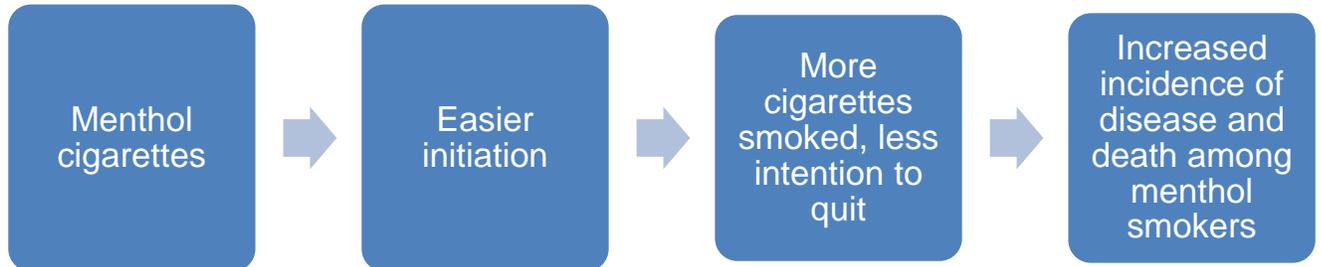
These percentages do not reflect the disproportionate use of menthol cigarettes by young Canadians though. The Canada-wide Youth Smoking Survey (YSS)¹³ data points to other disturbing trends among young menthol smokers in grades 9 -12:

- First, young menthol smokers reported smoking 43 cigarettes/week, compared with 26 cigarettes/week among young non-menthol smokers. (The authors note that separate analyses not reported in this paper show that amounts smoked by established and experimental menthol smokers were similarly significantly greater than for established and experimental smokers of non-menthol cigarettes).
- Menthol smokers had greater odds of intent to smoke in the next year compared to non-menthol smokers. Again, similar results were obtained when separate analyses were carried out for established and experimental smokers.

When the above results are considered in light of the FDA’s conclusions that menthol cigarette smoking is associated with lower rates of cessation and higher levels of nicotine addiction, the value of menthol to the tobacco industry, and the added threat menthol cigarettes pose to public health, becomes clear:

¹² The Creative Research Group Limited. 1986. Project Viking. Vol. III: Product issues. Prepared for Imperial Tobacco Ltd. Feb–Mar. Exhibit AG-21C, *RJR – Macdonald Inc. v. Canada (Attorney General)*, page 8 quoted in Rob Cunningham’s *Smoke and Mirrors: The Canadian Tobacco War*. IDRC Books, December 1996, page 164.

¹³ Azagba S et al. Smoking intensity and intent to continue smoking among menthol and non-menthol adolescent smokers in Canada. *Cancer Causes & Control*, June 2014.



To date, no jurisdiction in Canada has enacted a ban on menthol cigarettes, although legislation about to be proclaimed in Alberta does ban menthol as an additive.¹⁴ Federal legislation partly banning flavourings in small cigars and other tobacco products specifically excluded menthol¹⁵, as did legislation that was introduced in the Ontario Legislature's 40th session, but not passed.¹⁶

Internationally, the European Union has adopted a directive which will ban menthol cigarettes in all 28 EU jurisdictions with a four year transition period.¹⁷ The World Health Organization's Framework Convention on Tobacco Control contains guidelines which support a menthol cigarette ban.¹⁸

With the exception of Alberta's pending legislation, no Canadian jurisdictions have yet addressed the legal status of this tobacco industry product.

¹⁴ Legislative Assembly of Alberta. Bill 206: *Tobacco Reduction (Flavoured Tobacco Products) Amendment Act, 2013*. Royal Assent December 2013, currently awaiting Proclamation.

¹⁵ Parliament of Canada. Bill C-32, *An Act to Amend the Tobacco Act, 2009*.

¹⁶ Legislative Assembly of Ontario. Bill 131: *The Youth Smoking Prevention Act*. (Introduced November 18, 2013)

¹⁷ Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products

¹⁸ Partial Guidelines for Implementation of Articles 9 and 10 of the Who Framework Convention on Tobacco Control: Regulation Of The Contents Of Tobacco Products And Of Tobacco Product Disclosures