

Take away their menthols? Is that cool?

Smoking menthol cigarettes has become politically charged as the US Congress considers legislation that would give the federal government the power to regulate tobacco products for the first time

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PHOTO: NY TIMES NEWS SERVICE

Over the last 10 years, Jamey Heath, a songwriter and producer, has adjusted to an increasingly nonsmoking world and put up with the indignities.

Smokers like him have become outnumbered in the music industry. He has seen restaurants shut down their smoking sections and cities shun him as persona non grata, even in the open air. These days he is reduced to smoking his Salem Lights in his car or on his front porch, in deference to his nonsmoking wife and two children.

But a governmental ban on menthol cigarettes? Despite his own mixed feelings about smoking, "it feels unconstitutional," Heath said. If all cigarettes were banned, he said, "that's one thing, but to cut out just one segment seems a little fishy."

Smoking menthol cigarettes has become politically charged as Congress considers legislation that would give the federal government the power to regulate tobacco products for the first time. The bill, which the House of Representatives approved last week in a bipartisan vote, and which now awaits a Senate vote in the fall, bans clove, vanilla and other flavorings in cigarettes.

But the bill's sponsors in the House decided that the Food and Drug Administration should make the decision on how to regulate menthol, the most common flavoring. Menthol cigarettes account for more than a quarter of all cigarette sales and, studies and surveys show, are the preference of the overwhelming majority of black smokers, as well as a significant proportion of all smokers ages 12 to 17.

Those who support the ban of menthol include seven former federal secretaries of health and human services, black anti-smoking advocates and some Congressional Black Caucus members. Those opposing the ban of menthol include Philip Morris USA, the nation's largest cigarette company; other Black Caucus members; and major public health groups, which said a compromise was needed so as not to derail the legislation.

In this maelstrom of debate are the smokers. There are those like Heath, who is black, who reject such wholesale interference with personal choices, and there are others who believe that having their menthol cigarettes snatched away may be just what they need to end their habit.

An entertainment executive with a major Hollywood studio who smokes Marlboro Smooth, a newly introduced menthol, said he did not want the government "telling me anything."

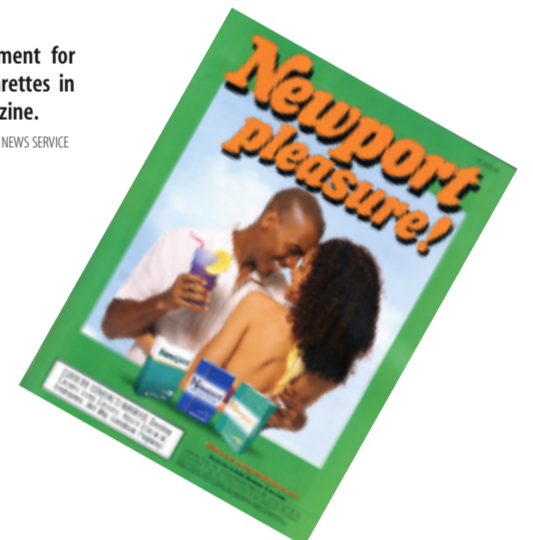
"Are we supposed to be so stupid that we need the FDA to try to protect us from ourselves?" he said. But a ban, he continued, would be "one more thing to help me quit when I should anyway."

The executive, a white man who spoke on condition of anonymity because he serves on an anti-smoking committee in the movie industry, said he had once managed to stop smoking but became hooked on menthols about 10 years ago when he was stressed out and happened to have a cold. He asked a friend for a menthol cigarette, which he thought was a "less harsh" option.

"I stuck with menthol," he said. "A nonmenthol seems like smoking dirt."

An advertisement for Newport cigarettes in *Esence* magazine.

PHOTO: NY TIMES NEWS SERVICE



Taste is a big draw to menthol cigarettes, whose mint flavor and cooling sensation are not unlike those found in mentholated cough drops or toothpaste. A study by the federal Centers for Disease Control and Prevention published this year found that many black smokers view menthol cigarettes as "soothing" and "smooth," and less harsh and dangerous than nonmentholated cigarettes.

(Studies are inconclusive on whether menthol cigarettes are more, or less, addictive and harmful than unflavored ones.)

"For me, I think I'm addicted twice, once to the menthol and then second to the tobacco," said one smoker in a small group discussion with black adult smokers in the Atlanta area, which was held by the CDC and summarized in a study published this year in *Ethnicity & Health*, an academic journal.

Marketing campaigns have greatly influenced consumers. Menthol cigarettes have been heavily promoted to African-Americans since the 1960s, numerous studies have documented. A study released this year by the Harvard School of Public Health found that menthol cigarettes are increasingly popular with adolescents, partly because tobacco companies have new milder brands that facilitate "initiation."

African-Americans have disproportionately high rates of death and disease from smoking, and 75 percent of black smokers choose menthol cigarettes. The House bill calls for review within one year of menthol cigarettes by a scientific advisory committee. (The White House has threatened to veto the bill, saying that the FDA already carries a heavy workload and that the agency's oversight could lead the public to mistakenly conclude that some cigarettes are safe.)

"We experience more deaths and disease, and that alone to me should warrant the immediate banning of menthol," said William Robinson, executive director of the National African American Tobacco Prevention Network, which withdrew its support of the House bill because of the menthol exemption.

Robinson said that at a recent family reunion in Norwalk, Connecticut, he rounded up a dozen or so cousins — men and women ages 30 to 50, all of whom smoked menthols — to talk about the possible ban. Without exception, he said, all said they would quit smoking if menthol cigarettes were not available. "They said they couldn't tolerate the harshness of other products," he said.

But it may take more than a ban — or the health warnings or the US\$5 pack — to stop some smokers. Heath, the music producer, said he has tried to quit, without success. He has tried wearing nicotine patches, and he doubts that a menthol ban would work, either.

"Most likely I'd continue to smoke it underground, or I'd switch to other cigarettes," he said.

WARNING: Smoking can damage your health.