

Monday, April 24, 2023

Dear Senator Baldacci, Representative Meyer, and distinguished members of the Joint Standing Committee on Health and Human Services:

My name is Heather Drake. I am a resident of Cape Elizabeth and public health professional. I have a Master of Public Health degree from The George Washington University and have worked for 12 years in public health, including in substance use and cancer prevention. I am writing in support of LD 1215: “An Act To End the Sale of Flavored Tobacco Products.”

A 2011 review conducted a comprehensive assessment of tobacco industry marketing of menthol products.¹ Here is what they found:

- Menthol cigarettes were marketed as, and are perceived by consumers to be, healthier than non-menthol cigarettes.
- The tobacco industry marketed menthol cigarettes to specific social and demographic groups, including African–Americans, young people and women, and are perceived by consumers to signal social group belonging.
- The tobacco industry knew consumers perceived menthol as healthier than non-menthol cigarettes, and this was the intent behind their marketing.
- Marketing emphasizing menthol attracts consumers who may not otherwise progress to regular smoking, including young, inexperienced users and those who find ‘regular’ cigarettes undesirable.

These findings mirror a similar strategy to what is happening today with e-cigarettes, which are marketed as a “harm reduction” strategy to traditional cigarettes and are perceived to be “safer” and “cleaner” by youth.² In fact, most youth don’t view e-cigarettes as tobacco products: 76% believe they are less addictive.² More than 85% of e-cigarette users ages 12-17 use flavored e-cigarettes, and flavors are the leading reason for youth use: More than 90% of young adult e-cigarette users use ones flavored to taste like menthol, alcohol, fruit, chocolate, or other sweets.³

Women and girls are another important consumer for the tobacco industry. With campaigns and slogans like:

“Reach for a lucky instead of a sweet.”

“You’ve come a long way, baby.”

“We make Virginia Slims especially for women because they are biologically superior to men.”

the tobacco industry strived to entice women to smoke by [using mainstream beauty and fashion standards to portray smoking as feminine](#), and associated smoking with “women’s freedom, emancipation, and empowerment” as the 2001 [U.S. Surgeon General’s report on women and smoking](#) put it. To see examples from the early to late 20th century, here is The Truth Initiative’s [catalogue of ads](#).

These campaigns worked. Research has shown that in addition to a higher prevalence of menthol use among African–American men and women, female smokers of all races used mentholated cigarettes at a higher rate than male smokers.^{4,5,6} I have included at the end of my testimony some example ads that use menthol to target women.

I believe passing this bill will prevent youth from starting to use tobacco and will prevent the industry from marketing another product as a healthful alternative to combustible cigarettes – when that’s actually not true. Please support LD 1215. Thank you.



¹Anderson SJ. Marketing of menthol cigarettes and consumer perceptions: a review of tobacco industry documents. *Tob Control*. 2011;20 Suppl 2(Suppl_2):ii20-ii28.

²Hawkins KB, Johnson AC, Denzel M, Tercyak KP, Mays D. Adolescents’ awareness and perceptions of e-cigarettes: Implications for intervention and tobacco regulation. *Pediatrics* Sep 2017, 140 (1 Meeting Abstract)132.

³ US Department of Health and Human Services. *E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health;2016.

⁴Lawrence D, Rose A, Fagan P, et al. National patterns and correlates of mentholated cigarette use in the United States. *Addiction* 2010;105(Suppl 1):13–31.

⁵Cubbin C, Soobader MJ, LeClere FB. The intersection of gender and race/ethnicity in smoking behaviors in menthol and non-menthol smokers in the United States. *Addiction* 2010;105(Suppl 1):32–8.

⁶Fernander A, Rayens MK, Zhang M, et al. Are age of smoking initiation and purchasing patterns associated with menthol smoking? *Addiction* 2010;105(Suppl 1):39–45.