



The African American Tobacco Control Leadership Council

FOR IMMEDIATE RELEASE

May 20, 2019

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Media Advisory

“What’s Menthol Got to Do with It? Everything (Still)!”

The Plight of African Americans and Mentholated Tobacco Products: The Time is Now

WHAT: Press Briefing

WHEN: Thursday, May 23rd, 2019 9:00 am to 10:30 a.m.

WHERE: National Press Club
529 14th St. NW, 13th Floor
Washington, D.C.

The press briefing will be webcast live. **Registration is mandatory for in-person attendees and web-viewers.**

To register [click here](#) or cut and paste in browser.

Tobacco use remains the number one preventable cause of death for African Americans, claiming more than 45,000 lives annually. Due to decades of racialized targeting of mentholated tobacco products by the tobacco industry, over 80% of Black smokers use mentholated tobacco products. These targeted campaigns included manipulation of African American leadership groups, elected officials, Black media, ethnic specific advertising campaigns, and the free distribution of mentholated cigarettes to inner city children as young as nine years old. Many of these pernicious and racist practices are in direct violation of civil law statutes as well as international treaties.

The U.S. Department of Justice’s 2006 case against the tobacco industry delineated many of these practices and U.S. District Judge Gladys Kessler ruled that U.S. tobacco companies are in fact “federally adjudicated racketeers” under the Racketeer Influenced Corrupt Organizations (RICO) statutes. Judge Kessler put it bluntly in her 2006 - 1,700 page landmark ruling: “Over the course of more than 50 years, defendants lied, misrepresented and deceived the American public, including smokers and the young people they avidly sought as replacement smokers, about the devastating health effects of smoking.”

And while it is true that all Americans have been harmed by these practices, we posit that due to the historic oppression and racism endured by African Americans, this group deserves distinct protections, remedies, and treatments. Black communities historically besieged by a plethora of immediate and continuing issues are rendered defenseless to address this predatory tobacco industry behavior, thus making this equally an issue of social injustice.

The tobacco industry’s focused marketing has successfully promoted the use of these products among African Americans and is a major driver of present day tobacco-caused disparities, where Black males have the highest rates



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of death from lung cancer compared to any other demographic group. It is by no accident that 80% of Black adult smokers and 95% of Black youth smokers report smoking menthol-flavored cigarettes.

Though it has been ten years since the U.S. Food and Drug Administration was given the authority and mandate to act on mentholated tobacco products, they have yet to do so. Research confirms that a menthol sales ban would not only save millions of lives (Black lives in particular) and reduce youth smoking initiation, it would be welcomed by the majority of African American smokers. It has been well-documented that mentholated cigarettes and other flavored tobacco products are responsible for the initiation of smoking among our youth, as well as the difficulty in successful quitting among established smokers. The FDA's inaction has prompted municipalities across the country to protect youth and adults from these deadly products by enacting local ordinances that ban the sale of mentholated and flavored tobacco products.

This international briefing will provide the press and the greater community an update on where the menthol/flavor ban movement stands today, the status of the landmark 2006 Kessler ruling, international treaty violations (including the targeting of African countries), and local and civil actions that have been successfully implemented or won.

Press briefing speakers are prominent U.S. and international tobacco control advocates, researchers, attorneys, and elected officials.

Speakers

Hon. Karen Bass, U.S. House of Representatives, 37th District (CA)

Hon. Malia Cohen, Fmr. President of San Francisco Board of Supervisors, Chair, California State Board of Equalization
Carol McGruder, Co-Chair, African American Tobacco Control Leadership Council

Dr. Phillip Gardiner, Co-Chair, African American Tobacco Control Leadership Council

Dr. Valerie Yerger, Founding Member, African American Tobacco Control Leadership Council

Sharon Eubanks, Former Lead Prosecutor, U.S. Department of Justice

Laurent Huber, Executive Director, Action on Smoking and Health (ASH)

Natasha Phelps, Staff Attorney/Lead Minnesota Policy, Public Health Law Center

Channette Keith, Director of Programs, National African American Tobacco Prevention Network, Inc.

Flavia Senkubuge, President College of Medicine South Africa/VP African Federation of Public Health Associations



African American Tobacco Control Leadership Council

Formed in 2008, the African American Tobacco Control Leadership Council (AATCLC) partners with community stakeholders, elected officials and public health agencies to inform the national direction of tobacco control policy, practices and priorities, as they affect the lives of Black-American and African immigrant populations. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda. <https://savingblacklives.org>



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Sharon Y. Eubanks

Prior to joining the Henderson Firm, Sharon Eubanks co-founded the Washington, D.C. based civil rights and public interest law firm, Edwards & Eubanks. Sharon is the 2018 recipient of the Prevent Cancer Foundation's James L. Mulshine, MD Leadership Award.

From 2000 to 2005, while at the Department of Justice, Sharon served as lead counsel on behalf of the United States in the largest civil Racketeer Influenced and Corrupt Organizations (RICO) enforcement action ever filed, *United States v. Philip Morris USA, et al.*, the federal tobacco litigation. Following a nine-month trial, the federal district court found that the major U.S. cigarette companies violated the civil provisions of RICO and committed fraud on a massive scale. They were ordered to change the way they do business, particularly in marketing and advertising, and the decision was affirmed upon appeal to the D.C. Circuit. The findings in the federal district court's decision have been used by health lawyers and other advocates throughout the world in an effort to reduce smoking and smoking initiation.

Sharon is co-author of the book, *Bad Acts: The Racketeering Case Against the Tobacco Industry*, an insider's account of the federal tobacco litigation that led to the landmark decision. While at the Department of Justice, Sharon received numerous awards recognizing her work, including the U.S. Attorney General's John Marshall Award for Outstanding Legal Achievement, as well as the Stanley D. Rose Memorial award, the Civil Division's highest and most prestigious award.



Malia Cohen, Former President, San Francisco Board of Supervisors

As President of the San Francisco Board of Supervisors, Malia has fought corporate giants to even the playing field. Most notably taking on special interest groups like Big Tobacco, Big Soda, Big Oil -- and winning. She took on Big Soda and passed the sugar-sweetened beverage tax, generating over \$21 million in San Francisco, and paving the way for soda tax initiatives across the country.

In 2017, she took on Big Tobacco, passing the first ever legislation to ban the sale of menthol and all-flavored tobacco products citywide. This historical legislation survived a \$10 million dollar funded tobacco industry referendum. Because of her bold visionary leadership efforts to restrict the sales of these deadly products, so perniciously targeted to the Black community, have taken a quantum leap. Malia Cohen was the 2018 AATCLC- Karen Bass Visionary Leader Honoree.



Action on Smoking and Health (ASH)

Founded in 1967, Action on Smoking and Health (ASH) is America's oldest anti-tobacco organization, dedicated to a world with ZERO tobacco deaths. Because tobacco is the leading cause of preventable death worldwide, ASH supports bold solutions proportionate to the magnitude of the problem. <https://ash.org>



National African American Tobacco Prevention Network (NAATPN), Inc.

NAATPN.Inc. is a 20-year-old organization that exists to facilitate the implementation and promotion of comprehensive policies, community-led programs and culturally competent public health campaigns that benefit African Americans. We are committed to addressing the social and economic injustices that have marginalized our communities and led to deep health disparities. NAATPN is fortified by a network of community organizations, grassroots organizers, faith leaders, legislators, clinical service providers, researchers and media professionals.



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The Public Health Law Center

The Public Health Law Center collaborates with others to reduce and eliminate commercial tobacco, promote healthy food, support physical activity, and address other causes of chronic disease. Our belief in health and equity for all people is at the core of our work. Our partnerships include Tribal health leaders, federal agencies, national health advocacy organizations, state and local governments, planners, researchers, attorneys, community coalitions, and individuals working on public health issues. Our deep knowledge, our thoughtful legal and policy analysis, and our individualized approach help these partners create healthier communities around the country. For more information, visit www.publichealthlawcenter.org.



African Federation of Public Health Associations