

MENTHOL CIGARETTES



Market development

- The market share of menthol cigarettes is growing steadily in an overall declining EU cigarette market.

Year	2000	2006	2012
Market share	3.4%	4.3%	5.0%

(Source - Euromonitor Passport)

- New menthol brands have been launched by many operators.¹
- New products with capsules embedded in filters and containing menthol flavourings are being launched. Industry documents reveal that these products target young people.²
- Menthol cigarette use has been found to be significantly more common amongst newer, younger smokers.³

Scientific evidence

- Scientific studies have shown that flavours such as menthol facilitate inhalation and may play a role in smoking initiation.⁴
- In 2013 the FDA (US regulator) concluded that "*menthol cigarettes pose a public health risk above that seen with nonmenthol cigarettes*".⁵ The authority also stated that:

- "*Menthol use is likely associated with increased smoking initiation by youth and young adults*";
- "*Menthol in cigarettes is likely associated with greater addiction*";
- Menthol smokers are "*less likely to successfully quit smoking than their nonmenthol smoking counterparts*".

International obligations: principle of non-discrimination

- Guidelines for the implementation of the WHO Framework Convention on Tobacco Control (FCTC) – a Convention that all Member States have signed up to – recommend prohibiting/restricting ingredients that may be used to increase palatability of tobacco products.⁶
- A number of countries foresee stricter ingredients legislation than the EU, e.g. Brazil and Canada. The Commission proposal focuses on banning products with a characterising flavour (US model), i.e. product differentiation remains possible.
- The US lost two WTO panels against Indonesia due to their exemption of menthol cigarettes from the characterising flavour ban.⁷

¹ Matrix Insight. Economic analysis of the EU market of tobacco, nicotine & related products; 2012. See table 12. Revised Final Report of 20 September 2013:

http://ec.europa.eu/health/tobacco/docs/tobacco_matrix_report_eu_market_en.pdf

² Cobben M (2011) Capsule rollout. Investor day (17/18 May), British American Tobacco (BAT), Hampshire, United Kingdom, and R. J. Reynolds (2008) Camel Menthol Update. Bates number 546075127-5169, <http://legacy.library.ucsf.edu/ld/pzc07h00> (accessed on 23 Dec 2011); both cited in Red Series Tobacco Prevention and Tobacco Control Volume 17: Menthol Capsules in Cigarette Filters – Increasing the Attractiveness of a Harmful Product, 2012, German Cancer Research Center (DKFZ), Heidelberg

³ Hersey JC, Ng SW, Nonemaker JM, Mowery P, Thomas KY, Vilsaint MC, et al. Are Menthol Cigarettes a Starter Product for Youth? Nicotine Tob Res 2006; 8:403-13.

⁴ SCENIHR. Addictiveness and attractiveness of Tobacco Additives. 12 November 2010 (SCENIHR 2010): http://ec.europa.eu/health/scientific_committees/emerging/docs/scenihr_o_031.pdf

⁵ US Food and Drug Administration – advance notice of proposed rulemaking: Menthol in Cigarettes, Tobacco Products: http://www.regulations.gov/#/documentDetail;D=FDA_FRDOC_0001-4088 and <http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/UCM361598.pdf>

⁶ Guidelines for the implementation of Articles 9 & 10 of the FCTC: http://www.who.int/fctc/guidelines/Guidelines_Articles_9_10_rev_240613.pdf

⁷ http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds406_e.htm