



# ELIMINATING FLAVORS IN COMMERCIAL TOBACCO PRODUCTS

Highlights from the 2024 Eliminating Tobacco-Related Disease and Death - A Report of the Surgeon General

## BACKGROUND

- The Food and Drug Administration (FDA) has the authority to regulate characterizing flavors or flavor additives in commercial tobacco products.
- States, tribes and localities also have the authority to prohibit the sale of commercial tobacco products.
- Manufacturers must obtain FDA authorization to market new commercial tobacco products, including flavored e-cigarettes.
- E-cigarettes are the most commonly used commercial tobacco product among youth.
- Nearly all people who use commercial tobacco products start before the age of 25.

**85%**

**of youth who use e-cigarettes choose a flavored product.**

Flavors make commercial tobacco products appealing to young people and promote initiation and sustained use.

## POLICIES THAT PROHIBIT THE SALE OF FLAVORED COMMERCIAL TOBACCO PRODUCTS REDUCE TOBACCO PRODUCT USE.

State and local flavor restrictions have been shown to:

- **Reduce** sales of flavored and, in some cases, unflavored commercial tobacco products.
  - **Reduce** the odds of youth trying and using commercial tobacco products.
  - **Decrease** current commercial tobacco product use among youth.
- In Minnesota, local flavor policies were associated with decreases in sales of all commercial tobacco categories, including cigarettes, cigars, smokeless tobacco, and e-cigarettes.
  - The Tobacco Control Act empowered the FDA to regulate tobacco products. As part of this, cigarettes with characterizing flavors, other than menthol, were prohibited in the U.S. in 2009. This was linked to a **17%** drop in the prevalence of cigarette smoking among youth and a remarkable **58%** decrease in the number of cigarettes smoked by young people.
  - In Canada, a law that prohibits the sale of flavored cigarillos and requires a minimum pack size for unflavored cigarillos, has **reduced cigarillo use among youth** and young adults.



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## MENTHOL'S IMPACT

- Menthol makes it easier to start and harder to quit.
- Menthol can make products more addictive.
- Despite an overall decrease in smoking, menthol cigarette use has increased, especially among populations that experience health disparities.
- A national menthol restriction would cause 1.3 million people to quit smoking, 381,272 of which would be Black Americans.



## LOCAL VS. FEDERAL ACTION

- The FDA proposed rules to prohibit menthol cigarettes and flavored cigars, but failed to act.
- Approximately 20% of the U.S. population was covered by state or local-level policies that restrict the sales of flavored commercial tobacco products, including menthol cigarettes, as of March 31, 2023.\*

*\* Updated data shows that this percentage is 27.52%.  
<https://truthinitiative.org/sites/default/files/media/files/2025/02/Flavored-Tobacco-Restrictions-12.31.24.pdf>*

## MINNESOTA COMMUNITIES CAN TAKE ACTION

### WHY LOCAL AND STATE ACTION MATTERS

While the FDA has authority of regulating commercial tobacco products, it often comes with legal and political barriers that slow down enforcement and new regulations. Local, tribal and state policies play a critical role in protecting communities more quickly and effectively. Cities, tribes, and states across the United States have already restricted flavored commercial tobacco products, helping reduce use and protecting public health, even before federal action.

**SUMMARY:** Flavors play a key role in commercial tobacco use. Because flavors are particularly appealing to young people, eliminating flavors in commercial tobacco products is expected to lead to reduction in commercial tobacco use and commercial tobacco-related health disparities.

*For more information about this report, visit*

*<https://www.hhs.gov/sites/default/files/2024-sgr-tobacco-related-health-disparities-full-report.pdf> (Chapter 7, p. 574-589)*

#### **ANSR's Statement on Commercial Tobacco**

ANSR uses the term "commercial tobacco" to refer to products sold and manufactured by the tobacco industry for profit. Commercial tobacco is different from sacred, medicinal, and traditional uses of tobacco by Indigenous groups.

Learn more:

<https://keepitsacred.itcml.org/tobacco-and-tradition/traditional-v-commercial/>