



October 29, 2019

The Honorable Alex M. Azar
 Secretary
 U.S. Department of Health and Human Services
 200 Independence Avenue, SW
 Washington, DC 20201

Dear Secretary Azar,

Our organizations have commended and supported the Administration’s plan, announced on September 11, 2019, to clear the market of all non-tobacco-flavored e-cigarettes, including mint and menthol flavors, until they can be reviewed by the Food and Drug Administration. We appreciate your strong leadership in advancing this plan and agree completely with your statement that “we will not stand idly by as these products become an on-ramp to combustible cigarettes or nicotine addiction for a generation of youth.”

Today, we write to call on you to stay the course and make sure the proposal is not undermined by exempting mint- and menthol-flavored e-cigarettes.

Mint and menthol e-cigarettes are very popular with youth. Data from the 2019 National Youth Tobacco Survey show that 63.9% of high school e-cigarette users use mint or menthol flavors, up from 51.2% in 2018 and 42.3% in 2017. Given the prevalence of mint and menthol flavors among youth e-cigarette users and the lack of evidence that these flavors play any role in helping adults quit smoking, there is no public health justification to exempt them from the proposed policy. Both mint and menthol are highly similar flavors that are attractive to kids and are indistinguishable from a public health perspective. Mint and menthol are especially dangerous flavors for teens because they both contain menthol as an ingredient, which has cooling properties that make it easier for teens to tolerate the harsh taste of nicotine.

A policy that does not remove all flavored e-cigarettes will not solve the current epidemic of youth e-cigarette use. Youth who now use mint and menthol e-cigarettes will continue to do so, and youth who use flavors that are removed from the market will simply switch to mint and menthol.

Exempting mint and menthol e-cigarettes from the Administration's policy will leave America's kids at risk. No one will benefit more than Juul and Altria. As reported in the New York Post on the very day the White House announced its new policy, mint now makes up 75% of Juul's revenue.

Protecting America's kids is not only the right thing to do, it is popular. A Schoen poll of likely voters conducted in September after the Administration's September 11 announcement indicates by a 73% to 22% margin, support for the Administration's plan to take flavored e-cigarettes off the market, including support from 74% of Republicans and 70% of Independents. These results are similar to the results of a Morning Consult poll, also conducted in mid-September, that found strong, bipartisan support for the Administration's plan.

Secretary Azar, you have been a strong voice during this crisis. The health of America's kids is at stake. We stand with you in supporting the Administration's proposal to take ALL flavored e-cigarettes off the market because, as you have recognized, they are fueling the youth e-cigarette epidemic.

Sincerely,

Academy of General Dentistry
Action on Smoking & Health
African American Tobacco Control Leadership Council
Allergy & Asthma Network
American Academy of Family Physicians
American Academy of Oral and Maxillofacial Pathology
American Academy of Oral and Maxillofacial Radiology
American Academy of Pediatrics
American Association for Dental Research
American Association for Respiratory Care
American Cancer Society Cancer Action Network
American College Health Association
American College of Cardiology

American College of Physicians
American College of Preventive Medicine
American Federation of School Administrators
American Heart Association
American Lung Association
American Medical Association
American Psychiatric Association
American Public Health Association
American Thoracic Society
Americans for Nonsmokers' Rights
Association of State and Territorial Health Officials
Big Cities Health Coalition
Campaign for Tobacco-Free Kids
Catholic Health Association of the United States
Children's Wisconsin
ClearWay Minnesota
Community Anti-Drug Coalitions of America
Counter Tools
Eta Sigma Gamma – National Health Education Honorary
GO2 Foundation for Lung Cancer
International Association for the Study of Lung Cancer
March of Dimes
NAACP
National Association of Pediatric Nurse Practitioners
National Association of School Nurses
National Association of Secondary School Principals
National Education Association
National Hispanic Medical Association
National Network of Public Health Institutes
Oncology Nursing Society
Parents Against Vaping E-Cigarettes (PAVE)
Prevent Cancer Foundation
Protect Kids: Fight Flavored E-Cigarettes
Public Health Law Center
Public Health Solutions
Students Against Destructive Decisions
The Society of State Leaders of Health and Physical Education
The Society of Thoracic Surgeons
Trust for America's Health
Truth Initiative

CC:

The Honorable Jerome Adams, Surgeon General of the United States

The Honorable Norman Sharpless, Acting Commissioner of the Food and Drug Administration