



## MARKETING MENTHOL: THE HISTORY OF TOBACCO INDUSTRY TARGETING OF AFRICAN AMERICANS

*"Menthols in general do better among the very young, and among very young blacks, almost the entire market is accounted for by Kool, Salem and Newport."*

-1974 research report prepared for Philip Morris<sup>1</sup>

The tobacco industry has a long history of going to great lengths to target the African-American community. Decades of research and the tobacco industry's internal documents affirm that the industry employs multiple campaigns and strategies to aggressively target and reach African Americans. Dating back to the 1950s, the tobacco industry has targeted African Americans with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, price discounting and marketing in the retail environment.

This aggressive targeted marketing has paid off. African-American smokers, both adults and youth, now overwhelmingly prefer menthol cigarettes. Overall, 85 percent of African-American smokers (ages 12+), including 71.3 percent of African American youth smokers smoke menthol cigarettes.<sup>2</sup> The popularity of menthol is also evident in the cigarette brand preferences of African American youth who smoke. According to data from the 2015 National Survey on Drug Use and Health, 69.1 percent of African-American youth ages 12-17 prefer Newport brand cigarettes.<sup>3</sup> This preference for menthol cigarettes is the direct result of a decades-long marketing campaign by the tobacco industry.

### The Early Days: Building a Market for Menthol<sup>4</sup>

The marketing of menthol cigarettes to the African-American community dates back to at least the 1950s. Salem led the menthol market in the 1950s and 1960s and is credited with establishing a popular market for menthols (menthols were initially a specialty cigarette, marketed for reducing throat irritability), but Kool overtook Salem in popularity in 1972.<sup>5</sup> Brown & Williamson began targeting African-Americans with Kool cigarettes after a 1953 survey showed that five percent of African Americans preferred Kool compared to two percent of White Americans. Brown & Williamson seized the opportunity to capitalize upon this small preference margin, recognizing the marketing advantage of appealing to a newly urbanized and more concentrated population.<sup>6</sup> The establishment of popular African American magazines like *Ebony* and *Jet* also provided marketing venues that had not previously existed for reaching African Americans.

Brown & Williamson took to the airwaves to market Kool, with an advertising budget exceeding that of the other tobacco companies in the 1960s. During this time, cigarette advertisements, many featuring famous black athletes, tripled in *Ebony*.<sup>7</sup> The aggressive marketing campaign had a huge impact - from just 1968 to 1976, the percentage of African Americans smoking Kool jumped from 14 percent to 38 percent, with even greater preference for Kool among young African American males.<sup>8</sup> An R.J. Reynolds analyst noted that, "Kool became 'cool' and, by the early 1970s, had a 56% share among younger adult Blacks—it was the Black Marlboro."<sup>9</sup> Salem's successful initial promotion of the menthol category and Kool's



Kool advertisement, 1966  
Image courtesy of Stanford Research into the Impact of Advertising (SRITA)

<sup>1</sup> Brown & Williamson merged with R.J. Reynolds in 2004, acquiring Kool. However, R.J. Reynolds and Lorillard merged in 2015, at which time R.J. Reynolds divested the Salem and Kool brands to ITG, while acquiring the Newport brand.

monopolization of the African American market played a significant role in the exponential growth of the menthol market, which grew by nearly 50 percent from 1956 to 1971.<sup>10</sup>

### The “Menthol Wars”

Tobacco companies used multiple strategies to attract new customers in predominantly African American neighborhoods. When other tobacco companies realized Kool's growth initiated from targeting African Americans, they began competing for this market share with targeted marketing for Kool, Newport, Salem and Benson & Hedges. The companies contracted with “ethnic marketing firms” to conduct at least eight distinct campaigns targeting primarily African American populations: the Brown & Williamson Kool Van Program, the Brown & Williamson Kool Inner City Family Program, the Lorillard Inner City Sales Program, the Lorillard Newport Van Program, the Philip Morris Inner City Task Force, the Philip Morris Inner City Marketing Program, the R.J. Reynolds Black Market Program, and the R.J. Reynolds Black Young Adult Smoker Initiative (some of these programs continued into the 1990s).<sup>11</sup>

### Sampling and Mobile Van Programs

The tobacco companies considered sampling to be an important strategy for attracting new customers, and they employed mobile van programs in across the country to reach African Americans.

- Lorillard introduced the Newport Pleasure Van program in 1979 in New York, expanding to cities across the United States to distribute free samples and coupons. The Newport Pleasure Van program incorporated a plan to facilitate brand switching, by rewarding customers who provided the contact information of known competitive brand smokers. Newport continued the Pleasure Vans through 1994, by which time it had successfully gained dominance of the menthol market.<sup>12</sup>
- In the 1980s, as part of the Kool Market Development Program, vans (mimicking Lorillard's strategy) traveled through Houston to distribute free cigarette samples, a program which later expanded to 50 cities.<sup>13</sup>

*“A total of 1.9MM samples will be distributed to targeted smokers in 1983. Sample distribution will be targeted to: housing projects, clubs, community organizations and events where Kool's black young adult target congregate.”*

– Kool Market Development Program<sup>14</sup>

- R.J. Reynolds launched a van sampling program in Chicago that targeted nightclubs and neighborhood events with the Salem brand.

### Retailer Programs

The tobacco companies developed specific strategies and specially designed product displays to adapt their point-of-sale marketing to smaller retailers that were more common in cities. Philip Morris implemented promotional programs and paid retailers to exhibit product displays and grow their inventory. Brown & Williamson launched its Kool Inner City Point of Purchase Program, later the Kool Inner City Family Program, with the explicit goal, “to reach the core of Kool's franchise (young, black, relatively low income and education),”<sup>15</sup> with both retailer and consumer promotions.<sup>16</sup>



Kool advertisement, 1984  
Image courtesy of Stanford Research into the Impact of Advertising (SRITA)

### **Music and Event Sponsorship**

The tobacco companies also recognized the value of associating their brand with popular community events.

- Brown & Williamson used music as a way to target African Americans beginning in 1975 with the Kool Jazz Festival, and later the Kool City Jam, a free two-day concert.<sup>17</sup>
- R.J. Reynolds sponsored the “Salem Summer Street Scenes” festivals, during which they estimated reaching at least half of African Americans in Memphis, Detroit, Chicago, New York, and Washington, D.C.<sup>18</sup>
- Philip Morris sponsored “Club Benson & Hedges” promotional bar nights throughout the 1990s, targeting clubs frequented by African-Americans.<sup>19</sup>

Despite Kool and Salem’s dramatic rise and market share in the 1960s and 1970s, Newport’s aggressive marketing in the “Menthol Wars” era successfully doubled its share of the menthol market between 1981 and 1987, and in 1993 it became—and has remained—the market leader in sales of menthol cigarettes.<sup>20</sup>

### **Appealing to Younger African Americans**

Newport also grew its African American market share by purposefully attracting a younger consumer base.<sup>21</sup> Industry documents show that the tobacco companies knew that while menthol cigarettes were attractive to younger smokers, novice smokers actually preferred cigarettes with a lower menthol content, whereas older smokers preferred more menthol content. With its lower menthol content, Newport had a market advantage with younger smokers, and the brand’s youthful advertising made it even more appealing.<sup>22</sup>

Newport capitalized on the youth appeal of its product by employing youth-friendly marketing materials. In describing their Newport marketing strategy, Lorillard noted that, “Newport smokers perceive other Newport smokers as they do themselves—younger, outgoing, active, happy, warm, friendly, modern, extroverted.”<sup>23</sup> To this day, Newport cigarettes are advertised in magazines with imagery of young people—of various races—engaged in activities that look fun and social.

### **Recent Marketing Strategies**

Menthol cigarettes continue to be heavily advertised to African-Americans in a variety of ways.

#### ***Point-of-Sale Targeting***

Tobacco companies have taken advantage of the greater density of convenience stores and gas stations in lower-income and minority neighborhoods to heavily market and promote tobacco products. Their marketing strategies have included price discounts, promotional giveaways, heavy product placement and culturally tailored ad content at retail locations, both indoors and out. A wealth of research indicates that African American neighborhoods have a disproportionate number of tobacco retailers, pervasive tobacco marketing, and in particular, more marketing of menthol products.<sup>24</sup> In addition to being heavily advertised and widely available, certain tobacco products have been found to be priced lower in African American communities, making them more appealing, particularly to price-sensitive youth:

- A 2017 nationwide study found that stores in neighborhoods with the highest proportion of African Americans have more than double the odds of advertising price promotions for tobacco products, compared to stores in neighborhoods with the lowest proportion of African Americans.<sup>25</sup>
- A 2011 study of cigarette prices in retail stores across the U.S. found that Newport cigarettes are significantly less expensive in neighborhoods with higher proportions of African Americans.<sup>26</sup>
- A 2006 study of California smokers found that those who smoke menthol cigarettes are more likely to use promotional offers than non-menthol smokers.<sup>27</sup>

The use of value-added or coupon promotions makes cigarettes more affordable to kids and those with less financial resources. In *U.S. v. Philip Morris* (the 2006 civil racketeering judgment against major cigarette manufacturers), the court specifically found that tobacco companies use strategic price reduction strategies such as coupons and multi-pack discounts to target young people.<sup>28</sup> According to the Surgeon General, “Because there is strong evidence that as the price of tobacco products increases, tobacco use decreases, especially among young people, then any actions that mitigate the impact of increased price and thus reduce the purchase price of tobacco can increase the initiation and level of use of tobacco products among young people.”<sup>29</sup>



Price promotions for Camel cigarettes in Durham, NC. Photo courtesy CounterTobacco.Org

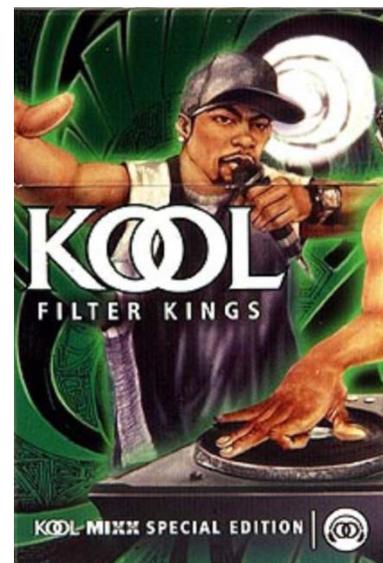
Disparities in advertising of tobacco products are particularly evident for menthol cigarette brands, which African Americans use more than any other racial or ethnic group:

- A 2013 study found that census tracts in St. Louis with a higher proportion of black residents had more menthol and total tobacco product marketing, and that census tracts with a higher proportion of black children had a higher proportion of menthol marketing near candy.<sup>30</sup>
- The 2011 California Tobacco Advertising Survey reports that there were significantly more menthol advertisements at stores in neighborhoods with a higher proportion of African-American residents and in low-income neighborhoods.<sup>31</sup>
- Another 2011 California study found that as the proportion of African-American high school students in a neighborhood rose, the proportion of menthol advertising increased, the odds of a Newport promotion were higher, and the cost of Newport cigarettes was lower.<sup>32</sup>
- A 2010 study that compared characteristics of storefront tobacco advertisements in a low-income, community with a large African-American population and a high-income, nonminority community found that the African-American community had more tobacco retailers and advertisements were more likely to be larger and promote menthol products.<sup>33</sup>

### Cultural Imagery

There is compelling evidence that tobacco companies not only advertise disproportionately in communities with large African-American populations, they also create advertising specifically targeted to these communities. Cigarette ads highly prevalent in African-American communities and publications are often characterized by slogans, relevant and specific messages, or images that have a great appeal among those in the black community or depict African Americans in an appealing light.<sup>34</sup>

In 2004, Brown & Williamson started an ad campaign for their Kool brand cigarettes clearly aimed at youth—and African-American youth, in particular. The Kool Mixx campaign featured images of young rappers, disc jockeys and dancers on cigarette packs and in advertising. The campaign also included radio giveaways with cigarette purchases and a Hip-Hop disc jockey competition in major cities around the country. The themes, images, radio giveaways and music involved in the campaign all clearly have tremendous appeal to

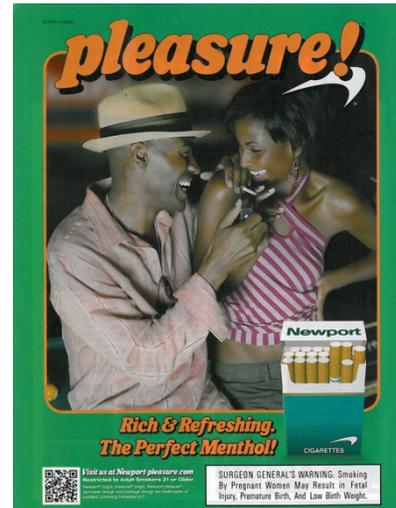


Kool Mixx cigarettes, 2004  
Image courtesy of Stanford Research Into the Impact of Advertising

youth, especially African-American youth. Attorneys General from several states promptly filed motions against Brown & Williamson for violating the Master Settlement Agreement.<sup>35</sup> Simultaneously, Brown & Williamson promoted a new line of cigarette flavors like Caribbean Chill, Mocha Taboo, and Midnight Berry using images of African-Americans and themes attractive to African-American youth. These cigarettes were promoted through dance clubs and hip-hop music venues. In a similar vein, in the 1980s and 1990s, Uptown and “X” brand (emulating Malcolm X) cigarettes were also introduced, with the explicit aim of targeting African Americans, although these brand quickly failed due to community backlash.<sup>36</sup>

### Magazine Advertising

The tobacco industry’s strategy of targeting magazines with high African American readership, which began in the 1960s, continues. Expenditures for magazine advertising of mentholated cigarettes increased from 13 percent of total ad expenditures in 1998 to 76 percent in 2006.<sup>37</sup> During the two years after the Master Settlement Agreement (MSA) in November 1998, the average annual expenditures for Newport in magazines with high youth readership increased 13.2 percent (from \$5.3 to \$6.0 million).<sup>38</sup> From 1998 to 2002, *Ebony*, a magazine tailored to the African American culture, was 9.8 times more likely than *People* to contain ads for menthol cigarettes.<sup>39</sup> An assessment of menthol cigarette ads run from June 2012 to February 2013 found that the tobacco industry spent an estimated \$31 million on menthol cigarette direct mail, email, print and online advertisements in just a 9-month period. During this time, 61 percent of Newport print ads featured at least one African-American model. These ads ran in twenty publications including *Jet*, *Ebony*, and *Essence*, which have predominantly African-American readership.<sup>40</sup>



Newport advertisement in *Essence Magazine*, February 2015  
Image courtesy of TrinketsandTrash.Org

### Tobacco Industry Philanthropy in the African American Community

The tobacco company’s decades long campaign to capture the African American market coincided with concerted efforts to forge ties with the African American community in an effort to build a positive brand identity. Since the 1950s, Philip Morris and Brown & Williamson have, at various times, been engaged with the National Urban League, the National Association for the Advancement of Colored People (NAACP), and the United Negro College Fund, and have provided funding and organizational support to a host of African American organizations.<sup>41</sup> In addition, the tobacco industry has supported historically African American colleges and universities as far back as the 1890s when R.J .Reynolds helped to finance the founding of Winston Salem State University.<sup>42</sup> However, industry documents reveal the companies’ true intentions in forming these relationships:

*Brown & Williamson:* “Clearly the sole reason for B&W’s interest in the black and Hispanic communities is the actual and potential sales of B&W products within these communities and the profitability of these sales...this relatively small and often tightly knit [minority] community can work to B&W’s marketing advantage, if exploited properly.”<sup>43</sup>

*Lorillard:* “Tie-in with any company who help black[s] – ‘we help them, they help us.’”<sup>44</sup>

Tobacco companies continue to contribute to African American organizations and political leaders.

- Recently, R.J. Reynolds funded the National Action Network, a civil rights organization founded by Reverend Al Sharpton, to conduct community forums to build opposition to local action to prohibit menthol cigarettes. These forums attempted to frame the issue as criminalization of the African American community, ignoring the devastating impact of the tobacco industry’s targeted marketing and the public health benefits of prohibiting menthol. In 2016 and 2017, these forums

occurred in Oakland, Los Angeles and Minneapolis.<sup>45</sup> In early 2019, a representative from NAN testified against proposed legislation in New York City to restrict the sale of menthol cigarettes.<sup>46</sup>

- During the 2013-2014 election cycle, tobacco companies donated over \$100,000 to African American lawmakers and affiliated political action committees.<sup>47</sup>
- As of 2017, Altria continues to contribute to the Congressional Black Caucus Foundation (CBCF), the California Black Chamber of Commerce Foundation, the California Legislative Black Caucus Policy Institute, and the National Black Farmers Association.<sup>48</sup> As of 2016, they also contributed to the National Black Caucus of State Legislators.<sup>49</sup> Both Reynolds and JUUL support the U.S. Black Chambers, Inc.<sup>50</sup> The President and Chief Executive Officer of CBCF from 2013-2018 was the former Vice President of Government Affairs Policy & Outreach for Altria Corporate Services, having worked for the tobacco industry for twenty years.<sup>51</sup> In its 2016 Annual Report, CBCF reported receiving between \$100,000-\$249,000 from Altria and \$50,000-99,000 from R.J. Reynolds (RAI Services).<sup>52</sup>
- Since the 1960s, the tobacco industry has supported the National Newspaper Publishers Association (NNPA), a trade association representing more than 200 African American-owned community newspapers.<sup>53</sup> The most recently available financials show that Reynolds gave over \$225,000 to the NNPA in 2017.<sup>54</sup> The President and CEO of NNPA has joined Rev. Al Sharpton of NAN in voicing opposition to local proposals to restrict the sale of menthol cigarettes.<sup>55</sup>
- The National Black Chamber of Commerce (NBCC), the Congress of Racial Equality (CORE), the National Organization of Black Law Enforcement Executives (NOBLE), the National Black Police Association (NBPA) and Law Enforcement Action Partnership (LEAP), all of which have received industry funding, have voiced active opposition to proposals to extend the federal ban on flavored cigarettes to menthol.<sup>56</sup> NBPA even launched a campaign to encourage submission of public comments to FDA in opposition of extending the prohibition on flavors to menthol, resulting in over 36,000 comments submitted in opposition to the ban.<sup>57</sup> Representatives from LEAP and NOBLE have also presented at NAN's forums opposing local restrictions on menthol cigarettes.<sup>58</sup>
- In 2014, Altria donated \$1 million to the Smithsonian's National Museum of African American History and Culture.<sup>59</sup>

Other African American organizations have fought against the industry's targeted marketing. In 2016, the NAACP voted to adopt a resolution to support state and local restrictions on flavored tobacco products, including menthol (according to a spokesperson in 2016, the NAACP no longer receives tobacco industry funding).<sup>60</sup> Delta Sigma Theta, an African American sorority, approved a resolution in 2013 to urge FDA to prohibit menthol cigarettes.<sup>61</sup> In 2018, both the NAACP and the National Urban League issued statements in support of FDA action to prohibit menthol cigarettes.<sup>62</sup> In 2019, the NAACP testified in favor of proposed legislation in New York City to restrict the sale of menthol cigarettes.<sup>63</sup>

### **Impact on the African American Community**

Menthol cigarettes have had a profound negative impact on public health, and have had a particularly destructive impact on the African American community. In 2013, the U.S. Food and Drug Administration (FDA) released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking. The FDA and FDA's Tobacco Product Scientific Advisory Committee (TPSAC) concluded that African Americans are disproportionately burdened by the health harms of menthol cigarettes.<sup>64</sup> TPSAC, in its 2011 report to the FDA, estimated that by 2020, 4,700 excess deaths in the African American community will be attributable to menthol cigarettes, and over 460,000 African Americans will have started smoking because of menthol cigarettes.<sup>65</sup>

African Americans suffer the greatest burden of tobacco-related mortality of any racial or ethnic group in the United States.<sup>66</sup> Each year, approximately 45,000 African Americans die from smoking-related disease.<sup>67</sup> Smoking-related illnesses are the number one cause of death in the African-American community, surpassing all other causes of death, including AIDS, homicide, diabetes, and accidents.<sup>68</sup> If

current smoking rates persist, an estimated 1.6 million black Americans alive today under the age of 18 will become regular smokers, and about 500,000 will die prematurely from a tobacco-related disease.<sup>69</sup>

**Campaign for Tobacco-Free Kids, February 28, 2019 / Laura Bach**

**More information on Tobacco and African Americans is available at**  
[http://www.tobaccofreekids.org/facts\\_issues/fact\\_sheets/toll/populations/african\\_americans/](http://www.tobaccofreekids.org/facts_issues/fact_sheets/toll/populations/african_americans/).

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1 The Roper Organization. *A Study of Smoking Habits Among Young Smokers*. 1974 July. Philip Morris Records.

<https://www.industrydocumentslibrary.ucsf.edu/tobacco/docs/#id=hjdv0130>.

2 Villanti, AC, et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004-2014," *Tobacco Control*, published online October 20, 2016. See also, Corey, CG, et al., "Flavored Tobacco Product Use Among Middle and High School Students—United States, 2014," *Morbidity and Mortality Weekly Report*, 64(38): 1066-1070.

3 SAMHSA's public online data analysis system (PDAS), National Survey on Drug Use and Health, 2015.

<http://pdas.samhsa.gov/#/survey/NSDUH-2015->

[DS0001/crosstab?row=CIG30BR2&column=CATAG3&control=NEWRACE2&weight=ANALWT\\_C&results\\_received=true](http://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab?row=CIG30BR2&column=CATAG3&control=NEWRACE2&weight=ANALWT_C&results_received=true).

4 Gardiner, PS, "The African Americanization of menthol cigarette use in the United States," *Nicotine & Tobacco Research*, 6(S1): S55-S65, 2004.

5 Brown & Williamson. The growth of menthols 330000-770000. Macon, GA: Brown &

Williamson Tobacco Corporation, 1978. <http://legacy.library.ucsf.edu/tid/ank50f00>.

6 Gardiner, PS, "The African Americanization of menthol cigarette use in the United States," *Nicotine & Tobacco Research*, 6(S1): S55-S65, 2004.

7 Pollay, RW, et al., "Separate, but not Equal: Racial Segmentation in Cigarette Advertising," *Journal of Advertising*, 21(1): 45-57, 1992.

8 Gardiner, PS, "The African Americanization of menthol cigarette use in the United States," *Nicotine & Tobacco Research*, 6(S1): S55-S65, 2004.

9 Burrows, DS, *Strategic Research Report: Younger Adult Strategies and Opportunities*. R.J. Reynolds, 1984.

<http://legacy.library.ucsf.edu/tid/ene39d00>.

10 Lorillard. The menthol cigarette market—a summary—Job number 9016. Greensboro,

NC: Lorillard, 1972 Feb. Available at <http://legacy.library.ucsf.edu/tid/ipc31e00>.

11 Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007.

12 Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007.

13 Hafez, N. & Ling, P.M. "Finding the Kool Mixx: how Brown & Williamson used music marketing to sell cigarettes," *Tobacco Control* 15: 359-

366, 2006. See also Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007.

14 Kool Market Development Program. 1983. Brown & Williamson Records.

<https://www.industrydocumentslibrary.ucsf.edu/tobacco/docs/lqcy0025>.

15 Hudson RC. Brown & Williamson. Inner city POP Program. Macon, GA: Brown & Williamson Tobacco Corporation, 1979 Oct 15.

<http://legacy.library.ucsf.edu/tid/icb91d00>.

16 Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007.

17 Hafez, N. & Ling, P.M. "Finding the Kool Mixx: how Brown & Williamson used music marketing to sell cigarettes," *Tobacco Control* 15: 359-

366, 2006. See also Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007.

18 Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007. See also RJ Reynolds. Black Street Scenes: review and recommendations.

Winston-Salem, NC: R.J. Reynolds Tobacco Company, 1983. Available at <http://legacy.library.ucsf.edu/tid/onb19d00>.

19 Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007.

20 Yerger, VB, et al., "Racialized geography, corporate activity, and health disparities: Tobacco industry targeting of inner cities," *Journal of Health Care for the Poor and Underserved*, 18: 10-38, 2007.

21 Klausner, K, "Menthol cigarettes and smoking initiation: a tobacco industry perspective," *Tobacco Control*, 20(S2): ii12-ii19, 2011.

22 Klausner, K, "Menthol cigarettes and smoking initiation: a tobacco industry perspective," *Tobacco Control*, 20(S2): ii12-ii19, 2011.

23 Lindsley, VD. [Re:] Newport Creative Exploratory. 1993 December 13. Marketing to Youth MSA Collection.

<https://www.industrydocumentslibrary.ucsf.edu/tobacco/docs/gzww0045>.

24 Lee, JGL, et al., "A Systematic Review of Neighborhood Disparities in Point-of-Sale Tobacco Marketing," *American Journal of Public Health*, published online ahead of print July 16, 2015.

25 Ribisl, KM, et al., "Disparities in tobacco marketing and product availability at the point of sale: results of a national study," *Preventive Medicine*, in press as of April 2017.

26 Resnick, EA, et al., *Cigarette Pricing Differs by U.S. Neighborhoods—A BTG Research Brief*. Chicago, IL: Bridging the Gap Program, Health Policy Center, Institute for Health Research and Policy, University of Illinois at Chicago, 2012, [www.bridgingthegapresearch.org](http://www.bridgingthegapresearch.org).

- <sup>27</sup> White, VM, et al., "Cigarette Promotional Offers: Who Takes Advantage?" *American Journal of Preventive Medicine*, 30(3): 225-231, 2006.
- <sup>28</sup> *U.S. v. Philip Morris*, 449 F. Supp. 2d at 639-40.
- <sup>29</sup> HHS, *Prevention Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, 2012, [http://www.cdc.gov/tobacco/data\\_statistics/sgr/2012/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/2012/index.htm), at 530.
- <sup>30</sup> Moreland-Russell, S, et al., "Disparities and Menthol Marketing: Additional Evidence in Support of Point of Sale Policies," *International Journal of Environmental Research and Public Health*, 10: 4571-4583, 2013.
- <sup>31</sup> Schleicher, N, et al., "Tobacco Marketing in California's Retail Environment (2008-2011), Final report for the California Tobacco Advertising Survey. Stanford, CA: Stanford Prevention Research Center, July 2013.
- <sup>32</sup> Henriksen, L., et al., "Targeted Advertising, Promotion, and Price for Menthol Cigarettes in California High School Neighborhoods," *Nicotine & Tobacco Research*, June 24, 2011.
- <sup>33</sup> Seidenberg, AB, "Cigarette Advertising Differs by Community Demographic Profile," *American Journal of Health Promotion* 24(6):e26-e31, July/August 2010.
- <sup>34</sup> Hutchinson, EO, "Joe Camel Dominants More Than Billboards in Black America," June 23, 1997, <http://www.pacificnews.org/jinn/stories/3.13/970623-cigarettes.html>
- <sup>35</sup> Hafez, N, & Ling, P, "Finding the Kool Mixx: how Brown & Williamson used music marketing to sell cigarettes," *Tobacco Control*, 15: 359-366, 2006.
- <sup>36</sup> US Department of Health and Human Services (HHS), "Tobacco Use Among US Racial/Ethnic Minority Groups – African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General," 1998, [http://www.cdc.gov/tobacco/data\\_statistics/sgr/1998/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/1998/index.htm).
- <sup>37</sup> Alpert, H, Koh, HK, & Connolly, GN, "After the Master Settlement Agreement: Targeting and exposure of youth to magazine tobacco advertising," *Health Affairs* 27(6):w503-w512, 2008.
- <sup>38</sup> King, C, et al., "The Master Settlement Agreement with the tobacco industry and cigarette advertising in magazines," *New England Journal of Medicine* 345(7):504-11, August 2001.
- <sup>39</sup> Landrine, H, et al., "Cigarette advertising in Black, Latino and White magazines, 1998-2002: An exploratory investigation," *Ethnic Disparities* 15(1):63-7, 2005.
- <sup>40</sup> Richardson, A, et al., "How the industry is marketing menthol cigarettes: the audience, the message, and the medium," *Tobacco Control*, 24: 594-600, 2015.
- <sup>41</sup> Yerger, V.B. & Malone, R.E. "African American leadership groups: smoking with the enemy," *Tobacco Control*, 11: 335-345, 2002.
- <sup>42</sup> Gardiner, P.S. "The African Americanization of menthol cigarette use in the United States," *Nicotine & Tobacco Research* 6(S1): S55-S65, 2004.
- <sup>43</sup> Yerger, V.B. & Malone, R.E. "African American leadership groups: smoking with the enemy," *Tobacco Control*, 11: 335-345, 2002. Quote from Bateman, M. [Total Minority Marketing Plan]. Brown and Williamson. September 7, 1984. Bates No. 531000141-0144. <http://legacy.library.ucsf.edu/tid/eph40f00>.
- <sup>44</sup> Davis, R, Black Marketing Research - Findings & Recommended Actions to Date, Lorillard, June 9, 1978, Bates No. 84274935/4944.
- <sup>45</sup> Levin, M, "Battling Menthol Restrictions, R.J. Reynolds Reaches out to Sharpton, Other Black Leaders," *Fair Warning*, February 9, 2017, <https://www.fairwarning.org/2017/02/rjreynoldssharptonmentholrestrictions/>.
- <sup>46</sup> West, MG, "New York City Council Weighs Ban on Flavored E-Cigarettes, Menthols," *Wall Street Journal*, January 30, 2019, <https://www.wsj.com/articles/new-york-city-council-weighs-ban-on-flavored-e-cigarettes-menthols-11548895703>.
- <sup>47</sup> Levin, M, "The Troubling History of Big Tobacco's Cozy Ties with Black Leaders," *Mother Jones*, November 17, 2015, <http://www.motherjones.com/politics/2015/11/tobacco-industry-lorillard-newport-menthol-black-smokers>.
- <sup>48</sup> 2017 Recipients of Charitable Contributions from the Altria Family of Companies, accessed July 25, 2018, <http://www.altria.com/Responsibility/Investing-In-Communities/Documents/GranteesList.pdf>.
- <sup>49</sup> 2016 Recipients of Charitable Contributions from the Altria Family of Companies, accessed May 5, 2017, <http://www.altria.com/Responsibility/Investing-In-Communities/Documents/GranteesList.pdf>.
- <sup>50</sup> U.S. Black Chambers, Inc. <http://usblackchambers.org/>, see Sponsors section. Accessed February 14, 2019.
- <sup>51</sup> Congressional Black Caucus Foundation, "CBCF Announces New President/CEO and Chair of Board of Directors," February 1, 2013, <https://www.cbcbf.org/cbcbf-announces-new-presidentceo-and-chair-of-board-of-directors/>.
- <sup>52</sup> Congressional Black Caucus Foundation, 2016 Annual Report, [https://www.cbcbf.org/wp-content/uploads/2019/01/CBCF\\_2016\\_Annual\\_Report\\_WEB.pdf](https://www.cbcbf.org/wp-content/uploads/2019/01/CBCF_2016_Annual_Report_WEB.pdf).
- <sup>53</sup> McCandless, PM, et al., "Quid Pro Quo: Tobacco Companies and the Black Press," *American Journal of Public Health*, 102(4): 739-750, 2012.
- <sup>54</sup> Reynolds American, Inc., "2017 Corporate Contributions to 501(c)(4)&(6) Organizations & Inaugural Activities," [http://s2.q4cdn.com/129460998/files/doc\\_downloads/corporate\\_political/2017-Corporate-Contributions-to-501-\(c\)-\(4\)-and-501-\(c\)-\(6\)-Organizations.pdf](http://s2.q4cdn.com/129460998/files/doc_downloads/corporate_political/2017-Corporate-Contributions-to-501-(c)-(4)-and-501-(c)-(6)-Organizations.pdf). Levinthal, D, "Tobacco giant gives \$250,000 to group representing black-owned newspapers," The Center for Public Integrity, March 17, 2016, <https://www.publicintegrity.org/2016/03/17/19436/tobacco-giant-gave-250000-group-representing-black-owned-newspapers>. Loyd, R, "Rev. Al Sharpton's talk on banning menthols draws debate over policing tobacco companies," *Oakland North*, November 16, 2016, <https://oaklandnorth.net/2016/11/16/rev-al-sharptons-talk-on-banning-menthols-draws-debate-over-policing-tobacco-companies/>.
- <sup>55</sup> See e.g., Sharpton, A., and Chavis, B., "Opinion: Prohibitions and Bans: Serious, Unintended Consequences," *Oakland Post*, June 11, 2017, <http://www.oaklandpost.org/2017/06/11/opinion-prohibitions-and-bans-serious-unintended-consequences/>. Brown, SM, "New York City Council Ignoring 'Unintended Consequences' in Discussing Menthol Ban," *blackpressUSA*, January 28, 2019, <https://www.blackpressusa.com/new-york-city-council-ignoring-unintended-consequences-in-discussing-menthol-ban/>.
- <sup>56</sup> Levin, M, "The Troubling History of Big Tobacco's Cozy Ties with Black Leaders," *Mother Jones*, November 17, 2015, <http://www.motherjones.com/politics/2015/11/tobacco-industry-lorillard-newport-menthol-black-smokers>.

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- <sup>57</sup> Memorandum: Summary of Write-in Campaigns to Docket FDA-2013-N-0521, January 31, 2014, [https://www.fairwarning.org/wp-content/uploads/2015/11/Memorandum\\_from\\_FDA\\_Center\\_for\\_Tobacco\\_Products\\_to\\_the\\_Division\\_of\\_Dockets\\_Management\\_re\\_Summary\\_of\\_Write\\_In\\_Campaigns7.pdf](https://www.fairwarning.org/wp-content/uploads/2015/11/Memorandum_from_FDA_Center_for_Tobacco_Products_to_the_Division_of_Dockets_Management_re_Summary_of_Write_In_Campaigns7.pdf).
- <sup>58</sup> Levin, M, "Battling Menthol Restrictions, R.J. Reynolds Reaches out to Sharpton, Other Black Leaders," *Fair Warning*, February 9, 2017, <https://www.fairwarning.org/2017/02/rjreynoldssharptonmentholrestrictions/>. See also Bond Graham, D, "Tobacco Industry Lobbyists Descent on Oakland to Oppose Ban of Flavored Blunt Wrappers and Cigars," *Easy Bay Express*, June 7, 2017, <https://www.eastbayexpress.com/SevenDays/archives/2017/06/07/tobacco-industry-lobbyists-descend-on-oakland-to-oppose-ban-of-flavored-blunt-wrappers-and-cigars?mode=print>. Phifer, I, "Sharpton straddles fence on menthol cigarette ban," *Minnesota Spokesman-Recorder*, February 1, 2017, <https://spokesman-recorder.com/2017/02/01/sharpton-straddles-fence-menthol-cigarette-ban/>.
- <sup>59</sup> Smithsonian, "Altria Group Donates \$1 Million to the Smithsonian's National Museum of African American History and Culture," July 31, 2014, <http://newsdesk.si.edu/releases/altria-group-donates-1-million-smithsonian-s-national-museum-african-american-history-and-c>.
- <sup>60</sup> National Association for the Advancement of Colored People (NAACP), *Resolutions Ratified by the National Board of Directors Under Article IX, Section 1 of the Constitution of the NAACP*, 2016, <http://www.naacp.org/wp-content/uploads/2016/03/Resolutions.2016.pdf>. See also Tavernise, S, "Black Health Experts Renew Fight Against Menthol Cigarettes," *New York Times*, September 13, 2016, <https://www.nytimes.com/2016/09/14/health/menthol-cigarettes-fda.html>.
- <sup>61</sup> Delta Sigma Theta, *Prohibiting the Use of Menthol as a Characterizing Flavor in Cigarettes*, 2013 National Convention Workbook, <http://www.tobacco.ucsf.edu/sites/tobacco.ucsf.edu/files/u9/Attachment%205-Delta%20Resolution.pdf>.
- <sup>62</sup> NAACP, "NAACP Statement on FDA Plan to Ban Sale of Menthol and E-Cigarettes," November 14, 2018, <https://www.naacp.org/latest/naacp-statement-fba-plan-ban-sale-menthol-e-cigarettes/>. National Urban League, "National Urban League: Proposed Menthol Cigarette Ban Would Benefit African Americans' Health," November 13, 2018, <http://nul.iamempowered.com/content/national-urban-league-proposed-menthol-cigarette-ban-would-benefit-african-americans-health>.
- <sup>63</sup> Calder, R and Campanile, C, "Al Sharpton raises concerns about ban on menthol-flavored cigarettes," *New York Post*, January 30, 2019, <https://nypost.com/2019/01/30/al-sharpton-raises-concerns-about-ban-on-menthol-flavored-cigarettes/>.
- <sup>64</sup> TPSAC, FDA, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011 <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.
- <sup>65</sup> Tobacco Products Scientific Advisory Committee, FDA, "Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, 2011," <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.
- <sup>66</sup> HHS, "Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General," 1998, [http://www.cdc.gov/tobacco/data\\_statistics/sgr/1998/complete\\_report/pdfs/complete\\_report.pdf](http://www.cdc.gov/tobacco/data_statistics/sgr/1998/complete_report/pdfs/complete_report.pdf).
- <sup>67</sup> US Department of Health and Human Services (HHS), "Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General," 1998, [http://www.cdc.gov/tobacco/data\\_statistics/sgr/1998/complete\\_report/pdfs/complete\\_report.pdf](http://www.cdc.gov/tobacco/data_statistics/sgr/1998/complete_report/pdfs/complete_report.pdf).
- <sup>68</sup> American Cancer Society, "Cancer Facts & Figures for African Americans, 2013–2014," 2013, <http://www.cancer.org/acs/groups/content/@epidemiologysurveillance/documents/document/acspc-036921.pdf>. American Heart Association, "African Americans and Cardiovascular Diseases: Statistical Fact Sheet, 2012 Update," [http://www.heart.org/idc/groups/heart-public/@wcm/@sop/@smd/documents/downloadable/ucm\\_319568.pdf](http://www.heart.org/idc/groups/heart-public/@wcm/@sop/@smd/documents/downloadable/ucm_319568.pdf).
- <sup>69</sup> HHS, "Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General," 1998, [http://www.cdc.gov/tobacco/data\\_statistics/sgr/1998/complete\\_report/pdfs/complete\\_report.pdf](http://www.cdc.gov/tobacco/data_statistics/sgr/1998/complete_report/pdfs/complete_report.pdf).