

International Tools for Local Change: Convention on the Elimination of Racial Discrimination and Menthol

February 3, 2021



Global action for *everyone's* health.



Tobacco is a Human Rights Violation



<https://youtu.be/IN0Y9L-JhiM>



The African American Tobacco Control Leadership Council



Please join the AATCLC and ASH for a joint webinar.

**International Tools for Local Change: Convention on
the Elimination of Racial Discrimination and Menthol**



Formed in 2008. We educate the African American community about tobacco use and cessation, partner with community stakeholders and public health agencies to inform and affect the direction of tobacco control policy, practices, and priorities, as it affects the lives of Black American and African immigrant populations.

COMMUNITIES UNDER SIEGE

HOME

STOP CAMEL #9

POWERPOINT PRESENTATION

C.U.S. ARTICLES

C.U.S. PETITION

JOIN

GLOBAL DVD

AMERICAN LEGACY HONORS

Carol McGruder

LINKS

PROJECT STAFF



This man is a Nigerian sharecropper employed by British American Tobacco.

United Against the Globalization of the Big Tobacco

One Goal! One Fight! One Victory!

Communities Under Siege-United is dedicated to exposing and eradicating the predatory activities of Multi-National Tobacco companies at home and abroad.

Project Director Carol McGruder interviewed on Black Renaissance
<http://www.youtube.com/user/CUSUnited>

UNITED AGAINST THE GLOBALIZATION OF BIG TOBACCO

CUS-Communities Under Siege*The URSA Institute* 390 Fourth Street* San Francisco* USA * 94107

Checkers Vs. Chess





The Godfather





Make Up Your Mind!

INDENTURED SERVITUDE

A SERVANT Girl's Time to be disposed of, having about two Years and four Months to serve, is very fit for coarse Work ; spins exceeding well, and would do for Country Business. For Terms apply to JAMES PLUNKET, at the Sign of Æsop in the Shades, in Walnut-street, Philadelphia. †

To be S O L D,

A Scotch Servant Girls Time, who has almost four Years to serve : She has had the Small-Pox, and is remarkably strong and healthy, fit for Town or Country Business. Enquire at the New-Printing Office, Market-street, Philadelphia. ⊕

SLAVERY



NINETY-FOUR

PRIME, HEALTHY



NEGROES,

CONSISTING OF

Thirty-nine MEN, Fifteen Boys,
Twenty-four WOMEN and

CHILD LABOR



PLANTING THE SEED OF “BELIEVING”







A portrait of Nelson Mandela, an elderly Black man with white hair, smiling. He is wearing a patterned green and brown shirt. The background is a yellow patterned fabric.

NELSON MANDELA

1918-2013

AMERICANS AND THE WORLD PLAYED A BIG ROLE IN THE FALL OF APARTHEID

- Protested
- Went to jail
- Divestment
- Social Isolation
- Cultural Isolation





THE 44th PRESIDENT

IN HISTORIC RUN, OBAMA WINS WHITE HOUSE



What's Menthol Got To Do With It? Everything!

Phillip S. Gardiner, Dr. P. H.

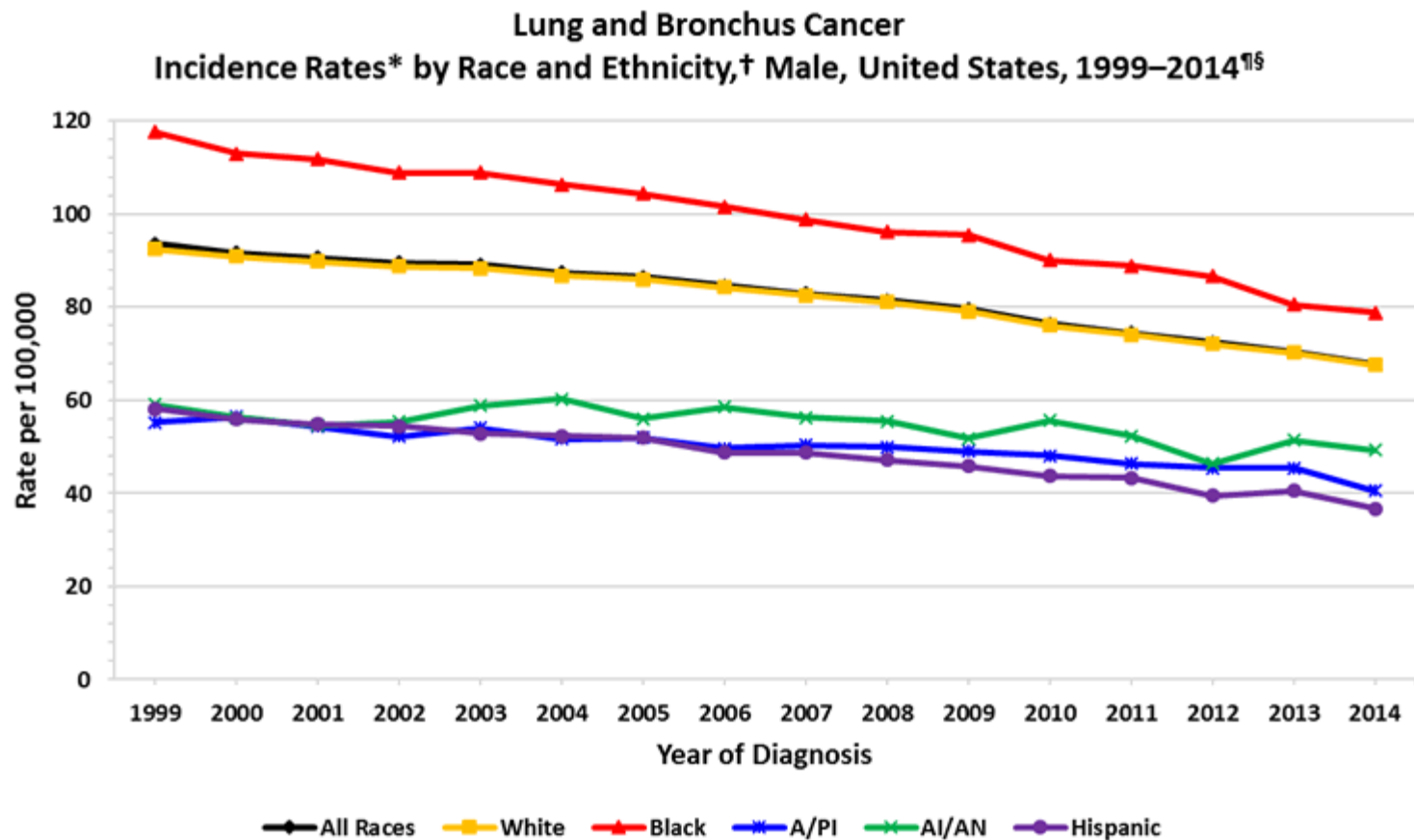
Co-Chair African American Tobacco Control Leadership Council
(**AATCLC**) and Senior Program Officer, Tobacco Related Disease
Research Program (**TRDRP**) University of California Office of the
President (Retired)

**International Convention on the Elimination of all
forms of Racial Discrimination (CERD)**

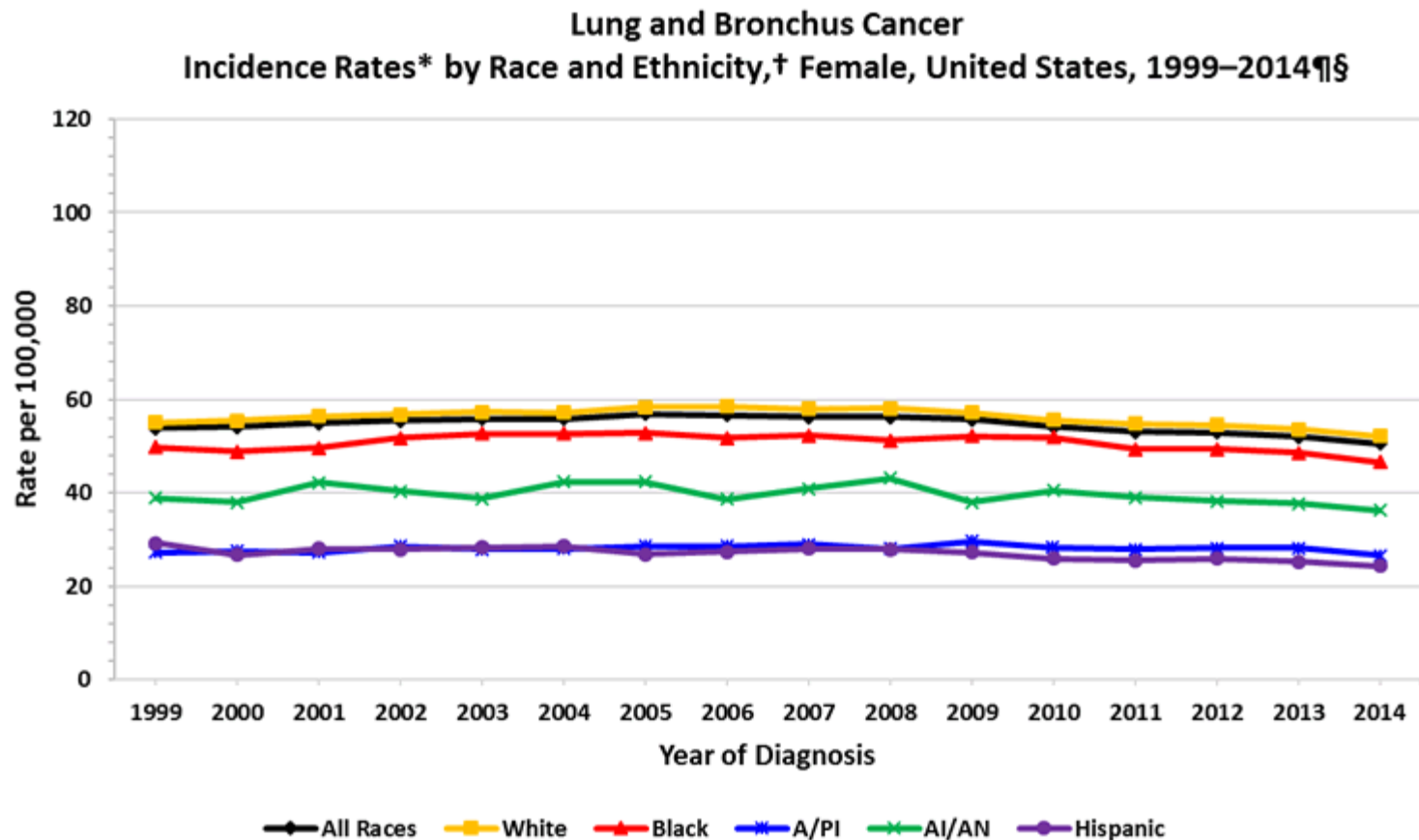
Webinar

February 3, 2021

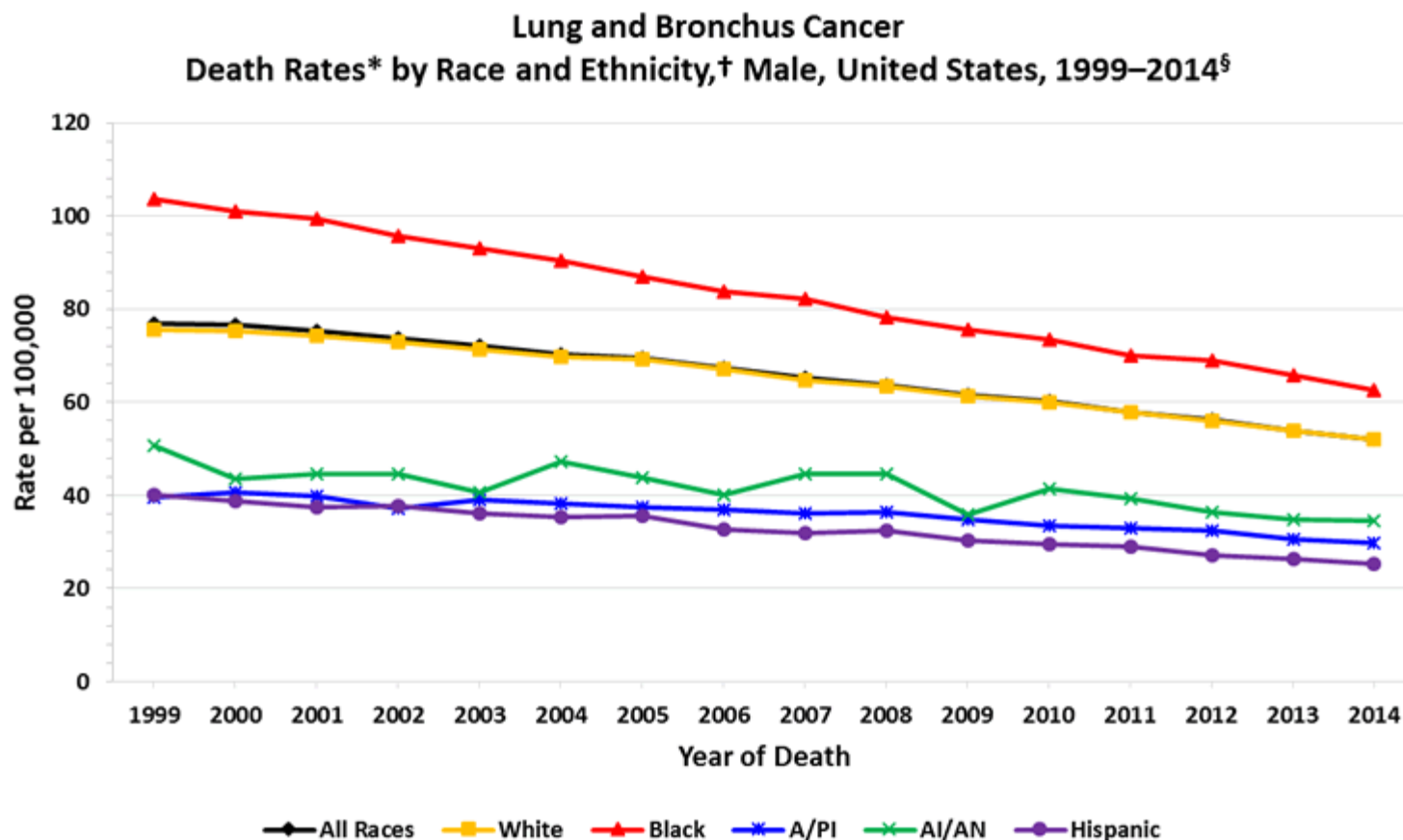
Lung Cancer Incidence Rates by Race/Ethnicity and Sex (Male)



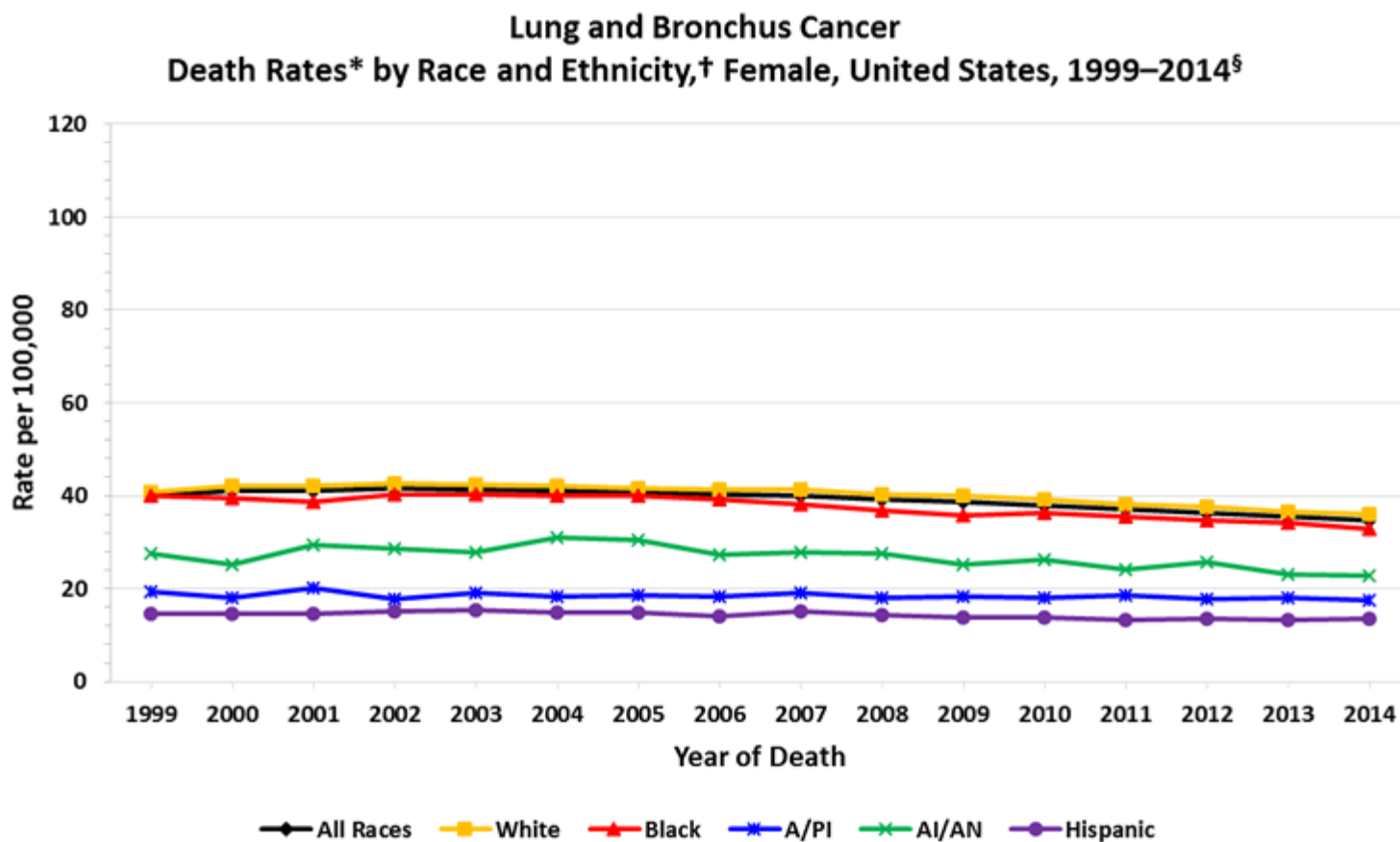
Lung Cancer Incidence Rates by Race/Ethnicity and Sex (Female)



Lung Cancer Death Rates by Race Ethnicity and Sex (Male)

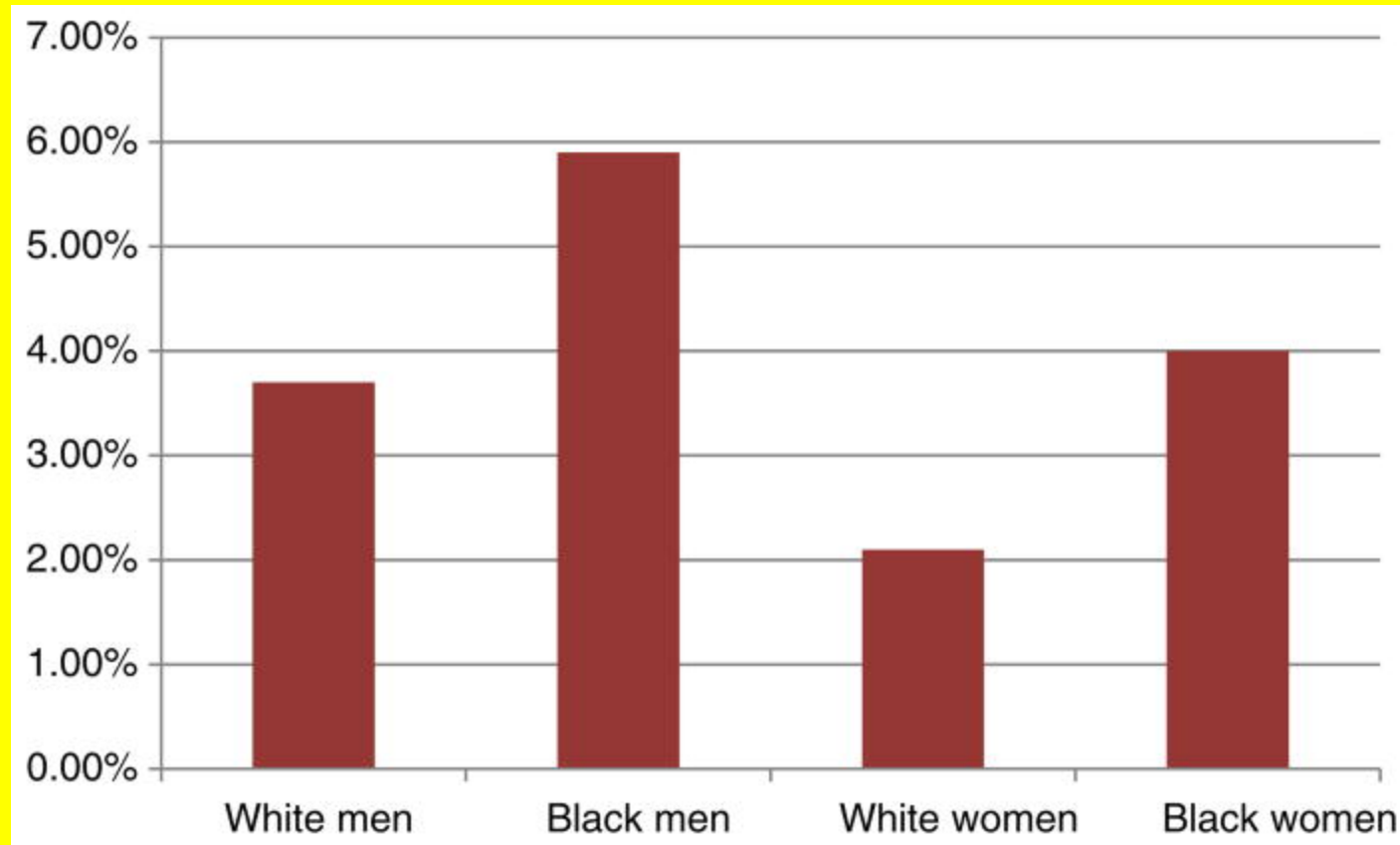


Lung Cancer Death Rates by Race Ethnicity and Sex (Female)

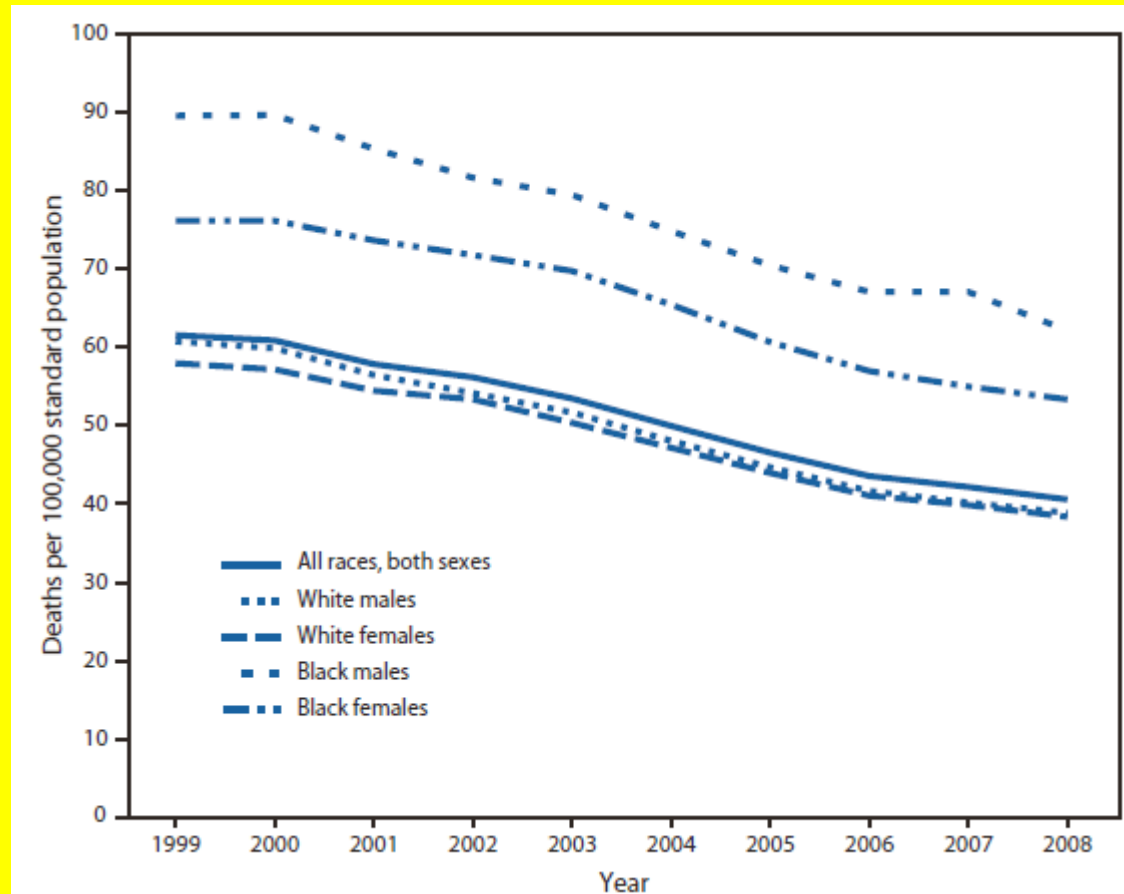


MI or Fatal CHD Incidence Rates by Sex and Race

(Leigh et al., 2016)



Cerebrovascular Disparities

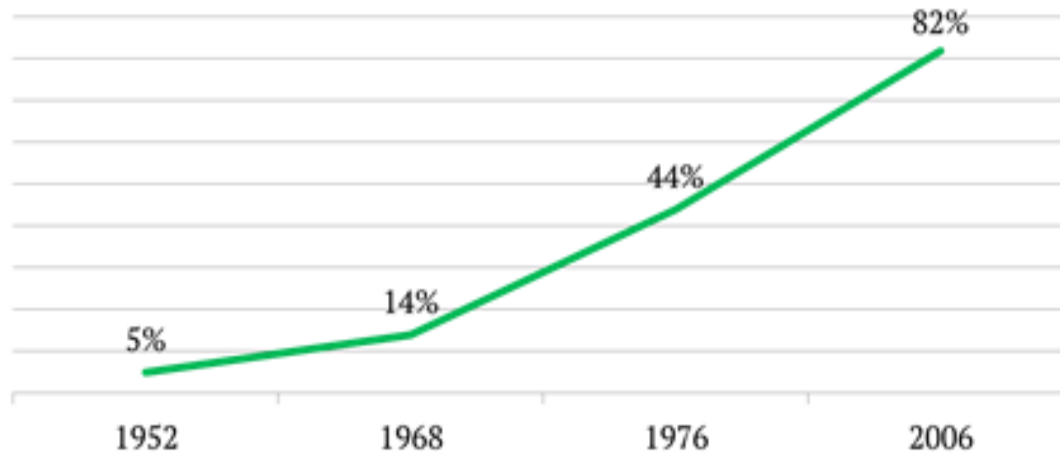


The African Americanization of Menthol Cigarettes

**60 Years of Predatory Marketing . . .
And Counting**

African American Menthol Use Skyrockets!

African Americans Adult Smokers Who Use Menthol



- Roper, B.W. (1953). A Study of People's Cigarette Smoking Habits and Attitudes Volume I. Philip Morris, Bates No. 2022239249. MSA, Inc. (1978) The Growth of Menthols, 1933 -1977. Brown & Williamson, Bates No. 670586709-785. NSDUH, 2004-2008.

Tobacco Industry's Assault on the African American Community (1960s & 70s)

- 91% of Advertising Budget for TV (B&W)
- Use of Male Actors with more Black features
 - Tripled Cigarette Advertising in Ebony
 - “Menthols got a brand new bag”
 - Cool Jazz; Cool Lexicon
 - Philanthropy

(Gardiner, 2004)

A major effort in connecting

Salem refreshes your taste

- menthol fresh
- rich tobacco taste
- modern filter, too

Synthesizing is a useful technique for the Perfectionist as well as the Pragmatist as well, and, more generally, a useful technique for all. Different approaches suggest different methods and sequences of synthesizing. The most common is presented in the three boxes from the boxed text in the diagram, with technical details in some specific sections. There are other, more relevant to some situations in technology. Synthesizing is presented in a separate section.

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

N. Y. YANKEE STAR ELSTON HOWARD FLASHES THE SIGN:

"YOUR CIGARETTE'S NOT TASTING COOL ENOUGH
TILL YOU *Come Up to KOOL*"



"Feel extra coolness in your throat.."

says *Elston Howard*

"Extra coolness no other cigarette can offer. Taste a new freshness that lasts all through the day . . . Kool after Kool after Kool. Believe me," says Yankee Star Elston Howard, "I know!"

Take Elston Howard's advice: "Try just one carton of Kool. You'll never go back to those hot and dry-tasting cigarettes again!"



Box: 17 mg. "tar", 1.1 mg. nicotine; 100's: 19 mg. "tar", 1.3 mg. nicotine av. per cigarette. FTC Report Nov. 1975.

Alive with pleasure! **Newport**

*After all, if
smoking isn't
a pleasure,
why bother?*



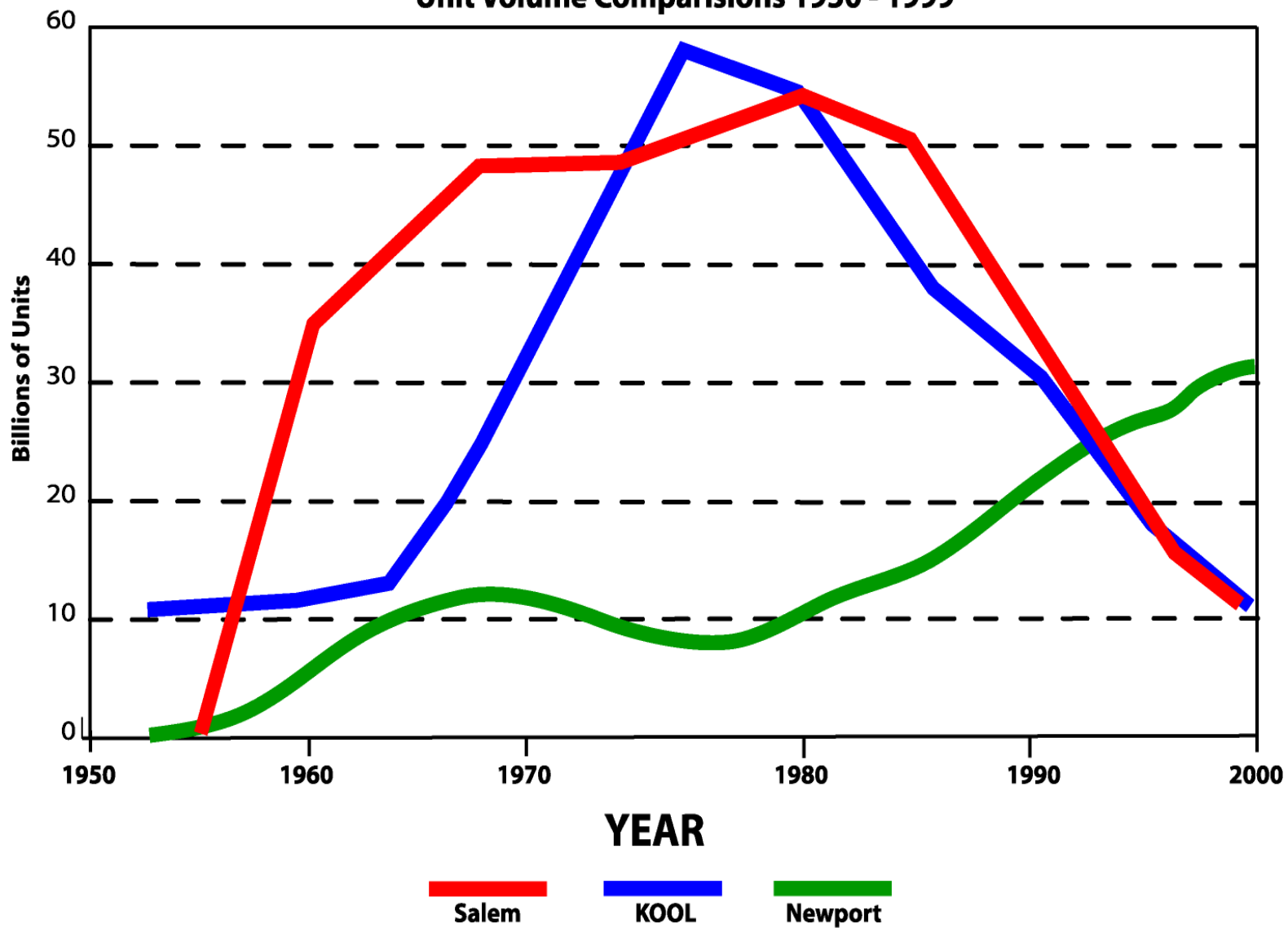
Warning: The Surgeon General Has Determined
That Cigarette Smoking Is Dangerous to Your Health.

Menthol Wars: The 1980s and the Fight for Market Share

- **Cigarette Sampling *Vans***
 - Kool, Newport, Salem, Benson & Hedges
 - Free Cigarette Samples
 - High Traffic Areas: Parks, Known Street Corners, Daily Routes
 - (Yerger, Przewoznik and Malone, 2007)

Key Menthol Brands

Unit Volume Comparisons 1950 - 1999



SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.

**Fire
it UP!**

**Newport
pleasure!**



© Lorillard 2002

Lights Box: 9 mg. "tar," 0.8 mg. nicotine; Medium Box: 12 mg. "tar," 0.9 mg. nicotine; Box: 16 mg. "tar," 1.3 mg. nicotine av. per cigarette by FTC method.

ENTICING

Inviting and surprising, MOCHA TABOO will entice you with its sweet indulgence

KOOL

SMOOTH FUSIONS
FROM THE HOUSE OF MENTHOL



Available for a limited time only

SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.

Mintrigue, Caribbean Chill, Mocha Taboo, Midnight
Berry KS Box, 10 mg. "tar", 0.9 mg. nicotine; Box Kings,
17 mg. "tar", 1.3 mg. nicotine av. per cigarette by FTC
method. The amount of tar and nicotine you get from
this product varies depending on how you smoke it.
There is no such thing as a safe cigarette. For more
information visit www.bwtarnic.com ©2004 B&W T Co.

KOOL MIXX

IF IT'S MUSIC, IT'S IN THE MIXX

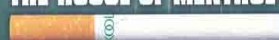


COAST TO COAST: HEAD TO HEAD

KOOL MIXX IS ALL ABOUT CONNECTING YOU WITH MUSIC, AND RIGHT NOW IT'S BEARING UP FOR ITS FIFTH BIG YEAR. ALL ACROSS THE NATION, DJS WILL BE BATTLING FIERCELY TO BECOME THE NEXT KOOL MIXX NATIONAL CHAMPION AND WINNING ALL THAT GOES WITH IT. TO LEARN MORE, CALL 877-604-5665.

IN ASSOCIATION
WITH
VIBE

THE HOUSE OF MENTHOL



SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

©2003 B&W T Co.

Box Kings, 17 mg. "tar", 1.3 mg. nicotine av. per cigarette by FTC method. The amount of tar and nicotine you get from this product varies depending on how you smoke it. There is no such thing as a safe cigarette. For more information visit www.bw.com

KOOL MIXX

KOOL recognizes DJs as the center of Hip Hop. Inspired by the real feel and energy of the streets.

The 2004 DJ Battle Is On. Be There.

In its sixth year, this fierce coast-to-coast battle of the hottest rising DJs is the ultimate way for you to...



EXPERIENCE THE SOUNDTRACK TO THE STREETS

Also experience it at: www.houseofmenthol.com or call 877-604-434 (5665) for more info.

You must be 21 years of age or older and a smoker to log on to this website.

THE HOUSE OF MENTHOL

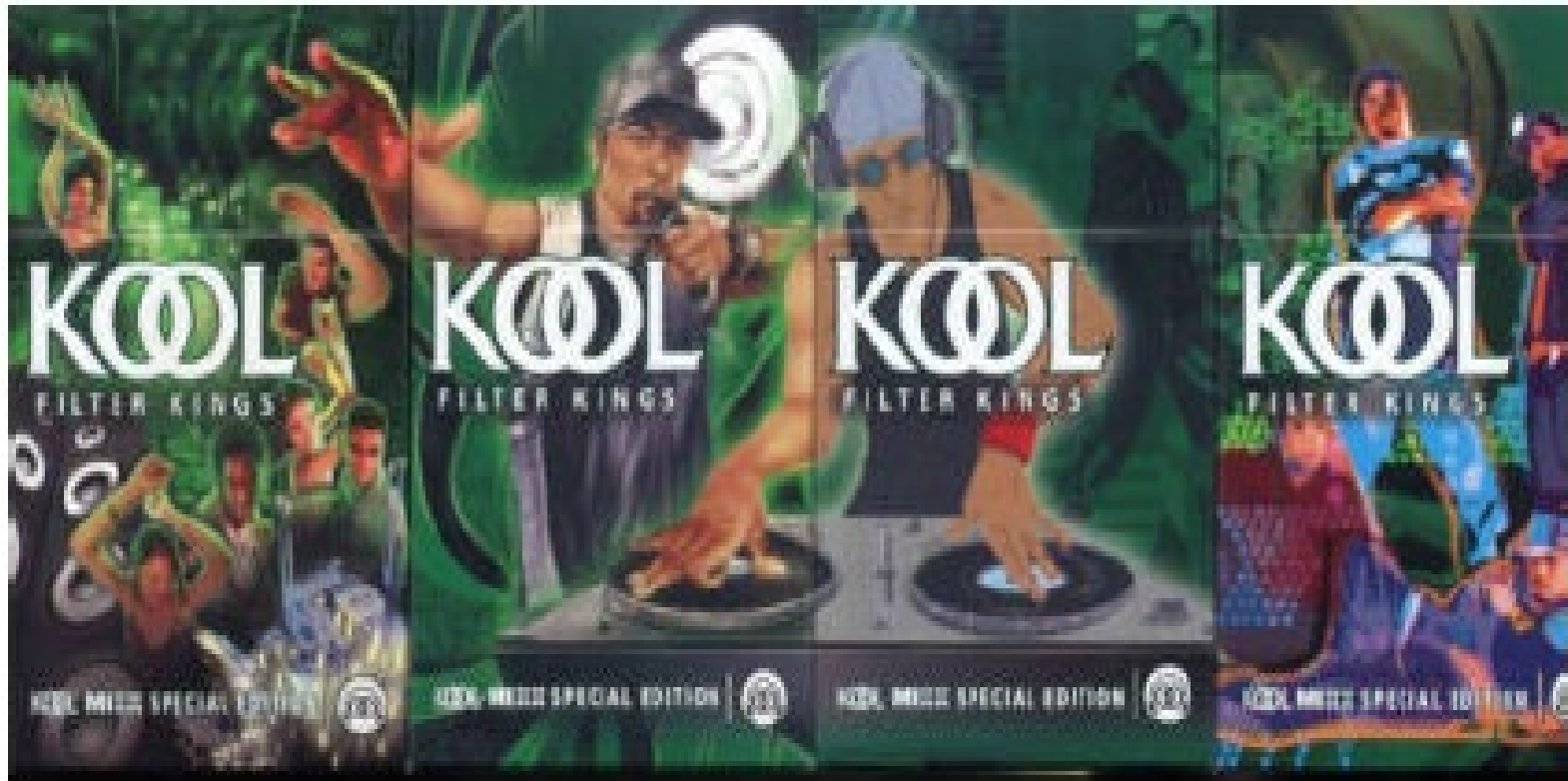
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KOOL Cigarette Packs

KOOL MIXX SPECIAL EDITION PACKS



2011

© Lorillard 2011

pleasure!



Newport

Visit us at Newport-pleasure.com
Restricted to Adult Smokers 21 or Older.

These cigarettes do not present a reduced risk of harm compared to other cigarettes.
Newport, Pleasure, Newport Pleasure, Menthol Gold, Menthol Blue, Smoker design, package
design and other trade dress elements TM Lorillard Licensing Company LLC Reg. U.S. Pat. & Tm. Off.

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

CIGARETTES

Menthol: What it is

What it Does

The Ultimate Candy Flavoring; Menthol Helps The Poison Go Down Easier

- Chief Constituent of Peppermint Oil; Minty-Candy Taste; Masks the Harshness of Smoking
- Cooling Sensation; activates taste buds; cold receptors; increases throat grab
- Anesthetic effects; Mimics Bronchial Dilatation; easier to inhale; deeper inhalation; more nicotine taken in.
- Mentholated cigarette smoking inhibits nicotine metabolism
- Independent Sensory Activation Neurotransmitters
- Increases Salivary Flow; Transbuccal Drug absorption
- Greater Cell Permeability (Ferris, 2004; Benowitz, 2004)

All tobacco Products Contain Some Menthol

- Menthol content of U.S. tobacco products

-

| Product | Menthol (mg) |
|---------|--------------|
|---------|--------------|

-

- | | |
|------------------------------------|-----------|
| Regular (non-menthol) cigarettes | 0.003 |
| Menthol cigarettes (weak effect) | 0.1–0.2 |
| Menthol cigarettes (strong effect) | 0.25–0.45 |
| Pipe tobacco | 0.3 |
| Chewing tobacco | 0.05–0.1 |

(Hopp, 1993)

Melanin and Nicotine

- Melanin is the substance that gives color to our skin
- Nicotine is stored in tissues that contain melanin
- The darker your skin means that more nicotine is stored in your body (King et al., 2009)

Menthol Harder to Quit!

| | Quit Attempts | % Difference |
|-------------|---------------|--------------|
| Non-Menthol | 38.1% | |
| Menthol | 41.4% | +8.8% |

| | Cessation (>3 mo.) | % Difference |
|-------------|--------------------|---------------|
| Non-Menthol | 21.2% | |
| Menthol | 18.3% | -13.8% |

(Levy, et al., 2011)

Predation:

“the action of attacking or plundering, where a *predator* (the tobacco industry) feeds on its prey (the African American Community and other marginalized groups)”

Focus vs. Non Focus Communities

(Wright, 2009)

► **Focus Communities: Inner-city, Colored and Poor**

- Less expensive, more desirable promotions
 - Buy 1, Get X Free
 - Summer/ Holidays

► **Non-focus Communities: Upscale, suburban, rural and white**

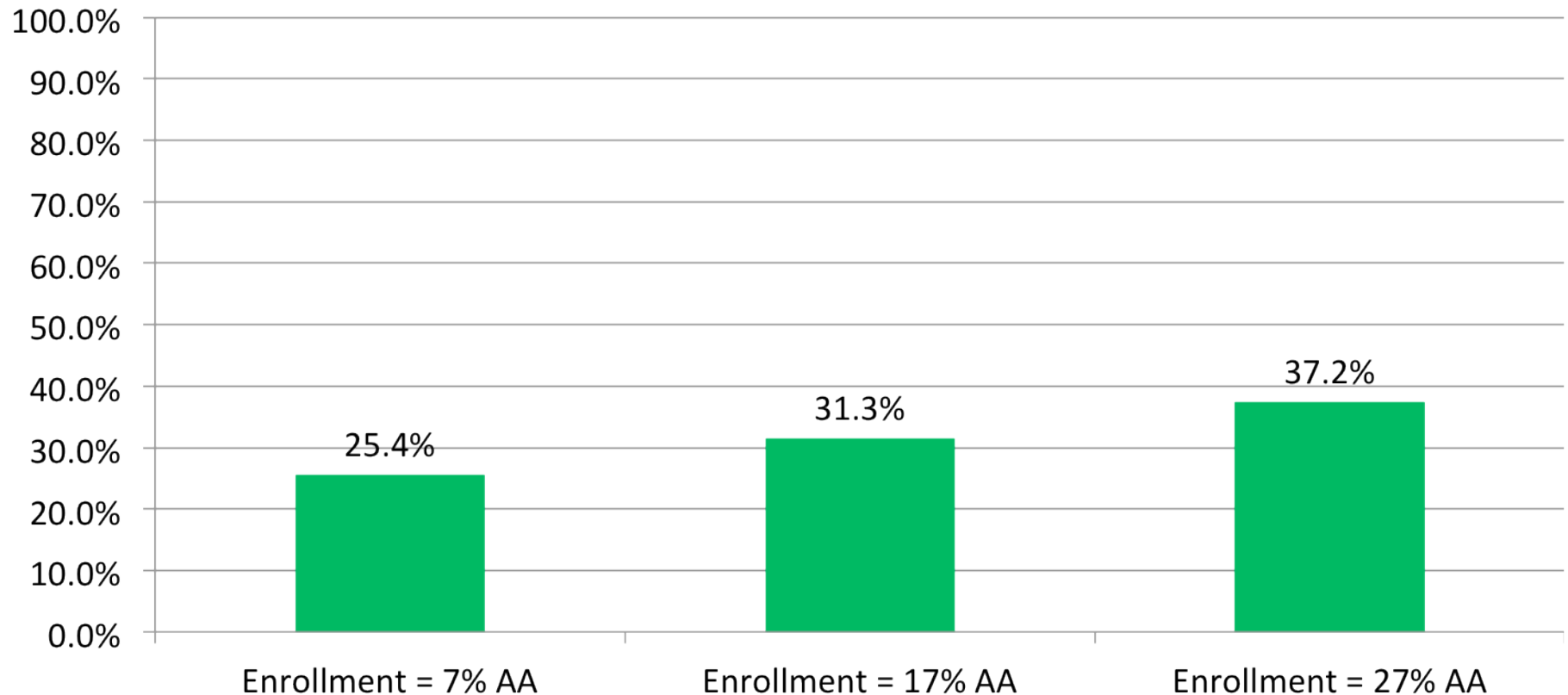
- More expensive, less desirable promotions
 - Buy 2, Get X Free
 - Buy 3, Get X Free

► **Menthol Cigarettes Cheaper**

- Non-focus- 50 cents off/ pack (\$5.00 off/ ctn)
- Focus- \$1.00-\$1.50 off/ pack (\$10.00-15.00 off/ ctn)

Predatory Marketing Patterns (Henriksen, 2011)

As the % African American students increased, proportion menthol ads increased:



Menthol Cigarettes: Cheaper for African Americans

- For each 10% increase in the proportion of African American students:
 - Newport discount 1.5 times greater
 - The proportion of menthol advertising increased by 5.9%,
 - Newport promotion were 42% higher and
 - The cost of Newport was 12 cents lower.

(Henriksen, et al., 2011)

Storefront Cigarette Advertising Differs by Racial/Ethnic Community

| | Brookline | Dorchester | <i>p-value</i> |
|-------------------|-----------|------------|----------------|
| | n= 42 | 56 | |
| | % | % | |
| • Retailer w/ Ads | 42.9 | 85.7 | <0.001 |
| • Small Ads | 56.8 | 20.1 | “ |
| • Large Ads | 2.0 | 23.7 | “ |
| • Menthol Ads | 17.9 | 53.9 | “ |
| • Average Price | \$4.94 | \$4.55 | “ |

(Seidenberg, et al., 2010)

The Fight To Ban Menthol

Still A Burning Issue

Menthol A Sacrificial Lamb



1823060 www.fotosearch.com

A Deal with the Devil?

- **Family Smoking Prevention and Tobacco Control Act**
 - Proposed in 2008; Enacted in 2009
 - Dealers: Philip Morris, Southern Senators and representatives of the tobacco control movement
 - Eliminate 13 flavors in cigarettes
 - **Excluded Menthol!!**
 - African Americans, Women, Youth, Native Hawaiians, Filipinos, LGBTQ folks, Puerto Ricans, Behavioral Health issues

The Fight To Ban Menthol

**At the Local, State and Federal
Level**

Major Moments in the Fight Against Menthol

- **2009 Family Smoking Prevention and Tobacco Control Act**
 - 2013 Chicago
 - 2016 Deeming Regulations
 - 2018 San Francisco
 - 2019 HR 2339 Passes US House of Representatives
 - 2020 Massachusetts
 - 2020 FDA Sued
 - 2020 California SB-793*

Menthol Restrictions 2020

- 207 Jurisdictions Flavor Restrictions
 - 65 Jurisdictions Menthol Restrictions
 - 2 States Flavor/ Menthol Restrictions
 - Massachusetts: Exempted Establishments that allows Smoking
 - California: Exempted Hookah, Premium Cigars, and Pipe Tobacco
- <https://no-smoke.org/wp-content/uploads/pdf/flavored-tobacco-product-sales.pdf>

Take Home Message: Menthol is a Social Justice Issue!

- The disproportionate marketing and targeting candy-flavored poison to African Americans and other specially oppressed sectors of our society, is out-right discriminatory and genocidal.
 - Poorest; least informed; fewest resources; indeed, the definition of preying on the most vulnerable sections of our society.

If Menthol Were Banned 100,000s of Lives would be saved

2010 – 2050

All Menthol Smokers Black Menthol Smokers

| | | |
|-----|---------|---------|
| 10% | 323,107 | 91,744 |
| 20% | 478,154 | 164,465 |
| 30% | 633,252 | 237,317 |

(Levy, et al., 2011)

What's at Stake?



Thank You!

Phillip Gardiner, Dr. P.H.
gmoney.gardiner@gamil.com

AATCLC

Saving Black Lives
www.savingblacklives.org

GLOBAL TOBACCO CONTROL AND HUMAN RIGHTS



THE TOBACCO TREATY

Objective

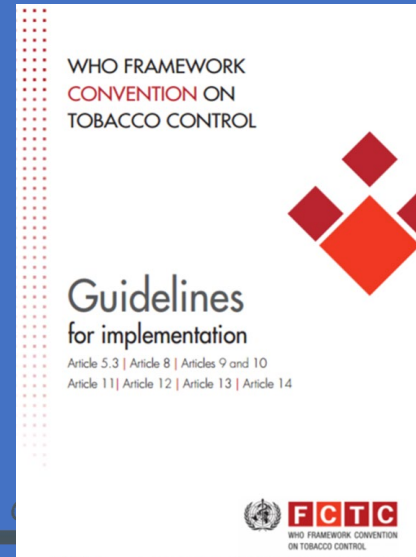
“to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures...”



Guidelines on Regulation of the contents of tobacco products

“Masking tobacco smoke harshness with flavours contributes to promoting and sustaining tobacco use. Examples of flavouring substances include ..menthol”

“From the perspective of public health, there is no justification for permitting the use of ingredients, such as flavouring agents, which help make tobacco products attractive”



United Nations



General Assembly

Political declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases

GLOBAL ACTION PLAN

FOR THE PREVENTION AND CONTROL OF NONCOMMUNICABLE DISEASES

2013-2020



SUSTAINABLE DEVELOPMENT GOALS



HUMAN RIGHTS

LGBTQ
Rights

Rights of
the Child

Women's
Rights

Right to
Health

Rights of
Racial
Minorities

Right to
Education

Rights of
Indigenous
People

Right to
Life

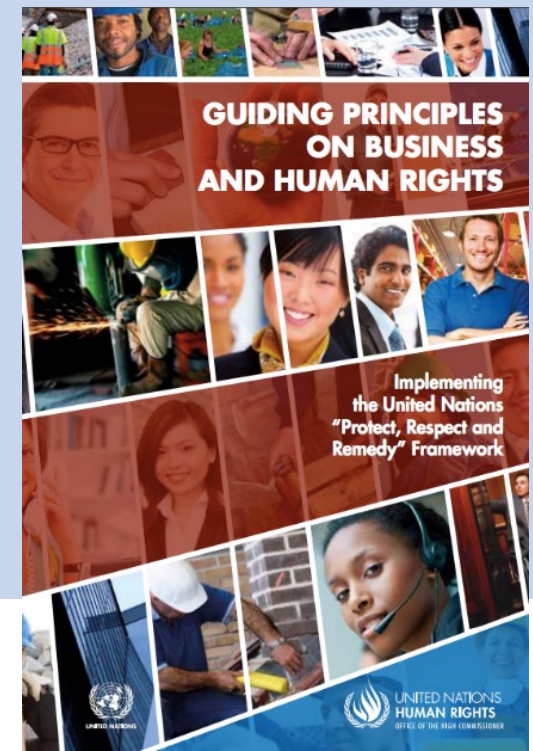
Right to
Information

Right to a
Healthy
Environment

HEALTH IN THE HUMAN RIGHTS FRAMEWORK

- Universal Declaration of Human Rights [Art 25 (1)]
- International Covenant on Economic, Social and Cultural Rights [Art 12]:
“recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”
- Convention on the Elimination on All Forms of Discrimination Against Women [Art 12]
- Convention on the Rights of the Child (Art 24)
- Covenant on the Rights of Persons with Disabilities (Art 25)
- **International Convention on the Elimination of All Forms of Racial Discrimination [Art 5 (e)]**
- As well as numerous Regional Human Rights Treaties , Art 10 of the Protocol to the American Convention on Human Rights

UN Guiding Principles on Business and Human Rights



13. The responsibility to respect human rights requires that business enterprises:
- (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
 - (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

“There can be **NO DOUBT** that the production and marketing of tobacco is irreconcilable with the human right to health.”

“For the tobacco industry, the UN Guiding Principles on Business and Human Rights therefore require the cessation of the production and marketing of tobacco.”

— Danish Institute for Human Rights, May 2017

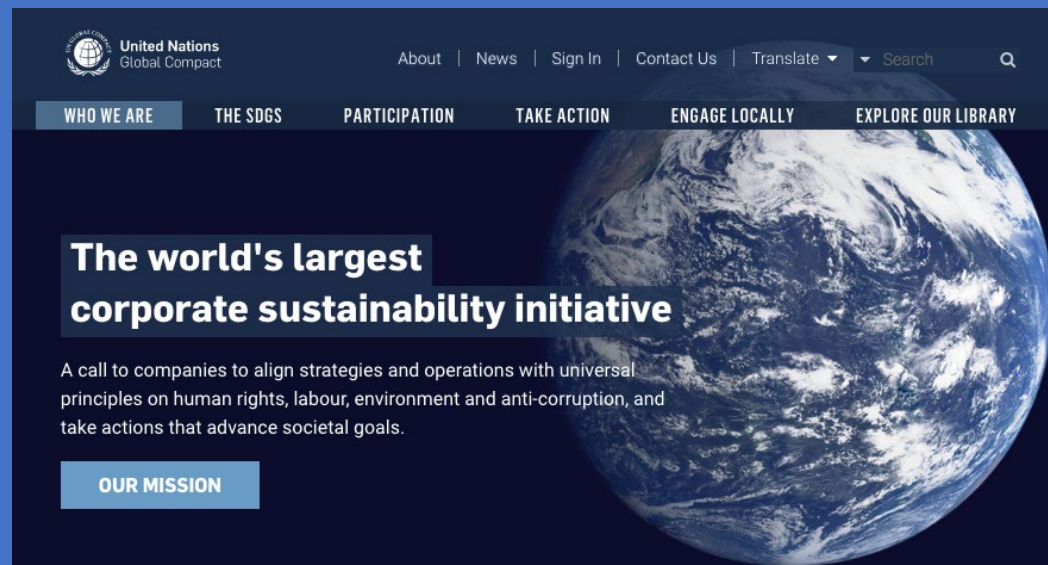
THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

Addictive + lethal =
human rights violation

UN GLOBAL COMPACT

On 12 September 2017, the UN Global Compact announced an exclusion for tobacco companies :

“This decision recognizes that tobacco products are in direct conflict with UN goals, particularly with the right to public health, and undermines the achievement of SDG 3”



HUMAN RIGHTS: THE ARGUMENT

Everyone has a
right to life and
to health

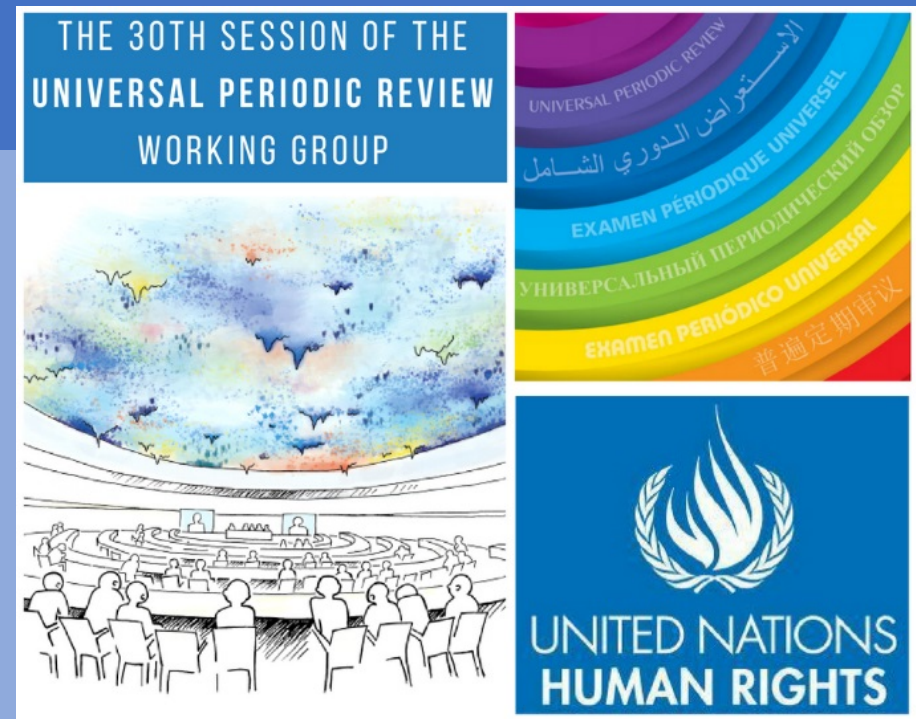
Governments
have a duty to
enforce those
rights

Governments therefore
have a duty to protect
their citizens from the
tobacco industry and
harms from tobacco

Legal remedies are
available at the
international, regional,
and national levels.

USING HUMAN RIGHTS' REPORTING PROCESSES TO ADVANCE DOMESTIC TOBACCO CONTROL

- Universal periodic review
- Treaty monitoring bodies
- CERD



USING HUMAN RIGHTS TO ACCELERATE LOCAL TOBACCO CONTROL

- New partnerships with civil society and government
- Communications & Education
- Advocacy
- Policy, Legislation, and Regulation
- Legal Action
- Accountability/Reporting



HEALTH AND HUMAN RIGHTS JOURNAL

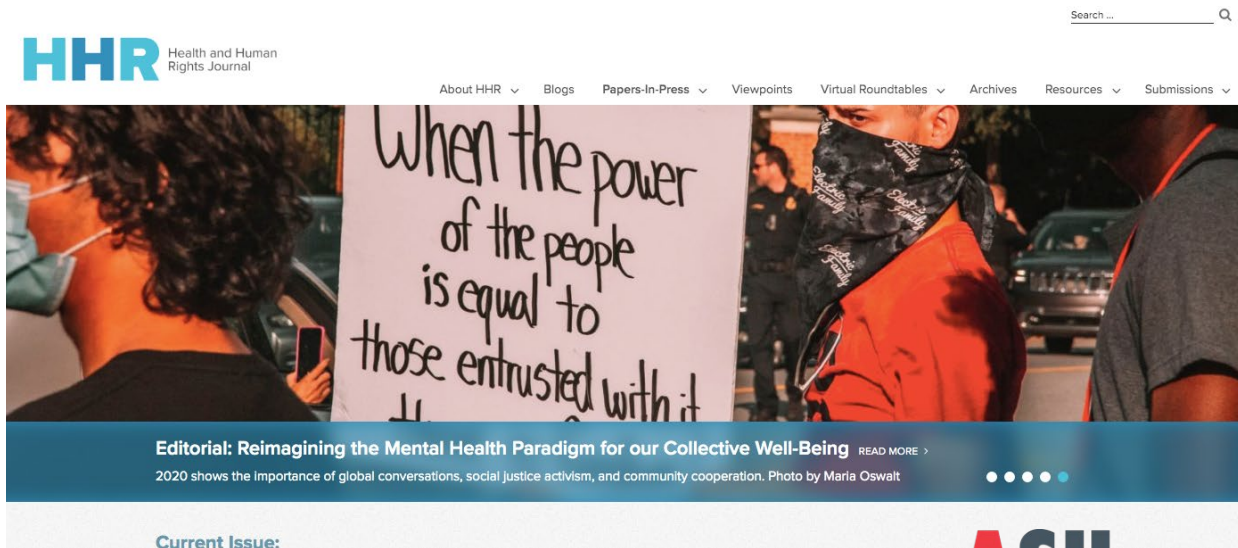
JANUARY 12, 2020

Human Rights in Global Health Governance

Benjamin Mason Meier, Margherita Marianna Cinà, and Lawrence O. Gostin

Conclusion:

“Human rights provide a unifying framework for global health governance,”



“You miss **100%** of the
shots you don’t take.”
– Wayne Gretzky



Twitter
@ASHorg
@LaurentHuber



Facebook
@ASHglobalAction

Laurent Huber

Executive Director

Action on Smoking & Health (ASH)

HQ@ash.org

www.ASH.org

ASH
ACTION
ON SMOKING & HEALTH

Global action for *everyone's* health.

Using the *International Convention on the Elimination of all Forms of Racial Discrimination* (CERD) to advance local advocacy on menthol



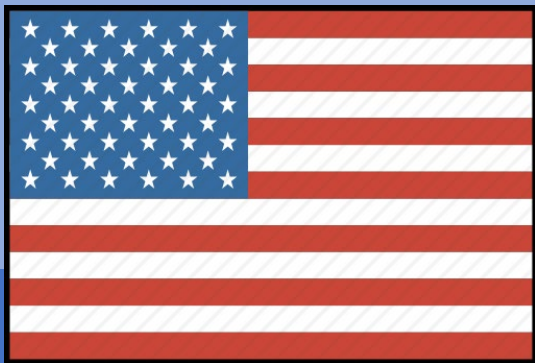
HUMAN RIGHTS: THE ARGUMENT

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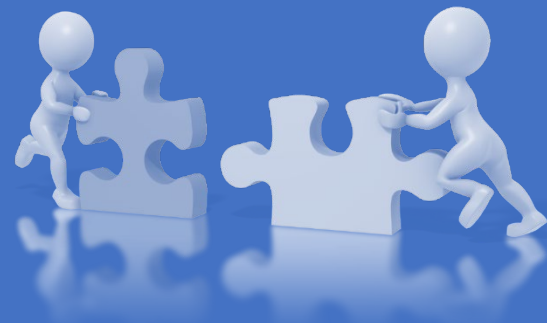
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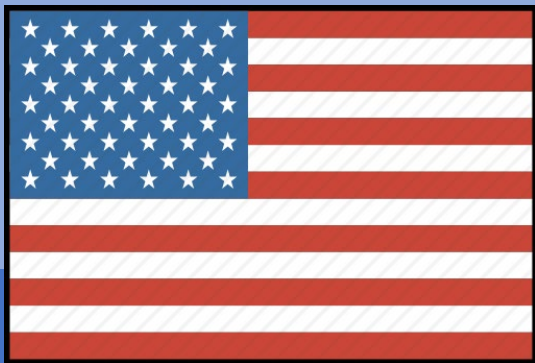


HR in the U.S.

The U.S. has not ratified:

- International Covenant on Economic, Social and Cultural Rights (ECOSOC)(signed)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)(signed)
- Convention on the Rights of the Child (CRC)(signed)





HR in the U.S.

The U.S. has ratified:

- International Covenant on Economic, Social and Cultural Rights (CESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)



International Convention on the Elimination of All Forms of Racial Discrimination (ICERD or CERD)

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965

entry into force 4 January 1969, in accordance with Article 19

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Article 5

“...States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:...

(iv) The right to ***public health***, medical care, social security and social services...”





Kool salutes Black History Month.

Black contributions to music are legendary.

In sports, standards are set, and sustained, by Blacks.

In fact, Black achievement has gone on to affect every part of our society.

As the list of Black American names grows, those political leaders are seeking strategies for improvement. A Black Education & Cooperation Institute and the very essence of teaching young people to read, Martin Luther King has become the first Black to be honored by a national holiday.

Progress in the Black Community is the goal. It comes from hard work, determination, Black history from the every step of the way. It is nature the stolen made to achieve, and look eagerly forward to continued gains.



Warning: The Surgeon General Has Determined That Cigarette Smoking Causes Lung Cancer, Heart Disease, And May Complicate Pregnancy.

There's only one way to play it.

Newport
pleasure!

Visit us at NewportPleasure.com
Restricted to Adult Smokers 21 or Older.

Newport® (King, Lights®), Newport® (Lights®), Newport® (Lights®), Newport® (Lights®), Newport® (Lights®) and Newport® (Lights®) are trademarks of Lorillard Licensing Company LLC.

NEWPORT

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CIGARETTES

**SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.**

Global action for *everyone's* health.

USING HUMAN RIGHTS' REPORTING PROCESSES TO ADVANCE DOMESTIC TOBACCO CONTROL

What can YOU do? National Level



- Find out when your country is due to report to human rights bodies
- Submit a report
- Launch a communications campaign
- Use international treaties to achieve local change

Success story: Using human rights at the local level

Local use of international environmental law in the United States



Cool ain't Cold. Newport is.



A whole
new bag of
menthol
smoking
filter kings & 100's

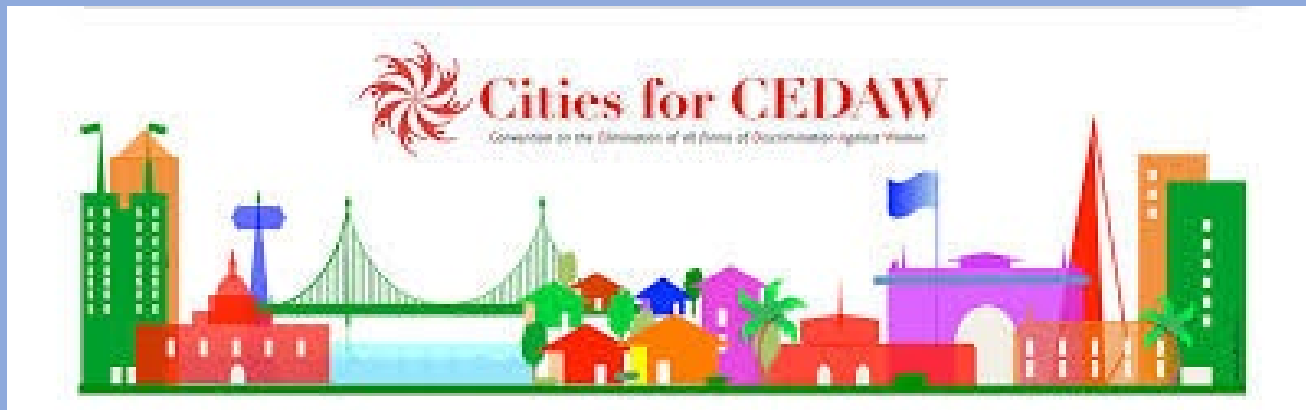
©1970 B&W T Co. Inc. New York, N.Y.

BOLD COLD



1970 *Ebony* magazine advertisement

Success story: Using human rights at the local level



Success story: Using human rights to benefit public health at the international level



So what can I do?

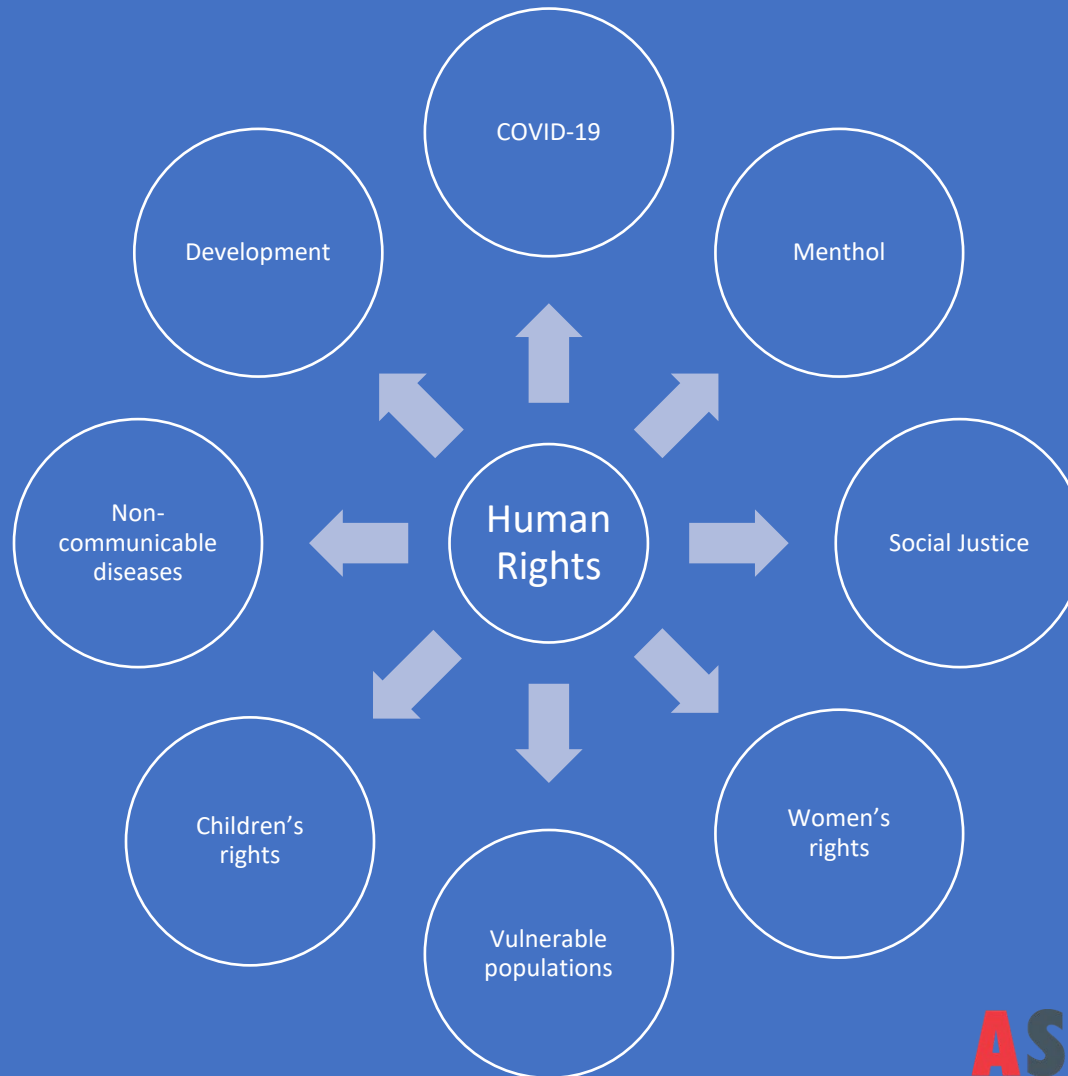
International

- Submit a report to CERD
- Create an advocacy campaign
- Make an oral statement

Local

- Use human rights language
- Create an advocacy campaign
 - Persuade decision makers

Intersections



TOBACCO AND HUMAN RIGHTS HUB

Visit:
ash.org/hrhub

Advocacy Tools for the Fight for the Right to Health

When people think of tobacco, they often think of it as a public health problem, but it is a human rights problem as well.

The marketing and sale of tobacco violate the right to health and life of people all around the world.

ASH has been working to convince both the tobacco control community and the human rights community that it is time to address tobacco through a human rights based approach. The resources found in this database are designed to help advocates achieve that goal. This hub is meant as a living resource and will be frequently updated with new information.

[Not sure where or how to dive into this new database? Watch our Hub How-To video here.](#)



SEARCH HUMAN RIGHTS HUB



TOBACCO AND HUMAN RIGHTS BASICS

GLOBAL MECHANISMS

INTERNATIONAL HUMAN RIGHTS TREATY BODIES

ACADEMIC ARTICLES

LEARNING RESOURCES

THE FRAMEWORK CONVENTION ON TOBACCO CONTROL

THE HUMAN RIGHTS COUNCIL

REGIONAL HUMAN RIGHTS BODIES

LITIGATION

TREATY BODY REPORTING

USING INTERNATIONAL TOOLS TO FIGHT MENTHOL

Tobacco infringes on



right to **life**
right to **health**
right to **education**
children's rights
women's rights
and many others



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@ASHorg



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www.facebook.com/ASHglobalAction



Global action for *everyone's* health.



PUBLIC HEALTH
LAW CENTER
at Mitchell Hamline School of Law



American
Lung Association.
California

LEGAL LANDSCAPE OF MENTHOL REGULATION & POLICY OPTIONS

WHO WE ARE

Law and Policy Partnership to End the Commercial Tobacco Epidemic

The Law and Policy Partnership to End the Commercial Tobacco Epidemic (the Partnership) is a joint initiative of the American Lung Association and the Public Health Law Center to support tobacco control professionals in their work to end the commercial tobacco epidemic in California.

The Partnership provides free technical assistance, research, training, and analysis to help communities pass strong local tobacco ordinances that are both effective and legally sound.



based on work for First Nations Health Authority at Gathering Wisdom VI Drawing Change

The Political Determinants *of* Health



Daniel E. Dawes

Foreword by
DAVID R. WILLIAMS

Image credit: Sam Bradd <https://drawingchange.com/gathering-wisdom-visuals-for-a-healthy-future/>

2009 FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT



- Banned sale of most flavored cigarettes
- Menthol exempted
- FDA authorized to regulate tobacco products.

FDA & FLAVORS

- July 2017 – FDA announced comprehensive flavored tobacco products plan
 - But has not followed through
- Jan. 2020 – E-cigarette flavor action
 - Prohibitd sales of certain flavored e-cigarettes
 - Menthol exempted
 - Only applies to cartridges or pods
 - Excludes all flavored cigars

TOBACCO CONTROL ACT OF 2009

STATE AND LOCAL AUTHORITY

Preservation of State/Local Authority

Nothing in the Act limits state/local authority to enact a law “prohibiting the sale . . . of tobacco products.”

Preemption of State/Local Laws

No state/locality may establish “any requirement which is different from . . . any requirement under [the Act] relating to tobacco product standards.”

Saving Clause

The preemption restriction above “does not apply to [state or local] requirements relating to the sale” of tobacco products.

LITIGATION CHALLENGES CHICAGO PASSES FIRST WITH MENTHOL

“Chicago's ordinance does not regulate the content of tobacco products; it simply says where certain types of tobacco products cannot be sold ... The ordinance falls squarely within the exception to preemption established by the federal Act.”

*Independents Gas & Service Stations Associations, Inc.
v. City of Chicago, Order, Nov. 12, 2014*



CHALLENGE OUTSIDE OF LITIGATION

SAN FRANCISCO ELIMINATES FLAVOR SALES

- Ordinance ended the sale of flavored tobacco products in the city.
- R.J. Reynolds attempted to repeal by ballot measure.
- Voters upheld the ordinance!



STATE BANS

Massachusetts

- Effective June 2020
- Limits sale of flavored cigarette and tobacco products
- Includes menthol and e-cigarettes
- Can still be sold for on-site consumption in licensed smoking bars



STATE BANS

California (SB-793)

- State-wide flavor ban, includes menthol
- Exempts hookah and shisha, premium cigars, and pipe tobacco
- Industry is fighting back/delaying
 - Litigation
 - Referendum



LITIGATION CHALLENGING STATE & LOCAL FLAVORED TOBACCO LAWS

- Los Angeles County
 - *CA Smoke & Vape Assn V. LA County*
 - *CA Smoke and Vape Assn v. Palmdale*
 - *R.J. Reynolds v. LA County*
- San Diego County
 - *Neighborhood Market Association v. San Diego*
 - *R.J. Reynolds v. San Diego*
 - *R.J. Reynolds v. Becerra*
- Minnesota
 - *R.J. Reynolds v. Edina*
 - *Arden Hills Tobacco v. Arden Hills*
- Pennsylvania
 - *Cigar Association of America v. Philadelphia*

Claims

- Preemption
- Dormant Commerce Clause
- Due process —vagueness
- Takings

CONTACT US



651.290.7506



publichealthlawcenter@mitchellhamline.edu



www.publichealthlawcenter.org/caltobacco



[@phealthlawctr](https://twitter.com/phealthlawctr)



facebook.com/publichealthlawcenter



The African American Tobacco
Control Leadership Council

Whole Person Health





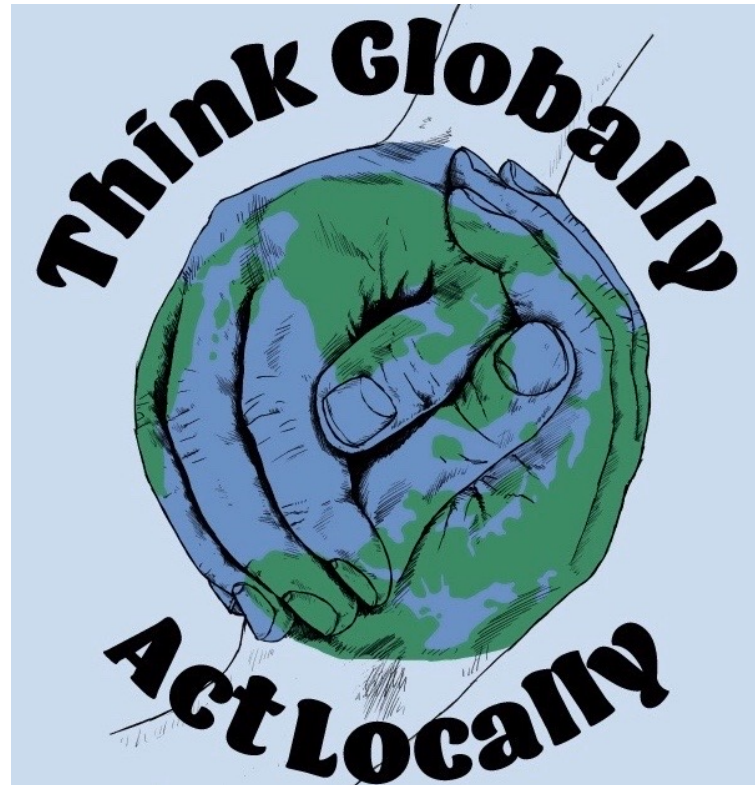
The African American Tobacco Control Leadership Council

Free Our People
from Nicotine
Imprisonment





The African American Tobacco Control Leadership Council





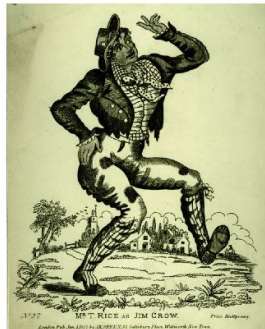
The African American Tobacco Control Leadership Council

The African American Center of the San Francisco Public Library presents

SAME GAME DIFFERENT SMOKERS

A Look at the Tobacco Industry's Footprint on Black Lives and Black Lungs

Exhibition: Dec. 7, 2019 – Feb. 6, 2020
African American Center, 3rd Floor, Main Library



Left: Illustration of "Jim Crow," the immensely popular blackface minstrel character after whom the system of segregation was named. Right: 2007 ad for Newport Menthol Cigarettes. From the Newport Pleasure series.



AATCLC The African American Tobacco Control Leadership Council



San Francisco Public Library

Main Library 100 Larkin Street (at Grove Street) (415) 557-4277 sfpl.org

at least 30% post consumer content



EMPOWERED VOICES

COMMUNITY INFORMATION SESSION

DECEMBER 8, 2020
5:30PM-7:00PM

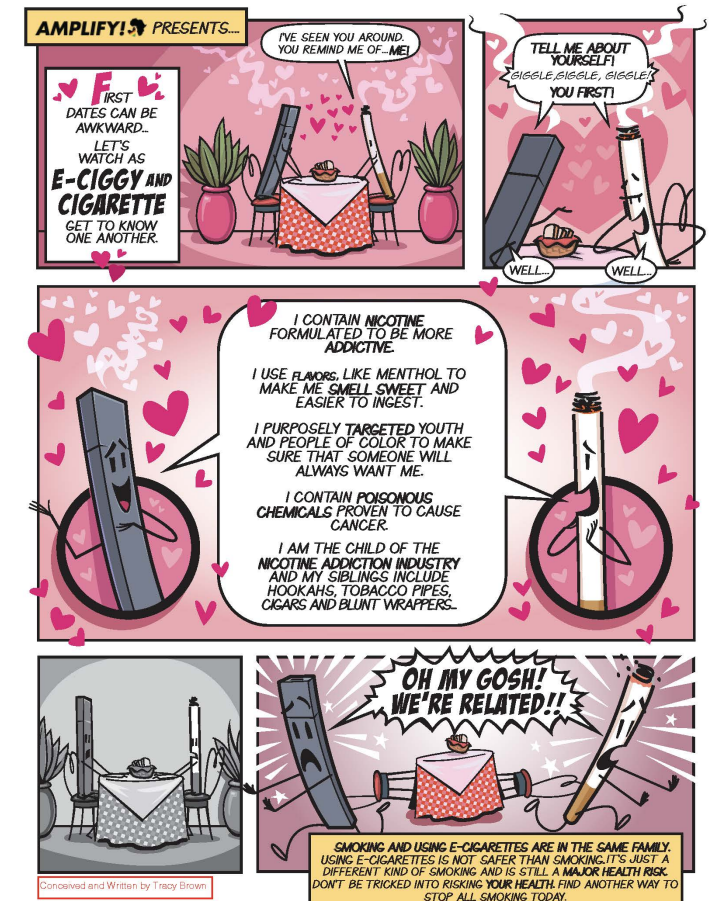
Empower yourself with knowledge and skills to be an impactful tobacco control advocate for San Jose

REGISTER HERE

Or go to:
<https://bit.ly/3fZTkhO>



For more information, please contact
Tracy Brown
tbrown@amplify.love



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The African American Tobacco Control Leadership Council

**SPEAK
TRUTH
TO POWER**





The African American Tobacco Control Leadership Council



Addressing
Every
Layer



The African American Tobacco Control Leadership Council







The African American Tobacco Control Leadership Council

We Are The Small Axe

**If you are the big
tree we are the
small axe /
Sharpened to cut
you down (well sharp)
Ready to cut you
down**



Youth Tobacco Advocacy and Policy Project

Health as a Human Right



Calyn Kelley
Program Director, Bay Area Community Resources
CTCP Grant Funded

YTAPP's work is rooted in *community*.

Community Led

The team ...particularly engaging populations
targeted by big tobacco

Community-based Research

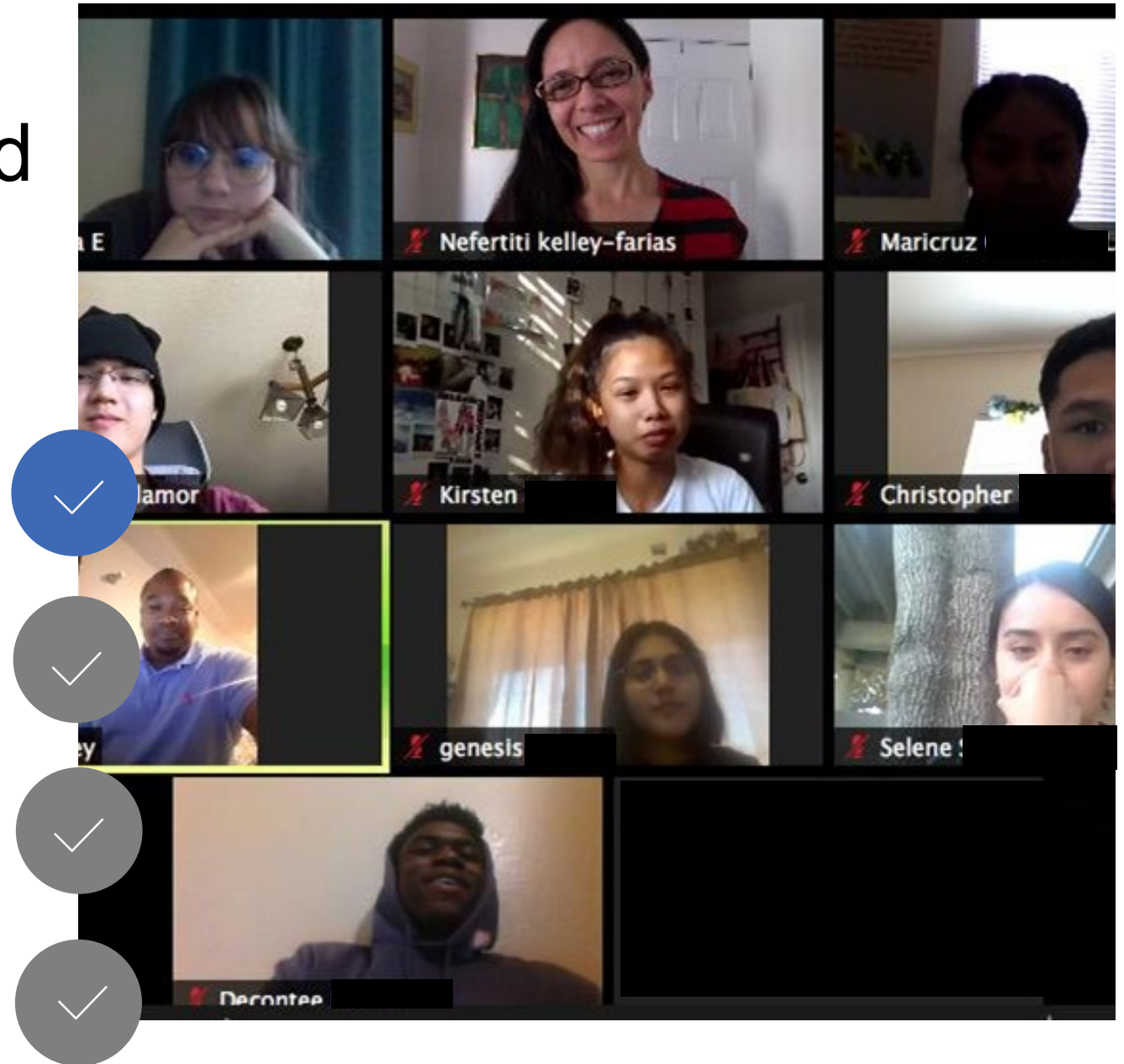
Community members contribute their expertise to enhance
understanding of tobacco related issues. Knowledge is paired with
action to benefit the involved community

Community Outreach & Education

Provide community education and garner
broad community support

Community Advocacy

Community as part of the solution - partnering
with policy makers to craft ordinances that
support the health of communities



—— Smokefree Multi Unit Housing

Health as a Human Right

Because everyone has a right to breath clean air in their home.



Publication to Public Action

Accessing materials that help guide the work, such as reference materials and research. Also utilizing resources provided in the CERD curriculum that connect us to the tobacco control work around the world, fueling the desire for youth to be informed and view themselves as part of a global community. All the while using this information in

their work.



ASH Curriculum & Local Advocacy

Provides global perspective for local advocates to contextualize tobacco related arguments



Messaging SFMUH

Current Advocacy Effort in Vallejo is SFMUH: We will can use the proven mantra that Smoke-free air is a *human right*. We can also educate members of our established community partnerships, such as our SF MUH Taskforce, about the WHO's work on global tobacco control treaties and scientific evidence that establishes that exposure to tobacco smoke causes disease and death



Inspiring Communities

By partnering and learning with individuals and organizations and inspiring others to join with us in the fight against big tobacco, the community will be encouraged to take action on tobacco related issues that impact them directly.

Thank You

Action on Smoking and Health, Public Health Law Center, &
African American Tobacco Control Leadership Council



Q&A

Stay Involved



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@LaurentHuber



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@ASHglobalAction



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ADDITIONAL RESOURCES

- [CERD Talking Points - California](#)
- [CERD Fact Sheet - California](#)
- [Tobacco and CERD Resource Guide](#)
- [Sample social media post](#) - menthol, CERD, and human rights
- [Sample letter to the editor](#) - Menthol and CERD ([version 1](#) & [version 2](#))



Global action for *everyone's* health.

NEXT WEBINARS:

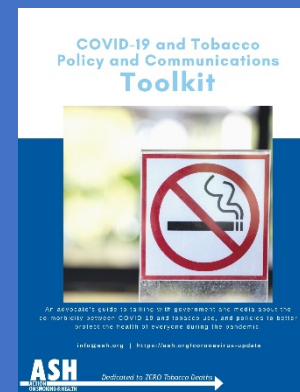
Thank you for your participation!

Please stay tuned for announcements about our upcoming webinars.



Recordings from previous webinars and Live Chats on social media, under “Resources from ASH” here:

ash.org/coronavirus-update



ash.org/covid19

Toolkit for Advocates

Talking with government and media about the COVID-19 and tobacco use co-morbidity and policies to protect the health of everyone during the pandemic.

