

TALKING POINTS

CERD in California

To be used in conjunction with fact sheet

Tobacco and Human Rights

- Human rights are internationally recognized and accepted norms and values that recognize and promote dignity, fairness and opportunity for all people and enable individuals to meet their basic needs. In the U.S., we often refer to these rights as civil rights, and more recently, we have connected them to social justice.
- Tobacco violates a lot of human rights but most obviously the right to health.

Menthol and African Americans

- One specific example of how the tobacco industry violates the right to health is through menthol advertising. Black people have been intentionally targeted by the industry for a very long time through
 - Advertising at the point of sale
 - Magazine advertisements
 - Branding
 - Event sponsorships
 - And support of African American organizations¹
- As a result, 88.5% of African Americans that smoke, smoke menthols.² That amounts to over 5.1 million people.
- Menthol in cigarettes is thought to make harmful chemicals more easily absorbed in the body, likely because menthol makes it easier to inhale cigarette smoke.³
- Some research shows that menthol cigarettes may be more addictive than non-menthol cigarettes.⁴
- The COVID-19 pandemic has exacerbated this problem, as black people are also significantly more likely to die of COVID-19.

¹ <https://www.tobaccofreekids.org/assets/factsheets/0208.pdf>.

² <https://truthinitiative.org/sites/default/files/media/files/2019/03/truth-initiative-menthol-fact-sheet-dec2018.pdf>.

³ <https://www.cdc.gov/tobacco/disparities/african-americans/index.htm>.

⁴ <https://www.cdc.gov/tobacco/disparities/african-americans/index.htm>.

⁵ https://www.who.int/fctc/guidelines/Guidelines_Articles_9_10_rev_240613.pdf.

Menthol in Other Countries

- WHO Framework Convention on Tobacco Control (FCTC) guidelines state “from the perspective of public health, there is no justification for permitting the use of ingredients, such as flavoring agents, which help make tobacco products attractive.”⁵
- By permitting the sale of menthol products California does not abide to globally agreed health standards to protect its citizens, many who are African American.
- The European Union, Canada, Brazil and other jurisdictions have banned menthol along with other flavorings to protect the right to health of their citizens.

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

- The United States is party to very few international human rights treaties, but one we are party to is the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). This includes requirements to ensure that all people have the right to public health.
- One of the reasons that the United States is party to so few treaties is that once the Senate ratifies a treaty, it has the force of national law, so it's at the same level as any other national law. CERD is U.S. law.
- In the U.S., the federal government shares responsibility for human rights implementation with state and local governments, so local governments can stand up to protect African Americans from the tobacco industry by banning mentholated tobacco products.

Advocacy

- The state of California is a leader in so many ways and banning menthol would make it even more so.
- California has been a leader in tobacco control as well and was in fact the first state to ban smoking in the workplace.
- Using human rights arguments, like the public health requirement of CERD, would encourage advocates around the country to start making the connection between tobacco, public health, and human rights.
 - This legal connection already exists whether we use it or not, so failing to highlight it at the local level is a lost opportunity.