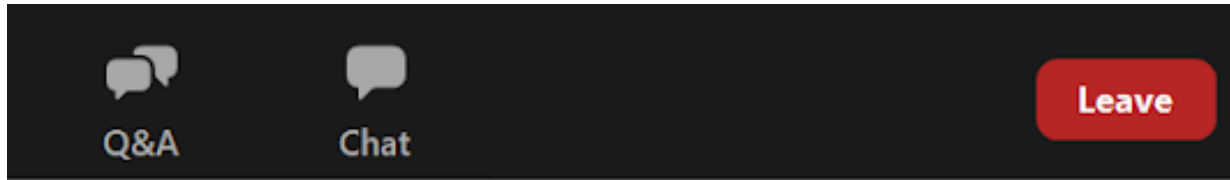


Lessons Learned from Menthol Bans Around the World

Technology



Ask questions through the Q&A box. We will review them to answer at the end.

- All PowerPoint slides will be linked in the Thank You email and available at <https://ash.org/webinars>.
- Close other applications and browsers to increase your Zoom bandwidth.
- Please complete the survey when prompted after the webinar ends.

Speakers



Dr. Geoffrey Fong
*Professor, University of
Waterloo, Ontario, Canada*



Lilia Olefir
*Policy and Communications
Manager, Smokefree
Partnership, Brussels, Belgium*



Mônica Andreis
*Co-founder and Executive
Director, ACT Health
Promotion, São Paulo, Brazil*



Kelsey Romeo-Stuppy
*Managing Attorney,
Action on Smoking
and Health*

Moderator



Laurent Huber
ASH Executive Director



The Impact of Menthol Cigarette Bans in Canada, England, and The Netherlands: Findings from the ITC Project

**Geoffrey T. Fong, OC, PhD, FRSC, FCAHS
University of Waterloo and Ontario Institute for Cancer Research**

Thanks to Lorraine Craig and Janet Chung-Hall, ITC Project, and Christina Kyriakos, Imperial College London for assistance in the preparation of this presentation

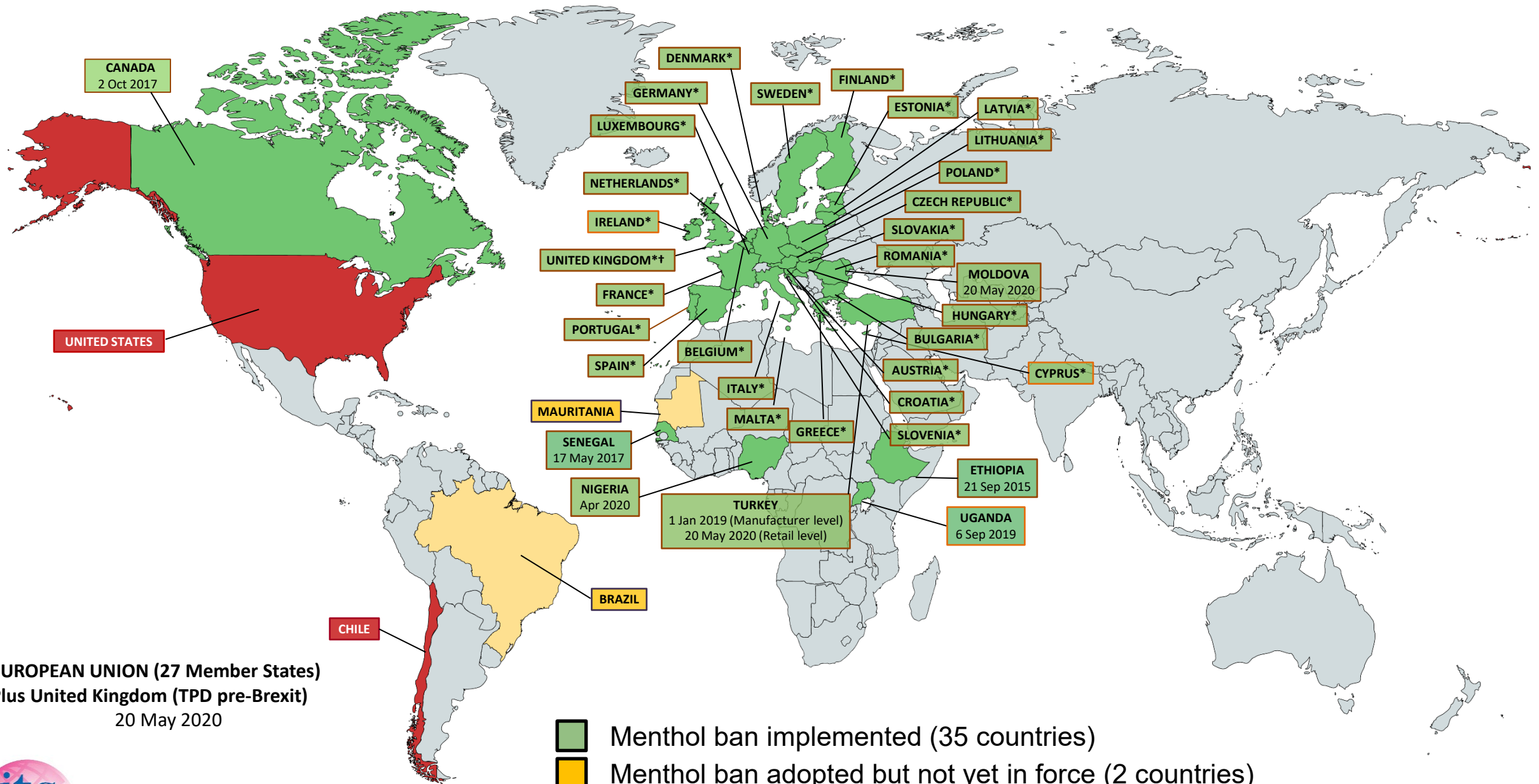


**ASH Webinar: Lessons Learned From
Menthol Bans Around the World
May 19, 2022**



- Member of the Expert Group for Article 9 (Regulation of the contents of tobacco products) and Article 10 (Regulation of tobacco product disclosures) of the WHO Framework Convention on Tobacco Control
- Member of the Brazil Health Regulatory Agency (ANVISA) Working Group on Tobacco Additives
- Member of the WHO Expert Group on COVID-19 and Tobacco Use
- Paid expert witness or consultant for governments defending their country's policies or regulations in litigation (Australia at WTO challenge; Uruguay at a bilateral investment treaty dispute)

Nationwide Menthol Bans: Global Status as of May 2022



- Menthol ban implemented (35 countries)
- Menthol ban adopted but not yet in force (2 countries)
- Menthol ban under formal consideration (2 countries)


* EUROPEAN UNION (27 Member States)
† Plus United Kingdom (TPD pre-Brexit)
20 May 2020

Findings based on new article in *Tobacco Control*












Published on-line – April 28, 2022 in
Tobacco Control...

...Same day as the
FDA announces a
proposed rule to ban
menthol as a
characterizing flavor
in cigarettes
(with a parallel rule to
ban menthol in cigars)

Original research

 OPEN ACCESS

Impact of Canada's menthol cigarette ban on quitting among menthol smokers: pooled analysis of pre-post evaluation from the ITC Project and the Ontario Menthol Ban Study and projections of impact in the USA

Geoffrey T Fong ^{1,2,3}, Janet Chung-Hall ¹, Gang Meng,¹ Lorraine V Craig ¹, Mary E Thompson,⁴ Anne C K Quah,¹ K Michael Cummings ⁵, Andrew Hyland,⁶ Richard J O'Connor ⁶, David T Levy ⁷, Cristine D Delnevo,⁸ Ollie Ganz,⁸ Thomas Eissenberg ⁹, Eric K Soule ¹⁰, Robert Schwartz ¹¹, Joanna E Cohen ¹², Michael O Chaiton ¹³

Collaborators/Co-Authors:

ITC Project: Janet Chung-Hall, Gang Meng, Lorraine Craig, Mary Thompson, Anne CK Quah, Michael Cummings, Andy Hyland, Richard O'Connor, David Levy

Ontario Menthol Ban Study: Michael Chaiton, Rob Schwartz, Joanna Cohen, Tom Eissenberg, Eric Soule

Rutgers Center for Tobacco Studies: Cris Delnevo, Ollie Ganz

 **FEDERAL REGISTER**
The Daily Journal of the United States Government

 **Proposed Rule**

Tobacco Product Standard for Menthol in Cigarettes

A Proposed Rule by the Food and Drug Administration on 05/04/2022

SUMMARY:

The Food and Drug Administration (FDA, the Agency, or we) is proposing a tobacco product standard that would prohibit menthol as a characterizing flavor in cigarettes. Tobacco use is the leading preventable cause of death and disease in the United States. Menthol's flavor and sensory effects increase appeal and make menthol cigarettes easier to use, particularly among youth and young adults. There are over 18.5 million menthol cigarette smokers ages 12 and older in the United States. This proposed product standard would reduce the appeal of cigarettes, particularly to youth and young adults, and thereby decrease the likelihood that nonusers who would otherwise experiment with menthol cigarettes would progress to regular smoking. In addition, the proposed tobacco product standard would improve the health and reduce the mortality risk of current menthol cigarette smokers by decreasing cigarette consumption and increasing the likelihood of cessation. FDA is taking this action to reduce the tobacco-related death and disease associated with menthol cigarette use. The proposed standard also is expected to reduce tobacco-related health disparities and advance health equity.

International Tobacco Control Policy Evaluation Project (the ITC Project)



Canada



United States



Australia



United Kingdom



Greece



Vietnam



Ireland



Thailand



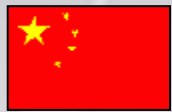
Malaysia



Republic of Korea



Hungary



China



Uruguay



Mexico



New Zealand



Poland



France



Germany



Netherlands



Bangladesh



Romania



Brazil



Mauritius



Bhutan



India



Spain



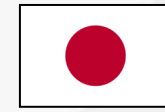
Zambia



Kenya



Abu Dhabi



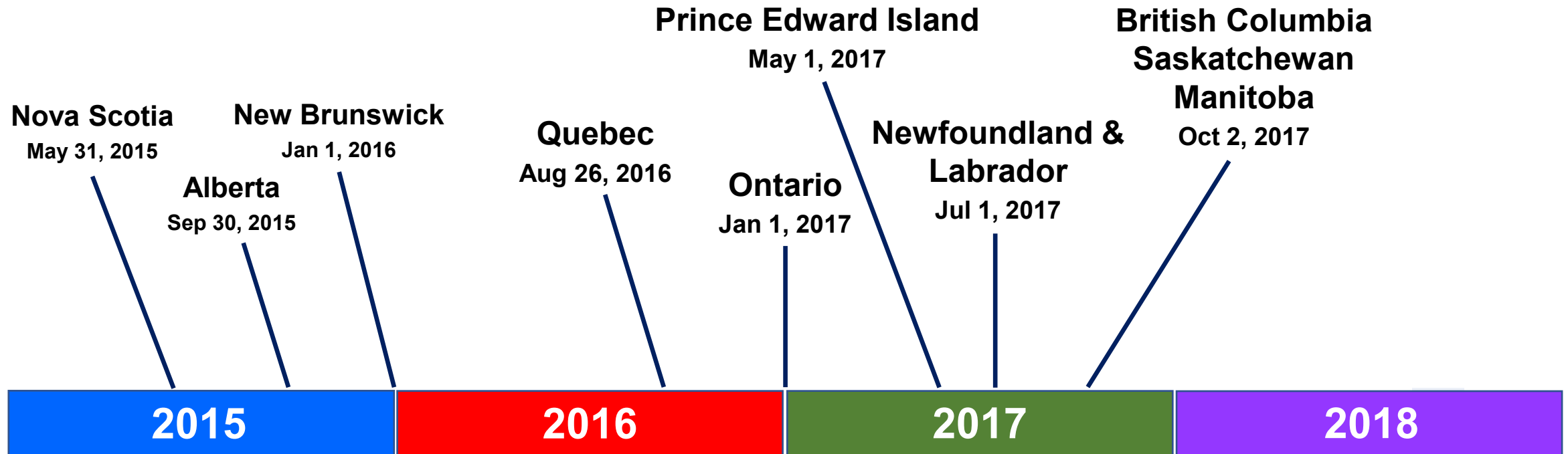
Japan



Israel

- 31 countries, covering over half of the world's population and over 2/3 of the world's tobacco users
- Only international cohort study of tobacco use
- Key objective: evaluation of tobacco control policies
- Recent objective added: understanding use of other nicotine products across countries with emphasis on evaluating policies on different products

From 2015 to 2017, all Canadian provinces banned menthol cigarettes




Two evaluation studies conducted in parallel

Evaluating the impact of menthol cigarette bans on cessation and smoking behaviours in Canada: longitudinal findings from the Canadian arm of the 2016–2018 ITC Four Country Smoking and Vaping Surveys

Janet Chung-Hall ¹, Geoffrey T Fong ^{1,2,3}, Gang Meng,¹
K Michael Cummings ⁴, Andrew Hyland,⁵ Richard J O'Connor,⁵
Anne C K Quah ¹, Lorraine V Craig ¹

Ban on menthol-flavoured tobacco products predicts cigarette cessation at 1 year: a population cohort study

Michael O Chaiton ^{1,2}, Ioana Nicolau,^{1,2} Robert Schwartz,² Joanna E Cohen,³
Eric Soule,⁴ Bo Zhang,^{2,5} Thomas Eissenberg⁶

**ITC Canada Survey: 1,236 smokers
across 7 provinces including Ontario**

**Ontario Menthol Ban Survey:
1,084 smokers in Ontario**

**Pooled analysis
(2,320 smokers,
including 423 menthol smokers)**

Both studies had very similar cohort design, methods, and measures, and timing of pre- and post-surveys was nearly identical, so appropriate to combine the data in a pooled analysis

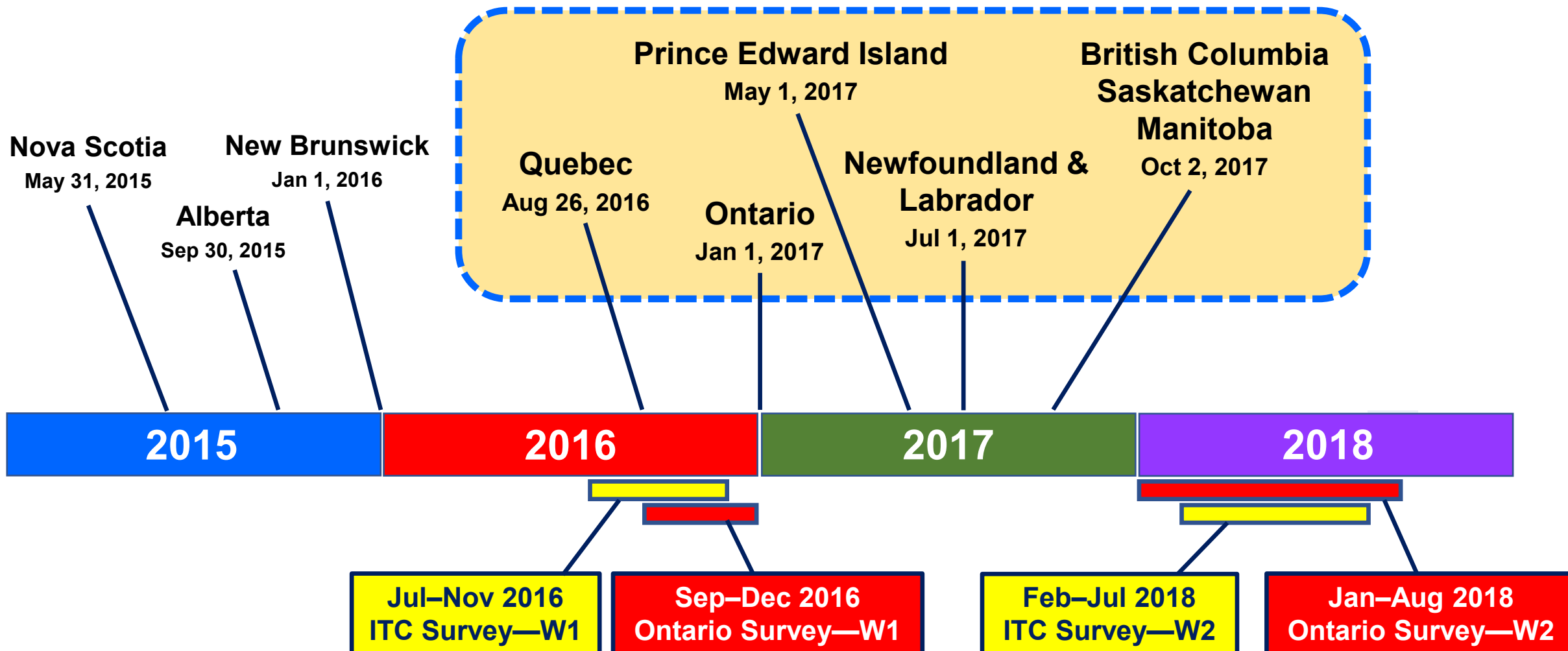
ITC Project evaluations of menthol bans

Countries: Canada, The Netherlands, England/UK

Outcomes: Quitting among adult smokers (CA, NL)
Menthol brand share among youth (EN vs. CA, US)
Illicit purchasing (CA, NL)

Pre-post evaluation in 7 provinces (83% of Canada)

Provinces included in analysis



What was the quit rate after the menthol ban?

Natural Experiment:

- Menthol smokers were affected by the ban
- Non-menthol smokers were not. They are the “control/comparison” group.

Menthol Smokers	Non-Menthol Smokers	Difference (95% CI)	95% CI	p
22.3%	15.0%	7.3%	2.1 – 12.5%	0.006

The 22.3% of menthol smokers who quit is NOT a measure of the impact of the menthol ban. But the DIFFERENCE in quit rates between menthol smokers and non-menthol smokers (the “control/comparison” group) IS an estimate of the impact of the menthol ban.

Conclusion:

Menthol smokers were significantly more likely to quit

What would happen after a menthol ban in the U.S., where 35% of smokers use menthol (80-85% of Black smokers)?

Step 1: Obtain the number of menthol smokers in the U.S. from the 2019 National Survey on Drug Use and Health (NSDUH)

	Number of menthol smokers in the United States (2019)
All adult smokers	18,328,597
Black adult smokers	5,222,907

Projections of additional quitting if/when the US bans menthol cigarettes: all US smokers and Black smokers

Step 2: Multiply by the effect of the menthol ban on increasing quitting

	Percentage of Canada's menthol smokers who quit vs. non-menthol smokers		Number of menthol smokers in the United States (2019)		Projected Number of US smokers who would quit	95% Confidence Interval
All adult smokers	7.3%	X	18,328,597	=	1,337,988	384,901 – 2,291,075
Black adult smokers	7.3%	X	5,222,907	=	381,272	109,681 – 652,863

Projections from the Canadian menthol ban:
If/when the U.S. bans menthol cigarettes an
additional 1,337,988 smokers would quit,
of whom 381,272 would be Black smokers.

Evaluation of EU Menthol ban (in the Netherlands)

- Through the EU Tobacco Products Directive, menthol finally banned in the EU in May 2020. **Characterizing flavour ban.**
- ITC Netherlands cohort survey used to conduct a pre-post evaluation (Kyriakos et al., under review):
 - Pre-ban survey wave: Feb-Mar 2020
 - Post-ban survey wave 1: Sep-Nov 2020 (4-6 months after ban)
 - Post-ban survey wave 2: Jun-Jul 2021 (13-14 months after ban)

Country	Menthol Smokers	Non-Menthol Smokers	Difference (95% CI)	p
Canada	22.3	15.0	7.3	Adj: 0.006

ITC Youth Survey: EU's menthol ban in England

- East et al (May 2022): analysis of ITC Youth Survey in EN, CA, US:
 - 3 waves before May 2020 ban, and
 - 1 wave after the ban.
- Repeat cross-sectional: population frame (different than ITC adult surveys)

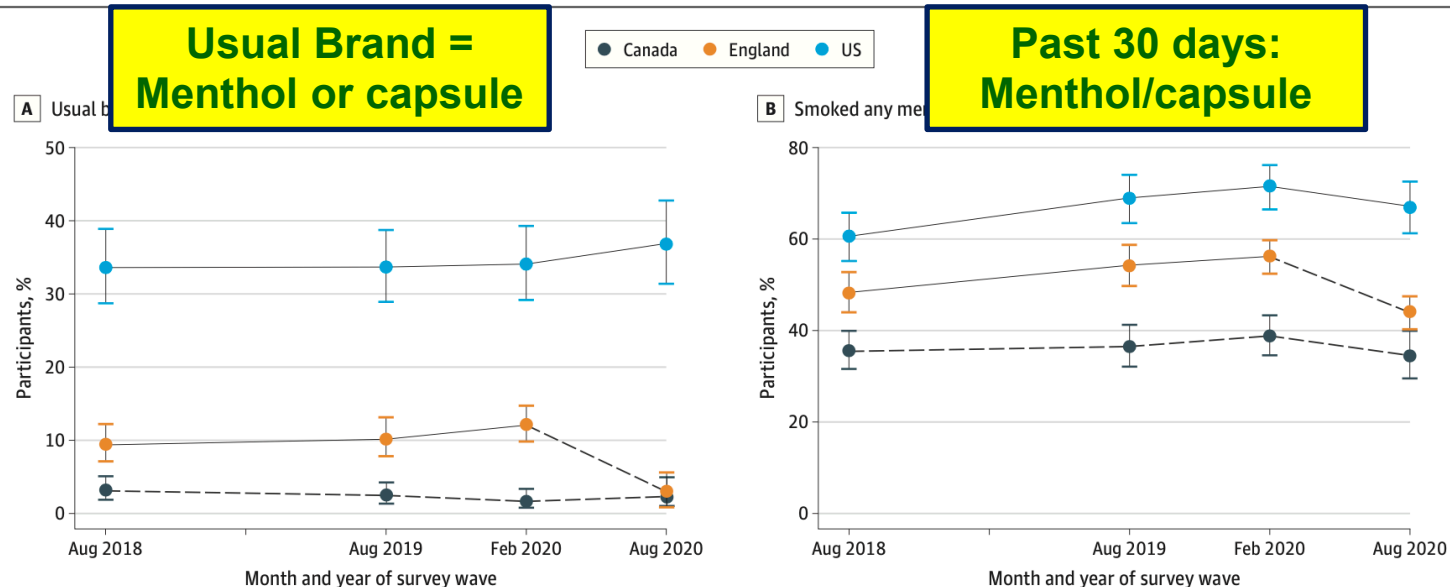
JAMA Network | **Open**

Original Investigation | Public Health

Evaluating the Outcomes of the Menthol Cigarette Ban in England by Comparing Menthol Cigarette Smoking Among Youth in England, Canada, and the US, 2018-2020

Katherine A. East, PhD; Jessica L. Reid, MSc; Robin Burkhalter, MMath; Loren Kock, PhD; Andrew Hyland, PhD; Geoffrey T. Fong, PhD; David Hammond, PhD

Figure 1. Proportion of Past 30-Day Smokers Who Smoked Menthol Cigarettes in England, Canada, and the US



Graphs show data for 7067 smokers who reported a usual brand or variety of cigarettes that was menthol or capsule (A) and those who reported that they had smoked any menthol or capsule cigarettes in the past 30 days (B) between 2018 and 2020. Dashed lines indicate where a menthol cigarette ban was present.

- Canada menthol share is lowest: all waves after the Canadian ban.
- England menthol share decreases after ban (both usual brand and past 30 day). Usual brand drops to Canada level.

Illicit trade did not increase

- ITC Canada findings (Fong et al., in preparation):
 - 19.5% of menthol smokers reported still smoking menthols after the ban.
 - BUT: based on coding of brand smoked, nearly half were not actually smoking menthols: 7.5% were actually smoking a non-menthol brand, and 1.5% were smoking a “menthol replacement” brand (e.g., blue). They may have THOUGHT they were smoking a menthol, but they were not.
 - Final count: only 10.5% were smoking a verified menthol cigarette brand.
 - Menthol smokers were NOT more likely to purchase from a First Nations reserve after the ban than before the ban (51.2% vs. 51.2%). No change in purchasing from First Nations for either menthol or non-menthol smokers.
- ITC Netherlands findings (Kyriakos et al., in preparation):
 - No interaction between menthol and non-menthol smokers in purchasing smuggled cigarettes over time (pre-ban vs. post-ban).
 - No increase among menthol smokers purchasing smuggled cigarettes: pre-ban = 2.4%, post-ban 1st wave = 1.9%, post-ban 2nd wave = 1.8%

- When Canada banned menthol cigarettes, menthol smokers were more likely to quit than non-menthol smokers. Effect size = 7.3% of menthol smokers.
 - Most menthol smokers switched to non-menthol cigarettes. But what would you expect for a highly addictive product??
- If a US menthol ban would have the same impact as the Canadian ban:
 - An additional 1,337,988 smokers would quit, of whom 381,272 would be Black smokers
 - FDA ban will have greater impact because cigars are also covered.
- Similar effect size found in ITC evaluation of EU menthol ban in Netherlands
- Youth data from ITC survey in England: significant decrease in menthol use.
- No evidence of increased illicit purchasing (ITC in Canada and Netherlands + Stoklosa et al's evaluation of Nova Scotia's menthol ban)

Moving forward: Important to submit comments to FDA

- Public Comment period: until July 5. Important to make submissions to the docket, **ESPECIALLY** from communities that have been adversely affected by menthol cigarettes, who will thus gain the most from a menthol ban.
 - FDA has been **explicit** in stating that this proposed menthol ban is a health equity measure. They need support for that recognition.
- Ban on “menthol as a **characterizing flavor**”, NOT a total ban on menthol
 - “Characterizing flavor” is NOT well-defined.
 - Most cigarettes have menthol...including those that are not branded as “menthol”.
 - Characterizing flavor is a construct that is not well-justified in science and has never been tested in any court...
 - Total ban on menthol would be better (and more easily enforceable)
- Read the proposed rule and submit a comment!

Major Support for the ITC Project



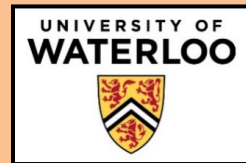
US National Cancer Institute: P01 CA200512



Canadian Institutes of Health Research: FDN-148477



**Ontario Institute for Cancer Research:
Senior Investigator Award (2007-2027)**



University of Waterloo Office of Research

ITC Project Research Organizations



ITC Project Research Support





ASH Webinar: Lessons Learned from Menthol Bans Around the World 19 May 2022

EU-wide Ban on Menthol Cigarettes and Roll-Your-Own Tobacco

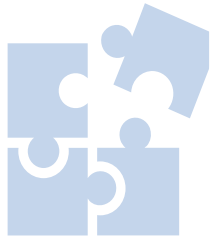
Lilia Olefir

Policy and Communications Manager, Smoke Free Partnership



SFP receives operational
funding from the EU

Background



TPD entered into force in May 2016 - the ban on menthol flavour was delayed until the 20th May 2020, for flavours representing at least 3% of a product category in the EU, allowing a long transitional period.



In 2016 decision the European Court of Justice (Republic of Poland, supported by Romania vs European Parliament, Council of the EU) confirmed the priority of public health protection.



*“As regards, whether the prohibition on the placing on the market of tobacco products having menthol as a characterising flavour is appropriate, it must be noted that, in accordance with Article 1 of Directive 2014/40, that prohibition has a twofold objective of facilitating the smooth functioning of the internal market for tobacco and related products, **while taking as a base a high level of protection of human health, especially for young people.**”*

Tobacco industry strategies against the menthol ban

Major lobbying on the TPD with the successful 4 years delay of the ban on menthol flavourings.

Ongoing lobbying during the COVID-19 pandemic for an additional delay.

Exaggerating the potential economic and social costs.

Denying and diminishing the benefits of a menthol ban.

Consistent denying and denouncing of scientific evidence, through intermediaries such as scholars and scientists.

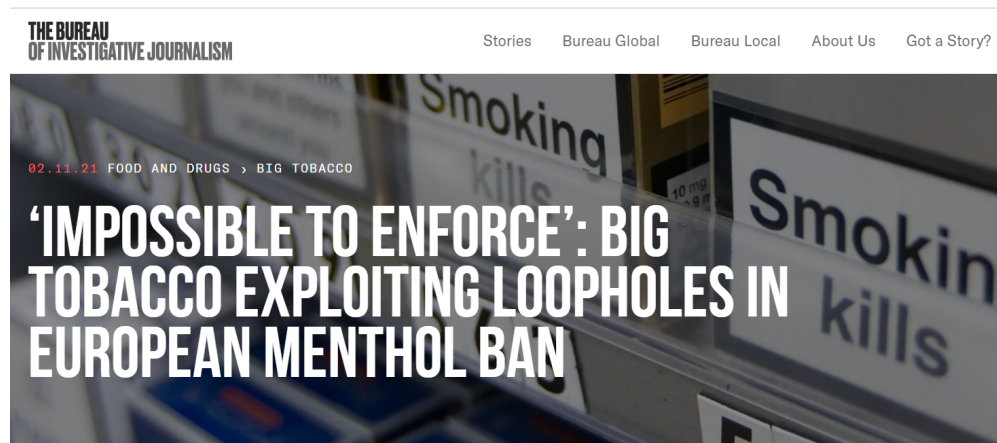
Misleading information on increased illicit trade following a menthol ban.

Use of legal and financial threats, through litigations, compensation claims, divestment strategies and other financial pressure strategies.

Remaining Loopholes Under the Ban on Flavours, Including Menthol

Since 2020 the industry shifted their focus to the products not covered by the ban and engaged in heavy marketing of their menthol version.

- [Tobacco and related products currently exempted](#) from the menthol ban: cigars, cigarillos, heated tobacco products, e-cigarettes. These products could encourage current menthol cigarette smokers to switch to alternative products.
- Separate menthol accessories, including paper, still [authorised](#) for sale.
- [New menthol tobacco products](#) and menthol HTPs not covered by the ban as well as new menthol flavoured accessories.
- The TPD does not include mentholated papers and filters sold separately from RYO tobacco products.



We tell the stories that matter. To help defend quality reporting and spark change, please support the Bureau

Donate now

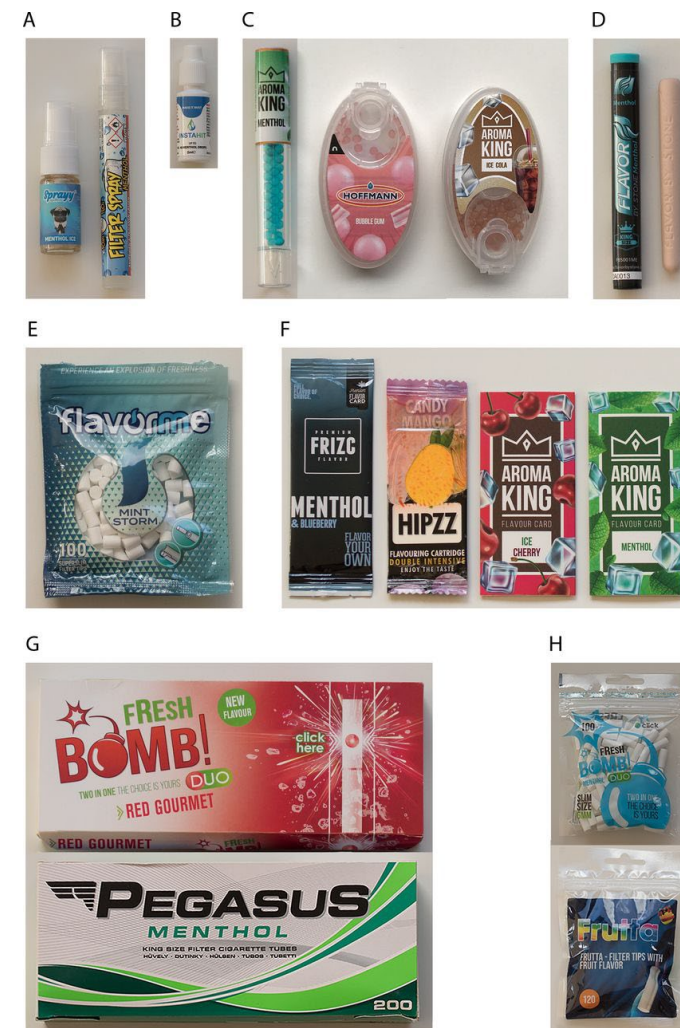
Tobacco companies are finding loopholes in the Europe-wide menthol cigarette ban in order to keep selling products that can get new, younger smokers hooked on tobacco.

Japan Tobacco International (JTI) – which owns Sterling, Benson & Hedges and Sovereign – has been able to work around a ban imposed in 2020 that was intended to prevent young people from taking up smoking cigarettes. Competitors have called for governments to investigate the company’s new “menthol reimagined” products.

A joint investigation by the Bureau and the Organized Crime and Corruption Reporting Project (OCCRP) can reveal new details of how confusion across Europe means that, almost 18 months after the ban came into force in the EU and UK, nobody knows for sure whether certain types of cigarette are covered by the ban. A breach of the ban could potentially be a criminal offence. Previously unreported documents show the tobacco industry attempting to press public health authorities as well as mudslinging between cigarette makers accusing each other of undermining the ban.

Once described by the industry as “good starter products”, menthol cigarettes have a minty taste that is less harsh and easier to inhale, making them appeal to many

Examples of tobacco flavour accessories marketed in Denmark.



[Impossible to Enforce: Big Tobacco Exploiting Loopholes in European Menthol Ban](#)
[Tobacco companies’ exploitation of loopholes in the EU ban on menthol cigarettes: a case study from Denmark](#) 2022 by
 BMJ Publishing Group Ltd

Menthol Ban: EU Delegated Directive and EU TPD

- The Commission is drafting the Delegated Directive with regard to exemptions for heated tobacco products.
- The procedure concerning the determination of characterising flavours in tobacco products including menthol that is described in Commission Implementing Regulation (EU) 2016/779, will also apply to heated tobacco products.
- EU TPD: “The exemption for tobacco products other than cigarettes and RYO tobacco must be withdrawn if a ‘substantial change of circumstances’ can be established.”

Menthol Ban: Revision of the 2014 TPD

- Remove the loopholes around characterising flavour by banning menthol as an ingredient.
- Uniform system prohibiting all tobacco products with a characterising flavour: extend the ban to all tobacco products, especially cigarillos and other products that are mimicking or replacing cigarettes.
- In line with the Court's judgment, the objectives of the TPD and the FCTC and its Guidelines, the ban on characterising flavours in tobacco products should be reinforced and the exemption should be removed

Thank you!

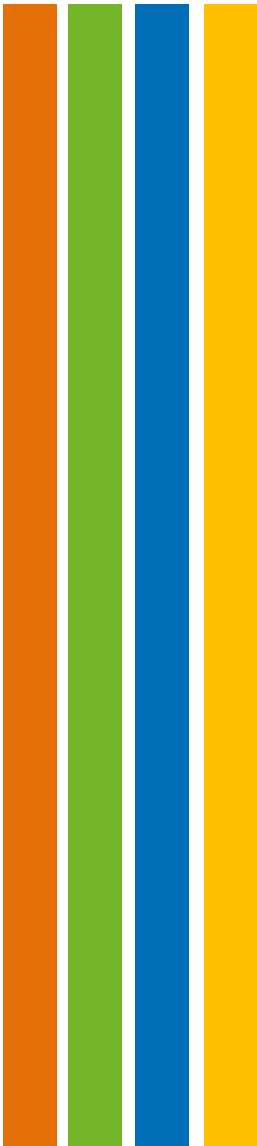


Lessons Learned from Menthol Bans Around the World

Challenges to the regulatory authority of the Brazilian Health Regulatory Agency
(ANVISA)

Mônica Andreis
Executive Director of ACT Health Promotion





ACT Health Promotion is a Brazilian NGO that was formally created in 2006, aiming to monitor the implementation and compliance of the FCTC measures, as well as strengthening the civil society role on policies changes in Brazil.

Alongside national partners, ACT has a record of advocacy for the passing of effective legislation and regulation in tobacco control, such as the national smoke-free law, tobacco advertising restriction, additives ban resolution and tobacco taxes increasing.

The experience we gained on coalition building and advocacy allowed us to expand our scope of work to the prevention of NCDs risk factors, since 2013.



Advocacy day at National Congress - ACT Annual Seminar



The Brazilian Health Regulatory Agency

- ✓ Created in 1999, is an autarchy linked to the Ministry of Health, part of the Brazilian National Health System (SUS) as the coordinator of the Brazilian Health Regulatory System
- Regulated sector: corporations Tobacco
- Ultra-processed food Medicine
- Pesticides Cosmetics
-
- All brands of tobacco products manufactured in the Brazilian territory, imported or exported, are subject to Anvisa's approval
-
- Directors are appointed by the President and approved by the Senate Strong
- pressure from regulated sector and political vulnerability



March 2012 Public Consultation

After a democratic public consultation procedure, ANVISA issued a comprehensive regulation on additives ban in tobacco products (RDC 14/2012)

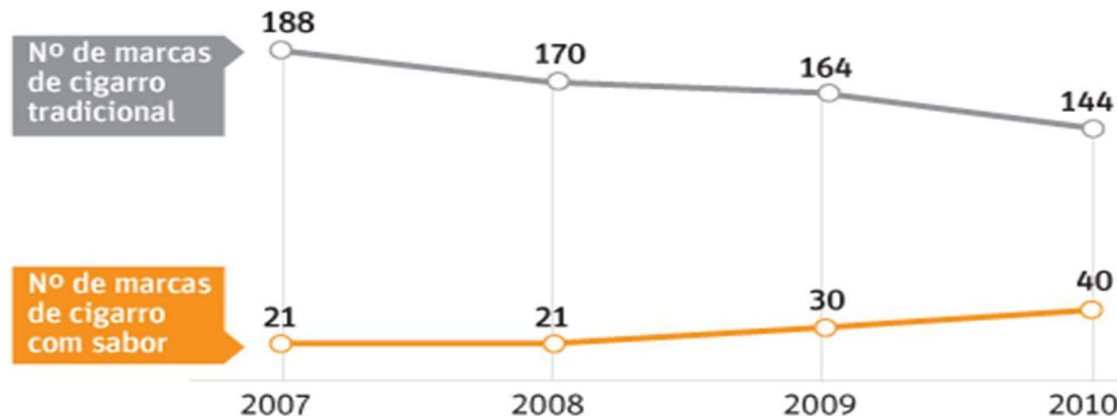
- ✓ Banning flavored cigarettes: menthol, clove, and other ingredients as ammonia.
- ✓ Authorizing the use of sugar, exclusively to restore the sugar content present originally on the tobacco leaf before the drying process

http://antigo.anvisa.gov.br/documents/10181/2978962/RDC_14_2012_.pdf/baeb28a7-90fc-49f3-9bf8-761de80af0b7

Context

TABACO DISFARÇADO Aditivos que dão sabor ao cigarro

O MERCADO



EXEMPLOS DE ALGUNS SABORES

- > Menta
- > Cítrico
- > Cereja
- > Canela
- > Cravo

Além de sabor, os produtos têm aditivos diferentes de cigarros tradicionais, como açúcar

⚠ RISCOS

INICIAÇÃO

Cigarro com sabor pode mascarar o gosto desagradável do primeiro trago e introduzir jovens ao hábito do fumo

VÍCIO

Certos aditivos, como o açúcar, aumentam o potencial de dependência

SAÚDE

Algumas das substâncias aumentam o risco à saúde. É o caso da essência de cravo, que pode levar à hemorragia pulmonar, e do açúcar, que pode virar uma substância cancerígena quando fumado

Fonte: Anvisa e Inca

Context

- Cop 4 recommends restricting or banning additives in cigarette production
 - Research Fiocruz/UFRJ/INCA:
Girls and boys between 13 and 15 years old, from 13 Brazilian state capitals
- ✓ More than 30% tried cigarettes
 - ✓ 54% prefer flavoured cigarettes

**Jovens brasileiros que
começam a fumar
preferem cigarros com
aditivos**

LÍGIA FORMENTI - O ESTADO DE S.PAULO
12 Março 2012 | 23h 24

Pesquisa mostra que adolescentes que consomem esse tipo de produto também fumam mais

http://www.actbr.org.br/uploads/conteudo/812_pesquisa_aditivos.pdf





Litigation from BAT Brazil Against ACT
due to the campaign #LIMITETABACO

Final decision was in favor of ACT



Vulnerability during the public consultation

- ✓ Tobacco industry took part of the public consultation
- ✓ Thousands of contributions filled by the TI: delaying ANVISA's work and the conclusion of the public consultation



São Paulo, quarta-feira, 30 de março de 2011 FOLHA DE S. PAULO **saúde**
[Texto Anterior](#) | [Próximo Texto](#) | [Índice](#) | [Comunicar Erros](#)

Lobby tenta barrar veto a aromatizantes nos cigarros

Restrição à exposição dos maços nos pontos de venda também é combatida por produtores de fumo e pela indústria do tabaco



Anvisa proíbe aditivos que dão sabor aos cigarros

Por unanimidade, diretores da agência decidem proibir o uso de aromatizantes. Mas o açúcar continuará a ser usado

Por Cida de Oliveira, RBA

Publicado 13/03/2012 - 20h17

However...

Litigation

National Confederation of Industry (CNI) vs ANVISA additives ban Constitutional Challenge in the Brazilian Supreme Court (STF)

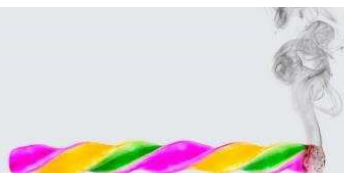
- CNI is the tobacco industry's union representative
- CNI claimed ANVISA's lack of authority to issue the ban
- Risk for the Brazilian sanitary system: the agency's authority is established by law, and other sectors could be affected as well

Embalagens coloridas, sabores, aromas, e exposição próxima a doces. Parece coisa de criança, mas é estratégia da indústria do tabaco. Eles estão de olho nas crianças e jovens. Fique de olho neles.

29 de agosto. Dia nacional de combate ao fumo. #LIMITE TABACO



Colocamos este cigarro aqui para chamar a sua atenção. A indústria do tabaco faz o mesmo com crianças e jovens.



Proibir os cigarros com sabor é salvar a vida de muitos jovens. Esperamos que o STF decida pela saúde da população.

29/08

DIA NACIONAL DE COMBATE AO FUMO

Assine a petição:
saborquemata.org/brasil



#Sabor Quem Mata
A indústria do tabaco utiliza sabores e aromas nos cigarros para atrair os jovens ao consumo.

ASSINE A PETIÇÃO
AJUDE A MUDAR ESSA SITUAÇÃO

ACT
Promoção da Saúde

CUIDADO: TABACO NÃO É DOCE

#APROVASTF

ACT
Promoção da Saúde

Almost 60.000 signatures

COMEÇA COMO
SABOR DE MENTA.



TERMINA COMO ENFISEMA.

JUSTIÇA: DIGA NÃO AOS CIGARROS COM SABOR.

 Vital
Strategies

ACT
Promoção da Saúde

ACT
Promoção da Saúde

2018: Victory in the Supreme Court of Brazil

The tobacco industry **lost** the constitutional challenge against ANVISA's authority and additives ban resolution.

And therefore affirmed ANVISA's authority to regulate *and* the constitutionality of the additives ban resolution





05/02/2018

STF empata e norma da Anvisa que proíbe aditivos em cigarros é válida - Migalhas Quentes

CADASTRE-SE

FALE CONOSCO

Migalhas

Segunda-feira, 5 de fevereiro de 2018

CNI x Anvisa

STF empata e norma da Anvisa que proíbe aditivos em cigarros é válida

Com Barroso impedido, não houve

quinta-feira, 1º de fevereiro de 2018

É válida a resolução 14/12, de quinta-feira, 1º, improcedente o pedido de inconstitucional.

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FAÇA PARTE

CAMPANHAS

ONU NO BRASIL

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AÇÃO HUMANITÁRIA

DESENVOLVIMENTO SUSTENTÁVEL

DIREITOS HUMANOS

PAZ E SEGURANÇA

ONU elogia decisão do STF de proibir aditivos que mudam sabor e cheiro de cigarros

Publicado em 02/02/2018

Atualizado em 02/02/2018



+ AUMENTAR LETRA

- DIMINUIR LETRA

STF mantém regra da Anvisa que proíbe aditivos que mudam sabor em cigarro; fabricantes poderão obter liberação em outras instâncias

Empate em 5 a 5 no julgamento manteve válida resolução da Anvisa, mas permitirá que empresas busquem nas instâncias inferiores decisões permitindo fabricação de cigarros com sabor.



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regra da Anvisa que proíbe aditivos para mudar sabor e cheiro de cigarros

que proíbe aditivos para mudar

STF do Brasil manteve nesta quinta-feira (1) a resolução da Agência Nacional de Vigilância Sanitária (Anvisa), que impede a fabricação de cigarros com aditivos. Isso, volta a ficar proibido o uso desses aditivos em cigarros, tornando-os mais atrativos, segundo a resolução da Organização Mundial da Saúde.

mento da Convenção-Quadro da OMS para o Controle do Tabaco, que já proibiram aditivos de nicotina e outros em cigarros. A decisão da Anvisa é considerada uma vitória para a Organização Mundial da Saúde.

ACT

Promoção da Saúde



However...

- ✓ Regarding the constitutionality of the additives ban resolution, the Supreme Court ruled that this part of the decision had no binding effect.
- ✓ Because of this, several lawsuits (around 45) were filed by tobacco manufacturers against ANVISA questioning the additives ban resolution.
- ✓ Several contradicting decisions

2020: Another great victory at the Federal Court

- 2 lawsuits filed against ANVISA by tobacco companies' union (from BA and DF)
- SindiTabaco/BA: ANVISA filed a petition to avoid conflicting decisions - *Incidente de Assunção de Competência*
- Oct/2020: Federal Appeal Court from the 1st Region decided on behalf of ANVISA and insured the constitutionality of the additives ban

Therefore, all the federal courts from the 1st region are bounded to follow this legal precedent

However...

- ✓ After an appeal from SindiTabaco/BA, the effects of the decision have been suspended until the trial is over

In March, 2022, it has been 10 years since the resolution was enacted, and due to the TI's litigation efforts, it never has been enforced.

Informações sobre marcas de produtos derivados do tabaco

Cigarros

Ano	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Marcas autorizadas mercado nacional	214	206	175	194	233	236	207	210	167	200	223	231
Marcas sabores característicos (descritor)	44	44	41	40	42	56	57	55	58	73	69	66

Outros Produtos de tabaco

Ano	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Marcas autorizadas mercado nacional	61	99	87	70	91	193	321	361	194	308	464	521
Marcas sabores característicos (descritor)	14	36	39	37	38	129	226	228	61	108	168	199



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Preventive Medicine


journal homepage: www.elsevier.com/locate/ypmed

Short Communication

Brazilian smokers are ready for the ban on flavour additives in tobacco to be implemented

Christina N. Kyriakos^{a,*}, Geoffrey T. Fong^{b,c,d}, Cristina de Abreu Perez^e, André Salem Szklo^f, Pete Driezen^{b,c}, Anne C.K. Quah^b, Valeska Carvalho Figueiredo^e, Filippos T. Filippidis^a

The majority of smokers supported a ban on menthol (56%) and a ban on all additives (61.7%), with no significant differences across sociodemographic groups. More than half of menthol smokers reported they would either quit or reduce the amount they smoked if menthol cigarettes were banned



Considering the Brazilian experience on additives ban, the major challenge is related to litigation from tobacco industry!



Thank you so much!!

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Stay Involved



Have you seen tobacco industry interference in public health policymaking? Email us the details at info@ash.org!



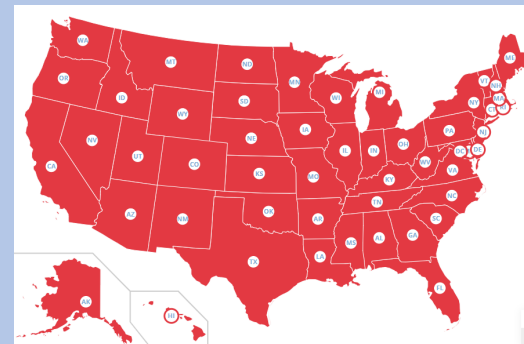
NEXT WEBINAR: June 9th at 12pm ET

How Advocates can use the Convention on the Elimination of Racial Discrimination (CERD) to Further Local Tobacco Control

Tools for Advocates

Tobacco & Human Rights Hub

ash.org/hrhub



U.S. Tobacco Lobbyist & Lobbying Firm Registration Tracker

ash.org/tobacco-money