



For Immediate Release: APRIL 28, 2022

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POLICE GROUP DECRIES FDA'S MENTHOL PROHIBITION FDA's Proposed Product Standards Will Corrode Law Enforcement Relationships In Black and Brown Communities

MEDFORD, MA — Today, the FDA issued its [proposed rule](#) banning menthol as a characterizing flavor in cigarettes. On March 29, 2022, the [Law Enforcement Action Partnership \(LEAP\)](#), along with a bipartisan coalition of subject matter experts from various civil rights, drug policy, and law enforcement, organizations, sent [a letter](#) to Secretary Becerra and Commissioner Califf stating that such a ban would adversely impact people and communities of color, trigger unnecessary criminal penalties, and lead to an increase in negative interactions with law enforcement within those communities.

Lt. Diane Goldstein (Ret.), current executive director of LEAP, said “This ruling will continue to perpetuate health and policing disparities in communities of color instead of alleviating either issue or problem. Any way you look at it, [smoking rates are down](#) across demographics. That wasn’t achieved through bans; it was achieved through public education campaigns and proven cessation methods. I don’t know who looked at the sentencing disparities between crack and cocaine, which disproportionately affected Black communities, and said to themselves ‘Let’s recreate *that*.’ Because that’s what this ruling is going to do—it’s going to affect Black people and Black communities, while leaving others untouched—because for some reason the FDA thinks it acceptable to criminalize the choices of Black smokers in the name of their own health, while not extending the same “protection” to other smokers. Law enforcement is the wrong way to go about this.”

LEAP, founded in 2002 as Law Enforcement Against Prohibition, has long opposed flavored tobacco bans. Prohibitions are nothing more than the criminalization of public health issues and often have unintended consequences for individuals and communities as a whole. Prohibiting the sale of menthol tobacco products will lead to the creation of illicit markets for distribution, an impure supply of “contraband,” and an increase in negative police encounters in predominantly Black neighborhoods.

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The Law Enforcement Action Partnership ([LEAP](#)) is a nonprofit group of police, judges, prosecutors, and other criminal justice professionals who use their expertise to advance public safety solutions. LEAP's more than 250 law enforcement representatives from diverse backgrounds speak on behalf of thousands of law enforcement professionals across the U.S.

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