



Hidden Agenda: How the Tobacco Industry and Its Front Groups Interfere with Public Health and How to Counteract It

Laura Bach, MPH
Associate Director, Research
Campaign for Tobacco-Free Kids

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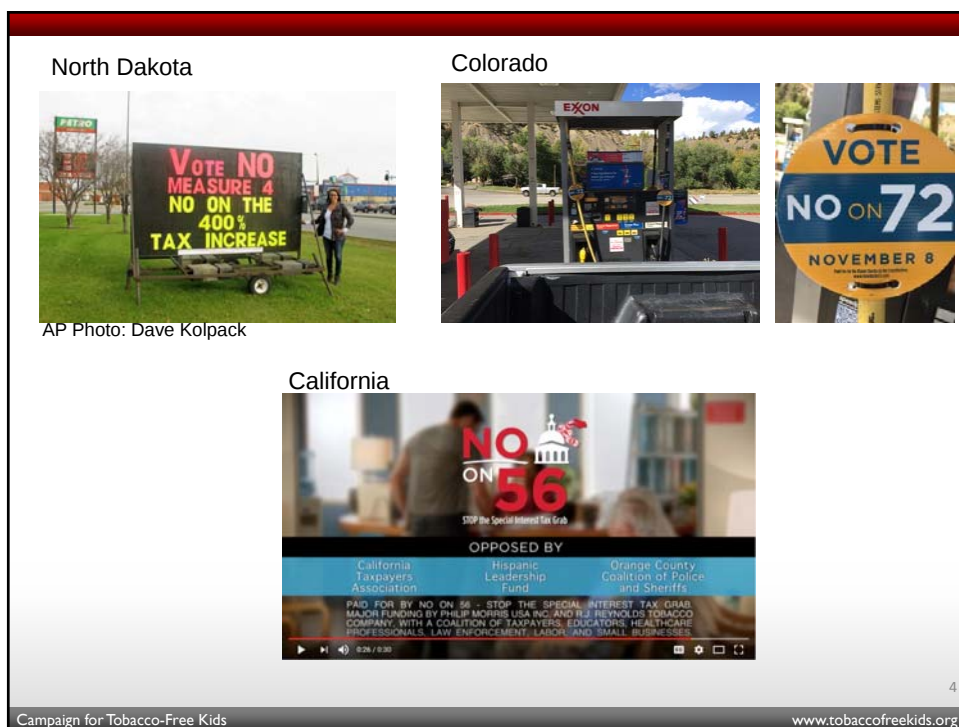
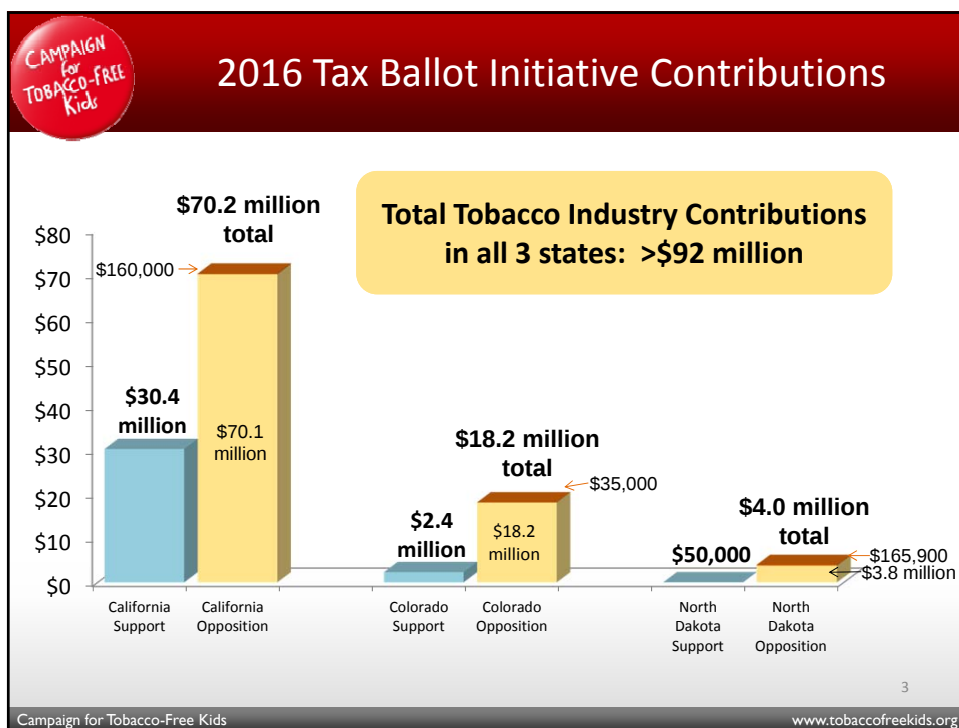


Industry Strategies

- **Fund Opposition Efforts**
- Support Industry Front Groups to Undermine Tobacco Control Policies
- Lobby for Industry-Written Language
- Promote Low-Impact or Ineffective Policies and Programs

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National Association of Tobacco Outlets (NATO)

Manufacturer Board Members

 David Riser R.J. Reynolds Tobacco Winston-Salem, NC	 Bill Dunn Swisher International Jacksonville, FL	 Molly Slingerland Altria Client Services Albany, NY
 Dan Mulvaney Swedish Match Alexandria, VA	 Larry Sherman Nat Sherman Company Ft. Lee, NJ	 Bhavani Parameswar King Maker Marketing Paramus, NJ
 Brittani Cushman National Tobacco Company Louisville, KY	 Ron Milstein ITG Brands Greensboro, NC	

“NATO’s dedication to supporting retailers makes the organization very effective in advocating on issues related to the trade.”
-Altria

“NATO is not only one of the best grassroots organizations in the industry, but they have also been a great asset in helping shape favorable outcomes at the state and local level.”
-Reynolds

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Misleading Claims from NATO & Swedish Match: “Tobacco Ordinances Take Another Look” (TOTAL)

- Loss of profit and taxes to neighboring towns
- Job loss and reduced hours for convenience store employees
- Shift in sales to the internet
- Devastating economic consequences
- Rise in black market activity
- Altercations between police and civilians
- Minimal reduction in youth tobacco use

LOCAL ORDINANCES DO MORE HARM
THAN GOOD

T.O.T.A.L.

Tobacco Ordinances – Take Another Look

<http://www.tobaccoordinances.info/>

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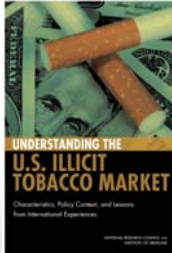
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Mackinac Center & The Tax Foundation: Undermining Tobacco Tax Initiatives

“The lure of saving or making a buck in the acquisition of cheaper cigarettes is strong and encourages every type of mischief.” - Mackinac

“Industry-sponsored estimates of the size of the illicit market tend to be inflated. More generally, concerns have been raised about the quality and transparency of industry-funded research on the illicit tobacco trade.” –NRC-IOM

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Mackinac Center & The Tax Foundation: Undermining Tobacco Tax Initiatives

The Boston Globe
After Mass. raised its cigarette tax, smuggling exploded, study finds

The Salt Lake Tribune
Contraband cigarettes among Utah smokers' favorite brands

azcentral THE ARIZONA REPUBLIC
Arizona has the 12th-highest cigarette tax in the nation. Here's why that might be a bad thing

TheTribune Serving Greeley and Weld County, CO
LaFaive/Nesbit: Smuggling would rise along with tobacco tax

TULSA WORLD
Jonathan Small and Michael LaFaive: Cigarette tax hike will increase criminal activity

THE ORANGE COUNTY REGISTER
OPINION
Cigarette tax hike initiative a bridge too far

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Other Examples

- American Legislative Exchange Council (ALEC)
- Heartland Institute
- R Street Institute

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Cole-Bishop Amendment: Undermining the Deeming Rule

The New York Times

POLITICS

A Lobbyist Wrote the Bill. Will the Tobacco Industry Win Its E-Cigarette Fight?

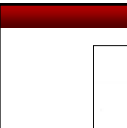
By ERIC LIPTON SEPT. 2, 2016

Tobacco War Lobbying Documents

The e-cigarette and cigar industries, backed up by dozens of lobbyists, are engaged in an intense fight on Capitol Hill to roll back a new rule that for the first time subjects them to regulation by the Food and Drug Administration. Here is an inside look at this fight, with lobbying documents that rarely become public. SEPT. 2, 2016 | RELATED ARTICLE

<https://www.nytimes.com/2016/09/03/us/politics/e-cigarettes-vaping-cigars-fda-altia.html>

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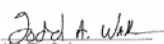
Cole-Bishop Amendment: Undermining the Deeming Rule

April 13, 2015

The Honorable Tom Cole
c/o Steve Waskiewicz
2467 Rayburn HOB
Washington, DC 20515

Dear Congressman Cole,

The undersigned stakeholders would like to express our support for the *FDA Deeming Authority Clarification Act of 2013*. Our industry manufacturers have agreed on language to replace the date of February 2007 with an effective date of the Secretary's final deeming regulation and 21 months following the effective date for products to remain on the market with the manufacturer filing an SE/new product application.

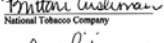

Altria Client Services


National Association of Tobacco Outlets

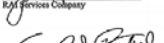

Cigar Station of America, Inc.


Pipe Tobacco Council


Tobacco Rights of America


National Tobacco Company


International Premium Cigar & Pipe Retailers Association


R.J. REYNOLDS TOBACCO COMPANY


Lorillard Tobacco Company


Swedish Match North America


Lorillard Tobacco Company


National Association of Convenience Stores

"Our industry manufacturers have agreed on language to replace the date of February 2007 with an effective date of the Secretary's final deeming rule"

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National Association of Convenience Stores (NACS): StopTheVapeBan.Com




© 2016 National Association of Convenience Stores

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Reynolds' E-Cigarette Language

Who's Calling the Shots in State Politics?

E-cigarette laws written with the help of Reynolds American

By Nicholas Kusnetz [email](#) Jared Bennett [email](#) 4:59 am, March 25, 2016 Updated: 5:00 am, March 25, 2016

20 likes 68 tweets 3 comments Email Print

Tobacco companies have **won legislative language** in at least 19 states that protects e-cigarettes from tobacco control programs and cigarette taxes. At least 11 of those pull nearly verbatim from template language written by Reynolds American Inc., which sells the VUSE e-cigarette. Below is an excerpt from Reynolds' template, which was obtained by the Center for Public Integrity, together with matching excerpts from the state laws, all of which ban sales of e-cigarettes to minors. Click on the bill titles to see larger versions.



How Big Tobacco lobbies to safeguard e-cigarettes
By Nicholas Kusnetz March 25, 2016



The Center for Public Integrity
Winner of the 2014 Pulitzer Prize

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Reynolds' E-Cigarette Language



State of Rhode Island and Providence Plantations
State House, Room 224
Providence, Rhode Island 02903
401-222-2080

Lincoln D. Chafee
Governor
July 17, 2013

TO THE HONORABLE, THE SENATE:

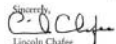
In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2013 S 622, Substitute A, "An Act Relating to Criminal Offenses - Children - Taxation - Cigarette Tax."

This bill criminalizes the possession, use or purchase of electronic cigarettes by children and the sale and delivery of electronic cigarettes to children. However, it defines electronic cigarettes as "vapor products" and thus exempts electronic cigarettes from laws regarding the illegal sale of tobacco products to children.

Existing laws require vendors to obtain proof of age of the purchaser and to display signs concerning the prohibition of sales to children. The Department of Behavioral Healthcare, Developmental Disabilities and Hospitals is permitted to conduct unannounced statewide compliance checks for over-the-counter, mail order and machine sales of tobacco products and is charged with enforcement, punishment and record-keeping. By defining electronic cigarettes as vapor products, none of these laws would be applicable. Moreover, this bill fails to impose any licensing requirements or obligation to collect sales tax upon electronic cigarette vendors.

The sale of electronic cigarettes to children should be prohibited, but it is counter-productive to prohibit sales to children while simultaneously exempting electronic cigarettes from laws concerning regulation, enforcement, licensing or taxation. As a matter of public policy, electronic cigarette laws should mirror tobacco product laws, not circumvent them.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Lincoln D. Chafee

"The sale of electronic cigarettes to children should be prohibited, but it is counter-productive to prohibit sales to children while simultaneously exempting electronic cigarettes from laws concerning regulation, enforcement, licensing or taxation. As a matter of public policy, electronic cigarette laws should mirror tobacco product laws, not circumvent them."

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Industry Youth Prevention Programs

“The tobacco companies’ activities and programs for the prevention of youth smoking have not demonstrated an impact on the initiation or prevalence of smoking among young people.”

-2012 Surgeon General Report

“Internal documents suggest that Defendants designed their YSP [youth smoking prevention] programs for public relations rather than efficacy in youth smoking prevention.”

-Judge Kessler, U.S. v. Philip Morris

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Right Decisions Right Now



R.J. Reynolds Tobacco Company
P.O. Box 2959
Winston-Salem, NC 27102

Contact: Media: RJRT 2014-04
Jane Seccombe
(336) 741-5068

Youth tobacco prevention program partners with
National School Boards Association

WINSTON-SALEM, N.C. – Oct. 9, 2014 – The [Right Decisions Right Now](#) (RDRN) youth tobacco prevention program has partnered with the [National School Boards Association](#) in a joint effort to convey a strong and effective anti-tobacco use message to more teens.

NSBA terminates partnership with R.J. Reynolds Tobacco Company

After careful deliberation, the National School Boards Association (NSBA) has decided to terminate its partnership with R.J. Reynolds’ “Right Decisions, Right Now” program. This action is effective immediately.

Our advocacy around child well-being is unequivocal, clear and on the record: NSBA strongly supports tobacco-free public schools.

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Counteracting the Tobacco Industry

- **Expose Tobacco Industry Bad Acts**
- Identify and Expose Monetary Influence
- Correct Misinformation
- Raise Awareness of Industry Strategies

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Deadly Alliance: How Big Tobacco and Convenience Stores Partner to Hook Kids and Fight Life-Saving Policies

- Investing billions at the point of sale
- Targeting youth with point-of-sale marketing, which increases youth tobacco use
- Targeting low-income and minority neighborhoods with point-of-sale marketing
- Enlisting convenience stores and retail groups to oppose public health policies



http://www.tobaccofreekids.org/what_we_do/industry_watch/store_report/

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Federal Trade Commission Marketing Data



Federal Trade Commission
Cigarette Report
for 2014

ISSUED: 2016

Tobacco Industry Influence in Indiana	
Annual tobacco industry marketing expenditures nationwide	\$9.1 billion
Estimated portion spent for Indiana marketing each year	\$204.5 million

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CounterTobacco.Org

YOUTH APPEAL


★★★★☆


★★★★☆


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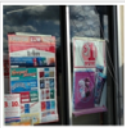

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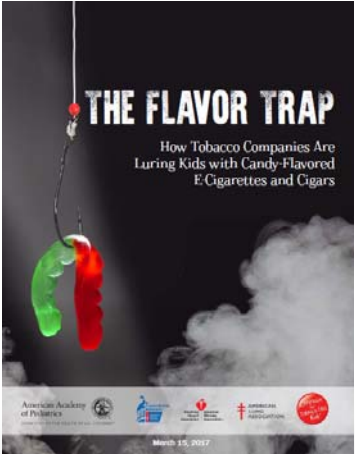
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The Flavor Trap: How Tobacco Companies are Luring Kids with Candy-Flavored E-Cigarettes and Cigars

- Tobacco companies have a long history of developing and marketing flavored tobacco products as “starter” products that attract kids
- Growth in market share of sweet-flavored tobacco products, especially e-cigarettes and cigars
- Flavored products have fueled the popularity of e-cigarettes and cigars among youth



tfk.org/flavortrap

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Trinkets & Trash

Trinkets & Trash
Artifacts of the Tobacco Epidemic

RUTGERS
School of Public Health

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Visual Exhibits
Surveillance Updates
Share Your Trinkets
Links
Contact Us

The Online Surveillance System & Archive of Tobacco Products & Marketing Materials

Search the Trinkets & Trash Archives

Brand

Year to
Enter a single year or date range.

Category
[Click here](#) for details about selecting multiple categories.

Key Words
search example: Camel Cash, Christmas

Recent Images

Use our images to enhance your presentations Citation: www.trinketsandtrash.org.

Visual Exhibits - Learn About Tobacco Marketing



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Tweets by @trinketsandtrash

Trinkets & Trash
@trinketsandtrash

Trinkets & Trash Surveillance Update - January 2017 - [eeepul.com/z55b](#)



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Stanford Research into the Impact of Tobacco Advertising

Stanford Research into the Impact of Tobacco Advertising

Chocolate (74 images)

Ice Cream (88 images)

Candy (224 images)

Cookies (75 images)

Donuts (67 images)

Cakes & Pies (116 images)

Cupcakes (36 images)

Breakfast (60 images)

Mint (57 images)

Soda Pops/Beverages (122 images)

Flavor Varieties (274 images)

Juice Companies (244 images)

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Counteracting the Tobacco Industry

- Expose Tobacco Industry Bad Acts
- **Identify and Expose Monetary Influence**
- Correct Misinformation
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Secretary of State Websites: Campaign Finance

North Dakota Secretary of State

Altria Client Services LLC & Its Affiliates
Independent Expenditure Filer
Registration Date: 8/5/2016
Reporting Year: 2016

Independent Expenditures

	Date Filed	Statement total of IE made	YTD total of IE made
	08/05/16	\$665,647.93	\$665,647.93
Amendment	10/03/16	\$749,131.49	\$749,131.49
	09/02/16	\$1,120,800.00	\$1,869,931.49
Amendment	10/06/16	\$1,148,235.70	\$1,897,367.19
	09/30/16	\$666,650.00	\$2,564,017.19
Amendment	01/27/17	\$679,648.82	\$2,572,016.01
	10/21/16	\$185,000.00	\$2,762,016.01

THE HUFFINGTON POST

Tobacco Company Cash Crushes Tax Increases

Between 1980 and 2015, voters approved nearly 70 percent of the 32 tobacco tax hikes that appeared on statewide ballots. But this time was different.

MEDPAGE TODAY

Big Tobacco Spends \$100M to Defeat State Tax Hikes

— Ballot measures in 3 states would raise pack prices by up to \$2

Bloomberg Markets

Big Tobacco Pours Millions Into California Cigarette Tax Fight

THE COLORADO INDEPENDENT

Virginia-based tobacco giant on track to be the biggest spender in Colorado history

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www.tobaccofreekids.org



Open Secrets



Lobbying Expenditures

Client/Parent	Total
Altria Group	\$10,060,000
Philip Morris International	\$5,110,000
Reynolds American	\$1,883,630
Vector Group	\$320,000
Intl Premium Cigar & Pipe Retailers Assn	\$317,230
Hay Island Holding	\$270,000
ITG Brands	\$240,000
Swedish Match AB	\$240,000
Vapor Technology Assn	\$220,000
Cigar Assn of America	\$185,000

Campaign Contributions

Party Split:

Dems: \$437,709
Repubs: \$2,061,696
Others: \$0

All Candidates: \$2,499,405
Incumbents Only: \$2,210,865

House	# of Members	Average Contribution	Total Contributions
Democrats	56	\$3,853	\$215,803
Republicans	163	\$7,953	\$1,296,350
Independents	0	\$0	\$0
TOTAL	219	\$6,905	\$1,512,153

The US House of Representatives has 435 members and 5 non-voting delegates.
Totals may exceed 440 due to mid-term replacements.

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Tobacco Industry PAC Contributions

U.S. Senators								
District	Name	2006	2008	2010	2012	2014	2016	Grand Total
NC91	Tillis, Thom (R)	\$0	\$0	\$0	\$0	\$20,500	\$15,000	\$35,500
NC92	Burr, Richard (R)	\$16,872	\$7,000	\$47,450	\$3,000	-\$3,000	\$47,000	\$118,322

U.S. Representatives								
District	Name	2006	2008	2010	2012	2014	2016	Grand Total
NC01	Butterfield, G K (D)	\$3,500	\$20,000	\$5,500	\$11,000	\$7,500	\$1,000	\$48,500
NC02	Ellmers, Renee (R)	\$0	\$0	\$0	\$27,500	\$23,900	\$10,000	\$61,400
NC03	Jones, Walter B Jr (R)	\$5,500	\$4,000	\$2,000	\$2,000	\$1,000	\$0	\$14,500
NC04	Price, David (D)	\$6,000	\$1,000	\$0	\$1,000	\$0	\$0	\$8,000
NC05	Foxx, Virginia (R)	\$18,250	\$13,000	\$6,500	\$3,000	\$8,500	\$2,500	\$51,750
NC06	Walker, Mark (R)	\$0	\$0	\$0	\$0	\$11,000	\$13,500	\$24,500
NC07	Rouzer, David (R)	\$0	\$0	\$0	\$1,000	\$17,500	\$7,500	\$26,000
NC08	Hudson, Richard (R)	\$0	\$0	\$0	\$6,000	\$17,000	\$12,500	\$35,500
NC09	Pittenger, Robert (R)	\$0	\$0	\$0	\$8,000	\$7,500	\$0	\$15,500
NC10	McHenry, Patrick (R)	\$14,000	\$17,000	\$12,500	\$15,000	\$11,000	\$9,262	\$78,762
NC11	Meadows, Mark R (R)	\$0	\$0	\$0	\$5,000	\$4,000	\$0	\$9,000
NC12	Adams, Alma (D)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
NC13	Holding, George (R)	\$0	\$0	\$0	\$16,250	\$22,627	\$19,325	\$58,202

[http://www.tobaccofreekids.org/what we do/federal issues/campaign contributions/](http://www.tobaccofreekids.org/what_we_do/federal_issues/campaign_contributions/)

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Other Resources

- Industry charitable giving lists
- Center for Media & Democracy:
sourcewatch.org
- UCSF / Truth Tobacco Industry Documents

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Counteracting the Tobacco Industry

- Expose Tobacco Industry Bad Acts
- Identify and Expose Monetary Influence
- **Correct Misinformation**
- Raise Awareness of Industry Strategies

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Rebutting NATO & Swedish Match's "TOTAL" Arguments

www.tobaccofreekids.org/totalresources

Home > TOTAL Resources

Background Materials

Responses to Misleading Arguments and Information on the Impact of Local Ordinances at the Point of Sale

Updated Jan. 25, 2017

Public health efforts to protect youth from the tobacco industry in the point-of-sale environment are gaining momentum nationwide. The tobacco industry is organizing to oppose these efforts. For example, the National Association of Tobacco Outlets (NATO) and cigar and smokeless tobacco company Swedish Match recently launched a website for retailers with misleading arguments and information on the impact of local ordinances targeting the point of sale. The website is called Tobacco Ordinances – Take Another Look (TOTAL) and addresses policies related to price, flavored products, legal minimum sale age of 21, and others.

The industry's arguments do not withstand scrutiny. Below are documents responding to the industry's false and misleading materials.

Responses to Misleading NATO/Swedish Match Arguments

- Raising the Tobacco Sale Age to 21 
- Regulating Package Size and Setting a Minimum Price Will Help Reduce Cigar Use Among Kids 
- Flavored Tobacco Sales Restrictions Benefits Public Health 
- Prohibiting Price Promotions and Coupon Redemptions Benefit Public Health 
- Local Tobacco Taxes Benefit Public Health 

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Rebutting NATO & Swedish Match's "TOTAL" Arguments

TOTAL Argument	Rebuttal
The downturn in cigarette and tobacco sales will translate into employee layoffs and possible store closures.	Studies show that the number of convenience stores does not decline following tax increases, nor do declines in cigarette consumption have a negative impact on convenience store employment.

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Other Resources to Combat Common Industry Arguments

- ✓ Responses to Misleading and Inaccurate Cigarette Company Arguments Against State Tobacco Tax Increase
- ✓ Raising Cigarette Taxes Reduces Smoking, Especially Among Kids (and the Cigarette Companies Know It)
- ✓ Smoke-Free Laws Do Not Harm Business at Restaurants and Bars
- ✓ Cigarette Company Youth Access Initiatives: Fake and Ineffective
- ✓ Big Surprise: Tobacco Company Prevention Campaigns Don't Work; Maybe It's Because They Are Not Supposed To

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Raise Awareness of Industry Strategies

- Proactively discredit the industry's policy agenda
- Contact state and national advocates
- Share stories with the press

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CAMPAIGN for TOBACCO-FREE Kids

Reynolds Funds African American Forums to Oppose Menthol Restrictions



Join us for a Panel Examining the Criminal Justice System on Decriminalizing the Black Community
Special Community Town Hall Meeting with Rev. Al Sharpton

Tuesday October 11 2016
Community Town Hall Meeting 6:30pm
Location: Beebe Memorial Cathedral 3900 Telegraph Oakland CA 94609

Participating Panelists:
Former Congressman Candlish Monk
President NABE: Chief John I. Dixon III
LEAP (Law Enforcement Against Prohibition) Major Neil Franklin
DPA (Drug Policy Alliance) Art Way, Esq.
Community Leaders can RSVP: info@oaklandnorth.net or call (510) 924-4389

Sponsored by National Action Network & RAI

OaklandNorth
Rev. Al Sharpton's talk on banning menthols draws debate over policing, tobacco companies

"They've been talking about the criminalization of the Black male for at least three years. This has all been funded by RAI. They bought Newport from Lorillard. They bought Kool from Brown and Williamson. They have a monopoly on the menthol brand."
– Valerie Yerger, UCSF

<https://oaklandnorth.net/2016/11/16/rev-al-sharptons-talk-on-banning-menthols-draws-debate-over-policing-tobacco-companies/>

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Reynolds Funds African American Forums to Oppose Menthol Restrictions

Battling Menthol Restrictions, R.J. Reynolds Reaches Out to Sharpton, Other Black Leaders

By [Layton Lewis](#) on February 9, 2017

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Civil rights activist Rev. Al Sharpton, in October at an Oakland, Calif., church forum about the impact of banning menthol cigarettes. (Photo by Rachel Loyd/Oakland North)



Rev. Al Sharpton
National Action Network
President & Founder




Host
Pastor Billy G. Russell
Pastor of Greater New Friendship MBC
President of National Action Network

NATIONAL ACTION NETWORK PRESENTS:
Community Leadership Luncheon
Topic: Decriminalizing The Black Community
Banning Of Menthol Cigarettes
January 25, 2017 12-2PM
Location: Greater New Friendship MBC
2000 E. 24th Street
Minneapolis, MN 55405

Panelists Includes:



Major Neil Franklin
Lt. Colonel, U.S. Army
President, LEAP



Chief John I. Dixon III
President, NABE



Former Congressman Candlish Monk
President, Florida State Highway Patrol



Art Way, Esq.
Drug Policy Alliance

<http://www.fairwarning.org/2017/02/rjreynoldssharptonmentholrestrictions/>

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Questions?

Contact: Laura Bach
lbach@tobaccofreekids.org

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