

Supplementary information: International regulations regarding menthol in tobacco products

Africa region				
Country/ Jurisdiction	Menthol restriction	Tobacco products	Implementation Status	Details
Cabo Verde	Substances with flavouring properties including aids to enhance flavour and spices, aromatic herbs, or any substance that can confer their odour or flavour (including menthol).	Tobacco products	Implementation scheduled for August 2022.[1] †	
Congo	Characterising flavour (including menthol)	Cigarettes (including flavour capsule cigarettes)	Law introduced and scheduled for implementation in 2022.[2] †	
Ethiopia	Flavours (including menthol)	Tobacco products	Implemented 2015	A directive was issued in Ethiopia to ban manufacturing, import, distribution, and sale of flavoured tobacco products of any kind from late 2015.[3] Menthol was included in this ban, the first time this had occurred in any country.[4, 5] Ethiopia had a low market share of mentholated tobacco products, so this ban was considered pre-emptive – that is, aimed at preventing a potential rise in use.[4]
Mauritius	Characterising flavour	Cigarettes, RYO, bidis, cigars,	Regulations introduced 2022.†	

	(including menthol)	cigarillos, smokeless tobacco, e-cigarettes, waterpipe tobacco, heated tobacco products, cigarette papers, tubes or filters.		
Nigeria	Characterising flavour (including menthol)	Cigarettes	Regulations introduced in 2018.[6]†	
Senegal	Characteristic aromatic agents or any aromatic agent that allows modification of scent or flavour	Tobacco products	Laws passed in 2017 and have been implemented.[7]	
Sierra Leone	Characterising flavour	Tobacco, tobacco products and other nicotine products	Law passed in 2022.†	
Uganda	Flavours (including menthol)	Tobacco products	Implemented 2020.	In 2015, Uganda introduced regulations aimed at restricting flavored tobacco products. Despite facing a legal challenge from British American Tobacco, Uganda (BATU) in May 2019, the country successfully passed Tobacco Control Regulations in August 2019. These regulations were set to be implemented on February 1, 2020.[7]

Americas region				
Country/ Jurisdiction	Menthol restriction	Tobacco products	Implementation Status	Details
Antigua and Barbuda	Characterising flavours (including menthol)	Tobacco products (including cigarettes)	Laws introduced 2018.[8] †	
Brazil	Flavours (including menthol)	‘Tobacco products containing partially or wholly in its composition tobacco leaf.’	Law passed in 2012. Not implemented yet.	Brazil, in 2012, was the first country to pass a law specifically banning the addition of menthol (or other flavours or additives) to enhance the flavour of tobacco.[9, 10] The legislation bans tobacco products that contain "synthetic and natural substances in any form (pure substances, extracts, oils, distillates, balms, among others), with flavoring properties that can impart, intensify, modify or enhance the flavor of the product" and "seasonings, herbs and spices".[9] However, interference from the tobacco industry and court battles have prevented Brazil from enacting the law and implementing the ban.[11]
Canada	Flavours (including menthol)	Cigarettes, (<6 g), little cigars, blunt wraps	Implemented 2018	Flavours were banned in cigarettes in Canada in 2009, and in most cigars in 2015, however menthol was exempt from that ban.[12] With increasing evidence that menthol promotes smoking uptake and progression in youth-, seven Canadian provinces implemented bans on the sale of menthol in tobacco across all product categories.[4] Nova Scotia was the first province in the world to ban menthol as a flavour in tobacco products—in 2015—with six other Canadian provinces following in the next couple of years.[13] The exemption for menthol at the national level was removed in a 2017 amendment to the Tobacco Act, effectively banning throughout Canada use of menthol as a flavour in cigarettes and most cigars, as well as promotion of menthol in tobacco packaging.[4, 12] This legislation came into force in 2018. [14]
Chile	Details not available	Bill successful passed senate but has not yet been implemented.	The Ministry of Health in Chile attempted to ban menthol tobacco products in 2013 but Chile’s autonomous Office	Chile

			of the Comptroller General ruled that the Ministry had failed to demonstrate that menthol directly increases addiction, harm or risk. A new bill was successful in 2015 after arguing that menthol and other distinctive cigarette flavours were associated with high levels of use by Chilean youth. Although the new bill successfully passed in Chile's Senate, as of 2020, the law had not yet been implemented.[15]	
US	Menthol as a characterising flavour	Cigarettes or any of their component parts.	Ban announced (2021) and proposed rules published (2022). Not yet implemented.	<p>The US Food and Drug Administration (FDA) prohibited the sale of cigarettes with a characterising flavour, with the exception of tobacco and menthol flavours in 2009.[7] A number of individual states have since enacted bans on the sales of flavoured cigarettes that are wider than the 2009 flavoured cigarette ban (see below).[16]</p> <p>In April 2021, the FDA in the US announced its commitment to a ban on menthol as a characterising flavour in cigarettes. [17] In April 2022 the FDA then proposed rules for banning menthol as characterising flavour in cigarettes, stating that “a cigarette or any of its components or parts (including the tobacco, filter, wrapper, or paper, as applicable) shall not contain, as a constituent (including a smoke constituent) or additive, menthol that is a</p>

				characterizing flavour of the tobacco product or tobacco smoke.”[18] The implementation date is not yet determined.
	Characterising flavours (including menthol)	Cigars and their component parts	Proposed, not yet implemented.	In April 2021, the FDA in the US announced all characterising flavours, including menthol, would be banned in cigars.[17] In April 2022, the FDA proposed rules for prohibit all characterizing flavours (other than tobacco) in cigars The implementation date is not yet determined.[19]
Other US Jurisdictions	As of July 2023, there were 180 localities in the US that had restrictions on sales of menthol cigarettes, in the states of California, Colorado, Illinois, Maine, Massachusetts, Minnesota, New York State, Ohio and Oregon.[20]			
Europe region				
Country/ Jurisdiction	Menthol restriction	Tobacco products	Implementation Status	Details
European Union (28 member states)	Characterising flavours (including menthol)	Cigarettes, roll-your-own, in filters, papers, packages, capsules or any technical features allowing modification of the smell or taste of the tobacco products concerned	Implemented 2020	The sale of flavoured cigarettes and roll-your-own tobacco, including those with menthol flavour, was banned in the European Union (EU) by the second Tobacco Products Directive.[21] The wording of the directive prohibits selling tobacco products with a ‘characterising flavour’. Along with other flavours, menthol is also banned in filters, papers, packages, capsules or any technical features allowing modification of the smell or taste of the tobacco products concerned. Some EU countries have implemented stronger regulations. The implementation of the ban of menthol in the EU was postponed due to protests and interference from the tobacco industry.[22] The legal challenges ultimately failed, but a long lead-in time saw the implementation of the ban delayed until 2020.[23]
Finland	Characterising flavour (including menthol) and flavouring products	Cigarettes and RYO (characterising flavour) and tobacco flavouring	Characterising flavours banned in 2020. Flavouring product regulations took effect in 2022 with implementation at	Characteristic flavours in tobacco products were banned in Finland under the EU products directive 2020. In 2022, the Tobacco Act was revised banning tobacco flavouring products to prevent consumers from using these products to flavour unflavoured tobacco products.[20]

		products (e.g., flavour cards.	the retailer level required by April 2023.	
Germany	Menthol as an additive	Cigarettes and all smoking tobacco products (such as cigarillos or hookah tobacco). [24]	Implemented 2020	Characteristic flavours (with the exemption of menthol) in tobacco products were banned in Germany since May 2016. The legislation was subsequently amended to ban specified additives (which included menthol), this came into force in May 2020.[25]
Hungary	Any amount of menthol in cigarettes	Not specified	Plans for ban announced in 2021.	In September, Hungary notified the European Commission that the country plans to ban cigarettes that contain any amount of menthol.[26]
Moldova	Characterising flavours (including menthol)	Cigarettes (including capsules) and roll-your-own tobacco	Scheduled to be implemented in 2020.[27] †	
Türkiye	Characteristic flavours (including menthol)	Cigarettes (including capsules) and RYO	Legislated enacted in 2019, with implementation at the retailer level require by 2020.[7] †	
Ukraine	Characteristic smell or taste (including menthol).	Cigarettes and RYO tobacco.	Implementation scheduled for July 2023.[28] †	
United Kingdom	Characterising flavours (including menthol)	Cigarettes, RYO, filters, papers, packages, capsules ect.[29]	Implemented in 2020	The 2014 TPD2 ban on flavoured and menthol cigarettes included the United Kingdom (UK) until it left the European Union at the end of 2020. The flavour ban was transposed into UK law with any future amendments to be made by the UK government[23] and therefore enacted in 2020.

South-East Asia region				
Sri Lanka	Flavours	Cigarettes	Introduced in 2016.[30]†	

†Information not available to verify if implementation has occurred.

This table was compiled in September 2023. Due to the limitations in the availability of regulatory information in some countries, despite our best endeavours, some inaccuracies may remain in this text. Authors would welcome any suggestions for amendment along with supporting documentation.

References

1. Republic of Cape Verde, *Law No. 8/X/2022 Defining the General Regime for the Prevention and Control of Smoking*. 2022.
2. Republic of the Congo, *Order No. 2853 of May 31, 2022 Banning the Manufacture, Import, Distribution, Possession, Sale or Giveaway of Flavor Capsule Cigarettes, Cigarettes with Characterizing Flavors, and Shisha*. 2022, Official Gazette of the Republic of the Congo.
3. Ethiopian Food Medicine and Healthcare Administration and Control Authority. *Tobacco Control Directive*. 2015; Available from: https://www.tobaccocontrolaws.org/files/live/Ethiopia/Ethiopia%20-%20Tobacco%20Ctrl.%20Dir.%20No.%2028_2015%20-%20national.pdf.
4. World Health Organization (WHO), *Case studies for regulatory approaches to tobacco products: menthol in tobacco products*, in WHO/NMH/PND. 2018.
5. Erku, D.A. and E.T. Tesfaye, *Tobacco control and prevention efforts in Ethiopia pre- and post-ratification of WHO FCTC: Current challenges and future directions*. Tobacco Induced Diseases, 2019. **17**: p. 13.
6. *Nigerian Industrial Standard (NIS) 463:2018, Standard for Tobacco and Tobacco Products - Specifications for Cigarettes*. 2018.
7. Erinoso, O., et al., *Global review of tobacco product flavour policies*. Tobacco Control, 2020.
8. *Antigua and Barbuda Tobacco Control Act 2018*. 2018, The Official Gazette Vol. XXXVIII No.No. 69.
9. Tobacco Control Laws. *Legislation by country: Brazil. Regulated contents in cigarettes*. 2019; Available from: <https://www.tobaccocontrolaws.org/legislation/country/brazil/cd-regulated>.
10. Kyriakos, C.N., et al., *Brazilian smokers are ready for the ban on flavour additives in tobacco to be implemented*. Prev Med, 2022. **160**: p. 107074.
11. Oliveira da Silva, A.L., et al., *The taste of smoke: tobacco industry strategies to prevent the prohibition of additives in tobacco products in Brazil*. Tob Control, 2019. **28**(e2): p. e92-e101.
12. Government of Canada. *Order Amending the Schedule to the Tobacco Act (Menthol)*. 2017; Available from: <https://canadagazette.gc.ca/rp-pr/p2/2017/2017-04-05/html/sor-dors45-eng.html>.
13. Chaiton, M.O., et al., *Taking global leadership in banning menthol and other flavours in tobacco: Canada's experience*. Tob Control, 2022. **31**(2): p. 202-211.
14. *Flavour bans on tobacco products in Canada and selected other jurisdictions.*, in *Regulatory update*. 2020, Physicians for a Smoke-Free Canada.
15. Tobacco Tactics. *Flavoured and menthol tobacco*. 2022; Available from: <https://tobaccotactics.org/wiki/flavoured-and-menthol-tobacco/#:~:text=The%20Ministry%20of%20Health%20in,an%20existing%20law%20in%202013>.

16. Bach, L. *States & localities that have restricted the sale of flavored tobacco products*. . 2022; Available from: <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>.
17. Food & Drug Administration. *FDA commits to evidence-based actions aimed at saving lives and preventing future generations of smokers*. 2021; Available from: <https://www.fda.gov/news-events/press-announcements/fda-commits-evidence-based-actions-aimed-saving-lives-and-preventing-future-generations-smokers>.
18. Food & Drug Administration. *Tobacco product standard for menthol in cigarettes*. 2022; Available from: <https://public-inspection.federalregister.gov/2022-08994.pdf>.
19. *FDA Proposes Rules Prohibiting Menthol Cigarettes and Flavored Cigars to Prevent Youth Initiation, Significantly Reduce Tobacco-Related Disease and Death*. 2022, Food and Drug Administration.
20. *Finland Tightens Tobacco Laws*. 2022 03/05/2022]; Available from: <https://tobaccoreporter.com/2022/05/03/finland-tightens-tobacco-laws/>.
21. European Commission, *Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC*. 2014, European Commission: Brussels, Belgium.
22. Monckton Chambers. *Court of Justice confirms validity of the new Tobacco Products Directive and rejects challenges to e-cigarette provisions and menthol cigarettes ban*. 2020; Available from: <https://web.archive.org/web/20200309160444/https://www.monckton.com/court-justice-confirms-validity-new-tobacco-products-directive-rejects-challenges-e-cigarette-provisions-menthol-cigarettes-ban/>.
23. Tobacco Tactics. *Menthol Cigarettes: Industry Interference in the EU and UK*. 2021; Available from: <https://tobaccotactics.org/wiki/menthol-interference-eu-uk/>.
24. BfR, *No more menthol in cigarettes and smoking tobacco*. 2020.
25. Bundesverband der Tabakwirtschaft und neuartiger Erzeugnisse, *Ingredients*.
26. Ciurcanu, A. and A. Cerantola, *Japan Tobacco International Making a Mint by Circumventing Menthol Cigarette Ban, in Organised Crime and Corruption Reporting Project (OCCRP)*. 2021.
27. Tobacco Control Legal Consortium, *How Other Countries Regulate Flavored Tobacco Products*. 2015.
28. *LAW OF UKRAINE. On Amendments to Certain Laws of Ukraine on Public Health Protection from Harmful Effects of Tobacco*. 2021.
29. *Tobacco and Related Products Regulations 2016 (S.I. 2016 No. 507)*.
30. The Gazette of the Democratic Socialist Republic of Sri Lanka, *Prohibited Tobacco Products Regulations, No. 1 of 2016*. 2016.