



# THE TOBACCO INDUSTRY & THE BLACK COMMUNITY

## The Targeting of African Americans



Big Tobacco, including more recent players like Juul Labs, has a sordid and lengthy history of targeting and exploiting Black, Indigenous, and other historically marginalized racial and ethnic groups, youth, the LGBTQ+ community, women, and others for corporate gain.

The tobacco industry does this through sophisticated marketing tactics to lure new consumers to its deadly products and keep them hooked. An additional, lesser known tactic, one that the industry uses to whitewash its reputation, safeguard its regulatory influence and power, manipulate messaging, and gain public support is to make hefty contributions to culturally-relevant organizations, newspapers, magazines, and events of targeted communities. The tobacco industry is notorious for making corporate donations to numerous organizations and causes championed by the very populations it preys upon for profit.



This factsheet is intended to raise awareness of this form of the industry's manipulation and abuse of targeted, at-risk populations. It describes the tobacco industry's use of front groups, distortion, and corporate giving to mask disreputable corporate conduct and highlights recent examples of the way the industry exploits the African American community to maintain political access and shape policies that serve its corporate interests.

## Corporate Malfeasance

Since their inception, tobacco companies have used their vast resources to fight health-protective regulatory initiatives, such as smoke-free/tobacco-free workplace legislation, excise tax increases and, most recently, prohibitions on sales of menthol and other flavored tobacco products. Common industry tactics include lobbying against legislation supported by the public health community, submitting opposition documents, soliciting comments from front groups and think tanks funded by the industry, and misrepresenting and distorting scientific findings.<sup>1</sup> Among public health advocates, Big Tobacco has earned a reputation as an industry whose business practices exemplify the most callous of corporate attitudes toward consumers and public health.

The history of the tobacco industry's predatory marketing practices is revealed within the millions of pages of tobacco industry internal papers now in the public domain as the result of historic lawsuit settlements with the industry in the late 1990s. Tobacco company documents show how the industry has peddled misinformation about health harms of tobacco use and nicotine addiction, as well as how the industry has strategically targeted specific populations for marketing purposes and how these targets have shifted over time. Targeting of troops, for example, dates back to World War I and World War II, when soldiers received free cigarettes in their rations, whereas the targeting of women, preying on insecurities about weight and diet, dates back to the 1920s, and continues to this day.<sup>2</sup> In the 1990s, the tobacco industry donated money to fight the AIDS epidemic in a move calculated to bolster its public image and expand its reach into the LGBT community, while at the same time giving political donations to a politician who opposed fighting AIDS or supporting the LGBT community.<sup>3</sup> The industry has targeted unionized workers, including female and Black workers, for example, through the A. Philip Randolph Institute<sup>4</sup> and the Coalition of Labor Union Women.<sup>5</sup> Industry targeting of racial and ethnic groups — Black, Indigenous, Asian, Latinx, and other communities of color — using tactics such as price reductions, giveaways, promotions, advertising, sponsorships, and donations—has been pervasive and has caused disproportionate health impacts.<sup>6</sup>

The tobacco industry's playbook of bad acts was even more fully revealed in 1999, in the landmark case of *U.S. v. Philip Morris*. In that case, the United States Department of Justice (DOJ) sued industry giants including Altria, Philip Morris USA (a division of Altria), and RJ Reynolds (a division of British American Tobacco) for fraudulent and unlawful conduct under the federal Racketeer Influenced and Corrupt Organizations Act (RICO). In 2006, Judge Gladys Kessler issued a blistering 1,683-page decision holding the tobacco companies liable for violating RICO, finding that the companies had and continued to engage in and execute "... a massive 50-year scheme to defraud the public, including consumers of cigarettes, in violation of RICO." The court found that the companies had engaged in a conspiracy to mislead the



public about the risks of smoking and the dangers of secondhand smoke; misrepresent the addictiveness of nicotine; manipulate the nicotine delivery of cigarettes; deceptively market cigarettes characterized as “light” or “low tar” while knowing that such cigarettes were at least as hazardous as “full flavored” cigarettes; target the youth market; and not produce safer cigarettes.<sup>7</sup> The court’s findings confirm and expand our understanding of the intentional, predatory nature of the tobacco industry.

## Exploitation of the Black Community

The industry’s exploitation and manipulation of Black communities is particularly egregious.<sup>8</sup> From the late 17th century to the present day, African Americans have been exploited by the tobacco industry — from being enslaved as a source of labor for tobacco production, to being portrayed as the butt of jokes in pre-World War II racist tobacco advertisements, to being racially targeted in post-World War II years for marketing purposes.<sup>9</sup> Since that time, the tobacco industry has repeatedly infiltrated and exploited the Black community for corporate gain under the guise of charitable investments in numerous organizations, institutions, and causes.<sup>10</sup> For example, the industry was an early lead among major corporations in hiring and promoting African Americans, supporting the Black press,<sup>11</sup> and investing heavily in civil rights and other organizations serving African American people and causes, as well as aligning itself with Black celebrities in sports, arts, and entertainment.<sup>12</sup>

Historic examples of tobacco industry investments in organizations led by and/or serving Black communities and causes are many and varied,<sup>13</sup> including: **civil rights organizations**, such as the National Association for the Advancement of Colored People (NAACP), National Urban League, Operation PUSH (led by Rev. Jesse Jackson at the height of his influence), and the American Civil Liberties Union (ACLU);<sup>14</sup> **arts organizations**, including the Dance Theater of Harlem;<sup>15</sup> **civic-minded organizations**, such as those addressing women's health and domestic violence, e.g., the National Organization for Women, Latin Women in Action, and the National Women's Law Center;<sup>16</sup> **youth development organizations**, including the Boys and Girls Clubs and 4H;<sup>17</sup> **labor unions/trades organizations**, such as the A. Philip Randolph Institute;<sup>18</sup> **media organizations**, including the National Newspaper Publishers Association;<sup>19</sup> **think tanks**, such as the Joint Center for Political and Economic Studies;<sup>20</sup> and **educational institutions and organizations**, including the United Negro College Fund (UNCF) and historically Black colleges and universities, fraternities, and sororities.<sup>21</sup>

Tobacco companies have succeeded in silencing some recipients of funds by compromising their ability to speak out against the industry's predatory marketing practices despite awareness of the health and economic harms suffered by community members.<sup>22</sup> Companies have also succeeded in co-opting influential Black spokespersons — leaders associated with major causes and organizations, including revered community leaders such as Vernon Jordan, who served as executive director of the United Negro College Fund and as president of the National Urban League.<sup>23</sup> Such leaders, wittingly or unwittingly, serve as mouthpieces for the tobacco industry in its constant battle to halt regulatory public health policies that would thwart the industry's exploitation of Black and other marginalized communities.<sup>24</sup>

To those unfamiliar with the tobacco industry's history of exploiting historically marginalized communities, its corporate giving practices may seem laudable — removed from policy or profit motives. In truth, the industry's corporate giving practices are part of long-standing, multi-pronged tactics to preserve market placement, increase profits, and block genuine public health efforts, while masquerading as socially responsible corporate behavior. To this day, the industry continues to insinuate itself into targeted, marginalized communities through corporate giving strategies, parading itself as a champion of civil rights and even public health. Clearly, it has proved hard for organizations in need of funds to decline, or refuse to seek, offers of financial support from this tainted industry. Often, the industry's support has garnered scant attention from the press and gone unnoticed by the public; as a result, the importance of refusing these tainted funds may not be obvious.

## Fighting a Menthol Ban

Tobacco companies began adding menthol to cigarettes in the 1920s and 1930s to make cigarettes appear less harsh and appealing to new smokers and young people, as well as older smokers. By the 1950s and 1960s, this practice had become widespread, with certain brands (such as Kool, Salem, Newport) containing higher amounts of menthol than standard cigarettes. In making menthol a recognizable, characterizing flavor, the industry was able to market certain products as “menthol cigarettes.”<sup>25</sup> Since that time, the industry has targeted African Americans with menthol cigarette advertisements; consequently, nearly 9 in 10 Black youth ages 12 and older who smoke use menthol cigarettes,<sup>26</sup> and nearly 85 percent of all Black smokers use menthol cigarettes, compared to 30 percent of all White smokers.<sup>27</sup> Menthol cigarettes and other menthol tobacco products greatly contribute to tobacco-related health disparities in the U.S. Because African Americans are more likely to start smoking menthol cigarettes and continue smoking because of the menthol, they are at a high risk of tobacco-related diseases and death. Studies indicate that people who smoke menthol cigarettes have more difficulty quitting than those who smoke non-mentholated cigarettes, and are less likely to quit successfully, despite numerous intentions to quit and quit attempts.<sup>28</sup>

The tobacco industry’s full-throttle effort to prevent government prohibitions on sales of menthol and other flavored tobacco products is one of the most recent and important examples of the industry’s brazen use of multiple strategies to manipulate and exploit Black, Indigenous, Asian, Latinx, and LGBTQ+ communities, young people, women, and other marginalized groups for profit motives without regard for public health and well-being. In 2017-18, for example, the industry spent nearly \$11 million in San Francisco alone in an unsuccessful attempt to repeal an ordinance banning sales of menthol and all other flavored tobacco products; the ordinance was upheld by the city’s voters and was implemented in 2018.<sup>29</sup> At the federal level, the tobacco industry is fighting tooth-and-nail the FDA’s recent decision to issue, within the next year, a product standard that will add menthol to the prohibition on characterizing flavors in cigarettes. Research suggests that such an action will help save lives and help nearly a million smokers to quit, including 230,000 Black smokers within the first 17 months alone after a ban takes effect.<sup>30</sup> The FDA also intends to remove all characterizing flavors from cigars.<sup>31</sup>

## Recent Tactics

Rather than accept this regulatory action, the tobacco industry is expected to bring legal challenges and use all available means to prevent or stall this long overdue public health measure. In this latest push, the industry has aligned itself with Reverend Al Sharpton and

Sharpton's National Action Network<sup>32</sup> and other venerable civil rights institutions, including the American Civil Liberties Union. Rev. Sharpton, a long-time civil rights leader, is a vocal champion of efforts to rid society of systemic, structural racism, including efforts to end police brutality and mass incarceration. He has ministered to the family of George Floyd and others murdered by police throughout the U.S.<sup>33</sup> The industry has not missed a beat, moving quickly to position itself as an ally to the anti-racism movement. For example, Altria has donated to an unknown recipient's George Floyd Protest 2020 fund, announcing the donation in a press release as "an initial commitment of five million dollars to address systemic racism faced by African Americans and advance social and economic equity" with the fund to "be used to support national and local organizations working across the United States and in [Altria's] operating communities...."<sup>34</sup>

In February of 2021, Altria met with the Institute for the Black Work 21st Century, a Baltimore-based organization that seeks to empower Black communities by ending the war on drugs and securing reparations for descendants of slaves. At the meeting, which came about at the urging of a former board member, Altria touted its support for criminal justice work and civil rights work and floated the idea of partnering with the Institute. Greg Akili, an Institute board member and project coordinator for the watchdog group, Corporate Accountability, objected, calling out Philip Morris International and Altria's exploitation of African Americans for corporate gain.<sup>35</sup>

In thanking the Institute for meeting via e-mail, Altria provided its "criminal justice reform principles" as well as a February 2020 letter to members of Congress from the American Civil Liberties Union, Rev. Sharpton's National Action Network, and other groups, warning that a prohibition on menthol "promises continued over-criminalization and mass incarceration of people of color" and expressing concern that "banning flavors in tobacco products and imposing mandatory minimums will give law enforcement yet another excuse to harass and stop people of color."<sup>36</sup> These positions parrot misinformation generated by the industry. Misinformation messaging about criminalization, for example — including unsubstantiated claims that prohibiting menthol could trigger illicit sales — serve the tobacco industry by fueling fears among the public and casting doubt on genuine public health policy reforms. This is especially so when the misinformation messages are delivered, as here, by trusted leaders of well-respected civil rights organizations not visibly linked with the tobacco industry, or by third party front groups,<sup>37</sup> such as Foundation for a Smoke-Free World,<sup>38</sup> and think tanks,<sup>39</sup> such as American Legislative Exchange Council (ALEC) and Mackinac Center for Public Policy.<sup>40</sup> At first glance, these organizations may appear to be independent but, on close examination, they are found to receive funding from, and spread the messaging of, the tobacco industry.<sup>41</sup> Tobacco companies use these tactics to distort and distract from the truth, which in this case is that the FDA's proposed menthol standard would regulate the manufacturers, distributors, and retailers — not the individual consumers.

These examples demonstrate how the tobacco industry continues to sidle up to esteemed African American organizations and institutions and ingratiate itself into the community, all for shameless profit. In these ways, the industry dons the cloak of corporate social responsibility, claiming to work on the side of public good and to do its part to rid society of systemic, structural racism, while at the same time sowing misinformation and engaging in predatory, racist marketing practices and sales that cause addiction, health harm, and death.

## Turning the Tide

Influential Black leaders and organizations are calling out the tobacco industry and encouraging other Black leaders and organizations to (re)examine their ties and turn away its financial support.<sup>42</sup> In an April 2021 letter to U.S. Health and Human Services Secretary Xavier Becerra, organizations including the National Medical Association, NAACP, African American Tobacco Control Leadership Council, The Center for Black Health and Equity, and others demanded that the FDA start the regulatory process to prohibit marketing of menthol and other flavored tobacco products, describing the tobacco industry's predatory marketing of these products as an urgent social justice issue, "one that disproportionately impacts youth and communities of color."<sup>43</sup> A new initiative, *Stop the Influence: Reject Big Tobacco and Vape Money*, calls upon organizations to sign a pledge to reject funding from or any form of partnership with tobacco or vaping companies or vendors.<sup>44</sup> Additional action steps include being prepared to rebut industry misinformation<sup>45</sup> and deepening community engagement with and education of African American and other civic leaders to ensure that racial and health equity messaging of tobacco regulation is front and center.

No amount of donated dollars or other resources can transform the tobacco industry into a paragon of corporate social responsibility, and no amount of doublespeak can make it an ally of the public health or civil rights communities. This is a ruthless, profit-driven, predatory industry. Rejecting donations from Big Tobacco protects organizational, institutional, and individual integrity and shields nonprofits from the industry's influence and interference. It is incumbent upon us all to educate ourselves about the true motives behind the tobacco industry's smokescreen of corporate giving.

**"There's no free ride for anyone that takes any sort of money or sponsorships, or any sort of handshakes from the industry – none whatsoever." – Dr. Valerie Yerger, African American Tobacco Control Leadership Council<sup>46</sup>**



## Suggested Viewing & Reading

- [\*Up in Smoke: Centuries of the Tobacco Industry Targeting the Black Community\*](#), webinar co-hosted by The African American Tobacco Control Leadership Council, The Center Black Health & Equity, and Corporate Responsibility (June 4, 2021), archived on YouTube.
- [\*4 Ways the Tobacco Industry is Attempting to Rebrand Itself\*](#), Truth Initiative news article (June 10, 2021).
- [\*Addressing Tobacco Industry Targeting of Tribes\*](#), Public Health Law Center fact sheet (June 2021).

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## Endnotes

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