

Press Coverage | May 11, 2022

Menthol Ban Opens Door for FDA to Flex Power Over Big Tobacco

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[Bryan M. Haynes](#)

Bryan Haynes, head of Troutman Pepper’s tobacco law practice, is quoted in the *Bloomberg Law* article, [“Menthol Ban Opens Door for FDA to Flex Power Over Big Tobacco.”](#)

The FDA “has authority to implement tobacco product standards based on a finding that those standards are appropriate for the protection of public health,” said Bryan Haynes, a partner with Troutman Pepper. That authority, however, is “not without limits,” he said.

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Haynes said that a question likely to come up during the comment period is whether FDA has provided an “appropriate off-ramp from combusted products to non-combusted products” for adult smokers.

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“When you already have a whole host of unauthorized products on the market that FDA is doing very little to nothing to take enforcement action against,” it drives concern that “with a menthol or flavored cigar ban that they’ll penalize responsible companies and drive this activity into the black market,” Haynes said.

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