



TO: CTFK
FROM: The Mellman Group
DATE: February 14, 2024
RE: Public Support For And Electoral Impact Of The Menthol Rule

This analysis represents the findings of a survey of a base sample of 1,000 registered voters in the United States with an oversample to a total of 400 interviews among Black voters. Interviews were conducted December 9-14, 2023, using a registration-based sample, with live interviewers calling landlines and cell phones, as well as text-to-online interviews. The Black voter oversample was conducted online using a registration-based panel. The margin of error is +/-3.1% overall at a 95% level of confidence, and higher for subgroups.

With the Food and Drug Administration delaying its final rule prohibiting the sale of menthol cigarettes, new research shows this rule is actually supported by a substantial 29-point margin (58% to 29%) among the electorate as a whole. Support is stronger among Black Americans, who support the rule by a 37-point margin (62% to 25%). No arguments for or against the rule were provided in, or before, this question.

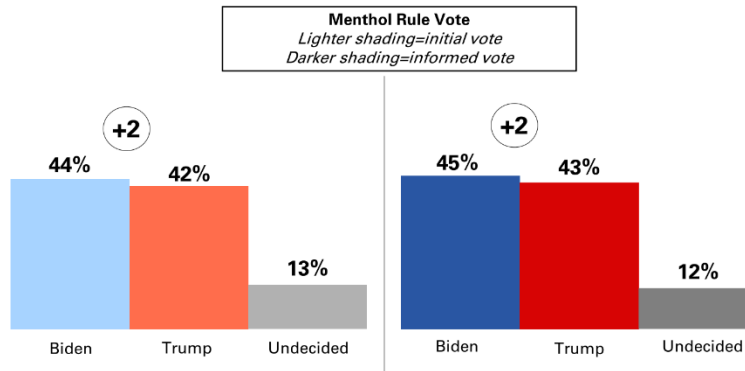
Some have speculated that implementation of the menthol rule would damage President Biden's electoral prospects. However, the research shows that the concern is without merit and that implementation of the menthol rule would have little or no effect on the 2024 presidential election.

THERE IS CLEAR EVIDENCE THAT THE MENTHOL RULE HAS NO MEANINGFUL ELECTORAL IMPACT

First, we asked an initial presidential horse-race question between President Joe Biden and Donald Trump, which gives President Biden a two-point lead over Trump, 44% to 42%.

Then, after introducing the proposed FDA menthol rule, we re-asked the presidential horse-race question, prefacing the vote question with, "If the Biden Administration ended the sale of menthol flavored cigarettes in the United States..." Assuming the Administration ended menthol cigarette sales produced no change in the margin, with Biden maintaining a 2-point lead. In fact, Biden's vote went up a point to 45%. Trump's vote also increased a point to 43%.

Biden Maintains His Margin Over Trump After Voters Hear About The Menthol Rule



ALTRIA GROUP'S POLLING IS MISLEADING

Polling shared by tobacco conglomerate Altria Group, Inc. (formerly known as Philip Morris Companies, Inc.) raised red flags on the menthol rule's effect on "Biden core voters," which were defined as non-White voters and non-conservative White voters under 45 – a very debatable definition of Biden's base as it contains a significant number of Trump voters.¹

However, as far as we know from public information, Altria's polling adduces no actual evidence that the menthol rule changes vote choice among Biden's base—or anyone else. They present no results that directly test the effect of the menthol ban on the presidential vote.

Our polling shows no net impact overall or among the President's base:

- The President's margin among Black voters remained unchanged at 58 points (74% Biden, 16% Trump) after respondents were asked to assume the Administration implemented the menthol rule.
- Biden's margin among 18–29-year-olds increases by 2-points to 56% Biden, 27% Trump after assuming implementation of the menthol rule.
- Even using Altria's definition of "base," Biden's vote among that segment remains at 68%, and Trump's vote increases 1 point to 20%, but that comes exclusively among Republicans in this group, where Trump gains 3 points. Indeed, if we filter out Republican identifiers from Altria's "base" definition, Biden gains slightly among non-Republican "base" voters, with his vote increasing 1 point to 80% while Trump's vote remains unchanged at 6%.

Our research provides clear empirical evidence indicating the menthol rule is unlikely to have any net electoral impact.

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¹ Altria's polling was also conducted in just 5 battleground states, AZ, GA, MI, PA, and WI.



DECEMBER 2023 NATIONAL MENTHOL POLL QUESTION WORDING

If the November 2024 general election for President were held today and the candidates were **[ROTATE]** Democrat Joe Biden and Republican Donald Trump, for whom would you vote, or are you undecided? **[IF A CANDIDATE IS NAMED, ASK:]** Would you say you support **(candidate)** strongly or not strongly? **[IF UNDECIDED, ASK:]** Do you lean towards **[ROTATE]** __ Democrat Joe Biden or Republican Donald Trump?

TOTAL BIDEN	44
TOTAL TRUMP	42
Strong Biden	27
Not so strong Biden	11
Undecided, leans Biden	7
Undecided	13
Undecided, leans Trump	5
Not so strong Trump	8
Strong Trump.....	29

The Food and Drug Administration, or FDA, has announced a proposal to end the sale of menthol flavored cigarettes in the United States. Do you support or oppose this proposal? **[AFTER RESPONSE, ASK]** Do you feel that way strongly or not strongly?

TOTAL SUPPORT	58
TOTAL OPPOSE	29
Support, strongly.....	41
Support, not so strongly	17
Oppose, not so strongly.....	10
Oppose, strongly	19
DK/ref [VOL]	13

If the Biden Administration ended the sale of menthol flavored cigarettes in the United States, and the election for President were held today and the candidates were **[ROTATE]** Democrat Joe Biden and Republican Donald Trump, for whom would you vote? **[IF A CANDIDATE IS NAMED, ASK:]** Would you say you support **(candidate)** strongly or not strongly? **[IF UNDECIDED, ASK:]** Do you lean towards **[ROTATE]** __ Democrat Joe Biden or Republican Donald Trump?

TOTAL BIDEN	45
TOTAL TRUMP	43
Strong Biden.....	27
Not so strong Biden.....	11
Undecided, leans Biden.....	7
Undecided [VOL]	12
Undecided, leans Trump.....	5
Not so strong Trump.....	8
Strong Trump	30