

Congress of the United States
Washington, DC 20515

December 12, 2013

The Honorable Margaret Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

The Honorable Sylvia Mathews Burwell
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Commissioner Hamburg and Director Mathews Burwell:

As Members of Congress who represent premium cigar manufacturers, retailers and Americans who enjoy this refined legal product, we write today to highlight the impact of the premium cigar industry on our communities, its unique history, culture, and job creation.

As the FDA writes regulations for tobacco products, we urge you to bear in mind the important distinctions between premium cigars and other types of products. In 2009, Congress passed the Family Smoking Prevention and Tobacco Control Act (P.L. 111-31) with two key objectives in mind: preventing youth access to tobacco products and curtailing the harmful health effects of tobacco addiction.

While there is agreement in accomplishing these goals, we are concerned that premium cigars, an artisan product enjoyed by adults, could be inappropriately included in upcoming FDA regulations on tobacco. Federal regulations going beyond the intent of the Tobacco Control Act would devastate small businesses in our communities.

As you know, premium cigars are a niche product with an adult consumer base, much like fine wines. The majority of people who enjoy a cigar do so occasionally, often in social or celebratory settings. It is also noteworthy that the majority of premium cigars do not use flavorings. However, premium cigars that do are only marketed and sold to the adult consumer.

The premium category represents less than one-half of one percent of the tobacco industry. The manufacturing of these products is a cumbersome process, which takes years and demands the skill and labor of hundreds of workers. By virtue of the product itself, this market is not, nor could it realistically become, a mass-produced or mass-market industry that merits grouping them with such tobacco products for FDA regulation.

Furthermore, premium cigars are sold almost exclusively in specialty retail shops, often family-owned small businesses where current laws require age-verification to prevent

minors from purchasing products. Statistics from government inspections of such shops confirm their tremendous record of compliance. The FDA's efforts in continuing and coordinating such enforcement inspections are to be commended.

The premium cigar industry's impact on America's international trading partners is significant. We understand the Ambassadors from the Dominican Republic, Honduras and Nicaragua have communicated to FDA, the National Security Council and to Congress their concerns for the stability of their countries if FDA regulations harm the premium cigar industry.

Hundreds of thousands of jobs in those countries are at stake, along with tens of thousands more in our own communities. Legislation clarifying that the Tobacco Control Act was not intended to affect premium cigars, H.R. 792, currently has the support of a bi-partisan group of 128 co-sponsors - a majority of the House supported a similar effort in the 112th Congress (H.R. 1639). It is vital that the FDA keep these points in mind as it continues implementation of the Tobacco Control Act.

Thank you for your consideration of these important facts, which we believe warrants continued recognition that premium cigars do not fall within the scope of the Tobacco Control Act.

Sincerely,

Bill Ding

Sam Sun

Steven Mynick

Gilby Long

Dr. Arnold

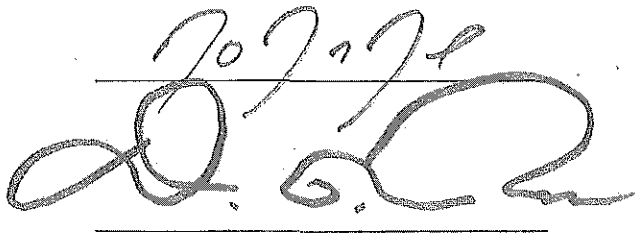
Harold Rogan

Bill Carter

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Ray Anderson

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Glenn GT Thompson

Tray Reed

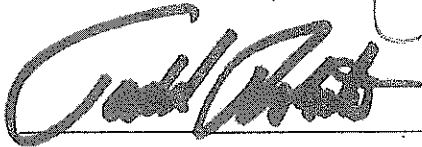
Mike Gillman



Michael B. Jansen

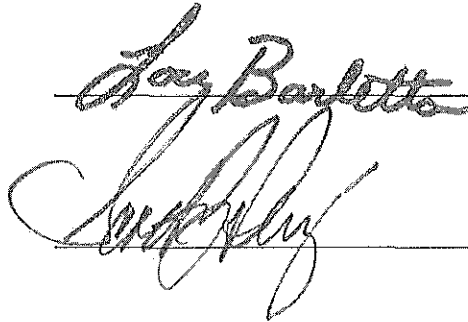
Bill Hiranga

Andy Bann



S Holz

Tim Hueskamp

Jay Barletta


cc: The Honorable Mitchell Zeller
Director
Center for Tobacco Products
Food and Drug Administration

Co-signers of December 12, 2013 Letter to FDA and OMB

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