

Congress of the United States
Washington, DC 20515

August 3, 2010

Dr. Margaret A. Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993

Dear Dr. Hamburg:

As Members of Congress who represent cigar manufacturers and retailers, we write today to highlight the premium cigar industry, and especially its unique history, culture and economic impact on the United States. **As you develop new regulations for tobacco, we urge you to distinguish premium cigars from other, more harmful, types of tobacco products.**

It has been one year since the signing of The Family Smoking Prevention and Tobacco Control Act (Tobacco Act), which provides the Food and Drug Administration (FDA) with new authority to regulate "tobacco products." We commend FDA's efforts in promoting the primary purpose of the Tobacco Act: the protection of America's youth using the best available science. In particular, we appreciate FDA's efforts to ban flavored cigarettes, re-issue the final 1996 Regulation Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Children and Adolescents, and establish the Tobacco Products Scientific Advisory Committee

However, as you develop these new regulations, we wish to emphasize important differences between premium cigars and the types of products explicitly subject to the Tobacco Act. Premium cigars are intended for use and enjoyment by adults, and are not used by adolescents. Second, premium cigars are essentially crafted by hand and often take five years or more. In contrast to mass produced cigarettes, the manufacture of a premium cigar is more like the manufacture of a fine wine, making the marketing and subsequent sale of premium cigars entirely different from cigarettes or other types of tobacco.

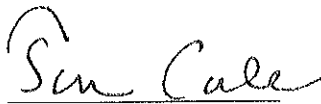
It is also important to note that, the vast majority of cigar smokers enjoy cigars only occasionally and often as a celebratory product enjoyed in a social setting. Premium cigars are a niche market with a distinct adult consumer base. In fact, they represent less than one-half of 1% of the overall tobacco market. These usage differences cause premium cigars to pose a substantially different and lower health risk than those risks associated with other tobacco products. Lastly, premium cigars are sold almost exclusively in specialty tobacco shops, not in gas stations or convenience stores, further restricting potential access for minors. That being said, restrictive regulations on the premium cigars would adversely affect thousands of small and family-owned businesses throughout the country who often deal exclusively in premium cigars.

The concern about widespread cigarette dependence and youth access simply do not apply to a discussion about premium cigars which is why Congress focused on cigarettes rather than premium cigars in the Tobacco Act. It is vital for the FDA to keep this important

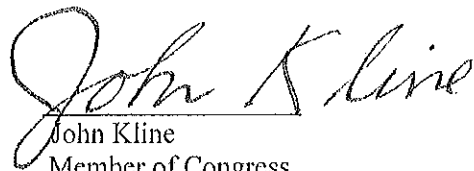
distinction in mind as it implements the Tobacco Act. Regulations that may be appropriate for large cigarette manufacturers would have a tremendously adverse effect on the premium cigar industry. Accordingly, should the FDA propose to make the Tobacco Act applicable to cigars, we urge the FDA to create an exemption for premium cigars.

Should you have any questions on this matter, please do not hesitate to contact Caitrin McCarron with Congressman Tom Cole's office at caitrin.mccarron@mail.house.gov or (202) 225-6165 or Yelena Vaynberg with Congressman John Kline's office at yelena.vaynberg@mail.house.gov or (202) 225-2271. Thank you for your attention to this matter.

Sincerely,



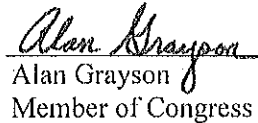
Tom Cole
Member of Congress



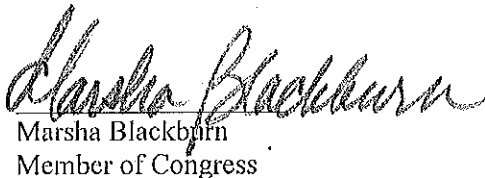
John Kline
Member of Congress



Nick J. Rahall
Member of Congress



Alan Grayson
Member of Congress



Marsha Blackburn
Member of Congress



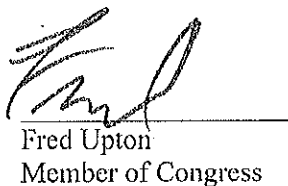
Lynn Westmoreland
Member of Congress



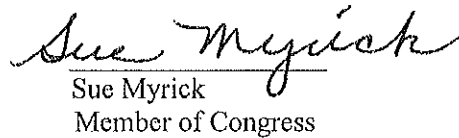
Jim Cooper
Member of Congress



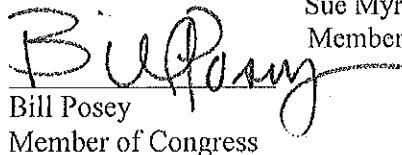
Lincoln Diaz-Balart
Member of Congress



Fred Upton
Member of Congress



Sue Myrick
Member of Congress



Bill Posey
Member of Congress

Cc: Lawrence R. Deyton, M.S.P.H., M.D., Director, Center for Tobacco Products, Food and Drug Administration