

FDA Needs to Regulate Premium Cigars, Not Re-Open the Discussion

Focus should be on advancing life-saving rulings on all tobacco products, not giving the tobacco industry the opportunity to cause delay

Statement of Robin Koval, CEO & President of Truth Initiative®

Today, the Food and Drug Administration (FDA) announced a call for comments on how premium cigars should be regulated. At a time when FDA is taking historic steps forward on exploring nicotine reduction and getting rid of flavors, re-opening the question of premium cigar regulation is a huge step backwards and a waste of time. This question was asked and answered in 2016 when, after extensive public comment and careful consideration of the evidence, the need to regulate all cigars — including premium cigars — was deemed to be a benefit for public health. Cigars, no matter the size or the price, are deadly combustible products and the decision should not be revisited.

Regular cigar smoking has been estimated to cause 9,000 premature deaths annually in the U.S. Many smokers significantly underestimate the health risks of cigars which cause cancer lung, esophageal, laryngeal and oral cancers. There is also a lack of awareness that cigar smoke has higher concentrations of some harmful constituents than cigarette smoke, including carbon monoxide and tar. Some single cigars can contain as much nicotine as an entire pack of cigarettes. While many believe that cigars are not harmful because cigar smoke is not inhaled, research has shown that some cigar smokers do inhale, thereby absorbing nicotine into their bloodstream and depositing smoke particles in their lungs.

There is no new information that justifies reopening the decision whether to regulate premium cigars. Instead, any exemption would simply prevent FDA from implementing common sense regulations such as ingredient listings, limitations on flavors, restrictions on marketing to youth and product standards to make these products less toxic and addictive.

Any action to leave premium cigars unregulated or insufficiently regulated would be particularly dangerous if the FDA issues regulations reducing nicotine in cigarettes to non-addictive levels, as it could incentivize cigarette smokers to move to an alternative hazardous product for nicotine consumption. We encourage FDA to keep that in mind as it implements its comprehensive plan for tobacco and nicotine regulation.

While there is no question that premium cigars must be subject to regulation, there may be some room for regulating premium cigars differently than other cigars. However, FDA must be cautious about that. This industry is no stranger to exploiting loopholes in order to avoid regulation. For example, after the 2009 federal tax rate increase on little cigars, tobacco companies increased the weight of their products so they would be taxed as large cigars, which had a cheaper tax rate. When flavored cigarettes were banned in 2009, Djarum clove cigarettes became Djarum clove cigars nearly overnight in order to stay on the market. Exempting premium cigars from regulation would create incentives for the tobacco industry to exploit loopholes as they have in the past. It is important for FDA not to open a new door for the industry to recruit potential replacement smokers by taking a step backwards on this important public health issue.