

# hawaiiCigar

ASSOCIATION

To: The Honorable Members of the U.S. Senate

Date: Monday, May 5, 2014

From: Les Drent  
for the Hawaii Cigar Association

Re: Proposed Rule Regarding Premium Cigars

ref 1: Department of Health and Human Services, Food and Drug  
Administration 21 CFR Parts 1100, 1140, and 1143  
{Docket No. FDA-2014-N-0189} RIN 0910-AG38

ref 2: S772, HR792

Dear Member of the Senate,

On behalf of all those in Hawai'i who enjoy fine cigars, the more than two hundred retail stores in Hawai'i that sell premium cigars and the Kauai Cigar Company, we would like to thank the Food and Drug Administration and members of the Senate for the recent premium cigar rule proposal outlined in option 2 of the April 24, 2014 report.

The FDA's definition of a premium cigar, which many members of the Senate and Congress support, aligns with the definition the Hawaii Cigar Association also supports. We feel strongly that vast majority of Americans would agree with these definitions, and the HCA supports option 2 of this proposal.

However, we are concerned about definition part 6, which stipulates that a premium cigar must be sold for a minimum of \$10 per cigar after any discounts or coupons. Because the HCA comprises a diverse group of consumers from varying socio-economic circumstances, we feel that this minimum price is both discriminatory and elitist.

We kindly request that a minimum price be stricken from the rule, as it unfairly targets the less fortunate among those of us who enjoy cigars and it divides those who can't afford a \$10 cigar from those who can. Enjoying a cigar among friends is a tradition that has long brought people together in celebration and camaraderie. We respectfully ask that the FDA not set an arbitrary price that turns a freedom into a privilege.

Sincerely,



Les Drent  
for the Hawaii Cigar Association

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# Food and Drug Administration (FDA) Proposed Rule Regarding Premium Cigars

Department of Health and Human Services, Food and Drug Administration  
21 CFR Parts 1100, 1140, and 1143  
{Docket No. FDA-2014-N-0189} RIN 0910-AG38

## **Proposed option 2 premium cigar definition would mean any cigar that:**

- (1) Is wrapped in whole tobacco leaf;*
- (2) contains a 100 percent leaf tobacco binder;*
- (3) contains primarily long filler tobacco;*
- (4) is made by combining manually the wrapper, filler, and binder;*
- (5) has no filter, tip, or non-tobacco mouthpiece and is capped by hand;*
- (6) has a retail price (after any discounts or coupons) of no less than \$10 per cigar 3 (adjusted, as necessary, every 2 years, effective July 1st, to account for any increases in the price of tobacco products since the last price adjustment);*
- (7) does not have a characterizing flavor other than tobacco; and*
- (8) weighs more than 6 pounds per 1000 units.*