

United States Senate

WASHINGTON, DC 20510

December 15, 2011

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

Dear Commissioner Hamburg:

We write to urge the Food and Drug Administration (FDA) to issue regulations prohibiting the use of flavorings in cigars. As teenagers turn to cigars instead of cigarettes, these products pose a serious threat to public health and threaten to undermine the important public health protections of the Family Smoking Prevention and Tobacco Control Act.

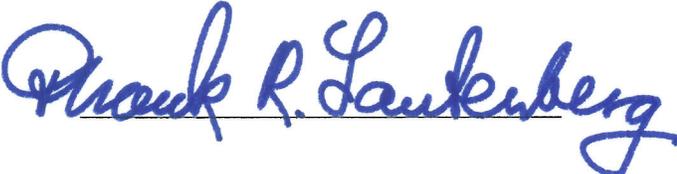
Flavored cigars are putting children's health at risk and increasing nicotine addiction and tobacco use among young people. More than 13 million Americans smoke cigars, including an estimated 1.8 million high school students and 475,000 middle school students. Cigars contain the same toxic and cancer-causing chemicals contained in cigarettes, and public health experts have warned that cigars are not safe alternatives to cigarettes. Cigar smoking is linked to numerous cancers including cancers of the lung, mouth, throat, and esophagus. Cigars with candy-like flavorings such as strawberry, watermelon, vanilla and chocolate attract kids to smoking and help hook them on this addictive habit.

Congress helped protect young people from the harmful effects of tobacco by banning flavored cigarettes. But as youth cigarette use has fallen, cigars have become more popular among adolescents. In some states, cigar use surpasses cigarette use among high school males.

The Family Smoking Prevention and Tobacco Control Act of 2009 gives FDA the authority to regulate tobacco products and their flavorings, but FDA has not asserted its authority over cigars. On July 7th, the Department of Health and Human Services indicated in its semiannual regulatory agenda that FDA intended to issue this regulation in October of this year. Since FDA missed its October deadline, an estimated 2 billion cigars, cigarillos, and little cigars have been sold without appropriate regulation.

We urge FDA to immediately close the current regulatory loopholes and prohibit flavored cigars in the interest of public health.

Sincerely,



Shirley Brown

Jeffrey A. Merbley

Richard Thomas Ref