

Congress of the United States
Washington, DC 20515

March 31, 2011

Halt FDA Regulations That Would Threaten Thousands of Small Business Jobs, Shutter Specialty Retail Tobacco Shops, and Decimate Niche Cigars.

Dear Colleague,

Please join us in cosponsoring the *Traditional Cigar Manufacturing and Small Business Jobs Preservation Act* which would protect certain mom and pop small businesses across the nation from facing unintended regulations under *The Family Smoking Prevention and Tobacco Control Act* (Tobacco Control Act).

In 2009, Congress passed the Tobacco Control Act which provided the FDA with authority to regulate certain tobacco products. As enacted, Congress intended to focus on under-age access to tobacco and named a few tobacco products: cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. Because traditional large and premium cigars are not a product used by youth they were not included within the Tobacco Control Act's scope.

Recently, the FDA has indicated it may advance regulations that would go beyond the intent of the new law by regulating premium cigars under the Tobacco Control Act. Such regulation ignores the distinction of the premium cigar market, with its own artisan tradition and cultural niche. Premium cigars do not target under-age children. They are sold in family owned and run shops and are enjoyed by adults who smoke them in moderation, often at celebratory occasions.

If allowed, the FDA regulations could impose considerable costs and unwarranted burdens on American mom and pop premium cigar stores across our communities. Stricter regulations may go so far as to prevent customers from wandering around their local cigar store and handling merchandise or ban adults from enjoying premium cigars that are flavored.

The intent of the Tobacco Control Act was to regulate products that are marketed to children. Based upon the fact that premium cigars are not subject to marketing to children, our legislation is narrowly focused to reinforce that the FDA does not have the authority to regulate premium cigars under the Act. At a time when America's small businesses everywhere are struggling to make ends meet, now is not the time to impose regulation on a niche industry.

To co-sponsor this legislation, please contact Marcus Brubaker in Rep. Posey's office at 5-3671 (Marcus.Brubaker@mail.house.gov) or Kevin Karpay with Rep. Kathy Castor's office at 5-3376 (Kevin.Karpay@mail.house.gov).

Sincerely,


Bill Posey
Member of Congress


Kathy Castor
Member of Congress