

Nat Sherman

INTERNATIONAL

Dear Friends,

You may have read the recent editorial from Cigar Aficionado, which did not fully reflect the substance of Altria's recent comments on the Food & Drug Administration's Advance Notice of Proposed Rulemaking (ANPRM) on the Regulation of Premium Cigars. I wanted to offer my perspective.

Any of you who know me, know that I feel quite fortunate to have made my passion for the premium cigar industry my career for nearly twenty years. This is an industry like none other, with manufacturers, retailers, and consumers who are truly passionate about premium cigars. In 2017, the family business I worked for since 2011, Nat Sherman, was purchased by Altria. This was personally quite a transition, as with any change. And during this time, I've been grateful for the unwavering support of our retailers and consumers who've continued to enjoy the products I've been honored to help develop and sell.

I've also appreciated Altria's thoughtfulness about the premium cigar business and their desire to learn more about and positively contribute to this industry, which extends to our approach to comments on FDA's ANPRM on premium cigars.

My peers and colleagues should know that Altria has supported the regulation of all tobacco products even before FDA was given the regulatory authority to do so nearly a decade ago. However, it has been equally clear since then that those regulations do not need to be the same for every tobacco product.

The comments clearly articulate that FDA can regulate premium cigars differently and in a simpler and less burdensome way than what was included in the agency's final deeming rule two years ago, [which placed all cigars under its authority](#):

"FDA may regulate 'premium' cigars differently from other cigars, so long as the differences are science- and evidence-based and FDA applies objective criteria to allow for predictable and fair application of its authority... While we believe that all tobacco products should be subject to FDA's regulatory oversight, we also accept that regulation need not be a one-size-fits-all approach."

The comments also suggest a simplified process for product modifications, an expansion of the Substantial Equivalence exemption pathway, not imposing harmful or potentially harmful constituents testing requirements on any cigars at this time, and note that FDA must define a "premium" cigar – which is currently not the case.

To remedy that, Altria offered a specific set of criteria to help define precisely what a premium cigar is, which all premium cigar industry colleagues will recognize:

- *Wrapped in 100 percent whole leaf;*
- *Contains 100 percent tobacco filler;*

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- *Contains 100 percent tobacco binder;*
- *Made by hand, except to allow for the use of a manually operated machine to assist in bunching, rolling and binding;*
- *Contains no additives other than cigar glue and water;*
- *Does not contain a filter, tip or non-tobacco mouthpiece; and*
- *Weighs at least six pounds per 1,000 count.*

Further, it went on to say, *“if FDA pursues differential regulation, it should adopt a definition of ‘premium’ cigars that is objective, allows for uniform application, and does not create loopholes that can be manipulated by manufacturers to avoid regulation.”*

Altria also rightly points out that price should not be considered in the criteria for premium cigars, reflecting what all true cigar enthusiasts know, great premium cigars do not need to be expensive to be good, nor to be premium.

It is important to understand that simultaneous to providing comments to FDA, Altria supports, alongside all of the leading cigar industry trade associations, the current Cole-Bishop amendment in Congress, which among other things provides for a premium cigar exemption. In doing both, we uphold the idea that premium cigars are different from other cigars.

I encourage you to [read Altria’s comments](#) in their entirety and come to your own informed opinion about the company’s commitment to the premium cigar industry.

Thank you for allowing me the opportunity to share these thoughts with you, and I look forward to seeing you all soon and enjoying a premium cigar together.

Gratefully,



Michael Herklots
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