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August 2, 2022

Dockets Management Staff (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, rm. 1061  
Rockville, MD 20852

*Submitted via [federalregister.gov](https://www.federalregister.gov)*

**Re: Docket No. FDA-2021-N-1309 for “Tobacco Product Standard for Characterizing Flavors in Cigars”**

First Focus on Children appreciates the opportunity to express our strong support for the Food and Drug Administration’s proposed rule to prohibit all characterizing flavors in cigars. **The FDA’s proposed rule systematically lays out the evidence showing that prohibiting flavored cigars will protect our children, reduce health disparities, and save lives.**

First Focus on Children is a bipartisan child advocacy organization dedicated to making children and families the priority in federal policy and budget decisions. As advocates for children, we are committed to ensuring that all children have an equal chance for success. Prohibiting flavored cigars will save and improve children’s lives, and we are in full support of this proposal.

**Prohibiting flavored cigars will reduce initiation and use of cigars, especially among young people.** Flavors play a key role in attracting youth to start using tobacco products, including cigars.<sup>i</sup> Flavors increase the appeal of cigars and make them easier to use by improving their taste and masking the harshness of tobacco products.<sup>ii</sup> Flavors in cigars promote initiation in young people and increase the likelihood that they will become regular cigar smokers.<sup>iii</sup> Flavored cigars have proliferated in recent years<sup>iv</sup> and are sold in hundreds of kid-friendly flavors like wild berry, brownie and tropical twist. According to the 2021 National Youth Tobacco Survey, cigars are the second most popular product among high school students after e-cigarettes.<sup>v</sup> Nearly 75% of youth cigar smokers report that they smoke cigars “because they come in flavors I like.”<sup>vi</sup>

**Prohibiting flavored cigars will reduce tobacco-caused disease and death.** Cigars are addictive and harmful.<sup>vii</sup> As is well documented in the proposed rule, flavored cigar smokers, like all cigar smokers, are at increased risk for developing cancers of the mouth and throat, lung cancer, heart and lung diseases, and many other negative health consequences.<sup>viii</sup> The FDA has previously concluded that “all cigars pose serious negative health risks” and that “all cigar use is harmful and potentially addictive.”<sup>ix</sup> Indeed, each year about 9,000 Americans die prematurely from regular cigar use.<sup>x</sup> Removing flavors from cigars will substantially reduce initiation and use and subsequently tobacco-related disease and death among the estimated 160,000 youth in the U.S. that use flavored cigars.<sup>xi,xii</sup>

**Prohibiting flavored cigars will decrease tobacco-related health disparities and advance health equity, especially among Black Americans.** The tobacco industry has targeted Black communities with marketing for cheap, flavored cigars for decades.<sup>xiii</sup> As a result, Black high school students smoke cigars

at higher rates compared to other races or ethnicities; in 2021 the rates among Black high school students were 4.4% versus 2.1% among white high school students.<sup>xiv</sup> In addition to youth and Black smokers, the FDA’s proposed rule recognizes the disproportionate burden that cigar use – including flavored cigar use – has on members of many underserved communities, stating, “Such disparities in cigar use contribute to higher rates of observed tobacco-related morbidity and mortality among underserved communities and vulnerable populations, such as youth and young adults, some racial and ethnic populations, those with lower household income and educational attainment, and individuals who identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ+).”<sup>xv</sup> Given the disproportionate health burden experienced in some communities, the FDA expects that eliminating flavored cigars will substantially decrease tobacco-related health disparities and will promote health equity across population groups.<sup>xvi</sup>

On behalf of all children, we urge the FDA to move quickly to finalize this lifesaving rule to prohibit all flavored cigars without exceptions as well as extend it to cover other combustible tobacco products, including hookah and pipe tobacco. Thank you for the opportunity to submit a comment on this important rule. Please contact Averip Pakulis ([averip@firstfocus.org](mailto:averip@firstfocus.org)) or Olivia Gomez ([oliviag@firstfocus.org](mailto:oliviag@firstfocus.org)) with any questions.

Respectfully submitted,



Bruce Lesley  
President, First Focus on Children

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<sup>i</sup> 87 Fed. Reg. 26396, 26405 (May 4, 2022).

<sup>ii</sup> 87 Fed. Reg. 26396, 26405 (May 4, 2022).

<sup>iii</sup> 87 Fed. Reg. 26396, 26397 (May 4, 2022).

<sup>iv</sup> Delnevo, CD, et al. “Cigar Sales in Convenience Stores in the US, 2009-2020,” *JAMA* 326(23):2429-2432. 87 Fed. Reg. 26396, 26403 (May 4, 2022).

<sup>v</sup> Gentzke AS, Wang TW, Cornelius M, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021. *MMWR Surveill Summ* 2022;71(No. SS-5):1–29.

DOI: <http://dx.doi.org/10.15585/mmwr.ss7105a1>

<sup>vi</sup> Ibid, 5.

<sup>vii</sup> 87 Fed. Reg. 26396, 26413 (May 4, 2022).

<sup>viii</sup> 87 Fed. Reg. 26396, 26418 (May 4, 2022).

<sup>ix</sup> 81 Fed Reg 29020, 29022 (May 10, 2016).

<sup>x</sup> 87 Fed. Reg. 26397, 26399 (May 4, 2022).

<sup>xi</sup> 87 Fed. Reg. 26396, 26406 (May 4, 2022).

<sup>xii</sup> Ibid, 9.

<sup>xiii</sup> 87 Fed. Reg. 26396, 26412 (May 4, 2022).

<sup>xiv</sup> CDC, “Tobacco Product Use Among Middle and High School Students—United States, 2021,” *MMWR* 71(5), March 11, 2022, <https://www.cdc.gov/mmwr/volumes/71/ss/pdfs/ss7105a1-H.pdf>

<sup>xv</sup> 87 Fed. Reg. 26396, 26401 (May 4, 2022).

<sup>xvi</sup> 87 Fed. Reg. 26396, 26397 (May 4, 2022).