

## **Cigar Tobacco Ingredients Disclosure to FDA**

*The following observations are provided only as general guidance to CAA members. They are based on a possible approach to FDA disclosures that was discussed at the last CAA meeting. Each product manufacturer should determine for itself what its own required disclosures should be. Furthermore, the writer is not a lawyer and this does not provide any legal advice. The possible consequences of failing to make appropriate FDA disclosures are serious, so manufacturers and others should seek independent legal advice regarding their own obligations.*

As an approach for disclosure of tobacco ingredients in cigars, the

### **“Agricultural Marketing Service, USDA Part 30-Tobacco Stocks and Standards”**

could be considered. USDA is a government agency and the USDA Tobacco Code list numbers are being in use for many decades.

Attached is a copy of Part 30 – Tobacco Stocks and Standards.

Please look at:

- § 30.39 Cigar Filler Types and Groups
- § 30.40 Cigar Binder Types and Groups
- § 30.41 Cigar Wrapper Types and Groups
- § 30.43 Foreign-Grown Cigar-Leaf Types

Guidance for disclosure as discussed at the CAA meeting in Ponte Vedra, Nov.4<sup>th</sup>, 2016

A premium cigar that doesn't contain any US grown tobacco, could consider disclosing:

- Foreign Grown Cigar wrapper = Type 81
- Foreign Grown Cigar Filler = Type 82
- Foreign Grown Cigar Binder = Type 83

The USDA description about US grown tobacco stems from a time when a Pennsylvania grown tobacco was typically used for filler purposes, a Connecticut Broadleaf tobacco was traditional binder tobacco and a Connecticut Shade tobacco was a typical wrapper tobacco. The usage of these tobaccos has changed over time and there are wrappers, binders and fillers produced nowadays from these 2 areas, Connecticut and Pennsylvania.

- Pennsylvania Tobacco = Type 41
- Connecticut Broadleaf Tobacco = Type 51
- Connecticut Shade Tobacco = Type 61

If a combination of US grown and Foreign grown tobacco is being used then those individual Types should be disclosed. For example, a Premium Cigar with a Connecticut Shade wrapper, a Mexican San Andres Binder and a blend of Nicaraguan and Dominican Filler could disclose as follows:

Wrapper = Type 61  
Binder = Type 83  
Filler = Type 82

For Shortfiller, Massmarket cigars, the same approach could be considered. The filler is presumably exclusively foreign grown filler (Type 82). The binder is mostly homogenized tobacco, for which the supplier should have a Master List at FDA. The wrapper can be homogenized tobacco (same as binder) or natural wrapper that could be foreign grown (Type 81) and, respectively, if it was grown in the US, Type 41, 51 or 61. Any flavors, glue, etc., there also should be a Master List at FDA from the supplier to refer to.

A further explanation is to be found under the below link, Agricultural Marketing Service, USDA, pages 171 - 173.

<https://www.gpo.gov/fdsys/pkg/CFR-2009-title7-vol2/pdf/CFR-2009-title7-vol2-part30.pdf>  
(Attached as PDF file)

Other questions asked by FDA, and suggested responses for consideration, are:

- the Type (e.g., burley, bright, oriental): **Dark-air cured, (Type 81, Type 82, Type 83, Type 41, Type 51, Type 61)**
- the variety: **“various”** or **“multiple”**
- the cure method: **“air”**
- recombinant DNA technology: **“no”**

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