



## Characterizing Flavors Position Paper

Given recent trends by anti-tobacco groups to utilize local ordinances and state legislation to prohibit flavored tobacco products or “characterizing flavors”, the Premium Cigar Association has formulated this document to provide context and clarity to its advocacy efforts and position.

PCA will actively oppose legislation and regulations that prohibit the sale or marketing of non-flavored premium cigars and pipe tobacco at the federal, state, and local levels. Premium Cigars that consist of whole leaf natural tobacco, vegetable gum, and water with no additives that are hand-rolled should not face restrictions on the sale or marketing under legislation that aims to prohibit flavored tobacco sales and marketing. PCA retail members and manufacturers should have the ability to describe these products as having flavor notes such as “coffee” or “coco” etc... in marketing materials, customer dialogue, “shelf-talkers”, or other advertisements that support the sales of legal products to legal adults. These products do not contain coffee or coco, but are merely described by an entity in the premium cigar industry ranging from a manufacturer to a store clerk to a cigar podcast personality.

Furthermore, the premium cigar industry media and press should be able to freely describe cigars utilizing these terms without restrictions placed by government entities. PCA believes that these terms not only educate staff and consumers, but also qualifies as protected free speech. These descriptions in the context of premium cigars do not pose a significant threat to an uptick in youth access to tobacco and do not have redeemable qualities that serve achievable public policy goals. Many of these ordinances and state legislation prohibit sales and marketing of products sold at PCA retail establishments and included intentionally vague language to encompass more products than what is supported by elected officials.

“It has been particularly problematic as localities, and even at the state level, in California, have encompassed “characterizing flavor” language into policy considerations. Many of these proposed enactments prohibit the sale of flavored tobacco or tobacco with “characterizing flavors” for brick and mortar retail stores, but do not prohibit the purchase of these products through online channels. PCA believes that brick and mortar retailers are the best defense against youth access to tobacco and that these bills create an unfair disadvantage and enforceability challenges. PCA encourages parity between enactments with brick and mortar retailers and online sellers and opposes the prohibition on the sales and marketing of premium cigars and pipe tobacco for both mediums of sales.

PCA will actively leverage grassroots assets throughout the country on this issue area and will monitor particularly harmful legislation for direct lobbying or legal resource allocation.

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