



FDA Regulations on Flavored Tobacco –
Comment Period Open through July 5, 2022

June 9, 2022

Dear Members,

In May 2022, the U.S. Food and Drug Administration (FDA) published the proposed flavored tobacco product standards [ie regulations] in the Federal Register. **The FDA is set to ban the legal sale of menthol in cigarettes and flavored cigars through licensed, regulated stores to your adult customers 21 and older.**

A public comment period is open through July 5, 2022. It is critical for the FDA to hear directly from the businesses impacted by the regulations - manufacturers, distributors, wholesalers, importers and retailers.

FDA is required to provide public comment opportunity on proposed regulations and FDA staff is required to read every comment submitted, so participating in the process and making your voice heard is extremely important.

Retailers and wholesalers – the below information is provided to assist you in writing and submitting comments. It is important that the FDA hear from those businesses affected by these proposed standards.

Information has been provided by Association Associate Members – Altria Client Services and Reynolds Marketing Services Company.

Information provided by Altria Client Services:

- Retail Impact on Menthol Cigarette and Flavored Cigar Ban
<https://sdp2ma.com/wp-content/uploads/2022/06/RETAIL-IMPACT-MENTHOL-CIGARETTE-AND-FLAVORED-CIGAR-BAN.pdf>
- FDA Tips for Submitting Effective Comments
<https://sdp2ma.com/wp-content/uploads/2022/06/TIPS-FOR-MAKING-EFFECTIVE-COMMENTS.pdf>
- FDA Fact Sheet
<https://sdp2ma.com/wp-content/uploads/2022/06/Fact-sheet-Proposed-Product-Standards-28APR22FINAL.pdf>
- Altria Advocacy Portal for members to submit form comments: [Submit Form Letter HERE](#)
<https://tobaccoissues.com/take-action/alertid/1849/>

Information provided by Reynolds Marketing Services Company:

National Menthol Ban Awareness Tear Pad 1-sheet file that provides the content for the Tear Pads which are being distributed to retail outlets by Reynolds representatives. These can be used to get adult tobacco consumers aware and engaged.

<https://sdp2ma.com/wp-content/uploads/2022/06/Federal-Menthol-Ban-flyer.pdf>

Public Comments how to guide developed for retailers and wholesalers with information on how to submit their comments on the proposed rules.

<https://sdp2ma.com/wp-content/uploads/2022/06/2022.05.04-Submitting-a-Comment-to-a-Public-Rulemaking-v3-1.pdf>

Please submit comments on both of the below Issues.

Please note that the FDA is specifically asking for comments associated with illicit market. This includes responsible retailing and the methods you use to prevent underage sales.

Menthol Cigarettes – Link to website

<https://www.federalregister.gov/documents/2022/05/04/2022-08994/tobacco-product-standard-for-menthol-in-cigarettes>

FDA Statement: The Food and Drug Administration (FDA, the Agency, or we) is proposing a tobacco product standard that would prohibit menthol as a characterizing flavor in cigarettes. Tobacco use is the leading preventable cause of death and disease in the United States. Menthol's flavor and sensory effects increase appeal and make menthol cigarettes easier to use, particularly among youth and young adults. There are over 18.5 million menthol cigarette smokers ages 12 and older in the United States. This proposed product standard would reduce the appeal of cigarettes, particularly to youth and young adults, and thereby decrease the likelihood that nonusers who would otherwise experiment with menthol cigarettes would progress to regular smoking. In addition, the proposed tobacco product standard would improve the health and reduce the mortality risk of current menthol cigarette smokers by decreasing cigarette consumption and increasing the likelihood of cessation. FDA is taking this action to reduce the tobacco-related death and disease associated with menthol cigarette use. The proposed standard also is expected to reduce tobacco-related health disparities and advance health equity.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

Flavors in Cigars – Link to website

<https://www.federalregister.gov/documents/2022/05/04/2022-08993/tobacco-product-standard-for-characterizing-flavors-in-cigars>

FDA Statement: The Food and Drug Administration (FDA or Agency) is proposing a tobacco product standard that would prohibit characterizing flavors (other than tobacco) in all cigars and their components and parts. Characterizing flavors in cigars, such as strawberry, grape, cocoa, and fruit punch, increase appeal and make the cigars easier to use, particularly among youth

and young adults. Over a half million youth in the United States use flavored cigars. This proposed product standard would reduce the appeal of cigars, particularly to youth and young adults, and thereby decrease the likelihood of experimentation, development of nicotine dependence, and progression to regular use. FDA is taking this action to reduce the tobacco-related death and disease associated with cigar use. The proposed standard also is expected to reduce tobacco-related health disparities and advance health equity.

Electronic Submissions

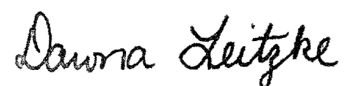
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Please provide a copy of your letter to the association office. **Email:** dawnaleitzkecloud@me.com

Thank you for your assistance on this critical matter.

Sincerely,



Dawna Leitzke, Executive Director
South Dakota Petroleum and Propane Marketer Association