



May 20, 2014

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Docket ID FDA-2014-N-0189

To whom it may concern:

As the owner of the Kauai Cigar Company, I would like to respond to the April 25, 2014, Notice of Proposed Rulemaking (NPRM) on the deeming of tobacco products under the Family Smoking Prevention and Tobacco Control Act. There are several aspects of the proposed deeming regulations that could have a devastating impact on my small business and the premium cigars we produce for adult consumers.

Firstly, I oppose the imposition of a costly pre-market review process for premium cigars. Pre-market review would be cost prohibitive for our farms and factory, effectively eliminating our ability to release special editions and seasonal blends. Such products are a distinctive aspect of the industry and a large part of our business.

Secondly, I oppose a ban on sampling. Product sampling is an integral part of the unique experience at a premium cigar shop. A sampling ban would prohibit consumers from being able to try new products in shops and at cigar charity events, which drive consumer purchasing. Given the typical price point and celebratory nature of premium cigars, customers are less likely to purchase an unfamiliar product.

Thirdly, I oppose the creation of an arbitrary price point for a cigar to be deemed "premium." As a grower and manufacturer, the wholesale price fluctuations, differing state tax rates, or a promotional event in a retail shop could cause a cigar to move from the premium category. Such inconsistencies in the marketplace could impose a significant regulatory burden on our business.

For the aforementioned reasons, it is critical that the FDA consider the difference between premium cigars and other tobacco products when drafting the final regulations. Premium cigars are an adult product, without the habitual use patterns of mass-market tobacco products. Existing state law prohibits the sale of products to minors. As an owner of a small business, I take that obligation to my community very seriously.

I urge you to exempt premium cigars from the final FDA regulations. Imposing one-size-fits-all regulations on a diverse suite of tobacco products is a step in the wrong direction for the FDA. Thank you for the opportunity to submit comment on the proposed deeming regulations.

Sincerely,

Les Drent
Owner



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Sincerely,



Tai Erum
Operations Manager



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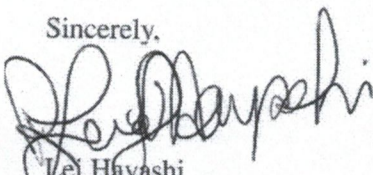
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Sincerely,


Lei Hayashi
Maui Sales Manager



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Donald Fernelius
Oahu Sales Manager



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Joseph Wanczyk
Farm Technician



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Trevyn Pless
Farm Manager



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Kelii Kaneholani
Farm Technician



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Napoleon Ray
Farm Technician



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Doug O'Keeffe
Farm Technician



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