



May 7, 2021

Committee on Health and Human Services  
100 State House Station  
Augusta, ME 04333

Re: Opposition to LD 1550, an act prohibiting the sale of flavored tobacco

Dear Chairperson Claxton, Chairperson Meyer, members of the Committee,

Swisher is, among other things, a manufacturer and distributor of tobacco products based in Jacksonville, Florida. Originally founded in 1861, our company is the number one cigar manufacturer in the world. We are writing to share our concerns with LD 1550 and the efforts to remove flavored cigars from the market in Maine, as there are no scientific or legal justifications for such actions.

#### Youth Usage of Cigars Is Low, While Usage of Vapor, Marijuana, and Alcohol Remain High in Maine

- The 2019 Maine Youth Risk Behavior Survey reported that in 2019:<sup>1</sup>
  - 5.0% of Maine high school students reported cigar use in the last 30 days
- In contrast, the 2019 Maine Youth Risk Behavior Survey reported that in 2019:
  - 30.2% of Maine high school students reported current e-cigarette use in the last 30 days;
  - 22.3% of Maine high school students reported current marijuana use in the last 30 days; and
  - 22.7% of Maine high school students reported current alcohol use in the last 30 days, yet companies continue to market flavored alcohol, beer, and seltzers

Consilium Sciences, an affiliate of the Venebio Group LLC, has prepared the most comprehensive report to date evaluating all publicly available data sources regarding usage of flavored cigar products and has concluded that “no evidence was found of increased use or different usage patterns, either among youth or adults, of flavored relative to unflavored products.”

#### Banning the Sale of Flavored Tobacco Products to Adults will Have Dramatic Consequences on Tax Revenues

- Massachusetts banned the sale of all flavored tobacco products as of May 2020
  - Cigarette tax stamp revenues show that, comparing June – September 2019 to June – September 2020, the ban had a large impact on tax revenue, but not on curbing use of menthol cigarettes<sup>2</sup>
    - Massachusetts tax stamp revenue **declined** 24%
    - New Hampshire tax stamp revenue **increased** 34%
    - Vermont tax stamp revenue **increased** 11%
    - Rhode Island tax stamp revenue **increased** 25%

#### Recent Federal Action to Combat Youth Usage

- On April 29, 2021, FDA announced it is committing to advancing two tobacco product standards to ban menthol as a characterizing flavor in cigarettes and ban all characterizing flavors in cigars
- Maine and the federal government raised the minimum age of purchase of tobacco products to 21
- Increased FDA enforcement against vapor products marketed to kids

<sup>1</sup> All data is based on use on at least one day in the past 30 days at the time of the survey.

<sup>2</sup> <https://taxfoundation.org/massachusetts-flavored-tobacco-ban/>

- Pending virtual ban on vapor purchases through the mail
- Removing all flavored, cartridge-based vapor products from retail outlets that allow under 21 to enter

Swisher strongly believes in adult consumer choice. The restrictions drafted in LD 1550 constrain the marketplace and encourage unintended consequences and economic harm to the state. We are working with our U.S. partners and the Food and Drug Administration with the hope of continuing meaningful conversations as regulations regarding flavored products are shaped. We remain committed to working hand in hand with all our government and corporate partners to ensure adult consumers, and only adult consumers, have access to our products, just as we have done for years. The use of flavors in tobacco products is a complex issue, and decisions on the regulatory treatment of such products have huge ramifications for state budgets, local businesses, and industry, among others. Such decisions should be based on facts and science, rather than unfounded rhetoric. For these reasons, we must oppose LD 1550 as it is currently written. Thank you for your consideration.

Sincerely,

Joe Augustus  
Executive Vice President, Global Affairs  
SI Group Client Services