



1724 Massachusetts Avenue, NW
Washington, DC 20036
202-454-5555
www.LegacyForHealth.org

Benjamin K. Chu, M.D., M.P.H., M.A.C.P., Chair
President, Southern California Region
Kaiser Foundation Health Plan and Hospitals
Pasadena, CA

Susan Curry, Ph.D., Vice-Chair
Dean, College of Public Health
Distinguished Professor, Health Management and Policy
University of Iowa
Iowa City, IA

Lawrence G. Wasden, Treasurer
Attorney General of Idaho
Boise, ID

Donald K. Boswell
President and CEO
Western New York Public Broadcasting Association
Buffalo, NY

Jonathan E. Fielding
Director Health Officer,
Los Angeles County Department of Public Health
Professor of Health Services and Pediatrics
Schools of Public Health and Medicine
University of California, Los Angeles
Los Angeles, CA

Tom Miller
Attorney General of Iowa
Des Moines, IA

Charles K. Scott
Wyoming State Senator
Casper, WY

Leticia Van de Putte
Texas State Senator
San Antonio, TX

Cass Wheeler
Chief Executive Officer Emeritus
American Heart Association
Dallas, TX

Lee Storrow (Youth Board Liaison)
University of North Carolina at Chapel Hill
Chapel Hill, NC

Cheryl G. Heaton, Dr. P.H. Ex-Officio
President and CEO
Legacy

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Anne Hartman
National Cancer Institute
6130 Executive Blvd – MSC 7344
Executive Plaza North, Suite 4005
Bethesda, MD 20892-7344

**RE: REINSTATEMENT WITH CHANGE OMB #0925-0368:
Next Series of Tobacco Use Supplements to the Current
Population Survey (TUS-CPS)**

Legacy appreciates the opportunity to comment on the Next Series of Tobacco Use Supplements to the Current Population Survey (TUS-CPS), and would like to attest to the practical utility of the information to be collected by this survey. This survey is an important source of information regarding tobacco use in the United States that is available to researchers and policymakers. The information is critical to give a picture of tobacco use in the country, determine the effectiveness of tobacco control programs, help develop new programs and target areas and inform research into tobacco use issues. Legacy was especially pleased to see the revision and addition of questions surrounding little cigar and cigarillo use, as well as questions around mentholated tobacco products.

Legacy is a national, independent public health foundation created in 1998 out of the landmark Master Settlement Agreement (“MSA”) between the tobacco industry, 46 state governments and five U.S. territories. Our mission is to build a world where young people reject tobacco and anyone can quit. Legacy does not lobby or take positions on specific legislation. Our programs include:

truth® - A national youth smoking prevention media campaign responsible for preventing approximately 450,000 youth from initiating smoking from 2000 through 2004.

EX® - An innovative smoking cessation public education campaign designed to help smokers “re-learn” life without cigarettes.

Research Initiatives – Examining the various causes and effects of tobacco use in the United States.

Outreach to Priority Populations – Priority Populations Initiatives and grants provide critical interventions using methods that are culturally competent and tailored for the specific needs of communities disproportionately affected by the toll of tobacco.

Little Cigars and Cigarillos

Little cigars and cigarillos are tobacco products that have been considered “fringe” tobacco products for many years. Recently, however, these products have experienced significant sales and importation increases. Between 1997 and 2007, sales of little cigars have increased by 240% while cigarillo sales increased by almost 150%. (During the same time period, large cigar sales decreased by 6%.)¹ U.S. imports of little cigars increased from 34 million pieces in 1997 to 311 million pieces in 2007, an increase of more than 800%. During the same time period, large cigar imports jumped from 587 million to 889 million, an increase of only 51%.²

Currently, there is no national prevalence data for consumption of little cigar or cigarillo products specifically. Because these are subtypes of the general “cigar” category, without these data, it is difficult to tease out the distinctions in who is using little cigars and cigarillos and how often they are being used. Some of that may be due to the lexicon surrounding these products. Colloquially, these products have varying names, so it is often difficult to ascertain whether someone uses them or not.

The revisions in the proposed TUS-CPS make an effort to address this issue. To illustrate, currently there are *three* major cigar products—cigars, cigarillos and little cigars. However, the current federal classifications narrowly define them into *two* categories, little (or small) cigars and large cigars³, based on weight:

- * Little cigars weigh less than 3 pounds per thousand.
- * Large cigars weigh 3 pounds per thousand or more.

Mid-sized cigars, colloquially known as “cigarillos,” “blunts” or “cheroots” (referred to as cigarillos in these comments), do not have an official definition, and are included in the “large cigar” category despite significant differences in their marketing and packaging from that of typical large cigars. However, the consumer is likely not aware of these legal definitions. Therefore, when a cigarillo consumer is asked whether they use large cigars (which would include cigarillos, even though they are smaller than the typical “stogie” type cigar), the consumer may not consider themselves large cigar smokers, and may answer in the negative. Similarly, cigarillos are not legally a “small” or

¹ Maxwell JC. The Maxwell Report: Cigar Industry in 2007. Richmond, VA: John C. Maxwell, Jr. 2008. Original concept in Kozlowski LT, Dollar KM, Giovino GA. Cigar/cigarillo surveillance: limitations of the U.S. Department of Agriculture system. American Journal of Preventive Medicine, 2008; 34(5); 424-6.

² U.S. Department of Treasury, Alcohol and Tobacco Tax Trade Bureau. Tobacco Statistics home page. Available at: http://www.ttb.gov/tobacco/tobacco_stats.shtml

³ U.S. Department of Treasury, Alcohol and Tobacco Tax Trade Bureau. Tobacco Products home page. Available at: http://www.ttb.gov/tobacco/tobacco_products.shtml



“little” cigar, but consumers may think of them as “small cigars”. The wording of the questions in section J of this proposed survey (particularly JB and JC) will do much to garner better, more accurate data about all of these different products – especially the demographic characteristics of users.

Further, because of the recent law giving the Food and Drug Administration (FDA) authority to regulate tobacco, this information is all the more important. For example, the law (referred to as the “FDA law” in these comments) banned the sale of flavored cigarettes. Because of the definition of “cigarette” in the new law, many little cigars, but not cigarillos, may be covered by the ban.⁴ The data gathered from this survey will help inform FDA and those working in tobacco control about this ban, and whether it needs to be expanded to other products as well.

The questions in Section J of the revised TUS-CPS will go a long way to secure more information about who is using these products, perhaps why they are increasing in popularity, and help inform policies to discourage initiation of these products and to help users quit.

Menthol

Legacy also appreciates the inclusion of questions surrounding mentholated products in the revised TUS-CPS – in particular question K7. The FDA law requires the Tobacco Products Scientific Advisory Committee, established by the law, to review information on menthol flavored cigarettes and submit a report to FDA summarizing its findings, and include recommendations on whether cigarettes with menthol as a characterizing flavor should be removed from the market, or other restrictions placed on them. The TUS-CPS not only asks participants whether or not they smoke(-ed) mentholated cigarettes, but also attempts to ascertain what might happen should menthol cigarettes be removed from the market. While this information is hypothetical, it has the potential to inform policies associated with menthol cigarettes.

Legacy believes the changes in this iteration of the TUS-CPS can expand the knowledge base about little cigars, cigarillos and menthol cigarettes, and can also impact policies surrounding those products. We applaud NCI for including these important changes and look forward to using the information gained from the survey. Please contact Stephenie Foster, Senior Vice President of Government Affairs at 202-454-5559 or sfoster@legacyforhealth.org, if you have questions or need more information.

⁴ Food and Drug Administration. General Questions and Answers on the Ban of Cigarettes that Contain Certain Characterizing Flavors. September 22, 2007. Accessed at: <http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/FlavoredTobacco/ucm183228.htm>