

# Congress of the United States

Washington, DC 20510

March 6, 2017

Dr. Stephen Ostroff  
Acting Commissioner  
Food and Drug Administration  
10903 New Hampshire Ave  
Silver Spring, MD 20993

Maureen K. Ohlhausen  
Acting Chairman  
Federal Trade Commission  
600 Pennsylvania Ave NW  
Washington, DC 20580

Dear Acting Commissioner Ostroff and Acting Chairman Ohlhausen,

We write to you today after hearing concerns from our constituents regarding the mislabeling of foreign cigar products. Connecticut shade tobacco seeds are now not only grown in Connecticut and other areas of the Northeast, but also in Ecuador and other parts of Central and Latin America. Different soils and climate conditions cause cigars made with U.S. Connecticut shade tobacco to taste vastly different than foreign grown Connecticut shade tobacco, despite the fact that the seeds may be the same. However, labels on these cigars are often unclear as to the origin of the shade tobacco. Furthermore, labels contain the word “Connecticut” regardless of where the tobacco is grown, further confusing consumers and undercutting Connecticut growers.

The Federal Trade Commission (FTC) and the Food and Drug Administration (FDA) both play vital roles in enforcing existing regulations on tobacco labeling and advertising. Under 15 U.S. Code § 45, the FTC has broad authority to prevent “unfair or deceptive acts or practices in or affecting commerce”. Furthermore, under Section 903 of the Tobacco Control Act a tobacco product can be deemed misbranded if its advertising is false or misleading. Given these existing authorities and the responsibilities of your agencies, we urge you to investigate the misbranding of Connecticut shade tobacco products and take action to curb this deceptive practice.

Connecticut shade tobacco, which is used as a wrapper for premium cigars, is renowned worldwide for its superior quality and unique flavor profile. That distinctive quality and flavor clearly derives from the specific soil and climate conditions in the Connecticut River Valley, which is why we believe that a protected geographic indicator for Connecticut shade tobacco is justified. Such indicators in product names are unnecessary when the connection between climate or soil and the ultimate taste of the product is unclear, as is the case for cheese, but the uniqueness of Connecticut shade tobacco is due to the specific environment in which it is grown. Since the 1630s, tobacco farmers have been growing Connecticut shade tobacco in and around the Connecticut River Valley. The early techniques of covering crops under shade tents have changed little in the past 100 years, contributing to the iconic nature of this crop. Today, Connecticut tobacco farming supports over 800 jobs and 5,000 seasonal workers. Collectively, the industry supports \$47.4 million in direct sales and has an economic impact of \$85 million.

Despite the importance of this crop to the premium cigar industry, Connecticut farmers are struggling. For example, Connecticut's largest tobacco farm did not plant a crop this past growing year and is selling off land as a result of foreign competition, in part, exacerbated by unfair or deceptive acts. While there are a myriad of challenges facing farmers, being undercut by foreign growers is a clear threat to the long-term viability of the Connecticut shade tobacco industry. We urge you to use the tools that your agencies have to investigate this issue and take action to prevent further harm to growers in our state.

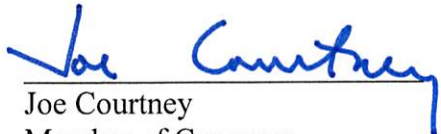
Sincerely,



Christopher S. Murphy  
United States Senator



John B. Larson  
Member of Congress



Joe Courtney  
Member of Congress