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August 7, 2014

**VIA ELECTRONIC FILING**

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

**Re: Docket No. FDA-2014-N-0189**

Dear Sir or Madam:

The International Premium Cigar & Pipe Retailers Association ("IPCPR") submits these comments in response to the Food and Drug Administration's ("FDA's") proposed rule: Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, As Amended by the Family Smoking Prevention and Tobacco Control Act; Regulations on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products, 79 Fed. Reg. 23,142 (Apr. 25, 2014) (the "proposed deeming regulation"). IPCPR, based in Columbus, Georgia, is a not-for-profit trade group representing premium cigar and tobacco retail shops located throughout the United States and abroad. IPCPR, formerly the Retail Tobacco Dealers of America, was established in 1933. IPCPR members operate more than 2,000 retail stores, employ more than 8,000 people, and sell tobacco products, primarily premium cigars, in face-to-face sales, to adults. IPCPR also has a direct economic relationship with more than 350 manufacturers, distributors, and service providers, who employ 7,000 more people, who supply our retail members.

**The Retailer Obligations For The Practice of Blending Pipe Tobacco Need To Be Clarified**

IPCPR supports the Pipe Tobacco Council's comment requesting that FDA clarify a retailers' obligations under the proposed deeming regulations. Under either Option 1 or Option 2, a manufacturer is defined as "any person, including any repacker and/or relabeler, who manufactures, fabricates, assembles, processes, or labels a finished tobacco product." Proposed 21 C.F.R. § 1140.3. For hundreds of years, retail tobacconists have been custom blending pipe tobacco for customers. IPCPR requests confirmation that continuing this historical practice will not make such retailers "manufacturers" under the proposed deeming regulation. Alternatively, FDA should establish a "safe harbor" for retailers blending an aggregate of up to 5,000 pounds of pipe tobacco a year. FDA established a retailer "safe



harbor" for required warning labels and advertising on cigars in the proposed deeming regulations, and FDA should apply the same logic to the retailer's ability to continue the long-standing practice of providing custom blended pipe tobaccos to their adult customers.

\* \* \* \*

IPCPR appreciates having this opportunity to comment on the proposed deeming regulation.

Sincerely,



Finnie Helmuth  
President  
International Premium Cigar & Pipe Retailers Association



Craig Cass  
First Vice President  
International Premium Cigar & Pipe Retailers Association



Mark Pursell  
CEO  
International Premium Cigar & Pipe Retailers Association