



**Subject: Response to Internet Consultation on Plain Packaging for Premium Cigars in the Netherlands**

To Whom It May Concern,

On behalf of Cigar Rights of America (CRA), a US-based organization dedicated to defending the rights and interests of American manufacturers of handmade cigars, we respectfully submit our views in response to the ongoing consultation regarding the implementation of plain packaging requirements for cigars sold in the Netherlands.

CRA is currently the world's largest coalition of handmade cigar manufacturers and consumers, with a membership spanning all fifty American states and representing over sixty diverse artisan producers of handmade cigars. Members of CRA include family-owned, small business manufacturers, single proprietor craftsmen, and firms that conduct business on an international scale, with other members at all other levels of the supply chain (*e.g.*, distributors, growers, logistics, retailers, consumers, *etc.*). As stakeholders in the cigar industry, we are deeply concerned about the proposed regulatory changes and wish to highlight several key challenges that these measures would pose for American manufacturers exporting to the Dutch market.

**Background and Youth Use**

We recognize that the principle of plain packaging has already been adopted in the Netherlands through prior legislation, and that this proposal is intended to implement those requirements for cigars and electronic vapour products. While we respectfully maintain our longstanding position that handmade cigars are fundamentally distinct from other tobacco and nicotine products and should not be subject to standardized packaging requirements, we focus our comments here on factual and practical matters of implementation, as the Government has indicated that the policy decision itself is not open for reconsideration.

It is critical to understand that handmade cigars are substantively different from the rest of the cigar market. Currently, the US Food and Drug Administration (FDA), defines “premium cigars” (an even narrower set of handmade cigars) as those that are

- (1) are wrapped in whole tobacco leaf; (2) contain a 100 percent leaf tobacco binder;
- (3) contain at least 50 percent (of the filler by weight) long filler tobacco; (4) are handmade or hand rolled; (5) have no filter, nontobacco tip, or nontobacco mouthpiece; (6) do not have a characterizing flavor other than tobacco; (7) contain

only tobacco, water, and vegetable gum with no other ingredients or additives; and (8) weigh more than 6 pounds per 1,000 units.<sup>1</sup>

These cigars comprise a very small fraction of the United States tobacco market and only 2-3% of the total cigar market.<sup>2</sup> Unlike the rest of the tobacco industry, with a few major manufacturers and relatively few brand offerings, this cigar industry is much less consolidated with many brand offerings. A manufacturer may have more than fifty to almost five hundred brand offerings based on the products' various shapes and sizes. These manufacturers also commonly offer "limited editions" and "special releases" that may consist of a one-time distribution of only a few hundred boxes.

Handmade cigars have also been recognized in all major recent literature reviews on the topic to be substantively different from other tobacco products in terms of demographic characteristics, usage patterns, and health effects. Most importantly, there is nearly no youth use of handmade cigars in the US. We note that, in the government's proposal, there is discussion of US research showing a "massive uptake" of cigar use among youth. While CRA unequivocally opposes youth use of any tobacco product, this claim arises from conflating premium handmade cigars with mass-market cigarillos—products that are machine-made, low-priced, often flavoured, and sold in convenience outlets in cigarette-style packs.

In fact, when data is disaggregated, it shows the following:

- National Youth Tobacco Survey (NYTS) 2023 – Current use of premium cigars among U.S. high school students is below 0.5%, and near zero for middle school students.
- Population Assessment of Tobacco and Health (PATH) Study, Wave 5 (2020) – Less than 0.1% of respondents aged 12–17 reported current use of premium cigars.
- The National Academies of Science, Engineering, and Medicine Report (2022) – Concluded premium cigar use among youth is "rare," with marketing features attractive to youth absent from this category.

To the extent that the urgency surrounding the adoption of plain packaging is driven by concerns about youth use, CRA contends that there is no evidence to show significant youth use of our cigars.

## **Logistical Concerns with the Proposal**

### *Country-Specific Packaging and Rotating Warnings*

The proposal's requirement for Netherlands-specific plain packaging, combined with annually rotating health warnings, poses significant operational barriers for non-EU manufacturers—especially small and medium-sized premium cigar producers in the Americas.

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<sup>1</sup> *Cigar Ass'n of Am. et al. v. U.S. Food & Drug Admin. (Cigar IV)*, 2022 WL 2438512 (D.D.C. July 5, 2022) (hereafter *CAA v. FDA*).

<sup>2</sup> Maxwell JC. *The Maxwell Report: Cigar Industry in 2015*. Richmond, VA; 2015

Unlike cigarettes or roll-your-own tobacco, handmade cigar packaging is not mass-produced in uniform formats. Manufacturers use traditional printing, embossing, and hand-labelling methods for small-batch runs. Boxes and bands are ordered in bulk years in advance to achieve economies of scale and maintain design continuity across global markets.

Requiring Dutch-specific packaging artwork and annual changes to accommodate rotating warnings would thus create a disproportionate burden on our industry. It would necessitate frequent retooling of artisanal printing processes, increased inventory segregation, and substantial destruction of unused packaging materials. For many small producers, this is operationally impracticable, creating a de facto barrier to market entry.

The practical effect would be a contraction in the range of handmade cigars available in the Netherlands, reducing consumer choice without delivering proportionate public health gains.

### *Ban on Indicating Country of Origin*

Another critical issue is the prohibition on indicating the country of origin (COO) labeling on product packaging. The origin is a defining feature of cigars and is essential for consumer awareness and brand identity. Allowing only the importer's contact details to appear under the proposed regulations would misrepresent the product and mislead consumers, potentially harming both producers and retailers.

COO is a core attribute of handmade cigars—akin to appellation in wine or origin in specialty foods. It communicates where agricultural inputs were cultivated and fermented and where hand-rolling occurred—facts, not marketing claims. Prohibiting “Made in [country]” while permitting an opaque producer address (which may reflect corporate domicile rather than production) deprives adult consumers of neutral, material information at the point of sale. The proposal already distinguishes between neutral facts and marketing and allows factual statements necessary for correct understanding of the product; COO is precisely that.

Further, in a multi-country supply chain, COO helps retailers and regulators quickly understand where a product was made, complementing—rather than substituting for—track-and-trace identifiers and the unique identification/safety features already required for cigars. COO labelling is an intuitive, human-readable anchor that supports enforcement and consumer inquiries without adding design elements beyond a short Helvetica text line already contemplated by the proposal's typography rules.

CRA urges the Ministry to permit a single COO statement on cigar packaging, formatted exactly like other allowed neutral texts:

- Text: “Made in [Country]” or “Handmade in [Country]”.
- Font/colour/finish: Standard Helvetica; Pantone Cool Gray 2C; matt and smooth; no formatting variations.
- Size/placement: Maximum font size 10 on the unit (14 on outer packaging if aligned to the existing rule for outer-pack text); same reading direction as the health warning; appear at most once and **not** on the front panel (mirroring barcode/QR placement

limits).

This narrowly tailored allowance would preserve the regulation's standardized look and public-health intent while restoring an essential, purely factual datum to help adult consumers, retailers, and inspectors understand the product they are handling.

#### *Product Lifecycle and Sell-Off Period*

We acknowledge that the proposal grants a two-year sell-through period for cigars other than cigarillos and a one-year period for cigarillos and e-vapour products. However, for premium cigars, the two-year period from *entry into force*—with only six months allowed for production in old formats—remains insufficient.

Cigars are slow-moving products that often remain in retail humidors for extended periods—sometimes several years. Premium cigar production involves:

- Agricultural cycles (leaf curing and fermentation can take 12–36 months).
- Multi-year packaging orders placed well in advance.
- Maritime shipping lead times from the Americas to Europe.

Imposing a short transition and sell-off period would leave manufacturers and retailers with substantial unsellable stock. We therefore respectfully request that the Dutch government consider a delayed implementation date and extend the sell-off period, to allow both factories and retailers time to adapt, sell through existing packaging inventory, and minimize financial losses.

CRA urges the Dutch Government to adopt a minimum of two years from publication before compliance is required, followed by at least two years of sell-through. This is consistent with the slower turnover and longer supply chain of premium cigars compared to high-volume tobacco products.

A longer transition period would allow our manufacturers to deplete stocks rather than creating waste from destroyed compliant-but-outdated packaging.

#### **Conclusion**

CRA urges the Dutch authorities to:

1. Exempt cigars from plain packaging requirements, or alternatively,
2. Allow flexibility in packaging design to avoid disproportionate burdens on small-scale producers,
3. Delay implementation and extend the sell-off period to ensure a fair and orderly transition.

4. Provide a longer lead time and sell-through period to accommodate the unique production cycles of handmade cigar manufacturers, particularly those based outside the EU.
5. Minimize the operational and logistical burdens by considering alignment with broader EU packaging formats and reducing the frequency of rotation for health warnings on niche product categories.

We appreciate the opportunity to provide input and urge the Dutch authorities to consider the unique characteristics of cigars and the practical implications of plain packaging regulations. We thank you for your consideration and remain available for further discussion or clarification.

Sincerely,  
Mike Copperman  
On behalf of Cigar Rights of America (CRA)