



Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

MEMORANDUM

TO: Public Records  
Office of the Secretary

FROM: Bonnie McGregor  
Division of Advertising Practices

DATE: September 8, 2017

SUBJECT: Rotational Health Warnings for Cigarettes  
File No. P854505

Please place the attached documents on the public record in the above-captioned matter.

1. January 5, 2016 letter from Gary C. Sanden, Seneca Manufacturing Company to Mary Engle.
2. January 7, 2016 letter from Gary C. Sanden, Seneca Manufacturing Company to Mary Engle.
3. January 11, 2016 letter from Mary K. Engle to Gary C. Sanden, Seneca Manufacturing Company.
4. January 14, 2016 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.
5. January 15, 2016 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.
6. January 12, 2016 letter from Eric F. Facer on behalf of Great Swamp Enterprises, Inc. to Mary K. Engle.
7. February 3, 2016 letter from Mary K. Engle to Eric F. Facer on behalf of Great Swamp Enterprises, Inc.
8. January 29, 2016 letter from Victoria Spier Evans, Vector Tobacco Inc. to Mary K. Engle.

9. February 3, 2016 letter from Mary K. Engle to Victoria Spier Evans, Vector Tobacco Inc.
10. December 21, 2015 letter from Rhondetta Walton, ITG Brands, LLC to Mary Engle.
11. February 4, 2016 letter from Mary K. Engle to Rhondetta Walton, ITG Brands, LLC.
12. February 4, 2016 letter from Neal N. Beaton on behalf of JT International U.S.A., Inc., to William Ducklow.
13. February 4, 2016 letter from Mary K. Engle to Neal N. Beaton on behalf of JT International U.S.A., Inc.
14. February 11, 2016 letter from Hoo Tjhiang Han, Kretek International, Inc. to Mary K. Engle.
15. February 11, 2016 letter from Mary K. Engle to Hoo Tjhiang Han, Kretek International, Inc.
16. February 10, 2016 letter from Henry C. Roemer, III on behalf of Kretek International, Inc. to Mary K. Engle.
17. February 11, 2016 letter from Mary K. Engle to Henry C. Roemer, III on behalf of Kretek International, Inc.
18. February 18, 2016 letter from Cameron Goodwin, Skookum Creek Tobacco Company, Inc. to Mary K. Engle.
19. February 19, 2016 letter from Mary K. Engle to Cameron Goodwin, Skookum Creek Tobacco Company, Inc.
20. February 23, 2016 letter from Mark Mansfield, Wind River Tobacco Company, LLC to Mary K. Engle.
21. February 25, 2016 letter from Mary K. Engle to Mark Mansfield, Wind River Tobacco Company, LLC.
22. February 2, 2016 letter from Karen E. Delaney, Goodrich Tobacco Company, LLC to Mary K. Engle.
23. March 8, 2016 letter from Mary K. Engle to Karen E. Delaney, Goodrich Tobacco Company, LLC.

24. January 26, 2016 letter from Jay Chapman, Cousins Distributing, Inc. d/b/a Fresh Choice Tobacco to Bonnie McGregor.
25. March 11, 2016 letter from Mary K. Engle to Jay Chapman, Cousins Distributing, Inc. d/b/a Fresh Choice Tobacco Company.
26. March 15, 2016 letter from David A. Scott, Cheyenne International, LLC to Mary K. Engle.
27. March 15, 2016 letter from Mary K. Engle to David A. Scott, Cheyenne International, LLC.
28. March 14, 2016 letter from Donna Woody, Sandia Tobacco Manufacturers, Inc. to Mary K. Engle.
29. March 16, 2016 letter from Mary K. Engle to Donna Woody, Sandia Tobacco Manufacturers, Inc.
30. March 23, 2016 letter from Bhavani Parameswar, King Maker Marketing, Inc. to the Division of Advertising Practices, Federal Trade Commission.
31. March 24, 2016 letter from Mary K. Engle to Bhavani Parameswar, King Maker Marketing, Inc.
32. March 22, 2016 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Mary K. Engle.
33. March 29, 2016 letter from Mary K. Engle to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.



175 Rochester Street  
P.O. Box 496  
Salamanca, NY 14779  
Phone: (716) 945-4400\Fax (716) 945-4401  
Email: [office@senecamc.com](mailto:office@senecamc.com)

January 5, 2016

Mary K. Engle, Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

RE: Heron Cigarettes

Dear Ms. Engle:

Please consider this letter our annual compliance letter. Our plan for the simultaneous display of the Surgeon General's warnings on packaging and the quarterly rotation of the Surgeon General's warnings on advertising for Heron cigarettes was originally submitted to the Federal Trade Commission on December 17, 2007, and was approved on December 19, 2007.

We have removed 5 brand styles as we no longer manufacture those styles. The Heron cigarette brand will now be manufactured in the following varieties:

Red 100's Soft Pack  
Gold 100's Soft Pack  
Silver 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Gold 100's Soft Pack

Red 100's Box  
Gold 100's Box  
Silver 100's Box  
Menthol 100's Box  
Menthol Gold 100 Box  
Crimson 100's Box  
No. 33 Black Red 100's Box  
No. 33 Black Gold 100's Box  
No. 33 Black Menthol 100's Box

Red King Box  
Gold King Box  
Silver King Box  
Menthol King Box  
Menthol Gold King Box  
Crimson King Box  
No. 33 Black Red King Box  
No. 33 Black Gold King Box  
No. 33 Black Menthol King Box  
Non Filter King Box

Crafting & Manufacturing **QUALITY TOBACCO** products for a decade and still **GOING STRONG**.



FEDERAL TRADE COMMISSION  
MS. MARY ENGLE ASSOCIATE DIRECTOR  
RE: HERON CIGARETTES  
JANUARY 5, 2016  
PAGE 2

These cigarettes are packaged in 200 count cartons ("Outer Carton"). Each Outer Carton contains ten (10) packs of twenty (20) cigarettes each ("pack"). The warnings will appear exactly as shown in samples provide to your office with our letters dated June 16, 2010, June 23, 2010, June 25, 2010, February 4, 2011, February 7, 2012.


Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act 15 U.S.C. 1331. The sales of each brand style that the company manufactured for the 2015 fiscal year (calendar year ending December 31, 2015) are set out in Exhibit A along with anticipated 2016 sales. We do not import any cigarettes.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons of each Heron cigarette brand style an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the Heron cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the health warnings. Seneca Manufacturing Company will maintain records of compliance with approved plan. We will continue to advertise according to our plan approved by the Federal Trade Commission on December 17, 2007.

If you should have any questions or require any further information, please feel free to contact our office.

Sincerely,

SENECA MANUFACTURING COMPANY



Gary C. Sanden

GCS/tmm  
Enclosures

Crafting & Manufacturing **QUALITY TOBACCO** products for a decade and still **GOING STRONG**.

Brand	2015 Sales by Stick	Estimated 2016 Sales by Stick
Heron Black 33 Gold 100 Box		
Heron Black 33 Gold King Box		
Heron Black 33 Menthol 100 Box		
Heron Black 33 Menthol King Box		
Heron Black 33 Red 100 Box		
Heron Black 33 Red King Box		
Heron Crimson 100 Box		
Heron Crimson King Box		
Heron Gold 100 Box		
Heron Gold 100 SP		
Heron Gold King Box		
Heron Gold King SP		
Heron Menthol 100 Box		
Heron Menthol 100 SP		
Heron Menthol Gold 100 Box		
Heron Menthol Gold 100 SP		
Heron Menthol Gold King Box		
Heron Menthol Gold King SP		
Heron Menthol King Box		
Heron Menthol King SP		
Heron Non-Filter King Box		
Heron Red 100 Box		
Heron Red 100 SP		
Heron Red King Box		
Heron Red King SP		
Heron Silver 100 Box		
Heron Silver 100 SP		
Heron Silver King Box		
Heron Silver King SP		



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January 7, 2016

FEDERAL TRADE COMMISSION  
MS. MARY ENGLE ASSOCIATE DIRECTOR  
600 PENNSYLVANIA AVENUE  
WASHINGTON DC 20580

Re: Sands Cigarettes

Dear Ms. Engle:

Please consider this letter our annual compliance letter. Our plan for the simultaneous display of the Surgeon General's warnings on packaging and the quarterly rotation of the Surgeon General's warnings on advertising for Sands cigarettes was originally submitted to the Federal Trade Commission on November 3, 2011, and was approved on November 8, 2011.

We have removed 10 brand styles as we no longer manufacture those styles. The Sands cigarette brand will now be manufactured in the following varieties:

Red 100's Box	Red King Size Box
Gold 100's Box	Gold King Size Box
Silver 100's Box	Silver King Size Box
Menthol 100's Box	Menthol King Size Box
Menthol Blue 100's Box	Menthol Blue King Size Box

These cigarettes are packaged in 200 count cartons ("Outer Carton"). Each Outer Carton contains ten (10) packs of twenty (20) cigarettes each ("pack"). The warnings will appear exactly as shown in samples provided to your office with our letter dated March 21, 2011.

Seneca Manufacturing Company low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for each brand style for the 2015 fiscal year (calendar year ending December 31, 2015) are set out in Exhibit A along with anticipated 2016 sales. Seneca Manufacturing Company manufactures one other brand called Heron and there is a separate plan for that brand approved on July 13, 2012.



FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
RE: SANDS CIGARETTES  
JANUARY 7, 2016  
PAGE 2

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons of each Sands cigarette brand style an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the Sands cigarette brand styles as equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the health warnings. Seneca Manufacturing Company will maintain records of compliance with approved plan. We will continue to advertise according to our plan approved by FTC on November 8, 2011.

If you should have any questions or require anything further, please feel free to contact this office.

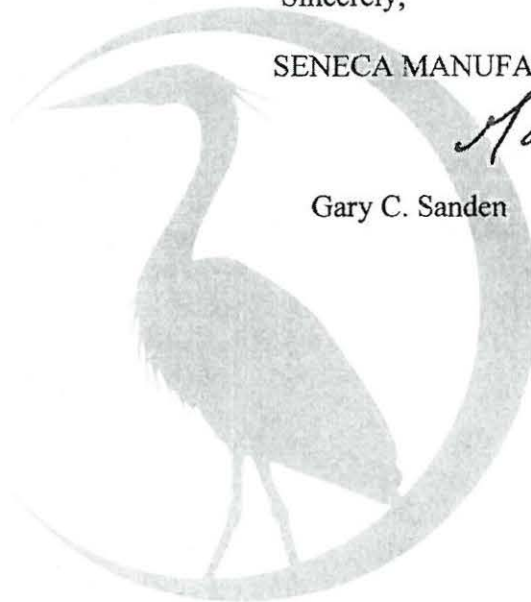
Sincerely,

SENECA MANUFACTURING COMPANY



Gary C. Sanden

GCS/tmm  
Enclosures





Brand	2015 Sales by Stick	Estimated 2016 Sales by Stick
Sands Gold 100 Box		
Sands Gold 100 SP		
Sands Gold King Box		
Sands Gold King SP		
Sands Menthol 100		
Sands Menthol 100 SP		
Sands Menthol Blue 100 Box		
Sands Menthol Blue 100 SP		
Sands Menthol Blue King Box		
Sands Menthol Blue King SP		
Sands Menthol King Box		
Sands Menthol King SP		
Sands Red 100		
Sands Red 100 Box		
Sands Red 100 SP		
Sands Red King Box		
Sands Red King SP		
Sands Silver 100 Box		
Sands Silver 100 SP		
Sands Silver King Box		
Sands Silver King SP		



United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of  
Advertising Practices

January 11, 2016

Mr. Gary C. Sanden  
Seneca Manufacturing Company  
P.O. Box 496  
175 Rochester Street  
Salamanca, NY 14779

Dear Mr. Sanden:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed two revised letters dated January 5, 2016 and January 7, 2016, which constitute a plan filed by Seneca Manufacturing Company (“Seneca”), calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron and Sands brands of cigarettes.

Seneca’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with Seneca’s letters on the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

<u>Brand</u>	<u>Date(s)</u>
Heron	June 16, 2010 June 23, 2010 June 25, 2010 February 4, 2011 February 7, 2012
Sands	March 21, 2011

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<sup>1</sup> Seneca stated in its January 5, 2016 and January 7, 2016 letters that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Accordingly, Seneca's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Twenty-four varieties of the Heron brand: Red Kings Box, Red 100's (Box and Soft Pack), Gold Kings Box, Gold 100's (Box and Soft Pack), Silver Kings Box, Silver 100's (Box and Soft Pack), Menthol Kings Box, Menthol 100's (Box and Soft Pack), Menthol Gold Kings Box, Menthol Gold 100's (Box and Soft Pack), Crimson King Box, Crimson 100's Box, No. 33 Black Gold Kings Box, No. 33 Black Gold 100's Box, No. 33 Black Red Kings Box, No. 33 Black Red 100's Box, No. 33 Black Menthol Kings Box, No. 33 Black Menthol 100's Box, and Non-Filter Kings box; and
- Ten Box varieties of the Sands brand: Red (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), and Menthol Blue (Kings and 100's).

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Seneca's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Seneca's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Seneca's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Seneca's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

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<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.



Mr. Gary C. Sanden  
January 11, 2016  
Page 3

**This approval is effective on the date of this letter and runs through January 10, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact Bonnie McGregor at (202) 326-2356.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, looped "M" and "E".

Mary K. Engle  
Associate Director





January 14, 2016

Mary K. Engle, Associate Director  
Federal Trade Commission  
Division of Advertising Practices  
600 Pennsylvania Avenue, NW  
Mail Drop NJ 3212  
Washington, DC 20580

**Re: Request for plan renewal and expansion to include the new Non-Filter Box Brand Styles**

Dear Ms. Mary Engle:

Premier Manufacturing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on certain varieties of the 1<sup>st</sup> Class, the Ultra Buy, the Shield, the Wildhorse, the 1839 and the Traffic Brands and to expand its plan to include the display of the four health warnings on packaging of the 1<sup>st</sup> Class Non-Filter King Box, Shield Non-Filter King Box, Wildhorse Non-Filter King Box and 1839 Non-Filter King Box. The warnings will appear exactly as shown on the sample packs and cartons that were enclosed in our March 11, 2015 and November 12, 2015 letters.

Premier Manufacturing will display the four health warnings an equal number of times on the packs and cartons for each of the brand styles listed below of the 1<sup>st</sup> Class, Shield, Wildhorse, Ultra Buy, Traffic and 1839 brands for the one-year period beginning on the date of approval of this plan. We will achieve equalization of the four warnings on the packs and cartons of each brand style listed below by having all four warnings printed simultaneously at the time of both pack and carton print runs. Premier will keep records demonstrating compliance with the plan. The warnings on all packs and cartons of each of our Brand styles have been equalized to date.

- eleven varieties of Shield Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100 Box, Silver Kings Box, Silver 100's Box, Non Filter King soft pack and Non Filter King Box;

(1)

[www.GoPremier.com](http://www.GoPremier.com)

17998 Chesterfield Airport Road. • Chesterfield, Missouri 63005 • (636) 537-5348 • Fax (636) 537-3359 • email: [info@gopremier.com](mailto:info@gopremier.com)



- eleven varieties of Wildhorse Brand: Red Kings Box, Red 100's Box, Gold Kings Box, Gold 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Silver King Box, Silver 100's Box, Menthol Silver 100's Box, Non Filter King soft pack and Non Filter King Box;
- ten varieties of the 1<sup>st</sup> Class Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100's Box, Silver 100's Box, Non Filter King soft pack and Non Filter King Box;
- nine varieties of Ultra Buy Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100's Box, Silver 100's Box, and Non Filter King soft pack;
- twelve varieties of 1839 Brand: Red King Box, Red 100 Box, Blue King Box, Blue 100 Box, Silver King Box, Silver 100 Box, Menthol Green King Box, Menthol Green 100 Box, Menthol Blue King Box, Menthol Blue 100 Box, Non-Filter King soft pack and Non Filter King Box;
- nine varieties of Traffic Brand: Red King Box, Red 100 Box, Blue King Box, Blue 100 Box, Menthol Green King Box, Menthol Green 100 Box, Silver 100 Box, Menthol Silver 100 Box and Non-Filter King soft pack.

The four warnings that will be displayed are:

1. SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.
2. SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
3. SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.
4. SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

Premier will continue to comply with the advertising rotation plan previously approved.

Our sales for the last fiscal year (calendar year 2015) did not exceed [REDACTED] sticks for any one brand style. We also sell the Creston, Fact and Passport Brands. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan.

(2)

[www.GoPremier.com](http://www.GoPremier.com)

17998 Chesterfield Airport Road. • Chesterfield, Missouri 63005 • (636) 537-5348 • Fax (636) 537-3359 • email: [info@gopremier.com](mailto:info@gopremier.com)



**We submit and confirm that the foregoing complies with the Act.**

**Please call me if you have any questions or require additional information.**

**Sincerely,**

A handwritten signature in cursive script that reads "Terri Albright".

**Terri Albright  
Operations/Compliance Manager  
Direct Phone: 636-537-6823  
Fax: 636-530-1362  
Email: talbright@gopremier.com**

(3)

[www.GoPremier.com](http://www.GoPremier.com)

17998 Chesterfield Airport Road. • Chesterfield, Missouri 63005 • (636) 537-5348 • Fax (636) 537-3359 • email: [info@gopremier.com](mailto:info@gopremier.com)



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 Wildhorse Farms, Inc.  
 St. Louis, MO 63065  
 www.wildhorse.com  
 Made in the USA

FSC

7 08926 56606 7

100% Recycled Paper

NON-FILTER BOX



20 CLASS A CIGARETTES

**SURGEON GENERAL'S WARNING:**  
Cigarette Smoke Contains  
Carbon Monoxide.

NON-FILTER BOX

**Wildhorse**

20 CLASS A CIGARETTES



NON-FILTER BOX

**Wildhorse**

**Wildhorse**

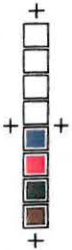
NON-FILTER BOX

**Wildhorse**



M-1 2 3 4 5 6 7 8 9 10 11 12  
Y-15 16 17 18

415XXXX-B



Underage  
Sale  
Prohibited

**A PRODUCT OF  
US FARMERS**



M-1 2 3 4 5 6 7 8 9 10 11 12  
Y-15 16 17 18



TM

# Wildhorse®

NON-FILTER BOX

200 CLASS A CIGARETTES

**SURGEON GENERAL'S WARNING:**  
Smoking By Pregnant Women May Result  
In Fetal Injury, Premature Birth, And  
Low Birth Weight.

# Wildhorse®

NON-FILTER BOX

TP-NC-15000



FSC

7 08926 56605 0

Manufactured under  
license from:  
Pfeiffer Manufacturing, Inc.  
St. Louis, MO 63005  
www.pfeiffer.com  
Made in the USA

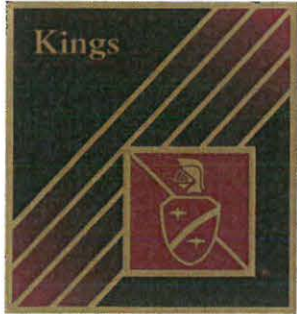
TP-NC-15000

FSC

8



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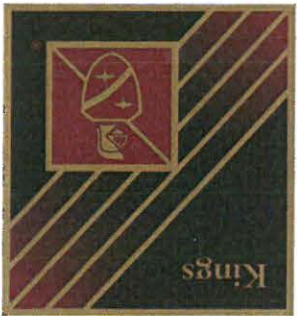


20 CLASS A CIGARETTES

**SURGEON GENERAL'S WARNING: Smoking By  
Pregnant Women May Result in Fetal Injury,  
Premature Birth, And Low Birth Weight.**

**Shield**  
NON-FILTER KINGS BOX

20 CLASS A CIGARETTES



NON-FILTER BOX

**Shield**

NON-FILTER KINGS BOX  
**Shield**

**Shield**

NON-FILTER BOX



M-1 2 3 4 5 6 7 8 9 10 11 12  
Y-15 16 17 18

415-XXXX-A

Underage  
Sale  
Prohibited

**A PRODUCT OF  
US FARMERS**

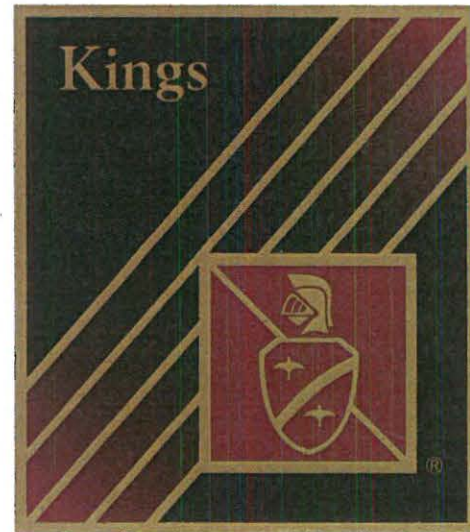
M-1 2 3 4 5 6 7 8 9 10 11 12  
Y-15 16 17 18



# Shield<sup>®</sup>

## NON-FILTER BOX

200 CLASS A CIGARETTES



**SURGEON GENERAL'S WARNING:**  
Smoking Causes Lung Cancer, Heart Disease,  
Emphysema, And May Complicate Pregnancy.

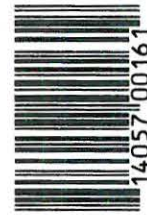
# Shield<sup>®</sup>

## NON-FILTER KINGS BOX



Underage  
Sale  
Prohibited

TP - NC - 15000



FSC

8 14057 00161 9



Manufactured under  
 license from:  
 Premier Manufacturing, Inc.  
 St. Louis, MO 63005  
 www.premier.com  
 Made in the USA

TP - NC - 15000

FSC



20 CLASS A CIGARETTES



20 CLASS A CIGARETTES



Underage  
 Sale  
 Prohibited

**SURGEON GENERAL'S WARNING:**  
 Smoking Causes Lung Cancer, Heart Disease,  
 Emphysema, And May Complicate Pregnancy.



M-123456789101112  
 Y-15 16 17 18

415-XXXXC

**A PRODUCT OF  
 US FARMERS**



M-1 2 3 4 5 6 7 8 9 10 11 12  
Y-15 16 17 18



NON-FILTER KINGS BOX

# 1<sup>st</sup> CLASS<sup>®</sup>

200 CLASS A CIGARETTES

**SURGEON GENERAL'S WARNING:** Smoking By  
Pregnant Women May Result in Fetal Injury,  
Premature Birth, And Low Birth Weight.

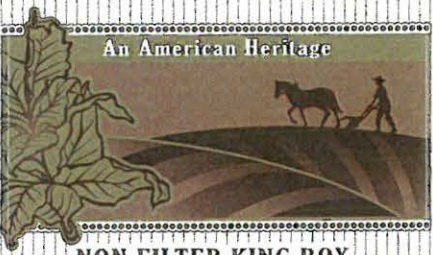
Underage Sale Prohibited

TP - NC - 15000





**SURGEON GENERAL'S WARNING:**  
Cigarette Smoke  
Contains Carbon Monoxide.



NON FILTER KING BOX

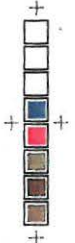
20 Class A Cigarettes

**1839**

NON FILTER KING BOX

NON FILTER KING BOX

In 1839, farmers discovered a new way to cure tobacco, adding rich flavor. The result was the cured tobacco. Today, fine cured tobacco farmers have banded together to bring you a cigarette as rich as the tradition they maintain. *The difference* a product made with pride by the farmers who grow the tobacco.



Manufactured under license from  
Pioneer Manufacturing, Inc.  
St. Louis, MO 63095  
www.pioneerinc.com  
Made in the U.S.A.



TP-NC-15000



M-1 2 3 4 5 6 7 8 9 10 11 12  
Y-15 16 17 18

415-XXXX-B

**1839**

PREMIUM BLEND

NON FILTER KING BOX

**1839**

PREMIUM BLEND

**1839**

UNDERAGE  
SALE  
PROHIBITED

**A PRODUCT OF  
US FARMERS®**



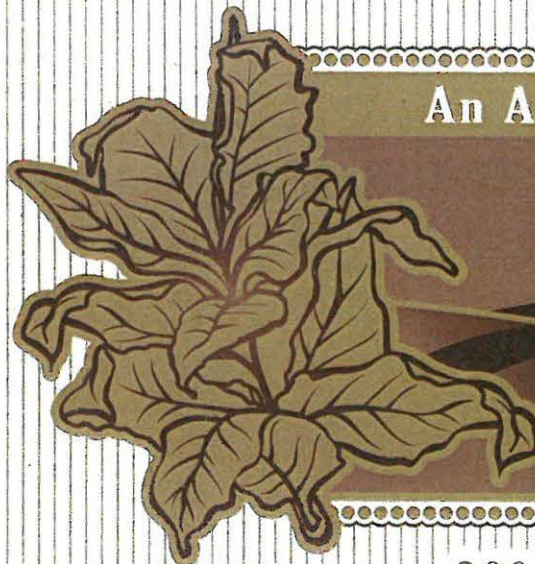
M-1 2 3 4 5 6 7 8 9 10 11 12  
Y-15 16 17 18



PREMIUM BLEND

1839

NON FILTER KING BOX



An American Heritage



200 Class A Cigarettes

SURGEON GENERAL'S WARNING:  
Quitting Smoking Now Greatly  
Reduces Serious Risks to Your Health.

1839

NON FILTER KING BOX

TP-NC-15000



FSC

79982 00165 3





United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of  
Advertising Practices

January 15, 2016

Ms. Terri Albright  
Premier Manufacturing, Inc.  
17998 Chesterfield Airport Road  
Chesterfield, MO 63005

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Premier Manufacturing, Inc. (“Premier”) on January 14, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1839, 1st Class, Shield, Traffic, Ultra Buy, and Wildhorse brands of cigarettes.

Premier’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 11, 2015 and November 12, 2015 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

Accordingly, Premier’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Twelve varieties of the 1839 brand: Red Box (Kings and 100’s), Blue Box (Kings and 100’s), Silver Box (Kings and 100’s), Menthol Green Box (Kings and 100’s), Menthol Blue Box (Kings and 100’s), Non-Filter Kings Soft Pack, and Non-Filter Kings Box;

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<sup>1</sup> Premier stated in its January 14, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on March 11, 2015 and November 12, 2015.

- Ten varieties of the 1st Class Brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Menthol Silver 100's Box, Silver 100's Box, Non-Filter Kings Soft Pack, and Non-Filter Kings Box;
- Eleven varieties of the Shield Brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Silver Box 100's, Non-Filter Kings Soft Pack, and Non-Filter Kings Box;
- Nine varieties of the Traffic brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver 100's Box (medium blue packaging), Menthol Silver 100's Box (medium green packaging), and Non-Filter Kings Soft Pack;
- Nine varieties of the Ultra Buy Brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Menthol Silver 100's Box, Silver 100's Box and Non-Filter Kings Soft Pack; and
- Eleven varieties of the Wildhorse Brand: Red Box (Kings and 100's), Gold Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Silver 100's Box, Non-Filter Kings Soft Pack, and Non-Filter Kings Box.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Premier's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Premier's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Premier's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Premier's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at

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<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Terri Albright  
January 15, 2016  
Page 3

[www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through January 14, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact Connor Sands at (202) 326-3343.

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in black ink and is positioned above the printed name and title.

Mary K. Engle  
Associate Director



# LAW OFFICES OF ERIC F. FACER, PLLC

1025 CONNECTICUT AVENUE, N.W.  
SUITE 1000  
WASHINGTON, D.C. 20036  
(202) 464-0400  
eff@f-slaw.com

January 12, 2016

Via First Class Mail and E-mail (sschools@ftc.gov; wducklow@ftc.gov)

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Ave., NW  
Mail Drop CC-10528  
Washington, DC 20580

Re: Great Swamp Enterprises, Inc.  
Health Warning Rotation Plan for the Cayuga Brand of Cigarettes

Dear Ms. Engle:

On behalf of Great Swamp Enterprises Inc. ("Great Swamp"), we hereby submit this Surgeon General's Equalization Plan (the "Plan") for Great Swamp as required under the *Federal Cigarette Labeling and Advertising Act of 1984*, 15 U.S.C. § 1331 *et seq.* (1998), as amended (the "FCLAA") for eleven (11) styles of Cayuga cigarettes.

Great Swamp's first equalization plan was approved by the Federal Trade Commission (the "FTC") on March 10, 2011. Further, the company has renewed its plan annually since that time. The effective date of its current plan runs through February 4, 2016 as noted in the enclosed letter from your office dated February 5, 2015.

There has been no material change in Great Swamp's operations since the submission of its most recent equalization plan, as summarized below.

Great Swamp is the manufacturer of the Cayuga Brand. Its manufacturing facility is located at 61 Ovid Street, Seneca Falls, NY 13148 (Tel: 315/568-5880). Ms. Crissy Murphy is the General Manager. It currently manufactures a single brand of cigarettes—the Cayuga Brand—but it does not import or export any cigarettes.

The fiscal year for Great Swamp is the calendar year. During 2015, Great Swamp's actual sales of all brand styles of the Cayuga Brand totaled [REDACTED] sticks, which should qualify the company for the exemption set forth in section 1333(c) of the FCLAA. Its projected sales for 2016 are approximately [REDACTED] sticks.

Cayuga Brand cigarettes are sold in eleven (11) hard box brand styles. Great Swamp requests that the following eleven (11) styles be included in the Plan:

Cayuga Dark Green Kings, Cayuga Medium Green Kings, Cayuga Red Kings, Cayuga Blue Kings, Cayuga Gold Kings, Cayuga Dark Green 100's, Cayuga Medium Green 100's, Cayuga Light Green 100's, Cayuga Red 100's, Cayuga Blue 100's, Cayuga Gold 100's.<sup>1</sup>

These are the exact same brand styles that were the subject of the equalization plan submitted on February 3, 2015, as approved by the FTC on February 5, 2015; Great Swamp does not manufacture any cigarettes beyond these eleven (11) brand styles.

The warnings will appear exactly as shown on the samples of Cayuga packaging submitted with our letter to the FTC dated February 18, 2011. Great Swamp is aware that the Food and Drug Administration (the "FDA") may assume jurisdiction, at any time during 2016, for warning label compliance. Great Swamp has devised a rotation plan that is intended to ensure the equalized use of the four health warnings on all packs and all cartons for each brand style covered by the Plan for the one-year period beginning on the date of approval of this Plan. Specifically, it will accomplish this objective by ordering packaging materials containing an equal number of the four health warnings. It will then employ its packaging inventory in such a way as to ensure the equalized use and rotation of the four health warnings on all packs and all cartons of each brand style of the Cayuga Brand. Based on the above, Great Swamp requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA (*i.e.*, the alternative to quarterly rotation). Great Swamp will keep records demonstrating compliance with this Plan.

Although Great Swamp does not advertise its products on the Internet, it does use print advertising to promote the Cayuga brand. On December 5, 2012, Great Swamp submitted a revised proposed plan for the quarterly rotation of the four health warnings in print advertising up to 720 square inches in size for the Cayuga brand of cigarettes. Great Swamp's advertising rotation plan was approved by the FTC on December 11, 2012.

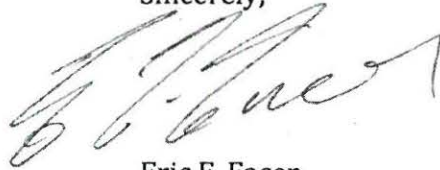
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<sup>1</sup> Although colors are used in the name of each Cayuga brand style, those names are not printed on any cigarette packaging. For example, the words "Light Green" do not appear on the packaging of "Light Green Kings." However, the color used for each brand style's packaging does conform to the color used in its name.

Ms. Mary K. Engle  
January 12, 2016  
Page 3

We submit that the foregoing complies with the requirements of the FCLAA, and request expedited approval of this request. Should you require any additional information in order to review and approve the health warning rotation plan of Great Swamp Enterprises, Inc. for the Cayuga brand, please feel free to contact me at any time. Please fax the approval of the Plan to me at 202/464-0404 (F); alternatively, you may email it to me at: [eff@f-slaw.com](mailto:eff@f-slaw.com). Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric F. Facer", written in a cursive style.

Eric F. Facer

Enclosure





Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

February 5, 2015

Eric F. Facer, Esq.  
1025 Connecticut Avenue, N.W.  
Suite 1000  
Washington, D.C. 20036

Dear Mr. Facer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Great Swamp Enterprises, Inc. ("Great Swamp"), on February 3, 2015, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for eleven box varieties of the Cayuga brand of cigarettes.

Great Swamp's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 18, 2011 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Great Swamp's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven box varieties of the Cayuga brand: Dark Green (Kings and 100's), Medium Green (Kings and 100's), Red (Kings and 100's), Blue (Kings and 100's), Gold (Kings and 100's), and Light Green 100's.<sup>2</sup>

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<sup>1</sup> Great Swamp stated in its February 3, 2015 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 18, 2011.

<sup>2</sup> As set forth in its February 3, 2015 letter, Great Swamp is using colors to identify its cigarette varieties (*e.g.*, "Light Green 100's"). We note that the color names are not printed on the packaging (*e.g.*, the words "Light Green" do not appear on the packaging of the "Light Green 100's" variety); however, the color used for a variety's packaging does conform to the color used in its name.

Eric F. Facer, Esq.  
February 5, 2015  
Page 2

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>3</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

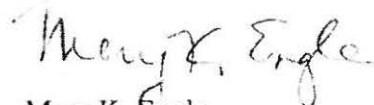
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Great Swamp's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Great Swamp's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Great Swamp's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through February 4, 2016, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director

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<sup>3</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.





United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of  
Advertising Practices

February 3, 2016

Eric F. Facer, Esq.  
1025 Connecticut Avenue, N.W.  
Suite 1000  
Washington, D.C. 20036

Dear Mr. Facer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Great Swamp Enterprises, Inc. (“Great Swamp”), on January 12, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for eleven box varieties of the Cayuga brand of cigarettes.

Great Swamp’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 18, 2011 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Great Swamp’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven box varieties of the Cayuga brand: Dark Green (Kings and 100’s), Medium Green (Kings and 100’s), Red (Kings and 100’s), Blue (Kings and 100’s), Gold (Kings and 100’s), and Light Green 100’s.<sup>2</sup>

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<sup>1</sup> Great Swamp stated in its January 12, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 18, 2011.

<sup>2</sup> As set forth in its January 12, 2016 letter, Great Swamp is using colors to identify its cigarette varieties (*e.g.*, “Light Green 100’s”). We note that the color names are not printed on the packaging (*e.g.*, the words “Light Green” do not appear on the packaging of the “Light Green 100’s” variety); however, the color used for a variety’s packaging does conform to the color used in its name.



Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>3</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

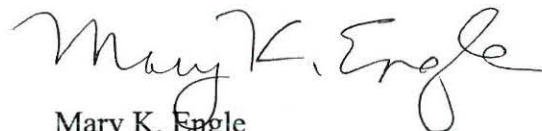
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Great Swamp's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Great Swamp's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Great Swamp's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through February 2, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director

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<sup>3</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.



## Vector Tobacco Inc.

Victoria Spier Evans  
Corporate Counsel

Tel 919-990-3590  
Fax 919-990-3505  
vspierevans@lvbrands.com

January 29, 2016

BY FEDEX

Ms. Mary K. Engle  
Associate Director, Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Mail Code CC-10528  
Washington, DC 20580

Re: Vector Tobacco Inc. Application to Renew Warning Rotation Plan  
for *Eagle 20's*, *Silver Eagle*, and *USA* Cigarette Brands and Brand Styles

Dear Ms. Engle:

Vector Tobacco Inc. ("Vector Tobacco") hereby applies to renew its cigarette warning rotation plan ("Plan") pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("Act"). Except for the one brand style of *Eagle 20's* identified below, Vector Tobacco requests simultaneous rotation of the four required warnings in accordance with 15 U.S.C. § 1333(c)(2) for all Vector Tobacco brand styles of the *Eagle 20's*, *Silver Eagle*, and *USA* cigarette brands, as listed on Exhibit B to the Anson Affidavit. In support of this application, enclosed is an affidavit of Nicholas P. Anson, Vice President–Finance of Vector Tobacco with attached Exhibits A and B ("Anson Affidavit"). This application is for a one-year period beginning on the date of approval of this application.

Vector Tobacco's current rotation plan was approved on February 3, 2015 and will expire on February 2, 2016. Vector Tobacco requests renewal of its Plan with respect to all brand styles of the *Eagle 20's*, *Silver Eagle*, and *USA* cigarette brands, as listed on Exhibit B to the Anson Affidavit. Through the date of this application, the Surgeon General's warnings on the packages for all *Eagle 20's*, *Silver Eagle*, and *USA* brand styles have been equalized, in accordance with Vector Tobacco's current Plan. Vector Tobacco box and soft pack labels are printed in such a way that all four warnings are printed with each revolution of one printing cylinder. For the cartons, two printing cylinders are alternated during the printing process to achieve equal warnings within a single pallet of packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of the four warnings and for the soft pack labels rolls each



containing a mix of the four warnings. In the manufacturing process, packaging is taken from the pallet and loaded into the packaging equipment as it is removed from the pallet, in the order that it is on the pallet, without any attempt to adjust or control that order. Accordingly, as the pallets of packing are used in the manufacturing process, the cigarettes produced using that packaging from those pallets will bear each of the four warnings in equal numbers, subject to limitations to the commercial printing and manufacturing practices.

One brand style — *Eagle 20's Red 100s Box* — no longer qualifies for simultaneous warning rotation because its unit sales volume in Vector Tobacco's most recent fiscal year (calendar year 2015) exceeded one-quarter of one percent of the total United States cigarette market. Accordingly, Vector Tobacco is applying for quarterly rotation of the four warnings for packaging of the *Eagle 20's Red 100s Box* brand style. The four warning will be rotated quarterly in the following sequence, which is the same sequence used for *Eagle 20's* advertising, as set forth in the Plan:

- 1st Calendar Quarter: Warning 4: SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.
- 2nd Calendar Quarter: Warning 1: SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.
- 3rd Calendar Quarter : Warning 2: SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
- 4th Calendar Quarter : Warning 3: SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

Packaging for the *Eagle 20's Red 100s Box* brand style, effective as of the date of the approval letter, will bear applicable warning for the quarter in which such cigarettes are manufactured, regardless of the dates on which such cigarettes are distributed or sold.

The enclosed Anson Affidavit sets forth the relevant information on total U.S. and Vector Tobacco cigarette sales in calendar year 2015, which is the most recent fiscal year of Vector Tobacco preceding the submission of this application. The Anson Affidavit shows that all Vector Tobacco brand styles qualify for simultaneous rotation, except for the *Eagle 20's Red 100s Box* brand style, as discussed above.

Except for the *Eagle 20's Red 100s Box* brand style, which will be subject to quarterly warning rotation as discussed above, the warnings required by the Act will be printed on the packs and cartons of all other Vector Tobacco brand styles an equal number of times within the one-year period beginning on the date of approval of this application. The four warnings required by the Act will be printed on the packs and cartons of each brand style of the Vector



Ms. Mary K. Engle  
January 29, 2015  
Page 3

Tobacco brands (except *Eagle 20's Red 100s Box*) an equal number of times within the one-year period beginning on the date of approval of the Plan. The warnings will appear exactly as shown on the pack and carton packaging samples provided with my letter of January 13, 2014. This will confirm that Vector Tobacco, in the ordinary course of business, maintains records of compliance with the Plan.

The information contained in this letter and in the enclosed affidavit and exhibits is confidential and proprietary business information of Vector Tobacco. Vector Tobacco requests that this information be kept confidential by the FTC, pursuant to its applicable rules and procedures.

Thank you for your attention to this matter. Please let me know if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Victoria Spier Evans".

Victoria Spier Evans

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

**AFFIDAVIT OF NICHOLAS P. ANSON**

Nicholas P. Anson, being duly sworn, deposes and says:

1. I am Vice President – Finance of Vector Tobacco Inc. (“Vector Tobacco”), a corporation organized and existing under the laws of the Commonwealth of Virginia.

2. I submit this affidavit in support of the application to renew the Vector Tobacco Inc. Consolidated Rotation Plan for *Eagle 20's*, *Silver Eagle* and *USA* Cigarette Brands and Brand Styles, which is being filed contemporaneously herewith (the “Plan”).

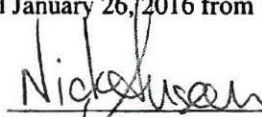
3. Under 15 U.S.C. § 1333(c)(2), the Surgeon General’s Warnings on the packaging of a particular brand style of cigarettes may be rotated on a simultaneous basis if: (a) the number of cigarettes of such brand style sold in the fiscal year of Vector Tobacco preceding the submission of this application was less than one-fourth of one percent of all cigarettes sold in the United States in such year; and (b) more than one-half of the cigarettes sold by Vector Tobacco in the United States were packaged into brand styles that meet the foregoing requirement. Vector Tobacco’s most recent fiscal year was calendar year 2015.

4. Attached to this affidavit as Exhibit A is a copy of the Management Science Associates, Inc. CRA Shipment Data Report for calendar year 2015. This report shows that approximately [REDACTED] cigarettes were sold in the United States during calendar year 2015. One-fourth of one percent of [REDACTED] cigarettes is approximately [REDACTED] cigarettes.

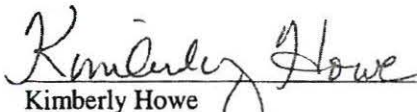
5. Attached to this affidavit as Exhibit B are the sales figures for calendar year 2015 for all Vector Tobacco cigarette brand styles. Exhibit B shows that in 2015 all but one Vector Tobacco cigarette brand styles had unit sales of less than one-fourth of one percent of the total United States cigarette market. One brand style — *Eagle 20's Red 100s Box* — had unit sales in calendar year 2015 of more less than one-fourth of one percent of the total United States cigarette market.

6. Accordingly, for all except the *Eagle 20's Red 100s Box* brand style, Vector Tobacco is eligible to apply for simultaneous rotation of the required warnings as provided in 15 U.S.C. § 1333(c)(2), and all Vector Tobacco brand styles except the *Eagle 20's Red 100s Box* brand style are eligible for simultaneous warning rotation.

7. For the *Eagle 20's Red 100s Box* brand style, the four required warnings will be rotated on a calendar-quarter basis, as set forth in the letter dated January 26, 2016 from Victoria Spier Evans that accompanies this affidavit.

  
\_\_\_\_\_  
Nicholas P. Anson  
Vice President – Finance

Sworn to and subscribed before me,  
this 26th day of January, 2016.

  
\_\_\_\_\_  
Kimberly Howe  
Notary Public, State of North Carolina  
My commission expires: January 5, 2018

**Kimberly Howe  
Notary Public  
Alamance County, NC**

**EXHIBIT A**



MANAGEMENT SCIENCE ASSOCIATES, INC.  
6565 Penn Avenue  
Pittsburgh, PA 15206-4490

Date:	January 4th 2016
To:	CRA Shipment Clients
From:	Steve Berger
Phone:	412-924-3190

**Preliminary Data on Industry Shipments**

**Year Ending December 31st 2015**

*11 months of actual CRA Shipment data plus Preliminary December volumes*

<b>Company</b>	<b>Total (000)</b>	<b>Total Share</b>	<b>Premium Brands (000)</b>	<b>Premium Brands Share (of category)</b>	<b>Discount Brands (000)</b>	<b>Discount Brands Share (of category)</b>

\*All Other (A/O) Manufacturer data projected by MSA based on CRA data month of November 2015

**NOTICE**

The information contained in this message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone and return the original message to us at the above address via first class mail.



**Exhibit B**

**Vector Tobacco Inc.  
Application to Renew Cigarette Warning Rotation Plan  
January 26, 2016**

	<b>Brand</b>	<b>Current Brand Style Name</b>	<b>2015 Units Sold</b>
1	EAGLE 20's	Blue 100s Box	
2	EAGLE 20's	Blue Kings Box	
3	EAGLE 20's	Menthol Gold 100s Box	
4	EAGLE 20's	Menthol Gold Kings Box	
5	EAGLE 20's	Non-Filter Kings Box	
6	EAGLE 20's	Orange 100s Box	
7	EAGLE 20's	Orange Kings Box	
8	EAGLE 20's	Red 100s Box	
9	EAGLE 20's	Red Kings Box	
10	EAGLE 20's	Menthol Silver 100s Box	
11	EAGLE 20's	Menthol Silver Kings Box	
	<b>TOTAL EAGLE 20's</b>		
1	SILVER EAGLE	Blue 100's Box	
2	SILVER EAGLE	Blue Slims 120's	
3	SILVER EAGLE	Menthol Full Flavor 100's Soft Pack	
4	SILVER EAGLE	Menthol Full Flavor Kings Box	
5	SILVER EAGLE	Gold 100's Box	
6	SILVER EAGLE	Gold Kings Box	
7	SILVER EAGLE	Full Flavor 100's Box	
8	SILVER EAGLE	Full Flavor Kings Box	
9	SILVER EAGLE	Menthol 100's Soft Pack	
10	SILVER EAGLE	Menthol Slims 120's	
11	SILVER EAGLE	Menthol Kings Box	
	<b>TOTAL SILVER EAGLE</b>		
1	USA	Blue 100's Box	
2	USA	Blue 100's Soft Pack	
3	USA	Blue Kings Box	
4	USA	Menthol 100's (Full Flavor) Soft Pack	
5	USA	Menthol Kings (Full Flavor) Box	
6	USA	100's (Full Flavor) Box	
7	USA	100's (Full Flavor) Soft Pack	
8	USA	Kings (Full Flavor) Box	
9	USA	Menthol Silver 100's Soft Pack	
10	USA	Menthol Silver Kings Box	
11	USA	Silver 100's Soft Pack	
12	USA	Menthol 100's (Full Flavor) Box	
13	USA	Menthol Silver 100's Box	
14	USA	Silver 100's Box	
	<b>TOTAL USA</b>		



Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

February 3, 2016

Ms. Victoria Spier Evans  
Corporate Counsel  
Vector Tobacco Inc.  
3800 Paramount Parkway  
Suite 250  
P.O. Box 2010  
Morrisville, NC 27560

Dear Ms. Evans:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Vector Tobacco Inc. (“Vector”) on January 29, 2016, calling for: (1) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Eagle 20’s, Silver Eagle, and USA brands of cigarettes, and (2) quarterly rotation of the four health warnings on packaging for the Eagle 20’s Red 100’s box variety of cigarettes.

Vector’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the Eagle 20’s Red 100’s box variety, and the warnings on the sample packs and cartons submitted on January 13, 2014 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

Accordingly, Vector’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **February 2, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first:**

- Ten varieties of the Eagle 20’s brand: Non-Filter Kings box, Blue 100’s box, Blue Kings box, Menthol Gold 100’s box, Menthol Gold Kings box, Orange 100’s box, Orange Kings box, Red Kings box, Menthol Silver 100’s box, Menthol Silver Kings box;

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<sup>1</sup> Vector stated in its January 29, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.



- Eleven varieties of the Silver Eagle brand: Full Flavor Kings box, Full Flavor 100's box, Gold Kings box, Gold 100's box, Blue 100's box, Menthol Full Flavor Kings box, Menthol Full Flavor 100's soft pack, Menthol Kings box, Menthol 100's soft pack, Blue Slims 120's box, and Menthol Slims 120's box; and
- Fourteen varieties of the USA brand: Kings (Full Flavor) box, 100's (Full Flavor) box, 100's (Full Flavor) soft pack, Blue Kings box, Blue 100's soft pack, Blue 100's box, Silver 100's soft pack, Menthol 100's (Full Flavor) soft pack, Menthol Kings (Full Flavor) box, Menthol 100's (Full Flavor) box, Menthol Silver 100's soft pack, Menthol Silver 100's box, Silver 100's box, and Menthol Silver Kings box.

Vector's plan for quarterly rotation of the four health warnings on packaging for the Eagle 20's Red 100's box variety is also approved.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan. The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.<sup>2</sup>

Please note that this letter only approves Vector's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Vector's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Vector's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Vector's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), or [www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

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<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.



Ms. Victoria Spier Evans  
February 3, 2016  
Page 3

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, looped "M" and "E".

Mary K. Engle  
Associate Director



December 21, 2015

Ms. Mary Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
Mail Drop CC-10528  
600 Pennsylvania Avenue  
Washington, DC 20580

**RE: ITG BRANDS, LLC  
ADVERTISING PLAN EXPANSION REQUEST TO INCLUDE INTERNET  
ADVERTISING FOR WINSTON AND KOOL**

Dear Ms. Engle:

On June 12, 2015, in correspondence to Rhondetta Walton, you advised that ITG Brands' June 11, 2015 plan for the display of the four health warnings in all its advertising for the Winston, Salem, Kool, and Maverick brands had been approved. The June 11, 2015, advertising plan did not include a plan for display of the warnings in internet advertising and ITG Brands hereby requests approval to expand its advertising plan to include internet advertising for the Winston and Kool brands.

The URL for Kool is [www.kool.com](http://www.kool.com). Regarding the Winston brand, ITG Brands plans to utilize the following four (4) URLs, each of which will direct adult smokers to the same branded Winston site:

[insidewinston.com](http://insidewinston.com) (previously used)  
[winstoncigarettes.com](http://winstoncigarettes.com) (new)  
[winston-cigarettes.com](http://winston-cigarettes.com) (new)  
[winstoncigarette.com](http://winstoncigarette.com) (new)

However, the primary URL is [www.winstoncigarettes.com](http://www.winstoncigarettes.com).

Warnings will be displayed in an unavoidable manner on every web page where it may be viewed without scrolling and shall not be accessed through hyperlinks, pop ups, interstitials or other similar means. ITG Brands will use the warning format that was submitted with the 1985 plans of the five leading cigarette manufacturers and the size of the warnings shall be proportionate to those warning formats. The warnings will be rotated quarterly according to the advertising schedule set out in the attached Exhibit A.

Corporate Office:  
714 Green Valley Road  
Greensboro, NC 27408

Mail to:  
P. O. Box 10529  
Greensboro, NC 27404-0529

The information attached as Exhibit B provides information to access the sites for FTC review purposes.

Thank you and please advise of any questions or of additional information needed.

Sincerely,

A handwritten signature in black ink that reads "Rhondetta Walton". The signature is written in a cursive style with a large initial "R".

Rhondetta Walton  
Sr. Legal Counsel



EXHIBIT A

December 2015

ITG BRANDS, LLC  
ADVERTISING ROTATION PLAN

QUARTER IN WHICH  
ADVERTISING MATERIALS  
ARE PRODUCED

WARNING NOTICE UTILIZED

	RAVE
1 <sup>st</sup> Q (Jan – Mar)	A
2 <sup>nd</sup> Q (Apr. – June)	B
3 <sup>rd</sup> Q (July – Sept.)	C
4 <sup>th</sup> Q (Oct. – Dec.)	D

	MAVERICK	WINSTON	SALEM	KOOL
1 <sup>st</sup> Q (Jan – Mar)	A	B	C	D
2 <sup>nd</sup> Q (Apr. – June)	B	C	D	A
3 <sup>rd</sup> Q (July – Sept.)	C	D	A	B
4 <sup>th</sup> Q (Oct. – Dec.)	D	A	B	C

MULTIPLE BRANDS/  
NON-BRAND SPECIFIC

1 <sup>st</sup> Q (Jan – Mar)	A
2 <sup>nd</sup> Q (Apr. – June)	B
3 <sup>rd</sup> Q (July – Sept.)	C
4 <sup>th</sup> Q (Oct. – Dec.)	D

- A -- SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.
- B -- SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
- C -- SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.
- D -- SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

**EXHIBIT B**

**ITG BRANDS, LLC  
QA LINK TESTING LOGIN INFORMATION**

**WINSTON**

<http://qasite.winstoncigarettes.com/>

**KOOL**

<http://qasite.kool.com>

**TESTING LOGIN CREDENTIALS:**

**Username**

**Password**





Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

February 4, 2016

Ms. Rhondetta Walton, Esq.  
ITG Brands, LLC  
P.O. Box 10529  
Greensboro, NC 27404

Dear Ms. Walton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by ITG Brands, LLC ("ITG") on December 21, 2015, calling for quarterly rotation of the four health warnings in Internet advertising for the Winston and Kool brands of cigarettes.

ITG's plan for rotation and display of the four health warnings in the aforementioned advertising for the Winston and Kool brands of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Lashanda Freeman at 202-307-0052) to determine whether such advertising on the Internet is permissible.

Please note that this letter is not an approval of any statement or representation made in advertising for ITG's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of ITG's advertising and packaging under the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), or

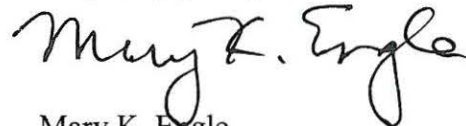


Ms. Rhondetta Walton, Esq.  
February 4, 2016  
Page 2

[www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, looped "E" at the end.

Mary K. Engle  
Associate Director

# Holland & Knight

31 West 52nd Street | New York, NY 10019 | T 212.513.3200 | F 212.385.9010  
Holland & Knight LLP | www.hklaw.com

Neal N. Beaton  
(212) 513-3470  
neal.beaton@hklaw.com

February 4, 2016

## **VIA FEDERAL EXPRESS**

Mr. William Ducklow  
Bureau of Consumer Protection  
Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Mail Drop CC 10528  
Washington, D.C. 20580

Dear Mr. Ducklow:

JT International U.S.A., Inc. ("JTI") is planning to introduce four brand styles within its "LD by L. Ducat" brand family, namely Red (king size), Red 100s, Menthol 100s and Blue 100s (all of which are hard packs). We enclosed under cover of our letter dated January 15, 2016 individual packages and cartons utilizing each of the four health warnings for these brand styles.

The warnings will appear on the packaging exactly as shown on the materials submitted under cover of our letter dated January 15, 2016. In all other respects, JT International U.S.A., Inc. will maintain compliance with the approvals dated April 2, 2015 and July 30, 2015 and the submittals on which they were based.

In support of JTI's application for extension of Federal Trade Commission approval of its simultaneous display plan for packages and cartons to cover those packaging varieties, JTI affirms that:

- (a) the cigarettes sold by JTI in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. The total number of cigarettes imported by JTI and sold in the United States during JTI's last fiscal year ended December 31, 2015 of its highest volume brand style was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI imported and sold accounted for less than one-fourth of one percent of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half (*i.e.* all) of the cigarettes imported by JTI for sale in the United States are packaged into brand styles which meet the requirements of clause (i);
- (b) the statutorily mandated warnings will appear exactly as shown on the sample individual packages and cartons (or bundles) submitted to and approved by the Federal Trade

Mr. William Ducklow  
February 4, 2016  
Page 2

Commission unless and until revised sample individual packages and cartons are submitted to the Federal Trade Commission on JTI's behalf and approved by the Federal Trade Commission; and

- (c) JTI will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes for each of the four brand styles within its "LD by L. Ducat" brand family for which packaging is being submitted under cover of our letter dated January 15, 2016 for the one year period beginning on the date of approval for the Plan and JTI will keep records demonstrating compliance with the Plan.

JTI will import and sell packages and cartons of each such brand style in equal numbers of each warning label throughout the one-year period after this application is approved as set forth on the Attachment 1 hereto. As a result, if requirements for new warnings were to become effective on any date, the current warnings will have been utilized in equal proportions prior to then on such brand styles.

We confirm, as requested, that this brand will not be utilized in advertising unless and until it is covered by a revised rotational warning schedule submitted to and approved by the Federal Trade Commission.

Please confirm that this packaging is approved. Our client would appreciate it if this review could be handled as promptly as possible. We enclosed a Federal Express airway bill under cover of our November 5, 2015 letter which can be utilized to send an approval to me.

Thank you in advance for your kind and prompt consideration.

Very truly yours,



Neal N. Beaton

Enclosure



## Attachment 1

### Export 'A'

Export 'A' is printed using the gravure method. Rotation of warnings is based on percentage on each sheet of packaging printed. With four health warnings, equal distribution is 25% of the sheet per warning.

#### **Export A 72 Slide and Shell Pack:**

The shell of Export 'A' slide and shell format is printed using a 24-ups cylinder configuration. The cylinder prints one sheet per rotation; one sheet contains 24 packs. Warnings A, B, C and D each comprise 25% of the sheet. Each warning appears 6 times per sheet.

#### **Export 'A' 72 Slide and Shell Bundle:**

Export 'A' uses a paper-foil bundle rather than a standard carton. The bundle is printed using two sets of cylinders, each configured with 3 ups. The two cylinders print one full sheet per rotation; one sheet contains 6 bundles. Warnings A and B are printed on one cylinder and Warnings C and D are printed on the other. Each warning comprises 50% of the cylinder and 25% of the total sheet. Each warning appears 3 times per sheet.

### Wave/Wings/LD by L. Ducat

Wave, Wings and LD by L. Ducat are printed using the offset method. Rotation of warnings is based on percentage on each sheet of packaging printed. With four health warnings, equal distribution would be 25% of the sheet per warning. All packaging is preprinted and supplied to the factory where it is made into final consumer packaging.

#### **Wave/Wings/LD by L. Ducat/Round Corner KS/100s Box:**

The round corner box utilizes two printing plates, each configured with 22 facings. The two plates are rotated so that they are used equally and collectively have 44 ups in a rotation. Each warning is printed at 11 times per set of two sheets in a rotation, comprising 25% of the sheets.

#### **Wave/Wings Soft Pack KS/100s:**

Soft pack styles are printed using a plate with 16 total facings. Each sheet contains 16 ups and is printed in one rotation. Warnings A, B, C and D each comprise 25% of the sheet. Each warning is printed 4 times.

**Wave/Wings/LD by L. Ducat/Cartons KS/100s:**

All round corner box and soft pack styles share the same carton printing configuration. These cartons are printed using plates with 4 facings. Each sheet is printed with 4 ups per rotation. Warnings A, B, C and D each comprise 25% of the sheet, appearing once.

#38550798\_v1

Selected packaging samples from those  
submitted with the plan.





Made in Turkey for JT International U.S.A.,  
Inc., Teaneck, N.J. 07688  
Contact us: 1-844-932-3477



*J. Duat*

BLUE 100s

AMERICAN BLEND

**SURGEON GENERAL'S WARNING:**  
Smoking Causes Lung Cancer, Heart Disease,  
Emphysema, And May Complicate Pregnancy.



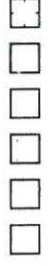
BLUE 100s

AMERICAN BLEND

BLUE 100s

*J. Duat*

10,26 US1 F176  
19884645



UNDERAGE  
SALE  
PROHIBITED

A PRODUCT OF  
JT INTERNATIONAL  
20 CLASS A  
CIGARETTES

AMERICAN BLEND

RED

RED

RED

RED

RED

*L. Ducat*

SURGEON GENERAL'S WARNING:  
Smoking By Pregnant Women May  
Result in Fetal Injury, Premature  
Birth, And Low Birth Weight.

*L. Ducat*







United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of  
Advertising Practices

February 4, 2016

Neal N. Beaton, Esq.  
Holland & Knight, LLP  
31 West 52nd Street  
New York, NY 10019

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of JT International U.S.A., Inc. (“JTI”), on February 4, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for four box varieties of the “LD by L. Ducat” brand of cigarettes.

JTI’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 15, 2016 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, JTI’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following four box varieties of the “LD by L. Ducat” brand: Red Kings, Red 100’s, Menthol 100’s, and Blue 100’s.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves JTI’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) concerning the rotation, size, and conspicuousness of the warnings on JTI’s packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for JTI’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of JTI’s packaging and advertising under the FSPTCA or any regulations that

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<sup>1</sup> JTI stated in its February 4, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 15, 2016.

<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.



Neal N. Beaton, Esq.  
February 4, 2016  
Page 2

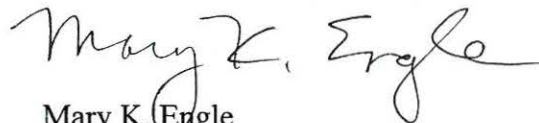
have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through February 3, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in black ink and is positioned above the printed name and title.

Mary K. Engle  
Associate Director



5449 Endeavour Court • Moorpark, California 93021

Ms. Mary K. Engle, Associate Director  
Federal Trade Commission  
600 Pennsylvania Avenue NW  
Mail Drop CC-10528  
Washington, DC 20580

February 11, 2016

Dear Ms. Engle:

Re: Request for Approval of Health Warning Rotation Plan for DREAMS Brand Family of Cigarettes

On October 22, 2009, Kretek International (“Kretek”) received approval from the Federal Trade Commission (“FTC”) for its health warning rotation plan (“the Plan”) for the Dreams cigarettes styles listed below. Late in 2009, for various reasons, Kretek voluntarily ceased offering for sale its DREAMS brand family of cigarettes in the US market.

It is Kretek’s intention to once again offer for sale imported DREAMS cigarettes styles that do not have a characterizing flavor (other than tobacco or menthol). Those styles will be in king-size, clam-shell style hard packs and will include California Dreams, Midnight Dreams, Menthol Dreams, Natural Dreams, and Pink Dreams.

The health warnings on the packaging for these five (5) brand styles will appear exactly as shown on the packaging labels that were sent to you on January 13, 2016. In addition, Kretek has submitted to the Secretary of the Department of Health and Human Services a list of the ingredients added to tobaccos in the manufacture of the cigarettes.

Kretek will display the 4 health warnings an equal number of times on the packs and cartons of each brand style of the DREAMS brand for the next one year period, beginning on the date of approval of the Plan. Each shipment of DREAMS cigarettes that is imported by Kretek shall contain an equal number of warnings on each of the styles listed above. Kretek will keep records to demonstrate compliance with this Plan.

Each year, Kretek will resubmit this equalized health warning statement plan for your review and approval. Kretek uses a calendar-based fiscal year that runs from January through December. Kretek should qualify to equalize the warnings on its packs and cartons during fiscal year 2016, since no single brand style of cigarettes imported by



Kretek had sales of more than [REDACTED] sticks during fiscal year 2015. Kretek currently only imports TAJ MAHAL and LAGUNAS brand families of cigarettes.

Kretek does not intend to engage in consumer advertising for the DREAMS cigarette brands, but will submit a proposed advertising rotation plan for approval to the FTC if that changes.

In view of the above practices, Kretek asks that its health warning display plan be approved for the upcoming year.

Sincerely,

A handwritten signature in black ink, appearing to read "Hoo Tjhiang Han". The signature is written in a cursive style with a large, circular flourish at the beginning.

Hoo Tjhiang Han  
Director, Tobacco Tax & Legal Compliance  
Kretek International, Inc.



Selected packaging samples from those  
submitted with the plan.

Manufa  
Kretek  
Moorpe  
Made i

*Dreams*  
NATURAL



*Dreams*

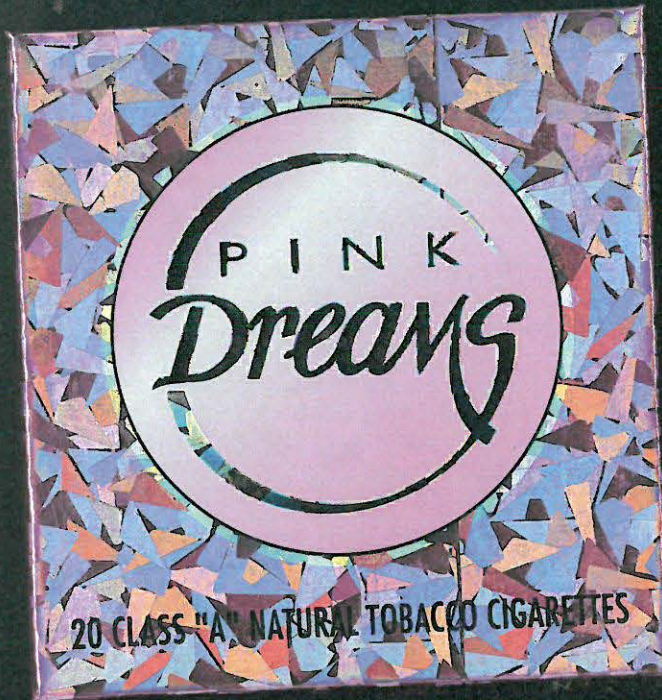
*Natural Dreams are made from  
the world's finest blend of  
select all-natural tobaccos.*

*With its mild taste and exceptionally  
smooth finish, this cigarette offers  
pure smoking enjoyment.*

N  
A  
T  
U  
R  
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L

**SURGEON GENERAL'S WARNING:** Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.





**SURGEON GENERAL'S WARNING:** Smoking By Pregnant Women  
May Result in Fetal Injury, Premature Birth, And Low Birth Weight.





Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

February 11, 2016

Hoo Tjhiang Han  
Kretek International, Inc.  
5449 Endeavor Court  
Moorpark, CA 93021

Dear Mr. Han:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Kretek International, Inc. (“Kretek”), on February 11, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Dreams brand of cigarettes.

Kretek’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 13, 2016 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Kretek’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following five king-size, clam-shell hard pack varieties of the Dreams brand: California, Midnight, Menthol, Natural, and Pink.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Kretek’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) concerning the rotation, size, and conspicuousness of the warnings on Kretek’s packaging. Moreover, it is

---

<sup>1</sup> Kretek stated in its February 11, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 13, 2016.

<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Hoo Tjhiang Han  
February 11, 2016  
Page 2

not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Kretek's cigarettes, including, but not limited to, "natural." Nor does this letter purport to interpret or express any opinion about the adequacy of Kretek's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

Please note that Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to FDA.

**This approval is effective on the date of this letter and runs through February 10, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director



LAW OFFICES OF  
FINGER, ROEMER, BROWN & MARIANI, L.L.P.  
102 WEST THIRD STREET, SUITE 200 B, LOBBY LEVEL  
WINSTON-SALEM, NORTH CAROLINA 27101

M. NEIL FINGER  
HENRY C. ROEMER, III, P.C.  
ANDREW G. BROWN  
PIETER R. MARIANI

TELEPHONE (336) 723-4311  
TELEFAX (336) 759-0965  

---

henry@hcroemerlaw.com

OTHER OFFICE:  
105 SOUTH BRIDGE STREET  
P.O. BOX 8  
JONESVILLE, N.C. 28642  
(336) 835-4000

February 10, 2016

Via FedEx

Ms. Mary K. Engle  
Associate Director  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Mail Drop CC-10528  
Washington, DC 20580

**Re: Request for Renewal of Approved Warning Statement Rotation Plan for packaging and advertising for the brand LAGUNAS (international-size, hard-pack style: Smooth Select and Menthol Select)**

Dear Ms. Engel:

I am writing this letter on behalf of Kretek International, Inc. ("Kretek"), the importer for the above indicated products.

In a letter from you dated February 9, 2015, the Federal Trade Commission approved a certain health warning rotation plan for packaging and advertising on behalf of Kretek (the "Existing Plan").

It is our desire to renew the Existing Plan for an additional year (the "Renewed Plan"). The Existing Plan (which we are herewith seeking to renew and extend) calls for equalizing the use of the warnings for Lagunas brand cigarettes (international-size, hard-pack style: Smooth Select and Menthol Select).

As provided for by Section 1333(c)(2) of the Cigarette Labeling and Advertising Act (the "Act"), Kretek qualifies for a renewal of the equalization alternative because during fiscal year 2015: (1) each of the brand styles of all of the cigarettes manufactured or imported by Kretek accounted for less than [REDACTED] sticks, and (2) Kretek anticipates its sales for fiscal year 2016 for any one brand style of cigarettes it manufactures or imports will not exceed [REDACTED] sticks.

Kretek will comply with the requirements of the equalization alternative by assuring that all shipments from the factory contain an equal number of the four health warnings for the package and cartons of each of the two brand styles of the Lagunas brand.

Moreover, the warning statements will continue to appear exactly as shown on the samples of the packs and cartons submitted with my letter to Sallie Schools dated January 13, 2011 in connection with the Existing Plan.



Ms. Mary K. Engle  
February 10, 2016  
Page 2

For advertising, Kretek will continue to adhere to and comply with the plan for advertising as set out in our letter to Ms. Schools dated February 11, 2011 and approved in the letter from you dated February 14, 2011.

Kretek agrees to maintain records to demonstrate compliance with the Plan. The company officials responsible for overseeing this matter are listed below.

Mr. Don Gormley, Chief Financial Officer  
Mr. Hoo Tjhiang Han, Director of Tax & Legal Compliance  
Kretek International, Inc.  
5449 Endeavour Court  
Moorpark, CA 93021

Telephone number: (805) 531-8888

Please grant Kretek approval of this Renewed Plan. It is hoped that you can grant this approval **as soon as possible**. If you could fax or email us the approval, it would be most appreciated.

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink that reads "Henry C. Roemer, III" followed by a stylized flourish or initials "mhr".

Henry C. Roemer, III

HCRiii/mhr

cc: Mr. Don Gormley  
Mr. Hoo Tjhiang Han



Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

February 11, 2016

Henry C. Roemer, III  
Finger, Roemer, Brown & Mariani, L.L.P.  
102 West Third Street, Suite 200 B, Lobby Level  
Winston-Salem, NC 27101

Dear Mr. Roemer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Kretek International, Inc. (“Kretek”), on February 10, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for two international-size hard pack varieties of the Lagunas brand of cigarettes.

Kretek’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 13, 2011 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Kretek’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following two international-size hard pack varieties of the Lagunas brand: Smooth Select and Menthol Select.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Kretek’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) concerning

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<sup>1</sup> Kretek stated in its February 10, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 13, 2011.

<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Henry C. Roemer, III  
February 11, 2016  
Page 2

the rotation, size, and conspicuousness of the warnings on Kretek's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Kretek's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Kretek's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucml176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucml176164.htm).

Please note that Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to FDA.

**This approval is effective on the date of this letter and runs through February 10, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director





1041 W State Route 108  
Shelton, Washington 98584

February 18, 2016,

Ms. Mary K. Engle  
Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Ave NW  
NJ-3212  
Washington, DC 20580

*Via Facsimile and U.S. Mail*

*Document resubmitted February 18, 2016*

Dear Ms. Engle:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the Cigarette Act), Skookum Creek Tobacco Co., Inc., hereby submits a plan requesting approval of a packaging change for the ten brand styles of the Premis brand of cigarettes, which were included in our July 13, 2015 plan.

Skookum Creek Tobacco Company currently produces three brand families of cigarettes, "Complete," "Premis," and "Traditions". Our July 13, 2015 rotation plan was approved July 14, 2015, for these brand families.

No changes are proposed to the Complete and Traditions brand families and brand styles. Warnings for existing brand styles will appear exactly as shown on the sample packaging previously submitted to and approved by the FTC, and Skookum Creek continues to be in compliance with its July 13, 2015 plan. All Skookum Creek brand styles are identified in Exhibit A.

Skookum Creek Tobacco respectfully submitted samples of the proposed packaging design change for all approved brand styles of the Premis brand family of products under separate cover, dated October 15<sup>th</sup> and October 30<sup>th</sup>, 2015.

Warnings for these brand styles will appear exactly as submitted on the packs and cartons submitted on October 15<sup>th</sup> and October 30<sup>th</sup>, 2015. This packaging reflects a change in the artwork for this product.

Skookum Creek Tobacco Company continues to be in compliance with its plan for Internet advertising as approved October 8, 2008 for Traditions and July 16, 2007 for Complete and Premis. Skookum Creek Tobacco Co., Inc. does not advertise its cigarettes in any other format or medium.

If this packaging change is approved, the four cigarette health warnings will continue to appear on the packs and cartons of each Premis brand style shown on Exhibit A an equal number of times throughout the one year period covered by our July 14, 2015 approval. Skookum Creek will continue to keep record of compliance with the approved plan.

Sincerely,



Cameron Goodwin, General Manager

Document Prepared by:



Michael Bell

Quality Assurance Manager/FDA, FTC Compliance Manager

360-490-6852

Skookum Creek Tobacco Company, 1041 W. State Route 108, Shelton WA, 98584

Administrative Contact:

Michael Bell, Quality Assurance Manager

360-229-3616

**Exhibit A Skookum Creek Tobacco Co., Inc Brand Families and Brands of Cigarettes**

<p><b>COMPLETE BRAND FAMILY</b></p> <p>Full Flavor Kings – SOFT PACK          High Air Kings – SOFT PACK          Ultra High Air Kings – SOFT PACK          Menthol Kings – SOFT PACK          Menthol High Air Kings – SOFT PACK          Full Flavor 100’s – SOFT PACK          High Air 100’s – SOFT PACK          Ultra High Air 100’s – SOFT PACK          Menthol 100’s – SOFT PACK          Menthol High Air 100’s – SOFT PACK          Non-Filtered Kings – SOFT PACK</p> <p>Full Flavor 100’s – HARD PACK          High Air 100’s – HARD PACK          Ultra High Air 100’s – HARD PACK          Menthol 100’s – HARD PACK          Menthol High Air 100’s – HARD PACK          Full Flavor Kings – HARD PACK          High Air Kings – HARD PACK          Ultra High Air Kings – HARD PACK          Menthol Kings – HARD PACK          Menthol High Air Kings – HARD PACK          Non Filtered Kings – HARD PACK</p>	<p><b>PREMIS BRAND FAMILY</b></p> <p>Full Flavor Kings – HARD PACK          High Air Kings – HARD PACK          Ultra High Air Kings – HARD PACK          Menthol Kings – HARD PACK          Menthol High Air Kings – HARD PACK          Full Flavor 100’s – HARD PACK          High Air 100’s – HARD PACK          Ultra High Air 100’s – HARD PACK          Menthol 100’s – HARD PACK          Menthol High Air 100’s – HARD PACK</p>
<p><b>TRADITIONS BRAND FAMILY (Additive Free)</b></p> <p>High Air Filter 100’s – HARD PACK          Full Flavor 100’s – HARD PACK          Menthol 100’s – HARD PACK          Non Filtered Kings – HARD PACK          High Air Filter Kings – HARD PACK          Menthol Kings – HARD PACK          Full Flavor Kings – HARD PACK</p>	<p><b>TRADITIONS BRAND FAMILY ( Not Additive Free)</b></p> <p>Non Filtered Kings – HARD PACK          Menthol Kings – HARD PACK          Full Flavor Kings – HARD PACK          High Air Kings – HARD PACK          Menthol 100’s – HARD PACK          Full Flavor 100’s – HARD PACK          High Air 100’s – HARD PACK</p>



www.skookumcreek.com  
MADE IN U.S.A.



Ultra High Air



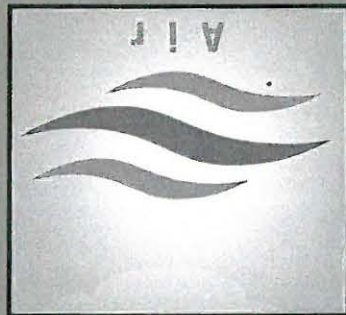
Kings

SURGEON GENERAL'S WARNING:  
Quitting Smoking Now Greatly  
Reduces Serious Risks to Your Health.

PREMIS  
Ultra High Air Kings Box

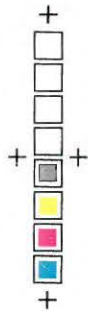
17

Kings



Ultra High Air

12/31/13



PREMIS

Ultra High Air Kings Box

PREMIS

20  
Class A  
Cigarettes

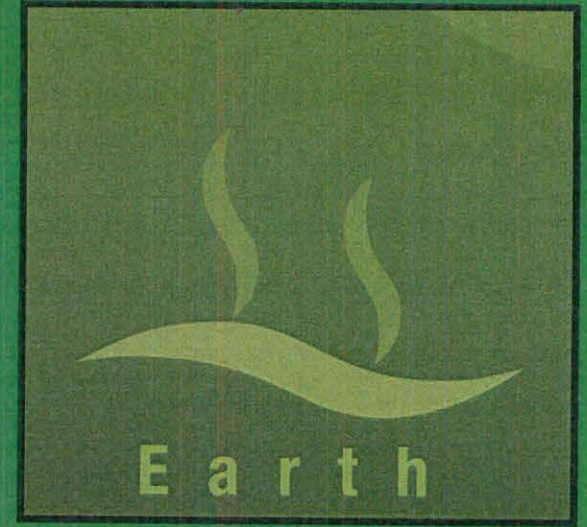
Sales to  
Minors  
Prohibited

PREMIS



# PREMIS

Menthol  
Kings Box

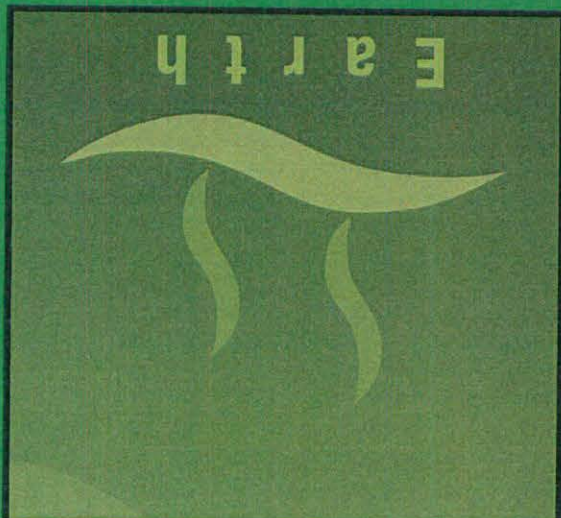


SURGEON GENERAL'S WARNING: Smoking By  
Pregnant Women May Result in Fetal Injury,  
Premature Birth, And Low Birth Weight.

PREMIS  
Menthol  
Kings Box



*Sales to  
Minors  
Prohibited*



PREMIS

Menthol  
Kings Box





Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

February 19, 2016

Mr. Cameron Goodwin  
Skookum Creek Tobacco Co., Inc.  
1041 W. State Route 108  
Shelton, WA 98584

Dear Mr. Goodwin:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, Skookum Creek Tobacco Co., Inc.'s ("Skookum") July 13, 2015 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Complete, Premis, and Traditions brands was approved on July 14, 2015.

By letter dated February 18, 2016, you now propose to modify the packaging for ten varieties of the Premis brand.

It appears that the health warnings on the modified packaging for the following Premis hard pack varieties submitted with your letters of October 15 and October 30, 2015 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), and Menthol High Air (Kings and 100's).

I wish to remind you that the Commission's July 14, 2015 approval of Skookum's plan for simultaneous display of the warnings on packaging for its cigarettes expires on **July 13, 2016**, or when the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

Please note that this letter is not an approval of any other design element, statement, or representation made on packaging or in advertising for Skookum's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Skookum's packaging and advertising under the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

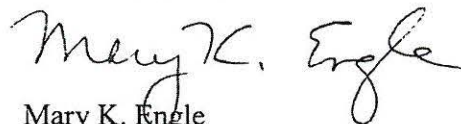


Mr. Cameron Goodwin  
February 19, 2016  
Page 2

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

If you have any questions regarding this approval, please contact Connor Sands at (202) 326-3343.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, looped "E" at the end.

Mary K. Engle  
Associate Director



*WIND RIVER TOBACCO CO.*

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February 23, 2016

**VIA Email and U.S.P.S**

Ms. Mary K. Engle  
Associate Director  
Federal Trade Commission  
Division of Advertising Practices  
Sixth and Pennsylvania Avenue, N.W.  
Washington, D.C. 20580  
FX: (202)-326-3259

**RE: Wind River Tobacco Company, LLC –American Bison® Cigarette & Nashville® Cigarette Labeling Rotation Plan Application Pursuant to 15 U.S.C. §1333(c)(2)**

Dear Ms. Engle:

This is an application pursuant to 15 U.S.C. §1333(c)(2) for renewal of the plan of Wind River Tobacco Company, LLC, ("WRTC") for its American Bison® & Nashville® cigarette brands.

I, Mark Mansfield, Vice President of WRTC confirm and warrant that I will cause the company to conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) are properly displayed for American Bison® & Nashville® cigarettes. WRTC will display the four warnings so that they will appear an equal number of times on the packs and cartons of each brand style of American Bison® Cigarettes & Nashville® Cigarettes it manufactures during the twelve month period following approval of this application. We will achieve this by having all warnings print simultaneously at the time of both pack and carton print runs. Wind River Tobacco will keep records of compliance for the submitted rotation plan. WRTC manufactures American Bison® Cigarettes & Nashville® Cigarettes under our tobacco manufacturing license number TP-TN-15001.

During 2016, WRTC plans to manufacture two brand styles of American Bison® Cigarettes: (1) Bold Filter King Size Soft Pack Cigarettes (2) Mellow Filter King Size Soft Pack Cigarettes and three brand styles of Nashville® Cigarettes: (1) Full Flavor Filter King Size Soft Pack Cigarettes;

(2) Smooth Filter King Size Soft Pack Cigarettes and (3) Menthol Filter King Size Soft Pack Cigarettes. 15 U.S.C. §1333(c)(2)(A). The term "brand style" is defined in the statute to mean: a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

WRTC operates on the federal fiscal year, October 1 – September 30. WRTC believes that sales of American Bison® Cigarettes & Nashville® Cigarettes will not exceed one quarter of one percent of cigarettes manufactured in the United States during fiscal year 2016. The combined sales of each of WRTC's two American Bison® & three Nashville® brand styles which are the only brands and brand styles manufactured by WRTC were well below one quarter of one percent of the cigarettes sold in the United States during 2015. These determinations are based upon WRTC's records showing that sales made during fiscal year 2015 were [REDACTED] American Bison® Cigarette sticks and [REDACTED] Nashville® Cigarette sticks.

As you know, cigarette labeling in the United States is governed by the Federal Cigarette Labeling and Advertising Act, as amended, 36 U.S.C. §§1331-41. The Commission may grant the twelve month alternative to the quarterly rotation cycle that WRTC requests if:

- (i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of 1 percent of all the cigarettes sold in the United States in such year, and
- (ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i).

WRTC submitted its plan for advertising the American Bison® brand in advertisements not exceeding 720 square inches on April, 23 2002. WRTC submitted its internet advertising plan for the American Bison® brand on June 16<sup>th</sup> 2004 and for the Nashville® brand on February 9<sup>th</sup> 2006. WRTC will maintain compliance with those approved plans.

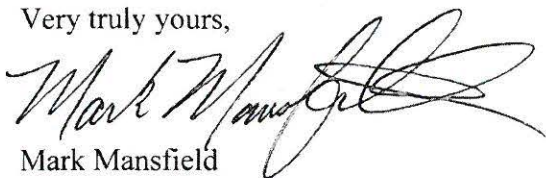
Actual packs and cartons for each brand and style with each of the four warnings were included with the previous submissions. Our submission on April 26, 2011 included packaging samples for two brand styles of American Bison® Cigarettes: (1) Bold Filter King Size Soft Pack Cigarettes (2) Mellow Filter King Size Soft Pack Cigarettes and three brand styles of Nashville® Cigarettes: (1) Full Flavor Filter King Size Soft Pack Cigarettes; (2) Smooth Filter King Size Soft Pack Cigarettes and (3) Menthol Filter King Size Soft Pack Cigarettes.

The four cigarette health warnings will appear exactly as shown on the representative samples of packaging for the American Bison® Cigarettes and for the Nashville® Cigarettes brands.

Please let me know if you need any additional information.



Very truly yours,

A handwritten signature in black ink, appearing to read "Mark Mansfield". The signature is fluid and cursive, with a large, stylized initial "M".

Mark Mansfield  
Vice President



United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of  
Advertising Practices

February 25, 2016

Mr. Mark Mansfield  
Wind River Tobacco Company, LLC  
P.O. Box 129  
Springfield, TN 37172

Dear Mr. Mansfield:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Wind River Tobacco Company, LLC (“WRTC”) dated February 23, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the American Bison and Nashville brands of cigarettes.

WRTC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated April 26, 2011 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, WRTC’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Two king size soft pack varieties of the American Bison brand: Bold Filter, and Mellow Filter; and
- Three king size soft pack varieties of the Nashville brand: Full Flavor Filter, Smooth Filter, and Menthol Filter.

Approval of this plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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<sup>1</sup> WRTC stated in its February 23, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on that date.

<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Mark Mansfield  
February 25, 2016  
Page 2

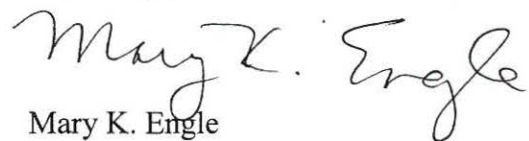
Please note that this letter only approves WRTC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on WRTC's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for WRTC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of WRTC's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through February 24, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director



# Goodrich Tobacco Company, LLC

February 2, 2016

Ms. Mary K. Engle  
Federal Trade Commission  
Division of Advertising Practices  
600 Pennsylvania Avenue, N.W.  
Room NJ-3212  
Washington, DC 20580

RE: Cigarette Health Warning Rotation Plan for Additional Packaging Design

Dear Ms. Engle,

This letter is being submitted for the annual renewal approval of the alternative method to the quarterly Surgeon General Warning rotation plan on packaging of the following two (2) varieties of the RED SUN cigarette brand and two (2) varieties of the Magic cigarette brand:

RED SUN King Size Box
RED SUN Menthol King Size Box
Magic King Size Box
Magic Menthol King Size Box

These cigarette brands are manufactured in the United States for Goodrich Tobacco Company, LLC by NASCO Products, LLC. Upon approval of this plan, the contract manufacturer will continue to manufacture these cigarettes under the authority of the Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NC-15033).

The products submitted with this plan will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The Surgeon General Warnings will be on each Pack and Outer Carton of cigarettes in the form and content dictated by the Federal Cigarette Labeling and Advertising Act and therefore satisfactory to the Federal Trade Commission ("FTC"). The warnings will be printed directly on the packaging in a legible and conspicuous manner and will be of a size, format, and type required by the FTC. The warnings will be placed on the product in an authorized location, a location which will be acceptable to the FTC and which complies with applicable labeling statutes. The warnings will appear exactly as they do on the packs and cartons of the two (2) styles of the Magic cigarette brand submitted with our letter of February 21, 2011, and the packs and cartons of the two (2) styles of the RED SUN cigarette brand submitted with our November 12, 2014 letter. The packaging for the two (2) styles of the RED SUN cigarette brand submitted with our February 21, 2011 letter will no longer be used.


Goodrich Tobacco Company, LLC believes that its anticipated low sales volume of the RED SUN and Magic cigarette brands fit the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331. Actual sales figures for the 2015 fiscal year for the brand styles listed above are provided on Exhibit A. Sales estimates for the 2016 fiscal year of the brand styles listed above are provided on Exhibit A. Goodrich Tobacco Company LLC does not anticipate that sales of any one brand style of its RED SUN or Magic brands will exceed [REDACTED] sticks for the one year period to be covered by this plan.

If this plan for the alternative to quarterly rotation of warnings on packaging is approved, the four cigarette health warnings will continue to appear on the packs and cartons of each of the cigarette brand styles listed above an equal number of times throughout the one year period beginning on the date this plan is approved.

There have been no changes to the prior approved advertising plan of the RED SUN and Magic cigarette brands. Goodrich Tobacco Company, LLC continues to be in compliance with its advertising plan.

Goodrich Tobacco Company, LLC is aware of the requirements set forth in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Act. Goodrich Tobacco Company, LLC will maintain record of compliance with the approved plan. The submitted carton and pack label for each brand style bearing each Surgeon General warning satisfies the requirement of package submission. If there are any questions or concerns regarding this plan, please contact me at 716-270-1523 (phone), 716-877-3064 (fax), [kdelaney@xxiicentury.com](mailto:kdelaney@xxiicentury.com) (email), or 9530 Main Street, Clarence, NY 14301.

Sincerely,

  
Karen E. Delaney  
Tax Compliance Manager

## EXHIBIT A

### Actual sales figures for Fiscal Year 2015

PRODUCT	STICKS
Magic King Size Box	
Magic Menthol King Size Box	
RED SUN Regular King Size Box	
RED SUN Bold Cold Menthol King Size Box	

### Estimated sales figures for Fiscal Year 2016

PRODUCT	STICKS
Magic King Size Box	
Magic Menthol King Size Box	
RED SUN Regular King Size Box	
RED SUN Bold Cold Menthol King Size Box	





Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

March 8, 2016

Ms. Karen E. Delaney  
Goodrich Tobacco Company, LLC  
9530 Main Street  
Clarence, NY 14031

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Goodrich Tobacco Company, LLC (“Goodrich”) on February 2, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain king size box varieties of the Red Sun and Magic brands of cigarettes.

Goodrich’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated February 21, 2011 (Magic) and November 12, 2014 (Red Sun) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Goodrich’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties: Red Sun Kings box, Red Sun Menthol Kings box, Magic Kings box, and Magic Menthol Kings box.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Goodrich’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) concerning

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<sup>1</sup> Goodrich stated in its February 2, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Karen E. Delaney  
March 8, 2016  
Page 2

the rotation, size, and conspicuousness of the warnings on Goodrich's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Goodrich's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Goodrich's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through March 7, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director



January 26, 2016

Bonnie McGregor  
Federal Trade Commission  
Bureau of Consumer Protection  
Division of Advertising Practices  
600 Pennsylvania Avenue NW  
Mail Drop CC-10528  
Washington DC 20580

Re: Cigarette Health Warning Equalization Plan  
Submitted by Cousin's Distributing for Revenge/ American Harvest cigarettes.

Dear Bonnie:

We are submitting Surgeon General's Equalization Plan as required under Federal Cigarette Labeling and Advertising Act (15 USC – 1331 (1998), et seq.), as amended. Sandia is the contract manufacturer cigarettes for Cousins Distributing Inc. Cousins Distributing does business as Fresh Choice Tobacco. We are submitting the Equalization Plan for renewal. The corporate address for Cousins Distributing Inc is 1891 Woolner Avenue, Suite I, Fairfield, California 94533.

Sandia has previously manufactured Revenge and American Harvest brands, on our behalf, during the calendar year January 2015 through December 2015. The two brand names, Revenge and American Harvest, are owned by Cousins Distributing Inc, and cigarettes using those two brand names are manufactured by Sandia Tobacco exclusively for Cousins Distributing Inc. Sandia manufactured [REDACTED] sticks of American Harvest and [REDACTED] sticks of Revenge in 2015. Our fiscal year is the same as the calendar year. Sandia plans to manufacture [REDACTED] sticks of "Revenge," and [REDACTED] sticks of "American Harvest" during the calendar year of January 2016 through December 2016. Last year we sold [REDACTED] sticks of Revenge brand and [REDACTED] sticks of American Harvest. The amount of sticks sold in 2015 exceeds the amount of sticks manufactured for us in 2015 for both Revenge and American Harvest. This was possible because we did not sell all of the sticks manufactured for us in 2014 for both Revenge and American Harvest. The list of cigarettes includes all the brands sold by Fresh Choice Tobacco. The cigarettes that are covered by this plan are the following U. S. manufactured brand style cigarettes, which include health warnings complying with the Surgeon General warning language set forth in the statute:

1. Revenge 100 soft- blue packaging
2. Revenge 100 soft- yellow packaging



3. American Harvest 100 soft
4. American Harvest King soft

The required warnings will be printed directly on the packs and cartons in a conspicuous location as required under the Cigarette Labeling and Advertising Act ("CLAA").

The four (4) cigarette health warnings will appear on the packs and cartons of each brand style of cigarettes an equal number of times over the one (1) year period starting on the date this Plan is approved. Our packaging printer, Winston Packaging, prints all four (4) warnings simultaneously in equal numbers for each brand style at the time of pack and carton print runs. We keep records demonstrating compliance with this plan

The four (4) health warnings will appear exactly as they appear on the packaging samples that were included with our letter of January 30, 2015.

Currently, we do not intend to advertise the Revenge and American Harvest brands to the consumer. If we decide to advertise in the future, we will submit a plan to the Federal Trade Commission for review and approval prior to advertising.

We submit that the foregoing complies with the requirements set forth in the Federal Cigarette Labeling and Advertising Act, as amended, and request expedited approval of this request. Should this request conform to your requirements, we further request that the letter evidencing approval be faxed to the undersigned at 707.759.2506

Should you require any additional information with respect to the foregoing, please contact the undersigned.

Very truly yours,



Jay Chapman  
Compliance Manager

707-319-9602

[jchapman34@hotmail.com](mailto:jchapman34@hotmail.com)



Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

March 11, 2016

Mr. Jay Chapman  
Compliance Manager  
Fresh Choice Tobacco Company  
1891 Woolner Avenue, Suite I  
Fairfield, California 94533

Dear Mr. Chapman:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Cousins Distributing, Inc. d/b/a Fresh Choice Tobacco Company ("Fresh Choice") dated January 26, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Revenge and American Harvest brands of cigarettes.

Fresh Choice's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 30, 2015 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Fresh Choice's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Two soft pack varieties of the Revenge brand: 100's (Blue packaging) and 100's (Yellow packaging); and
- Two soft pack varieties of the American Harvest brand: 100's and Kings.

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<sup>1</sup> Fresh Choice stated in its January 26, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 30, 2015.

Mr. Jay Chapman  
March 11, 2016  
Page 2

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Fresh Choice decides to advertise in the future, it must submit a plan detailing how it will comply with the requirements of the Cigarette Act with respect to display of the health warning statements in advertisements.

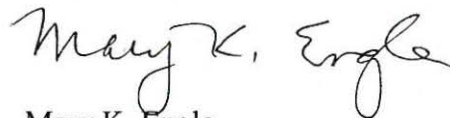
Please note that this letter only approves Fresh Choice's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Fresh Choice's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for Fresh Choice's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Fresh Choice's packaging under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucml76164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucml76164.htm).

**This approval is effective on the date of this letter and runs through March 10, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact Connor Sands at (202) 326-3343.

Very truly yours,



Mary K. Engle  
Associate Director

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<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.





March 15, 2016

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Re: Rotation Plan: Cheyenne, Decade and aura brands

Dear Ms. Engle,

Cheyenne International, LLC (the "Company") is a tobacco products manufacturer (ATF permit # TP-NC-645). The Company's fiscal year is the calendar year. We currently manufacture three brands of cigarettes: Cheyenne, Decade and aura. With this letter we seek to renew the annual rotation plan for these brands.

*We have 11 styles of Cheyenne, all in hard box:*

Cheyenne Red King's  
Cheyenne Gold King's  
Cheyenne Silver King's  
Cheyenne Menthol King's  
Cheyenne Menthol Silver King's  
Cheyenne Non Filter King's  
Cheyenne Red 100's  
Cheyenne Gold 100's  
Cheyenne Silver 100's  
Cheyenne Menthol 100's  
Cheyenne Menthol Silver 100's

701 S. Battleground Avenue  
Grover, North Carolina 28073

We have 10 styles of Decade, all in hard box:

Decade Red King's  
Decade Gold King's  
Decade Silver King's  
Decade Menthol King's  
Decade Menthol Silver King's  
Decade Red 100's  
Decade Gold 100's  
Decade Silver 100's  
Decade Menthol 100's  
Decade Menthol Silver 100's

In our submission of March 10, 2016 for the Cheyenne and Decade brands were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

We have 4 styles of aura, all in hard box:

aura robust red King Box  
aura radiant gold King Box  
aura sky blue King Box  
aura menthol glen King Box

In our submission of March 10, 2016 for the aura brand were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

The Company wishes to continue to use the option provided by Section 1333(c)(2) of the Cigarette Act. The four warnings will be displayed an equal number of times on the packs and cartons of each brand style during the one year period beginning on the date of the approval of this plan.

Included with this letter is Exhibit 1 that is a tabular statement of sales volume by brand style for the previous fiscal year, as well as the anticipated sales for the one year period covered by the respective rotation plan for the brands.

The way that we will ensure that all four warnings will be equally displayed on the packs and cartons of each brand style throughout the year will be through our printing process. Our printer will print cartons 4 to a sheet – each carton on the sheet will have a different warning. Similarly, the printer will print 16 packs to a sheet with the 4 different warnings repeated 4 times. Every print run of cartons and packs will therefore have an equal distribution of warnings and accordingly our manufacturing runs will have an equal distribution of warnings. The result should be an equal distribution of warnings on cigarettes sold throughout the

year. We will maintain sufficient records to demonstrate compliance with the plan. If by the end of the year equalization of warnings on packs and cartons has not been achieved, the Company will take steps, such as placing special orders of packaging, to ensure warning label equalization.

The Company is operating under the revised advertising plan filed by the Company on June 17, 2009 that was approved on June 23, 2009. The Company has made no changes to the approved plan.

If you have any questions, please do not hesitate to call me at (704) 937-7200. We appreciate your attention to our plan submission.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Scott". The signature is fluid and cursive, with the first name "David" being the most prominent.

David A. Scott  
Chief Financial Officer



CHEYENNE INTERNATIONAL, LLC  
 (all styles are hard pack, called "box")

Actual	Anticipated
Previous	Current
Fiscal	Rotation
Year (2015)	Plan Year

Brand	<b>Cheyenne</b>	
Highest Selling Style		
Highest Selling Style %		
Brand	<b>Decade</b>	
Highest Selling Style		
Highest Selling Style %		
Brand	<b>aura</b>	
Highest Selling Style		
Highest Selling Style %		

Brand Totals

Approximately  % of all cigarettes sold in the US in 2015

(Highest Brand Style  approximately  % of all cigarettes sold)

Selected packaging samples from those  
submitted with the plan.

**DECADE**

**MENTHOL SILVER**

**20 CLASS A  
CIGARETTES**

**DECADE**

**MENTHOL SILVER BOX**

**20 CLASS A  
CIGARETTES**

**MENTHOL SILVER**

**DECADE**

MADE IN USA

**MENTHOL SILVER BOX**

**DECADE**

MADE IN USA

**SURGEON GENERAL'S WARNING:  
Smoking Causes Lung Cancer, Heart Disease,  
Emphysema, And May Complicate Pregnancy.**

11/23/15

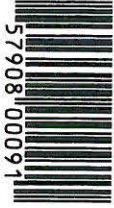
**UNDERAGE  
SALE  
PROHIBITED**

**DECADE**

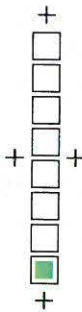
MANUFACTURED BY:  
CHRYSENE INTERNATIONAL, LLC  
GROVER, NC 28073

©2010 Chryse International, L.L.C.  
www.decadecigarettes.com

SALE ONLY ALLOWED IN THE UNITED STATES



23





**GOLD BOX**

**10 PACKS OF 20 CLASS A CIGARETTES**

**DECADE**

**GOLD BOX**

**SURGEON GENERAL'S WARNING: Smoking By  
Pregnant Women May Result in Fetal Injury,  
Premature Birth, And Low Birth Weight.**



UNDERAGE SALE PROHIBITED

**10 PACKS OF 20 CLASS A CIGARETTES**

**GOLD BOX**

**DECADE**

**DECADE**

**GOLD BOX**

**10 PACKS OF 20  
CLASS A CIGARETTES**

MANUFACTURED BY:  
CHEYENNE INTERNATIONAL, LLC  
GROVER, NC 28073

©2010 Cheyenne International, LLC  
www.decadecigarettes.com

**SALE ONLY ALLOWED  
IN THE UNITED STATES**

Help Our Planet - Please Recycle

100% real

# aura

radiant gold

# aura

100% real

aura packaging is printed on environmentally conscious paper

# aura

100% real

radiant gold

When purity and balance coexist, there is a harmony known as Aura.

We craft Aura to create a distinctive smoking experience that is:



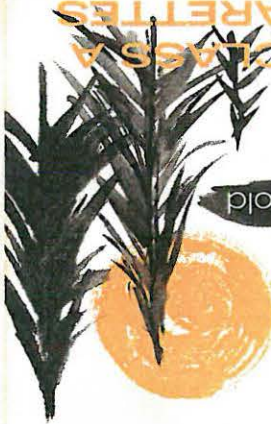
When Fine Tobaccos Are Blended To Make Aura, Only Water Is Added. The Use Of This Blend DOES NOT Reduce The Health Risks Of Smoking. This Tobacco Blend DOES NOT Mean A Safer Cigarette.

100% real

# aura

radiant gold

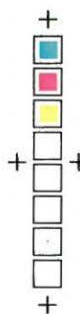
20 CLASS A CIGARETTES



radiant gold

Underage Sale Prohibited

4/9/15



**SURGEON GENERAL'S WARNING:**  
Cigarette Smoke  
Contains Carbon Monoxide.



Manufactured by  
Chrysalis, LLC  
Greer, NC 28073  
©2010 Chrysalis International, LLC.  
www.aurecigarettes.com  
SALE ONLY ALLOWED  
IN THE UNITED STATES



100% real  
10 PACKS OF 20 CLASS A CIGARETTES

Underage Sale Prohibited  
aura packaging is printed on environmentally conscious paper  
FSC  
74411 00159  
4  
MADE IN THE  
-USA-

100% real  
aura  
sky blue

SURGEON GENERAL'S WARNING:  
Quitting Smoking Now Greatly  
Reduces Serious Risks to Your Health.

10 PACKS OF 20 CLASS A CIGARETTES

100% real  
aura  
sky blue

sky blue  
aura  
100% real

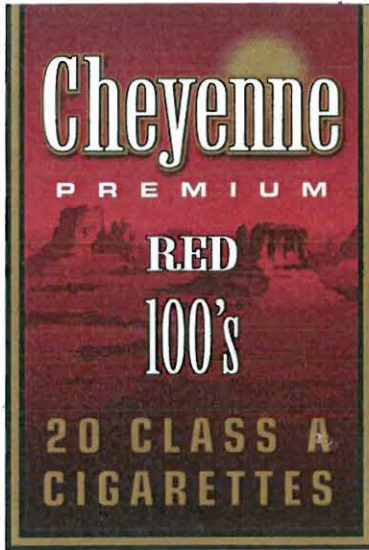
MANUFACTURED BY:  
CHEYENNE INTERNATIONAL, L.L.C.  
GROVER, NC 28073

©2010 Cheyenne International, L.L.C.  
www.cheyenneintl.com

SALE ONLY ALLOWED  
IN THE UNITED STATES

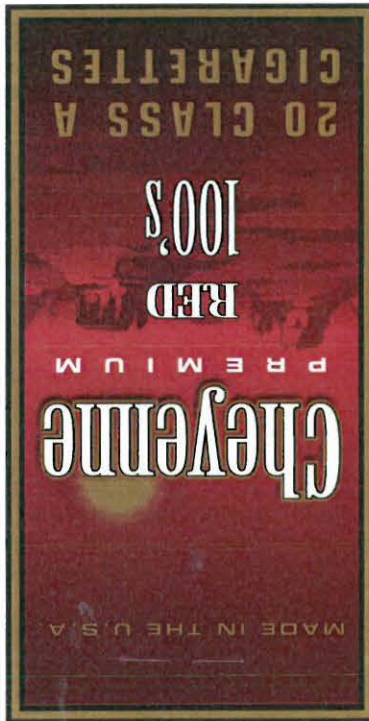
When Fine Tobaccos Are Blended  
To Make Aura, Only Water Is Added.  
The Use Of This Blend DOES NOT  
Reduce The Health Risks Of Smoking.  
This Tobacco Blend DOES NOT  
Mean A Safer Cigarette.





SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

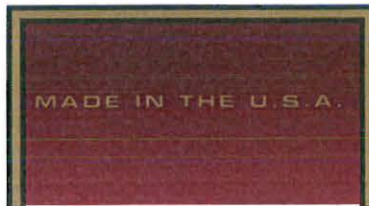
**Cheyenne**  
PREMIUM  
RED 100'S BOX



W1

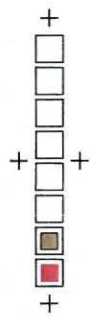
1/21/16

**Cheyenne**  
PREMIUM  
RED 100'S BOX



UNDERAGE SALE PROHIBITED

**Cheyenne**  
PREMIUM  
MANUFACTURED BY:  
CHEYENNE INTERNATIONAL, LLC  
GROVER, NC 28073  
©2010 Cheyenne International, LLC  
www.cheyennecigarettes.com  
SALE ONLY ALLOWED IN THE UNITED STATES



NON FILTER BOX

10 PACKS OF 20 CLASS A CIGARETTES

MADE IN U.S.A.



**Cheyenne**  
PREMIUM  
**NON FILTER BOX**

SURGEON GENERAL'S WARNING:  
Smoking Causes Lung Cancer, Heart Disease,  
Emphysema, And May Complicate Pregnancy.

**Cheyenne**

PREMIUM  
NON FILTER BOX

10 PACKS OF 20 CLASS A CIGARETTES

MADE IN U.S.A.

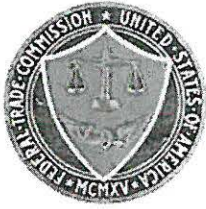
**Cheyenne**

PREMIUM  
**NON FILTER BOX**

10 PACKS OF 20  
CLASS A CIGARETTES  
MADE IN THE U.S.A.

MANUFACTURED BY:  
CHEYENNE INTERNATIONAL, LLC  
GROVER, NC 28073  
©2010 Cheyenne International, LLC  
www.cheyennecigarettes.com  
SALE ONLY ALLOWED  
IN THE UNITED STATES





United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of  
Advertising Practices

March 15, 2016

Mr. David A. Scott  
Chief Financial Officer  
Cheyenne International, LLC  
701 S. Battleground Avenue  
Grover, NC 28073

Dear Mr. Scott:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Cheyenne International, LLC (“Cheyenne”), on March 15, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cheyenne, Decade, and ‘aura’ brands of cigarettes.

Cheyenne’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated March 10, 2016 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Cheyenne’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eleven box varieties of the Cheyenne brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings, Menthol 100's, Menthol Silver Kings, Menthol Silver 100's, and Non-Filter Kings;
- Ten box varieties of the Decade brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings, Menthol 100's, Menthol Silver Kings, and Menthol Silver 100's; and
- Four box varieties of the aura brand: robust red Kings, radiant gold Kings, sky blue Kings, and menthol glen Kings.

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<sup>1</sup> Cheyenne stated in its March 15, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.



Mr. David A. Scott  
March 15, 2016  
Page 2

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Cheyenne's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Cheyenne's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Cheyenne's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Cheyenne's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through March 14, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director

---

<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.



Sandia Tobacco Manufacturers, Inc.  
7900 Reading SE, Building A  
Albuquerque, New Mexico 87105  
Phone: (505) 877-3694  
Fax: (505) 877-3476

March 14, 2016

Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue NW  
Room NJ3212  
Washington DC 20001

**Re: Cigarette Health Warning Equalization Plan  
Submitted by Sandia Tobacco Manufacturers, Inc. ("Sandia") for Sandia and Royal  
cigarettes.**

Ladies and Gentlemen:

We are submitting Sandia Tobacco Manufacturers, Inc.'s Surgeon General's Equalization Plan as required under the Federal Cigarette Labeling and Advertising Act of 1984 (15 USC – 1331 (1998), et seq.), as amended. Sandia is the manufacturer of the Sandia and Royal Brands of cigarettes. We are submitting the Equalization Plan for approval. Our factory is located at 7900 Reading SE, Building A, Albuquerque, New Mexico 87105. The President of Sandia Tobacco Manufacturers, Inc. is Donald Packingham.

Sandia Tobacco Manufacturers, Inc. made no changes to any packaging or brand styles in 2015. All packaging will remain exactly as the samples previously submitted and approved by the FTC.

The cigarettes covered by this plan are the following brand styles of U.S. manufactured Sandia and Royal brand cigarettes, which include health warnings complying with the Surgeon General warning language, set forth in the statute:

- 1) Sandia Full Flavor King Soft
- 2) Sandia Full Flavor 100 Soft
- 3) Sandia Blue King Soft



- 4) Sandia Blue 100 Soft
- 5) Sandia Light Blue pack King Soft
- 6) Sandia Light Blue pack 100 Soft
- 7) Sandia Full Flavor Menthol King Soft
- 8) Sandia Full Flavor Menthol 100 Soft
- 9) Sandia Menthol King Soft
- 10) Sandia Menthol 100 Soft
- 11) Sandia Full Flavor King Box
- 12) Sandia Full Flavor 100s Box
- 13) Sandia Blue King Box
- 14) Sandia Blue 100s Box
- 15) Sandia Light Blue pack 100s Box
- 16) Sandia Full Flavor Menthol King Box
- 17) Sandia Full Flavor Menthol 100s Box
- 18) Sandia Menthol 100s Box
- 19) Royal Full Flavor Kings Soft
- 20) Royal Gold Kings Soft
- 21) Royal Silver Kings Soft
- 22) Royal Full Flavor 100s Soft
- 23) Royal Gold 100s Soft
- 24) Royal Silver 100s Soft
- 25) Royal Full Flavor Menthol 100s Soft
- 26) Royal Menthol 100s Soft
- 27) Royal Full Flavor King Box
- 28) Royal Full Flavor 100s Box
- 29) Royal Gold King Box
- 30) Royal Gold 100s Box
- 31) Royal Silver 100s Box
- 32) Royal Full Flavor Menthol King Box
- 33) Royal Full Flavor Menthol 100s Box
- 34) Royal Menthol 100s Box

The four health warnings have been equalized to date on the brand styles listed above.

The company manufactured [REDACTED] sticks of the Sandia brand and [REDACTED] sticks of the Royal brand during the 2015 calendar year. These sales are less than one fourth, of one percent of all Cigarettes sold in the United States of America during that period. The Company anticipates manufacturing [REDACTED] sticks of Sandia brand and [REDACTED] sticks of Royal brand in 2016. More than one-half of the cigarettes manufactured by the company will be packaged into brand styles that meet this requirement of the Cigarette Act with respect to warning equalization, (i.e., less than one quarter of one percent).

Sandia Tobacco is under contract for Natural Fresh Choice Company and also manufactures their American Harvest and Revenge brand cigarettes. Natural Fresh Choice has its own warning statement plan in place for these brands. Sandia Tobacco does not manufacture or import any other brands of cigarettes.



The required warnings will be printed directly on the packs and cartons in a conspicuous location as required under the Cigarette Labeling and Advertising Act ("CLAA").

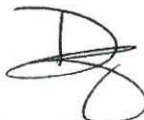
The four (4) cigarette health warnings will appear on the packs and cartons of each brand style of the Sandia and Royal brands of cigarettes an equal number of times over the one (1) year period starting on the date this Plan is approved. During printing, all four (4) warnings will be printed simultaneously in equal numbers for each brand style at the time of pack and carton print runs. We will maintain records demonstrating compliance with this plan.

For advertising the Sandia brand, Sandia Tobacco Manufacturers, Inc. will remain in compliance with its January 29, 2004 advertising plan that was approved on February 3, 2004, and April 15, 2009 internet advertising plan which was approved on April 21, 2009. We still do not advertise the Royal brand and do not intend to do so.

We submit that the foregoing complies with the requirements set forth in the Federal Cigarette Labeling and Advertising Act, as amended, and request expedited approval of this request. Should this request conform to your requirements, we further request that the letter evidencing approval be faxed to the undersigned at 505-877-3476.

Should you require any additional information with respect to the foregoing, please contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to be 'D. Woody', with a stylized flourish at the end.

Donna Woody  
Vice President/Secretary/Treasurer



Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

March 16, 2016

Ms. Donna Woody  
Sandia Tobacco Manufacturers, Inc.  
7900 Reading SE, Building A  
Albuquerque, NM 87105

Dear Ms. Woody:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Sandia Tobacco Manufacturers, Inc. (“Sandia”) dated March 14, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for the Sandia and Royal brands of cigarettes.

Sandia’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:<sup>1</sup>

<u>Brand</u>	<u>Dates</u>
Sandia	March 31, 2011 January 5, 2012
Royal	March 31, 2011 May 2, 2011 May 19, 2011 January 5, 2012

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<sup>1</sup> Sandia stated in its March 14, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.



Accordingly, Sandia's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Eighteen varieties of the Sandia brand: Full Flavor Kings (Soft and Box), Full Flavor 100's (Soft and Box), Blue Kings (Soft and Box), Blue 100's (Soft and Box), Kings Soft (Light Blue packaging),<sup>2</sup> 100's Soft and Box (Light Blue packaging), Full Flavor Menthol Kings (Soft and Box), Full Flavor Menthol 100's (Soft and Box), Menthol Kings Soft, and Menthol 100's (Soft and Box); and
- Sixteen varieties of the Royal brand: Full Flavor Kings (Soft and Box), Full Flavor 100's (Soft and Box), Full Flavor Menthol 100's (Soft and Box), Menthol 100's (Soft and Box), Gold Kings (Soft and Box), Gold 100's (Soft and Box), Silver Kings Soft, Silver 100's (Soft and Box), and Full Flavor Menthol Kings Box.

Approval of this plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>3</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Sandia decides to advertise the Royal brand in the future, it must submit a plan detailing how it will comply with the requirements of the Cigarette Act with respect to display of the health warning statements in advertisements for that brand.

Please note that this letter only approves Sandia's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Sandia's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Sandia's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Sandia's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example,

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<sup>2</sup> Sandia is using colors to identify four varieties of the Sandia brand ("Sandia Blue Kings Soft," "Sandia Blue Kings Box," "Sandia Blue 100's Soft," and "Sandia Blue 100's Box"), and for these four varieties, the color names are printed on the packaging. We note that three other varieties ("Sandia Kings Soft," "Sandia 100's Soft," and "Sandia 100's Box") are in Light Blue packaging, but the color name does not appear on the packaging.

<sup>3</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.



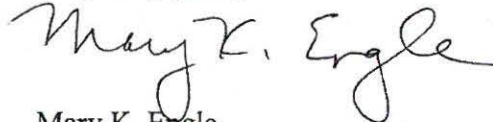
Ms. Donna Woody  
March 16, 2016  
Page 3

since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through March 15, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact Connor Sands at (202) 326-3343.

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in black ink and is positioned to the right of the typed name.

Mary K. Engle  
Associate Director

# KING-MAKER MARKETING, INC.

March 23, 2016

Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Mail Drop CC-10528  
Washington, DC 20580

Attention: Mary K. Engle, Associate Director

Dear Ms. Engle:

**Sub: Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331 *et seq.* requirements; Labeling and Advertising Plan for the “Checkers, Hi-Val, Gold Crest, and Ace” Brand Cigarettes imported by King Maker Marketing, Inc. (“KMM”) for the year beginning March 27, 2016.**

This letter is to gain approval for KMM’s plan for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Checkers, Gold Crest and Hi-Val brands of cigarettes. Your current approval extends to March 26, 2016.

1. King Maker Marketing, Inc. (“KMM”) is an importer and distributor of cigarette products in the United States, bearing the following brand names.

Ace™  
Checkers™  
Gold Crest™  
Hi-Val™

2. KMM sold roughly [REDACTED] sticks of cigarettes of all of the above brands in the fiscal year 2015, which is under ¼ of 1% of the total US market for cigarettes. In 2016, we expect to sell just about [REDACTED] sticks. This falls within the statutory threshold denoted in 15 U.S.C. §1333(c)(2)(A)(i) which makes KMM eligible for simultaneous display. Aggregate sales meet the requirements of U.S.C. §1333(c)(2)(A)(ii).
3. KMM wishes to continue to comply with the Federal Cigarette Labeling and Advertising Act by using the option of simultaneous display of Surgeon General warnings. (U.S.C. §1333(c)(2)(A)). The cigarettes will be displayed with the “non-descriptor” packaging as approved earlier. (list enclosed – See Annexure “A”) We will display the four warnings an equal number of times on the packs and cartons of each brand style of the above listed brands for the one year period

12 Route 17 North • Suite 304  
Paramus, NJ 07652  
(201) 843-0377 • 800-317-0377  
Fax: (201) 843-2092

beginning on the date of approval of this plan. We will achieve this by having all four warnings print simultaneously, at the time of both the pack and the carton print runs. Records will be maintained to provide evidence of our compliance with this plan.

4. Except as provided in paragraph five below, the warnings will appear on the packs and cartons of each brand style of Ace, Checkers, Gold Crest and Hi-Val cigarettes, exactly as the samples previously submitted:

Ace™	All Brand Styles	February 24, 2010
Checkers™	All Brand Styles	February 24, 2010
Gold Crest™	All Brand Styles	March 22, 2013
Hi-Val™	64210 Deep Green Menthol 10 Kings Box Filter	February 24, 2010
	61410 Red Kings Box Filter	February 24, 2010
	63410 Maroon Non Filter Kings Box	February 24, 2010
	61310 Red 100's Box Filter	February 24, 2010
	64310 Deep Green Menthol 10 100's Box Filter	February 24, 2010
	65210 Pale Green Menthol 94 Kings Box Filter	March 30, 2010
	62410 Yellow Kings Box Filter	March 30, 2010
	62310 Yellow 100's Box Filter	March 30, 2010
	63310 Blue 100's Box Filter	March 30, 2010
	65310 Pale Green Menthol 94 100's Box Filter	March 30, 2010

As explained before, the names of these colors do not appear on the packaging itself and are given solely for your reference only.

5. KMM introduced packaging with a white background for the Gold Crest brand following approval of the plan in 2013. The warnings on the packs and cartons with the white background appear exactly as shown on the samples submitted with the letter dated March 22, 2013. KMM continued to sell the packs and cartons with the white background for the Gold Crest Brand while concurrently selling the remaining inventory of its previously approved packs and cartons for the Gold Crest Brand with the gold background that were submitted to the FTC on February 24, 2010. KMM sold out of its inventory of the old packaging with the gold background. However, there may be some of the old packaging remaining in the distribution channels at wholesale or at retail. KMM wishes to obtain approval for both packaging styles in order to avoid any potential compliance issues.
6. KMM wishes to maintain the previously approved Advertising Plan for all brands listed above, - e.g. Counter Displays, Floor Displays, posters, banners, window signs, etc. – as allowed by the law in force, including the FSPCTA; samples of which have been submitted previously (list enclosed – See Annexure “B”) as follows:

Ace™	All Brand Styles	January 11, 2005
Checkers™	All Brand Styles	May 25, 2001
Gold Crest™	All Brand Styles	November 20, 2000
Hi-Val™	All Brand Styles	May 25, 2001



For advertising materials, we will continue to comply with the Advertising Plans as approved by you previously.

7. Further, we will continue to comply with existing and forthcoming advertising and labeling regulations from the FDA/FTC pursuant to the Family Smoking Prevention and Tobacco Control Act of 2009.

We thank you for your consideration and will be glad to provide any further information or clarification as necessary. Look forward to receiving your approval, at the earliest.

Sincerely,



Bhavani Parameswar  
President

**King Maker Marketing, Inc.**  
12 Route 17 North  
Suite 304  
Paramus, NJ 07652  
Phone: (201) 843-0377 Fax: (201) 843-2092

**Brand Family – ACE – 10 brand Styles**

<b><u>Brand Style</u></b>	<b><u>Packing</u></b>
Ace 94210 Deep Green Menthol 10 Kings Box Filter	20's
Ace 95210 Pale Green Menthol 94 Kings Box Filter	20's
Ace 91410 Red Kings Box Filter	20's
Ace 92410 Yellow Kings Box Filter	20's
Ace 93410 Maroon Non Filter Kings Box	20's
Ace 91310 Red 100's Box Filter	20's
Ace 92310 Yellow 100's Box Filter	20's
Ace 93310 Blue 100's Box Filter	20's
Ace 94310 Deep Green Menthol 10 100's Box Filter	20's
Ace 95310 Pale Green Menthol 94 100's Box Filter	20's

**Note:** Colors are mentioned here for your reference only and do not appear on the product packaging.

**Country of Origin - India**

**Trademark Holder:**  
King Maker Marketing, Inc.  
12 Route 17 North, Suite 304  
Paramus, NJ 07652  
Tel: 201-843-0377  
**Contact Person: Bhavani Parameswar**

**Manufactured by:**  
ITC Limited  
Meenakunte Village  
Jalahobli, Bangalore (North) 562 157  
Karnataka, India  
Tel No. 011-91 80 2846 7713  
Fax No. 011-91 80 2846 7707  
Plant Manager: Mr. Nirmallya Ghosal

**For and on Behalf of**  
**King Maker Marketing Inc.**

*VR Bhavani*  
**Bhavani Parameswar**  
**President**

King Maker Marketing, Inc.  
12 Route 17 North  
Suite 304  
Paramus, NJ 07652  
Phone: (201) 843-0377 Fax: (201) 843-2092

Brand Family – Checkers – 10 Brand Styles

<u>Brand Style</u>	<u>Packing</u>
Checkers 54210 Deep Green Menthol 10 Kings Box Filter	20's
Checkers 55210 Pale Green Menthol 94 Kings Box Filter	20's
Checkers 51410 Red Kings Box Filter	20's
Checkers 52410 Yellow Kings Box Filter	20's
Checkers 53410 Maroon Non Filter Kings Box	20's
Checkers 51310 Red 100's Box Filter	20's
Checkers 52310 Yellow 100's Box Filter	20's
Checkers 53310 Blue 100's Box Filter	20's
Checkers 54310 Deep Green Menthol 10 100's Box Filter	20's
Checkers 55310 Pale Green Menthol 94 100's Box Filter	20's

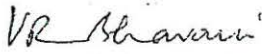
Note: Colors are mentioned here for your reference only and do not appear on the product packaging.

Country of Origin - India

**Trademark Holder:**  
King Maker Marketing, Inc.  
12 Route 17 North, Suite 304  
Paramus, NJ 07652  
Tel: 201-843-0377  
**Contact Person: Bhavani Parameswar**

**Manufactured by:**  
ITC Limited  
Meenakunte Village  
Jallahobli, Bangalore (North) 562 157  
Karnataka, India  
Tel No. 011-91 80 2846 7713  
Fax No. 011-91 80 2846 7707  
Plant Manager: Mr. Nirmallya Ghosal

**For and on Behalf of**  
**King Maker Marketing Inc.**

  
**Bhavani Parameswar**  
**President**



**King Maker Marketing, Inc.**  
12 Route 17 North  
Suite 304  
Paramus, NJ 07652  
Phone: (201) 843-0377 Fax: (201) 843-2092

**Brand Family- Hi-Val – 10 Brand Styles**

<b><u>Brand Style</u></b>	<b><u>Packing</u></b>
Hi Val 64210 Deep Green Menthol 10 Kings Box Filter	20's
Hi Val 65210 Pale Green Menthol 94 Kings Box Filter	20's
Hi Val 61410 Red Kings Box Filter	20's
Hi Val 62410 Yellow Kings Box Filter	20's
Hi Val 63410 Maroon Non Filter Kings Box	20's
Hi Val 61310 Red 100's Box Filter	20's
Hi Val 62310 Yellow 100's Box Filter	20's
Hi Val 63310 Blue 100's Box Filter	20's
Hi Val 64310 Deep Green Menthol 10 100's Box Filter	20's
Hi Val 65310 Pale Green Menthol 94 100's Box Filter	20's

**Note:** Colors are mentioned here for your reference only and do not appear on the product packaging.

**Country of Origin - India**

**Trademark Holder:**  
ITC Ltd  
37, J.L. Nehru Road  
Kolkata, India – 700 071  
Tel: 201-843-0377  
**Contact Person: Bhavani Parameswar**

**Manufactured by:**  
ITC Limited  
Meenakunte Village  
Jallahobli, Bangalore (North) 562 157  
Karnataka, India  
Tel No. 011-91 80 2846 7713  
Fax No. 011-91 80 2846 7707  
Plant Manager: Mr. Nirmallya Ghosal

**For and on Behalf of  
King Maker Marketing Inc.**

*VR Bhavani*  
**Bhavani Parameswar  
President**

**King Maker Marketing, Inc.**  
 12 Route 17 North  
 Suite 304  
 Paramus, NJ 07652  
 Phone: (201) 843-0377 Fax: (201) 843-2092

**Brand Family – Gold Crest – 10 Brand Styles in both gold and white background packs and cartons**

<b><u>Brand Style</u></b>	<b><u>Packing</u></b>
Gold Crest 44210 Deep Green Menthol 10 Kings Box Filter	20's
Gold Crest 45210 Pale Green Menthol 94 Kings Box Filter	20's
Gold Crest 41410 Red Kings Box Filter	20's
Gold Crest 42410 Yellow Kings Box Filter	20's
Gold Crest 43410 Maroon Non Filter Kings Box	20's
Gold Crest 41310 Red 100's Box Filter	20's
Gold Crest 42310 Yellow 100's Box Filter	20's
Gold Crest 43310 Blue 100's Box Filter	20's
Gold Crest 44310 Deep Green Menthol 10 100's Box Filter	20's
Gold Crest 45310 Pale Green Menthol 94 100's Box Filter	20's


**Note:** Colors are mentioned here for your reference only and do not appear on the product packaging.

**Country of Origin - India**

**Trademark Holder:**  
 King Maker Marketing, Inc.  
 12 Route 17 North, Suite 304  
 Paramus, NJ 07652  
 Tel: 201-843-0377  
 Contact Person: Bhavani Parameswar

**Manufactured by:**  
 ITC Limited  
 Meenakunte Village  
 Jallahobli, Bangalore (North) 562 157  
 Karnataka, India  
 Tel No. 011-91 80 2846 7713  
 Fax No. 011-91 80 2846 7707  
 Plant Manager: Mr. Nirmallya Ghosal

**For and on Behalf of**  
**King Maker Marketing Inc.**

  
 Bhavani Parameswar  
 President

**Schedule of Surgeon General’s Warnings for Advertising Materials**

**Brand Group – Checkers**

- Qtr I – January to March - SURGEON GENERAL’S WARNING:  
Smoking Causes Lung Cancer, Heart  
Disease, Emphysema, And May Complicate  
Pregnancy.
- Qtr II – April to June - SURGEON GENERAL’S WARNING:  
Cigarette Smoke Contains Carbon  
Monoxide
- Qtr III – July to September - SURGEON GENERAL’S WARNING:  
Smoking By Pregnant Women May Result  
in Fetal Injury, Premature Birth, And Low  
Birth Weight.
- Qtr IV – October to December - SURGEON GENERAL’S WARNING:  
Quitting Smoking Now Greatly Reduces  
Serious Risks to Your Health.

**Brand Group – Hi-Val**

- Qtr I – January to March - SURGEON GENERAL’S WARNING:  
Smoking By Pregnant Women May Result  
in Fetal Injury, Premature Birth, And Low  
Birth Weight.
- Qtr II – April to June - SURGEON GENERAL’S WARNING:  
Smoking Causes Lung Cancer, Heart  
Disease, Emphysema, And May Complicate  
Pregnancy.
- Qtr III – July to September - SURGEON GENERAL’S WARNING:  
Quitting Smoking Now Greatly Reduces  
Serious Risks to Your Health.
- Qtr IV – October to December - SURGEON GENERAL’S WARNING:  
Cigarette Smoke Contains Carbon



Monoxide.

**Brand Group – Gold Crest**

- Qtr I – January to March - SURGEON GENERAL’S WARNING:  
Quitting Smoking Now Greatly Reduces  
Serious Risks to Your Health.
- Qtr II – April to June - SURGEON GENERAL’S WARNING:  
Smoking By Pregnant Women May Result  
in Fetal Injury, Premature Birth, And Low  
Birth Weight.
- Qtr III – July to September - SURGEON GENERAL’S WARNING:  
Cigarette Smoke Contains Carbon  
Monoxide.
- Qtr IV – October to December - SURGEON GENERAL’S WARNING:  
Smoking Causes Lung Cancer, Heart  
Disease, Emphysema, And May Complicate  
Pregnancy.

**Brand Group – Ace**

- Qtr I – January to March - SURGEON GENERAL’S WARNING:  
Smoking Causes Lung Cancer, Heart  
Disease, Emphysema, And May Complicate  
Pregnancy.
- Qtr II – April to June - SURGEON GENERAL’S WARNING:  
Cigarette Smoke Contains Carbon  
Monoxide.
- Qtr III – July to September - SURGEON GENERAL’S WARNING:  
Smoking By Pregnant Women May Result  
in Fetal Injury, Premature Birth, And Low  
Birth Weight.
- Qtr IV – October to December - SURGEON GENERAL’S WARNING:  
Quitting Smoking Now Greatly Reduces  
Serious Risks to Your Health.



United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of  
Advertising Practices

March 24, 2016

Ms. Bhavani Parameswar  
President  
King Maker Marketing, Inc.  
12 Route 17 North  
Suite 304  
Paramus, NJ 07652

Dear Ms. Parameswar:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Maker Marketing, Inc. (“King Maker”) on March 23, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Checkers, Gold Crest, and Hi-Val brands of cigarettes.

King Maker’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:<sup>1</sup>

<u>Brand</u>	<u>Date(s)</u>
Ace	February 24, 2010
Checkers	February 24, 2010
Gold Crest	March 22, 2013

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<sup>1</sup> King Maker stated in its March 23, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates. As described in that letter, King Maker also intends to run out its existing inventory of packaging for the Gold Crest brand (packaging with a colored stripe on a gold background, submitted on February 24, 2010).

<u>Brand</u>	<u>Date(s)</u>
Hi-Val	February 24, 2010 <sup>2</sup> March 30, 2010

Accordingly, King Maker's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:<sup>3</sup>

- Ten varieties of the Ace brand: Kings box (red), 100's box (red), Kings box (yellow), 100's box (yellow), 100's box (blue), Menthol 10 Kings box (deep green), Menthol 10 100's box (deep green), Menthol 94 Kings box (pale green), Menthol 94 100's box (pale green), and Non-Filter Kings box (maroon);
- Ten varieties of the Checkers brand: Kings box (red), 100's box (red), Kings box (yellow), 100's box (yellow), 100's box (blue), Menthol 10 Kings box (deep green), Menthol 10 100's box (deep green), Menthol 94 Kings box (pale green), Menthol 94 100's box (pale green), and Non-Filter Kings box (maroon);
- Ten varieties of the Gold Crest brand: Kings box (with red stripe), 100's box (with red stripe), Kings box (with yellow stripe), 100's box (with yellow stripe), 100's box (with blue stripe), Menthol 10 Kings box (with deep green stripe), Menthol 10 100's box (with deep green stripe), Menthol 94 Kings box (with pale green stripe), Menthol 94 100's box (with pale green stripe), and Non-Filter Kings box (with maroon stripe); and
- Ten varieties of the Hi-Val brand: Kings box (red), 100's box (red), Kings box (yellow), 100's box (yellow), 100's box (blue), Menthol 10 Kings box (deep green), Menthol 10 100's box (deep green), Menthol 94 Kings box (pale green), Menthol 94 100's box (pale green), and Non-Filter Kings box (maroon).

This approval pertains only to packaging that meets the requirements of the Cigarette Act in force as of the date of this letter. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission approved.

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<sup>2</sup> Although the warnings on the sample packs for the Kings (yellow), 100's (yellow), 100's (blue), Menthol 94 Kings (pale green), and Menthol 94 100's (pale green) box varieties of the Hi-Val brand submitted on February 24, 2010 were not sufficiently conspicuous, corrected samples were submitted on March 30, 2010.

<sup>3</sup> As set forth in its March 23, 2016 letter, King Maker is using colors to identify its cigarette varieties. We note that the color names are not printed on the packaging; however, the color referenced in a variety's name does conform to the color used in its packaging.



Ms. Bhavani Parameswar  
March 24, 2016  
Page 3

Approval of this plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>4</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves King Maker's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on King Maker's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for King Maker's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of King Maker's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

Please note that Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to FDA.

**This approval is effective on the date of this letter and runs through March 23, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director

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<sup>4</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

# Holland & Knight

31 West 52nd Street | New York, NY 10019 | T 212.513.3200 | F 212.385.9010  
Holland & Knight LLP | www.hklaw.com

Neal N. Beaton  
(212) 513-3470  
neal.beaton@hklaw.com

March 22, 2016

## **VIA FEDERAL EXPRESS**

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Mail Drop CC 10528  
Washington, D.C. 20580  
Attention: Mr. William Ducklow

**Re: Application Pursuant to 4(c)(2) of the Federal  
Cigarette Labeling and Advertising Act, as amended**

Dear Ms. Engle:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 24, Teaneck, New Jersey 07666 and its affiliates (collectively "JTI"), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), seeking approval for JTI to display the warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes in the manner provided in Section 4(c)(2)(C) of the Act, as provided in paragraph 2(b) of the Label Statement Rotation Plan of JTI submitted to the Federal Trade Commission on August 28, 1985 (the "Plan"), as subsequently amended and approved, most recently on April 2, 2015 (for all then current brand styles of all brands), July 30, 2015 (for "Wave" full flavor king size black pack (hard pack) and "Wave" menthol king size black pack (hard pack)) and February 4, 2016 (for the four "LD by L. Ducat" brand styles).

The brands and brand styles sold by JTI in the United States to which the Plan (as amended), this application and the confirmations contained herein pertain are as follows:

Four hard pack varieties of the Export 'A' brand: Full Flavor, Rich Taste, Smooth Taste and Ultra Smooth Taste;



Ms. Mary K. Engle

March 22, 2016

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JTI imports and sells accounted for less than one-fourth of one percent of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half (*i.e.* all) of the cigarettes imported by JTI for sale in the United States are packaged into brand styles which meet the requirements of clause (i);

- (b) the statutorily mandated warnings will appear exactly as shown on the sample individual packages and cartons (or bundles) submitted to and approved by the Federal Trade Commission unless and until revised sample individual packages and cartons are submitted to the Federal Trade Commission on JTI's behalf and approved by the Federal Trade Commission; and
- (c) JTI will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes for each brand style for the one year period beginning on the date of approval for the Plan and JTI will keep records demonstrating compliance with the Plan.

We submitted under cover of our letter dated February 19, 2016 an amended Schedule A to the Plan entitled "Label Statement Rotational For Advertisement Purposes (Only) By Brand And Quarter" adding the "LD by L. Ducat" brand and deleting a brand no longer sold in the U.S., which will, once approved, be followed by JTI unless and until submitted and approved otherwise.

JTI will use warning formats for the brand being added hereby, namely "LD by L. Ducat", that were submitted with the 1985 plans by the five major U.S. cigarette manufacturers and JTI will place the warnings as specified in those plans (as well as continuing to do so for the other brands). The warnings will be rotated quarterly according to the Schedule A submitted by us on February 19, 2016. Copies of the formats that JTI will continue to be using (Exhibits 1-6) were submitted with our April 22, 2010 letter. The size of JTI's advertisements will not exceed 720 square inches unless and until larger ones are submitted to and approved by the FTC.

JTI will also, with respect to the "LD by L. Ducat" brand added hereby, adhere to the amendment to the Plan set forth in our April 22, 2010 letter covering website usage and internet advertising, which Plan was approved on April 26, 2010.

JTI will import and sell packages and cartons of each existing brand style in equal numbers of each warning label throughout the one-year period after this application is approved as set forth on the Attachment 1 hereto. As a result, if requirements for new warnings were to become effective on any date, the current warnings will have been utilized in equal proportions prior to then on all brand styles.

If you should have any further questions in connection with this application, please call me at (212) 513-3470. We enclosed with our letter dated February 19, 2016 a Federal Express airway bill and envelope for your use, if possible, in transmitting an approval letter to us in order to



Ms. Mary K. Engle

March 22, 2016

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ensure its timely receipt. In addition, it would be appreciated if such approval letter could be faxed to me at 212-341-7103 or sent to me as a pdf attachment to an e-mail at [neal.beaton@hklaw.com](mailto:neal.beaton@hklaw.com).

Thank you for your continued cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Neal N. Beaton", written over a horizontal line.

Neal N. Beaton

Enclosure

## Attachment 1

### Export 'A'

Export 'A' is printed using the gravure method. Rotation of warnings is based on percentage on each sheet of packaging printed. With four health warnings, equal distribution is 25% of the sheet per warning.

#### **Export A 72 Slide and Shell Pack:**

The shell of Export 'A' slide and shell format is printed using a 24-ups cylinder configuration. The cylinder prints one sheet per rotation; one sheet contains 24 packs. Warnings A, B, C and D each comprise 25% of the sheet. Each warning appears 6 times per sheet.

#### **Export 'A' 72 Slide and Shell Bundle:**

Export 'A' uses a paper-foil bundle rather than a standard carton. The bundle is printed using two sets of cylinders, each configured with 3 ups. The two cylinders print one full sheet per rotation; one sheet contains 6 bundles. Warnings A and B are printed on one cylinder and Warnings C and D are printed on the other. Each warning comprises 50% of the cylinder and 25% of the total sheet. Each warning appears 3 times per sheet.

### Wave/Wings/LD by L. Ducat

Wave, Wings and LD by L. Ducat are printed using the offset method. Rotation of warnings is based on percentage on each sheet of packaging printed. With four health warnings, equal distribution would be 25% of the sheet per warning. All packaging is preprinted and supplied to the factory where it is made into final consumer packaging.

#### **Wave/Wings/LD by L. Ducat Round Corner KS/100s Box:**

The round corner box utilizes two printing plates, each configured with 22 facings. The two plates are rotated so that they are used equally and collectively have 44 ups in a rotation. Each warning is printed at 11 times per set of two sheets in a rotation, comprising 25% of the sheets.

#### **Wave/Wings Soft Pack KS/100s:**

Soft pack styles are printed using a plate with 16 total facings. Each sheet contains 16 ups and is printed in one rotation. Warnings A, B, C and D each comprise 25% of the sheet. Each warning is printed 4 times.

**Wave/Wings/LD by L. Ducat Cartons KS/100s:**

All round corner box and soft pack styles share the same carton printing configuration. These cartons are printed using plates with 4 facings. Each sheet is printed with 4 ups per rotation. Warnings A, B, C and D each comprise 25% of the sheet, appearing once.

#39039477\_v2



Selected packaging samples from those  
submitted with the plan.

L·D

Manufactured by JT International USA, Inc.  
New York, NY 10017  
Copyright © 2007

**SURGEON GENERAL'S WARNING:**  
Cigarette Smoke  
Contains Carbon Monoxide.

*L·D*

MENTHOL GREEN 100s

AMERICAN BLEND



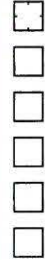
MENTHOL GREEN 100s

AMERICAN BLEND

MENTHOL GREEN 100s

*L·D*

10.26 US\$ 11.08  
13684684



L·D

L·D

L·D

OVERAGE  
SALE  
PROHIBITED

A PRODUCT OF  
JT INTERNATIONAL  
20 CLASS A  
CIGARETTES

A M E R I C A N B L E N D

LD

LD

LD

S I L V E R 1 0 0 s

S I L V E R 1 0 0 s

**SURGEON GENERAL'S WARNING:**  
Quitting Smoking Now  
Greatly Reduces  
Serious Risks to Your Health.







United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of  
Advertising Practices

March 29, 2016

Neal N. Beaton, Esq.  
Holland & Knight, LLP  
31 West 52nd Street  
New York, NY 10019

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. and its affiliates (collectively “JTI”) on March 22, 2016, calling for: (1) quarterly rotation of the four health warnings in print advertising up to 720 square inches in size and Internet advertising for the “LD by L. Ducat” brand of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Export ‘A’, Wave, Wings, and LD by L. Ducat brands.

JTI’s plan for rotation and display of the four health warnings in the aforementioned advertising for the LD by L. Ducat brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Lashanda Freeman at 202-307-0052) to determine whether such advertising on the Internet is permissible.

JTI’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:<sup>1</sup>

<u>Brand</u>	<u>Date(s)</u>
Export ‘A’	August 18, 2014

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<sup>1</sup> JTI stated in its March 22, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Wave	January 25, 2013 February 25, 2015 July 9, 2015
Wings	September 8, 2010
LD by L. Ducat	January 15, 2016 February 19, 2016

Accordingly, JTI's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Four hard pack varieties of the Export 'A' brand: Full Flavor, Rich Taste, Smooth Taste, and Ultra Smooth Taste;
- Fourteen hard pack varieties of the Wave brand: Full Flavor (Kings, 100's, and Kings Black Pack), Menthol (Kings, 100's, and Kings Black Pack), Blue (Kings, 100's, and 100's Black Pack), Silver (Kings and 100's), and Menthol Green (Kings, 100's, and 100's Black Pack);
- Six hard pack varieties of the Wings brand: Red (Kings and 100's), Gold (Kings and 100's), and Menthol (Kings and 100's); and
- Six hard pack varieties of the LD by L. Ducat brand: Red (Kings and 100's), Menthol 100's, Blue 100's, Silver 100's, and Menthol Green 100's.

Approval of this plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves JTI's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation and size of the warnings in advertising on the LD by L. Ducat brand, and on packaging for the Export 'A', Wave, Wings, and LD by L. Ducat brands. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for JTI's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of JTI's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of

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<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.



Neal N. Beaton, Esq.  
March 29, 2016  
Page 3

Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

Please note that Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to FDA.

**This approval is effective on the date of this letter and runs through March 28, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director