



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: February 27, 2020

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 2, 2019 letter from Victoria Spier Evans, Vector Tobacco Inc. to Mary K. Engle.
2. January 30, 2019 letter from Mary K. Engle to Victoria Spier Evans, Vector Tobacco Inc.
3. February 5, 2019 letter from Melinda Northup, Kretek International, Inc. to Mary K. Engle.
4. February 5, 2019 letter from Mary K. Engle to Melinda Northup, Kretek International, Inc.
5. February 5, 2019 letter from Eric F. Facer on behalf of Great Swamp Enterprises, Inc. to Mary K. Engle.
6. February 8, 2019 letter from Mary K. Engle to Eric F. Facer on behalf of Great Swamp Enterprises, Inc.
7. February 5, 2019 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.
8. February 8, 2019 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.

9. February 8, 2019 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.
10. February 12, 2019 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.
11. February 26, 2019 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to Mary K. Engle.
12. February 26, 2019 letter from Mary K. Engle to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
13. March 11, 2019 letter from David A. Scott, Cheyenne International, LLC to Mary K. Engle.
14. March 20, 2019 letter from Mary K. Engle to David A. Scott, Cheyenne International, LLC.
15. March 18, 2019 letter from Terri Albright, King Maker Marketing, Inc. to the Division of Advertising Practices.
16. March 21, 2019 letter from Mary K. Engle to Terri Albright, King Maker Marketing, Inc.
17. March 26, 2019 letter from Jennifer Misegan, KBIC Tobacco Company, LLC to Mary Engle.
18. March 26, 2019 letter from Mary K. Engle to Jennifer Misegan, KBIC Tobacco Company, LLC.



# Vector Tobacco Inc.

**Victoria Spier Evans**  
Corporate Counsel

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

January 2, 2019

## 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. Quarterly Cigarette Warning Rotation Plan

Dear Ms. Engle:

Vector Tobacco Inc. ("Vector Tobacco") submits this plan ("Plan") to the Federal Trade Commission ("FTC") pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("Act"). Vector Tobacco will rotate the four warnings required by the Act quarterly on its cigarette packages and in its cigarette advertisements in accordance with this Plan and the Act.

### Section 1: Definitions

- (a) Unless otherwise defined in this Plan, terms used in this Plan that are defined in the Act are used as defined in the Act.
- (b) The term "delivered" means when the item in question is placed in the custody of the United States Postal Service, a commercial courier service, or the intended recipient, whichever occurs first.
- (c) The term "effective date" of this Plan means January 28, 2019.
- (d) The term "quarter" means each three-month period beginning January 1, April 1, July 1, and October 1 of each year.

### Section 2: Warnings on Packages

- (a) Beginning on the effective date of this Plan, the warnings shall be printed on each

Ms. Mary K. Engle

Re: Vector Tobacco Inc. Quarterly Cigarette Warning Rotation Plan

January 2, 2019

Page 2

pack and carton of each brand of Vector Tobacco cigarettes as set forth in attached Schedule A in accordance with the rotation sequence set forth in attached Schedule B. These warnings will appear exactly as shown on the pack and carton packaging samples provided with my January 13, 2014 letter for all four warnings, for the *Eagle 20's*, *Silver Eagle*, and *USA* brand styles, and also as shown on the pack and carton samples provided with this letter for the *Silver Eagle* Menthol 100's Box and Menthol Full Flavor 100's Box (one for each of the four warnings). The two corresponding soft pack styles of *Silver Eagle* (Menthol 100's Soft Pack and Menthol Full Flavor 100's Soft Pack) have been discontinued.

(b) The warning rotation sequence shall be applied based on the date the cigarettes are packaged at the manufacturing facility, regardless of the date on which the cigarettes are distributed or sold, *provided, however*, that any repackaging of Vector Tobacco cigarettes at the manufacturing facility shall be done with packages bearing the warning in the warning rotation sequence above for the quarter in which the repackaging occurs.

(c) Vector Tobacco manufactures the *Eagle 20's*, *Silver Eagle*, and *USA* cigarette brand styles listed in attached Schedule C, which are covered by this Plan. Vector Tobacco does not manufacture or import any other cigarettes.

### Section 3: Warnings in Advertising

(a) Beginning on the effective date of this Plan, the warnings shall be printed in each advertisement as set forth in attached Schedule A and in accordance with the warning rotation sequence set forth in attached Schedule B.

(b) Vector Tobacco shall comply with the warning format requirements of the Act and will use the warning formats submitted with the 1985 plans of the five leading U.S. cigarette manufacturers, and Vector Tobacco will place the warnings as specified in those plans. In accordance with the Master Settlement Agreement, to which Vector Tobacco is a party, Vector Tobacco shall not publish or display any advertisement for its cigarettes that is larger than 14 square feet. Accordingly, Vector Tobacco shall not use any warning format larger than Exhibit 8 (for advertisements from 10 to 20 square feet).

(c) If all or part of an advertisement will be in a language other than English or if the advertisement will be carried in a foreign language publication, Vector Tobacco shall submit an appropriate foreign language warning plan to the FTC for approval in advance.

(d) Any advertisement appearing in an issue of a newspaper, magazine, or other periodical having a cover date shall bear the warning referenced in attached Schedule B for the quarter in which the cover date falls; *provided, however*, that any advertisement appearing in an issue of a newspaper, magazine, or other periodical having a cover date that encompasses a period of more than one calendar month shall bear the label statement referenced in Schedule B for the quarter in which such issue is first scheduled for sale or distribution to the public.

(e) Any advertisement prepared for point-of-sale promotional materials for which a warning is required, and non-point-of-sale leaflets, direct mail circulars, paperback book inserts

Ms. Mary K. Engle

Re: Vector Tobacco Inc. Quarterly Cigarette Warning Rotation Plan

January 2, 2019

Page 3

and programs on or after the effective date of this Plan shall bear the warning referenced in Schedule B for the quarter in which mechanical artwork for the advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which the advertisement thereafter is published, distributed, installed or displayed; *provided, however*, that the deliveries described in this subsection shall be made in a manner that is consistent with customary business practices or with business considerations unrelated to the rotation obligation imposed by this subsection.

(f) Each advertisement appearing in Internet advertising, shall bear the warning referenced in attached Schedule B for the quarter in which the advertisement is displayed. In Internet advertising the warnings shall be displayed in an unavoidable manner on every webpage, where it may be viewed without scrolling, and shall not be accessed through hyperlinks, pop-ups, interstitials, or other similar means. Vector Tobacco will use the warning formats submitted with the 1985 plans of the five leading U.S. cigarette manufacturers. The size of the warnings shall be proportionate to those warning formats.

(g) Each advertisement shall bear a reference, in code or otherwise, indicating the calendar quarter in which the mechanical artwork was first delivered in final form for engraving or comparable production.

#### Section 4. Miscellaneous

(a) In any advertisement for more than one brand or for no specific brand of Vector Tobacco cigarettes, the warnings required by the Act shall be rotated in the sequence set forth under the *Eagle 20's* brand in attached Schedule B.

(b) Nothing in this Plan shall be construed to require the manufacture, packaging, distribution, or advertising of any cigarette brand or brand style during any period of time.

(c) Through the date of this letter, the Surgeon General's warnings on the packages for all of Vector Tobacco's brand styles that are approved for equalization have been equalized, in accordance with Vector Tobacco's current cigarette warning rotation plan.

(d) Vector Tobacco, in the ordinary course of business, shall maintain records of compliance with this Plan.

\* \* \*

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

Very truly yours,



Victoria Spier Evans

Schedule A	
Warning Designation	Warning
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.

Schedule B			
Calendar Quarter	SILVER EAGLE Brand	USA Brand	EAGLE 20's Brand
1st (Jan.–Mar.)	B	C	D
2nd (Apr.–June)	C	D	A
3rd (July–Sept.)	D	A	B
4th (Oct.–Dec.)	A	B	C

**Schedule C**

**Vector Tobacco Inc.  
Quarterly Cigarette Warning Rotation Plan  
January 2, 2019**

	<b>Brand</b>	<b>Brand Style</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
1	SILVER EAGLE	Blue 100's Box
2	SILVER EAGLE	Blue Slims 120's Box
3	SILVER EAGLE	Menthol Full Flavor 100's Box
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 Box
10	SILVER EAGLE	Menthol Slims 120's Box
11	SILVER EAGLE	Menthol Kings Box
1	USA	Blue 100's Box
2	USA	Blue 100's Soft Pack
3	USA	Blue Kings Box
4	USA	Menthol Kings (Full Flavor) Box
5	USA	100's (Full Flavor) Box
6	USA	100's (Full Flavor) Soft Pack
7	USA	Kings (Full Flavor) Box
8	USA	Menthol Silver Kings Box
9	USA	Menthol 100's (Full Flavor) Box
10	USA	Menthol Silver 100's Box
11	USA	Silver 100's Box

Selected packaging samples from those  
submitted with the plan.



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



100'S BOX

MENTHOL  
**Silver  
EAGLE**

100'S BOX

100'S BOX



MENTHOL  
**Silver  
EAGLE**

MENTHOL  
**Silver  
EAGLE**  
100'S BOX

**Silver  
EAGLE**  
MENTHOL

WARNING: SMOKING IS ADDICTIVE

20 CLASS A CIGARETTES  
Made under authority of  
MEDALLION BRANDS  
MEBANE, NC 27302 TP-NC-42



415-4415A  
WVA

OCTOBER / NOVEMBER / DECEMBER



A



WARNING: SMOKING IS ADDICTIVE

200 CLASS A CIGARETTES  
Made under authority of  
MEDALLION BRANDS  
MEBANE, NC 27302  
TP-MC-42

MENTHOL FULL FLAVOR

# Silver EAGLE

100'S BOX

**INGREDIENTS:** Blended tobacco, water, high fructose corn syrup, glycerol, propylene glycol, sugars, casing flavor, natural and artificial flavors. Any questions or problems locating our fine products, call 1-800-692-3230.

MENTHOL FULL FLAVOR

# Silver EAGLE

MADE IN THE USA



100'S BOX

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

MENTHOL FULL FLAVOR

# Silver EAGLE

100'S BOX

MADE IN THE USA

100'S BOX



8 11276 00437 7



Division of  
Advertising Practices

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

January 30, 2019

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 2, 2019, calling for: (1) quarterly rotation of the four health warnings in advertising up to 14 square feet in size for the Eagle 20's, Silver Eagle, and USA brands of cigarettes; (2) quarterly rotation of the four health warnings in Internet advertising for the Eagle 20's, Silver Eagle, and USA brands; and (3) quarterly rotation of the four health warnings on packaging for certain varieties of the Eagle 20's, Silver Eagle, and USA brands of cigarettes.

Vector's plan for rotation of the warnings in the aforementioned advertising for the Eagle 20's, Silver Eagle, and USA 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.

The warnings on the sample packs and cartons of the Eagle 20's, Silver Eagle, and USA brands submitted with your letters dated January 13, 2014 and January 2, 2019 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> Vector's plan for quarterly rotation of the four health warnings on packaging for the following varieties is hereby approved:

- Eleven varieties of the Eagle 20's brand: Red Kings box, Red 100's box, Non-Filter Kings box, Blue Kings box, Blue 100's box, Menthol Gold 100's box, Menthol Gold Kings box, Orange 100's box, Orange Kings box, Menthol Silver 100's box, and Menthol Silver Kings box;
- 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 box, Menthol Kings box, Menthol 100's box, Blue Slims 120's box, and Menthol Slims 120's box; and
- Eleven 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, Menthol Kings (Full Flavor) box, Menthol 100's (Full Flavor) box, Menthol Silver 100's box, Silver 100's box, and Menthol Silver 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 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"). 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

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<sup>1</sup> Vector stated in its January 2, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on January 13, 2014 and January 2, 2019.

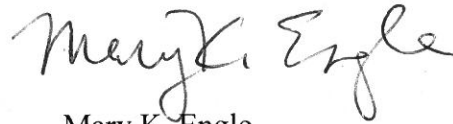
<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Victoria Spier Evans  
January 30, 2019  
Page 3

[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, looping initial "M".

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 05, 2019

Dear Ms. Engle:

**Re: Renewal of Health Warning Rotation Plan for DREAMS Brand Cigarettes - revised wording**

On February 6, 2018, Kretek International (“Kretek”) received approval from the Federal Trade Commission (“FTC”) for its health warning rotation plan (“the Plan”) for its Dreams brand of cigarettes which are imported by Kretek.

The FTC’s approval is valid for a period of one year. With this letter, Kretek seeks to renew the FTC’s approval of Kretek’s plan for the following Dreams Brand styles of cigarettes all of which are in king-size, clam-shell style hard packs: 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 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 2019, since no single brand style of cigarettes imported by Kretek had sales of more than [REDACTED] sticks during fiscal year 2018. Kretek currently imports TAJ MAHAL and DREAMS brand families of cigarettes. The Lagunas brand and all of its brand styles are discontinued.



Kretek does not itself manufacture or fabricate any 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 cursive script that reads "M. Northrup".

Melinda Northrup  
Tobacco Tax & Legal Compliance Specialist  
Kretek International, Inc.



Division of  
Advertising Practices

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

February 5, 2019

Ms. Melinda Northrup  
Kretek International, Inc.  
5449 Endeavor Court  
Moorpark, CA 93021

Dear Ms. Northrup:

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 5, 2019, 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 on January 13, 2016 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 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"). Moreover, it is not in any way an approval of any other design element, statement, or representation made

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<sup>1</sup> Kretek stated in its February 5, 2019 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.



Ms. Melinda Northrup  
February 5, 2019  
Page 2

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).

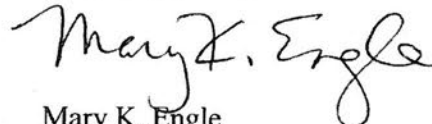
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been 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/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 4, 2020, 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 ERIC F. FACER, PLLC

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

February 5, 2019

Via First Class Mail and E-mail (McGregor, Bonnie <bmcgregor@ftc.gov>)

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

ATTN: Ms. Bonnie McGregor

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 January 25, 2019, as noted in the enclosed letter from your office dated January 26, 2018.

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.

Ms. Mary K. Engle  
February 5, 2019  
Page 2

The fiscal year for Great Swamp is the calendar year. During 2018, 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 2019 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, and Cayuga Gold 100's.<sup>1</sup>

These are the exact same brand styles that were the subject of the equalization plan submitted by Great Swamp on January 5, 2018, as approved by the FTC on January 26, 2018; 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 January 9, 2019.

Great Swamp is aware that the Food and Drug Administration (the "FDA") may assume jurisdiction, at any time during 2019, 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. The FTC approved Great Swamp's advertising rotation plan on December 11, 2012.

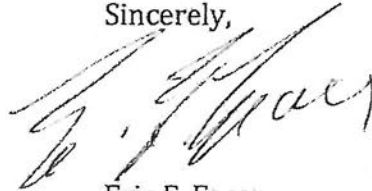
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<sup>1</sup> Although colors are used in the name of each Cayuga brand style, those names are not printed on any cigarette packaging. For example, the words "Light Green" do not appear on the packaging of "Light Green 100's." However, the color used for each brand style's packaging does conform to the color used in its name.

Ms. Mary K. Engle  
February 5, 2019  
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

January 26, 2018

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 5, 2018, 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>

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.

<sup>1</sup> Great Swamp stated in its January 5, 2018 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 5, 2018 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.

<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.

Eric F. Facer, Esq.  
January 26, 2018  
Page 2

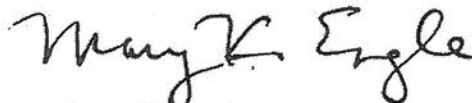
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness 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 January 25, 2019, 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

Selected packaging samples from those  
submitted with the plan.

Manufactured by:  
Great Swamp Enterprises, Inc.  
Cayuga Nation Reservation  
via Seneca Falls, NY USA



# Cayuga



KINGS

MADE IN USA

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

00302  
CM

MADE IN USA

# Cayuga

KINGS

A038250



7

MADE IN USA

KINGS



# Cayuga

CLASS A CIGARETTES

20

KINGS

# Cayuga

MADE IN USA

UNDERAGE  
SALE  
PROHIBITED

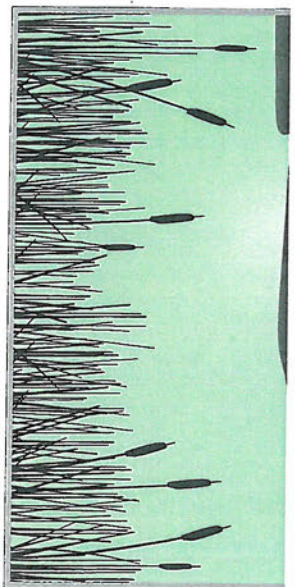
MADE IN USA  
TP-NY-15046

20

CLASS A CIGARETTES



# Cayuga



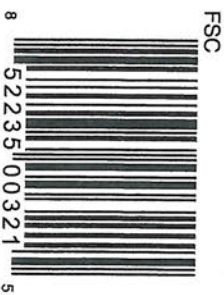
100's

MADE IN USA  
**Cayuga**

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

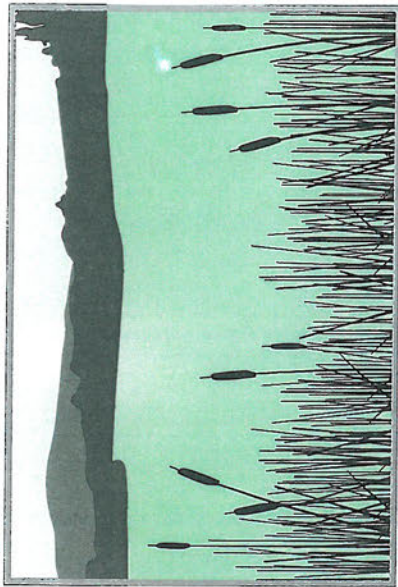
200 CLASS A CIGARETTES

100's



1,001

MADE IN USA  
**Cayuga**



CLASS A CIGARETTES

200



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

Division of  
Advertising Practices

February 8, 2019

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 5, 2019, 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 January 9, 2019 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>

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.

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<sup>1</sup> Great Swamp stated in its February 5, 2019 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 9, 2019.

<sup>2</sup> As set forth in its February 5, 2019 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.

<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.

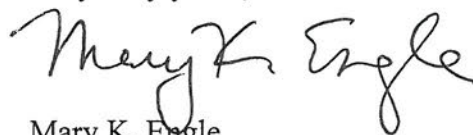
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA"). Moreover, it is not in any way an approval 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 7, 2020, 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 Aine Farrell at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director



February 5, 2019

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 annual plan renewal approval for 2019

Dear Ms. Mary Engle:

Premier Manufacturing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on all varieties of the 1<sup>st</sup> Class, the Ultra Buy, the Shield, the 1839 and the Traffic Brands. The warnings will appear exactly as shown on the sample packs and cartons that were enclosed in our March 11, 2015, November 12, 2015 and May 12, 2016 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, 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.

- ten 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 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)



- nine 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 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 Kings Box;
- eleven 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 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 Box.

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 this fiscal year (January – December 2018) did not exceed [REDACTED] sticks for any one brand style that we manufacture, we do not import. 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)

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**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". The signature is written in black ink and is positioned to the left of the typed name.

**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)



Division of  
Advertising Practices

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

February 8, 2019

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 February 5, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1839, 1<sup>st</sup> Class, Shield, Traffic, and Ultra Buy 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, November 12, 2015, and May 12, 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, Premier's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eleven 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), and Non-Filter Kings Box;

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<sup>1</sup> Premier stated in its February 5, 2019 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

- Nine 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, and Non-Filter Kings Box;
- Ten 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, 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 Box; and
- 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 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"). 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 [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.





February 8, 2019

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

Re: Additional Brand Approval Request

Dear Ms. Mary Engle:

Premier Manufacturing, Inc. is requesting approval to display the four health warnings on packaging for Manitou Brand which will be manufactured in the United States by Premier. The new Brand/Styles are as follows:

\*Eight king box varieties of the Manitou Brand: No5 Virginia King, No6 Virginia King, No7 Virginia King, No8 Virginia King, No9 Virginia King, No10 Virginia King, No11 Virginia King and No12 Virginia King.

The warnings will appear exactly as shown on the sample packs and cartons that were enclosed with our letter dated January 16, 2019. Premier Manufacturing will display the four warnings an equal number of times on the packs and cartons for each brand style of the Manitou Brand 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 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.

Premier does 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.

(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)



We wish to also advertise the Manitou brand. We will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers and we will place the warnings as specified in those plans. The warnings in ads for the Manitou brand will be rotated quarterly according to the schedule set below. Copies of the formats Premier will be using were submitted with our letter of May 23, 2003 and the size of our advertisements will not exceed 10.4 sq. feet. Our Multi Brand/Non-Specific rotation plan will follow the Manitou rotation schedule.

	1ST	ULTRA					MULTI BRAND/ NON-SPECIFIC
	CLASS	BUY	SHIELD	1839	TRAFFIC	MANITOU	
1ST. QTR. (JAN-MAR)	A	B	C	A	C	D	D
2ND QTR. (APR - JUNE)	B	C	D	B	D	A	A
3RD QTR. (JULY - SEPT.)	C	D	A	C	A	B	B
4TH QTR. (OCT. - DEC.)	D	A	B	D	B	C	C

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 Manufacturing, Inc. has not yet designed advertising for the internet for Manitou brand cigarettes. We do not intend to internet advertise the Manitou brand until we have submitted a letter to the Federal Trade Commission and received an approval.

(2)

[www.GoPremier.com](http://www.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". The signature is written in dark ink and is positioned to the left of the typed name.

**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)

Selected packaging samples from those  
submitted with the plan.

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

# MANITOU®

TOBACCO BLEND **N°12 VIRGINIA**

*Only water and tobacco*

MADE IN USA

Manufactured under license from: Premier Manufacturing, Inc. St. Louis, MO 63055 www.premier.com Made in the USA

TR - 10 - 12000

FSC



# MANITOU®



M-1 2 3 4 5 6 7 8 9 10 11  
Y- 19 20 21

415-4722-A



**ONLY WATER AND TOBACCO.**

Manitou only uses premium five-cured tobacco that has been selected and blended to provide an exceptional taste and aroma. 100% of the tobacco comes from US farmers.

TOBACCO BLEND **N°12 VIRGINIA**

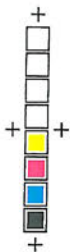
# MANITOU®

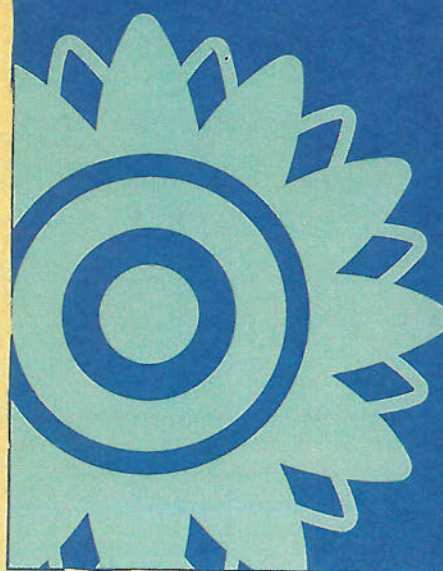
# MANITOU®



UNDERAGE SALE PROHIBITED

20 CLASS A CIGARETTES





**MANITOU<sup>®</sup>**  
**TOBACCO BLEND N<sup>o</sup>10 VIRGINIA**

*Only water and tobacco*

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

**MANITOU<sup>®</sup>**  
 TOBACCO BLEND N<sup>o</sup>10 VIRGINIA

UNDERAGE SALE PROHIBITED  
 200 CLASS A CIGARETTES

**MADE IN USA**

-  100% TOBACCO
  -  HAND-PICKED
  -  RESPECT & PASSION
- ONLY WATER AND TOBACCO.**

Manitou only uses premium  
 fire-cured tobacco that has been  
 selected and blended to provide an  
 exceptional taste and aroma.  
 100% of the tobacco comes  
 from US farmers.

**MANITOU<sup>®</sup>**  
 TOBACCO BLEND N<sup>o</sup>10 VIRGINIA

Manufactured  
 under license from:  
 Premier Manufacturing, Inc.  
 St. Louis, MO 63005  
[www.gopremier.com](http://www.gopremier.com)  
 Made in the USA

TP - NC - 15000



**MANITOU<sup>®</sup>**



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

Division of  
Advertising Practices

February 12, 2019

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 February 8, 2019, calling for: (1) quarterly rotation of the four health warnings in advertising up to 10.4 square feet in size for the Manitou 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 Manitou brand of cigarettes.

Premier’s plan for rotation and display of the four health warnings in the aforementioned advertising for the Manitou brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

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 letter dated January 16, 2019 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 eight king box varieties of the Manitou brand: No5 Virginia, No6 Virginia, No7 Virginia, No8 Virginia, No9 Virginia, No10 Virginia, No11 Virginia, and No12 Virginia. **This approval of Premier’s plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through**

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<sup>1</sup> Premier stated in its February 8, 2019 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 16, 2019.

Ms. Terri Albright  
February 12, 2019  
Page 2

**February 11, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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"). 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 [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 Aine Farrell at (202) 326-2409.

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.



February 26, 2019

*CONFIDENTIAL CONTAINS TRADE SECRETS  
AND PROPRIETARY BUSINESS INFORMATION*

**VIA HAND DELIVERY**

Mary K. Engle  
Associate Director  
Federal Trade Commission  
Division of Advertising Practices  
600 Pennsylvania Avenue, NW  
Mail Drop CC10528  
Washington, DC 20580

**Re: Wind River Tobacco Company, LLC  
American Bison and Nashville Renewal**

Dear Ms. Engle:

This renewal of the plan for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes (the "Plan") is submitted to the Federal Trade Commission ("FTC") on behalf of Wind River Tobacco Company, LLC ("WRT"), located at 4792 Potato House Court, Wilson, NC 27893. WRT's Senior Vice President, Manufacturing Operations is Bennett Lee Welchons.

WRT's most recent plan for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes was approved on February 27, 2018. WRT wishes to renew the Plan.

**I. Background**

Pursuant to the Federal Cigarette Labeling and Advertising Act (the "Act"), manufacturers of cigarettes are required to submit a label statement rotation plan to the FTC for approval. 15 U.S.C. §1333(c). Section 1333(a) sets forth the wording of the warning labels required for all packaging and advertising of cigarettes sold, distributed, or advertised in the United States. Section 1333(b)(1) provides the placement and size requirements for the warning labels on cigarette packaging. Section 1333(b)(2) sets forth the requirements for warnings in advertisements, except for outdoor billboards, which are covered in Section 1333(b)(3).

WRT intends to manufacture American Bison and Nashville brands of cigarettes. WRT intends to manufacture the American Bison brand of cigarettes in the five (5) brand styles listed in both Schedules A and B, attached hereto. WRT intends to manufacture the Nashville brand of cigarettes in the ten (10) brand styles listed in both Schedules A and B, attached hereto. WRT seeks continued approval for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes for the brand styles listed in both Schedules A and B. This Plan sets forth the manner in which WRT shall comply with the warning label requirements of the Act.

## II. Packaging

A. Beginning on the date of the renewal of this Plan (the “**Effective Date**”) the following label statements required by 15 U.S.C. §1333(a)(1), shall be displayed on the packs and cartons of the American Bison and Nashville brand styles manufactured by WRT:

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

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

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

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

B. WRT intends to utilize the label statement rotation option provided by 15 U.S.C. §1333(c)(2), to display the four warnings an equal number of times on the packs and cartons of each of the American Bison and Nashville brand styles it manufactures. WRT will ensure equal use of the warning label statements by ordering equal quantities of packaging (packs and cartons) containing each of the four (4) warning label statements. The packaging will be delivered to WRT on pallets. Each pallet will contain a designated quantity of the packaging (e.g., 10,000 units) with an equal quantity of packaging on each pallet containing each of the four (4) warning statements (e.g., 2500 units with warning A, 2500 units with warning B, 2500 units with warning C and 2500 with warning D). WRT will load the packaging inventory from each pallet into the packaging machines and thus, produce finished packages containing the four health warnings in an equal number. Accordingly, the packs and cartons will be printed and distributed using an equal number of all four (4) warning labels. WRT shall maintain records accounting for the number of packs and cartons using each warning label. WRT will equalize the use of the four (4) warning labels on the packs and cartons of all five (5) American Bison brand styles and on all ten (10) Nashville brand styles for the one year period beginning on the Effective Date.

WRT's fiscal year for 2018 was October 1, 2017 to September 30, 2018. WRT intends to file a short year tax return for the 4<sup>th</sup> quarter of 2018, and change its fiscal year to the calendar year beginning on January 1, 2019. Therefore, WRT has provided sales figures for its original

fiscal year 2018 (October 1, 2017 to September 30, 2018) and for calendar year 2018 (January 1, 2018 to December 31, 2018). Please note that WRT also manufactures the Teton brand of cigarettes which is subject to a separate health warning display plan approved by the FTC.

WRT's sales volume for fiscal year 2018 (October 1, 2017 – September 30, 2018) for the American Bison, Nashville and Teton brand styles are set forth in Schedule A. WRT's sales volume for calendar year 2018 (January 1, 2018 – December 31, 2018) for the American Bison, Nashville and Teton brand styles are set forth in Schedule B. For both the fiscal year 2018 and the calendar year 2018, the sales volume for any one brand style of cigarettes manufactured or imported by WRT did not exceed one-fourth of one percent of all cigarettes sold in the United States in that year. Further, WRT does not anticipate that the sales volume for any one brand style of cigarettes it manufactures or imports for the one year period beginning on the Effective Date shall exceed one-fourth of one percent of all cigarettes sold in the United States in that year. WRT does not now and does not intend to manufacture or import any brands of cigarettes for sale in the United States for the one year period beginning on the Effective Date, other than the American Bison, Nashville and Teton brand styles listed in Schedules A and B.

The label statements required by 15 U.S.C. §1333(a)(1), shall be printed on the packaging prior to WRT's manufacturing the American Bison and Nashville cigarettes. The warning labels will appear on the packs and cartons of each of the brand styles of the American Bison and Nashville brand cigarettes listed in Schedules A and B, exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated January 23, 2018. WRT intends to change the packaging for the Nashville Red 100's, Gold 100's, Green (Menthol) 100's and Black (Menthol) 100's packs to a new design with rounded corners. The warning labels will appear on the packs of the Nashville 100's rounded corner packs for the referenced brand styles exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated February 11, 2019. WRT also intends to change the packaging for the Nashville Silver 100's packs to rounded corner packs and will submit the packaging for that brand style to the FTC for approval prior to making that change. WRT wishes to continue using the existing packaging for square cornered packs of all five (5) Nashville 100's brand styles until the inventory of the products with square cornered packs runs out which is expected to occur by or before December 31, 2019.

### **III. Advertising**

WRT currently has approved advertising plans in place for American Bison and Nashville brand cigarettes and continues to be in compliance with those plans. WRT has a plan for the display of health warnings on certain advertisements for American Bison brand cigarettes that was approved on April 23, 2002; a plan for the display of health warnings on internet advertising for American Bison brand cigarettes that was approved on June 24, 2004; a plan for the display of health warnings on internet advertising for Nashville brand cigarettes that was approved on March 13, 2006; a plan for the display of health warnings on non-internet advertising for Nashville brand cigarettes that was approved on February 27, 2018; a modification of the previously approved schedule for quarterly rotation of the four warnings in advertising that was approved on February 27, 2018; and, a modification of the plans for the display of health warnings on non-internet advertising for American Bison and Nashville brand cigarettes that was approved on August 13, 2018. Any advertising of the American Bison and

Nashville brand cigarettes shall be conducted in accordance with the above-referenced advertising plans.

**IV. Miscellaneous**

A. Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarettes during any period of time.

B. Please be advised that the sales volume information contained in this Plan is confidential and contains trade secrets and proprietary business information of WRT. WRT does not authorize the release of this sales volume information to anyone without WRT's permission, except as specifically required by law.

If you have any further questions regarding the Plan, please do not hesitate to contact me by email at [ckoenigs@ralaw.com](mailto:ckoenigs@ralaw.com) or by telephone at (202) 216-8317. As always, your prompt attention and assistance in this matter are greatly appreciated.

Sincerely,

ROETZEL & ANDRESS, LPA

  
Craig A. Koenigs

**SCHEDULE A**

The following is a list of the American Bison, Nashville and Teton cigarette brand styles that WRT manufactures and the annual sales volume in cigarettes for fiscal year 2018 (October 1, 2017 to September 30, 2018) for each brand style.

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Fiscal Year Sales Volume</u>
American Bison	King / Box	Blue	
		Gold	
		Yellow	
		Green (Menthol)	
		Dark Green (Menthol)	

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Fiscal Year Sales Volume</u>
Nashville	Kings / Box	Red	
		Gold	
		Silver	
		Green (Menthol)	
		Black (Menthol)	
	100's / Box	Red	
		Gold	
		Silver	
		Green (Menthol)	
		Black (Menthol)	

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Fiscal Year Sales Volume</u>
Teton	Kings / Box	No. 18 Blue Kings	
		No. 18 Yellow Kings	
		No. 18 Green Menthol Kings	
	100's / Box	No. 6 Red 100's	
		No. 6 Gold 100's	
		No. 6 Green Menthol 100's	
		No. 6 Black Menthol 100's	

**SCHEDULE B**

The following is a list of the American Bison, Nashville and Teton cigarette brand styles that WRT manufactures and the annual sales volume in cigarettes for calendar year 2018 (January 1, 2018 to December 31, 2018) for each brand style.

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Calendar Year Sales Volume</u>
American Bison	King / Box	Blue	
		Gold	
		Yellow	
		Green (Menthol)	
		Dark Green (Menthol)	

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Calendar Year Sales Volume</u>
Nashville	Kings / Box	Red	
		Gold	
		Silver	
		Green (Menthol)	
		Black (Menthol)	
	100's / Box	Red	
		Gold	
		Silver	
		Green (Menthol)	
		Black (Menthol)	

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Calendar Year Sales Volume</u>
Teton	Kings / Box	No. 18 Blue Kings	
		No. 18 Yellow Kings	
		No. 18 Green Menthol Kings	
	100's / Box	No. 6 Red 100's	
		No. 6 Gold 100's	
		No. 6 Green Menthol 100's	
		No. 6 Black Menthol 100's	

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Selected packaging samples from those  
submitted with the plan.

**NASHVILLE**  
20 CLASS A CIGARETTES



**SMOOTH BLEND**

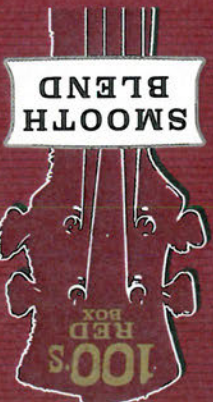
Wind River Tobacco Co., LLC  
Wilson, NC 27893  
Made in USA  
U.S. Tax-exempt. For use outside U.S.



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

**NASHVILLE**

**100's RED BOX**



**SMOOTH BLEND**

Visit us at: [windrivertobacco.com](http://windrivertobacco.com)  
Please Don't Litter

**NASHVILLE**  
20 CLASS A CIGARETTES

**NASHVILLE**  
**100's RED BOX**



M -  
Y - 18 20 21  
4 5 6 7 8 9 11 12

WN-D

5

Underage Sale Prohibited





**NASHVILLE**  
20 CLASS A CIGARETTES



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

Wind River Tobacco Co., LLC  
Wilson, NC 27893  
Made in USA  
U.S. Tax-exempt. For use outside U.S.



**NASHVILLE**  
100's  
MENTHOL BOX

Visit us at: [windrivertobacco.com](http://windrivertobacco.com)  
Please Don't Litter



**NASHVILLE**  
20 CLASS A CIGARETTES

**NASHVILLE**  
100's  
MENTHOL BOX

Underage  
Sale  
Prohibited



M- 18  
Y- 18  
3 4 5 6 7 8 9 10 11 12  
20 21

WN-B

8



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

Division of  
Advertising Practices

February 26, 2019

Craig A. Koenigs, Esq.  
Roetzel & Andress, LPA  
1300 Pennsylvania Avenue NW, Suite 700  
Washington, D.C. 20004

Dear Mr. Koenigs:

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 submitted on behalf of Wind River Tobacco Company, LLC (“WRTC”) on February 26, 2019, 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 letters dated January 23, 2018 and February 11, 2019 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 for the following varieties is hereby approved:

- Five box varieties of the American Bison brand:<sup>2</sup> Blue Kings, Gold Kings, Yellow Kings, Green (Menthol) Kings, Dark Green (Menthol) Kings; and
- Ten box varieties of the Nashville brand:<sup>3</sup> Red Kings, Gold Kings, Silver Kings, Green (Menthol) Kings, Black (Menthol) Kings, Red 100’s, Gold 100’s, Silver 100’s, Green (Menthol) 100’s, and Black (Menthol) 100’s.

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<sup>1</sup> WRTC stated in its February 26, 2019 letter that it intends to run out its existing inventory of the packs approved on February 27, 2018 for the Red 100’s Box, Gold 100’s Box, Green (Menthol) 100’s Box, and Black (Menthol) 100’s Box varieties of the Nashville brand.

<sup>2</sup> We note that the word “Menthol” is not printed on the packaging of the “American Bison Green (Menthol) Kings box” or “American Bison Dark Green (Menthol) Kings box” varieties.

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 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"). 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 25, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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<sup>3</sup> As set forth in its February 26, 2019 letter, WRTC is using colors to identify its cigarette varieties. We note that the color names are not printed on the packaging of the "Nashville Green (Menthol) Kings box," "Nashville Black (Menthol) Kings box," "Nashville Green (Menthol) 100's box," and "Nashville Black (Menthol) 100's box" varieties (*e.g.*, the word "Green" does not appear on the packaging of the "Nashville Green (Menthol) Kings box" variety); however, for those varieties, the color referenced in the name does conform to the color used in the packaging.

<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.

Craig A. Koenigs, Esq.  
February 26, 2019  
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, prominent "M" and "E".

Mary K. Engle  
Associate Director



March 11, 2019

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

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

701 S. Battleground Avenue  
Grover, North Carolina 28073

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,



David A. Scott  
Chief Financial Officer

701 S. Battleground Avenue  
Grover, North Carolina 28073

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

		Actual	Anticipated
		Previous	Current
		Fiscal	Rotation
		Year (2018)	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 [redacted]

Approximately [redacted] of all cigarettes sold in the US in 2018

(Highest Brand Style [redacted] approximately [redacted] of all cigarettes sold)



Division of  
Advertising Practices

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

March 20, 2019

Mr. David A. Scott  
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 proposed plan filed by Cheyenne International, LLC (“Cheyenne”) on March 11, 2019, 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 letters dated March 10, 2016 and March 8, 2018 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;
- Fifteen 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, Menthol Silver 100's, Platinum Red Kings, Platinum Red 100's, Platinum Gold Kings, Platinum Gold 100's, and Platinum Menthol 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 11, 2019 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on March 10, 2016 and March 8, 2018.



Mr. David A. Scott  
March 20, 2019  
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.

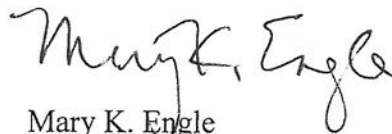
Please note that this letter only approves Cheyenne's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA"). Moreover, it is not in any way an approval 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 19, 2020, 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 Aine Farrell at (202) 326-2409.

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 18, 2019

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

Re: Request for annual plan renewal approval

Dear Ms. Engle:

King Maker Marketing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on all varieties of the Wildhorse Brand, Ace Brand (US Farmers packaging) and Gold Crest (US Farmers packaging). The warnings will appear exactly as shown on the Ace and Gold Crest sample packs and cartons that were enclosed in our March 2, 2017 letter. The warnings will appear exactly as shown on the Wildhorse sample packs and cartons submitted on 10/26/2017.

King Maker Marketing, Inc. 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 Wildhorse Brand, Ace Brand (US Farmers packaging) and Gold Crest Brand (US Farmers packaging) 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. King Maker Marketing, Inc. will keep records demonstrating compliance with the plan. The warnings on all packs and cartons of each of our Brand styles of our currently approved brands have been equalized to date. At this time King Maker Marketing is not requesting approval for the Checkers and Hi-Val Brands. The Brand Styles listed below are the only Brand Styles we will manufacture.

-Ten varieties of the Wildhorse Brand: Red Box Kings, Red Box 100's, Gold Box Kings, Gold Box 100's, Menthol Green Box Kings, Menthol Green 100's Box, Silver Box Kings, Silver Box 100's, Menthol Silver 100's Box, and Non-Filter King Box.

-Nine varieties of the Ace Brand in "US Farmers" packaging: Red Kings box, Red 100's box, Yellow Kings Box, Yellow 100's Box, Blue 100's box, Menthol 10 Kings box, Menthol 10 100's box, Menthol 94 100's box, and Non-Filter Kings box;

(1)

-Nine varieties of the Gold Crest brand in "US Farmers" packaging: Red Kings box, Red 100's box, Yellow Kings Box, Yellow 100's Box, Blue 100's box, Menthol 10 Kings Box, Menthol 10 100's box, Menthol 94 100's box, and Non-Filter Kings box.

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.

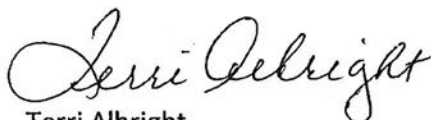
King Maker Marketing will continue to comply with the advertising rotation plan previously approved.

King Maker sales for the last fiscal year (calendar year 2018) did not exceed [REDACTED] sticks for any one brand style that we manufacture. 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. King Maker Marketing does not import cigarettes.

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

Please call me if you have questions or need additional information.

Sincerely,



Terri Albright  
Operations/Compliance Director  
Direct Phone: 636.537.6823  
Fax: 636.530.1362  
Email: [talbright@usleaf.com](mailto:talbright@usleaf.com)

**\*\*Note new address: 629 Cepi Drive  
Chesterfield, MO 63005**



Division of  
Advertising Practices

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

March 21, 2019

Ms. Terri Albright  
King Maker Marketing, Inc.  
629 Cepi Drive  
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 King Maker Marketing, Inc. ("King Maker") on March 18, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Gold Crest, and Wildhorse 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 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>
Ace	March 2, 2017
Gold Crest	March 2, 2017
Wildhorse	October 26, 2017

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<sup>1</sup> King Maker stated in its March 18, 2019 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

- Nine box varieties of the Ace brand: Red Kings, Red 100's, Yellow Kings, Yellow 100's, Blue 100's, Menthol 10 Kings, Menthol 10 100's, Menthol 94 100's, and Non-Filter Kings;
- Nine box varieties of the Gold Crest brand: Red Kings, Red 100's, Yellow Kings, Yellow 100's, Blue 100's, Menthol 10 Kings, Menthol 10 100's, Menthol 94 100's, and Non-Filter Kings; and
- Ten box varieties of the Wildhorse brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Menthol Green Kings, Menthol Green 100's, Silver Kings, Silver 100's, Menthol Silver 100's, and Non-Filter Kings.

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 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"). 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).

**This approval is effective on the date of this letter and runs through March 20, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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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  
March 21, 2019  
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

# KBIC TOBACCO COMPANY, LLC

16429 Bear Town Road, Baraga MI 49908  
FAX: (906) 353.7540

PH: (906) 353.6623

March 26, 2019  
FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
600 PENNSYLVANIA AVENUE  
WASHINGTON DC 20580

Re: Heron & Sands Cigarettes

Dear Ms. Engle:

Please consider this letter our request for annual compliance.

Our plan for the simultaneous display of the Surgeon General's warnings on packaging for Heron and Sands cigarettes was originally submitted to the Federal Trade Commission on March 6, 2018, and was approved on March 8, 2018.

The Heron cigarette brand will be manufactured in the following varieties:

Red 100's Box  
Gold 100's Box  
Silver 100's Box  
Menthol 100's Box  
Menthol Gold 100's Box

Red King Size Box  
Gold King Size Box  
Silver King Size Box  
Menthol King Size Box  
Menthol Gold King Size Box

Crimson 100's Box

Crimson King Size Box

FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
RE: HERON CIGARETTES  
March 26, 2019  
PAGE 2

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

No. 33 Black Red King Box  
No. 33 Black Gold King Box  
No. 33 Black Menthol King Box

The Sands cigarette brand will be manufactured in the following varieties:

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

Red King Size Box  
Gold King Size Box  
Silver King Size Box  
Menthol King Size 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 on the packs and cartons of each brand style will appear exactly as shown in the samples provided to your office with our letter of January 23, 2018.

KBIC Tobacco Company LLC's anticipated 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 all brand styles that we imported and manufactured for the 2018 fiscal year (October 1, 2017 – September 30, 2018) are set out in Exhibit A. Our estimated sales for the 2019 fiscal year (October 1, 2018 – September 30, 2019) are set out in Exhibit B. KBIC Tobacco Company LLC will import the King styles of the Heron and Sands cigarettes and will manufacture the 100's styles. No other brands will be imported or manufactured.

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 and Sands cigarette brand style listed above an equal number of times for the one-year period beginning on the date of approval of this plan.



FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
RE: HERON CIGARETTES  
March 26, 2019  
PAGE 3

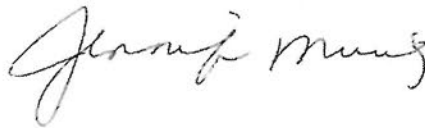
To ensure the cigarette health warnings appear on the packs and cartons of each brand style of the Heron and Sands brands an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. KBIC Tobacco Company LLC has an agreement with the manufacturer of the King styles of the Heron and Sands brands that for every pallet sent, the four (4) cigarette health warnings will be rotated an equal number of times, with approximately 200 units between each warning. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, KBIC Tobacco Company LLC will place an order of the specific warning label(s) that need to be equalized. KBIC Tobacco Company LLC will maintain records of compliance with the approved plan.

At this point in time, KBIC Tobacco Company LLC does not intend to advertise. We will submit a plan for approval before engaging in any advertising.

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

Sincerely,

KBIC Tobacco Company LLC

A handwritten signature in black ink, appearing to read "Jennifer Misegan". The signature is written in a cursive, flowing style.

Jennifer Misegan

KBIC Tobacco Company, LLC

Exhibit A

Brand	Style	Actual 2018 Sales by Stick
Heron	No. 33 Black Red King Box	
Heron	No. 33 Black Gold King Box	
Heron	No. 33 Black Menthol King Box	
Heron	No. 33 Black Red 100 Box	
Heron	No. 33 Black Gold 100 Box	
Heron	No. 33 Black Menthol 100 Box	
Heron	Crimson King Box	
Heron	Red King Box	
Heron	Gold King Box	
Heron	Silver King Box	
Heron	Menthol King Box	
Heron	Menthol Gold King Box	
Heron	Crimson 100 Box	
Heron	Red 100 Box	
Heron	Gold 100 Box	
Heron	Silver 100 Box	
Heron	Menthol 100 Box	
Heron	Menthol Gold 100 Box	
Sands	Red King Box	
Sands	Gold King Box	
Sands	Silver King Box	
Sands	Menthol King Box	
Sands	Menthol Blue King Box	
Sands	Red 100 Box	
Sands	Gold 100 Box	
Sands	Silver 100 Box	
Sands	Menthol 100 Box	
Sands	Menthol Blue 100 Box	

Exhibit B

Brand	Style	2019 Estimate Sticks
Heron	No. 33 Black Red King Box	
Heron	No. 33 Black Gold King Box	
Heron	No. 33 Black Menthol King Box	
Heron	No. 33 Black Red 100 Box	
Heron	No. 33 Black Gold 100 Box	
Heron	No. 33 Black Menthol 100 Box	
Heron	Crimson King Box	
Heron	Red King Box	
Heron	Gold King Box	
Heron	Silver King Box	
Heron	Menthol King Box	
Heron	Menthol Gold King Box	
Heron	Crimson 100 Box	
Heron	Red 100 Box	
Heron	Gold 100 Box	
Heron	Silver 100 Box	
Heron	Menthol 100 Box	
Heron	Menthol Gold 100 Box	
Sands	Red King Box	
Sands	Gold King Box	
Sands	Silver King Box	
Sands	Menthol King Box	
Sands	Menthol Blue King Box	
Sands	Red 100 Box	
Sands	Gold 100 Box	
Sands	Silver 100 Box	
Sands	Menthol 100 Box	
Sands	Menthol Blue 100 Box	





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

Division of  
Advertising Practices

March 26, 2019

Ms. Jennifer Misegan  
KBIC Tobacco Company, LLC  
16429 Bear Town Road  
Baraga, MI 49908

Dear Ms. Misegan:

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 KBIC Tobacco Company, LLC (“KBIC”) on March 26, 2019, 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.

KBIC’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 23, 2018 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, KBIC’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eighteen Box varieties of the Heron brand: Red (King and 100’s), Gold (King and 100’s), Silver (King and 100’s), Menthol (King and 100’s), Menthol Gold (King and 100’s), Crimson (King and 100’s), No. 33 Black Red (King and 100’s), No. 33 Black Gold (King and 100’s), and No. 33 Black Menthol (King and 100’s); and
- Ten Box varieties of the Sands brand: Red (King and 100’s), Gold (King and 100’s), Silver (King and 100’s), Menthol (King and 100’s), and Menthol Blue (King and 100’s).

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<sup>1</sup> KBIC stated in its March 26, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on January 23, 2018.

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 KBIC 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 those advertisements.

Please note that this letter only approves KBIC'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"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for KBIC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of KBIC'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/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

Finally, 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 25, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

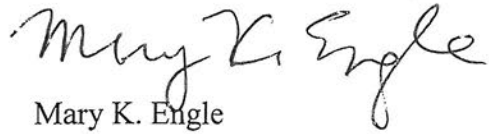
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<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Jennifer Misegan  
March 26, 2019  
Page 3

If you have any questions regarding this approval, please contact Aine Farrell at (202) 326-2409.

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