



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

October 26, 2000



MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Sallie Schools
Division of Advertising Practices

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. August 30, 2000 letter from Matthew J. Fairshter, **Esq.** on behalf of International Trade Group, Inc., PTI, Inc. d/b/a Ampac Trading, NTI, Inc. d/b/a National Trade Industry, and Intrigue Trading, Inc. to Diana Winterson.
2. September 1, 2000 letter from C. Lee Peeler to Matthew J. Fairshter, **Esq.** on behalf of International Trade Group, Inc., PTI, Inc. d/b/a Ampac Trading, NTI, Inc. d/b/a National Trade Industry. and Intrigue Trading, Inc.
3. August 29, 2000 letter from Thomas O'Connell, Sun Tobacco to C. Lee Peeler.
4. September 5, 2000 letter from C. Lee Peeler to Thomas O'Connell, Sun Tobacco.
5. September 5, 2000 letter from Andrew M. Parish, Esq. on behalf of Tobacco Center to C. Lee Peeler.
6. September 5, 2000 letter from C. Lee Peeler to Andrew M. Parish, Esq. on behalf of Tobacco Center.
7. September 12, 2000 letter from Barry M. Boren, Esq. on behalf of Genesis Group Trust to C. Lee Peeler.
8. September 15, 2000 letter from C. Lee Peeler to Bany M. Boren, Esq. on behalf of Genesis Group Trust.

9. September 7, 2000 letter from Barry M. Boren, Esq. on behalf of Southern Tobacco to C. Lee Peeler.
10. September 25, 2000 letter from C. Lee Peeler to Barry M. Boren, Esq. on behalf of Southern Tobacco.
11. September 27, 2000 letter from Andrew M. Parish, Esq. on behalf of Tobacco Center to C. Lee Peeler.
12. September 28, 2000 letter from C. Lee Peeler to Andrew M. Parish, Esq. on behalf of Tobacco Center.
13. September 27, 2000 letter from Carlos Anllo, Tropical Trading to C. Lee Peeler
14. October 2, 2000 letter from C. Lee Peeler to Carlos Anllo, Tropical Trading.
15. September 27, 2000 letter from Kenneth Turner, Asia Pacific Trading to Division of Advertising Practices.
16. October 3, 2000 letter from C. Lee Peeler to Kenneth Turner, Asia Pacific Trading.
17. September 30, 2000 letter from Ahmed Panjwani, City Supplies Importers to Diana Winterson.
18. October 6, 2000 letter from C. Lee Peeler to Ahmed Panjwani, City Supplies Importers.
19. October 11, 2000 letter from Andrew M. Parish, Esq. on behalf of Tobacco Distributing to C. Lee Peeler.
20. October 12, 2000 letter from C. Lee Peeler to Andrew M. Parish, Esq. on behalf of Tobacco Distributing.
21. September 25, 2000 letter from Barry M. Boren, Esq. on behalf of Smithfield Distributors to C. Lee Peeler.
22. October 17, 2000 letter from C. Lee Peeler to Barry M. Boren, Esq. on behalf of Smithfield Distributors.

BENNETT & FAIRSHTER LLP
A Limited Liability Partnership of Professional Corporations
ATTORNEYS AND COUNSELORS AT LAW

Matthew J. Fairshter
A Professional Corporation
E-mail: mfairshter@bennfairlaw.com

CORPORATE CENTER PASADENA
225 South Lake Avenue, Ninth Floor
Pasadena, California 91101
Telephone: (626)568-1200
Facsimile: (626)568-8930

August 30, 2000

Diane Winterson
Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, NW
Washington D.C. 20580

**RE: Cigarette Advertising Labeling Act
Approval of Warning Label Rotation Plan
International Trade Group, Inc.
PTI, Inc. dba Ampac Trading
NTI, Inc. dba National Trade Industry
Intrigue Trading, Inc.**

Dear Ms. Winterson:

This office has been requested to submit an application for an addition to the Surgeon General warning rotation plan for the above identified corporations. We have previously submitted samples of the warning label stickers for packs and cartons to be used pursuant to this Plan on July 31, 2000, including samples of how those label stickers would be applied to the packs and carton. These label stickers are in compliance with 15 USC § 1333(a)(1).

On November 17, 1997, the Federal Trade Commission approved Ampac Trading cigarette health warning display plans which had been submitted for approval. On December 2, 1997, an additional letter was issued by the FTC where this approval was extended to December 31, 1998. On December 21, 1998, you issued an additional letter where the approval was extended to December 31, 1999. The above applicants also had Marlboro Lights cigarettes which were "Made Under the Authority of Philip Moms Products, Inc." added to the rotation plan on October 6, 1999. You then issued an approval for Calendar Year 2000 on January 24, 2000 for "Made Under the Authority of Philip Morris Products, Inc." Marlboro products. On April 25, 2000, you approved an addition to the rotation plan involving labeling the packs, in addition to the cartons, for Marlboro Red Box and Marlboro box Lights which have been made under the authority of Philip Moms. Please be advised that the applicant does, and has, kept records as to the actual rotation achieved for the four warning labels distributed for these products and has maintained the equalization program as noted in the previous submissions.

Diane Winterson
August 27, 2000
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It is requested that you approve an addition to the "Surgeon General" warning label distribution plan for the applicants such that they will be applying a Surgeon General's warning sticker to 555 State Express which have been made "Under the Authority of Ardath Tobacco Co., Ltd" because the packs contain a warning label beginning with "Surgeon General Warning" which is not fully capitalized, and to the cartons because they do not contain any warning label. Each of the four warning stickers will be applied and affixed in an identical manner as shown on the exemplars which have been previously submitted on July 31, 2000. The warning stickers will be permanently affixed and will remain affixed to the packs even after the consumer has removed the cellophane.

International Trade Group, Inc. is a Washington corporation which is the parent company for PTI, Inc. dba Ampac Trading, NTI, Inc. dba National Trade industry, and Intrigue Trading, Inc. The President is Andy D.W. Lee. Their central address is 1130 Watson Center Road, Carson, California 90745. As such, it has been determined that the approval must include the parent and subsidiary companies because of the inter-related activities which are anticipated for the Calendar year 2000. All operations are being coordinated through the parent company. The cigarettes will be imported by PTI or Intrigue Trading as the importer of record. PTI, NTI, or Intrigue Trading will then actually perform the relabeling operations. For 1999, total sales for PTI, NTI, and/or Intrigue Trading did not exceed [REDACTED] cigarettes for any brand style. The anticipated annual cigarette sales volume, for the Calendar year 2000, for the entire corporate group is not anticipated to *exceed* [REDACTED] cigarettes for any brand style regardless of which corporation conducts the sales. It is requested that the authority provided by your office reflects all corporations identified in this letter for the Calendar year 2000.

Permission is hereby requested for International Trade Group, Inc., PTI, Inc, NTI, Inc., and Intrigue Trading, Inc. to affix the submitted four warning label stickers on all 555 State Express box cigarette packs and cartons due to the lack of appropriate Surgeon General warning labels, as permitted under Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act (15 USC § 1331 et seq.) This request is based upon the labeling plan outlined below.

All labeling will occur at Foreign Trade Zone No. 202 located at 1130 Watson Center Road, Carson, California 90745, and at additional foreign trade zone locations within the United States as sales dictate. The cigarettes will be entered into the foreign trade zone pursuant to a CF214 as permitted by law. The entry into the foreign trade zone permits the goods to be worked upon and relabeled so as to comply with all federal laws as permitted under 19 USC §81a et seq.

For each of the packs, the cellophane will be removed. Each pack for the 555 State Express entered into the foreign trade zone will be sorted into four separate groups in accordance with the four separate warning labels to be affixed to the pack. and they will be relabeled using the labels provided. The relabeling will be performed

so that the total of all cigarette packs will achieve an equal distribution of the four Surgeon General warning labels. A log will be maintained of the entire distribution of the four warning labels which are distributed so as to keep a comprehensive record of the warning labels used and to ensure compliance with the equal distribution requirement for each brand style for Calendar year 2000. Once the relabeling is completed each of the packs will be immediately recellophaned.

Each carton for the 555 State Express entered into the foreign trade zone will be sorted into four separate groups in accordance with the four separate warning labels to be affixed to the carton. Each carton will be opened and the cigarette packs removed so that warning labels can be affixed as outlined above. A warning label will then be affixed to the carton in the location on the carton as indicated on the exemplar which was provided to you on July 31, 2000, which is in full compliance with 15 U.S.C. §1333 regarding carton warning placement. By distributing each carton upon arrival to the foreign trade zone into the four segregated warning label groups, this will ensure that the cartons receive an equal distribution of the four warning labels for the year. Each shipment will receive a full appropriate distribution of labels as required pursuant to 15 U.S.C. §1333(c)(2). A log will be maintained of the entire distribution of the four warning labels placed on the cartons so as to keep a comprehensive record of the warning labels used and to ensure compliance with the equal distribution requirement for Calendar year 2000.

There is no intent to perform any billboard or other type of advertising of any kind. As such, no permission is sought for such advertising. If the above identified applicant determines that such advertising would be appropriate, then separate authority will be sought from your office.

If you have any questions, or would like to discuss this matter further, please do not hesitate to telephone me.

Sincerely yours,
BENNETT & FAIRSHTER LLP


Matthew J. Fairshter

MJF:vw



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D C 20580

Division of Advertising Practices

September 1, 2000

Matthew J. Fairshter, Esq.
Bennet & Fairshter LLP
Corporate Center Pasadena
225 South Lake Avenue, Ninth Floor
Pasadena, CA 91101

Dear **Mr.** Fairshter:

The Federal Trade Commission ("the 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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the revised proposed plan filed on behalf of International Trade Group, Inc., PTI, Inc. d/b/a Ampac Trading, NTI, Inc. d/b/a National Trade Industry, and Intrigue Trading, Company") on August 30, 2000 calling for the simultaneous display of the four health warnings on the packs and cartons of the 555 State Express brand of cigarettes.

The Company's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. Your plan calls for re-labeling all packs and labeling all cartons of the 555 State Express brand. The sample warning labels submitted with your July 31, 2000 letter for use on the cartons appear to comply with the Cigarette Act's requirements for size and conspicuousness. The packs of 555 State Express cigarettes submitted with your July 31, 2000 letter **as** examples of how the warning will appear on all the imported cigarette packs demonstrate that all four warnings appear on the packaging in an appropriate manner.' Your plan states that the Company will take steps to assure that the four warnings specified in the Cigarette Act appear on the individual packs and cartons of each brand style an equal number of times during the year. The Company's plan for the 555 State Express brand of cigarettes is hereby approved. This approval is effective on the date of this letter and ends on December 31, 2000. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the

¹ This product **as** originally labeled does not comply with the Cigarette Act because the phrase "Surgeon General's Warning" does not appear in all capital letters as is specifically required by the statute.

Matthew J. Fairshter, Esq.
September 1, 2000
Page 2

plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

The approval of the Company's cigarette health warning display plan is an approval of the plan under the Cigarette Act. Approval of the plan is not in any way a determination that the practices outlined in the plan are in compliance with any state or other federal statutes.

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

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers and importers annually file with the Secretary of the Department of Health **and Human** Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

Sincerely,



C. Lee Peeler
Associate Director

² 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.



Manufacturer and Importer
of Bronco Cigarettes



August 29, 2000

Federal Trade Commission
Mr. C. Lee Peeler, Associate Director
Division of Advertising
601 Pennsylvania Ave. N.W., Room 4002
Washington, DC 20580

Dear Mr. Peeler:

On April 25, 2000 we received an approval from the FTC for our April 24, 2000 Surgeon General's Warning plan for Bronco cigarettes. We are supplementing our plan to include a plan for advertising.

For our advertising we will use the warning formats that were submitted with the plans of the five leading US cigarette manufacturers, and we will place the warnings as specified in those plans. We will rotate the warnings according to the following quarterly schedule:

1) 1st Quarter (Jan. - Mar.)

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

2) 2nd Quarter (Xpr. - Jun.)

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

3) 3rd Quarter (July - Sept.)

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

4) 4th Quarter (Oct. - Dec.)

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

Sincerely,

Thomas O'Connell



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D C 20580

Division of Advertising Practices

September 5, 2000

Mr. **Thomas** O'Connell
President
Sun Tobacco
1674NW 17* Avenue
Miami, FL 33125

Dear **Mr.** O'Connell:

The Federal Trade Commission ("the 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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, on April 25, 2000, I approved through December 31, 2000 **Sun** Tobacco's April 24, 2000 plan for the display of the four health **warnings** on packaging of the **Bronco** brand of cigarettes. In a letter dated **August** 29, 2000, you **now** propose a plan calling for the **quarterly** rotation of the four health warnings in the advertising of the Bronco brand of cigarettes.

Your plan for the rotation of the warnings in the advertising of the Bronco brand of cigarettes **has** been approved. Approval of the plan assumes that the plan is implemented in good faith.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Lee Peeler".

C. Lee Peeler
Associate Director

ANDREW M. PARISH, P.A.

ATTORNEYS AT LAW

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MARTIN S. HORWITZ ****
F. PAUL MALOOF ***
WILLIAM H. NEWTON, III *
JAMES W. SCHULTZ **
STEPHEN M. ZELMAN *****
OF COUNSEL

(ADMITTED D.C., FLA., N.Y.) *
(ADMITTED CALIF.) ***
(ADMITTED OR.) ****
(ADMITTED D.C., MD., V.I.) ***
(ADMITTED D.C., N.Y.) *****
(ADMITTED FLA., MISS., TX.) *
(ADMITTED ILL.) **

REPLY TO BROWARD/PALM BEACH OFFICE

September 5, 2000

REVISED

**CONTAINS TRADE SECRETS
AND CONFIDENTIAL
BUSINESS INFORMATION
NOT FOR PUBLIC DISCLOSURE**

VIA FACSIMILE
(202) 326-3259
IMMEDIATE ATTENTION REQUESTED

C. Lee Peeler
Associate Director
Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, N.W.
Room 4002
Washington, D.C. 20580

Attn: Sallie Schools

Cigarette Health Warning Rotation Plan Submitted on Behalf of
Tobacco Center, Inc. for Calendar Year 2000 for
Corona and Palace Brand Cigarettes

Gentlemen:

Pursuant to **our** previous conversations and on behalf **of** our referenced client,
this **firm** hereby submits Tobacco Center, Inc.'s Surgeon General Rotation Plan as
required under the Federal Cigarette Labeling and Advertising Act of 1984 (**15**
U.S.C. § 1331 (1998), **et seq.**), **as amended**. John **Alexander is the** Vice-President of

C. Lee Peeler
Associate Director
Division of Advertising Practices
Federal Trade Commission
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the applicant, and the corporate address for the company is Tobacco Center, Inc., 6795 N.W. 87th Avenue, Miami, Florida 33178. The cigarettes covered by the proposed Plan are the following foreign manufactured Corona brand style cigarettes and Palace brand style cigarettes, which include health warnings complying with the Surgeon General's warning language set forth in the statute: Coronas Full-flavor Kings **Box**, Coronas Full-flavor Kings Soft, Coronas Full-flavor 100's Box, Coronas Full-flavor 100's **Soft**, Coronas Ultra-Light **Kings** Box, Coronas Ultra-Light **Kings Soft**, Coronas Menthol **Kings Box**, Coronas Menthol **Kings** Soft and Coronas Menthol 100's Soft. Palace Full-flavor King **Box**, Palace Full-flavor King Soft, Palace Full-flavor 100 Soft, Palace Ultra-Light King Box, Palace Menthol King Box, Palace Menthol King Soft and Palace Menthol 100 Soft. Tobacco Center, Inc. imported previously [REDACTED]

[REDACTED] cigarettes, and under this Plan anticipates importing [REDACTED]

[REDACTED] master cases, which represents [REDACTED]

[REDACTED] total individual cigarettes of **all** referenced brand styles during calendar year 2000. Each master case generally contains **sixty** (60) individual cartons, each in turn containing ten (10) packs of cigarettes.

C. Lee Peeler
Associate Director
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Consequently each master case contains a total of TWELVE **THOUSAND** (12,000) cigarettes.

We respectfully submit that the cigarettes imported by our client qualify for the requested rotation plan insofar as all requirements set forth in Section 1333 have **been** met. More specifically the one fourth of one percent requirement, meaning that the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of one percent of all cigarettes sold in the United States, **has** been met as demonstrated by the quantity of cartons imported for sale. The second part of the test, brand packaging, meaning that more than one-half of the cigarettes manufactured **or** imported by **such manufacturer or importer for sale in the United States** are packaged into brand styles that meet the one fourth of one percent rule set forth above, **has also been** met since **all** of the cigarettes imported **by this** client **are** packaged **by** brand style, **and** the quantities of brand sales are below the one quarter of one percent requirement.

As a small importer **by** virtue of the information set forth above, and as classified under the Act, Tobacco Center, Inc., submits as its Plan that the labels specified in 15 U.S.C §1333(a)(1) shall appear on the packs **and** cartons of each

C. Lee Peeler
Associate Director
Division of Advertising Practices
Federal Trade Commission
September 5, 2000
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brand style of cigarettes with respect to which the application is approved an equal number of times within the calendar year 2000. The required warnings will be printed directly on the packs and cartons and in a conspicuous location as required under the Cigarette Labeling and Advertising Act ("CLAA"). The **warnings** will appear on the packs and cartons exactly **as** shown on the sample packs and cartons to be provided under separate cover. Tobacco Center, Inc. agrees not to import Palace Light (and the Palace Light carton) until revised packaging or an acceptable representation thereof is submitted and approved, and **further** agrees not to **import** Corona Light or Corona Menthol Lights until the packaging or acceptable representations thereof for these brand styles are similarly submitted and approved.

For advertising, we will use the warning formats **that** were submitted with **the** plans of the five (5) leading U.S. cigarette manufacturers, and **we will** place the warnings **as** specified in those plans. The Company will follow the following quarterly advertising **warning** schedule:

Coronas:

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

C. Lee Peeler
Associate Director
Division of Advertising Practices
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Second Quarter Warning: SURGEON GENERAL'S WARNING:
Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May
Complicate Pregnancy.

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

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

Palace:

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

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

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

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

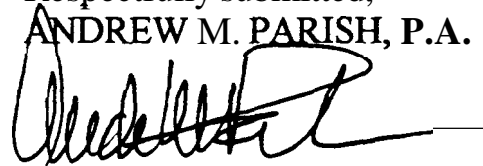
We submit ~~that~~ the foregoing complies ~~with~~ the requirements set forth in the
Federal Cigarette Labeling and Advertising Act, ~~as~~ amended, and request expedited
approval of this request. Should this request conform to your requirements, **we**

C. Lee Peeler
Associate Director
Division of Advertising Practices
Federal Trade Commission
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request that the letter evidencing approval be faxed to the undersigned, at the referenced Fort Lauderdale, Florida office.

Should you require any additional information with respect to the foregoing, please contact the undersigned at the referenced Fort Lauderdale, Florida address.

Respectfully submitted,
ANDREW M. PARISH, P.A.

A handwritten signature in black ink, appearing to read "Andrew M. Parish", written over a horizontal line.

Andrew M. Parish

AMP/smb

cc: Tony Bryant, President
Tobacco Center, Inc.



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

September 5, 2000

Andrew M. Parish, Esq.
Trade Centre South, Suite 930
100 West Cypress Creek Road
Fort Lauderdale, FL 33309-2181

Dear **Mr.** Parish:

The Federal Trade Commission ("the 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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the revised proposed plan filed on behalf of Tobacco Center, Inc. ("Tobacco Center") on September 5, 2000 calling for the simultaneous display of the four health warnings on packaging, and quarterly rotation of the health warnings in advertising of the Corona and Palace brands of cigarettes.

Your plan for the rotation of the warnings in advertising has been approved. Approval of the plan assumes that the plan is implemented in good faith.

Tobacco Center's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The health warnings on the sample packs and cartons of the Full Flavor, Ultra Light, and Menthol brand styles for the Corona and Palace brands submitted with your letter of August 15, 2000 appear to meet the requirements of the Cigarette Act for size and conspicuousness.¹ Your plan for the simultaneous display of the four health warnings on packaging for the Full Flavor, Ultra Light, and Menthol styles of the Corona and Palace brands has been approved. This approval is effective on the date of this letter and ends on December 31, 2000. Approval of the plan is contingent its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act

¹ The cartons submitted for the Light and Menthol Light brand styles of Corona, and the packs submitted for the Palace Light brand styles do not meet the Act's requirements for conspicuousness, however, you have withdrawn these styles from your plan. This approval does not pertain to the Corona Light, Corona Menthol Light, and Palace Light brand styles.

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.

Andrew M. Parish, Esq.
September 5, 2000
Page 2

provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a **of** the Cigarette Act requires that cigarette manufacturers and importers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Lee Peeler". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

C. Lee Peeler
Associate Director

LAW OFFICES OF
BARRY M. BOREN

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September 12, 2000

Mr. C. Lee Peeler, Associate Director
Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, N.W. Room 4213
Washington, D.C. 20580

Attention: Ms. Sallie Schools

Surgeon General's Warning Rotation Plan for 2000
GENESIS GROUP TRUST
For Monte Carlo Cigarettes

Dear Mr. Peeler:

Please be advised that we are the attorneys for an importer of tobacco products, Genesis Group Trust ("Genesis"), a Florida corporation with offices located at 7333 Miami Lakes Dr., PMB #586, Miami Lakes, Florida 33014 which wishes to file a Surgeon General's Warning Rotation Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*). The contact person for the company will be its Managing Director, James Suarez, 7333 Miami Lakes Dr., PMB #586, Miami Lakes, Florida 33014. This rotation plan is in addition to the plan approved on March 21, 2000 which authorized Genesis to import foreign "made under the authority" Marlboro cigarettes. This application is for private label cigarettes to be imported under the name "Monte Carlo."

The brand style of cigarettes Genesis intends to import are listed on Exhibit "A" attached hereto. Either the artwork or actual production samples for all of the packs and cartons of each brand style (one with each warning) are enclosed herewith.

Please be advised that in reference to the Monte Carlo cigarette artwork we are submitting with this Surgeon General's Warning Rotation Plan for Genesis, when additional samples from actual production runs (other than the ones being submitted with this plan) for each pack and carton with each warning label for which artwork was submitted, are produced, we will send samples to the Federal Trade Commission.

Even though Genesis qualifies as a small importer/manufacturer as defined by the Act, Genesis wishes to submit to the FTC a plan to rotate the warning statements as required by 15 U.S.C. §1333(c)(1). The plan we wish to submit requires that Genesis rotate quarterly, in an alternating sequence, each of the four warning statements which will

appear on the packages and cartons of the Monte Carlo brand cigarettes. Genesis will begin with the warning "SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight." and will use this label during the third quarter (July 1st to September 30th). It will alternate labels on the first of each calendar quarter thereafter (i.e., January 1, April 1, July 1, and October 1).

From Oct. 1st to Genesis will use the warning:

SURGEON GENERAL'S WARNING:
Cigarette Smoke Contains Carbon Monoxide

From January 1 to March 31st Genesis will use the warning:

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

From April 1st to June 30th Genesis will use the warning:

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

From July 1st to September 30th Genesis will use the warning:

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

The enclosed artwork and for the packs and cartons of the Monte Carlo cigarettes show exactly where and how the Surgeon General's health warnings will appear on the individual packs and cartons Genesis will be importing. These warning labels will be printed on the packs and cartons by the manufacturers in the place and in the manner indicated.

Each pack and carton imported by Genesis will have a country of origin printed on the pack or carton as required by 19 U.S.C. § 1304. The enclosed artwork shows where the information will be placed and how it will appear. Genesis will ensure that the country of origin will not obscure or otherwise interfere with, the Surgeon General's Warning in any way.

Please be advised that, at this time, Genesis does not advertise, and therefore, will

Mr. C. Lee Peeler, Associate Director
Federal Trade Commission

Page 3
September 12, 2000

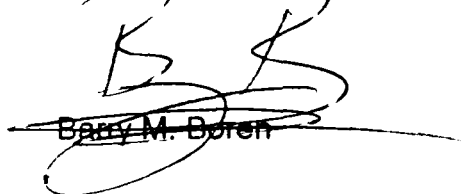
not need to comply with the Act's requirements requiring the rotation of warning labels on advertising. If this should change, we will notify the FTC and modify our plan accordingly.

We believe this plan complies in all respects with the Federal Cigarette Labeling and Advertising Act, as amended, (15 U.S.C. §1331 *et seq.*) including any modifications made by the Comprehensive Smoking Education Act of 1984 and the Nurses' Education Amendments of 1985. For this reason, we hereby request that you approve this plan as soon as possible.

Should you have any further questions regarding this matter, please do not hesitate to contact us.

Sincerely yours,

~~LAW OFFICES OF~~ BARRY M. BOREN



~~Barry M. Boren~~

BMB:mw
encs.

EXHIBIT 'A' LIST OF CIGARETTES

Monte Carlo

Monte Carlo Full Flavor

Monte Carlo Lights King

Monte Carlo Menthol King

Monte Carlo Ultra Lights King

Genesis-Exhibit-List



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

September 15, 2000

Barry M. Boren, Esq.
Dadeland Towers
9200 South Dadeland Boulevard
Suite 412
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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, et seq. ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the proposed plan filed on behalf of Genesis Group Trust ("Genesis") on September 12, 2000 plan calling for quarterly rotation of the four health warnings on packaging of the Monte Carlo brand of cigarettes.

The warnings on the artwork and sample packs and cartons of the Monte Carlo brand submitted with your plan appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Genesis' plan for the Monte Carlo brand of cigarettes has been approved. Approval of the plan is contingent on its good faith implementation. We may **ask** for information demonstrating proper implementation of the plan.¹ When actual packaging is developed, Genesis should submit samples to the Commission. The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

You should be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers and importers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Lee Peeler".

C. Lee Peeler
Associate Director

¹ 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

LAW OFFICES OF
BARRY M. BOREN

Dadeland Towers
9200 South Dadeland Boulevard
Suite 412
Miami, Florida 33156

Telephone
(305) 670-2200
Facsimile
(305) 670-9672

September 7, 2000

Mr. C. Lee Peeler, Associate Director
Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, N.W. Room 4213
Washington, D.C. 20580

Attention: Michael Ostheimer, Esq.

Surgeon General's Warning Rotation Plan for 2000
Southern Tobacco, Inc.

Dear Mr. Peeler:

Please be advised that we are the attorneys for an importer of tobacco products, Southern Tobacco, Inc. ("Southern"), a Florida corporation, with **offices** located at 5406 Airport Blvd., Tampa, Florida 33634 which wishes to file a Surgeon General's Warning Rotation Plan for the year 2000 which it **filed** on April 6, 2000 pursuant to the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. § 1331 *et seq.*). The contact person for the company will be its President, Kurt Jurado, 5406 Airport Blvd., Tampa, Florida 33634. This rotation plan is in addition to the plan approved on April 18, 2000 which authorized Southern to import foreign made Olympus cigarettes. This will allow Southern to import and place stickers with the appropriate health warnings on the foreign made "under the authority" Marlboro cigarettes it intends to import. This rotation plan is for Southern to import foreign "made under the authority" Marlboro cigarettes.

The cigarettes Southern intends to import and sticker are listed on Exhibit "A" attached hereto. While they imported approximately [REDACTED] master cases of various brand styles of cigarettes last year, they anticipate importing approximately [REDACTED] master cases a month during the year 2000. No one brand style imported by Southern will constitute more than [REDACTED] master cases or [REDACTED] cigarettes per year. As you can see from these figures, the number of cigarettes to be imported by Southern in one year is less than 1/4 of 1% of all cigarettes sold in the United States in the last year. In addition, more than one-half of the cigarettes imported by Southern for sale in the United States are packaged into brand styles which meet the requirements of the first clause of 15 U.S.C. § 1333(c)(2)(A)(i).

As a small importer/manufacturer as defined by the Act, Southern wishes to submit a plan to equalize the warning statements as required by 15 U.S.C. § 1333(c). The equalization plan we wish to submit requires that each of the four warning statements

equalization plan we wish to submit requires that each of the four warning statements appear on the packs and cartons of each brand style of cigarettes imported by Southern an equal number of times in each calendar year. Southern proposes to accomplish this objective in two ways.

At the present time, most of the individual packs of Marlboro cigarettes imported by Southern already have proper health warning labels on the packs. These warning labels have been printed directly on the packs under the cellophane by the manufacturer. Southern plans to leave these labels on the packs and keep a log with a running total of the number of packs and cartons it imports of each warning label for each brand style. Sample packs demonstrating exactly how the Surgeon General's health warnings will appear on the individual packs Southern will be importing are enclosed herewith. .

Some of the foreign made Marlboros Southern intends to import have the statement "U.S. **Surgeon General's Warning:**" with the first letter of each word capitalized and the other letters in lower case. Southern understands that this warning does not comply with 15 U.S.C. § 1333(c). To correct this error and bring these packs into compliance with the Act, Southern will cover the incorrect health warnings with stickers that will be placed under the cellophane of each pack. Southern will incorporate the information regarding the number of packs and cartons it stickers with each warning label for each brand style in the log referenced above.

Sample packs stickered with each of the four health warnings Southern will be using on the foreign made Marlboros to bring them into compliance with the **Act** are enclosed with this submission. These packs show exactly how the Surgeon General's health warnings will appear on the individual packs Southern will be stickering. The Marlboro Light box brand styles will use the stickers with black lettering on a gold and white background as shown on the enclosed samples, and the **Marlboro Red box** brand styles will use stickers with gold lettering on a white background as shown on the enclosed samples. These warning labels will be placed on the packs under the cellophane and in the place and in the manner indicated on the sample packs.

If, during the year, it appears that Southern will not be able to ensure that each of the four warning statements will appear an equal number of times on the packs of each brand style, Southern will place the appropriate stickers on the proper number of packs (even if they are otherwise in compliance with the law) to ensure that the four warning statements will appear on the packs and cartons of each brand style an equal number of times, throughout the year, as required by the plan and the Act.

All the cartons of all the Marlboro cigarettes imported by Southern will be stickered with the appropriate health warnings. It is our intention to equalize the warning stickers on the cartons in accordance with the plan proposed herein. Attached hereto as Exhibit "**B**" are the four warning stickers (one with each warning) Southern intends to place on the cartons. These labels will be placed exactly as demonstrated on the enclosed sample

cartons. **All** the letters in the label will be conspicuous, in a legible type, with black print on a white background.

If the packs imported by Southern do not have a country of origin printed' on the packs or cartons as required by 19 U.S.C. § 1304, Southern will ensure that any country of origin sticker that is placed on the packs or cartons will not obscure, or otherwise interfere with, the Surgeon General's Warning in any way.

Please be advised that Southern does not advertise, and therefore, will not need to comply with the Act's requirements requiring the rotation of warning labels on advertising. If this should change, we will notify the FTC and modify our plan accordingly.

We believe this plan complies in all respects with the Federal Cigarette Labeling and Advertising Act, as amended, (15 U.S.C. §1331 *et seq.*) including any modifications made by the Comprehensive Smoking Education Act of 1984 and the Nurses' Education Amendments of 1985. For this reason, we hereby request that you approve this plan as soon as possible.

Should you have any further questions regarding this matter, please do not hesitate to contact us.

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

BMB:mw/enc.

EXHIBIT 'A' LIST OF CIGARETTES

Marlboro

Marlboro **Red Box**

Marlboro Lights **Box**

Southern\Cigarette-Marlboro

EXHIBIT "B"

**Stickers to be Placed on Cigarette Cartons Pursuant to the
Supplement to the Surgeon General's Warning Rotation Plan for 2000 for**

SOUTHERN TOBACCO, INC.

**SURGEON GENERAL'S WARNING:
Quitting Smoking Now Greatly Re-
duces 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:
Smoking Causes Lung Cancer,
Heart Disease, Emphysema, And
May Complicate Pregnancy.**

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



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D C. 20580

Division of Advertising Practices

September 25,2000

Barry M. Boren, Esq.
Dadeland Towers
9200 South Dadeland Boulevard
Suite 412
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the proposed plan filed on behalf of Southern Tobacco, Inc. ("Southern") on September 7,2000, calling for the simultaneous display of the four health warnings on the packaging of the King Size box brand styles of foreign-made Marlboro "Reds" and Marlboro "Lights" cigarettes that were made "under authority of Philip Moms Products, Inc." and that Southern is importing into the United States.

Southern's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. Your plan calls for re-labeling all packs which bear the warning "U.S. Surgeon General's **Warning**" (i.e., with the first letter of each word capitalized and the other letters in lower case) with stickers directly on the cigarette packs under any cellophane wrap.¹ The packs, when re-labeled exactly as shown on the sample packs provided with your plan, appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Your plan calls for leaving the warnings **as** they are on packs which bear the correct warnings as shown on the sample packs of foreign-made Marlboro "Reds" and Marlboro "Lights" cigarettes submitted with your plan. Your plan states that some of these packs may be re-labeled in order to equalize the four warnings. The sample warning labels submitted with your plan for use on the **cartons** also appear to comply with the size and conspicuousness requirements of the Cigarette Act. Your plan states that Southern will take steps to assure that all four warnings specified in the Cigarette Act appear on the individual packs and cartons of each brand style an equal number of times during the year. Southern's plan for the King Size **box** brand styles of

¹ This product as originally labeled does not comply with the Cigarette Act because the phrase "Surgeon General's Warning" does not appear in all capital letters as is specifically required by the statute.

Bany M. Boren, Esq.
September 25, 2000
Page 2

foreign-made Marlboro "Reds" and Marlboro "Lights" cigarettes made "under authority of Philip **Moms** Products, Inc." is hereby approved. This approval is effective on the date of this letter and ends on December 31, 2000. Approval of the plan is contingent on these representations and their good faith implementation. We may **ask** for information demonstrating proper implementation of the **plan**.² If, at any time, it appears that Southern will be unable to comply with the provisions of its plan, for any brand style, it should immediately stop the sale of cigarettes and notify the Commission immediately. The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

The approval of Southern's cigarette health warning display plan is an approval of the plan under the Cigarette Act. Approval of the plan is **not** in any way a determination that the practices outlined in the plan are in compliance with any state or **other** federal statutes.

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

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers and importers annually file with the Secretary of the Department **of** Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Lee Peeler".

C. Lee Peeler
Associate Director

² 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.

ANDREW M. PARISH, P.A.

ATTORNEYS AT LAW

TRADE CENTRE SOUTH - SUITE 930
100 WEST CYPRESS CREEK ROAD
FORT LAUDERDALE, FLORIDA 33309 - 2181

Voice: (954) 351-4588

FACSIMILE: (954) 771-8870 / 771-0434

MIAMI LINE (305) 445-1667

AFTER HOURS: (305) 944-9843

REPLY TO: BROWARD / PALM BEACH OFFICE

September 27, 2000

MIAMI OFFICE

GABLES INTERNATIONAL PLAZA
PENTHOUSE 1D
CORAL GABLES, FLORIDA 33134-5826
VOICE: (305) 445-1667
FACSIMILE: (305) 441-7974

GROUP OFFICES

CLEVELAND

LOS ANGELES

NEW YORK

WASHINGTON, O.C.

CHICAGO

ANDREW M. PARISH *

NEVILLE ASHERSON ***
BERNARD C. PESTCOE **
MARTIN S. HORWITZ ****
F. PAUL MALOOF ***
WILLIAM H. NEWTON, III *
JAMES W. SCHULTZ **
STEPHEN M. ZELYAN ****
OF COUNSEL

(ADMITTED D.C., FLA., N.V.) *
(ADMITTED CALIF.) ***
(ADMITTED OH.) ****
(ADMITTED FLA.) **
(ADMITTED D.C., MD., VA.) ***
(ADMITTED D.C., N.Y.) ****
(ADMITTED FLA., MISS., TX.) *
(ADMITTED ILL.) **

CONTAINS TRADE SECRETS
AND CONFIDENTIAL
BUSINESS INFORMATION
NOT FOR PUBLIC DISCLOSURE

REVISED

VIA FACSIMILE
(202) 326-3259
IMMEDIATE ATTENTION REQUESTED

C. Lee Peeler
Associate Director
Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, N.W.
Room 4002
Washington, D.C. 20580

Attn: Sallie Schools

Supplement to Tobacco Center, Inc.'s
Rotation Plan for Calendar Year 2000 for
Corona and Palace Brand Style Cigarettes

Gentlemen:


We request that Palace Light King Box, Palace Light King Soft, Palace Light 100 Soft, Coronas Light Kings Box, Coronas Light Kings Soft, Coronas Light 100's Box, Coronas Light 100's Soft, and Corona Menthol Lights Kings Soft brand style cigarettes be added effective immediately to our client's approved Rotation Plan dated September 5, 2000. It is our understanding that Tobacco Center, Inc. has provided the Commission with revised packaging for these brand styles which comports to the Cigarette Labeling Advertising Act. Revised samples were sent separately by TC and the above-referenced law firm to the Federal Trade Commission

C. Lee Peeler
Associate Director
Division of Advertising Practices
Federal Trade Commission
September 27, 2000
Page 2

on September 14, 2000 and on September 15, 2000, respectively. Tobacco Center, Inc. will continue to abide by its originally submitted and subsequently approved plan dated September 5, 2000. The anticipated imported volume of these brand styles to Tobacco Center, Inc.'s existing Rotation Plan will not effect the volume of imports of these brand styles set forth in the previously submitted and approved plan, because the volume of these brand styles was included in that estimate. The warnings will appear on the packs and cartons exactly as shown on the revised artwork sent to the Commission on September 14, 2000 and further revised and supplemented on September 15, 2000.

Tobacco Center, Inc. will forward its actual revised packs and cartons to the Commission as soon as they become available

Your cooperation in this matter is appreciated.

ANDREW M. PARISH, P.A.

Andrew M. Parish

AMP/smb

cc: John Alexander, Vice President
Tobacco Center, Inc.



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

September 28, 2000

Andrew M. Parish, Esq.
Trade Centre South, Suite 930
100 West Cypress Creek Road
Fort Lauderdale, FL 33309-2181

Dear Mr. Parish:

The Federal Trade Commission ("the 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, et seq. ("the Cigarette Act"). In a letter dated September 5, 2000, I approved a September 5, 2000 plan filed on behalf of Tobacco Center, Inc. ("Tobacco Center") calling for the simultaneous display of the four health warnings on packaging, and quarterly rotation of the health warnings in advertising on certain brand styles of Corona and Palace cigarettes.

On September 27, 2000, Tobacco Center filed a supplement to extend its plan to include the Corona Light, Corona Menthol Light, and Palace Light brand styles. Tobacco Center's sales appear to qualify for the aforementioned alternative to quarterly rotation on packaging. The warnings on the sample packs and cartons submitted with your August 15, 2000 letter, along with the revised mock-up sample packs and cartons submitted on September 14, 2000 and September 15, 2000 appear to meet the size and conspicuousness requirements of the Cigarette Act.¹ As actual packaging is developed, Tobacco Center should submit samples to the Commission. Tobacco Center's expansion of its **plan** has been approved through October 31, 2000 subject to this contingency. Approval of the plan is contingent on its good faith implementation, and assumes that Tobacco Center will abide by its plan as set out in its September 5, 2000 letter. **We may ask for information demonstrating proper implementation of the plan.**² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Lee Peeler".

C. Lee Peeler
Associate Director

¹ Although some of the warnings were not sufficiently conspicuous, and one of the warnings contained an error in punctuation, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

² 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.



Tropical Trading Corp.

126 Madeira Avenue - Coral Gables, Florida 33134 - Phone (305)44 1-8830 - Fax (305)44 1-8842

September 27, 2000.

Mr. C. Lee Peeler
Associate Director, Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue Suite 4002
Washington, D.C. 20580

Dear Mr. Peeler:

On behalf of Tropical Trading Corp., I am hereby submitting our plans for advertising our cigarette brand CARNIVAL in the State of Florida.

We will use the warning formats that were submitted with the plans of the five leading U.S. cigarette manufacturers and we will place the warnings as specified in those plans.

We will rotate the warnings quarterly in advertising, according to the enclosed Schedule "A".

We hope this will meet with your approval and look forward to your prompt reply.

Respectfully,



Carlos Anllo
President
Tropical Trading Corp.

Encls.- Schedule "A"

SCHEDULE "A"

Quarters	Period of Production	Warning Labels
1st.	Jan. to Mar.	SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
2nd.	Apr. to Jun.	SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide
3rd.	Jul. to Sep.	SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.
4th.	Oct. to Dec.	SURGEON GENERAL'S WARNING : Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.



UNITED STATES OF AMERICA
FEDERAL **TRADE** COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

October 2, 2000

Mr. Carlos Anllo
President
Tropical Trading Corp.
126 Madeira Avenue
Coral Gables, FL 33134

Dear Mr. Anllo:

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, et seq. Pursuant to that delegation, I have previously approved Tropical Trading Corp's plans calling for quarterly rotation of the four health warnings on packaging of the Carnival brand of cigarettes. In a letter dated September 27, 2000, you now propose a plan for the quarterly rotation of the health warnings in the advertising of the Carnival brand.

Your plan for the rotation of the warnings in the advertising of the Carnival brand of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Lee Peeler".

C. Lee Peeler
Associate Director

Asia Pacific Trading Group, Inc.

3054 Ala Poha Pl., Suite 1207

Honolulu, HI. 96818

Tel: (808) 834-5325 Fax: (808) 833-8072

September 27, 2000

To: Division of Advertising Practices
Federal Trade Commission

Enclosed please find Photocopies of our NISE Lights cigarette pack and carton labeling. In April of this year we received our FTC compliance confirmation letter for our NISE Menthol and Full Flavor brand styles. We intend to follow our plan filed with the FTC. Please add our NISE Lights cigarette pack and carton labeling Photocopies to our file.

Thank you,

Kenneth Turner



President

Asia Pacific Trading Group, Inc.

If additional information is required please contact Kenneth Turner at (808) 834-5325 or fax to: (808) 833-8072



Division of Advertising Practices

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D C 20580

COPY

October 3,2000

Mr. Kenneth Turner
President
Asia Pacific Trading Group, Inc.
3054 Ala Poha Place, Suite 1207
Honolulu, HI 96818

Dear Mr. Turner:

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, et seq. ("the Cigarette Act"). In a letter dated May 22,2000, I approved Asia Pacific Trading Group, Inc's ("APTG") May 18,2000 plan for the quarterly rotation of the four health warnings on packaging of the full flavor and menthol varieties of the NISE brand of cigarettes.

On September 27,2000, APTG filed a supplement to extend its plan to include the NISE Lights brand style. The warnings on the artwork of the packs and cartons submitted with your letter appear to meet the size and conspicuousness requirements of the Cigarette Act. APTG's expansion of its plan is hereby approved. Approval of the **plan is** contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.¹ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Sincerely,



C. Lee Peeler

Associate Director

¹ Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18U.S.C. § 1001.

CITY
SUPPLIES
IMPORTERS AND DISTRIBUTORS

3631 Presidential Parkway
Doraville, GA, 30341
Tel - 770-451-8511
Fax - 770-451-8512

09/30/00

To,
DIANA WINTERSON

Tel : 202-326-2557

Fax : 202-326-3259

We at City Supplies have imported [REDACTED] cartons of White Rose Bidi Cigarettes, which are not enclosed in cellophane, and are submitting a plan to display the Four Surgeon General's warnings an equal number of times on packs and cartons of White Rose Bidi Cigarettes during the calender year 2000. We will be importing only one brandstyle of these Cigarettes.

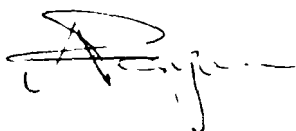
Last year we imported no more than [REDACTED] cartons of Bidi Cigarettes. In the year 2000 we anticipate importing no more than [REDACTED] cartons of White Rose Bidi Cigarettes.

Since the packs and cartons as manufactured do not use the Surgeon General's warnings that comply with the Cigarette Act, they will be relabelled with warning stickers displaying each of the four Surgeon General's warnings specified in the Cigarette Act. Enclosed are the four warning stickers we will be using on cartons. Enclosed with our letter of September 21, 2000 are the four warning stickers we will be using on packs. The warnings will appear exactly as per the enclosed samples and will be placed in the same location on packs and cartons as on the samples enclosed with our letter of Sept. 21, 2000. We will place the stickers so that they will appear an equal number of times on packs and cartons of White Rose Bidi Cigarettes during the calender year 2000. We will not advertise White Rose Bidi Cigarettes to consumers.

We will keep records demonstrating compliance with the plan.

Thanking you,

Yours truly,



[AHMED PANJWANI]



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580

Division of Advertising Practices

October 6, 2000

Mr. Ahmed Panjwani
City Supplies Importers and Distributors
3631 Presidential Parkway
Doraville, GA 30341

Dear Mr. Panjwani:

The Federal Trade Commission ("the 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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the revised proposed plan filed on behalf of City Supplies Importers and Distributors ("City Supplies") on September 30, 2000 calling for the simultaneous display of the four health warnings on the packs and cartons of one brand style of White Rose bidi cigarettes.

City Supplies' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. Your plan calls for re-labeling all packs and cartons of the White Rose brand. The sample warning labels submitted with your September 21, 2000 and September 30, 2000 letters for use on the packs and cartons appear to comply with the Cigarette Act's requirements for size and conspicuousness. The pack and carton of White Rose bidi cigarettes submitted with your September 21, 2000 letter as examples of how the warnings will appear on all the **imported** cigarette packs and cartons demonstrate that the warnings will appear on the packaging in an appropriate manner. Your plan states that City Supplies will take steps to assure that the four warnings specified in the Cigarette Act appear on the individual packs and cartons of the one brand style of White Rose bidi cigarettes an **equal** number of times during the year. City Supplies' plan for the White Rose brand of bidi cigarettes is hereby approved. This approval is effective on the date of this letter and ends on December 31, 2000. Approval of the plan is contingent on its good faith implementation.

¹ This product as originally labeled does not use the Surgeon General Warnings that comply with the Cigarette Act. Although some of the warning labels for the cartons submitted on September 21, 2000 contained typographical errors, revised labels were submitted on September 30, 2000. This approval pertains only to the labels that meet the requirements of the Cigarette Act.

Mr. Ahmed Panjwani
October 6, 2000
Page 2


We may **ask** for information demonstrating proper implementation of the plan.' The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

The approval of City Supplies' cigarette health warning display plan is an approval of the plan under the Cigarette Act. Approval of the plan is not in any way a determination that the practices outlined in the plan are in compliance with any state or other federal statutes.

If City Supplies does decide to advertise in the future, it must submit a plan detailing how it will comply with the requirements of the Cigarette Act with respect to display of the health **warning** statements in advertisements.

You should also be aware that Section 1335a of the Cigarette Act requires **that** cigarette manufacturers and importers annually file with the Secretary of the Department of Health **and Human** Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

Sincerely,


C. Lee Peeler
Associate Director

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

ANDREW M. PARISH, P.A.

ATTORNEYS AT LAW
TRADE CENTRE SOUTH, SUITE 930
100 WEST CYPRESS CREEK ROAD
FORT LAUDERDALE, FLORIDA 33309 - 2181

VOICE (954) 351-4588

FACSIMILE (954) 771-8870 / 771-0434

MIAMI LINE (305) 445-1667

AFTER HOURS: (305) 944-9843

REPLY TO: BROWARD / PALM BEACH OFFICE

October 11, 2000

MIAMI OFFICE

GABLES INTERNATIONAL PLAZA
PENTHOUSE 10
CORAL GABLES, FLORIDA 33134-5826
VOICE: (305) 445-1667
FACSIMILE (305) 441-7974

GROUP OFFICES

CLEVELAND
LOS ANGELES
NEW YDRK
WASHINGTON, D C
CHICAGO

ANDREW M. PARISH *

NEVILLE ASHERSON ***
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JAMES W. SCHULTZ **
STEPHEN Y. ZELMAN ****
OF COUNSEL

(ADMITTED D.C., FLA., N.Y.) *
(ADMITTED CALIF.) ***
(ADMITTED OH.) ****
(ADMITTED FLA.) **
(ADMITTED D.C., MD., VA.) ***
(ADMITTED OC., NV.) ****
(ADMITTED FLA., MISS., TX.) *
(ADMITTED ILL.) **

CONTAINS TRADE SECRETS
AND CONFIDENTIAL
BUSINESS INFORMATION
NOT FOR PUBLIC DISCLOSURE

REVISED

VIA FACSIMILE
(202) 326-3259
IMMEDIATE ATTENTION REQUESTED

C. Lee Peeler
Associate Director
Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, N.W.
Room 4002
Washington, D.C. 20580

Attn: Sallie Schools

Cigarette Health Warning Rotation Plan Submitted on Behalf of
Tobacco Distributing, Inc. for Calendar Year 2000 for
Palace Brand Cigarettes

Gentlemen:

Pursuant to our previous conversations and on behalf of our referenced client, this firm hereby submits Tobacco Distributing, Inc.'s revised Surgeon General Rotation Plan as required under the Federal Cigarette Labeling and Advertising Act of 1984 (15 U.S.C. et seq.), as amended. Jorge Rodriguez is the President of the applicant, and the corporate address for the company is 5316 S.W. 151st Place, Miami, Florida 33185. The cigarettes covered by the proposed Plan are the following foreign manufactured Palace brand style cigarettes, which include

C Lee Peeler
Associate Director
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health warnings complying with the Surgeon General warning language set forth in the statute: Palace Full-flavor King Box, Palace Full-flavor King Soft, Palace Full-flavor 100 Soft, Palace Light King Box, Palace Light King Soft, Palace Light 100 Soft, Palace Ultra-Light King Box, Palace Menthol King Box, Palace Menthol King ~~soft~~ and Palace Menthol 100 Soft. Tobacco Distributing, Inc. has received separate approval from the FTC to import the following three (3) foreign made brand styles of brands manufactured under the authority of Philip **M o m s** Products: Marlboro Red **Box**, Marlboro Light Box, and Marlboro Red **Box** 100's. Tobacco Distributing, Inc. anticipates importing no more than the combined total of [REDACTED] [REDACTED] individual foreign manufactured cigarettes of Palace brand styles during calendar year 2000. **This** amount is computed based on the anticipated importation of [REDACTED] [REDACTED] master **cases**. Each Palace master **case** generally contains *sixty* (60) individual cartons, each in turn containing ten (10) packs of cigarettes. Consequently each master case contains a total of twelve thousand (12,000) cigarettes. No individual brand style that Tobacco Distributing imports will exceed one billion individual cigarettes.

Sample flats of cartons and packs of the above-referenced **Palace** brand styles have already been **submitted on** August **24**, 2000 to the Commission under separate cover. Revised mock-up packaging was submitted on September 20th, which corrected contrast errors on the previous **submitted** packaging. All packs and cartons will appear exactly **as** they appear on the submitted and revised mock-up packaging. Tobacco Distributing, Inc. will forward its **actual** packs and cartons to the Commission **as** soon as they become available.

The importer/submitter of Palace brand cigarettes will equalize the health warnings on the packs and **cartons** over the year 2000 Plan period. Tobacco Distributing, Inc.'s Surgeon

C. Lee Peeler
Associate Director
Division of Advertising Practices
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General's Warning Rotation Plan includes the maintenance of a Health Warning Plan Log to ensure the equalization of the four approved warnings during the year.

We respectfully submit that the Palace brand cigarettes imported by our client qualify for the requested rotation plan (i.e. equalization) insofar **as** all requirements **set** forth in Section 1333 have been met. More specifically the one fourth of one percent requirement, meaning that the number of cigarettes of such brand style sold in the **fiscal** year of the manufacturer or importer preceding the submission of the application is less than one-fourth of one percent of all cigarettes sold in the United States, **has** been met **as** demonstrated by the quantity of cartons imported for sale. The second part of the test, brand packaging, meaning that more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles that meet the one fourth of one percent **rule set** forth above, has also been met since all of the cigarettes imported by this client are packaged by brand style, and the quantities of brand sales are below the one quarter of one percent requirement.

As a small importer by virtue of the information **set** forth above, **as** previously mentioned, and **as** classified under the **Act**, Tobacco Distributing, Inc. submits **as** its Plan **that** the labels specified in 15 shall appear on the packs and cartons of the Palace brand style cigarettes, **with** respect to which the application is approved an equal number of **times** within the 2000 calendar year. **All** packs will bear the original warnings printed directly on the individual packs by the foreign manufacturers. All four warnings specified on the CLAA **will** appear exactly **as** shown on the sample packs and cartons that we provided to the Commission. **Revised** mock-up packaging of Palace Light King **Box**, Palace Light King **Soft** and Palace Light 100 **Soft** was sent to the Commission on September 20th.

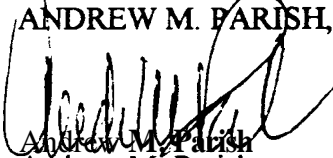
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Associate Director
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Since Tobacco Distributing, Inc. does not and will not advertise the product, there **is no** need to submit an advertising Plan.

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

Should you require any additional information with respect to the foregoing, please contact the undersigned at the referenced Fort Lauderdale, Florida address.

Respectfully submitted,
ANDREW M. PARISH, P.A.



Andrew M. Parish

AMP/smb

cc: George Rodriguez, President
Tobacco Distributing, Inc.



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

October 12, 2000

Andrew M. Parish, Esq.
Trade Centre South, Suite 930
100 West Cypress Creek Road
Fort Lauderdale, FL 33309-2181

Dear **Mr.** Parish:

The Federal Trade Commission (“the 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, et seq. (“the Cigarette Act”). Pursuant to that delegation, I have reviewed the revised proposed plan filed on behalf of Tobacco Distributing, Inc. (“Tobacco Distributing”) on October 11, 2000 calling for the simultaneous display of the four health warnings on packaging of the Palace brand of cigarettes.

Tobacco Distributing’s sales appear to qualify for the aforementioned alternative to quarterly rotation **of the** warnings on packaging. The health warnings on the sample packs and cartons of the Palace brand submitted on August 25, 2000, along with the revised mock-up sample packs submitted on September 20, 2000, appear to meet the requirements of the Cigarette Act for size and conspicuousness.¹ **As** actual packaging is developed, Tobacco Distributing should submit samples to the Commission. Tobacco Distributing’s plan for the Palace brand has been approved **through** November 15, 2000 subject to this contingency. Approval of the plan **is** contingent its **good** faith implementation. We may **ask** for information demonstrating proper implementation of the **plan**.² The Cigarette Act provides that any person who violates its provisions is guilty **of** a misdemeanor.

If Tobacco Distributing does decide to advertise in the future, it must submit a plan detailing **how** it will comply with the requirements of the Cigarette Act with respect to display of the health **warning** statements in advertisements.

¹ Although some of the warnings were not sufficiently conspicuous, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

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.

Andrew M. Parish, Esq.
October 12, 2000
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You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers and importers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Lee Peeler", with a stylized flourish at the end.

C. Lee Peeler
Associate Director

**LAW OFFICES OF
BARRY M. BOREN**

**Dadeland Towers
9200 South Dadeland Boulevard
Suite 412
Miami, Florida 33156**

**Telephone
(305) 670-2200
Facsimile
(305) 670-9672**

September 25, 2000

Mr. C. Lee Peeler, Associate Director
Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, N.W. Room 4213
Washington, D.C. 20580

Attention: Michael Ostheimer, Esq.

Supplement to the
Surgeon General's Warning Rotation Plan for
Smithfield Distributors, Inc.
For Cigs Cigarettes

Dear Mr. Peeler:

Please be advised that we are the attorneys for an importer of tobacco products, Smithfield Distributors, Inc. ("Smithfield"), a Florida corporation, with offices located at 15 E. Sunrise Ave., Coral Gables, Florida 33133 which wishes to file a Surgeon General's Warning Rotation Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for a private label brand of cigarettes they wish to import into the United States. The contact person for the company will be its President, Ursula M. Judge, 15 E. Sunrise Ave., Coral Gables, Florida 33133. Smithfield has already submitted rotation plans for private label cigarettes being imported under the names "Optima," "Cherokee" and "Monte Carlo."¹ This application is for private label cigarettes being imported under the name "Cigs."

The brand style of cigarettes Smithfield intends to import are listed on Exhibit "A" attached hereto. The artwork for all of the packs and cartons of each brand style (one with each warning) are enclosed herewith.

Please be advised that when samples from the actual production runs for each pack and carton with each warning label for which artwork was submitted, are produced, we will send samples to the Federal Trade Commission.

¹ The Optima Plan was approved on November 9, 1999. A revised plan scheduled to go into effect January 1, 2001 was filed with your office on July 11, 2000, but has not yet been approved. The Cherokee plan was approved on May 23, 2000 and the Monte Carlo plan was approved on August 2, 2000. Attached hereto as Exhibit "B" is a plan showing the label rotation for each brand imported by Smithfield.

Even though Smithfield qualifies as a small importer/manufacturee as defined by the Act, Smithfield wishes to submit to the FTC a plan to rotate the warning statements as required by 15 U.S.C. §1333(c)(1). The plan we wish to submit requires that Smithfield rotate quarterly, in an alternating sequence, each of the four warning statements which will appear on the packages and cartons of the Cigs brand cigarettes. Smithfield will begin with the warning "SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy." and will use this label during the fourth quarter (October 1st to December 31st). It will alternate labels on the first of each calendar quarter thereafter (i.e., January 1st, April 1st, and July 1st).

From Oct. 1st to Dec. 31st Smithfield will use the warning:

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

From January 1 to March 31st Smithfield will use the warning:

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

From April 1st to June 30th Smithfield will use the warning:

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

From July 1st to September 30th Smithfield will use the warning:

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

The artwork enclosed in this submission for the packs and cartons of the Cigs cigarettes show exactly where and how the Surgeon General's health warnings will appear on the individual packs and cartons Smithfield will be importing. These warning labels will be printed on the packs and cartons by the manufacturers in the place and in the manner indicated.

Mr. C. Lee Peeler, Associate Director
Federal Trade Commission

Page 3
September 25, 2000

Each pack and carton imported by Smithfield will have a country of origin printed on the pack or carton as required by 19 U.S.C. § 1304. The enclosed artwork shows where the information will be placed and how it will appear. Smithfield will ensure that the country of origin will not obscure, or otherwise interfere with, the Surgeon General's Warning in any way.

Please be advised that, at this time, Smithfield does not advertise, and therefore, will not need to comply with the Act's requirements requiring the rotation of warning labels on advertising. If this should change, we will notify the FTC and modify our plan accordingly.

We believe this plan complies in all respects with the Federal Cigarette Labeling and Advertising Act, as amended, (15 U.S.C. §1331 *et seq.*) including any modifications made by the Comprehensive Smoking Education Act of 1984 and the Nurses' Education Amendments of 1985. For this reason, we hereby request that you approve this plan as soon as possible.

Should you have any further questions regarding this matter, please do not hesitate to contact us.

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN


Barry M. Boren

BMB:mw
encs.

EXHIBIT 'A' LIST OF CIGARETTES

Cias

Cigs Full Flavor King

Cigs Light King

Cigs Ultra Light King

Cigs Extra Light King

Cigs Menthol King

Smithfield\Cigs-Exhibit-List

EXHIBIT "B" - CIGS

QUARTER ONE:

<u>Brand</u>	<u>Warning</u>
Optima	Carbon Monoxide
Cherokee	Lung Cancer
Monte Carlo	Pregnant Women
Cigs	Quitting Smoking

QUARTER TWO:

Optima	Pregnant Women
Cherokee	Quitting Smoking
Monte Carlo	Lung Cancer
Cigs	Carbon Monoxide

QUARTER THREE:

Optima	Lung Cancer
Cherokee	Carbon Monoxide
Monte Carlo	Quitting Smoking
Cigs	Pregnant Women

QUARTER FOUR:

Optima	Quitting Smoking
Cherokee	Pregnant Women
Monte Carlo	Carbon Monoxide
Cigs	Lung Cancer



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D. C. 20580

Division of Advertising Practices

October 17, 2000

Barry M. Boren, Esq.
Dadeland Towers
9200 South Dadeland Boulevard
Suite 412
Miami, FL 33156

Dear **Mr.** Boren:

The Federal Trade Commission ("the 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, et seq. ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the proposed plan filed on behalf of Smithfield Distributors, Inc. ("Smithfield") on September 25, 2000 calling for quarterly rotation of the health warnings on packaging of the Cigs brand of cigarettes.

The health warnings on the artwork of the packs and cartons submitted with your plan appear to comply with the requirements of the Cigarette Act for size and conspicuousness. When actual packaging is developed, Smithfield should submit samples to the Commission. Smithfield's plan for quarterly rotation of the health warnings on packaging of the Cigs brand of cigarettes **has** been approved **through** December 31, 2000 subject to this contingency. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.¹ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers and importers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Lee Peeler".

C. Lee Peeler
Associate Director

¹ 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.