



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: December 21, 2023

SUBJECT: Cigarette Labeling and Advertising Act
File No. P854505

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

1. March 26, 2019 letter from Eric B. Estes, Xcaliber International, Ltd., LLC to Mary K. Engle.
2. April 1, 2019 letter from Mary K. Engle to Eric Barkley Estes, Xcaliber International, Ltd., LLC.
3. March 26, 2019 letter from Travis G. Heron, Seneca Manufacturing Company to Mary Engle.
4. March 26, 2019 letter from Travis Heron, Seneca Manufacturing Company to Mary Engle.
5. April 5, 2019 letter from Mary K. Engle to Travis G. Heron, Seneca Manufacturing Company.
6. April 3, 2019 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Mary K. Engle.
7. April 5, 2019 letter from Mary K. Engle to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
8. March 29, 2019 letter from Barry M. Boren on behalf of Konci Group (USA), Inc. to Mary Engle.

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9. April 9, 2019 letter from Mary K. Engle to Barry M. Boren on behalf of Konci Group (USA), Inc.
10. November 9, 2018 letter from Gretchen Cox, Diamond Mountain Manufacturing, LLC to Mary K. Engle.
11. April 4, 2019 letter from Kai Gachupin, Diamond Mountain Manufacturing, LLC to Mary K. Engle.
12. April 12, 2019 letter from Mary K. Engle to Kai Gachupin, Diamond Mountain Manufacturing, LLC.
13. April 12, 2019 letter from Geraldine Bowen Barker, Commonwealth Brands, Inc. to Mary Engle.
14. April 15, 2019 letter from Mary K. Engle to Geraldine Bowen Barker, Commonwealth Brands, Inc.
15. April 17, 2019 letter from John R. Long, Liggett Group LLC to Mary K. Engle.
16. April 18, 2019 letter from Mary K. Engle to John R. Long, Liggett Group LLC.
17. April 19, 2019 letter from William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates to Mary K. Engle.
18. April 19, 2019 letter from Mary K. Engle to William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates.
19. April 19, 2019 letter from Joseph M. Zebrowski, Rock River Manufacturing to Mary K. Engle.
20. April 19, 2019 letter from Mary K. Engle to Joseph M. Zebrowski, Rock River Manufacturing.
21. April 11, 2019 letter from Darren Rose, Azuma Corporation to Mary Engle.
22. April 29, 2019 letter from Mary K. Engle to Darren Rose, Azuma Corporation.
23. April 30, 2019 letter from Geraldine Bowen Barker, ITG Brands, LLC to Mary Engle.
24. April 30, 2019 letter from Mary K. Engle to Geraldine Bowen Barker, ITG Brands, LLC.

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25. May 10, 2019 from Juan Miguel Araiza, Skookum Creek Tobacco Co., Inc. to Mary K. Engle.
26. May 10, 2019 from Mary K. Engle to Juan Miguel Araiza, Skookum Creek Tobacco Co., Inc.
27. May 8, 2019 letter from Heather Enyart, Seneca-Cayuga Tobacco Company to the Division of Advertising Practices.
28. May 13, 2019 letter from Mary K. Engle to Heather Enyart, Seneca-Cayuga Tobacco Company.
29. May 15, 2019 letter from Everett W. Gee III, S&M Brands, Inc. to Mary K. Engle.
30. May 17, 2019 letter from Mary K. Engle to Everett W. Gee III, S&M Brands, Inc.
31. May 20, 2019 letter from Veronica Vilarchao on behalf of Dosal Tobacco Corporation to Mary K. Engle.
32. June 5, 2019 letter from Mary K. Engle to Veronica Vilarchao on behalf of Dosal Tobacco Corporation.
33. April 4, 2019 letter from Brendon Scott, Sherman's 1400 Broadway N.Y.C., LLC to Mary K. Engle.
34. June 12, 2019 letter from Mary K. Engle to Brendon Scott, Sherman's 1400 Broadway N.Y.C., LLC.
35. June 17, 2019 letter from Sarah Treptow, Ohserase Manufacturing, LLC to the Division of Advertising Practices.
36. June 18, 2019 letter from Mary K. Engle to Sarah Treptow, Ohserase Manufacturing, LLC.
37. June 12, 2019 letter from Bryan Porter, Lake Erie Tobacco Company to Advertising Practices.
38. June 18, 2019 letter from Mary K. Engle to Bryan Porter, Lake Erie Tobacco Company.
39. June 25, 2019 letter from Erlind Hill, Native Wholesale Supply Company to Advertising Practices.
40. June 26, 2019 letter from Mary K. Engle to Erlind Hill, Native Wholesale Supply Company.

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41. June 11, 2019 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.
42. June 27, 2019 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.

X C A L I B E R

Eric Barkley Estes
General Counsel

INTERNATIONAL, LTD., L.L.C.

Direct Dial: (918) 824-6641
Email: eric@xcaliberinternational.com

March 26, 2019

Via Federal Express – Overnight Delivery

Ms. Mary K. Engle
Division of Advertising Practices
FEDERAL TRADE COMMISSION
600 Pennsylvania Ave., N.W.
Mail Drop CC100528
Washington, D.C. 20580

Re: Plan for Compliance with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* – Brand Styles “24/7,” “Berkley,” “Berley,” “Echo,” “Edgefield,” “Exeter,” “Golden Blend,” “Gsmoke,” “Mainstreet,” and “Sport”

Dear Ms. Engle:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the “Act”) 15 U.S.C. §§ 1331, *et seq.*, Xcaliber International, Ltd., L.L.C. (“Xcaliber”), submits the following narrative describing its plan to comply with the health warning display requirements. This plan represents the renewal of the plan previously approved by the Federal Trade Commission (“FTC”) on March 23, 2018, for the packaging of the brand families “24/7,” “Berkley,” “Berley,” “Echo,” “Edgefield,” “Exeter,” “Golden Blend,” “Gsmoke,” “Mainstreet,” and “Sport” (collectively as the “Brands”). Through the date of this application, the Surgeon General’s warnings on the Brand’s packaging have been equalized in accordance with the Act. All Brands and their styles are listed on **Attachment 1**. All of the Brands for which this plan is submitted are manufactured in Pryor, Oklahoma, by Xcaliber.

I. Packaging

- a. Warning Label Size and Location. Warnings will appear exactly as shown on the packs and cartons enclosed with Xcaliber’s submissions, dated July 29, 2013, August 9, 2013, and July 11, 2016. The warning statements are permanently imprinted on cigarette packs and cartons. The samples provided include each of the four warnings on packs and cartons for each brand style submitted.
- b. Warning Label Rotation. Pursuant to Section 1333(c)(2) of the Act, Xcaliber will display the four warnings an equal number of times on the packs and cartons for each of the brand styles listed on **Attachment 1** for one year, beginning with the approval date of this plan. Through the date of this application, the Surgeon General’s warnings on the packs and cartons of each Brand style of packaging have been equalized in accordance with the plan approved on March 23, 2018.

Please note Xcaliber's plan is based on the alternative to quarterly rotation provided in 15 U.S.C. Section 1333(c)(2). Xcaliber hereby states that the yearly sales volume for each brand style of the Brands remains below the threshold under which the FTC may permit Xcaliber to display the four warnings an equal number of times during the year. Xcaliber's sales for the fiscal year ending December 31, 2018, were [REDACTED] sticks. A schedule is attached reflecting Xcaliber's total sales for fiscal year 2018 and the first month of fiscal year 2019. This schedule is provided as **Attachment 2.1** and **Attachment 2.2**, respectively.

Xcaliber requires its print suppliers to produce packaging with all four warnings in a single print run. The 100's-size soft pack labels are printed on a roll with an equal number of each warning within a 4-label space. The king size soft pack labels are printed using a press sheet with an equal number of each warning within a 32-label space. The king-size box labels are printed using a press sheet with an equal number of each warning within a 28-label space. The 100's size box labels are printed using a press sheet that has a 21-label space. Because one extra space is left on the 100's size box print runs, the extra space rotates between the four warnings an equal number of times throughout the year. For cartons, the press sheet has a 6-label space in which the extra two spaces rotate between two warnings every other run to yield an equal number of warnings throughout the year. Xcaliber's print supplier palletizes the print by hand such that all warnings are randomized equally throughout an order. Xcaliber's print supplier also provides an affidavit with each print run that states that the order has been processed according to these standards.


- c. Records of Compliance. Xcaliber maintains a record of the affidavits provided by its print supplier confirming the procedures outlined above. When each order arrives, a set of samples of each warning from each brand style is kept along with the affidavit in Xcaliber's records. Both the affidavits and samples are kept by Xcaliber for a minimum of one year beyond the date of receipt of the print order.

II. Advertising

Through the date of this application, Xcaliber continues to be in full compliance with the advertising plan approved by the FTC on July 27, 2016.

If you have any questions, or need anything further, please do not hesitate to contact me.

Warmest Regards,


Eric B. Estes
General Counsel

enclosures

Attachment 1. Current Brand Families and Styles.

The attachment is provided on the following pages.

24/7

Note: 24/7 is only available in a box.

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100

Red King
Gold King
Menthol King

BERKLEY

Soft Pack

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Silver King
Menthol King
Non-Filter King

Box

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Gold King

BERLEY

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Blue King
Non-Filter King

Box

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Blue King
Menthol King
Menthol Gold King

ECHO

Soft Pack

Red 100
 Gold 100
 Blue 100
 Menthol 100 (dark green pack)
 Menthol Gold 100 (light green pack)
 Red King
 Gold King
 Blue King
 Non-Filter King (dark red pack)

Box

Red 100
 Gold 100
 Blue 100
 Menthol 100 (dark green pack)
 Menthol Gold 100 (light green pack)
 Red King
 Gold King
 Blue King
 Menthol King (dark green pack)
 Menthol Gold King (light green pack)
 Non-Filter King (dark red pack)

EDGEFIELD

Note: Edgefield is only available in a box.

Red 100
 Gold 100
 Silver 100
 Menthol 100 (dark green pack)
 Menthol Gold 100 (light green pack)

Red King
 Gold King
 Silver King
 Menthol King (dark green pack)
 Menthol Gold King (light green pack)
 Non-Filter King (dark red pack)

EXETER

Soft Pack

Red 100
 Gold 100
 Blue 100
 Menthol 100 (dark green pack)
 Menthol Gold 100 (light green pack)
 Red King
 Gold King
 Non-Filter King (dark red pack)

Box

Red 100
 Gold 100
 Blue 100
 Menthol 100 (dark green pack)
 Menthol Gold 100 (light green pack)
 Red King
 Gold King
 Blue King
 Menthol King (dark green pack)
 Menthol Gold King (light green pack)
 Non-Filtered King (dark red pack)

GOLDEN BLEND

Soft Pack

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Non-Filter King

Box

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Gold King

GSMOKE

Soft Pack

Blue 100
Menthol 100

Box

Red 100
Gold 100
Red King
Gold King

MAINSTREET

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King

Box

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Menthol King

SPORT

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Menthol King

Box

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Menthol King

Attachment 2.1. 2018 Sales Data.

The attachment is provided on the following pages.

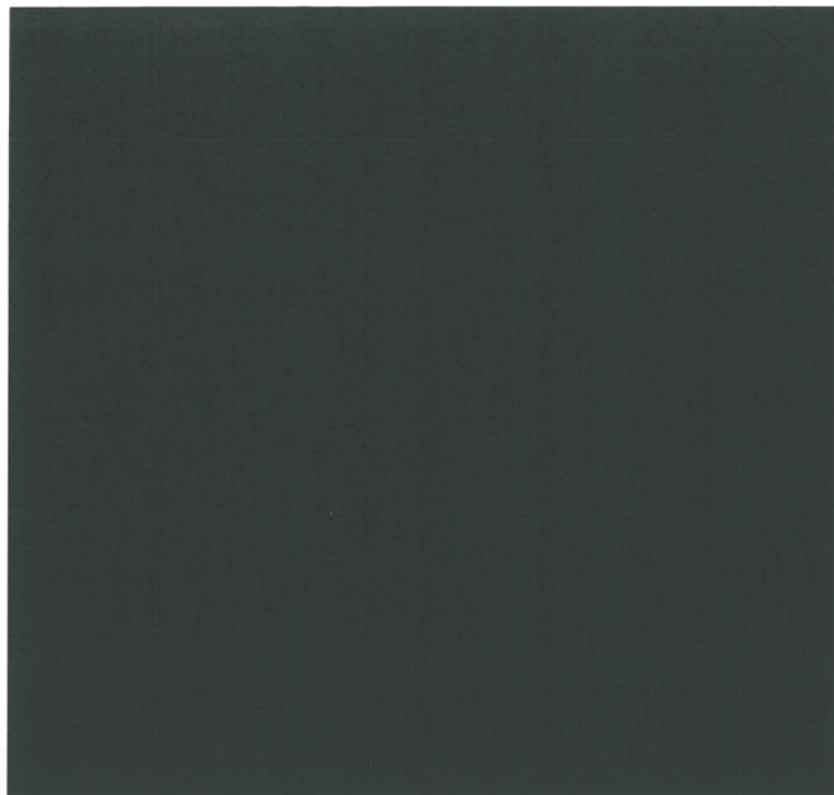
Attachment 2.1.

Brands	Cases Shipped	Cartons Shipped	Packs Shipped	Sticks Shipped
24/7 BOX 100 GOLD				
24/7 BOX 100 MENTHOL				
24/7 BOX 100 MENTHOL GOLD				
24/7 BOX 100 RED				
24/7 BOX 100 SILVER				
24/7 BOX KING GOLD				
24/7 BOX KING MENTHOL				
24/7 BOX KING RED				
BERKLEY BOX 100 GOLD				
BERKLEY BOX 100 MENTHOL				
BERKLEY BOX 100 MENTHOL GOLD				
BERKLEY BOX 100 RED				
BERKLEY BOX 100 SILVER				
BERKLEY BOX KING GOLD				
BERKLEY BOX KING RED				
BERKLEY SP 100 GOLD				
BERKLEY SP 100 MENTHOL				
BERKLEY SP 100 MENTHOL GOLD				
BERKLEY SP 100 RED				
BERKLEY SP 100 SILVER				
BERKLEY SP KING GOLD				
BERKLEY SP KING MENTHOL				
BERKLEY SP KING NON FILTER				
BERKLEY SP KING RED				
BERKLEY SP KING SILVER				
BERLEY BOX 100 BLUE				
BERLEY BOX 100 GOLD				
BERLEY BOX 100 MENTHOL				
BERLEY BOX 100 MENTHOL GOLD				
BERLEY BOX 100 RED				
BERLEY BOX KING BLUE				
BERLEY BOX KING GOLD				
BERLEY BOX KING MENTHOL				
BERLEY BOX KING MENTHOL GOLD				
BERLEY BOX KING RED				
BERLEY SP 100 BLUE				
BERLEY SP 100 GOLD				
BERLEY SP 100 MENTHOL				
BERLEY SP 100 MENTHOL GOLD				
BERLEY SP 100 RED				
BERLEY SP KING BLUE				
BERLEY SP KING GOLD				
BERLEY SP KING NON FILTER				
BERLEY SP KING RED				
ECHO BOX 100 RED				
ECHO BOX 100 BLUE				
ECHO BOX 100 GOLD				
ECHO BOX 100 MENTHOL				
ECHO BOX 100 MENTHOL GOLD				
ECHO BOX KING BLUE				
ECHO BOX KING GOLD				
ECHO BOX KING MENTHOL				
ECHO BOX KING MENTHOL GOLD				
ECHO BOX KING NON FILTER				
ECHO BOX KING RED				
ECHO SP 100 BLUE				
ECHO SP 100 GOLD				
ECHO SP 100 MENTHOL				

ECHO SP 100 MENTHOL GOLD
ECHO SP 100 RED
ECHO SP KING BLUE
ECHO SP KING GOLD
ECHO SP KING NON FILTER
ECHO SP KING RED
EDGEFIELD BOX 100 GOLD
EDGEFIELD BOX 100 MENTHOL
EDGEFIELD BOX 100 MENTHOL GOLD
EDGEFIELD BOX 100 RED
EDGEFIELD BOX 100 SILVER
EDGEFIELD BOX KING GOLD
EDGEFIELD BOX KING MENTHOL
EDGEFIELD BOX KING MENTHOL GOLD
EDGEFIELD BOX KING NON FILTER
EDGEFIELD BOX KING RED
EDGEFIELD BOX KING SILVER
EDGEFIELD BOX KING MENTHOL GOLD
EXETER BOX 100 BLUE
EXETER BOX 100 GOLD
EXETER BOX 100 MENTHOL
EXETER BOX 100 MENTHOL GOLD
EXETER BOX 100 RED
EXETER BOX KING BLUE
EXETER BOX KING GOLD
EXETER BOX KING MENTHOL
EXETER BOX KING MENTHOL GOLD
EXETER BOX KING NON FILTER
EXETER BOX KING RED
EXETER SP 100 BLUE
EXETER SP 100 GOLD
EXETER SP 100 MENTHOL
EXETER SP 100 MENTHOL GOLD
EXETER SP 100 RED
EXETER SP KING GOLD
EXETER SP KING NON FILTER
EXETER SP KING RED
GOLDEN BLEND BOX 100 GOLD
GOLDEN BLEND BOX 100 MENTHOL
GOLDEN BLEND BOX 100 MENTHOL GOLD
GOLDEN BLEND BOX 100 RED
GOLDEN BLEND BOX 100 SILVER
GOLDEN BLEND BOX KING GOLD
GOLDEN BLEND BOX KING RED
GOLDEN BLEND SP 100 GOLD
GOLDEN BLEND SP 100 MENTHOL
GOLDEN BLEND SP 100 MENTHOL GOLD
GOLDEN BLEND SP 100 RED
GOLDEN BLEND SP 100 SILVER
GOLDEN BLEND SP KING NON FILTER
GOLDEN BLEND SP KING RED
GSMOKE BOX 100 GOLD
GSMOKE BOX 100 RED
GSMOKE BOX KING GOLD
GSMOKE BOX KING RED
GSMOKE SP 100 BLUE
GSMOKE SP 100 MENTHOL
MAIN STREET BOX 100 BLUE
MAIN STREET BOX 100 GOLD
MAIN STREET BOX 100 MENTHOL
MAIN STREET BOX 100 MENTHOL GOLD



MAIN STREET BOX 100 RED
MAIN STREET BOX KING GOLD
MAIN STREET BOX KING MENTHOL
MAIN STREET BOX KING RED
MAIN STREET SP 100 BLUE
MAIN STREET SP 100 GOLD
MAIN STREET SP 100 MENTHOL
MAIN STREET SP 100 MENTHOL GOLD
MAIN STREET SP 100 RED
MAIN STREET SP KING RED
SPORT BOX 100 BLUE
SPORT BOX 100 GOLD
SPORT BOX 100 MENTHOL
SPORT BOX 100 MENTHOL GOLD
SPORT BOX 100 RED
SPORT BOX KING GOLD
SPORT BOX KING MENTHOL
SPORT BOX KING RED
SPORT SP 100 BLUE
SPORT SP 100 GOLD
SPORT SP 100 MENTHOL
SPORT SP 100 MENTHOL GOLD
SPORT SP 100 RED
SPORT SP KING GOLD
SPORT SP KING MENTHOL
SPORT SP KING RED
Grand Total



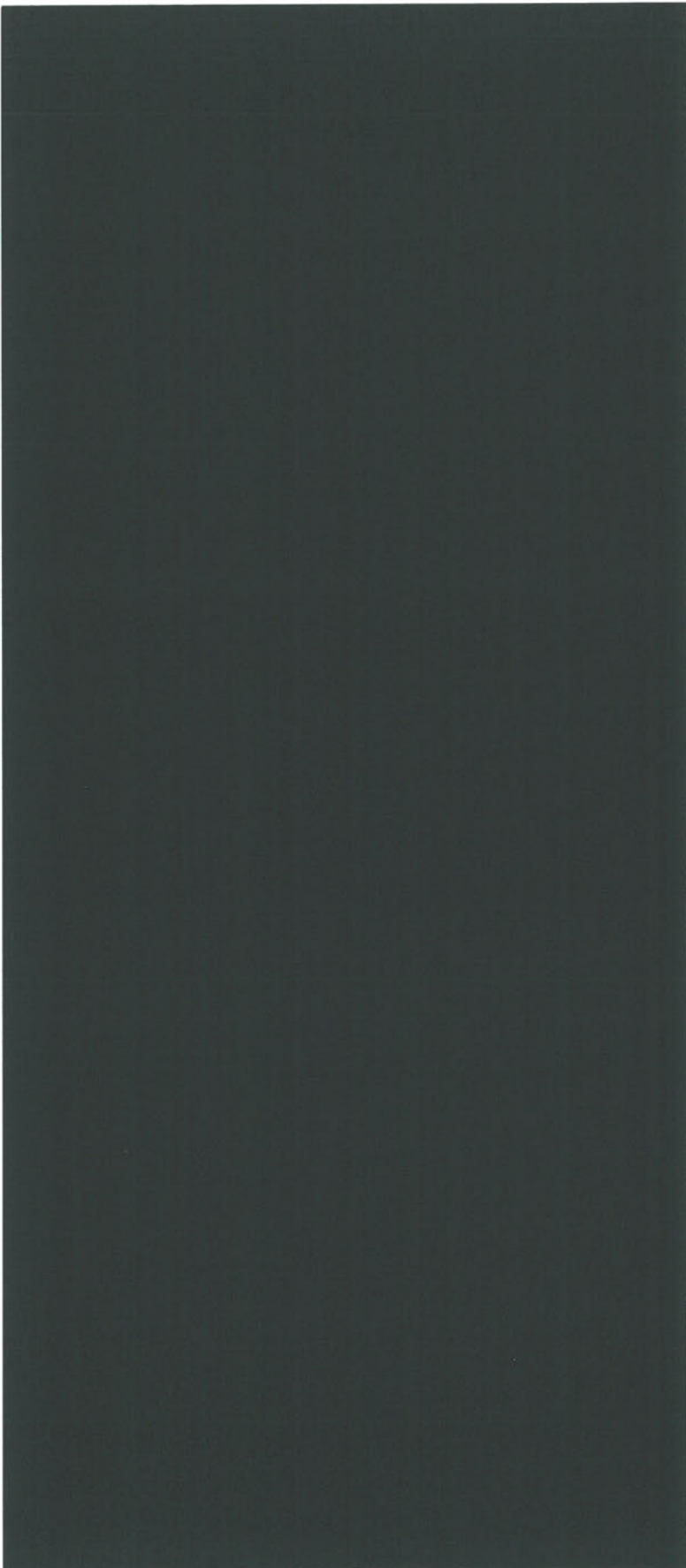
Attachment 2.2. 2019 Sales Data.

The attachment is provided on the following pages.

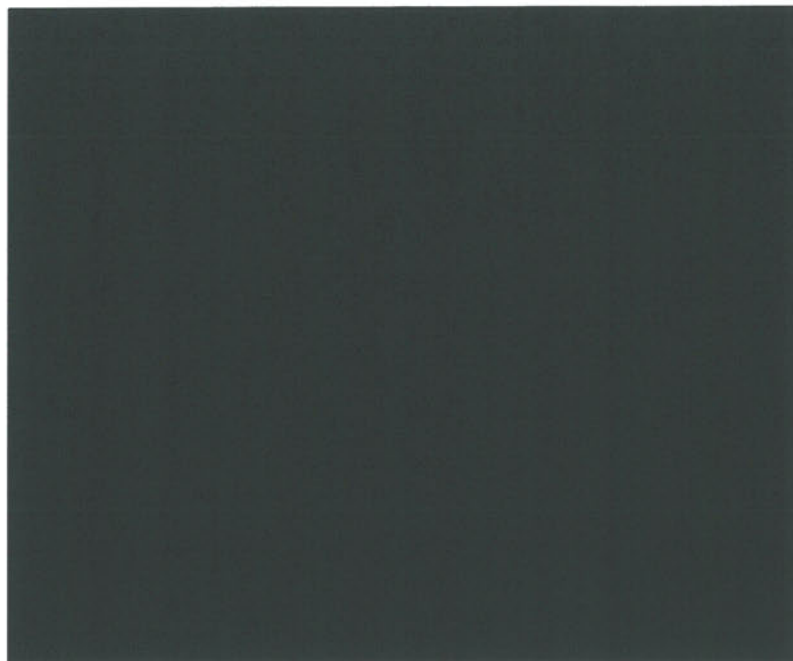
Attachment 2.2.

Brands	Cases Shipped	Cartons Shipped	Packs Shipped	Sticks Shipped
24/7 BOX 100 GOLD				
24/7 BOX 100 MENTHOL				
24/7 BOX 100 MENTHOL GOLD				
24/7 BOX 100 RED				
24/7 BOX 100 SILVER				
24/7 BOX KING GOLD				
24/7 BOX KING MENTHOL				
24/7 BOX KING RED				
BERKLEY BOX 100 GOLD				
BERKLEY BOX 100 MENTHOL				
BERKLEY BOX 100 MENTHOL GOLD				
BERKLEY BOX 100 RED				
BERKLEY BOX 100 SILVER				
BERKLEY BOX KING GOLD				
BERKLEY BOX KING RED				
BERKLEY SP 100 GOLD				
BERKLEY SP 100 MENTHOL				
BERKLEY SP 100 MENTHOL GOLD				
BERKLEY SP 100 RED				
BERKLEY SP 100 SILVER				
BERKLEY SP KING GOLD				
BERKLEY SP KING MENTHOL				
BERKLEY SP KING NON FILTER				
BERKLEY SP KING RED				
BERKLEY SP KING SILVER				
BERLEY BOX 100 BLUE				
BERLEY BOX 100 GOLD				
BERLEY BOX 100 MENTHOL				
BERLEY BOX 100 MENTHOL GOLD				
BERLEY BOX 100 RED				
BERLEY BOX KING BLUE				
BERLEY BOX KING GOLD				
BERLEY BOX KING MENTHOL				
BERLEY BOX KING MENTHOL GOLD				
BERLEY BOX KING RED				
BERLEY SP 100 BLUE				
BERLEY SP 100 GOLD				
BERLEY SP 100 MENTHOL				
BERLEY SP 100 MENTHOL GOLD				
BERLEY SP 100 RED				
BERLEY SP KING BLUE				
BERLEY SP KING GOLD				
BERLEY SP KING NON FILTER				
BERLEY SP KING RED				
ECHO BOX 100 RED				
ECHO BOX 100 BLUE				
ECHO BOX 100 GOLD				
ECHO BOX 100 MENTHOL				
ECHO BOX 100 MENTHOL GOLD				
ECHO BOX KING BLUE				
ECHO BOX KING GOLD				
ECHO BOX KING MENTHOL				
ECHO BOX KING MENTHOL GOLD				
ECHO BOX KING NON FILTER				
ECHO BOX KING RED				
ECHO SP 100 BLUE				
ECHO SP 100 GOLD				
ECHO SP 100 MENTHOL				
ECHO SP 100 MENTHOL GOLD				
ECHO SP 100 RED				

ECHO SP KING BLUE
ECHO SP KING GOLD
ECHO SP KING NON FILTER
ECHO SP KING RED
EDGEFIELD BOX 100 GOLD
EDGEFIELD BOX 100 MENTHOL
EDGEFIELD BOX 100 MENTHOL GOLD
EDGEFIELD BOX 100 RED
EDGEFIELD BOX 100 SILVER
EDGEFIELD BOX KING GOLD
EDGEFIELD BOX KING MENTHOL
EDGEFIELD BOX KING MENTHOL GOLD
EDGEFIELD BOX KING NON FILTER
EDGEFIELD BOX KING RED
EDGEFIELD BOX KING SILVER
EXETER BOX 100 BLUE
EXETER BOX 100 GOLD
EXETER BOX 100 MENTHOL
EXETER BOX 100 MENTHOL GOLD
EXETER BOX 100 RED
EXETER BOX KING BLUE
EXETER BOX KING GOLD
EXETER BOX KING MENTHOL
EXETER BOX KING MENTHOL GOLD
EXETER BOX KING NON FILTER
EXETER BOX KING RED
EXETER SP 100 BLUE
EXETER SP 100 GOLD
EXETER SP 100 MENTHOL
EXETER SP 100 MENTHOL GOLD
EXETER SP 100 RED
EXETER SP KING GOLD
EXETER SP KING NON FILTER
EXETER SP KING RED
GOLDEN BLEND BOX 100 GOLD
GOLDEN BLEND BOX 100 MENTHOL
GOLDEN BLEND BOX 100 MENTHOL GOLD
GOLDEN BLEND BOX 100 RED
GOLDEN BLEND BOX 100 SILVER
GOLDEN BLEND BOX KING GOLD
GOLDEN BLEND BOX KING RED
GOLDEN BLEND SP 100 GOLD
GOLDEN BLEND SP 100 MENTHOL
GOLDEN BLEND SP 100 MENTHOL GOLD
GOLDEN BLEND SP 100 RED
GOLDEN BLEND SP 100 SILVER
GOLDEN BLEND SP KING NON FILTER
GOLDEN BLEND SP KING RED
GSMOKE BOX 100 GOLD
GSMOKE BOX 100 RED
GSMOKE BOX KING GOLD
GSMOKE BOX KING RED
GSMOKE SP 100 BLUE
GSMOKE SP 100 MENTHOL
MAIN STREET BOX 100 BLUE
MAIN STREET BOX 100 GOLD
MAIN STREET BOX 100 MENTHOL
MAIN STREET BOX 100 MENTHOL GOLD
MAIN STREET BOX 100 RED
MAIN STREET BOX KING GOLD
MAIN STREET BOX KING MENTHOL
MAIN STREET BOX KING RED
MAIN STREET SP 100 BLUE



MAIN STREET SP 100 GOLD
MAIN STREET SP 100 MENTHOL
MAIN STREET SP 100 MENTHOL GOLD
MAIN STREET SP 100 RED
MAIN STREET SP KING RED
SPORT BOX 100 BLUE
SPORT BOX 100 GOLD
SPORT BOX 100 MENTHOL
SPORT BOX 100 MENTHOL GOLD
SPORT BOX 100 RED
SPORT BOX KING GOLD
SPORT BOX KING MENTHOL
SPORT BOX KING RED
SPORT SP 100 BLUE
SPORT SP 100 GOLD
SPORT SP 100 MENTHOL
SPORT SP 100 MENTHOL GOLD
SPORT SP 100 RED
SPORT SP KING GOLD
SPORT SP KING MENTHOL
SPORT SP KING RED
Grand Total





Division of
Advertising Practices

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

April 1, 2019

Mr. Eric Barkley Estes
General Counsel
Xcaliber International, Ltd., LLC
One Tobacco Road
Pryor, OK 74361

Dear Mr. Estes:

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 Xcaliber International, Ltd., LLC (“Xcaliber”) 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 24/7, Berkley, Berley, Echo, Edgefield, Exeter, Golden Blend, Gsmoke, Mainstreet, and Sport brands of cigarettes.

Xcaliber’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 July 11, 2016 (for the 24/7, Berkley, Berley, Golden Blend, Gsmoke, Mainstreet, and Sport brands), and July 29 and August 9, 2013 (for the Echo, Edgefield, and Exeter brands) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

Accordingly, Xcaliber’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:¹

- Eight box varieties of the 24/7 brand: Red 100’s, Gold 100’s, Silver 100’s, Menthol 100’s, Menthol Gold 100’s, Red Kings, Gold Kings, and Menthol Kings;

¹ As set forth in its March 26, 2019 letter, Xcaliber is using colors in the names of a number of its cigarette varieties for the Echo, Edgefield, and Exeter brands (*e.g.*, “Echo Red 100’s Box”). We note that the color names are not printed on the packaging for these brands (*e.g.*, the word “Red” does not appear on the packaging of the “Echo Red 100’s Box” variety). However, the color used for a variety’s packaging does conform to the color used in its name, except that the packaging for the “Menthol Gold” varieties is light green in color.

Mr. Eric Barkley Estes

April 1, 2019

Page 2

- Seventeen varieties of the Berkley brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Silver King Soft Pack, Silver 100's (Box and Soft Pack), Menthol King Soft Pack, Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Nineteen varieties of the Berley brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Menthol King Box, Menthol 100's (Box and Soft Pack), Menthol Gold King Box, Menthol Gold 100's (Box and Soft Pack), Blue King (Box and Soft Pack), Blue 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Twenty varieties of the Echo brand: Red Kings Box, Red Kings Soft Pack, Red 100's Box, Red 100's Soft Pack, Gold Kings Box, Gold Kings Soft Pack, Gold 100's Box, Gold 100's Soft Pack, Blue Kings Box, Blue Kings Soft Pack, Blue 100's Box, Blue 100's Soft Pack, Menthol Kings Box (dark green packaging), Menthol 100's Box (dark green packaging), Menthol 100's Soft Pack (dark green packaging), Menthol Gold Kings Box (light green packaging), Menthol Gold 100's Box (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Box, and Non-Filter Kings Soft Pack;
- Eleven Box varieties of the Edgefield brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings (dark green packaging), Menthol 100's (dark green packaging), Menthol Gold Kings (light green packaging), Menthol Gold 100's (light green packaging), and Non-Filter Kings;
- Nineteen varieties of the Exeter brand: Red Kings Box, Red Kings Soft Pack, Red 100's Box, Red 100's Soft Pack, Gold Kings Box, Gold Kings Soft Pack, Gold 100's Box, Gold 100's Soft Pack, Blue Kings Box, Blue 100's Box, Blue 100's Soft Pack, Menthol Kings Box (dark green packaging), Menthol 100's Box (dark green packaging), Menthol 100's Soft Pack (dark green packaging), Menthol Gold Kings Box (light green packaging), Menthol Gold 100's Box (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Box, and Non-Filter Kings Soft Pack;
- Fourteen varieties of the Golden Blend brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King Box, Gold 100's (Box and Soft Pack), Silver 100's (Box and Soft Pack), Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Six varieties of the Gsmoke brand: Red King Box, Red 100's Box, Gold King Box, Gold 100's Box, Blue 100's Soft Pack, and Menthol 100's Soft Pack;
- Fourteen varieties of the Mainstreet brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King Box, Gold 100's (Box and Soft Pack), Blue 100's (Box

Mr. Eric Barkley Estes

April 1, 2019

Page 3

and Soft Pack), Menthol King Box, Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack); and

- Sixteen varieties of the Sport brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Blue 100's (Box and Soft Pack), Menthol King (Box and Soft Pack), Menthol 100's (Box and Soft Pack), and Menthol Gold 100's (Box and Soft Pack).

Approval of the plan is contingent on 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.

Please note that this letter only approves Xcaliber'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 Xcaliber's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Xcaliber'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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through March 31, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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.

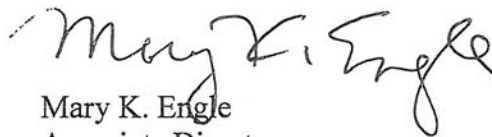
Mr. Eric Barkley Estes

April 1, 2019

Page 4

If you have any questions regarding this approval, please contact Donya Jackson at (202) 326-2050.

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 "E" at the end.

Mary K. Engle
Associate Director

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES 

PO Box 496
175 Rochester Street
Salamanca, NY 14779

Phone: 716-945-4400
Fax: 716-945-4401

March 26, 2019

FEDERAL TRADE COMMISSION
ADVERTISING PRACTICES
MAIL DROP 10528
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 and the quarterly rotation of the Surgeon General's warnings on advertising for Heron cigarettes was originally submitted to the Federal Trade Commission on December 17, 2007, and was approved on December 19, 2007.

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

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

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

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

Red King Size Box
Gold King Size Box
Silver King Size Box
Menthol King Size Box
Menthol Gold King Size Box
Non-Filter King Size Box

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

Crimson 100's Box

Crimson King Size Box

No. 33 Black Red 100's Box

No. 33 Black Red King Box

No. 33 Black Gold 100's Box

No. 33 Black Gold King Box

No. 33 Black Menthol 100's Box

No. 33 Black Menthol King Box

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

Red 100's Box

Red King Size Box

Gold 100's Box

Gold King Size Box

Silver 100's Box

Silver King Size Box

Menthol 100's Box

Menthol King Size Box

Menthol Blue 100's Box

Menthol Blue King Size Box

These cigarettes are packaged in 200 count cartons ("Outer Carton"). Each Outer Carton contains ten (10) packs of twenty (20) cigarettes each ("pack").

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples most recently provided to your office with our letters dated December 9, 2016, January 11, 2017, February 14, 2017, April 5, 2017 and April 21, 2017. Although some of the warnings submitted on December 9, 2016 and April 5, 2017 were not sufficiently clear and conspicuous, corrected samples were provided later.

Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we imported or manufactured for the 2018 fiscal year (calendar year ending December 31, 2018) are set out in Exhibit B (we are also the contract manufacturer for the Tracker brand for Azuma Corporation). The anticipated 2019 sales are set out in Exhibit A. Seneca Manufacturing Company imports only the Heron Non-Filter King Size Box style of cigarettes. Seneca Manufacturing Company manufactures all of the other styles of cigarettes noted above.

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. To ensure the cigarette health warnings appear on the Heron and Sands cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are

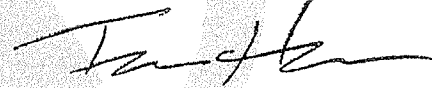
FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
March 26,2019
PAGE 3

approximately 200 units between warning labels. Seneca Manufacturing Company will maintain records of compliance with the approved plan. We will continue to advertise according to our plan approved by the FTC on December 17, 2007 (Heron) and November 8, 2011 (Sands). Seneca Manufacturing Company has an agreement with the manufacturer of the Heron Non-Filter King style 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, Seneca Manufacturing Company will place an order of the specific warning label(s) that need to be equalized. This practice will be utilized for the styles that are imported and for those that Seneca Manufacturing Company manufactures.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Travis G. Heron
Partner

Exhibit A

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	Non-Filter 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	
Heron	Red 100 SP	
Heron	Gold 100 SP	
Heron	Silver 100 SP	
Heron	Menthol 100 SP	
Heron	Menthol Gold 100 SP	
Palma	Red King Box	
Palma	Gold King Box	
Palma	Menthol King Box	
Palma	Red 100s	
Palma	Gold 100s	
Palma	Menthol 100s	
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	
Warrior	Red King Box	
Warrior	Gold King Box	
Warrior	Menthol King Box	
Warrior	Red 100s	
Warrior	Gold 100s	
Warrior	Menthol 100s	

Exhibit B

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	Non-Filter 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	
Heron	Red 100 SP	
Heron	Gold 100 SP	
Heron	Silver 100 SP	
Heron	Menthol 100 SP	
Heron	Menthol Gold 100 SP	
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	

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES 

PO Box 496
175 Rochester Street
Salamanca, NY 14779

Phone: 716-945-4400
Fax: 716-945-4401

March 26, 2019

FEDERAL TRADE COMMISSION
ADVERTISING PRACTICES
MAIL DROP CC-10528
MS MARY ENGLE ASSOCIATE DIRECTOR
600 PENNSYLVANIA AVENUE
WASHINGTON DC 20580

Re: Palma & Warrior Cigarettes

Dear Ms. Engle:

Please consider this letter our initial request for compliance.

This is our initial plan for the simultaneous display of the Surgeon General's warnings on packaging for Palma & Warrior.

Seneca Manufacturing Company will manufacture the Palma cigarette brand in the following varieties:

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

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

Seneca Manufacturing Company will manufacture the Warrior cigarette brand in the following varieties:

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

Red King Size Box
Gold King Size Box
Menthol 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 Palma brand style will appear exactly as shown in the samples provided to your office with our letter of January 29,

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

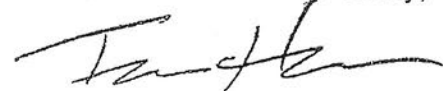
2019. The warnings on the packs and cartons of each Warrior brand style will appear exactly as shown in the samples provided to your office with our letter of March 6, 2019.

Seneca Manufacturing Company'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 or manufactured for the 2018 fiscal year (calendar year ending December 31, 2018) are set out in Exhibit B (we are also the contract manufacturer for the Tracker brand for Azuma Corporation). Seneca Manufacturing no longer sells the Royal or Sandia brands. Our anticipated 2019 sales are set out in Exhibit A. Seneca Manufacturing Company imports only the Heron Non-Filter King Size Box style of cigarettes. If this plan is approved, Seneca Manufacturing Company will manufacture the above styles as well as the Heron and Sands styles, minus the Heron Non-Filter King Box, which were most recently approved April 10, 2018.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, we will display the four (4) cigarette health warnings on the packs and cartons of each Palma and Warrior cigarette brand style listed above an equal number of times for the one-year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the packs and cartons of each brand style of the Palma and Warrior brand 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. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, Seneca Manufacturing Company will place an order of the specific warning label(s) that need to be equalized. Seneca Manufacturing Company will maintain records of compliance with the approved plan. We will continue to advertise the Heron and Sands brands according to our plan approved by the FTC on December 17, 2007 (Heron) and November 8, 2011 (Sands), but we do not plan to advertise the Palma and Warrior brands at this time. We will submit a plan for approval before engaging in any advertising for the Palma and/or Warrior brand styles.

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

Sincerely,



Travis Heron
Seneca Manufacturing Company

Exhibit A

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	Non-Filter 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	
Heron	Red 100 SP	
Heron	Gold 100 SP	
Heron	Silver 100 SP	
Heron	Menthol 100 SP	
Heron	Menthol Gold 100 SP	
Palma	Red King Box	
Palma	Gold King Box	
Palma	Menthol King Box	
Palma	Red 100s	
Palma	Gold 100s	
Palma	Menthol 100s	
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	
Warrior	Red King Box	
Warrior	Gold King Box	
Warrior	Menthol King Box	
Warrior	Red 100s	
Warrior	Gold 100s	
Warrior	Menthol 100s	

Exhibit B

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	Non-Filter 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	
Heron	Red 100 SP	
Heron	Gold 100 SP	
Heron	Silver 100 SP	
Heron	Menthol 100 SP	
Heron	Menthol Gold 100 SP	
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	

Selected packaging samples from those
submitted with the plan.

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

OLD FLAVOR
WARRIOR
EST. 1848
- FILTERED CIGARETTES -
Tobacco Product Group in America
CLASS 4 QTY 200 100'S
NICH No. 910
RESERVE BLEND

WARRIOR
- FILTERED CIGARETTES -
EST. 1848
FINEST TOBACCO

WARRIOR
- FILTERED CIGARETTES -

FINEST TOBACCO
EST. 1848

WARRIOR
- FILTERED CIGARETTES -
EST. 1848
FINEST TOBACCO

MADE IN THE USA
TP-NY-15007

UNDERAGE
SALE
PROHIBITED

Crafted on the Territory of the
Seneca Nation of Indians by
Seneca Manufacturing Company
175 Rochester St.
Salamanca, NY 14779



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



PALMA

BY NECTAR

100% FARM-GROWN
AMERICAN BLEND

100's BOX



PALMA

100's BOX

100% FARM-GROWN
AMERICAN BLEND

PALMA



MENTHOL



PALMA

BY NECTAR



MENTHOL

TM

20

PALMA

BY NECTAR

100% FARM-GROWN AMERICAN BLEND

PALMA

BY NECTAR

100% FARM-GROWN AMERICAN BLEND

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

Batch: RED
Flavor: KING BOX
Style: KING BOX



PALMA
BY NECTAR

KM



Division of
Advertising Practices

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

April 5, 2019

Mr. Travis G. Heron
Seneca Manufacturing Company
P.O. Box 496
175 Rochester Street
Salamanca, NY 14779

Dear Mr. Heron:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed two letters dated March 26, 2019, which constitute a plan filed by Seneca Manufacturing Company (“Seneca”), calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron, Palma, Sands, and Warrior brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Heron	December 9, 2016 January 11, 2017 April 5, 2017 April 21, 2017
Palma	January 29, 2019

¹ Seneca stated in its March 26, 2019 letters that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although some of the warnings on the cartons submitted on December 9, 2016 and April 5, 2017 did not meet the size requirements of the Cigarette Act or were not sufficiently conspicuous, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

Mr. Travis G. Heron
 April 5, 2019
 Page 2

<u>Brand</u>	<u>Date(s)</u>
Sands	December 9, 2016 February 14, 2017
Warrior	March 6, 2019

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

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

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

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

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.

Mr. Travis G. Heron
April 5, 2019
Page 3

Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

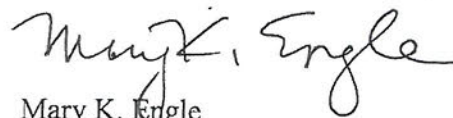
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at 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 April 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 Donya Jackson at (202) 326-2050.

Very truly yours,



Mary K. Engle
Associate Director

Holland & Knight

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

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

April 3, 2019

VIA FEDERAL EXPRESS

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

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

Dear Ms. Engle:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 24, Teaneck, New Jersey 07666 and its affiliates (collectively "JTI"), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), seeking approval for JTI to display the warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes in the manner provided in Section 4(c)(2)(C) of the Act, as provided in paragraph 2(b) of the Label Statement Rotation Plan of JTI submitted to the Federal Trade Commission on August 28, 1985 (the "Plan"), as subsequently amended and approved, most recently on April 9, 2018 (for all then current brand styles of all brands).

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

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

Ten hard pack varieties of the Wave brand: Full Flavor (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), and Menthol Green (Kings and 100's);

Ms. Mary K. Engle
 April 3, 2019
 Page 2

Six hard pack varieties of the Wings brand: Red (Kings and 100's), Gold (King and 100's) and Menthol (Kings and 100's); and

Ten hard pack varieties of the LD by L. Ducat brand: Red (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's) and Menthol Green (Kings and 100's).

The dates on which individual packages and cartons were submitted to the FTC for the aforesaid were as follows:

<u>Brand</u>	<u>Date(s)</u>
Export 'A'	August 18, 2014
Wave	February 25, 2015
Wings	September 8, 2010
LD by L. Ducat	October 28, 2016

JTI will continue to use the individual packages and cartons only exactly as submitted on these dates unless and until approved otherwise by the FTC.

In support of JTI's application for extension of FTC approval of its simultaneous display plan for packages and cartons to cover those packaging varieties, JTI affirms as set forth in the enclosed affidavit that:

- (a) the cigarettes sold by JTI in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. The total number of cigarettes imported (or manufactured) and sold by JTI in the United States during JTI's last fiscal year ended December 31, 2018 was less than [REDACTED] and the total number of cigarettes of any brand style imported (or manufactured) and sold by JTI in the United States during such year was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI imported (or manufactured) and sold accounted for less than one-fourth of one percent of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half (*i.e.* all) of the cigarettes imported (or manufactured) by JTI for sale in the United States are packaged into brand styles which meet the requirements of clause (i);
- (b) the statutorily mandated warnings will appear exactly as shown on the sample individual packages and cartons (or bundles) submitted to and approved by the Federal Trade Commission unless and until revised sample individual packages and cartons are submitted to the Federal Trade Commission on JTI's behalf and approved by the Federal Trade Commission; and
- (c) JTI will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes for each brand style for the one year period beginning on the date of approval for the Plan and JTI will keep records demonstrating compliance with the Plan.

Ms. Mary K. Engle
April 3, 2019
Page 3

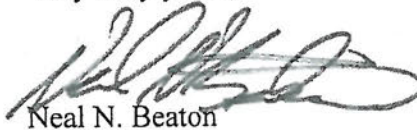
We submitted under cover of our letter dated February 19, 2016 an amended Schedule A to the Plan entitled "Label Statement Rotational For Advertisement Purposes (Only) By Brand And Quarter", which will continue to be followed by JTI unless and until submitted and approved otherwise.

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

If you should have any further questions in connection with this application, please call me at (212) 513-3470. We have enclosed a Federal Express airway bill and envelope for your use, if possible, in transmitting an approval letter to us in order to ensure its timely receipt. In addition, it would be appreciated if such approval letter could be faxed to me at 212-341-7103 or sent to me as a pdf attachment to an e-mail at neal.beaton@hklaw.com.

Thank you for your continued cooperation in this matter.

Very truly yours,



Neal N. Beaton

Enclosures

Attachment 1

Export 'A'

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

Export A 72 Hard Pack:

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

Export 'A' 72 Bundle:

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

Wave/Wings/LD by L. Ducat

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

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

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

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

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

3. The statutorily mandated warnings will continue to appear exactly as shown on the materials previously submitted to the Federal Trade Commission under cover of letters dated February 25, 2015 (“Wave”), August 18, 2014 (“Export ‘A’”), September 8, 2010 (“Wings”) and October 28, 2016 (“LD by L. Ducat”) and subsequently approved by the Federal Trade Commission, unless and until revised materials are submitted to the Federal Trade Commission on JTI’s behalf and approved by the Federal Trade Commission.

4. JTI will continue to equalize utilization of the four warnings on all of its brand styles sold in the United States on an ongoing basis throughout the period for which this application and previous approvals are effective. JTI will keep records demonstrating compliance with its plan.

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


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

Ten hard pack varieties of the Wave brand: Full Flavor (Kings and 100’s), Menthol (Kings and 100’s), Blue (Kings and 100’s and), Silver (Kings and 100’s), and Menthol Green (Kings and 100’s);

Six hard pack varieties of the Wings brand: Red (Kings and 100’s), Gold (King and 100’s) and Menthol (Kings and 100’s); and


Ten hard pack varieties of the LD by L. Ducat brand: Red (Kings and 100’s), Menthol (Kings and 100’s), Blue (Kings and 100’s), Silver (Kings and 100’s) and Menthol Green (Kings and 100’s).

IN WITNESS WHEREOF, I have hereunto signed my name this 3 day of April, 2019.



Jerry R. Loftin, Jr.

Sworn to before me this
3 day April, 2019



Notary Public

My Commission Expires September 17, 2024
Notarized in Horry County, South Carolina



Division of
Advertising Practices

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

April 5, 2019

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. and its affiliates (collectively “JTI”) dated April 3, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Export ‘A’, Wave, Wings, and LD by L. Ducat brands of cigarettes.

JTI’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your 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:¹

<u>Brand</u>	<u>Date(s)</u>
Export ‘A’	August 18, 2014
Wave	February 25, 2015
Wings	September 8, 2010
LD by L. Ducat	October 28, 2016

¹ JTI stated in its April 3, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Neal N. Beaton, Esq.
April 5, 2019
Page 2

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

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

Approval of this plan is contingent on 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.

Please note that this letter only approves JTI's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for JTI's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of JTI's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of 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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

Please note that Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement

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.

Neal N. Beaton, Esq.

April 5, 2019

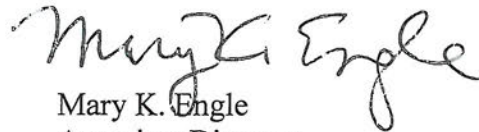
Page 3

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 April 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 Donya Jackson at (202) 326-2050.

Very truly yours,

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

Mary K. Engle
Associate Director

LAW OFFICES OF
BARRY M. BOREN

borenlaw@bellsouth.net

One Datan
9100 South Dadeland Boulevard
Suite 402
Miami, Florida 33156

Telephone
(305) 670-2200
Facsimile
(305) 670-5221

March 29, 2019

Sent via email: bmcgregor@ftc.gov

Ms. Mary Engle, Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, NW, #NJ-3212
Washington, D.C. 20580

Attention: Bonnie McGregor

Renewal of Surgeon General's Equalization Health Warning Plan for
Konci Group (USA), Inc. for
Golden Deer Cigarettes

Dear Ms. McGregor:

Please be advised that we are the attorneys for a manufacturer¹ of tobacco products, Konci Group (USA), Inc. ("Konci"), a New York corporation with offices located at 202 Canal Street, Suite 901, New York, NY 10013. Konci wishes to renew its existing equalization Surgeon General's Health 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 cigarettes they are manufacturing in the United States under the brand name "Golden Deer." The contact person for the company will be its President, Dominic Chu, who can be reached at the above address. His telephone number is (646) 613-9393.

The brand styles of Golden Deer cigarettes Konci intends to manufacture are listed in the attachment at Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Golden Deer brand Konci is manufacturing were enclosed with our submission of March 23, 2018. The health warnings will continue to appear exactly as shown on the samples provided. The Surgeon General warnings on the brand styles listed in the attachment at Exhibit "A" have been equalized as of this date.

¹ Golden Deer will be manufactured by U.S. Flue-Cured Tobacco Growers, Inc. pursuant to a contract with Konci.

In fiscal year 2018, Konci manufactured approximately [REDACTED] Golden Deer brand cigarettes.² In fiscal year 2019 to date, it has manufactured [REDACTED] Golden Deer brand cigarettes. Konci anticipates manufacturing approximately [REDACTED] Golden Deer cigarettes in fiscal year 2019.

In addition to the Golden Deer cigarettes Konci is manufacturing in the United States, it also imports Chung Hwa brand cigarettes and Double Happiness brand cigarettes. In fiscal year 2018, Konci imported approximately [REDACTED] sticks of Chung Hwa cigarettes and [REDACTED] sticks of Double Happiness brand cigarettes. In fiscal year 2019 to date, [REDACTED]

[REDACTED] In fiscal year 2019, Konci anticipates importing approximately [REDACTED] sticks of Chung Hwa and [REDACTED] sticks Double Happiness brand cigarettes. Konci does not import or manufacture any other brands.

No one brand style of cigarettes sold by Konci has, for the past fiscal year, constituted more than 1/4 of 1% of all the cigarettes sold in the United States in such year, and no one brand style will constitute more than 1/4 of 1% of all the cigarettes sold in the United States in the next fiscal year. In addition, more than one-half of the cigarettes manufactured by Konci for sale in the United States will be packaged into brand styles which meet the requirements of 15 U.S.C. §1333(c)(2)(A)(I).

As a small manufacturer as defined by the Act, Konci wishes to renew the plan to equalize the health warning statements as required by 15 U.S.C. §1333(c) for its Golden Deer brand. Each of the four warning statements will appear on the packs and cartons of each brand style of Golden Deer cigarettes manufactured by Konci an equal number of times in the one year period beginning on the date the renewal of this plan is approved and Konci will continue to maintain records demonstrating compliance with this plan.

The individual packs of Golden Deer cigarettes to be manufactured by Konci will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer.

For the Golden Deer brand styles listed on Exhibit A, Konci will print all four (4) health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die cut, each shipment should be approximately equalized for each brand style as manufactured. If, toward the end of the one year period, it appears that the warnings are not equalized on the packs and cartons for each brand style, Konci will place special orders for the specific health warnings needed to ensure that the display of all

² Konci's fiscal year coincides with the calendar year.

Surgeon General's Equalization Health Warning Plan

Page 3

four warnings is equalized on the packs and cartons for each brand style by the plan's anniversary date.

Konci understands that the FTC is charged with ensuring that Konci's Surgeon General's Health Warning Label Rotation Plan is complied with and, therefore, it agrees to maintain records to demonstrate that they are in compliance with, and are properly implementing their plan.

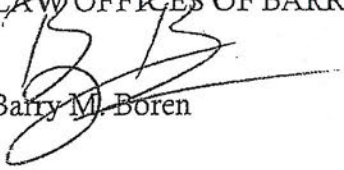
Konci does not plan to advertise the Golden Deer brand cigarettes at this time. If this should change, we will notify the FTC and modify the plan accordingly.

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 Public Health Act of 1969, the Comprehensive Smoking Education Act of 1984, the Nurses' Education Amendments of 1985 and the Imported Cigarette Compliance Act of 2000. For this reason, we hereby request that you approve this renewal 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: md/enc.

KONCI GROUP (USA), INC.
BRAND STYLES OF CIGARETTES
EXHIBIT "A"

GOLDEN DEER

Red King Size Box
Blue King Size Box
Silver King Size Box
Menthol Green King Size Box

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



Division of
Advertising Practices

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

April 9, 2019

Barry M. Boren, Esq.
One Datran
9100 South Dadeland Boulevard
Suite 402
Miami, FL 33156

Dear Mr. Boren:

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 Konci Group (USA), Inc. (“Konci”) on March 29, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Golden Deer brand of cigarettes.

Konci’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 of March 23, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Konci’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight box varieties of the Golden Deer brand: Red (Kings and 100’s), Blue (Kings and 100’s), Silver (Kings and 100’s), and Menthol Green (Kings and 100’s).

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

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

¹ Konci stated in its letter dated March 29, 2019 that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

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.

Barry M. Boren, Esq.
April 9, 2019
Page 2

Please note that this letter only approves Konci'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 Konci's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Konci'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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through April 8, 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



VIA EMAIL

November 9, 2018

Ms. Mary K. Engle

Associate Director

Bureau of Consumer Protection

Division of Advertising Practices

Federal Trade Commission

600 Pennsylvania Ave. NW

Washington, DC 20580

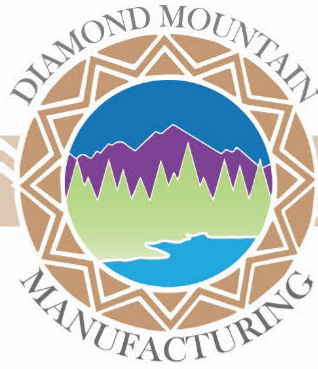
wducklow@ftc.gov

RE: *Diamond Mountain Manufacturing, LLC – Mountain Heritage Cigarette Advertising Plan Pursuant to 15 U.S.C. § 1333*

Dear Ms. Engle:

Diamond Mountain Manufacturing, LLC (“Diamond Mountain”) is a federally-licensed tobacco products manufacturer (TTB Permit No. TP-CA-20010) located at 2069 David S. Hall Street, Herlong, California 96113.

This is Diamond Mountain’s submission of its advertising plan pursuant to 15 U.S.C. § 1333. Diamond Mountain intends to advertise the Mountain Heritage brand consistent with the FTC’s requirements. Mountain Heritage is the only brand of cigarettes Diamond Mountain manufactures, and the company does not import any cigarettes into the United States. Copies of the warning formats Diamond Mountain will use were enclosed with our May 24, 2018, letter. Diamond Mountain’s proposed plan does not include, and the company does not intend to use, advertisements larger than 160 square feet.



We will use the warning formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and we will place the warnings as specified in those plans. The warnings will be rotated quarterly according to the schedule set out below.

For advertisements in periodicals, Diamond Mountain will use the warning for the quarter in which the cover date falls, except that any advertisement appearing in a periodical having a cover date that encompasses a period of more than one calendar month shall bear the label statement for the quarter of the first such month.

For all other printed advertisements, Diamond Mountain will use the warning for the quarter in which artwork for any such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such advertisement is thereafter published, distributed, installed, or displayed.

Diamond Mountain will maintain records of compliance with the plan.

Quarterly Rotation of Warning Statements in Advertisements for Mountain Heritage

<u>Quarter</u>	<u>Warning Statement</u>
1st Quarter (Jan. - Mar.)	A
2nd Quarter (Apr. - June)	B
3rd Quarter (July - Sept.)	C
4th Quarter (Oct. - Dec.)	D



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

Diamond Mountain is not asking for internet advertising at this time, but it will submit an internet advertising plan before it goes live.

If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Diamond Mountain Manufacturing, LLC

By: Gretchen Cox, CEO

1119 Lassen Avenue

Herlong, CA 96113

Telephone: (530) 252-4209 x4

Facsimile: (530) 725-4088

Email: gcox@sircorporation.com



VIA EMAIL

April 4, 2019

Ms. Mary K. Engle
Associate Director
Bureau of Consumer Protection
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW
Washington, DC 20580
wducklow@ftc.gov

RE: Diamond Mountain Manufacturing, LLC – Cigarette Health Warning Equalization Plan for Packaging Pursuant to 15 U.S.C. § 1333(c)(2)

Dear Ms. Engle:

This letter represents the submission of Diamond Mountain Manufacturing, LLC’s (“Diamond Mountain’s”) FCLAA cigarette health warning equalization plan for its Mountain Heritage brand’s packaging (the “Plan”).

Diamond Mountain is a federally-licensed tobacco products manufacturer (TTB Permit No. TP-CA-20010) located at 2069 David S. Hall Street, Herlong, California 96113.

This submission is made pursuant to 15 U.S.C. § 1333(c)(2) for approval of the Plan, which will ensure the simultaneous display of four health warnings on the packaging of the Mountain Heritage brand cigarettes. Eighty (80) packaging samples were included with our October 2, 2018, letter. The warnings will appear exactly as shown on the samples provided with that letter. Please note that, under the Plan, Diamond Mountain will manufacture fire safe cigarettes, which are identified by the letters “FSC” located above the UPC label on both the cartons and cigarette boxes. All of the Mountain Heritage brand packaging is in the hard pack style.

Diamond Mountain confirms that it will conduct its operations so that the four warnings specified in 15 U.S.C. § 1333(a)(1) will appear an equal number of times on the packs and cartons of each brand style of Mountain Heritage cigarettes manufactured during the twelve-month period following approval of the Plan. In order to ensure equal distribution of the four warnings specified in 15 U.S.C. § 1333(a)(1), Diamond Mountain will require one-fourth of each order of package and carton material for each brand style be printed with each of the four warnings. Diamond Mountain will keep records demonstrating compliance with the Plan (please see Attachments A and B).

Attachment A shows Press Run A and Press Run B; each press run will be executed on an alternating sequence to ensure that each packaging order will include, for each brand style, an equal amount of each type of ordered packaging bearing each of the four warnings. Attachment B indicates the warning labels that are used within Press Run A and Press Run B. Should there be any residual or additional packaging that needs to be added or subtracted from inventory in order to obtain 100% compliance with the equalization requirements specified in 15 U.S.C. § 1333(c)(2), it will be done manually, if needed, by Diamond Mountain employees before the expiration of the Plan.

Mountain Heritage is the only brand of cigarettes Diamond Mountain will manufacture under the Plan, and Diamond Mountain does not and will not import any cigarettes into the country. Under the Plan, Diamond Mountain will manufacture the following styles of the Mountain Heritage brand:

Red King Size (Fire Safe)	Red 100's (Fire Safe)
Gold King Size (Fire Safe)	Gold 100's (Fire Safe)
Blue King Size (Fire Safe)	Blue 100's (Fire Safe)
Menthol King Size (Fire Safe)	Menthol 100's (Fire Safe)
Menthol Gold King Size (Fire Safe)	Menthol Gold 100's (Fire Safe)

As noted above, this submission relates to Diamond Mountain's FCLAA warning plan, which will cover compliance during the one-year period following FTC's approval of this Plan. Diamond Mountain's fiscal year is the calendar year. Diamond Mountain qualifies for the equalization alternative provided for in 15 U.S.C. § 1333(c)(2) because its cigarette sales for fiscal year 2018 were [REDACTED] sticks, and Diamond Mountain estimates that its sales of Mountain Heritage cigarettes will not exceed [REDACTED] sticks during the one-year period following FTC's approval of the Plan. The 2018 amount was less than one-fourth of one percent of all cigarettes sold in the United States during calendar year 2018, and this estimated amount would clearly be less than one-fourth of one percent of all cigarettes sold in the United States during either calendar year 2018 or calendar year 2019, as required by 15 U.S.C. § 1333(c)(2).

If you have questions or require further information, please do not hesitate to contact me.

Sincerely,



Diamond Mountain Manufacturing, LLC

By: Kai Gachupin, CEO

1119 Lassen Avenue

Herlong, CA 96113

Telephone: (530) 252-4209 x 4

Facsimile: (530) 725-4088

Email: kgachupin@sircorporation.com

ATTACHMENT A**MOUNTAIN HERITAGE - ROTATION****Press Run A****85MM CPBs FSC - Run 30 UP ¹**

	Warning A	Warning B	Warning C	Warning D
Red	8	8	7	7
Gold	7	7	8	8
Menthol	8	8	7	7
Blue	7	7	8	8
Menthol Gold	8	8	7	7

100MM CPBs FSC - Run 20 UP

	Warning A	Warning B	Warning C	Warning D
Red	5	5	5	5
Gold	5	5	5	5
Menthol	5	5	5	5
Blue	5	5	5	5
Menthol Gold	5	5	5	5

85MM Outer Cartons FSC - Run 6 UP

	Warning A	Warning B	Warning C	Warning D
Red	2	2	1	1
Gold	1	1	2	2
Menthol	2	2	1	1
Blue	2	2	1	1
Menthol Gold	1	1	2	2

100MM Outer Cartons FSC - Run 6 UP

	Warning A	Warning B	Warning C	Warning D
Red	2	2	1	1
Gold	1	1	2	2
Menthol	2	2	1	1
Blue	1	1	2	2
Menthol Gold	2	2	1	1

¹ “85MM” and “100MM” refer to the King Size and 100’s size variants of the covered brand styles, respectively.

MOUNTAIN HERITAGE - ROTATION

Press Run B

85MM CPBs FSC - Run 30 UP

	Warning A	Warning B	Warning C	Warning D
Red	7	7	8	8
Gold	8	8	7	7
Menthol	7	7	8	8
Blue	8	8	7	7
Menthol Gold	7	7	8	8

100MM CPBs FSC - Run 20 UP

	Warning A	Warning B	Warning C	Warning D
Red	5	5	5	5
Gold	5	5	5	5
Menthol	5	5	5	5
Blue	5	5	5	5
Menthol Gold	5	5	5	5

85MM Outer Cartons FSC - Run 6 UP

	Warning A	Warning B	Warning C	Warning D
Red	1	1	2	2
Gold	2	2	1	1
Menthol	1	1	2	2
Blue	1	1	2	2
Menthol Gold	2	2	1	1

100MM Outer Cartons FSC - Run 6 UP

	Warning A	Warning B	Warning C	Warning D
Red	1	1	2	2
Gold	2	2	1	1
Menthol	1	1	2	2
Blue	2	2	1	1
Menthol Gold	1	1	2	2

ATTACHMENT B

Mountain Heritage Tobacco Warnings

A

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

C

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

B

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

D

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

Selected packaging samples from those
submitted with the plan.

DIAMOND MOUNTAIN
MANUFACTURING
HERLONG, CA 96113

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



TP-CA-20010



RED

100's



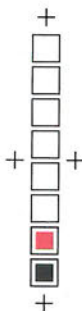
Mountain
HERITAGE



100's

RED

M-1 2 3 4 5 6 7 8 9 10 11 12
Y-18 19 20 21



WIN - A

Mountain
HERITAGE



9

-20-
CLASS A
CIGARETTES



MADE IN
THE USA

Premium Blend

**UNDERAGE
SALE PROHIBITED**

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

**-200-
CLASS A
CIGARETTES**
Premium Blend

**MADE IN
THE USA**

**FILTERED
CIGARETTES**

Mountain
HERITAGE

**-200-
CLASS A
CIGARETTES**

KING SIZE

BLUE



KING SIZE

Premium Blend

BLUE



TP-CA-20010

**DIAMOND MOUNTAIN
MANUFACTURING
HERLONG, CA 96113**



Division of
Advertising Practices

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

April 12, 2019

Mr. Kai Gachupin
Diamond Mountain Manufacturing, LLC
1119 Lassen Avenue
Herlong, CA 96113

Dear Mr. Gachupin:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed two letters dated November 9, 2018 and April 4, 2019, which constitute a plan filed by Diamond Mountain Manufacturing, LLC (“Diamond Mountain”), calling for: (1) quarterly rotation of the four health warnings in advertising up to 160 square feet in size for the Mountain Heritage 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 Mountain Heritage brand of cigarettes.

Diamond Mountain’s plan for rotation of the warnings in the aforementioned advertising for the Mountain Heritage brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

Diamond Mountain’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 October 2, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Diamond Mountain’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten hard pack varieties of the Mountain Heritage brand: Red (Kings and 100’s), Gold (Kings and 100’s), Blue (Kings and 100’s), Menthol (Kings and 100’s), and Menthol Gold (Kings and 100’s). **This approval of Diamond Mountain’s plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through April 11, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

¹ Diamond Mountain stated in its April 4, 2019 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

Mr. Kai Gachupin
April 12, 2019
Page 2

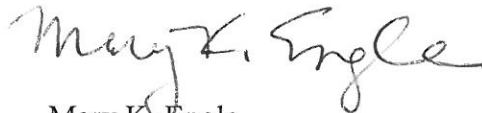
Approval of Diamond Mountain's plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Diamond Mountain'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 Diamond Mountain's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Diamond Mountain'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, and sign up for FDA email updates at 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,



Mary K. Engle
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.



Commonwealth

B R A N D S, I N C.

April 12, 2019

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

**RE: COMMONWEALTH BRANDS, INC.
 2019 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Engle:

Commonwealth Brands, Inc. ("Commonwealth Brands"), 714 Green Valley Road, Greensboro, NC 27408, hereby submits its 2019 Cigarette Warning Label Rotation plans for the following brands.

Crowns	Rave
Fortuna	Sonoma
Montclair	USA Gold

This letter requests approval of a plan to conduct our manufacturing operations so that the four health warnings specified in 15 USC §1333(a)(1) of the Federal Cigarette Labeling and Advertising Act (the "Cigarette Labeling Act"), shall appear on the packages and cartons of each brand style of cigarettes on **Exhibit A** an equal number of times during the 12-month period starting from the date this plan is approved by the FTC. These brand styles meet the statutory requirements for the equalization method set out in 15 USC §1333(c)(2)(C) in that (i) none of the brand styles exceed one-fourth of 1 percent of all cigarettes sold in the U.S. during Commonwealth Brands' most recent fiscal year preceding submission of this application; and (ii) more than 50% of the cigarettes manufactured by Commonwealth Brands are packaged into brands styles that fall below the maximum volume set out in (i) above. Through the date of this application the Surgeon General's warnings on the packages for the previously approved brand styles of Commonwealth Brands have been rotated in accordance with its previously approved plans. If this request is approved, Commonwealth Brands will require one-fourth of each package and carton material order for all brand styles in **Exhibit A** to be printed with each of the four warnings. Commonwealth Brands will maintain records that document compliance with this rotation plan.

Ms. Mary Engle

April 12, 2019

Page 2

The sales figures for Commonwealth Brands' brand styles, each of which qualify for the exemption during the most recent fiscal year preceding submission of this application (ending September 30, 2018), are reported in the attached **Exhibit B**.

During 2019, Commonwealth Brands will manufacture 67 brand styles. As background, Commonwealth Brands no longer produces or sells the Crowns Blue Kings Box, the Crowns Menthol Green Kings Box, or the Sonoma Blue Kings Box. These brand styles were included in the 2018 Cigarette Warning Rotation Plan for Commonwealth Brands, but all production and sales of these brand styles have ceased.

On April 12, 2018, when referring to the current USA Gold Blue King and 100s Box packs, we stated that "Commonwealth Brands intends to utilize the previously approved packs until those brand styles run out – which we anticipate will occur sometime during the 2018 calendar year." That packaging has run out, and we are utilizing only the packaging submitted on the dates below.

On October 10, 2018, when referring to the current Montclair Menthol Gold 100s, Blue 100s, Silver 100s and Black 100s, we stated that we "plan to run-out of the current Montclair packaging that was approved in the April 12, 2018 letter and anticipate that it will take another eight months to sell through it. If approved, Commonwealth Brands expects to begin utilizing the packs and cartons submitted with Commonwealth Brands' letter of August 7, 2018 during the 1st calendar quarter of 2019." For the Montclair brand, we are now utilizing only the packaging submitted on the date below.

The four health warnings will appear exactly as shown on the packs and cartons submitted with Commonwealth Brands' letters of the following dates:

Brand(s)	Date(s)
Crowns	February 28, 2018
Fortuna	February 28, 2018
Montclair	August 7, 2018
Rave	February 28, 2018
Sonoma	February 28, 2018 March 28, 2018 August 7, 2018
USA Gold	February 28, 2018 March 28, 2018 April 9, 2018

The warnings read precisely as required by the Cigarette Labeling Act. Brand style packaging has not changed since the dates noted above.

Ms. Mary Engle
April 12, 2019
Page 3

A listing of all Commonwealth Brands' styles for 2019 is attached in **Exhibit A**. The sales figures for each of Commonwealth Brands' styles during its most recent fiscal year preceding submission of this application are reported in the attached **Exhibit B**. Industry sales for the corresponding one-year period ending September 30, 2018, were [REDACTED] units. The source of industry sales information is the *MSAI CRA Shipment Database for Fourth Quarter 2017 and First, Second and Third Quarters, 2018*. Commonwealth Brands' sales volume is measured on a fiscal year.

Commonwealth Brands will continue to be in compliance with the following plans related to advertising and internet advertising of the brand styles:

Crowns - The December 2, 2010 plan for advertising which confirmed that Commonwealth Brands did not plan to advertise Crowns over the internet.

Fortuna - The July 16, 2008 plan for advertising which included a plan for display of the warnings in internet advertising.

Montclair - The January 31, 2002 plan for advertising and the February 13, 2008 plan for advertising which included a plan for display of the warnings in internet advertising.

Rave - The April 13, 2017 plan for advertising which included a plan for display of the warnings in advertising up to ten square feet in size.

Sonoma - The January 31, 2002 plan for advertising and the February 13, 2008 plan for advertising which included a plan for display of the warnings in internet advertising.

USA Gold - The January 31, 2002 plan for advertising and the February 13, 2008 plan for advertising which included a plan for display of the warnings in internet advertising.

Commonwealth Brands advertising rotation plan is attached as **Exhibit C**.

This letter will also confirm that Commonwealth Brands has no Spanish language advertising with regard to any of its brands and no plans to implement same.

Ms. Mary Engle

April 12, 2019

Page 4

If you require any additional information, please contact me.

Sincerely,



Geraldine Bowen Barker

Associate General Counsel

714 Green Valley Road

Greensboro, NC 27408

Phone: 336-335-7260

Geraldine.barker@itgbrands.com

Attachments:

Exhibit A - Current List of Brand Styles

Exhibit B - Cigarette Volume 10/01/2017-09/30/2018

Exhibit C - Quarterly Warning Rotation Plan for Advertisements

EXHIBIT A

COMMONWEALTH BRANDS ROTATION PLAN
PACKAGING AND CARTON LABELS
CURRENT LIST OF BRAND STYLES

**BRAND STYLES UTILIZING THE EQUAL NUMBER OF TIMES
WARNING STATEMENT ROTATION (15 U.S.C. §1333(c)(2)(C)):**

CROWNS

GOLD KING SIZE BOX
GOLD 100s BOX
BLUE 100s BOX
MENTHOL GREEN 100s BOX
RED KING SIZE BOX
RED 100s BOX
MENTHOL DARK GREEN KING SIZE BOX
MENTHOL DARK GREEN 100s BOX

FORTUNA

BLUE FILTER KING SIZE BOX
BLUE FILTER 100s BOX
MENTHOL GREEN FILTER KING BOX
MENTHOL GREEN FILTER 100s BOX
RED FILTER KING SIZE BOX
RED FILTER 100s BOX
MENTHOL FILTER DARK GREEN KING SIZE BOX
MENTHOL FILTER DARK GREEN 100s BOX
PALE BLUE FILTER KING BOX
PALE BLUE FILTER 100s BOX

MONTCLAIR

MENTHOL GOLD FILTER 100s BOX
SILVER FILTER 100s BOX
BLUE FILTER 100s BOX
BLACK FILTER 100s BOX
BLACK KING SIZE BOX
BLUE KING SIZE BOX
MENTHOL DARK GREEN 100s BOX
MENTHOL DARK GREEN KING SIZE BOX

RAVE

GOLD KINGS BOX
GOLD 100s BOX
RED KINGS BOX
RED 100s BOX
MENTHOL DARK GREEN KINGS BOX
MENTHOL DARK GREEN 100s BOX

SONOMA

GOLD FILTER KING SIZE BOX
GOLD FILTER 100s SOFT PACK
GOLD FILTER 100s BOX
BLUE FILTER 100s SOFT PACK
MENTHOL GREEN FILTER KING SIZE BOX
MENTHOL GREEN FILTER 100s SOFT PACK
RED FILTER KING SIZE BOX
RED FILTER 100s SOFT PACK
RED FILTER 100s BOX
MENTHOL DARK GREEN FILTER KING SIZE BOX
MENTHOL DARK GREEN FILTER 100s SOFT PACK
MENTHOL DARK GREEN FILTER 100s BOX
NON-FILTER KING SIZE SOFT PACK
BLUE FILTER 100s BOX
MENTHOL GREEN FILTER 100s BOX

USA GOLD

MENTHOL FILTER KING SIZE SOFT PACK (DARK GREEN PACKAGING)
MENTHOL FILTER KING SIZE BOX (DARK GREEN PACKAGING)
MENTHOL FILTER 100s SOFT PACK (DARK GREEN PACKAGING)
MENTHOL FILTER 100s BOX (DARK GREEN PACKAGING)
MENTHOL GOLD FILTER KING SIZE SOFT PACK
MENTHOL GOLD FILTER 100s SOFT PACK
MENTHOL GOLD FILTER 100s BOX
GOLD FILTER KING SIZE SOFT PACK
GOLD FILTER KING SIZE BOX
GOLD FILTER 100s SOFT PACK
GOLD FILTER 100s BOX
BLUE FILTER KING SIZE SOFT PACK
BLUE FILTER KING SIZE BOX
BLUE FILTER 100s SOFT PACK
BLUE FILTER 100s BOX
RED FILTER KING SIZE SOFT PACK
RED FILTER KING SIZE BOX
RED FILTER 100s SOFT PACK
RED FILTER 100s BOX
NON FILTER KING SIZE SOFT PACK

EXHIBIT B

**COMMONWEALTH BRANDS, INC. FTC SALES
Fiscal Year 2018**

Brand (SKU)	Total Units FY 18
CROWNS GOLD KING SIZE BOX	
CROWNS GOLD 100s BOX	
CROWNS BLUE 100s BOX	
CROWNS MENTHOL GREEN 100s BOX	
CROWNS RED KING SIZE BOX	
CROWNS RED 100s BOX	
CROWNS MENTHOL DARK GREEN KING SIZE BOX	
CROWNS MENTHOL DARK GREEN 100s BOX	
CROWNS	
FORTUNA BLUE FILTER KING SIZE BOX	
FORTUNA BLUE FILTER 100s BOX	
FORTUNA MENTHOL GREEN FILTER KING BOX	
FORTUNA MENTHOL GREEN FILTER 100s BOX	
FORTUNA RED FILTER KING SIZE BOX	
FORTUNA RED FILTER 100s BOX	
FORTUNA MENTHOL FILTER DARK GREEN KING SIZE BOX	
FORTUNA MENTHOL FILTER DARK GREEN 100s BOX	
FORTUNA PALE FILTER BLUE KING BOX	
FORTUNA PALE BLUE FILTER 100s BOX	
FORTUNA	
MONTCLAIR MENTHOL GOLD FILTER 100s BOX	
MONTCLAIR SILVER FILTER 100s BOX	
MONTCLAIR BLUE FILTER 100s BOX	
MONTCLAIR BLACK FILTER 100s BOX	
MONTCLAIR BLACK KING SIZE BOX	
MONTCLAIR BLUE KING SIZE BOX	
MONTCLAIR MENTHOL DARK GREEN 100s BOX	
MONTCLAIR MENTHOL DARK GREEN KING SIZE BOX	
MONTCLAIR	
RAVE GOLD KINGS BOX	
RAVE GOLD 100s BOX	
RAVE RED KINGS BOX	
RAVE RED 100s BOX	
RAVE MENTHOL DARK GREEN KINGS BOX	
RAVE MENTHOL DARK GREEN 100s BOX	
RAVE	
SONOMA GOLD FILTER KING SIZE BOX	
SONOMA GOLD FILTER 100s SOFT PACK	

SONOMA GOLD FILTER 100s BOX	
SONOMA BLUE FILTER 100s SOFT PACK	
SONOMA MENTHOL GREEN FILTER KING SIZE BOX	
SONOMA MENTHOL GREEN FILTER 100s SOFT PACK	
SONOMA RED FILTER KING SIZE BOX	
SONOMA RED FILTER 100s SOFT PACK	
SONOMA RED FILTER 100s BOX	
SONOMA MENTHOL DARK GREEN FILTER KING SIZE BOX	
SONOMA MENTHOL DARK GREEN FILTER 100s SOFT PACK	
SONOMA MENTHOL DARK GREEN FILTER 100s BOX	
SONOMA NON-FILTER KING SIZE SOFT PACK	
SONOMA BLUE FILTER 100s BOX	
SONOMA MENTHOL GREEN FILTER 100s BOX	
SONOMA	
USA GOLD MENTHOL FILTER KING SIZE SOFT PACK (DARK GREEN PACKAGING)	
USA GOLD MENTHOL FILTER KING SIZE BOX (DARK GREEN PACKAGING)	
USA GOLD MENTHOL FILTER 100s SOFT PACK (DARK GREEN PACKAGING)	
USA GOLD MENTHOL FILTER 100s BOX (DARK GREEN PACKAGING)	
USA GOLD MENTHOL GOLD FILTER KING SIZE SOFT PACK	
USA GOLD MENTHOL GOLD FILTER 100s SOFT PACK	
USA GOLD MENTHOL GOLD FILTER 100s BOX	
USA GOLD GOLD FILTER KING SIZE SOFT PACK	
USA GOLD GOLD FILTER KING SIZE BOX	
USA GOLD GOLD FILTER 100s SOFT PACK	
USA GOLD GOLD FILTER 100s BOX	
USA GOLD BLUE FILTER KING SIZE SOFT PACK	
USA GOLD BLUE FILTER KING SIZE BOX	
USA GOLD BLUE FILTER 100s SOFT PACK	
USA GOLD BLUE FILTER 100s BOX	
USA GOLD RED FILTER KING SIZE SOFT PACK	
USA GOLD RED FILTER KING SIZE BOX	
USA GOLD RED FILTER 100s SOFT PACK	
USA GOLD RED FILTER 100s BOX	
USA GOLD NON FILTER KING SIZE SOFT PACK	
USA GOLD	
TOTAL	

EXHIBIT C

COMMONWEALTH BRANDS
ADVERTISING ROTATION PLAN

QUARTER IN WHICH
MATERIALS ARE
PRODUCED

WARNING NOTICE UTILIZED

BRAND

	USA GOLD	SONOMA	MONTCLAIR
1 st Q (Jan – Mar)	A	C	D
2 nd Q (Apr. – June)	B	D	A
3 rd Q (July – Sept.)	C	A	B
4 th Q (Oct. – Dec.)	D	B	C
	FORTUNA	CROWNS	
1 st Q (Jan – Mar)	A	C	
2 nd Q (Apr. – June)	B	D	
3 rd Q (July – Sept.)	C	A	
4 th Q (Oct. – Dec.)	D	B	
		RAVE	
1 st Q (Jan – Mar)		B	
2 nd Q (Apr. – June)		C	
3 rd Q (July – Sept.)		D	
4 th Q (Oct. – Dec.)		A	
	MULTIPLE BRANDS/ NON-BRAND SPECIFIC		
1 st Q (Jan – Mar)	A		
2 nd Q (Apr. – June)	B		
3 rd Q (July – Sept.)	C		
4 th Q (Oct. – Dec.)	D		

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



Division of
Advertising Practices

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

April 15, 2019

Geraldine Bowen Barker, Esq.
Commonwealth Brands, Inc.
714 Green Valley Road
Greensboro, NC 27408

Dear Ms. Barker:

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 Commonwealth Brands, Inc. (“Commonwealth”) on April 12, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Fortuna, Montclair, Rave, Sonoma, and USA Gold brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Crowns	February 28, 2018
Fortuna	February 28, 2018
Montclair	August 7, 2018
Rave	February 28, 2018

¹ Commonwealth stated in its April 12, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Geraldine Bowen Barker, Esq.

April 15, 2019

Page 2

<u>Brand</u>	<u>Date(s)</u>
Sonoma	February 28, 2018 March 28, 2018 August 7, 2018
USA Gold	February 28, 2018 March 28, 2018 April 9, 2018

Accordingly, Commonwealth's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:²

- Eight varieties of the Crowns brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, and Menthol Green 100's Box;
- Ten varieties of the Fortuna brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Pale Blue Kings Box, Pale Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box (blue/green packaging), and Menthol Green 100's Box (blue/green packaging);
- Eight varieties of the Montclair brand: Black Kings Box, Black 100's Box, Blue Kings Box, Blue 100's Box, Silver 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, and Menthol Gold 100's Box;
- Six varieties of the Rave brand: Red Kings Box, Red 100's Box, Gold Kings Box, Gold 100's Box, Menthol Dark Green Kings Box, and Menthol Dark Green 100's Box;
- Fifteen varieties of the Sonoma brand: Red Kings Box, Red 100's soft pack, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's soft pack (tan packaging), Gold 100's Box (tan packaging), Blue 100's Box (blue/gray packaging), Blue 100's soft pack (blue/gray packaging), Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Dark Green 100's soft pack, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Green 100's soft pack, and Non-filter Kings soft pack; and
- Twenty varieties of the USA Gold brand: Red Kings Box, Red Kings soft pack, Red 100's Box, Red 100's soft pack, Gold Kings Box, Gold Kings soft pack, Gold 100's Box, Gold 100's soft pack, Blue Kings Box, Blue Kings soft pack, Blue 100's Box, Blue 100's

² We note that Commonwealth is using colors in the names of many of its cigarette varieties (e.g., Crowns Red Kings Box) and, except as specified below, the color used for a variety's packaging does conform to the color used in its name. We also note that for many of Commonwealth's varieties neither the color names nor the word "menthol" are printed on the packaging.

Geraldine Bowen Barker, Esq.

April 15, 2019

Page 3

soft pack, Menthol Gold Kings soft pack, Menthol Gold 100's Box, Menthol Gold 100's soft pack, Menthol Kings Box (Dark Green Packaging), Menthol Kings soft pack (Dark Green Packaging), Menthol 100's Box (Dark Green Packaging), Menthol 100's soft pack (Dark Green Packaging), and Non-filter Kings soft pack.

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

Please note that this letter only approves Commonwealth'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 Commonwealth's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Commonwealth'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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through April 14, 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 Áine Farrell at (202) 326-2409.

Very truly yours,



Mary K. Engle
Associate Director

³ 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.



Liggett Group

John R. Long
Vice President & General Counsel

Tel 919-990-3516
Fax 919-990-3505
jlong@lvbrands.com

April 17, 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: Renewal of Liggett Group LLC Cigarette Warning Rotation Plan
Approved April 30, 2018

Dear Ms. Engle:

Liggett Group LLC (“Liggett”) hereby applies to renew its Label Statement Rotation Plan (“Plan”) pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“Act”) for certain brand styles of the brands BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID (except for the two brand styles discussed below), and TOURNEY, that were included in our Plan approved by the FTC by letter dated April 30, 2018 and will expire on April 29, 2019.

Except for the two brand styles PYRAMID Red 100s Box and PYRAMID Blue 100s Box discussed below, which are subject to quarterly warning rotation, Liggett is applying for simultaneous rotation of the four warnings required by the Act, to be implemented in accordance with Section 2(d) of the Plan, as originally approved by the Federal Trade Commission (“FTC”) on September 19, 1985. This application is for a one-year period beginning on the date of approval of this application.

Liggett requests renewal of the Plan with respect to all brand styles listed on Exhibit B to my enclosed affidavit, except for the two brand styles PYRAMID Red 100s Box and PYRAMID Blue 100s Box, which are subject to quarterly warning rotation, and except for the following brand styles because they have been discontinued and, therefore, Liggett is no longer requesting approval for them:

GRAND PRIX Filter Red 100s Soft Pack
GRAND PRIX Blue 100s Soft Pack

Application to Renew Liggett Group Rotation Plan

April 17, 2019

Page 2

GRAND PRIX Orange 100s Soft Pack
GRAND PRIX Menthol Silver 100s Soft Pack

TOURNEY Full Flavor 100's Soft Pack
TOURNEY Gold 100's Soft Pack
TOURNEY Menthol Gold 100's Soft Pack

Through the date of this request, the Surgeon General's warnings on the packages for all of Liggett's brand styles that are approved for equalization have been equalized in accordance with the Plan. Liggett box packs are printed in such a way that all four warnings are printed with each revolution of one printing cylinder. For the cartons, two printing cylinders are alternated during the printing process to achieve equal warnings within a single pallet of packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of the four warnings. In the manufacturing process, packaging is taken from the pallet and loaded into the packaging equipment as it is removed from the pallet, in the order that it is on the pallet, without any attempt to adjust or control that order. Accordingly, as the pallets of packing are used in the manufacturing process, the cigarettes produced using that packaging from those pallets will bear each of the four warnings in equal numbers, subject to limitations to the commercial printing and manufacturing practices.

Two Liggett brand styles previously ceased to qualify for simultaneous warning rotation because their unit sales volume in the relevant fiscal year exceeded one-quarter of one percent of the total United States cigarette market. These two brand styles are PYRAMID Red 100s Box and PYRAMID Blue 100s Box. Liggett's plan for quarterly rotation of the four warnings on packaging of these two brand styles was approved by the FTC by letter dated June 10, 2011.

In Liggett's most recent fiscal year (calendar year 2018), the gross units of PYRAMID Blue 100s Box dropped below one-quarter of one percent of the total United States cigarette market. Accordingly, this brand style would qualify for simultaneous warnings rotation. In this application, however, Liggett is not requesting simultaneous warning rotation for PYRAMID Blue 100's Box. Rather, Liggett will maintain the current quarterly warning rotation for this brand style. If Liggett wishes to change PYRAMID Blue 100's Box to simultaneous warning rotation, Liggett will file a separate application.

Enclosed with this letter is my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette unit sales in Liggett's most recent fiscal year (calendar year 2018). This information shows that, with the exception of PYRAMID Red 100s Box, Liggett's sales of any one brand style did not exceed one-fourth of one percent of all cigarettes sold in the United States in 2018, and more than one-half of the cigarettes sold by Liggett were packaged into brand styles that meet this requirement. Accordingly, pursuant to the Act and the Plan, all but the PYRAMID Red 100s Box brand style identified above qualify for simultaneous rotation of the four warnings required by the Act.

Except for PYRAMID Red 100s Box and PYRAMID Blue 100s BOX, the warnings required by the Act will be printed on the packs and cartons of all brand styles for which renewal

Application to Renew Liggett Group Rotation Plan

April 17, 2019

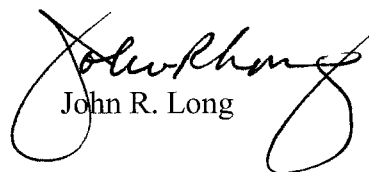
Page 3

is requested an equal number of times within the one-year period beginning on the date of approval of this application. These warnings will appear exactly as shown on the sample packaging submitted on September 19, 2017 and April 4, 2019 in connection with Liggett's Plan.

This will confirm that Liggett, in the ordinary course of business, maintains records of compliance with its approved plans for packaging and advertising. The information contained in the affidavit and exhibits is confidential and proprietary business information of Liggett. Liggett requests that this information be kept confidential by the FTC, pursuant to applicable rules and procedures.

Thank you for your attention to this matter. If you have any questions, please let me know.

Very truly yours,



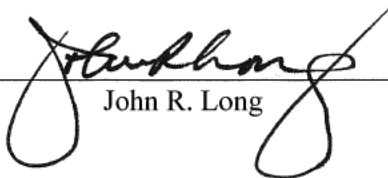
John R. Long

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF JOHN R. LONG

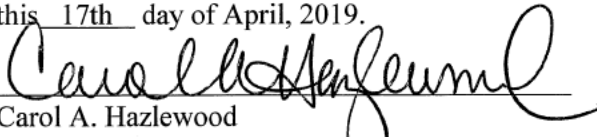
John R. Long, being first duly sworn, deposes and says:

1. I am Vice President & General Counsel of Liggett Group LLC (“Liggett”).
2. On August 31, 1985, Liggett filed its Label Statement Rotation Plan (“Plan”) pursuant to Section 4(c) of the Federal Cigarette Labeling and Advertising Act (“Act”). The Federal Trade Commission approved the Plan on September 19, 1985 and has approved renewals of the Plan every year since then, most recently on April 30, 2018.
3. Under Section 4(c)(2)(A) of the Act and Section 2(d) of the Plan, the Surgeon General’s Warnings on the packaging of a particular brand style may be rotated on a simultaneous basis if: (1) the number of cigarettes of such brand style sold in the fiscal year of Liggett preceding the submission of this application was less than one-fourth of one percent of all cigarettes sold in the United States in such year; and (2) more than one-half of the cigarettes sold by Liggett in the United States were packaged into brand styles that meet the foregoing requirement. Liggett’s most recent fiscal year was calendar year 2018.
4. Attached to this affidavit as Exhibit A is a copy of “Total Cigarette Industry Shipment Volume Estimation, Results for December 2018,” published by Management Science Associates, Inc., which is a leading compiler and publisher of cigarette industry data. Exhibit A shows that approximately [REDACTED] cigarettes were sold in the United States during calendar year 2018. One quarter of one percent of [REDACTED] cigarettes is approximately [REDACTED] cigarettes.
5. Attached to this affidavit as Exhibit B are the sales figures for calendar year 2018 for all brand styles manufactured by Liggett. Exhibit B shows that all but one brand style manufactured by Liggett had sales in 2018 of fewer than [REDACTED] cigarettes, and more than half of the cigarettes sold by Liggett in 2018 were packaged into brand styles that had sales in 2018 of fewer than [REDACTED] cigarettes. Accordingly, all but one Liggett brand style are eligible for simultaneous warning rotation. The PYRAMID Red 100s Box style had sales over [REDACTED] cigarettes in calendar year 2018 and therefore, does not qualify for simultaneous warning rotation.
6. Accordingly, Liggett is eligible to apply for simultaneous warning rotation as provided in Section 2(d) of the Plan. Pursuant to the Act and the Plan, all Liggett brand styles except PYRAMID Red 100s Box qualify for simultaneous warning rotation.



 John R. Long

Sworn to and subscribed before me,
this 17th day of April, 2019.



 Carol A. Hazlewood
 Notary Public, State of North Carolina
 My commission expires: February 28, 2022

CAROL A. HAZLEWOOD
 NOTARY PUBLIC
 Wake County, North Carolina
 My Commission Expires 2-28-2022

EXHIBIT A

TOTAL CIGARETTE INDUSTRY SHIPMENT VOLUME ESTIMATION

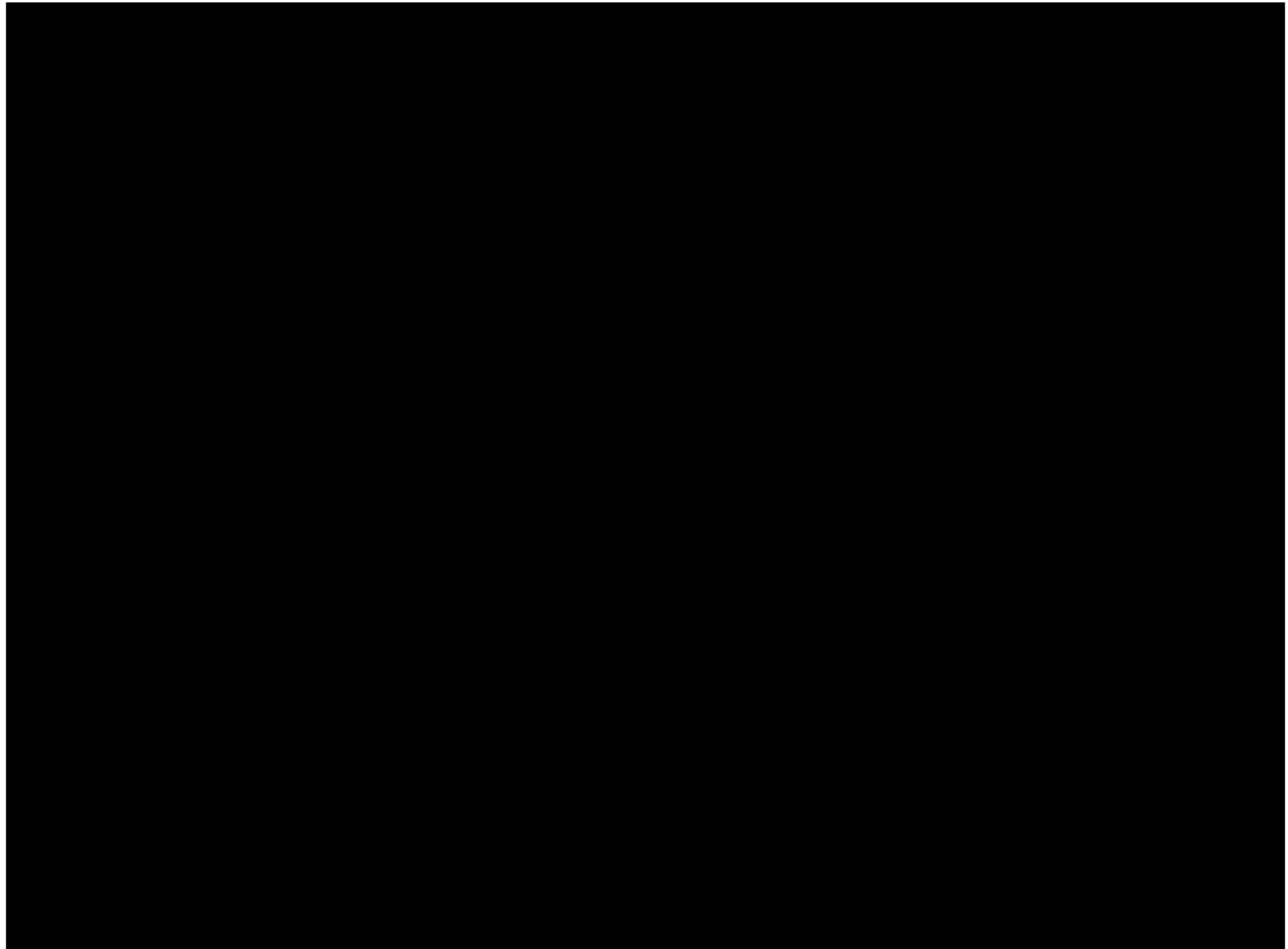


Exhibit B			
Liggett Group LLC			
Application to Renew Cigarette Warning Rotation Plan			
April 17, 2019			
2018 Gross Unit Sales by Brand Style			
	Brand	Current Brand Style Name	2018 Units Sold
1	BRONSON	Full Flavor Filter Kings Box	
2	BRONSON	Full Flavor Filter 100's Box	
3	BRONSON	Gold Kings Box	
4	BRONSON	Gold 100's Box	
5	BRONSON	Silver Kings Box	
6	BRONSON	Full Flavor Menthol Kings Box	
7	BRONSON	Gold Menthol Kings Box	
	TOTAL BRONSON		
1	CLASS A	Non-Filter Kings Box	
2	CLASS A	Full Flavor Filter 100's Box	
3	CLASS A	Filter Kings Box	
4	CLASS A	Filter 100's Box	
5	CLASS A	Blue 100's Box	
6	CLASS A	Menthol Filter Kings Box	
7	CLASS A	Menthol Filter 100's Box	
	TOTAL CLASS A		
1	EVE	Amethyst 120's Box	
2	EVE	Sapphire 120's Box	
3	EVE	Menthol Emerald 120's Box	
4	EVE	Menthol Turquoise 120's Box	
	TOTAL EVE		
1	GRAND PRIX	Non-Filter Classic Kings Box	
2	GRAND PRIX	Filter Red Kings Box	
3	GRAND PRIX	Filter Red 100s Soft Pack	
4	GRAND PRIX	Filter Red 100s Box	
5	GRAND PRIX	Blue Kings Box	
6	GRAND PRIX	Blue 100s Soft Pack	
7	GRAND PRIX	Blue 100s Box	
8	GRAND PRIX	Orange 100s Soft Pack	
9	GRAND PRIX	Orange 100s Box	
10	GRAND PRIX	Menthol Gold Kings Box	
11	GRAND PRIX	Menthol Gold 100s Box	
12	GRAND PRIX	Menthol Silver 100s Soft Pack	
13	GRAND PRIX	Menthol Silver 100s Box	
	TOTAL GRAND PRIX		
1	LIGGETT SELECT	Non-Filter Kings Box	
2	LIGGETT SELECT	Red Kings Box	
3	LIGGETT SELECT	Red 100's Box	
4	LIGGETT SELECT	Blue Kings Box	
5	LIGGETT SELECT	Blue 100s Box	
6	LIGGETT SELECT	Orange Kings Box	
7	LIGGETT SELECT	Orange 100s Box	
8	LIGGETT SELECT	Menthol Gold Kings Box	
9	LIGGETT SELECT	Menthol Gold 100's Box	
10	LIGGETT SELECT	Menthol Silver Kings Box	
11	LIGGETT SELECT	Menthol Silver 100's Box	
	TOTAL LIGGETT SELECT		

Exhibit B			
Liggett Group LLC Application to Renew Cigarette Warning Rotation Plan April 17, 2019			
2018 Gross Unit Sales by Brand Style			
	Brand	Current Brand Style Name	2018 Units Sold
1	MONTEGO	Red Kings Box	
2	MONTEGO	Red 100s Box	
3	MONTEGO	Blue Kings Box	
4	MONTEGO	Blue 100s Box	
5	MONTEGO	Orange 100s Box	
6	MONTEGO	Menthol Gold Kings Box	
7	MONTEGO	Menthol Gold 100s Box	
8	MONTEGO	Menthol Silver Kings Box	
9	MONTEGO	Menthol Silver 100s Box	
	TOTAL MONTEGO		
1	PYRAMID	Non-Filter Kings Box	
2	PYRAMID	Red Kings Box	
3	PYRAMID	Red 100s Box	
4	PYRAMID	Blue Kings Box	
5	PYRAMID	Blue 100s Box	
6	PYRAMID	Orange Kings Box	
7	PYRAMID	Orange 100s Box	
8	PYRAMID	Menthol Gold Kings Box	
9	PYRAMID	Menthol Gold 100s Box	
10	PYRAMID	Menthol Silver Kings Box	
11	PYRAMID	Menthol Silver 100s Box	
	TOTAL PYRAMID		
1	TOURNEY	Non-Filter Kings Box	
2	TOURNEY	Full Flavor Kings Box	
3	TOURNEY	Full Flavor 100's Soft Pack	
4	TOURNEY	Full Flavor 100's Box	
5	TOURNEY	Gold Kings Box	
6	TOURNEY	Gold 100's Soft Pack	
7	TOURNEY	Gold 100's Box	
8	TOURNEY	Menthol Full Flavor Kings Box	
9	TOURNEY	Menthol Full Flavor 100's Box	
10	TOURNEY	Menthol Gold Kings Box	
11	TOURNEY	Menthol Gold 100's Soft Pack	
12	TOURNEY	Menthol Gold 100's Box	
13	TOURNEY	Slims Blue 120's Box	
14	TOURNEY	Slims Rose 120's Box	
15	TOURNEY	Slims Menthol Teal 120's Box	
	TOTAL TOURNEY		

Selected packaging samples from those
submitted with the plan.



WARNING: SMOKING IS ADDICTIVE

200 CLASS A CIGARETTES
LIGGETT GROUP
MEBANE, NC 27302
www.liggettgroup.com
1-800-682-3230
MADE IN U.S.A.


Bronson[®]
FILTER 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 1-800-682-3230. Please see our website at www.liggettgroup.com for more information.

Bronson[®]



Full Flavor Cigarettes

FILTER 100's BOX

200 CLASS A FILTER CIGARETTES

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


Bronson[®]
FILTER 100's BOX



200 CLASS A FILTER CIGARETTES

FILTER 100's BOX

**100'S BOX
CIGARETTES**



**FULL
FLAVOR**

**100'S BOX
CIGARETTES
FULL FLAVOR**

**FULL
FLAVOR**

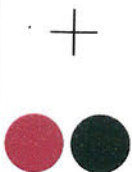
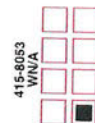


**100'S BOX
CIGARETTES**

**100'S BOX
CIGARETTES
FULL FLAVOR**

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

WARNING: SMOKING IS ADDICTIVE
20 CLASS A CIGARETTES
LIGGETT GROUP
MEBANE, NC 27302 1-800-682-3230
MADE IN U.S.A.



WARNING: SMOKING IS ADDICTIVE

200 CLASS A CIGARETTES
LIGGETT GROUP
MEBANE, NC 27302
www.liggettgroup.com
1-800-682-3230
MADE IN U.S.A.

100'S BOX CIGARETTES BLUE

INGREDIENTS: Blended tobacco, water, high fructose corn syrup, glycerol, propylene glycol, sugars, casing flavor, natural & artificial flavors. Any questions or problems locating our fine products, call 1-800-682-3230. Please see our website at www.liggettgroup.com for more information.



100'S BOX CIGARETTES BLUE

100'S BOX CIGARETTES BLUE

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



TEN PACKS OF TWENTY

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

EVE

MENTHOL
TURQUOISE

SLIM
120'S

20 CLASS A CIGARETTES



LIGGETT GROUP
MEBANE, NC 27302
1-800-682-3230
www.liggettgroup.com
MADE IN U.S.A.

120'S EVE



WARNING: SMOKING IS ADDICTIVE

DP-3

EVE
120'S

MENTHOL
TURQUOISE

415 030C
WN-D

SLIM
120'S

MENTHOL
TURQUOISE

EVE



EVE
120'S
MENTHOL
TURQUOISE

LIGGETT GROUP
MEBANE, NC 27302
www.liggettgroup.com
1-800-682-3230
MADE IN U.S.A.

SAPPHIRE
120'S EVE

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 1-800-682-3230. Please see our website at www.liggettgroup.com for more information.

WARNING: SMOKING IS ADDICTIVE

SLIM
120'S

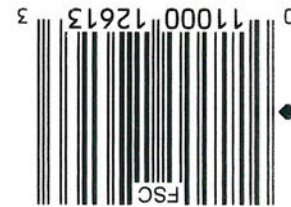
SAPPHIRE

EVE



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

SAPPHIRE
120'S EVE



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

GRAND PRIX

BLUE

100s

20 CLASS A CIGARETTES

WARNING: SMOKING IS ADDICTIVE
LIGGETT GROUP
MEBANE, NC 27302 1-800-882-3230
www.liggettgroup.com
MADE IN U.S.A.



GRAND PRIX 100s

BLUE

20 CLASS A CIGARETTES

100s

BLUE



GRAND PRIX



GRAND PRIX 100s

BLUE



WARNING: SMOKING IS ADDICTIVE

200 CLASS A CIGARETTES
LIGGETT GROUP
MEBANE, NC 27302
www.liggettgroup.com
1-800-682-3230
MADE IN U.S.A.



GRAND PRIX

KINGS
BOX

NON-FILTER • CLASSIC

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 1-800-682-3230. Please see our website at www.liggettgroup.com for more information.



GRAND PRIX

KINGS
BOX

NON-FILTER • CLASSIC

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

GRAND PRIX

KINGS
BOX

NON-FILTER • CLASSIC



NON-FILTER • CLASSIC

PRIX

KINGS
BOX



Liggett

S E L E C T

ORANGE KINGS

200 CLASS A CIGARETTES

Liggett

S E L E C T

ORANGE KINGS

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

MADE IN
USA



ORANGE KINGS

S E L E C T

200 CLASS A CIGARETTES

Liggett



ORANGE KINGS

Liggett

S E L E C T

**WARNING:
SMOKING IS ADDICTIVE**

MANUFACTURED BY
LIGGETT GROUP INC.
WILMINGTON, NC 27202
www.liggettgroup.com
1-800-822-8220

INGREDIENTS: Blended tobacco, water, high fructose corn
syrup, glycerol, propylene glycol, sugars, casing flavor, natural
and artificial flavors. Any questions or problems involving our
tobacco products, call 1-877-822-8220. Please see our website at
www.liggettgroup.com for more information.



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

Pyramid
100s

MENTHOL GOLD

WARNING: SMOKING IS ADDICTIVE
LIGGETT GROUP
MEBANE, NC 27302 1-800-682-3230
www.liggettgroup.com
MADE IN U.S.A.



100s BOX

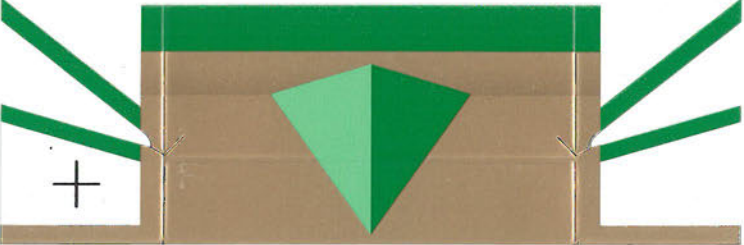


Pyramid
MENTHOL GOLD



MENTHOL GOLD

Pyramid
100s



Pyramid
MENTHOL GOLD



100s BOX

20
Class A
Cigarettes

20
Class A
Cigarettes

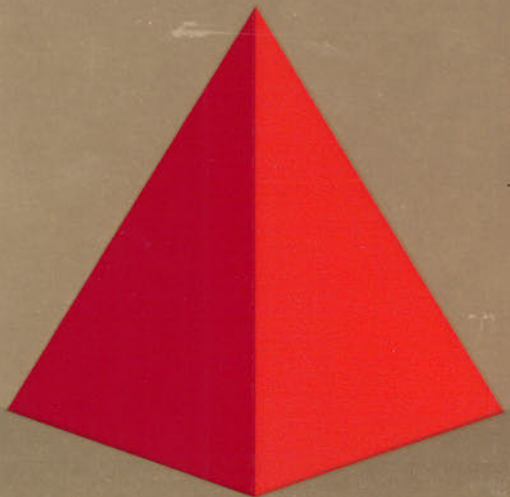
WARNING:
SMOKING IS ADDICTIVE

200 CLASS A CIGARETTES
LIGGETT GROUP
MEBANE, NC 27302
www.liggettgroup.com
1-800-682-3230
MADE IN U.S.A.



Pyramid
Kings Box
RED

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 1-800-682-3230. Please see our website at www.liggettgroup.com for more information.

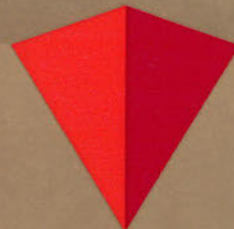


Pyramid
Kings Box
RED

Pyramid
Kings Box
RED

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

Kings Box
RED



FEDERAL TRADE COMMISSION | OFFICE OF THE SECRETARY | FILED 12/21/2023 OSCAR NO. 609223 -PAGE Page 102 of 212 * PUBLIC *

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



100'S BOX

FULL FLAVOR

TOURNEY

100'S BOX

100'S BOX



FULL FLAVOR

TOURNEY

100'S BOX

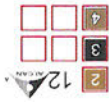
TOURNEY

FULL FLAVOR

TOURNEY

FULL FLAVOR

WARNING: SMOKING IS ADDICTIVE
20 CLASS A CIGARETTES
MANUFACTURED BY LIGGETT GROUP
MEBANE, NC 27302
MADE IN U.S.A.



WARNING: SMOKING IS ADDICTIVE

200 CLASS A CIGARETTES
MANUFACTURED BY LIGGETT GROUP
MEBANE, NC 27302
MADE IN U.S.A.

TOURNEY

Slims

ROSE 120's

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 1-800-682-3230. Please see our website at www.liggettgroup.com for more information.

FEDERAL TRADE COMMISSION | OFFICE OF THE SECRETARY | FILED 12/21/2023 OSCAR NO. 60923 -PAGE Page 104 of 212 * PUBLIC *

GREAT PRICE
PREMIUM TASTE!

120's

TOURNEY

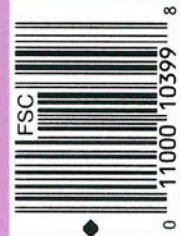
Slims

ROSE



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

TOURNEY
Slims
ROSE 120's





Division of
Advertising Practices

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

April 18, 2019

John R. Long, Esq.
Vice President & General Counsel
Liggett Group LLC
100 Maple Lane
Mebane, NC 27302

Dear Mr. Long:

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 Liggett Group LLC (“Liggett”) on April 17, 2019 calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronson, Class A, Eve, Grand Prix, Liggett Select, Montego, Pyramid, and Tourney brands of cigarettes.

Liggett’s sales of the following brand styles appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging,¹ and the warnings on the sample packs and cartons submitted with your September 19, 2017 and April 4, 2019 letters appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.² Accordingly, Liggett’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Seven Box varieties of the Bronson brand: Full Flavor (Kings and 100’s), Full Flavor Menthol Kings, Gold (Kings and 100’s), Silver Kings, and Gold Menthol Kings;
- Seven Box varieties of the Class A brand: Non-Filter Kings, Full Flavor 100’s, Filter Kings, Filter 100’s, Blue 100’s, Menthol Filter Kings, and Menthol Filter 100’s;

¹ Liggett’s plan for quarterly rotation of the four health warnings on packaging for the Pyramid Red 100’s Box and Pyramid Blue 100’s Box varieties was approved on June 10, 2011 and does not require annual approval.

² Liggett stated in its April 17, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

John R. Long, Esq.
 April 18, 2019
 Page 2

- Four Box varieties of the Eve brand: Amethyst 120's, Sapphire 120's, Menthol Emerald 120's, and Menthol Turquoise 120's;
- Nine Box varieties of the Grand Prix brand: Non-Filter Classic Kings, Filter Red (Kings and 100's), Blue (Kings and 100's), Orange 100's, Menthol Gold (Kings and 100's), and Menthol Silver 100's;
- Eleven Box varieties of the Liggett Select brand: Red (Kings and 100's), Blue (Kings and 100's), Orange (Kings and 100's), Menthol Gold (Kings and 100's), Menthol Silver (Kings and 100's), and Non-Filter Kings;
- Nine Box varieties of the Montego brand: Red (Kings and 100's), Blue (Kings and 100's), Orange 100's, Menthol Gold (Kings and 100's), and Menthol Silver (Kings and 100's);
- Nine Box varieties of the Pyramid brand: Non-Filter Kings, Red Kings, Blue Kings, Orange (Kings and 100's), Menthol Gold (Kings and 100's), and Menthol Silver (Kings and 100's); and
- Twelve Box varieties of the Tourney brand: Non-Filter Kings, Full Flavor (Kings and 100's), Gold (Kings and 100's), Menthol Full Flavor (Kings and 100's), Menthol Gold (Kings and 100's), Slims Rose 120's, Slims Blue 120's, and Slims Menthol Teal 120's.

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

Please note that this letter only approves Liggett'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 Liggett's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Liggett'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

³ 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.

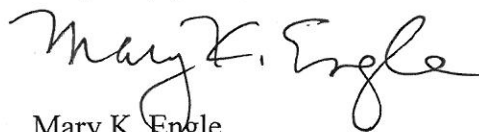
John R. Long, Esq.
April 18, 2019
Page 3

www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at
www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through April 17, 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,

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

LAW OFFICES
SILVER, MCGOWAN & SILVER, P.C.

1612 K STREET, N.W. SUITE 1204
WASHINGTON, D.C. 20006

William J. McGowan

TEL: (202) 861-1200
FAX: (202) 861-1268

WJMcGowan@SMS-LawFirm.Com

April 19, 2019

Mary K. Engle
Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room CC 10528
Washington, DC 20580
Attn: Aine Farrell

Cigarette Health Warning Rotation Plan

Submitted on Behalf of Susan Jesmer d/b/a Native Trading Associates (“NTA”)

Dear Ms Engle:

Susan Jesmer continues as a sole proprietor doing business as Native Trading Associates and the address for NTA and the location of its factory remains 442 Frogtown Road, Hogansburg, New York 13655. She can be contacted at 518-358-4262.

On behalf of our above referenced client, this firm hereby submits NTA’s Surgeon General’s Equalization Plan as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended, for Native brand soft pack and hard pack varieties and for Mohawk brand hard pack varieties.

NTA’s current approval to display the warnings on packaging expires on November 26, 2019, for the 2 Native Menthol Bold styles and on April 26, 2019 for all other varieties. NTA wishes to renew its plan for 24 Native brand styles and six (6) Mohawk brand styles. NTA represents that the warnings on the 24 Native brand cigarette styles and six (6)

Ms Mary Engle
 April 19, 2019
 Page 2

Mohawk brand styles listed below have been equalized to this date. The cigarettes covered by this plan are the following U.S. manufactured Native brand style cigarettes, which will display health warnings complying with the Surgeon General warning language set forth in the statute:

Native Full Flavor King Soft
 Native Full Flavor 100's Soft
 Native Full Flavor King hard pack
 Native Full Flavor 100's hard pack
 Native King Soft (Blue)
 Native 100's Soft (Blue)
 Native Menthol King Soft (Light Green)
 Native Menthol 100's Soft (Light Green)
 Native King Soft (Ultra in light blue packaging)
 Native 100's Soft (Ultra in light blue packaging)
 Native King hard pack (Blue)
 Native 100's hard pack (Blue)
 Native King hard pack (Ultra in light blue packaging)
 Native 100's hard pack (Ultra in light blue packaging)
 Native Menthol King hard pack (Light Green)
 Native Menthol 100's hard pack (Light Green)
 Native Menthol King Soft
 Native Menthol 100's Soft
 Native Menthol Bold King hard pack
 Native Menthol Bold 100's hard pack

Native Menthol 100's hard pack
 Native Menthol King hard pack
 Native Non-Filter King hard pack
 Native Non-Filter King soft pack

In addition, NTA's Plan includes the following hard pack varieties of the brand Mohawk:

Mohawk Full Flavor King Box (Red)

Ms Mary Engle
April 19, 2019
Page 3

Mohawk King Box (Gold)
Mohawk King Box (Silver)
Mohawk Menthol King Box (Green)
Mohawk Menthol King Box (Light Green)
Mohawk Non-Filter King Box (Brown)

The four health warnings on the packs and cartons of the Native and Mohawk brand styles will appear exactly as shown on the sample packaging submitted with our letters dated March 19, 2018 and August 27, 2018.

NTA's sales figures for 2018 and projected sales figures for the Native and Mohawk brands for calendar year 2019 (NTA uses the calendar year as its fiscal year) are provided at Exhibit A. NTA does not manufacture or import any other brand styles. As shown in Exhibit A, each of the styles manufactured by NTA in 2018 were packaged into brand styles that met the requirements of the Cigarette Act with respect to warning equalization, (i.e., less than one quarter of one percent of all cigarettes sold in the United States) for the fiscal year and all of NTA brand styles are projected to meet the requirements for 2019. Based on the above, NTA requests continued approval to use the rotation option provided in Section 1333(c)(2). NTA will equalize the FOUR (4) health warnings on the packs and cartons for each style of the Native and Mohawk brands, for the one-year period beginning on the date of approval of this Plan. The printing equalization plan for both Native and Mohawk brands appears at Exhibit B.

The required warnings will be printed directly on the packs and cartons and in a conspicuous location as required under the Federal Cigarette Labeling and Advertising Act ("FCLAA"). NTA will maintain records to demonstrate compliance with the approved Plan.

Ms Mary Engle
April 19, 2019
Page 4

NTA's advertising plan for Mohawk brand was approved on June 10, 2011. NTA's advertising plan for the Native brand was approved on July 22, 2005. A modification to the plan was approved by the FTC on February 9, 2011. NTA will maintain compliance with its approved advertising plans. NTA does not employ any multi-brand advertising.

Please contact me at any time with questions or any other requests.

Very truly yours,

SILVER, MCGOWAN & SILVER, P.C.

[Handwritten signature]
By: William J. McGowan

2018-2019

<u>Style</u>	<u>2018 Sales</u>		<u>2019 Projections</u>			
	<u>Cases Sold</u>	<u>Sticks</u>	<u>Style</u>	<u>Cases</u>	<u>Cases</u>	<u>Sticks</u>
Native Full Flavor King Soft			Native Full Flavor King Soft			
Native Full Flavor 100's Soft			Native Full Flavor 100's Soft			
Native Full Flavor 100's Hard Pack			Native Full Flavor 100's Hard Pack			
Native Full Flavor King Hard Pack			Native Full Flavor King Hard Pack			
Native King Soft (Blue)			Native King Soft (Blue)			
Native 100's Soft (Blue)			Native 100's Soft (Blue)			
Native 100's Hard Pack (Blue)			Native 100's Hard Pack (Blue)			
Native King Hard Pack (Blue)			Native King Hard Pack (Blue)			
Native Menthol King Soft			Native Menthol King Soft			
Native Menthol 100's Soft			Native Menthol 100's Soft			
Native Menthol 100's Hard Pack			Native Menthol 100's Hard Pack			
Native Menthol King Hard Pack			Native Menthol King Hard Pack			
Native Menthol King Soft (Light Green)			Native Menthol King Soft (Light Green)			
Native Menthol 100's Soft (Light Green)			Native Menthol 100's Soft (Light Green)			
Native Menthol 100's Hard Pack (Light Green)			Native Menthol 100's Hard Pack (Light Green)			
Native Menthol King Hard Pack (Light Green)			Native Menthol King Hard Pack (Light Green)			
Native Non-Filter King Soft			Native Non-Filter King Soft			
Native Non-Filter King Hard Pack			Native Non-Filter King Hard Pack			
Native King Soft (Ultra in light blue packaging)			Native King Soft (Ultra in light blue packaging)			
Native 100's Soft (Ultra in light blue packaging)			Native 100's Soft (Ultra in light blue packaging)			
Native 100's Hard Pack (Ultra in light blue packaging)			Native 100's Hard Pack (Ultra in light blue packaging)			
Native King Hard Pack (Ultra in light blue packaging)			Native King Hard Pack (Ultra in light blue packaging)			
Native Menthol Bold King Hard Pack			Native Menthol Bold King Hard Pack			
Native Menthol Bold 100's Hard Pack			Native Menthol Bold 100's Hard Pack			
Mohawk Full Flavor King (Red) Hard Pack			Mohawk Full Flavor King (Red) Hard Pack			
Mohawk King (Gold) Hard Pack			Mohawk King (Gold) Hard Pack			
Mohawk King (Silver) Hard Pack			Mohawk King (Silver) Hard Pack			
Mohawk Menthol King Box (Green)			Mohawk Menthol King Box (Green)			
Mohawk Menthol King Box (Light Green)			Mohawk Menthol King Box (Light Green)			
Mohawk Non-Filter King Box (Brown)			Mohawk Non-Filter King Box (Brown)			

Exhibit B

1. All domestic folding carton production for tobacco packaging components for Native Trading Associates requiring Surgeon General Warning ("SGW) shall be produced in a manner to ensure that an equal number of each of the four warnings is yielded on every production run.
2. Individual King Size Pack
 - a. King Size Hinged Lid Hard Packs are produced 28-up per sheet
 - b. Each Brand Style is produced individually and never in combination
 - c. The printing plates for each brand style shall be divided equally 7-up of each SGW
 - d. Yielding an equal number of each SGW
3. Individual 100's Size Packs
 - a. 100's Size Hinged Lid Hard Packs are produced 21-up per sheet
 - b. Each Brand Style is produced individually and never in combination
 - c. Production of each Brand Style will be broken down into two forms
 - i. 75% of the order will be produced 7-up of each of 3 SGW's
 - ii. 25% of the order will be produced 21-up of the remaining SGW
 - iii. Yielding an equal number of each of the 4 SGW's
4. Soft Pack Labels for King Size and 100's Soft Pack Brand Styles are packed by the supplier in 1,000 label boxes which contain an equal mix of 250 labels for each SGW. Each Brand Style is produced individually and never in combination. Each box yields an equal number of each of the 4 SGW's.
5. Cartons
 - a. Both King Size and 100's Size Cartons are produced 4-up
 - b. Each Brand Style is produced individually and never in combination
 - c. Printing plates for all cartons are divided equally 1-up of each of the 4 SGW's
 - d. Yielding an equal number of each SGW



Division of
Advertising Practices

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

April 19, 2019

William J. McGowan, Esq.
Silver, McGowan & Silver, P.C.
1612 K Street, NW
Suite 1204
Washington, DC 20006

Dear Mr. McGowan:

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 Susan Jesmer d/b/a Native Trading Associates ("NTA")¹ on April 19, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Native and Mohawk brands of cigarettes.

NTA'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 19 and August 27, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.²

¹ In previous correspondence, you informed the Commission that NTA intends to change its form of ownership from a sole proprietorship to a single-member limited liability company named "Native Trading Associates, LLC," and that Ms. Jesmer will be the sole member of the LLC.

² NTA stated in its April 19, 2019 letter that the four health warnings will appear exactly as shown on the sample packaging submitted on March 19 and August 27, 2018.

William J. McGowan, Esq.
 April 19, 2019
 Page 2

Accordingly, NTA's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:³

- Twenty-four varieties of the Native brand: Non-Filter Kings soft pack, Non-Filter Kings hard pack, Full Flavor Kings soft pack, Full Flavor 100's soft pack, Full Flavor Kings hard pack, Full Flavor 100's hard pack, Menthol Kings soft pack, Menthol 100's soft pack, Menthol Kings hard pack, Menthol 100's hard pack, Kings soft pack (Blue), 100's soft pack (Blue), Kings hard pack (Blue), 100's hard pack (Blue), Menthol Kings soft pack (Light Green), Menthol 100's soft pack (Light Green), Menthol Kings hard pack (Light Green), Menthol 100's hard pack (Light Green), Kings soft pack (Ultra in light blue packaging), 100's soft pack (Ultra in light blue packaging), Kings hard pack (Ultra in light blue packaging), 100's hard pack (Ultra in light blue packaging), Menthol Bold Kings hard pack, and Menthol Bold 100's hard pack; and
- Six Box varieties of the Mohawk brand: Full Flavor Kings (Red), Kings (Gold), Kings (Silver), Menthol Kings (Green), Menthol Kings (Light Green), and Non-Filter Kings (Brown).

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

Please note that this letter only approves NTA'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 NTA's cigarettes, including, but not limited to, "all natural" and "100% additive free." Nor does this letter purport to interpret or express any opinion about the adequacy of NTA'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).

³ We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA's April 19, 2019 letter do not always appear on the packaging – *e.g.*, the words "Blue," "Green," "Ultra," "Gold," "Silver," "Brown," and "Light Green," do not appear on the packaging. However, when a color is used in a variety's name, it does appear to conform to the color used in its packaging. We also note that the word "Menthol" does not appear on the packaging for the "Native Menthol (Light Green)" and "Mohawk Menthol (Light Green)" varieties.

⁴ 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.

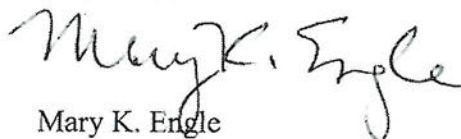
William J. McGowan, Esq.
April 19, 2019
Page 3

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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

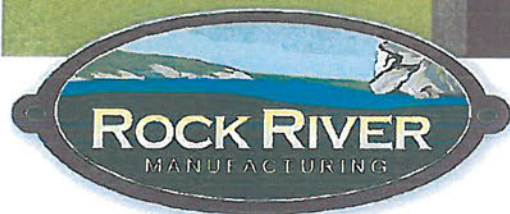
This approval is effective on the date of this letter and runs through April 18, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle
Associate Director



A DIVISION OF HO-CHUNK, INC.

www.rockrivermfg.com

509 Reuben Snake Ave.
Winnebago, NE 68071
PH 402.878.4003
FX 402.878.2019

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

April 19, 2019

Re: Plan for Compliance with Federal Cigarette Labeling and Advertising Act for Rock River Manufacturing

Dear Ms. Engle & Ms. McGregor:

Please find enclosed Rock River Manufacturing's renewal to its existing warning label plan for Silver Cloud, Fire Dance, One Spirit, and Dakota brands of cigarette. On April 23, 2018, Rock River submitted a cigarette health warning display plan for certain Silver Cloud, Fire Dance, and One Spirit styles. The plan for Silver Cloud, Fire Dance, and One Spirit was approved on April 24, 2018, and a plan for certain brand styles for the Dakota was approved on November 6, 2018.

I. PACKAGING

This section addresses the plan for compliance with respect to the "Packaging" requirements of the FCLAA with regards to the Silver Cloud, Fire Dance, One Spirit, and Dakota brands including a discussion of the warning label size and location, the warning label equalization and records of compliance.

A. Warning Label Size and Location

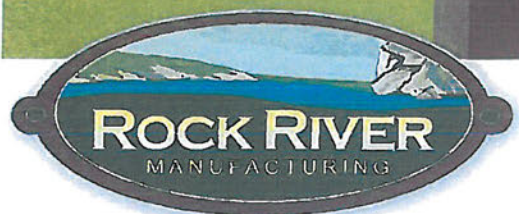
Rock River wishes to renew its plan for the following brand styles:

Silver Cloud, Fire Dance, One Spirit, and Dakota

Silver Cloud:

Silver Cloud Red 100 Box
Silver Cloud Gold 100 Box

Silver Cloud Red King Box
Silver Cloud Gold King Box



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Silver Cloud Silver 100 Box
Silver Cloud Menthol 100 Box
Silver Cloud Menthol Gold 100 Box

Silver Cloud Menthol King Box

Fire Dance:

Fire Dance Regular Full Flavor 100 Box
Fire Dance Regular Smooth 100 Box
Fire Dance Regular Ultra Smooth 100 Box
Fire Dance Menthol 100 Box
Fire Dance Menthol Smooth 100 Box

Fire Dance Regular Full Flavor King Box
Fire Dance Regular Smooth King Box
Fire Dance Menthol King Box

One Spirit:

One Spirit Regular Full Flavor 100 Box
One Spirit Regular Smooth 100 Box
One Spirit Regular Ultra Smooth 100 Box
One Spirit Menthol 100 Box
One Spirit Menthol Smooth 100 Box

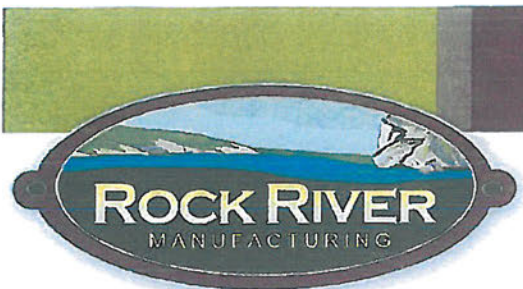
One Spirit Regular Full Flavor King Box
One Spirit Regular Smooth King Box
One Spirit Menthol King Box

Dakota:

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

Dakota Red Kings Box
Dakota Menthol Kings Box
Dakota Gold Kings Box

The cartons and packages were prepared in accordance with the precise wording, capitalization, and punctuation of the warnings under section 1333(a)(1) of the FCLAA and in compliance with the requirements for placement and size of the warnings on the packing under Section 1333(b) of the FCLAA. The required warnings will appear on both the actual packages and cartons of the foregoing Silver Cloud, Fire Dance, and One Spirit brand styles exactly as they appear on the samples that Rock River submitted on February 16, 2017, and on the Dakota brand styles exactly as they appear on the samples that Rock River submitted on August 29, 2018.



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B. Warning Label Rotation: 1332(c)(2) Election

Rock River wishes to employ the option for simultaneous display of the four health warnings by displaying the four required warning labels an equal number of times on the packages and cartons of the Silver Cloud, Fire Dance, One Spirit, and Dakota brand styles listed above for the one-year period beginning on the date of approval of this plan. The warnings on all of our packages have been equalized to-date.

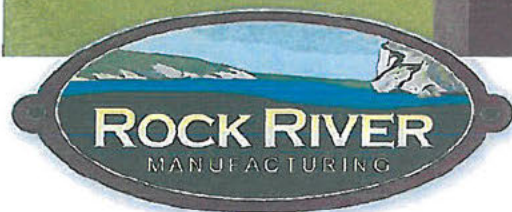
Rock River’s sales figures for all of the brand styles of the manufactured Silver Cloud, Fire Dance, and Dakota for the fiscal year of January 1, 2018 through December 31, 2018 by style by sticks are as follows:

<u>STYLE</u>	<u>NUMBER OF STICKS</u>
--------------	-------------------------

Silver Cloud Red 100s Box	[REDACTED]
Silver Cloud Gold 100s Box	
Silver Cloud Silver 100s Box	
Silver Cloud Menthol 100s Box	
Silver Cloud Menthol Gold 100s Box	
Silver Cloud Red King Box	
Silver Cloud Gold King Box	
Silver Cloud Menthol King Box	

Fire Dance Red 100s Box	[REDACTED]
Fire Dance Red King 100 Box	
Fire Dance Gold 100s Box	
Fire Dance Gold King Box	
Fire Dance Menthol 100s Box	
Fire Dance Menthol King Box	
Fire Dance Menthol Gold 100s Box	
Fire Dance Silver 100s Box	

Dakota Red 100s Box	[REDACTED]
Dakota Red Kings Box	
Dakota Gold 100s Box	
Dakota Gold King Box	
Dakota Menthol 100s Box	
Dakota Menthol 100s	



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Dakota Menthol Gold 100s Box
Dakota Silver 100s Box

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Rock River also plans to manufacture One Spirit brand [REDACTED] sales in 2018. Rock River does not import or manufacture any other brands or brand styles than those listed above including Couture, Opal, Seneca, and Renards.

Based on the foregoing sales volume, it appears that all of the Silver Cloud, Fire Dance, One Spirit, and Dakota brand styles qualify for warning label equalization as sales of each of our brand styles were less than one-fourth (1/4th) of one percent (1%) of all the cigarettes sold in the United States.

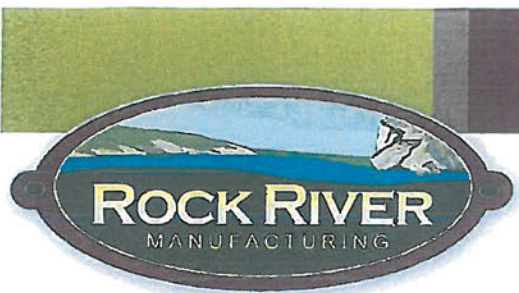
Rock River will comply with the Cigarette Act by having its supplier of packaging for its manufactured Silver Cloud, Fire Dance, One Spirit, and Dakota brand, Copac Inc., print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of each of the Silver Cloud, Fire Dance, One Spirit, and Dakota brand styles above an equal number of times during the one-year period following the date of approval of this plan by the FTC. Rock River will keep records demonstrating compliance with this plan.

C. Records of Compliance

Rock River will maintain records demonstrating compliance with this plan at its principal place of business.

II ADVERTISING

Rock River's July 7, 2015 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size for the Silver Cloud brand was approved on July 10, 2015. Rock River's plan for quarterly rotation of the four health warnings in internet advertising for the Silver Cloud brand was approved on May 23, 2016. Rock River's April 26, 2017 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size and for internet advertising for the One Spirit and Fire Dance brands was approved on April 27, 2017. Rock River's October 16, 2018 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size for the Dakota brand was approved on November 6, 2018. Rock River will maintain compliance with these plans.



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Rock River does not currently advertise the Dakota brand style on the internet, and if Rock River decides to advertise the Dakota brand style on the internet Rock River will obtain FTC approval prior to advertising.

A. Warning Label Rotation

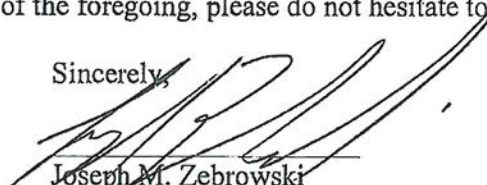
Rock River will maintain the following quarterly rotation schedule for advertising of the Silver Cloud, One Spirit, Fire Dance, and Dakota brands using the four required warning statements.

- 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.

	Silver Cloud	Fire Dance	One Spirit	Dakota
First Quarter (January- March):	A	B	C	D
Second Quarter (April – June):	B	C	D	A
Third Quarter (July-September):	C	D	A	B
Fourth Quarter (October-December):	D	A	B	C

Thank you for your attention to this matter and your assistance. If you have any questions or comments with respect to any of the foregoing, please do not hesitate to contact me.

Sincerely,



Joseph M. Zebrowski
Director of Legal



Division of
Advertising Practices

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

April 19, 2019

Mr. Joseph M. Zebrowski
Rock River Manufacturing
509 Reuben Snake Ave.
Winnebago, NE 68071

Dear Mr. Zebrowski:

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 Rock River Manufacturing (“Rock River”) on April 19, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Dakota, Fire Dance, One Spirit, and Silver Cloud brands of cigarettes.

Rock River’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated February 16, 2017 and August 29, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Eight box varieties of the Dakota brand: Red (Kings and 100’s), Gold (Kings and 100’s), Silver 100’s, Menthol (Kings and 100’s), and Menthol Gold 100’s;
- Eight box varieties of the Fire Dance brand: Regular Full Flavor (Kings and 100’s), Regular Smooth (Kings and 100’s), Regular Ultra Smooth 100’s, Menthol (Kings and 100’s), and Menthol Smooth 100’s;

¹ Rock River stated in its April 19, 2019 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

Mr. Joseph Zebrowski
April 19, 2019
Page 2

- Eight box varieties of the One Spirit Brand: Regular Full Flavor (Kings and 100's), Regular Smooth (Kings and 100's), Regular Ultra Smooth 100's, Menthol (Kings and 100's), and Menthol Smooth 100's; and
- Eight box varieties of the Silver Cloud brand: Red (Kings and 100's), Gold (Kings and 100's), Silver 100's, Menthol (Kings and 100's), and Menthol Gold 100's.

Approval of the plan is contingent on 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.

Please note that this letter only approves Rock River'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 in advertising or on packaging for Rock River's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Rock River'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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

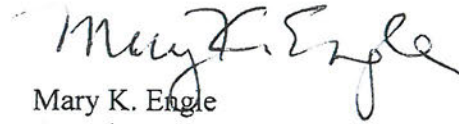
This approval is effective on the date of this letter and runs through April 18, 2020 or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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.

Mr. Joseph Zebrowski
April 19, 2019
Page 3

If you have any questions regarding this approval, please contact Donya Jackson at (202) 326-2050.

Very truly yours,

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

Mary K. Engle
Associate Director

AZUMA CORPORATION

920 B County Road 56 Alturas, CA 96101
PO Box 340 Alturas, CA 96101
PH: 530-262-5443

April 11, 2019

FEDERAL TRADE COMMISSION
ADVERTISING PRACTICES
MAIL DROP CC-10528
MS MARY ENGLE ASSOCIATE DIRECTOR
600 PENNSYLVANIA AVENUE
WASHINGTON DC 20580

Re: Shinnecock Cigarettes

Dear Ms. Engle:

Please consider this letter our request for annual compliance.

This is our initial plan for the simultaneous display of the Surgeon General's warnings on packaging for three Shinnecock king sized boxed varieties.

Azuma Corporation will manufacture the Shinnecock cigarette brand in the following varieties:

Red Kings Box
Yellow Kings Box
Menthol Kings 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 above will appear exactly as shown in the samples provided to your office with our letter of October 25, 2018.

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: SHINNECOCK CIGARETTES
April 11, 2019
PAGE 2

Azuma Corporation'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. Our estimated sales for all brand styles that we intend to manufacture for the 2019 fiscal year are set out in Exhibit A. Our sales for all brand styles that we manufactured for the 2018 fiscal year are set out in Exhibit B. Azuma Corporation will manufacture all of the above styles of cigarettes, as well as the Heron and Sands styles, which were approved on May 29, 2018, and Tracker and Shinnecock 100's styles, which were approved on September 5, 2018. No brands will be imported.

If our plan for the alternative to quarterly rotation of the warnings on the packaging is approved, we will display the four (4) cigarette health warnings on the packs and cartons of each Shinnecock cigarette brand style listed above an equal number of times for the one-year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the packs and cartons of each brand style of the Shinnecock brand 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. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, Azuma Corporation will place an order of the specific warning label(s) that need to be equalized. Azuma Corporation will maintain records of compliance with the approved plan.

At this point in time, Azuma Corporation 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,



Darren Rose

Azuma Corporation

Exhibit B

Brand	Style	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 Medium King Box	
Heron	Crimson Medium 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	
Tracker	Red Bear King Box	
Tracker	Golden Panther King Box	
Tracker	Green Forest King Box	
Tracker	Red Bear 100 Box	
Tracker	Golden Panther 100 Box	
Tracker	Green Forest 100 Box	
Shinnecock	Red 100 Box	
Shinnecock	Yellow 100 Box	
Shinnecock	Menthol 100 Box	
Shinnecock	Red King Box	
Shinnecock	Yellow King Box	
Shinnecock	Menthol King Box	



Selected packaging samples from those
submitted with the plan.



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

TP - CA-16012
20 CLASS A
CIGARETTES
MADE IN THE U.S.A.



MENTHOL KING BOX
MADE IN THE U.S.A.
20 CLASS A CIGARETTES

MENTHOL KING BOX
SHINNECOCK
BRAND

MENTHOL KING BOX
MADE IN THE U.S.A.
20 CLASS A CIGARETTES

MENTHOL KING BOX
SHINNECOCK
BRAND

SHINNECOCK
BRAND

UNDERAGE
SALE
PROHIBITED

SHINNECOCK
BRAND

20
CLASS A CIGARETTES

SHINNECOCK BRAND

RED KING BOX

MADE IN THE U.S.A.

200 CLASS A CIGARETTES



TM

SHINNECOCK BRAND

RED KING BOX

MADE IN THE U.S.A.

200 CLASS A CIGARETTES



TM

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

200 FILTERED CIGARETTES

NOT AFFILIATED WITH THE SHINNECOCK NATION OF INDIANS.

TP-CA-



Sale to Minors



TM

SHINNECOCK BRAND

RED KING BOX

MADE IN THE U.S.A.

200 CLASS A CIGARETTES



Division of
Advertising Practices

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

April 29, 2019

Mr. Darren Rose
Azuma Corporation
P.O. Box 340
Alturas, CA 96101

Dear Mr. Rose:

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, Azuma Corporation’s (“Azuma”) August 7, 2018 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Shinnecock and Tracker brands of cigarettes was approved on September 5, 2018.

By letter dated April 11, 2019, you now propose to expand your plan for simultaneous display of the four health warnings on packaging to include three additional varieties of the Shinnecock brand.

Azuma’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 October 25, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Azuma’s plan for simultaneous display of the four health warnings on packaging for the following three varieties of the Shinnecock brand is hereby approved effective on the date of this letter through **April 28, 2020**: Red Kings Box, Yellow Kings Box, and Menthol Kings Box.

I wish to remind you that the Commission’s September 5, 2018 approval of Azuma’s plan for simultaneous display of the warnings on packaging for certain varieties of the Shinnecock and Tracker brands, runs through **September 4, 2019** (or until the authority to

¹ Azuma stated in its April 11, 2019 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

Mr. Darren Rose
April 29, 2019
Page 2

approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first) and that this letter does not extend that approval period.

Approval of Azuma's plan is contingent on 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.

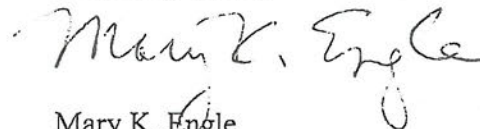
If Azuma decides to advertise in the future, it must submit a plan detailing how it will comply with the requirements of the Cigarette Act with respect to display of the health warning statements in advertisements.

Please note that this letter only approves Azuma'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 Azuma's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Azuma'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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

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

Very truly yours,



Mary K. Engle
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.



Geraldine Bowen Barker
Associate General Counsel

(336) 335-7260
Mobile (336) 708-8361
Fax (336) 335-7707
geraldine.barker@itgbrands.com

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

April 30, 2019

RE: ITG Brands, LLC
Special Packaging for KOOL Packs

Dear Ms. Engle:

ITG Brands, LLC ("ITG Brands") currently has approved plans to rotate the four health warnings for certain brand styles of the Winston, Salem, Kool, and Maverick brands.

ITG Brands hereby requests approval of a plan revision relating to a KOOL brand special packaging to include KOOL Blue Box King (Event Pack) Packaging and KOOL Green Box King (Event Pack) Packaging.

These packs will only be sold to adult smokers at KOOL events and will not be sold in stores. Plain white cartons will be used to transport the packs to the KOOL events and the cartons will not be for sale or for distribution. Adult smokers will only be able to purchase by the pack. Because of this, the plain white cartons will not have advertising on them and therefore, will not be submitted.

The new KOOL packs will be in addition to the KOOL packs and cartons that are currently approved by the FTC. The four health warnings read precisely as required by the Federal Cigarette Labeling and Advertising Act.

The new packaging will not alter the quarterly rotation of the four health warnings under ITG Brands' previously approved plan for KOOL (approval letter dated June 12, 2015) and ITG Brands will rotate the four health warnings quarterly on the KOOL Blue Box King (Event Pack) Packaging and on the KOOL Green Box King (Event Pack) Packaging according to the rotation schedule in Exhibit A-1 of our June 11, 2015 plan. The warnings will appear exactly as shown on the samples provided with our letter dated March 27, 2019. ITG Brands will keep records demonstrating compliance of this plan. If approved, ITG Brands expects to begin utilizing the packs submitted with the March 27, 2019 letter during the 2nd calendar quarter of 2019. ITG Brands will continue to be in compliance with the previously approved June 11, 2015 and December 21, 2015 plans for advertising the KOOL brand.

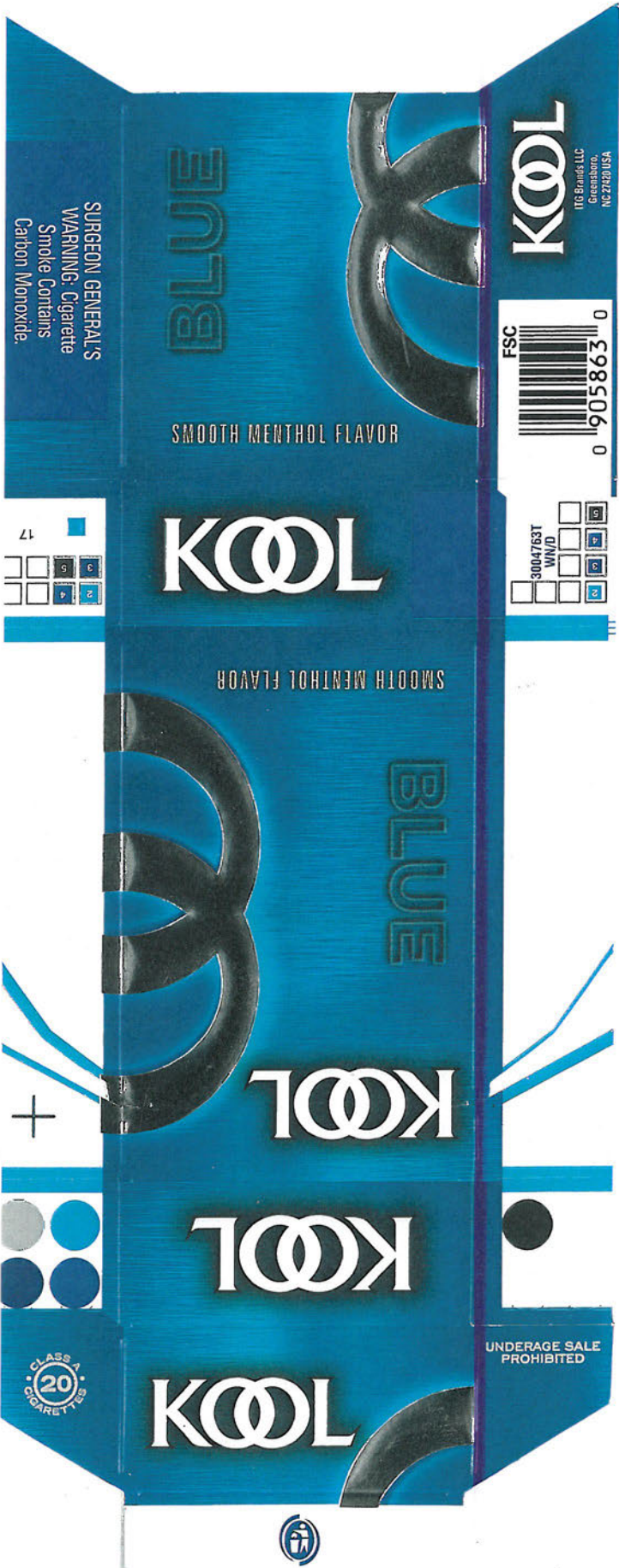
If you require any additional information, please contact me.

Sincerely,


Geraldine Bowen Barker

Selected packaging samples from those
submitted with the plan.





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

BLUE

KOOL

KOOL

KOOL

KOOL

KOOL

IG Brands LLC Greensboro, NC 27420 USA

FSC



0 905863 0



UNDERAGE SALE PROHIBITED

CLASS A 20 CIGARETTES





Division of
Advertising Practices

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

April 30, 2019

Geraldine Bowen Barker, Esq.
ITG Brands, LLC
714 Green Valley Road
Greensboro, NC 27408

Dear Ms. Barker:

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, ITG Brands, LLC’s (“ITG”) June 11, 2015 plan for quarterly rotation of the four health warnings on packaging and in advertising for the Winston, Salem, Kool, and Maverick brands of cigarettes was approved on June 12, 2015. Your subsequent request to modify packaging for the Kool brand was approved on September 2, 2015. By letter dated April 30, 2019, you now propose to expand your plan to include two additional varieties of the Kool brand.

The warnings on the sample packs submitted with your March 27, 2019 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ ITG’s expansion of its plan for quarterly rotation of the four health warnings on packaging to include the Blue Box King (Event Pack) and Green Box King (Event Pack) varieties of the Kool brand is hereby approved effective on the date of this letter.

Approval of ITG’s plan is contingent on 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.

Please note that this letter only approves ITG’s expansion of its 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

¹ ITG stated in its April 30, 2019 letter that the four health warnings will appear exactly as shown on the packs submitted on March 27, 2019.

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.

Geraldine Bowen Barker, Esq.

April 30, 2019

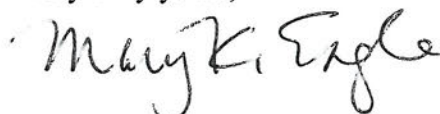
Page 2

representation made on packaging or in advertising for ITG's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of ITG'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, or www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm, and sign up for FDA email updates at 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



May 10, 2019

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

Dear Ms. Engle:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the Cigarette Act), Skookum Creek Tobacco Co., Inc., hereby submits a plan for the rotation of "Warnings" under Section 1333 (c) (2) of the Federal Cigarette Labeling and Advertising Act.

Skookum Creek Tobacco Company currently produces two brand families of cigarettes, "Complete," and "Premis". A rotation plan was approved May 7, 2018, for these brand families.

One previously approved "Traditions Brand" was discontinued October 5th, 2018 but will appear on our sales chart for FY2018. Warnings for existing brand styles will appear exactly as shown on the sample packaging submitted on the following dates: October 15, 2015, October 30, 2015, April 17, 2017 and May 17, 2017. Skookum Creek Tobacco Company is seeking approval for the brand styles identified in Exhibit A

No brand style manufactured by Skookum Creek Tobacco in fiscal year 2018 exceeded the sales limits in 15 U.S.C. § 1333(c)(2)(A)(i). A copy of Skookum Creek Tobacco's 2018 fiscal sales figures as well as current fiscal year sales to date and estimates for all brand styles is attached as Exhibit B. Units as shown are in sticks. Please note that the fiscal year for Skookum Creek Tobacco Company runs October 1 to September 30, concurrent with the federal fiscal year.

Skookum Creek Tobacco Company will ensure through controlled processes that all four warnings will be equally displayed on the packs and cartons of each of the brand styles for which approval is requested in this letter for the one-year period beginning on the date of approval of this plan. Skookum Creek Tobacco will maintain records to demonstrate compliance with this plan.

Skookum Creek Tobacco, through a partnership with our sole producer of printed labels and cartons assures compliance within the guidelines of rotation through a "Mechanical Printing and Sorting" process. All printed good are produced using an equal distribution of the required four warnings within each print order and mechanically sorted to assure equal distribution on each pallet of finished print. Single pallets are utilized in our manufacturing process to assure equal distribution of the warnings on packs and cartons of each brand style.

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

Sincerely,

Juan Miguel (Mike) Araiza, General Manager

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

COMPLETE	PREMIS
Full Flavor Kings (Hard Pack)	Full Flavor Kings (Hard Pack)
High Air Kings (Hard Pack)	High Air Kings (Hard Pack)
Ultra High Air Kings (Hard Pack)	Ultra High Air Kings (Hard Pack)
Menthol Kings (Hard Pack)	Menthol Kings (Hard Pack)
Menthol High Air Kings (Hard Pack)	Menthol High Air Kings (Hard Pack)
Non Filtered Kings (Hard Pack)	Full Flavor 100s (Hard Pack)
Full Flavor 100s (Hard Pack)	High Air 100's (Hard Pack)
High Air 100's (Hard Pack)	Ultra High Air 100s (Hard Pack)
Ultra High Air 100s (Hard Pack)	Menthol 100s (Hard Pack)
Menthol 100s (Hard Pack)	Menthol High Air 100s (Hard Pack)
Menthol High Air 100s (Hard Pack)	

Exhibit B Sales And Projections--Skookum Creek Tobacco Co., Inc Brand Families and Brands of Cigarettes

Product Item #	Brand Family	Brand Name	Units Sold FY 2018	Projected FY 2019	Current FY19 Sales 10/2018 to 3/2018
01-50123	Premis 85mm Full Flavor Hard Box	Premis			
01-50124	Premis 85mm High Air Hard Box	Premis			
01-50125	Premis 85mm Ultra High Air Hard Box	Premis			
01-50126	Premis 85mm Menthol Hard Box	Premis			
01-50127	Premis 85mm Menthol High Air Hard Box	Premis			
01-50128	Premis 100mm Full Flavor Hard Box	Premis			
01-50129	Premis 100mm High Air Hard Box	Premis			
01-50130	Premis 100mm Ultra High Air Hard Box	Premis			
01-50131	Premis 100mm Menthol Hard Box	Premis			
01-50132	Premis 100mm Menthol High Air Hard Box	Premis			
01-50071	Complete FSC 100mm Full Flavor Hard Box	Complete			
01-50072	Complete FSC 100mm High Air Hard Box	Complete			
01-50073	Complete FSC 100mm Ultra High Air Hard Box	Complete			
01-50074	Complete FSC 100mm Menthol Hard Box	Complete			
01-50075	Complete FSC 100mm Menthol High Air Hard Box	Complete			
01-50076	Complete FSC 85mm Full Flavor Hard Box	Complete			
01-50077	Complete FSC 85mm High Air Hard Box	Complete			
01-50078	Complete FSC 85mm Ultra High Air Hard Box	Complete			
01-50079	Complete FSC 85mm Menthol Hard Box	Complete			
01-50080	Complete FSC 85mm Menthol High Air Hard Box	Complete			
01-50081	Complete FSC 85mm Non Filter Hard Box	Complete			
01-50511	Traditions Additive Free 100mm Full Flavor Hard Box	Traditions			
01-50513	Traditions Additive Free 100mm High-Air Hard Box	Traditions			
01-50517	Traditions Additive Free 85mm Full Flavor Hard Box	Traditions			
01-50519	Traditions Additive Free 85mm High-Air Hard Box	Traditions			



Division of
Advertising Practices

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

May 10, 2019

Mr. Juan Miguel Araiza
Skookum Creek Tobacco Co., Inc.
1041 W. State Route 108
Shelton, WA 98584

Dear Mr. Araiza:

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 Skookum Creek Tobacco Co., Inc. (“Skookum Creek”) on May 10, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Complete and Premis brands of cigarettes.

Skookum Creek’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:¹

<u>Brand</u>	<u>Date(s)</u>
Complete	April 17, 2017 May 17, 2017
Premis	October 15, 2015 October 30, 2015

¹ Skookum Creek stated in its May 10, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Mr. Juan Miguel Araiza
May 10, 2019
Page 2

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

- Eleven hard pack varieties of the Complete brand: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), Menthol High Air (Kings and 100's), and Non-Filter Kings; and
- Ten hard pack varieties of the Premis brand: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), and Menthol High Air (Kings and 100's).

Approval of the plan is contingent on 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.

Please note that this letter only approves Skookum Creek'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 Skookum Creek's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Skookum Creek'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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through May 9, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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.

Mr. Juan Miguel Araiza
May 10, 2019
Page 3

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

Very truly yours,

MARY
ENGLE

Digitally signed
by MARY ENGLE
Date: 2019.05.10
15:35:47 -04'00'

Mary K. Engle
Associate Director



May 8, 2019

Page 1

VIA FACSIMILE 202-326-3259

VIA UPS OVERNIGHT

Division of Advertising Practices
 Federal Trade Commission
 600 Pennsylvania Avenue, N.W.
 Washington, DC 20580

Cigarette Health Warning Plan
Seneca-Cayuga Tobacco Company / SKYDANCER brand.

Dear Ms. Engle

This letter represents a request for renewal of the Label Statement Rotation Plan of Seneca-Cayuga Tobacco Company ("SCTC"), we hereby submit a Surgeon General's Equalization Plan for Skydancer as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C § 1331 (1998), et seq.), as amended ("FCLAA"), for all styles listed below of Skydancer brand soft pack and hard pack varieties. SCTC previously submitted a 2018 Plan renewal on May 1, 2018 and your office approved the prior plan on May 04, 2018.

SCTC is the manufacturer of Skydancer cigarettes. SCTC does not manufacture or import any other brands. The location of the factory is 65490 East 240 Road, Grove, OK 74344. Heather Enyart is the Compliance Specialist.

SCTC requests that the following styles constitute the plan:

Skydancer Premium Black King (HP), Skydancer Premium Gold King (HP), Skydancer Premium Menthol King (HP), Skydancer Premium Menthol Gold King (HP), Skydancer Premium Silver King (HP), Skydancer Premium Black 100's (SP & HP), Skydancer Premium Gold 100's (SP & HP), Skydancer Premium Menthol 100's (SP & HP), Skydancer Premium Menthol Gold 100's (SP & HP), Skydancer Premium Silver 100's (SP & HP).

Seneca-Cayuga Tobacco Company
May 8, 2019
Page 2

In the fiscal year 2018 (October 1, 2017 – September 30, 2018) our total sales were [REDACTED] sticks of the Skydancer brand and [REDACTED] sticks of the Golden Bay brand. Anticipated fiscal year 2019 (October 1, 2018 – September 30, 2019) sales are [REDACTED] sticks of the Skydancer brand, and [REDACTED] sticks of the Golden Bay Brand. No other brands were sold by SCTC in fiscal year 2018.

Neither the packaging nor the appearance of the warning has changed since the samples were provided to your office by letter on March 26, 2018. The warnings will appear exactly as shown on those samples.

The four health warning labels are printed in equal numbers on each printed sheet of packaging for all of SCTC's packs and cartons so when the sheets are die-cut, each shipment is equalized for each brand style as manufactured.

We will display the four health warnings an equal number of times on the packs and cartons for each brand style of the Skydancer brand for the one year period beginning on the date of approval of this plan. We will keep records demonstrating compliance with this plan.

For advertising materials, there are no changes from the prior plan and SCTC will maintain compliance with the plan.

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request expedited approval. Should this request conform to your requirements, we request that the letter evidencing approval be faxed to me at (918) 787-7722. Should you require additional information with respect to the foregoing please contact me at (918) 787-7711.

Cordially,



Heather Enyart
Compliance



Division of
Advertising Practices

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

May 13, 2019

Ms. Heather Enyart
Seneca-Cayuga Tobacco Company
65490 East 240 Road
Grove, OK 74344

Dear Ms. Enyart:

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 Seneca-Cayuga Tobacco Company ("Seneca-Cayuga") on May 8, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Skydancer brand of cigarettes.

Seneca-Cayuga'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 of March 26, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Seneca-Cayuga's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following fifteen varieties of the Skydancer brand: Premium Black King hard pack; Premium Black 100's (soft pack and hard pack); Premium Gold King hard pack; Premium Gold 100's (soft pack and hard pack); Premium Menthol King hard pack; Premium Menthol 100's (soft pack and hard pack); Premium Menthol Gold King hard pack; Premium Menthol Gold 100's (soft pack and hard pack); Premium Silver King hard pack; and Premium Silver 100's (soft pack and hard pack).

¹ Seneca-Cayuga stated in its May 8, 2019 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on March 26, 2018.

Ms. Heather Enyart
May 13, 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.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Seneca-Cayuga'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 Seneca-Cayuga's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Seneca-Cayuga'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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through May 12, 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 Bonnie McGregor at (202) 326-2356.

Very truly yours,


Mary K. Engle
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.

S&M BRANDS, INC.

3662 Ontario Road
Keysville, VA 23947Toll Free: 1 (800) 766-5342
Phone: (434) 736-2130
Fax: (434) 736-0744

www.SMBRANDS.com

May 15, 2019

Mary K Engle
Associate Director of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW, CC10528
Washington, D.C. 20580Re: Federal Trade Commission (FTC) Health Warning/Advertising Rotation
plan for S&M Brands, Inc. makers of Bailey's Cigarette, Tahoe
Cigarettes, Riverside Cigarettes, and Valu Time Cigarettes

Dear Ms. Engle:

The undersigned is general counsel to S&M Brands, Inc. (sometimes the "Company"), a Virginia corporation located in Keysville, Virginia, that manufactures Bailey's Cigarettes, Tahoe Cigarettes, Riverside Cigarettes, and Valu Time Cigarettes under license from the U.S. Alcohol and Tobacco Tax and Trade Bureau.

The S&M Brands, Inc. FTC health warning plan for packaging and advertising ("Plan") for its initial brand, Bailey's Cigarettes, was first approved by the FTC on December 8, 1995, by Associate Director C. Lee Peeler of the Division of Advertising Practices. The Company has obtained FTC approval for its Plan for each subsequent year for all of its cigarette brand offerings.

By letters dated April 24, 2017, May 18, 2017, and May 31, 2017 the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time Cigarette brands. The FTC approved the Plan via letter dated June 1, 2017.

By letter dated May 29, 2018, the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, Riverside and Valu Time Cigarette brands. The FTC approved the Plan via letter dated May 31, 2018.

This letter seeks FTC approval of the Company's Plan for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time cigarette brands.

Bailey's Cigarettes are available in soft packs and in limited hard packs. The styles for *Bailey's soft packs* are: Filter Kings, Blue Kings, Sky Blue Kings, Menthol Kings, Green Field Menthol Kings, Filter 100's, Blue 100's, Sky Blue 100's, Menthol 100's, and Green Field Menthol 100's. The styles for *Bailey's hard packs* are: Filter Kings Box, Blue Kings Box, and Menthol Kings Box.

Tahoe Cigarettes are available in soft and in limited hard packs. The styles for *Tahoe soft packs* are: Filter Kings, Gold Kings, Sky Blue Kings, Menthol Kings, Evergreen Menthol Kings, Filter 100's, Gold 100's, Sky Blue 100's, Menthol 100's, and Evergreen Menthol 100's. The styles for *Tahoe hard packs* are: Filter Kings Box and Gold Kings Box.

INNOVATION THROUGH FIVE GENERATIONS OF TRADITION

Bailey's

TAHOE

Riverside

LEXIP

CONTACT



Riverside Cigarettes are available in soft packs and in limited hard packs. The styles for *Riverside soft packs* are: Filter Kings, Blue Kings, Silver Kings, Menthol Kings, Teal Menthol Kings, Filter 100's, Blue 100's, Silver 100's, Menthol 100's), and Teal Menthol 100's. The styles for *Riverside hard packs* are: Filter Kings Box, Blue Kings Box, and Menthol Kings Box.

Valu Time Cigarettes are available in soft packs and in limited hard packs. The styles for *Valu Time soft packs* are: Filter Kings, Filter 100's, Gold 100's, Silver 100's, Menthol 100's, and Teal Menthol 100's. The styles for *Valu Time hard packs* are: Filter Kings Box, Gold Kings Box, and Menthol Kings Box.

With our letters dated April 24, 2017, May 18, 2017, and May 31, 2017 the Company enclosed samples of all Bailey's, Tahoe, Riverside, and Valu Time cigarette brand styles including all four health warnings for each style that the Company will be manufacturing. The warnings will appear exactly as shown on those samples. Additional samples of Bailey's, Tahoe, Riverside, and Valu Time materials are available upon request, but the warnings that our Company uses will continue to appear exactly as on the exemplars previously provided to and approved by the FTC.

S&M Brands, Inc. will continue to equalize the four health warnings on the packs and cartons for each brand style of the Bailey, Tahoe, Riverside, and Valu Time brands.

As a small manufacturer, under our reading of applicable law, S&M Brands, Inc. has qualified (and we believe still qualifies) to have a Plan to simultaneously display the four health warnings on cigarette packaging. The four warnings will appear an equal number of times on the packs and cartons for each brand style of Bailey's, Tahoe, Riverside, and Valu Time brand cigarettes for a one year period beginning on the date of approval of this Plan. The technology used by our packaging supplier allows all packaging to arrive at our factory already equalized. We have two types of soft pack packing machines which use either roll wraps (GDX1 machine) or cut wraps (AMF 379 machines) and one hard pack packing machines (GDX2) that uses box blanks that are similar to the cut wraps. The roll wraps are printed with the required warnings on packages in sequential order of 123 then 234 then 412, then 134 as the technology does not allow all 4 warnings on the roll. The supplier of the cut wraps and the box blanks provides an equal number of warnings per case and the case is exhausted before another case is opened. The Company ensures equalization by making certain there are no open cases of cut wraps or box blanks at the end of the year. The carton packaging comes from the supplier in stacks of 500 per warning on a pallet containing 28,000. Stacks of 500 cartons per warning are run thru the machine in sets of 2000 so that all four Surgeon General Warnings are used in equal numbers. If at the end of the year the Company realizes that equalization may not be occurring the Company will take steps to make sure an equal number of each of the four health warnings have appeared on each brand style of cigarettes. All of these methods ensure equalization in the field. We will keep records demonstrating compliance with this Plan.

Our sales by fiscal year are summarized in the chart below. Our fiscal year is the same as the calendar year. For fiscal year 2018 our actual sales are reported below. For fiscal years 2019 and 2020 our anticipated sales are reported below. The figures represent individual sticks sold. These four brands are all of the cigarette brands manufactured by S&M Brands and S&M Brands does not import any cigarette brands.

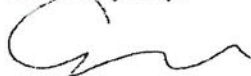
Volume in Sticks

Year	Bailey's	Tahoe	Valu Time	Riverside
2018	[REDACTED]			
2019	[REDACTED]			
2020	[REDACTED]			

As to advertising, as in previous years, S&M Brands, Inc. remains in compliance with and would like to maintain its Plans for rotation of the warnings in advertising as previously approved by the FTC.

Thank you so much for your attention to this matter. Please feel free to call the undersigned if you have any questions.

Yours very truly,



Everett W. Gee III
Vice President Legal Affairs
& General Counsel

cc: Mr. Malcolm L. Bailey, CEO

¹ Stick number breakdown by style: [REDACTED]

² Stick number breakdown by style: [REDACTED]

³ Stick number breakdown by style: [REDACTED]

S & M Brands, Inc. makers of Bailey's Cigarettes, Tahoe Cigarettes, Riverside, and Valu Time
 Cigarettes
 3662 Ontario Road, Suite B
 Keysville, VA 23947

**ROTATION PLAN FOR
 ADVERTISING AND PROMOTIONAL MATERIALS**

Bailey's Brand

First Quarter	C
Second Quarter	D
Third Quarter	A
Fourth Quarter	B

Tahoe Brand

First Quarter	B
Second Quarter	A
Third Quarter	D
Fourth Quarter	C

Riverside Brand

First Quarter	A
Second Quarter	B
Third Quarter	C
Fourth Quarter	D

Valu Time Brand

First Quarter	D
Second Quarter	C
Third Quarter	B
Fourth Quarter	A

The warnings are as follows:

- 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.



Division of
Advertising Practices

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

May 17, 2019

Mr. Everett W. Gee III
S&M Brands, Inc.
3662 Ontario Road
Keysville, VA 23947

Dear Mr. Gee:

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 the revised proposed plan filed by S&M Brands, Inc. (“S&M Brands”) on May 15, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bailey’s, Tahoe, Riverside, and Valu Time brands of cigarettes.

S&M Brands’ 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 April 24, May 18, and May 31, 2017 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, S&M Brands’ plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Thirteen varieties of the Bailey’s brand: Filter Kings (box and soft pack), Filter 100’s soft pack, Blue Kings (box and soft pack), Blue 100’s soft pack, Sky Blue Kings soft pack, Sky Blue 100’s soft pack, Menthol Kings (box and soft pack), Menthol 100’s soft pack, Green Field Menthol Kings soft pack, and Green Field Menthol 100’s soft pack;
- Twelve varieties of the Tahoe brand: Filter Kings (box and soft pack), Filter 100’s soft pack, Gold Kings (box and soft pack), Gold 100’s soft pack, Sky Blue Kings

¹ S&M Brands stated in its May 15, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Mr. Everett W. Gee III
May 17, 2019
Page 2

soft pack, Sky Blue 100's soft pack, Menthol Kings soft pack, Menthol 100's soft pack, Evergreen Menthol Kings soft pack, and Evergreen Menthol 100's soft pack;

- Thirteen varieties of the Riverside brand: Filter Kings (box and soft pack), Filter 100's soft pack, Blue Kings (box and soft pack), Blue 100's soft pack, Silver Kings soft pack, Silver 100's soft pack, Menthol Kings (box and soft pack), Menthol 100's soft pack, Teal Menthol Kings soft pack, and Teal Menthol 100's soft pack; and
- Nine varieties of the Valu Time brand: Filter Kings (box and soft pack), Filter 100's soft pack, Gold Kings box, Gold 100's soft pack, Silver 100's soft pack, Menthol Kings box, Menthol 100's soft pack, and Teal Menthol 100's soft pack.

Approval of the plan is contingent on 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.

Please note that this letter only approves S&M Brands' 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 S&M Brands' cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of S&M Brands' 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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through May 16, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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.

Mr. Everett W. Gee III
May 17, 2019
Page 3

If you have any questions regarding this approval, please contact Donya Jackson at (202) 326-2050.

Very truly yours,

**MARY
ENGLE**

Digitally signed by
MARY ENGLE
Date: 2019.05.17
12:26:49 -04'00'

Mary K. Engle
Associate Director



VERONICA VILARCHAO
PARTNER
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 415-9070
FAX (305) 347-7897
EMAIL VVilarchao@shutts.com

May 20, 2019

FEDERAL EXPRESS

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

Re: Dosal Tobacco Corporation

Dear Ms. Engle:

Pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§1331, *et seq.* (the "Cigarette Act"), which requires that any company that sells cigarettes within the United States submit a plan to the Federal Trade Commission explaining how it will comply with the health warning display requirements, on behalf of Dosal Tobacco Corporation ("Dosal"), we hereby submit the enclosed plan (the "Plan") illustrating how Dosal has and will continue to comply with the requirements of the Cigarette Act. Please note that Dosal intends to rotate the warnings as shown in the enclosed Plan.

If you have any questions regarding the enclosed Plan, or if I can be of any other assistance, please do not hesitate to contact me.

Best regards,

Shutts & Bowen LLP

A handwritten signature in blue ink, appearing to read "Veronica Vilarchao".

Veronica Vilarchao

Enclosure

MIADOCS 18170939 1

**DOSAL TOBACCO CORPORATION'S LABEL
ROTATION PLAN PURSUANT TO THE FEDERAL
CIGARETTE LABELING AND ADVERTISING ACT**

Pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* (the "Cigarette Act"), Dosal Tobacco Corporation ("Dosal"), whose chief executive officer is Ms. Yolanda Nader, and whose principal place of business is 4775 NW 132nd Street, Miami, Florida 33054, submits the following plan (the "Plan") explaining how it will comply with the health warning display requirements of the Cigarette Act.

1. Definitions. As used in the Plan:
 - a. The terms "cigarette", "United States", "package" and "brand style" shall have the meaning specified in the Cigarette Act.
 - b. The term "brand of cigarettes" shall mean those cigarettes of a manufacturer or importer bearing a common identifying brand name or mark. Different styles of a brand of cigarettes, whether differentiated on the basis of size, shape, filtration, packaging, "tar" and nicotine rating, flavoring or other characteristic, shall not be considered a distinct "brand of cigarettes".
 - c. The "effective date" of this Plan shall be the date of the Plan's approval.
 - d. The term "calendar quarter" shall mean each of the three (3) month periods commencing January 1, April 1, July 1, and October 1 of each year.

2. Packaging.
 - a. **Warning Label Size and Location:** The brands of cigarettes, including the different brand styles that Dosal manufactures are listed in Exhibit "A" of the Plan. Dosal does not import any cigarettes. Further, the warnings will appear exactly as shown on the samples that were submitted with the letter of June 12, 2014, displaying examples of the following four (4) warning statements required by the Cigarette Act which are placed on the packages of Dosal brand cigarettes packaged for sale or distribution in the United States:
 - i. **SURGEON GENERAL'S WARNING:** Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

- ii. **SURGEON GENERAL'S WARNING:** Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
- iii. **SURGEON GENERAL'S WARNING:** Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.
- iv. **SURGEON GENERAL'S WARNING:** Cigarette Smoke Contains Carbon Monoxide.

Packages for each brand of cigarettes manufactured or packaged for distribution in the United States by Dosal, shall bear the label statements referenced to above in section 2(a)(i)-(iv) of the Plan.

- b. **Warning Label Rotation:** Section 1333(c)(2) of the Cigarette Act allows manufacturers to seek permission from the FTC to display the four (4) warnings an equal number of times during the year on a brand style's packaging if the company meets the low volume sales threshold established by the Cigarette Act. To meet the low volume sales requirement established by the Cigarette Act, the annual sales of each of a company's brand styles in its prior fiscal year must be less than one-fourth (1/4) of one percent (1%) of all of the cigarettes sold in the United States in that fiscal year (for calendar year 2018, approximately [REDACTED] cigarettes) and more than half the cigarettes manufactured or imported by the company must be packaged into brand styles that meet the low sales threshold (the "Low Sales Volume Requirement"). Except for the brand style 305's Full Flavor 100's Box, Dosal meets the Low Sales Volume Requirement based on its sales in 2018 and forecasts that it will meet the Low Sales Volume Requirement for 2019 for all other brand styles manufactured by Dosal (please see Dosal's Sales Report for the year 2018, and Sales Forecast for the year 2019, attached hereto as Exhibit "B").¹ With the exception of the brand style 305's Full Flavor 100's Box, during the year 2018, sales for any one brand style did not exceed [REDACTED] cigarettes, and for the year 2019 Dosal projects that sales for any one brand style will not exceed [REDACTED] cigarettes. Accordingly, except for the brand style 305's Full Flavor 100's Box, Dosal wishes to equalize the warning statements on all Dosal brand style cigarette packaging during the year, as follows:

- i. An even distribution of each of the four (4) warnings will be displayed on the packs and cartons of each brand style of Dosal's cigarettes, which are manufactured and distributed

¹ Please note that Dosal's fiscal year is the same as the calendar year.

in the United States for the one (1) year period beginning from the date of approval of this Plan. All four (4) warnings are printed on the same press sheet with an even distribution.

- ii. At the end of the year, if due to a mechanical failure, or otherwise, the warning statements are not equalized, Dosal will take the necessary steps to insure that the problem is corrected, and the warning statements equalized.

For the brand style 305's Full Flavor 100's Box, Dosal shall rotate the four (4) warnings quarterly on its packaging according to the schedule attached hereto as Exhibit "C." The quarterly rotation shall be based on the date that the cigarettes are packaged.

3. Records of Compliance. Dosal has an established process of record keeping, which allows Dosal to demonstrate compliance with the Cigarette Act and the Plan upon request. This system of record keeping will continue to be in effect, and thus Dosal's compliance with the Act and the Plan will continue to be effectively monitored.
4. Advertisements. Dosal's advertising plan is in place and will not change from its prior submissions to the FTC. Dosal will maintain compliance with its advertising plan.
 - a. **Adherence to the 1985 Plans:** For its advertising, Dosal will use the warning formats submitted with the 1985 plans of the five (5) leading United States cigarette manufacturers, and will place the warnings as specified in those plans.
 - b. **Acetates:** Dosal has purchased Warning Statements Exhibits 1-7, copies of which were previously submitted to the FTC. All warnings on advertisements will appear exactly as shown on the acetates previously submitted to the FTC and corresponding to the size of the advertisement.
 - c. **Size of Advertisements:** Dosal will not engage in advertisements for any brand style which exceed 10 square feet.
 - d. **Warning Label Rotation:** Dosal will rotate the warnings on advertisements quarterly according to the schedule attached hereto as Exhibit "C".
 - e. **Company or Multiple Brand Advertising:** In the event that Dosal engages in Company or multiple brand advertising, Dosal will use

the rotation schedule for the first brand listed in Exhibit "C" of the Plan.

- f. **Internet Advertising:** At this time, Dosal does not engage in advertising on the internet, however, if Dosal does begin to advertise on the internet, Dosal will then submit a plan to the FTC regarding internet advertising for approval.

EXHIBIT "A"
DOSAL TOBACCO CORPORATION
BRAND CIGARETTES AND BRAND STYLES

1. **DTC**
 - a. DTC Full Flavor 100's Box;
 - b. DTC Gold 100's Box;
 - c. DTC Menthol Gold 100's Box;
 - d. DTC Silver 100's Box;
 - e. DTC Full Flavor Kings Box;
 - f. DTC Gold Kings Box;
 - g. DTC Menthol Kings Box;
 - h. DTC Menthol 100's Box; and
 - i. DTC Non Filter Kings Box.

2. **305's**
 - a. 305's Full Flavor 100's Box;
 - b. 305's Blue 100's Box;
 - c. 305's Menthol Gold 100's Box;
 - d. 305's Menthol 100's Box;
 - e. 305's Full Flavor Kings Box;
 - f. 305's Blue Kings Box;
 - g. 305's Menthol Kings Box;
 - h. 305's Silver 100's Box;
 - i. 305's Silver Kings Box; and
 - j. 305's Non-Filter Kings Box.

3. **COMPETIDORA**

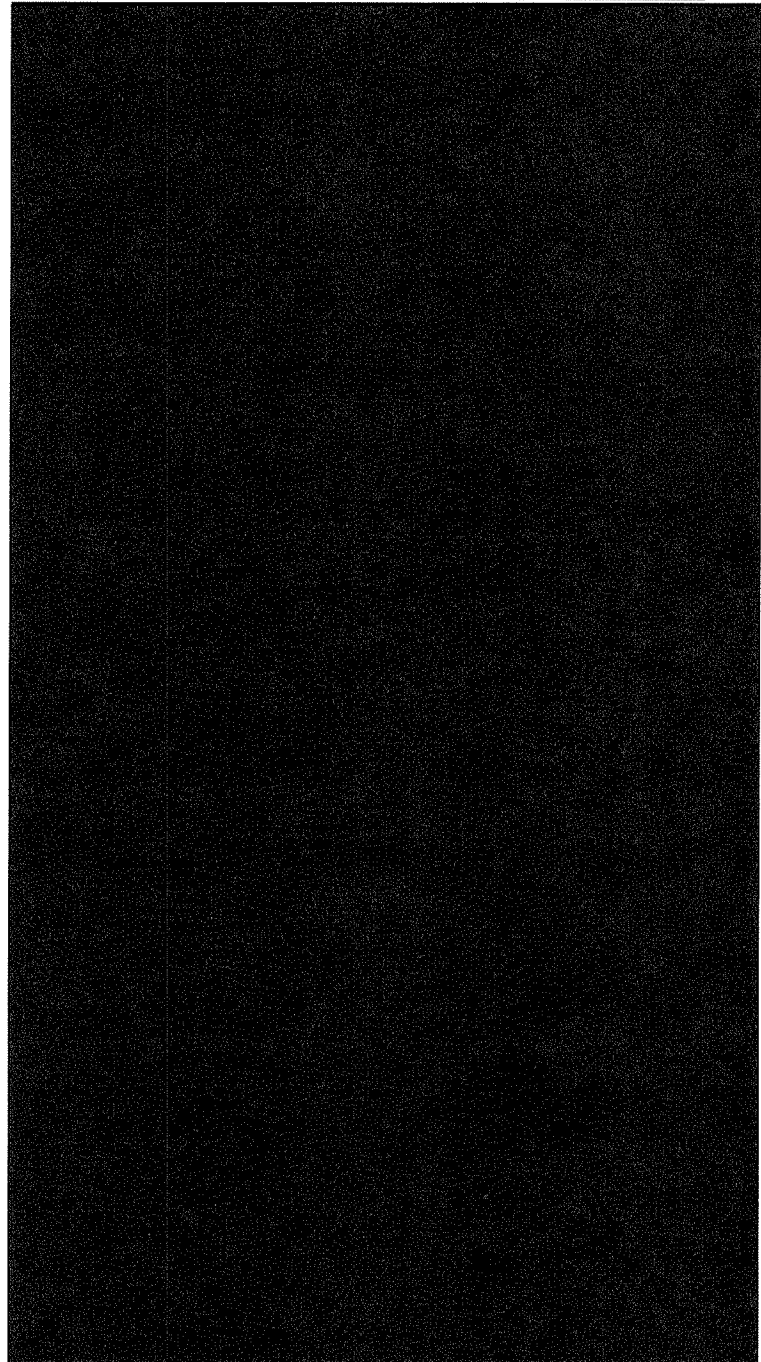
- a. Competidora Full Flavor Kings Box; and
- b. Competidora Non Filter Kings Box.

EXHIBIT "B"

DOSAL TOBACCO CORPORATION
 SALES VOLUME REPORT FOR 2018 AND
SALES FORECAST FOR 2019 FOR ALL BRAND STYLES

2018 SALES REPORT AND 2019 SALES PROJECTIONS

<u>SKU</u>	<u>Brand</u>	<u>Brand Style</u>	<u>Cartons Sold 2018</u>	<u>Number of Sticks 2018</u>	<u>Projected Carton Sales 2019</u>	<u>Projected Sales in Sticks 2019</u>
305FFKBX	/ 305's	Full Flavor Kings Box				
305FFYBX	/ 305's	Full Flavor 100's Box				
305BLK BX	/ 305's	Blue Kings Box				
305BLYBX	/ 305's	Blue 100's Box				
305MGYBX	/ 305's	Menthol Gold 100's Box				
305MNK BX	/ 305's	Menthol Kings Box				
305MNYBX	/ 305's	Menthol 100's Box				
305NFK BX	/ 305's	Non Filter Kings Box				
305SVYBX	/ 305's	Silver 100's Box				
305SVK BX	/ 305's	Silver Kings Box				
COMCFK BX	/ Competidora	Full Flavor Kings Box				
COMNFK BX	/ Competidora	Non-Filter Kings Box				
DTCFFK BX	/ DTC	Full Flavor Kings Box				
DTCFFY BX	/ DTC	Full Flavor 100's Box				
DTCGDK BX	/ DTC	Gold Kings Box				
DTCGDY BX	/ DTC	Gold 100's Box				
DTCMGY BX	/ DTC	Menthol Gold 100's Box				
DTCNFK BX	/ DTC	Non Filter Kings Box				



DTCSVYBX	/ DTC	Silver 100's Box
DTCMNK BX	/ DTC	Menthol Kings Box
DTCMNYBX	/ DTC	Menthol 100's Box
		TOTAL

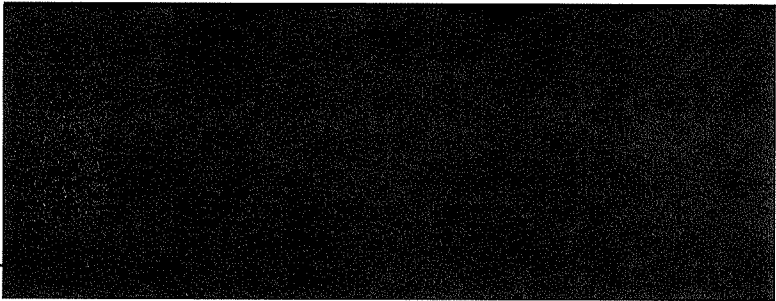


EXHIBIT "C"
ADVERTISEMENT WARNING
STATEMENT ROTATION SCHEDULE*

<u>Brand</u>	<u>QTR 1</u>	<u>QTR 2</u>	<u>QTR 3</u>	<u>QTR 4</u>
DTC	A	B	C	D
305's	B	C	D	A
Competidora	D	A	B	C

- 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.

*This statement rotation schedule specifically applies to the brand style 305's Full Flavor 100's Box. The quarterly rotation shall be based on the date the cigarettes are packaged.



Division of
Advertising Practices

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

June 5, 2019

Ms. Veronica Vilarchao
Shutts & Bowen LLP
200 South Biscayne Blvd.
Suite 4100
Miami, FL 33131

Dear Ms. Vilarchao:

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 Dosal Tobacco Corp. (“Dosal”) on May 20, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the DTC, 305’s, and Competidora brands of cigarettes.

Dosal’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the 305’s Full Flavor 100’s Box variety,¹ and the warnings on the sample packs and cartons submitted with your letter dated June 12, 2014 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.²

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

- Nine Box varieties of the DTC brand: Full Flavor (Kings and 100’s), Gold (Kings and 100’s), Silver 100’s, Menthol Gold 100’s, Menthol (Kings and 100’s), and Non-Filter Kings;
- Nine Box varieties of the 305’s brand: Full Flavor Kings, Blue (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), Menthol Gold 100’s, and Non-Filter Kings; and

¹ By letter dated June 22, 2011, this variety was approved for quarterly rotation, which does not need to be re-approved annually.

² Dosal stated in its May 20, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

Ms. Veronica Vilarchao
June 5, 2019
Page 2

- Two Box varieties of the Competidora brand: Full Flavor Kings and Non-Filter Kings.

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

Please note that this letter only approves Dosal'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 Dosal's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Dosal'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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through June 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 Aine Farrell at (202) 326-2409.

Very truly yours,

MARY
ENGLE

Digitally signed by
MARY ENGLE
Date: 2019.06.05
08:59:40 -04'00'

Mary K. Engle
Associate Director

³ 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.

NAT SHERMAN

an Altria Company

April 4, 2019

Ms. Mary K. Engle
Associate Director
U.S. Federal Trade Commission
Bureau of Consumer Protection
Division of Advertising Practices
600 Pennsylvania Avenue, NW, CC-10528
Washington, DC 20580

Re: Sherman's 1400 Broadway N.Y.C., LLC ("Sherman's 1400") – Packaging Rotation Plan

Dear Ms. Engle:

Sherman's 1400's health warning display plan for packaging was most recently approved by the letter dated September 14, 2018.

With this letter, we seek approval for our plan to continue to simultaneously display the four health warnings on the additional brand style, Nat's Dark Smooth, in order to comply with the Federal Cigarette Labeling and Advertising Act ("FCLAA"). Regarding packaging materials for Nat's Dark Smooth, each version of the four warnings is equally produced then equally used in the production process (25% A, 25% B, etc.) to ensure that we achieve simultaneous display of the four warnings on all our brand styles. Through the date of this application, the Surgeon General health warnings for the previously approved packaging of our current brand styles have been equalized in accordance with our plan.

The actual hard pack and carton packaging, with each of the four health warnings, for the Nat's Dark Smooth brand are the same in all material respects and are in compliance with Section 911 of the Family Smoking Prevention and Tobacco Control Act of 2009 as the current cigarette brand and brand styles approved by the FTC on September 14, 2018. The warnings will appear exactly as shown on the enclosed packaging samples.

Sherman's 1400 total domestic shipments for the twelve-month period ending December 31, 2018 were [REDACTED] sticks. In compliance with FCLAA, Section 1333(c)(2), kindly be advised that Sherman's 1400 manufactured and sold in each of its brands less than one-fourth of one (1%) percent of all cigarettes sold in the United States in its prior fiscal year ending December 31, 2018. Thus, Sherman's 1400 will take advantage of the alternative to quarterly rotation of the health warnings for the foregoing brand style pursuant to Section 1333(c)(2).

TOWNHOUSE

12 East 42nd Street, New York, NY 10017
tel. 212-764-5000 fax 212-764-5134

CORPORATE

10 Sterling Boulevard, Englewood, NJ 07631
tel. 201-735-9000 fax 201-735-9099

MANUFACTURING

7615 Boeing Drive, Greensboro, NC 27409
tel. 336-665-6060 fax 336-605-1795

Sherman's 1400

Page 2

Sherman's 1400 will display the four health warnings an equal number of times on the hard packs and cartons of the Nat's Dark Smooth brand style for the twelve-month period beginning on the date of the approval of this plan; or until such time as the authority to approve cigarette health warning statement plans moves from the FTC to the FDA. Sherman's 1400 will maintain records that show compliance with this packaging plan. Sherman's 1400 will maintain compliance with our most recent FTC approved plan for display of the health warnings in advertising.

If you require additional information, please do not hesitate to contact me at 201-735-9008.

Sincerely,



Brendon Scott
Vice President, Chief Financial Officer

/smw

Enc./



Selected packaging samples from those
submitted with the plan.

Nat's

Nat's

NAT SHERMAN.COM
TP-NC-641
TOBACCO
INGREDIENTS
TOBACCO AND WATER
PLEASE DO NOT LITTER

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



DARK SMOOTH TASTE

AP-00
ZFR-02-80-024
W-B

Nat's

Nat's



WE TAKE ONLY FINE
TOBACCO AND ADD WATER.
THE SAME WAY WE'VE DONE
FOR THREE GENERATIONS.

NAT SHERMAN
SINCE 1930

Nat's

UNDERAGE
SALE
PROHIBITED

SINCE 1930
NAT SHERMAN

TWENTY
CLASS A
CIGARETTES

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

AP-00
FR-03-80-204
W/A

Tobacco Ingredients:
Tobacco and Water

TP-NC-1441
GREENSBORO, NC 27409

Nat's

DARK SMOOTH TASTE



NAT SHERMAN

Nat's

DARK SMOOTH TASTE

DARK SMOOTH TASTE

Nat's

UNDERAGE
SALE
PROHIBITED

FSC



Division of
Advertising Practices

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

June 12, 2019

Mr. Brendon Scott
Sherman's 1400 Broadway N.Y.C., LLC
10 Sterling Boulevard
Englewood, NJ 07631

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, on September 14, 2018, I approved a plan filed by Sherman's 1400 Broadway N.Y.C., LLC ("Sherman's 1400") for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Black & Gold, Cigarettellos, Classic, Fantasia, Havana Ovals, Hint, MCD, Nat's, New York Cut, Originals, and Select brands of cigarettes. In a letter dated June 6, 2019, you now propose to expand Sherman's 1400's plan to include one additional variety of the Nat's brand.

Sherman's 1400's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample cartons submitted on April 4, 2019 and sample packs submitted on May 2, 2019 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Sherman's 1400's plan for simultaneous display of the four health warnings on packaging for the Nat's Dark Smooth Taste king hard pack variety is hereby approved.

Approval of this plan is contingent on 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.

Please note that this letter only approves Sherman's 1400 cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22,

¹ Although the warnings on the sample packs initially submitted were not sufficiently conspicuous, 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.

Mr. Brendon Scott
June 12, 2019
Page 2

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 Sherman’s 1400’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Sherman’s 1400’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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through June 11, 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 Donya Jackson at (202) 326-2050.

Very truly yours,

MARY ENGLE

Mary K. Engle
Associate Director

Digitally signed by MARY
ENGLE
Date: 2019.06.12 14:16:10
-04'00'

June 17, 2019

Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW CC-10528
Washington, D.C. 20580



OHSERASE
MANUFACTURING LLC

26 Eagle Drive
PO Box 1221
Akwesasne, NY 13655
518 358-9309

RE: Surgeon General's Health Warning Equalization Plan for Great Country Brand Cigarettes

Dear Sir/Madam:

This is an application for approval of the plan of Ohserase Manufacturing, LLC for the display of the health warnings on its Great Country cigarette brand. Ohserase Manufacturing, LLC is a limited liability corporation with offices located at 26 Eagle Drive, Akwesasne, New York 13655, mailing address P.O. Box 1221, Akwesasne, New York 13655 and the phone number is (518)358-4229.

Ohserase wishes to file a Surgeon General's Health Warning Equalization Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964 for the brand of cigarettes they wish to manufacture in the United States under the brand name "Great Country."

The brand styles of Great Country brand cigarettes Ohserase intends to manufacture are listed on Exhibit "A." Enclosed with our letters of May 2, 2019 and May 24, 2019 were the actual production packs for the brand styles listed on Exhibit A showing exactly where and how the four (4) Surgeon General's health warnings will appear on individual packs Ohserase will be manufacturing for our Great Country brand. Great Country cartons were submitted with our letter dated December 14, 2018. The warnings on our packs and cartons will appear exactly as shown on those samples.

Ohserase manufactured approximately [REDACTED] cigarettes in fiscal year 2018. To date, in fiscal year 2019, Ohserase has manufactured [REDACTED] cigarettes (Signal brand). Ohserase is not manufacturing any other brand styles currently. Ohserase does not import any brand styles of cigarettes.

No one brand style of cigarettes sold by Ohserase has for the past fiscal year constituted more than ¼ of 1% of all the cigarettes sold in the United States in such year, and no one brand style will constitute more than ¼ of 1% of all the cigarettes sold in the United States in the next fiscal year. In addition, more than one-half of the cigarettes manufactured for sale in the United States will be packaged into brand styles which meet the requirements of 15 U.S.C. §1333(c)(2)(A)(i).

As a small manufacturer as defined by the Act, Ohserase wishes to submit a plan to equalize the four health warning statements required by 15 U.S.C. §1333(c) for its Great Country brand styles. Each of the four warning statements will appear on the packs and cartons of each brand style of Great Country brand cigarettes manufactured by Ohserase an equal number of times in

the one year period beginning on the date this plan is approved. Ohserase will maintain records demonstrating compliance with this plan.

The individual packs of Great Country cigarettes to be manufactured by Ohserase will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer. Ohserase will keep a running total of the number of cartons and packs it manufactures with each warning label for each brand style.

Ohserase understands that the FTC is charged with ensuring that Ohserase's Surgeon General's Health Warning Label Plan is complied with and, therefore, it agrees to maintain records to demonstrate that they are in compliance with, and are properly implementing their plan.

Ohserase will print all four health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die cut each shipment should be approximately equalized for each brand style as manufactured. If, toward the end of the one year period, it appears that the warnings are not equalized on the packs and cartons for each brand style, Ohserase will place special orders for packaging with the specific health warnings needed to ensure that the display of all four warnings is equalized on the packs and cartons for each brand style by the plan's anniversary date.

We believe this plan complies in all respect with the Federal Cigarette Labeling and Advertising Act, as amended, including any modifications made by the Public Health Cigarette Smoking Act of 1969, the Comprehensive Smoking Education Act of 1984, the Nurses' Education Amendments of 1985 and the Imported Cigarette Compliance Act of 2000. For this reason, we hereby request that you approve this plan as soon as possible.

For any advertising of this brand we will follow our previously approved advertising plan.

If you have any questions I can be reached by phone at (518) 358-4229 extension 1039. Thank you.

Sincerely,



Sarah Treptow
Compliance Officer

Exhibit A

Great Country Full Flavor King (box)
Great Country Full Flavor 100 (box)
Great Country Silver King (box)
Great Country Silver 100 (box)
Great Country Gold King (box)
Great Country Gold 100 (box)
Great Country Menthol King (box)
Great Country Menthol 100 (box)
Great Country Menthol Gold King (box)
Great Country Menthol Gold 100 (box)

Selected packaging samples from those
submitted with the plan.

ALL NATURAL TOBACCO DOES NOT MEAN A SAFER CIGARETTE.

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

GREAT COUNTRY

www.GREATCOUNTRYTOBACCO.com



OM
OHSERASE
MANUFACTURING LLC
MOHAWK TERRITORY
1-888-631-4039
www.OHSERASE.com

TP NY-15042

FSC



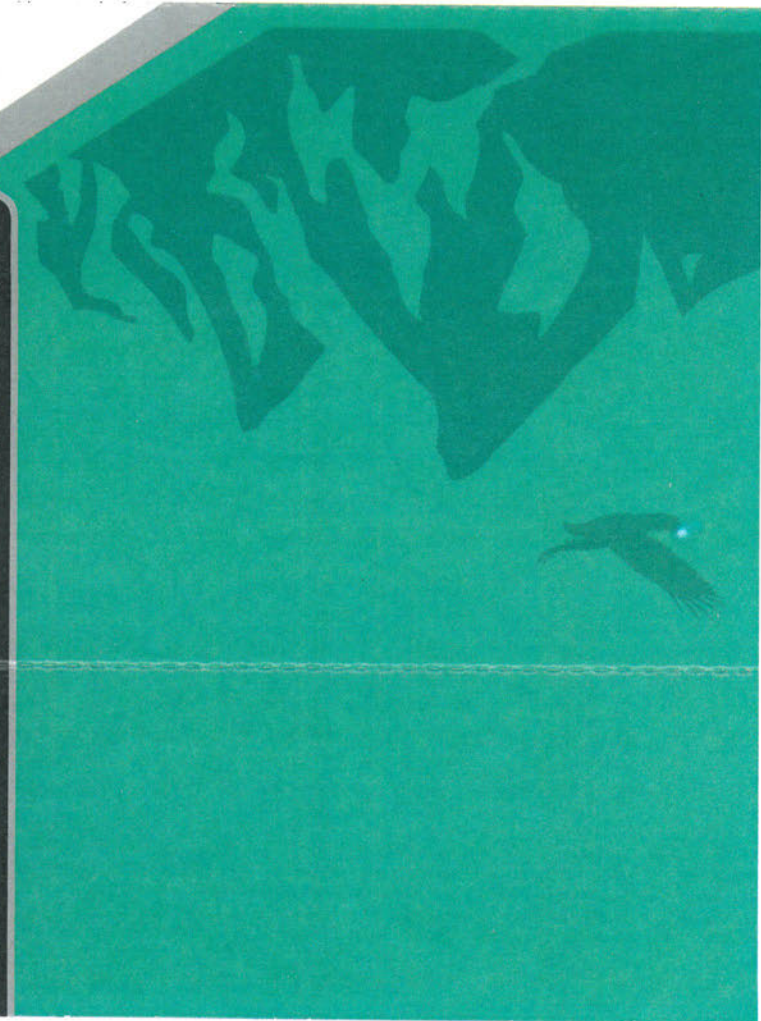
UNDERAGE SALES

USA | 200 CLASS A CIGARETTES | KING

MENTHOL GOLD



Nature's Blend
**GREAT
COUNTRY**





Division of
Advertising Practices

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

June 18, 2019

Ms. Sarah Treptow
Ohserase Manufacturing, LLC
26 Eagle Drive
P.O. Box 1221
Akwesasne, NY 13655

Dear Ms. Treptow:

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 Ohserase Manufacturing, LLC (“Ohserase”) on June 17, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Great Country brand of cigarettes.

Ohserase’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample cartons submitted with your December 14, 2018 letter and sample packs submitted with your May 2 and May 24, 2019 letters appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Ohserase’s plan for simultaneous display of the four health warnings on packaging for the following ten box varieties of the Great Country brand is hereby approved: Full Flavor (Kings & 100’s), Silver (Kings & 100’s), Gold (Kings & 100’s), Menthol (Kings & 100’s), and Menthol Gold (Kings & 100’s).

Approval of Ohserase’s plan is contingent on 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.

¹ Ohserase stated in its June 17, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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.

Ms. Sarah Treptow
June 18, 2019
Page 2

Please note that this letter only approves Ohserase'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 Ohserase's cigarettes, including, but not limited to, "all natural." Nor does this letter purport to interpret or express any opinion about the adequacy of Ohserase'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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through June 17, 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
ENGLE

Digitally signed
by MARY ENGLE
Date: 2019.06.18
16:26:46 -04'00'

Mary K. Engle
Associate Director



June 12, 2019

Federal Trade Commission
 Advertising Practices
 CC 10528
 600 Pennsylvania Avenue, NW
 Washington D.C. 20580

Dear Mary Engle:

Please consider this letter as Lake Erie Tobacco Company's ("LET") request to renew approval of its rotational warning plan for the "31" brand of cigarettes that we manufacture and request for approval of its warning rotation plan for our imported brands; Seneca, Couture and Opal. LET is a cigarette and other tobacco products manufacturer and importer located at 6564 Route 417 Kill Buck, NY 14748. The Chief Executive Officer of Lake Erie Tobacco Company is Bryan Porter.

As required by Section 1333(c)(2) of the Federal Cigarette Labeling and Advertising Act ("the Cigarette Act"), this letter is intended as LET's submission of its plan for the rotation of the four health warning statements on packaging for the "31", Seneca, Couture and Opal brands of cigarettes.

Styles and Flavors

Our previous plan for the simultaneous display of warnings on packages of the "31" brand was approved on June 6, 2016, May 19, 2017 and May 18, 2018 and has not changed with the exception of some additional cigarettes that LET began importing in 2018 which are listed below. We now wish to renew approval for the following six (6) brand styles:

"31" Full Flavor 100 Box"
 "31" Menthol 100 Box
 "31" Blue 100 Box
 "31" Blue Kings Box
 "31" Full Flavor Kings Box
 "31" Menthol Kings Box

In addition, we are seeking approval for rotation of the four health warnings on packaging on the following Seneca, Couture and Opal brand styles that LET began importing into the United States:

Seneca Full Flavor Soft King
 Seneca Blue Soft King
 Seneca Silver Soft King
 Seneca Menthol Soft King
 Seneca Smooth Menthol Soft King

Seneca Full Flavor Soft 100's
 Seneca Blue Soft 100's
 Seneca Silver Soft 100's
 Seneca Menthol Soft 100's
 Seneca Smooth Menthol Soft 100's
 Seneca Extra Smooth Menthol Soft 100's

Seneca Full Flavor Box King

Seneca Medium Box King
 Seneca Blue Box King
 Seneca Silver Box King
 Seneca Menthol Box King
 Seneca Smooth Menthol Box King
 Seneca Non-Filter Box King
 Seneca Chill Box King

Seneca Full Flavor Box 100's
 Seneca Medium Box 100's
 Seneca Blue Box 100's
 Seneca Silver Box 100's
 Seneca Menthol Box 100's
 Seneca Smooth Menthol Box 100's
 Seneca Extra Smooth Menthol Box 100's

Couture Slims Ruby Box 100's
 Couture Slims Amethyst Box 100's
 Couture Slims Diamond Box 100's
 Couture Slims Sapphire Box 100's
 Couture Slims Turquoise Box 100's
 Couture Slims Aquamarine Box 100's

Seneca Full Flavor Box 120's
 Seneca Smooth Box 120's
 Seneca Ultra Box 120's
 Seneca Menthol Box 120's
 Seneca Smooth Menthol Box 120's

Opal Smooth Box 120's
 Opal Ultra Box 120's
 Opal Menthol Box 120's
 Opal Smooth Menthol Box 120's
 Opal Full Flavor Box 120's

Seneca Blue 72's Box
 Seneca Menthol 72's Box
 Seneca Full Flavor 72's Box

We have carefully read the Act and feel our products will be in full compliance with the "Cigarette Act" Warning Label Display Requirements.

We will display the four health warnings on the packs and cartons of every brand style of cigarettes listed above an equal number of times for the one year period beginning on the date of approval of this plan (the alternative to quarterly rotation). In calendar year 2018 we had total sales of [REDACTED] sticks of cigarettes, all of which were the "31" brand of cigarettes. [REDACTED] of Seneca, Couture or Opal in 2018. In calendar year 2019, we had sales of [REDACTED] of all styles of the Seneca, Couture and Opal brands of cigarettes. The calendar year is our fiscal year. Our anticipated sales volume for the "31" brand of cigarettes (all styles) in calendar year 2019 is [REDACTED] sticks. Our anticipate sales volume for the Seneca, Couture and Opal brand of cigarettes (all styles) in calendar year 2019 is [REDACTED]

Our proposed plan for compliance with the "Cigarette Act" is to have our suppliers, HSM Packaging and Grand River Enterprises Six Nations Ltd. run the four warning labels simultaneously with each other. The four warnings will be displayed on the packs and cartons of each brand style listed above an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan.

For "31" brand cigarettes, the warnings will appear exactly as shown on the sample packs and cartons submitted with our letter of May 15, 2018. This shows how the warnings will appear on the "31" Full Flavor 100's box and "31" Menthol 100's box brand styles as well as the "31" Blue 100 box, "31" Blue Kings box, "31" Full Flavor Kings box and "31" Menthol Kings box.

For Seneca, Couture and Opal, we enclosed sample packs and cartons with our May 16, 2019 letter and the warnings will appear exactly as shown.

LET does not manufacture or import any cigarettes other than those noted above.

Label Statements and Rotation Plan

The four warnings that will be displayed on packs and cartons are:

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.

Advertising

LET currently has an advertising plan for the "31" brand on file with the FTC and will maintain compliance with its May 24, 2016 plan approved June 6, 2016. LET does not intend to advertise Seneca, Couture or Opal brands at this time.

Again, please consider our health warning display plan for packaging of the "31", Seneca, Couture and Opal brands for approval at your earliest convenience. Should you have any questions, please feel free to contact Tina Bardak at 716.783.6797.

Yours truly,

A handwritten signature in black ink, appearing to read 'Bryan Porter', with a stylized flourish at the end.

Bryan Porter

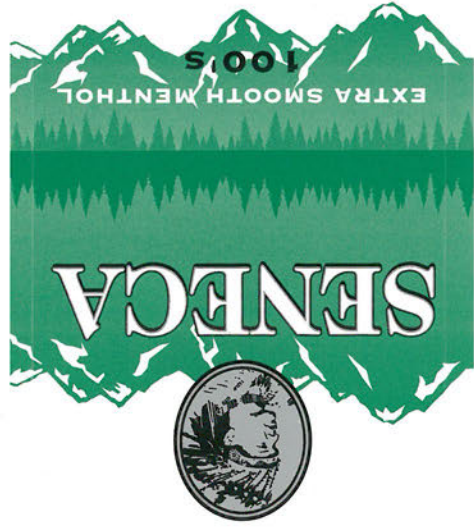
Selected packaging samples from those
submitted with the plan.



AMERICA'S FINEST BLEND



F6-100F-SE-ESM-BL



PREMIUM

100'S

SENECA
EXTRA SMOOTH MENTHOL

PREMIUM



20 CLASS
A
CIGARETTES

UNDERAGE
SALE
PROHIBITED

EXTRA SMOOTH MENTHOL
100'S

SENECA

SILVER
KING SIZE

SENECA

MADE UNDER THE
AUTHORITY OF
TOBACCOVILLE USA, INC.

MADE IN CANADA
54-TL-25



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

SILVER
KING SIZE

SILVER
KING SIZE

SENECA

AMERICA'S
FINEST BLEND



PREMIUM

10 SOFT PACKS

UNDERAGE SALE PROHIBITED

SILVER
KING SIZE

SENECA

AMERICA'S
FINEST BLEND

SOFT PACKS

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



6 8 1467 00390 4
IFSC
Made in Canada
54-TL-25
SLIMS
Couture

F4-SL100-COUSA-DIA-BL

3

AN EXQUISITELY BLENDED
TOBACCO SET IN A HIGHLY
STYLIZED CIGARETTE
CAN ONLY BE CALLED ...
SLIMS
Couture

DIAMOND
Couture
SLIMS

20 CLASS A
SLIM CIGARETTES

DIAMOND

SLIMS
Couture
VAPOR



SLIMS
Couture

TURQUOISE

AN EXQUISITELY BLENDED TOBACCO SET IN A HIGHLY STYLIZED CIGARETTE CAN ONLY BE CALLED COUTURE...

200 SLIM CIGARETTES

SLIMS
Couture

TURQUOISE

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

TURQUOISE



200 CLASS A CIGARETTES
Made in Canada
54-TL-25

TURQUOISE



Opal
120's

Opal
120's

MADE IN
CANADA
54-TL-25



Menthol
SUPER THINS

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

Opal
120's
Menthol
SUPER THINS

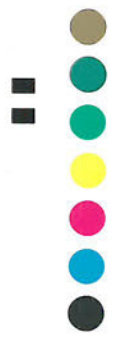
CTP0217 5/1
63662_141-01
K&A

SUPER THINS

Menthol

Opal
120's

F6-120H-OP-M-BL



Opal
120's
Menthol
SUPER THINS



UNDERAGE
SALE

20 CLASS A
CIGARETTES

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

MADE IN CANADA

Opal
120's

54-TL-25



CT90117 2/1
#63688 141-02 KBA

SUPER THINS

Smooth

120's

Opal

UNDERAGE SALE PROHIBITED

Opal
120's

Smooth

Opal



Division of
Advertising Practices

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

June 18, 2019

Mr. Bryan Porter
Lake Erie Tobacco Company
6564 Route 417
Kill Buck, NY 14748

Dear Mr. Porter:

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 Lake Erie Tobacco Company (“Lake Erie”) on June 12, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “31,” Seneca, Couture, and Opal brands of cigarettes.

Lake Erie’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 May 15, 2018 and May 16, 2019 letters appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Lake Erie’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Six box varieties of the “31” brand: Full Flavor (kings and 100’s), Menthol (kings and 100’s), and Blue (kings and 100’s);
- Thirty-four varieties of the Seneca brand: Full Flavor box (kings and 100’s), Full Flavor soft pack (kings and 100’s), Blue box (kings and 100’s), Blue soft pack (kings and 100’s), Silver box (kings and 100’s), Silver soft pack (kings and 100’s), Menthol box (kings and 100’s), Menthol soft pack (kings and 100’s), Smooth Menthol box (kings and 100’s), Smooth Menthol soft pack (kings and 100’s), Extra Smooth Menthol box 100’s, Extra Smooth Menthol soft pack 100’s, Non-Filter box kings, Full Flavor box 120’s, Smooth box 120’s, Ultra box 120’s, Menthol box 120’s, Smooth Menthol box 120’s,

¹ Lake Erie stated in its June 12, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Mr. Bryan Porter

June 18, 2019

Page 2

Medium box (kings and 100's), Chill box kings, Full Flavor box 72's, Blue box 72's, and Menthol box 72's;

- Six 100's box varieties of the Couture brand: Slims Ruby, Slims Amethyst, Slims Diamond, Slims Aquamarine, Slims Turquoise, and Slims Sapphire; and
- Five 120's box varieties of the Opal brand: Super Thins Full Flavor, Super Thins Smooth, Super Thins Ultra, Super Thins Menthol, and Super Thins Smooth Menthol.

Approval of this plan is contingent on 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 Lake Erie decides to advertise the Seneca, Couture, or Opal brands in the future, it must submit a plan detailing how it will comply with the requirements of the Cigarette Act with respect to display of the health warning statements in advertisements.

Please note that this letter only approves Lake Erie'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 Lake Erie's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Lake Erie's packaging or 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, and sign up for FDA email updates at 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.

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.

Mr. Bryan Porter
June 18, 2019
Page 3

This approval is effective on the date of this letter and runs through June 17, 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,

Digitally signed by MARY ENGLE
ENGLE
Date: 2019.06.18 16:43:04 -04:00

MARY ENGLE

Mary K. Engle

Associate Director



PO Box 214
Gowanda, New York 14070

June 25, 2019

Federal Trade Commission
Advertising Practices
6000 Pennsylvania Avenue North West
Washington, D.C. 20580
Mail Drop CC-10528

1.877.NATIVE3
Fax: 716.537.6137

Dear Mary Engle:

Native Wholesale Supply imports the Seneca, Opal and Couture brand of cigarettes manufactured by Grand River Enterprises Six Nations LTD. Native Wholesale Supply requests approval for its 2019 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the cigarette Act on packaging for its Seneca, Opal and couture brands of cigarettes. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Elmer Steeprock.

Our previous plan for the simultaneous display of the four health warnings on packages for the Seneca, Couture and Opal brands was approved on June 19, 2018. The company is not seeking any changes to its plan and to date all warnings have been equalized according to date. We now wish to renew our approval for the following brand Styles:

Seneca Full Flavor Soft King
Seneca Blue Soft King
Seneca Silver Soft King
Seneca Menthol Soft King
Seneca Smooth Menthol Soft King

Seneca Full Flavor Box King
Seneca Medium Box King
Seneca Blue Box King
Seneca Silver Box King
Seneca Menthol Box King
Seneca Smooth Menthol Box King
Seneca Non-Filter Box King
Seneca Chill Box King

Couture 100 Slims Ruby Box
Couture 100 Slims Amethyst Box
Couture 100 Slims Diamond Box
Couture 100 Slims Sapphire Box
Couture 100 Slims Turquoise Box
Couture 100 Slims Aquamarine Box

Seneca Full Flavor Soft 100's
Seneca Blue Soft 100's
Seneca Silver Soft 100's
Seneca Menthol Soft 100's
Seneca Smooth Menthol Soft 100's
Seneca Extra Smooth Menthol Soft 100's

Seneca Full Flavor Box 100's
Seneca Medium Box 100's
Seneca Blue Box 100's
Seneca Silver Box 100's
Seneca Menthol Box 100's
Seneca Smooth Menthol Box 100's
Seneca Extra Smooth Menthol Box 100's

Seneca Full Flavor Box 120's
Seneca Smooth Box 120's
Seneca Ultra Box 120's
Seneca Menthol Box 120's
Seneca Smooth Menthol Box 120's

Opal Full Flavor Box 120's
Opal Smooth Box 120's
Opal Ultra Box 120's
Opal Menthol Box 120's
Opal Smooth Menthol Box 120's

Seneca Full Flavor 72's Box
Seneca Blue 72's Box
Seneca Menthol 72's Box

WE have carefully read the Act and feel our products will still be in full compliance with the "Cigarette Act" Warning Label Display Requirements.

Our sales for 2018 by brand style is attached. Native Wholesale Supply's fiscal year coincides with the calendar year.

We comply with the "Cigarette Act" by having our supplier, White House Graphics, print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of each brand style of the Seneca, Couture and Opal brands listed above an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan. The Warnings will appear exactly as shown on the sample packs and cartons for the Seneca, Opal and Couture brands submitted with our June 5, 2019 letter.

The four warnings that will appear on the packs and cartons are:

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.

ADVERTISING

NWS currently has an advertising plan on file with the FTC and will maintain compliance with its May 2, 2006 plan approved May 3, 2006 and its November 19, 2009 plan approved December 9, 2009.

Please advise as quickly as possible of the approval of this plan. Thank you for your kind and prompt attention to this matter.

Yours truly,



Erlind Hill, Manager

Native Wholesale Supply
2018 Brand Sales

Flavor	Sticks
Seneca 72's Full Flavor	
Seneca 72's Blue	
Seneca 72's Menthol	
Seneca Full Flavor S/P King	
Seneca Blue S/P King	
Seneca Silver S/P King	
Seneca Menthol S/P King	
Seneca Smooth Menthol S/P King	
Seneca Full Flavor H/L King	
Seneca Blue H/L King	
Seneca Silver H/L King	
Seneca Menthol H/L King	
Seneca Smooth Menthol H/L King	
Seneca Non Filter H/L King	
Seneca Chill H/L King	
Seneca Medium H/L King	
Seneca Full Flavor S/P 100	
Seneca Blue S/P 100	
Seneca Silver S/P 100	
Seneca Menthol S/P 100	
Seneca Smooth Menthol S/P 100	
Seneca Extra Smooth Menthol S/P 100	
Seneca Full Flavor H/L 100	
Seneca Blue H/L 100	
Seneca Silver H/L 100	
Seneca Menthol H/L 100	
Seneca Smooth Menthol H/L 100	
Seneca Extra Smooth Menthol H/L 100	
Seneca Medium H/L 100	
Seneca 120's FF H/L	
Seneca 120's Smooth H/L	
Seneca 120's Ultra H/L	
Seneca 120's MN H/L	
Seneca 120's Smooth Menthol H/L	
Opal FF H/L 120	
Opal Smooth H/L 120	
Opal Ultra H/L 120	
Opal MN H/L 120	
Opal Smooth Menthol H/L 120	
Couture Ruby	
Couture Amethyst	
Couture Diamond	
Couture Sapphire	
Couture Turquoise	
Couture Aquamarine	

Selected packaging samples from those
submitted with the plan.



UNDERAGE
SALE
PROHIBITED

20 CLASS
A
CIGARETTES

34 TL-23



SENNECA

SENNECA

FULL FLAVOR
100'S

FULL FLAVOR
100'S

MADE UNDER THE
AUTHORITY OF
TOBACCOVILLE,
USA, INC.
USA

MADE IN
CANADA

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



AMERICA'S FINEST BLEND

AMERICA'S FINEST BLEND

SENNECA

FULL FLAVOR
100'S

F6-100S-SE-AFF-LB
WN 4



PRINTERS
MARKS
NOW

5E

Opal
120's

Opal
120's

MADE IN
CANADA
54-TL-25



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

Full Flavor
SUPER THINS

Opal Full Flavor
SUPER THINS
120's

CTP017 10/2
#63679_141-01
KBA

SUPER THINS
Full Flavor

Opal
120's

F6-120H-OP-FF-BL



Opal Full Flavor
SUPER THINS
120's



UNDERAGE
SALE
PROHIBITED

20 CLASS A
CIGARETTES

Selected Quality

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

MADE IN CANADA

Opal
120's

Smooth Menthol
SUPER THINS

Opal
120's

UNDERAGE SALE PROHIBITED

Opal
120's

Smooth Menthol

54-TL-25



Opal

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



SLIMS
Couture

SLIMS
Couture

Made in Canada
54-TL-25



F4-SL100-COUSA-AM-BL

8

SLIMS
Couture



SLIMS
Couture

AN EXQUISITELY BLENDED
TOBACCO SET IN A HIGHLY
STYLIZED CIGARETTE
CAN ONLY BE CALLED ...

AMETHYST

SLIMS
Couture

20 CLASS A
SLIM CIGARETTES

AMETHYST

SLIMS
Couture

AN EXQUISITELY BLENDED TOBACCO SET IN A HIGHLY STYLIZED CIGARETTE CAN ONLY BE CALLED COUTURE...

200 SLIM CIGARETTES

SLIMS
Couture

RUBY

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

RUBY



200 CLASS A CIGARETTES
Made in Canada
54-TL-25

RUBY





Division of
Advertising Practices

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

June 26, 2019

Mr. Erlind Hill
Native Wholesale Supply Co.
P.O. Box 214
Gowanda, NY 14070

Dear Mr. Hill:

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 Native Wholesale Supply Company (“NWSC”) on June 25, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, and Opal brands of cigarettes.

NWSC’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 June 5, 2019 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Thirty-four varieties of the Seneca brand: Non-filter Kings box, Chill Kings box, Full Flavor box (72’s, Kings, 100’s, and 120’s), Full Flavor soft pack (Kings and 100’s), Blue box (72’s, Kings, and 100’s), Blue soft pack (Kings and 100’s), Medium box (Kings and 100’s), Menthol box (72’s, Kings, 100’s, and 120’s), Menthol soft pack (Kings and 100’s), Silver box (Kings and 100’s), Silver soft pack (Kings and 100’s), Smooth box 120’s, Smooth Menthol Box (Kings, 100’s, and 120’s), Smooth Menthol soft pack (Kings and 100’s), Extra Smooth Menthol soft pack 100’s, Extra Smooth Menthol box 100’s, and Ultra box 120’s;

¹ NWSC stated in its June 25, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on June 5, 2019.

Mr. Erlind Hill

June 26, 2019

Page 2

- Six 100's box varieties of the Couture brand: Slims Ruby, Slims Amethyst, Slims Diamond, Slims Sapphire, Slims Turquoise, and Slims Aquamarine; and
- Five 120's box varieties of the Opal brand: Super Thins Full Flavor, Super Thins Smooth, Super Thins Ultra, Super Thins Menthol, and Super Thins Smooth Menthol.

Approval of the plan is contingent on 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.

Please note that this letter only approves NWSC'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 NWSC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of NWSC'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, or www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

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

This approval is effective on the date of this letter and runs through June 25, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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.

Mr. Erlind Hill
June 26, 2019
Page 3
(202) 326-2407.

If you have any questions regarding this approval, please contact William Ducklow at

Very truly yours,
MARY
ENGLE
Digitally signed by MARY ENGLE
Date: 2019.06.26 10:16:00 -04'00'
Mary K. Engle
Associate Director



A USTC COMPANY

June 11, 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: Advertising and Internet Approval Request

Dear Ms. Engle,

We received your approval letter dated February 12, 2019 for the Manitou Cigarette Brand approving our advertising plan. We now wish to request approval for internet advertising.

In internet advertising for the Manitou brand, the warnings will be displayed in an unavoidable manner on every web page, where they may be viewed without scrolling and shall not be accessed through hyperlinks, popups, interstitials, or other similar means. We will use the warnings formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and the size of the warnings shall be proportionate to those warnings formats. The warnings will be rotated quarterly according to the schedule set out below. The warnings in internet advertising for the Manitou Brand will appear just as they do in internet advertising for our other brands for which the internet advertising was approved on July 16, 2003 and November 24, 2014.

	1ST CLASS	ULTRA BUY	SHIELD	1839	TRAFFIC	MANITOU	MULTI BRAND/ NON-SPECIFIC
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



A USTC COMPANY

Below are links to the two websites, the Manitou site and the GoPremier site with Manitou added that show how the warnings will appear.

<http://manitou.us.com.staging.signalinc.net>

User: [REDACTED]

Pswd: [REDACTED]

<http://gopremier.com.staging.signalinc.net>

User: [REDACTED]

Pswd: [REDACTED]

We submit and confirm that the foregoing complies with the Act. Please call me should you have any questions or require additional information.

Sincerely,

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

Terri Albright

Compliance Director

Direct Phone: 636.537.6823

Fax: 636.530.1362

Email: talbright@usleaf.com

www.GoPremier.com

629 Capi Drive • Chesterfield, Missouri 63005 • (800) 272-8656 • Fax (636) 537-1305 • info@gopremier.com



Division of
Advertising Practices

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

June 27, 2019

Ms. Terri Albright
Premier Manufacturing, 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 Premier Manufacturing, Inc. (“Premier”) on June 11, 2019, calling for quarterly rotation of the four health warnings in Internet advertising for 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. 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 (Lawrence C. Keller at 202-598-2781) to determine whether such advertising on the Internet is permissible.

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 advertising and packaging under the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Ms. Terri Albright
June 27, 2019
Page 2

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

Digitally signed by
MARY ENGLE
Date: 2019.06.27
13:53:45 -04'00'