



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 22, 2015

SUBJECT: Rotational Health Warnings for Cigarettes  
File No. P854505

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

1. December 18, 2014 letter from Karen E Delaney, Goodrich Tobacco Company, LLC to Mary K. Engle.
2. January 5, 2015 letter from Mary K. Engle to Karen E Delaney, Goodrich Tobacco Company, LLC.
3. December 23, 2014 letter from Anoush Sarkisyan on behalf of U.S. Cigaronne, Inc. to Mary K. Engle and William Ducklow.
4. January 9, 2015 letter from Mary K. Engle to Anoush Sarkisyan on behalf of U.S. Cigaronne, Inc.
5. January 26, 2015 letter from Victoria Spier Evans, Vector Tobacco Inc. to Mary K. Engle.
6. February 3, 2015 letter from Mary K. Engle to Victoria Spier Evans, Vector Tobacco Inc.
7. February 3, 2015 letter from Eric F. Facer on behalf of Great Swamp Enterprises, Inc. to Mary K. Engle.
8. February 5, 2015 letter from Mary K. Engle to Eric F. Facer on behalf of Great Swamp Enterprises, Inc.

9. January 9, 2015 letter from Henry C. Roemer, III on behalf of Kretek International, Inc. to Mary K. Engle.
10. February 9, 2015 letter from Mary K. Engle to Henry C. Roemer, III on behalf of Kretek International, Inc.
11. February 5, 2015 letter from Silvia B. Piñera-Vazquez on behalf of R.G. Logistics, Inc. to Mary K. Engle.
12. February 13, 2015 letter from Mary K. Engle to Silvia B. Pinera-Vazquez on behalf of R.G. Logistics, Inc.
13. March 10, 2015 letter from Karen E. Delaney, Goodrich Tobacco Company, LLC to Mary K. Engle.
14. March 10, 2015 letter from Mary K. Engle to Karen E. Delaney, Goodrich Tobacco Company, LLC.
15. February 27, 2015 letter from Jay Chapman, Cousins Distributing, Inc. d/b/a Fresh Choice Tobacco Company to Bonnie McGregor.
16. March 16, 2015 letter from Mary K. Engle to Jay Chapman, Cousins Distributing, Inc. d/b/a Fresh Choice Tobacco Company.
17. March 16, 2015 letter from David A. Scott, Cheyenne International, LLC to Mary K. Engle.
18. March 20, 2015 letter from Mary K. Engle to David A. Scott, Cheyenne International, LLC.
19. January 7, 2015 letter from Donna Woody, Sandia Tobacco Manufacturers, Inc. to Mary K. Engle.
20. March 23, 2015 letter from Mary K. Engle to Donna Woody, Sandia Tobacco Manufacturers, Inc.
21. March 17, 2015 letter from Bhavani Parameswar, King Maker Marketing, Inc. to the Division of Advertising Practices, Federal Trade Commission.
22. March 27, 2015 letter from Mary K. Engle to Bhavani Parameswar, King Maker Marketing, Inc.

# Goodrich Tobacco Company, LLC

December 18, 2014

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

RE: Cigarette Health Warning Rotation Plan for Additional Packaging Design

Dear Ms. Engle,

This letter is being submitted for approval of a packaging change for the following two king size box varieties of the Red Sun cigarette brand which were included in our March 3, 2014 plan:

Red Sun King size box
Red Sun Menthol King size box

The Red Sun cigarette brand is manufactured in the United States for Goodrich Tobacco Company LLC by NASCO Products, LLC. Goodrich Tobacco Company LLC continues to be in compliance with its March 3, 2014 plan. Before the end of January 2015, Goodrich Tobacco Company LLC will run out the previously approved packaging for Red Sun King size box and Red Sun Menthol King size box, which were submitted with our February 21, 2011 letter. Upon approval of this plan, the contract manufacturer intends to continue to manufacture these cigarettes under the authority of the Alcohol & Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NC-15033).


The products submitted with this plan will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The Surgeon General Warnings will be on each Pack and Outer Carton of cigarettes in the form and content dictated by the Federal Cigarette Labeling and Advertising Act and therefore satisfactory to the Federal Trade Commission ("FTC"). The warnings will be printed directly on the packaging in a legible and conspicuous manner and will be of a size, format, and type required by the FTC. The warnings will be placed on the product in an authorized location, a location which will be acceptable to the FTC and which complies with applicable labeling statutes. The warnings will appear exactly as they do on the packs and cartons submitted with our letter of November 12, 2014.

If this packaging change is approved, the four cigarette health warnings will continue to appear on the packs and cartons of each Red Sun cigarette brand style an equal number of times throughout the one year period covered by our March 11, 2014 approval.

There have been no changes to the prior approved advertising plan of the Red Sun brand. Goodrich Tobacco Company LLC continues to be in compliance with its advertising plan.

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

Sincerely,



Karen E. Delaney  
Tax Compliance Manager

Selected packaging samples from those  
submitted with the plan.

**RED  
SUN**

Made in USA  
Candor Tobacco  
Company  
P.O. Box 808  
Glendale, NY  
609 225-1838  
A subsidiary of  
22nd Century  
Group, Inc.

STOCK TICKER SYMBOL:  
XXII

FSC



TP-NC-15033



60 SEVEN CIGARETTES WARNING  
Quitting Smoking Now Greatly  
Reduces Serious Risks to Your Health.

**RED SUN**

REDSUNCIGARETTES.COM

REDSUNCIGARETTES.COM



**IMMENSE TASTE  
SATISFACTION**

**RED SUN**



**IMMENSE TASTE  
SATISFACTION**

Underage  
Sale  
Prohibited

A subsidiary of  
Goodrich Tobacco Company  
P.O. Box 808  
Clarence, NY 14031  
800-225-1838

# NMS CIGARETTES

# RED

200 CLASS A MENTHOL CIGARETTES



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

UNDERAGE SALE PROHIBITED

# RED SUN

**BOLD COLD MENTHOL**

MADE IN USA

REDSUNCIGARETTES.COM

# NMS





Division of  
Advertising Practices

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

January 5, 2015

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

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, Goodrich Tobacco Company, LLC's ("Goodrich") March 3, 2014 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Red Sun and Magic brands was approved on March 11, 2014.

By letter dated December 18, 2014, you now propose to modify the packaging for the Red Sun Kings box and Red Sun Menthol Kings box varieties.

It appears that the health warnings on the modified packaging for the Red Sun Kings box and Red Sun Menthol Kings box varieties submitted with your letter of November 12, 2014 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

I wish to remind you that the Commission's March 11, 2014 approval of Goodrich's plan for simultaneous display of the warnings on packaging for its cigarettes expires on **March 10, 2015**, or when the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

Please note that this letter is not an approval of any other design element, statement, or representation made on packaging or in advertising for Goodrich's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Goodrich's packaging and advertising under the 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

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<sup>1</sup> Goodrich stated in its December 18, 2014 letter that it intends to run out its existing inventory of approved packaging for the Red Sun Kings box and Red Sun Menthol Kings box varieties.



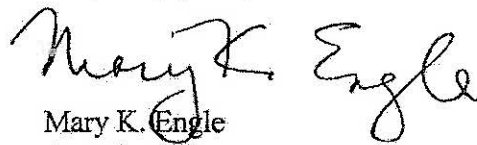
Ms. Karen E. Delaney  
January 5, 2015  
Page 2

Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

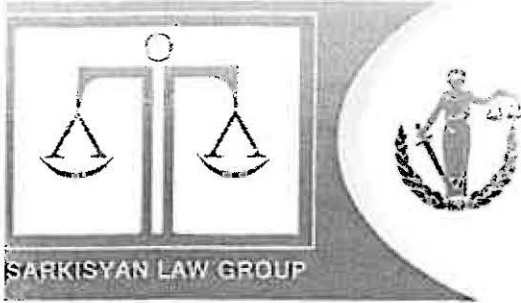
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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

Very truly yours,

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

Mary K. Engle  
Associate Director



## Anoush Sarkisyan

739 E. Walnut St. Suite 204  
Pasadena, CA 91101  
Phone: (626) 789-0000  
Fax: (626) 844-6550  
anoush@sarkisyanlawgroup.com  
www.sarkisyanlawgroup.com

December 23, 2014

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

### **Re: U.S. Cigaronne, Inc.; Health Warning Rotation Plan – 2014 Renewal**

Dear Mrs. Engle & Mr. Ducklow:

Our firm represents U.S. Cigaronne, Inc. ("Cigaronne"), an importer and distributor of cigarettes manufactured in Armenia for distribution throughout California. The Chief Executive Officer for Cigaronne is Norik Bagdasaryan. The corporate address for Cigaronne is 140 E. Tujunga Ave., Burbank CA 91502. Pursuant to the Federal Trade Commission's Division of Advertising Practices guidelines regarding Health Warning Rotation Plans for cigarette importers, Cigaronne's former counsel, Varand Gourjjan, Esq. of the Gourjjan Law Group, prepared and submitted Cigaronne's 2011 Health Warning Rotation Plan on July 19, 2011. On July 21, 2011, Cigaronne received the Federal Trade Commission's approval of its plan pertaining to five brand styles of the Cigaronne brand and two brand styles of the Lady brand of cigarettes. Cigaronne received approval on November 8, 2012, for its November 2, 2012 plan, and also November 6, 2013 for its November 5, 2013 plan.

U.S. Cigaronne, Inc. seeks renewal Health Warning Plan approval for the following brand styles of cigarettes:

1. Cigaronne White Slims
2. Cigaronne Diamond Slims (Ivory)
3. Cigaronne Diamond Slims (Blue)
4. Cigaronne Diamond Slims (Maroon)
5. Lady (Red)
6. Lady Menthol (Green)

All of the above-referenced brand styles are King Size & Hard Packs. Please be advised that the "Cigaronne Black" style of cigarettes has not been fire-safe certified and will not be currently

sold by U.S. Cigaronne in California or in the United States. As a result, Cigaronne does not seek renewal Health Warning Plan approval for this brand style.

ALL WARNINGS WILL APPEAR EXACTLY AS SHOWN ON THE SAMPLES SUBMITTED WITH THE GOURJIAN LAW GROUP'S MAY 17, 2011 LETTER AS WELL AS THE JUNE 7, 2011 LETTER, CONTAINING SAMPLE PACKAGING FOR THE LADY MENTHOL BRAND OF CIGARETTES.

Please be advised that in fiscal year 2013, Cigaronne sold a total of [REDACTED] sticks of cigarettes. As such, Cigaronne does not seek to make any changes to its 2011 Health Warning Rotation Plan. As a reminder, pursuant to Section 1332(c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§1331-1340 (the "Cigarette Act"), Cigaronne has elected to comply with the alternative to quarterly rotation warnings on packaging, as its fiscal year 2013 sales volume was significantly lower than the threshold described in Section 1332(c)(2). Cigaronne will continue to ensure compliance with the health warning rotation plan by printing equal quantities of each of the four warnings to be distributed and using its hired personnel to maintain sufficient records that demonstrate compliance with this plan.

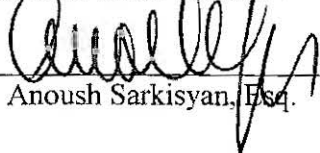
Cigaronne will ensure that all four warnings will be displayed an equal number of times on the packs and cartons of each of the above brand styles for the one-year period beginning on the date the plan is approved. Cigaronne will ensure that each import of product contains an equal number of each of the four warnings on packs and cartons for each brand style. Cigarette packs and cartons will only be distributed to stores for consumer purchase in quantities that contain equal amounts of the four warnings.

Further, please note that Cigaronne will only be distributing its previously approved brand styles of cigarettes, with the exception of the Cigaronne Black slims, which will not be distributed. All packaging and health warning labels will appear exactly as described in the 2013 submission.

Please note that this application does not address the Federal Trade Commission's advertising requirements, as Cigaronne will not advertise its products.

Upon review of this letter, please confirm that we have complied with all requirements set forth in the Federal Cigarette Labeling and Advertising Act and advise us as to any additional documents or information necessary for renewal of Cigaronne's FTC approval.

Very truly yours,  
SARKISYAN LAW GROUP.

By:   
Anoush Sarkisyan, Esq.



Division of  
Advertising Practices

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

January 9, 2015

Anoush Sarkisyan, Esq.  
Sarkisyan Law Group  
739 E. Walnut St.  
Suite 204  
Pasadena, CA 91101

Dear Ms. Sarkisyan:

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 U.S. Cigaronne, Inc. (“Cigaronne”) on December 23, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “Cigaronne” and “Lady” brands of cigarettes.

Cigaronne’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 May 17, 2011 and June 7, 2011 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

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

- Four king size, hard pack varieties of the Cigaronne brand: White Slims, Diamond Slims (Ivory), Diamond Slims (Blue), and Diamond Slims (Maroon); and
- Two king size, hard pack varieties of the Lady brand: (Red) Slims, and Menthol (Green) Slims.

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<sup>1</sup> Cigaronne stated in its December 23, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

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

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

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

**This approval is effective on the date of this letter and runs through January 8, 2016, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Anoush Sarkisyan, Esq.  
January 9, 2015  
Page 3

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

Very truly yours,

  
Mary K. Engle  
Associate Director



## Vector Tobacco Inc.

Victoria Spier Evans  
Corporate Counsel

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

January 26, 2015

BY FEDEX

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

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

Dear Ms. Engle:

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

Vector Tobacco's current rotation plan was approved on February 4, 2014 and will expire on February 3, 2015. Vector Tobacco requests renewal of its Plan with respect to all brand styles of the *Eagle 20's*, *Silver Eagle*, and *USA* cigarette brands, as listed on Exhibit B to the Anson Affidavit. Through the date of this application, the Surgeon General's warnings on the packages for all *Eagle 20's*, *Silver Eagle*, and *USA* brand styles have been equalized, in accordance with Vector Tobacco's current Plan. Vector Tobacco box and soft pack labels are printed in such a way that all four warnings are printed with each revolution of one printing cylinder. For the cartons, two printing cylinders are alternated during the printing process to achieve equal warnings within a single pallet of packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of the four warnings and for the soft pack labels rolls each containing a mix of the four warnings. In the manufacturing process, packaging is taken from

Ms. Mary K. Engle  
January 26, 2015  
Page 2

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.

The enclosed Anson Affidavit sets forth the relevant information on total U.S. and Vector Tobacco cigarette sales in calendar year 2014, which is the most recent fiscal year of Vector Tobacco preceding the submission of this application. The Anson Affidavit shows that all Vector Tobacco brand styles qualify for simultaneous rotation.

The four warnings required by 15 U.S.C. § 1333(a)(1) will be printed on the packs and cartons of each brand style of the Vector Tobacco brands an equal number of times within the one-year period beginning on the date of approval of the Plan. The warnings will appear exactly as shown on the pack and carton packaging samples provided with my letter of January 13, 2014. This will confirm that Vector Tobacco, in the ordinary course of business, maintains records of compliance with the Plan.

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

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

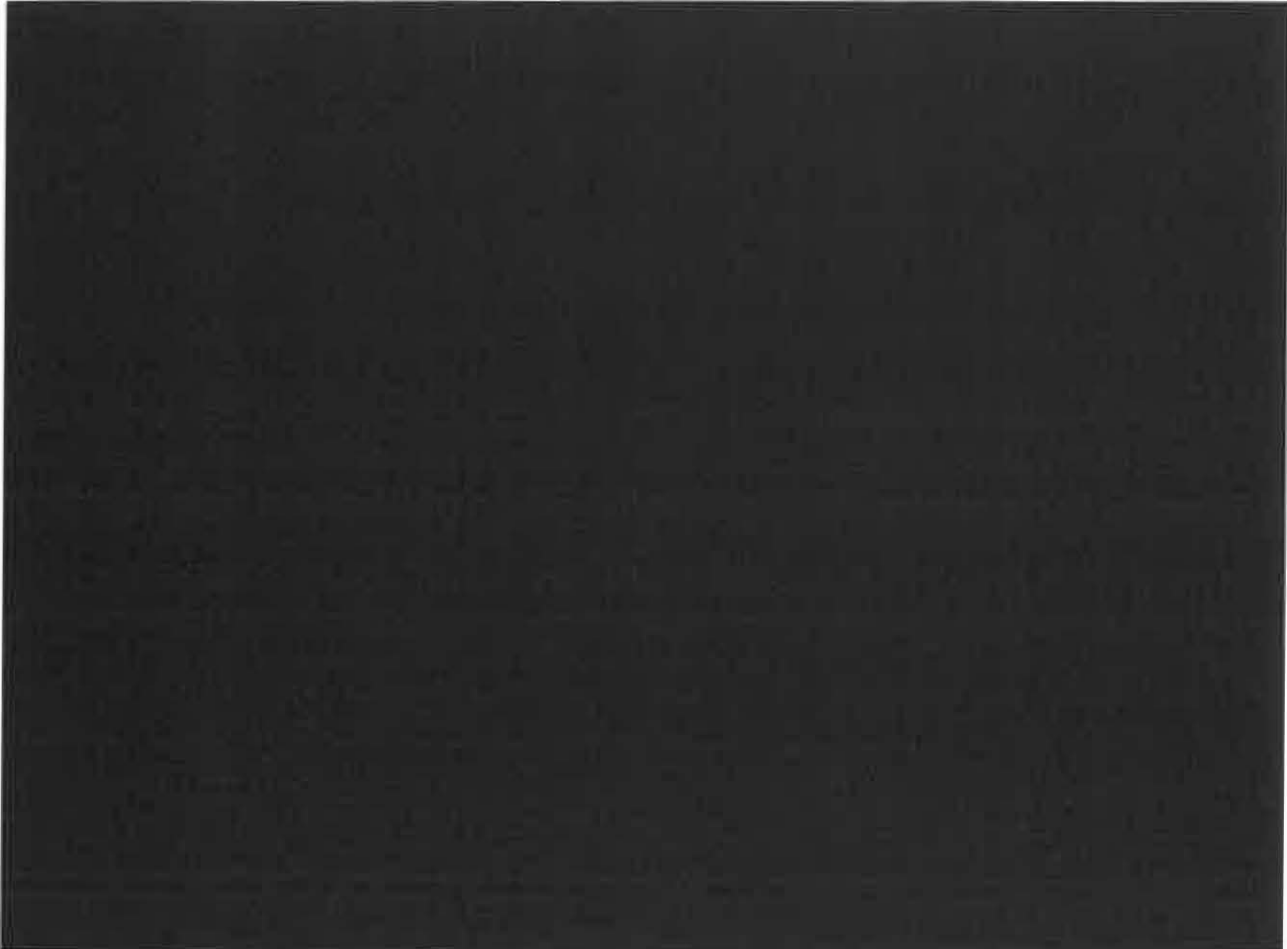
Very truly yours,

  
Victoria Spier Evans



STATE OF NORTH CAROLINA  
COUNTY OF WAKE

**AFFIDAVIT OF NICHOLAS P. ANSON**



VECTOR TOBACCO INC.

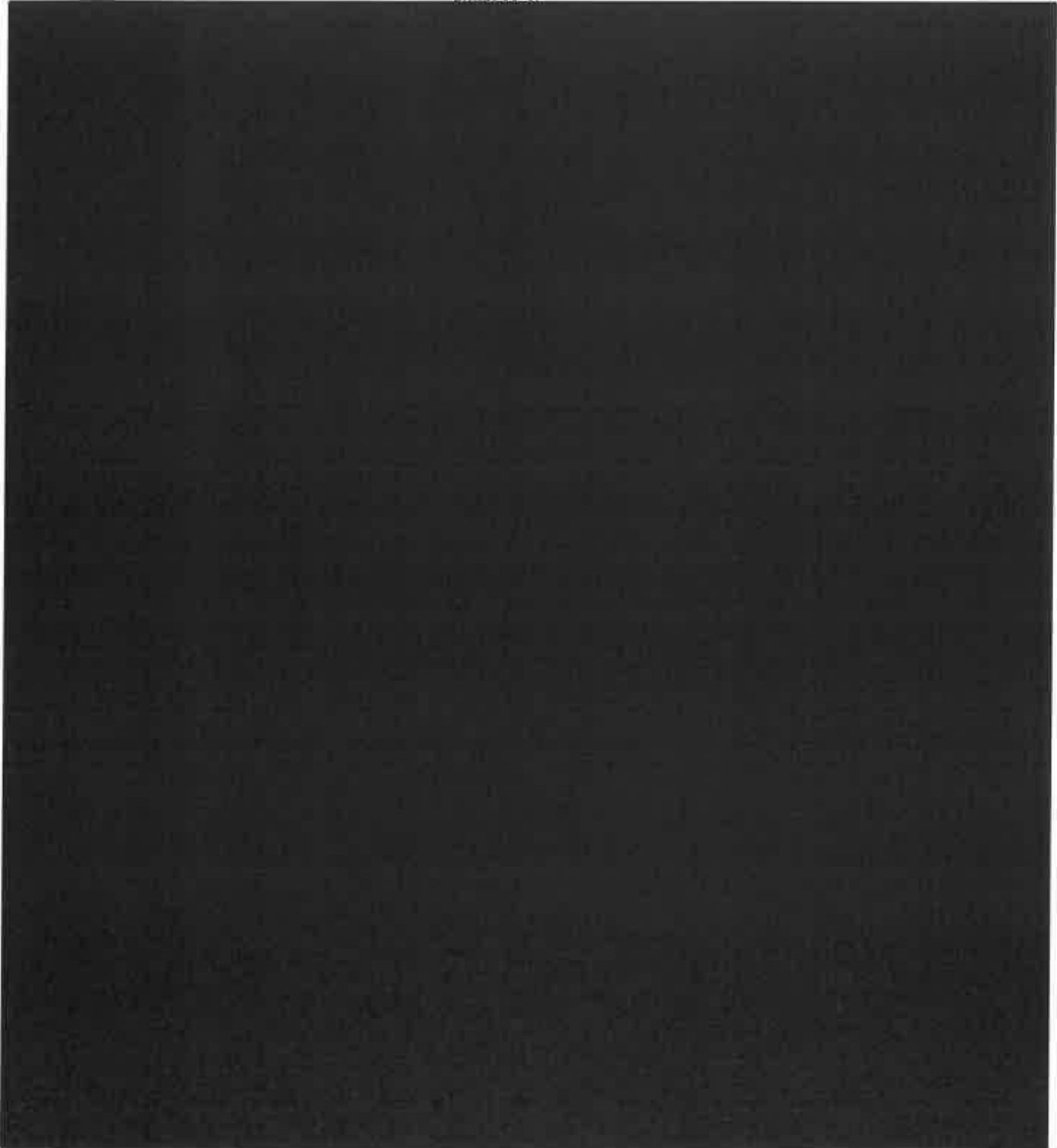
By: *Nicholas P. Anson*  
Nicholas P. Anson  
Vice President - Finance

Sworn to and subscribed before me,  
this 26th day of January, 2015.

*Kimberly Howe*  
Notary Public *Kimberly Howe*  
My commission expires: *January 5, 2018*

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

EXHIBIT A



**Exhibit B**

**Vector Tobacco Inc.  
Application to Renew Cigarette Warning Rotation Plan  
January 26, 2015**

	<b>Brand</b>	<b>Current Brand Style Name</b>	<b>2014 Units Sold</b>
1	EAGLE 20's	Blue 100s Box	[REDACTED]
2	EAGLE 20's	Blue Kings Box	
3	EAGLE 20's	Menthol Gold 100s Box	
4	EAGLE 20's	Menthol Gold Kings Box	
5	EAGLE 20's	Non-Filter Kings Box	
6	EAGLE 20's	Orange 100s Box	
7	EAGLE 20's	Orange Kings Box	
8	EAGLE 20's	Red 100s Box	
9	EAGLE 20's	Red Kings Box	
10	EAGLE 20's	Menthol Silver 100s Box	
11	EAGLE 20's	Menthol Silver Kings Box	
	<b>TOTAL EAGLE 20's</b>		
1	SILVER EAGLE	Blue 100's Box	[REDACTED]
2	SILVER EAGLE	Blue Slims 120's	
3	SILVER EAGLE	Menthol Full Flavor 100's Soft Pack	
4	SILVER EAGLE	Menthol Full Flavor Kings Box	
5	SILVER EAGLE	Gold 100's Box	
6	SILVER EAGLE	Gold Kings Box	
7	SILVER EAGLE	Full Flavor 100's Box	
8	SILVER EAGLE	Full Flavor Kings Box	
9	SILVER EAGLE	Menthol 100's Soft Pack	
10	SILVER EAGLE	Menthol Slims 120's	
11	SILVER EAGLE	Menthol Kings Box	
	<b>TOTAL SILVER EAGLE</b>		
1	USA	Blue 100's Box	[REDACTED]
2	USA	Blue 100's Soft Pack	
3	USA	Blue Kings Box	
4	USA	Menthol 100's (Full Flavor) Soft Pack	
5	USA	Menthol Kings (Full Flavor) Box	
6	USA	100's (Full Flavor) Box	
7	USA	100's (Full Flavor) Soft Pack	
8	USA	Kings (Full Flavor) Box	
9	USA	Menthol Silver 100's Soft Pack	
10	USA	Menthol Silver Kings Box	
11	USA	Silver 100's Soft Pack	
12	USA	Menthol 100's (Full Flavor) Box	
13	USA	Menthol Silver 100's Box	
14	USA	Silver 100's Box	
	<b>TOTAL USA</b>		



Division of  
Advertising Practices

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

February 3, 2015

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

Dear Ms. Evans:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Vector Tobacco Inc. ("Vector") on January 26, 2015, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for the Eagle 20's, Silver Eagle, and USA brands of cigarettes.

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

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

- Eleven varieties of the Eagle 20's brand: Non-Filter Kings box, Blue 100's box, Blue Kings box, Menthol Gold 100's box, Menthol Gold Kings box, Orange 100's box, Orange Kings box, Red 100's box, Red Kings box, Menthol Silver 100's box, Menthol Silver Kings box;
- Eleven varieties of the Silver Eagle brand: Full Flavor Kings box, Full Flavor 100's box, Gold Kings box, Gold 100's box, Blue 100's box, Menthol Full Flavor Kings box,

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<sup>1</sup> Vector stated in its January 26, 2015 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

Menthol Full Flavor 100's soft pack, Menthol Kings box, Menthol 100's soft pack, Blue Slims 120's box, and Menthol Slims 120's box; and

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

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

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

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

**This approval is effective on the date of this letter and runs through February 2, 2016, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

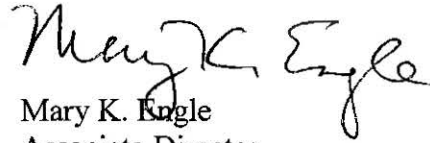
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<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Victoria Spier Evans  
February 3, 2015  
Page 3

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

Very truly yours,

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

Mary K. Egle  
Associate Director

# LAW OFFICES OF ERIC F. FACER, PLLC

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

February 3, 2015

Via Federal Express and E-mail (wducklow@ftc.gov)

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

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

Dear Ms. Engle:

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

Great Swamp's first equalization plan was approved by the Federal Trade Commission (the "FTC") on March 10, 2011. Further, the company has renewed its plan annually since that time. The effective date of its current plan runs through February 5, 2015 as noted in the attached letter from your office dated February 6, 2014.

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

Great Swamp is the manufacturer of the Cayuga Brand. Its manufacturing facility is located at 61 Ovid Street, Seneca Falls, NY 13148 (Tel: 315/568-6457). Richard N. Lynch is the General Manager. It currently manufactures a single brand of cigarettes—the Cayuga Brand—but it does not import or export any cigarettes.

The fiscal year for Great Swamp is the calendar year. During 2014, Great Swamp's actual sales of all brand styles of the Cayuga Brand totaled [REDACTED] sticks, which should qualify the company for the exemption set forth in section 1333(c) of the FCLAA. Its projected sales for 2015 are approximately [REDACTED] sticks.

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

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

These are the exact same brand styles that were the subject of the equalization plan submitted on January 24, 2014, as approved by the FTC on February 6, 2014; Great Swamp does not manufacture any cigarettes beyond these eleven (11) brand styles.

The warnings will appear exactly as shown on the samples of Cayuga packaging submitted with our letter to the FTC dated February 18, 2011. Great Swamp is aware that the Food and Drug Administration (the "FDA") may assume jurisdiction, at any time during 2015, for warning label compliance. Great Swamp has devised a rotation plan that is intended to ensure the equalized use of the four health warnings on all packs and all cartons for each brand style covered by the Plan for the one-year period beginning on the date of approval of this Plan. Specifically, it will accomplish this objective by ordering packaging materials containing an equal number of the four health warnings. It will then employ its packaging inventory in such a way as to ensure the equalized use and rotation of the four health warnings on all packs and all cartons of each brand style of the Cayuga Brand. Based on the above, Great Swamp requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA (*i.e.*, the alternative to quarterly rotation). Great Swamp will keep records demonstrating compliance with this Plan.

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

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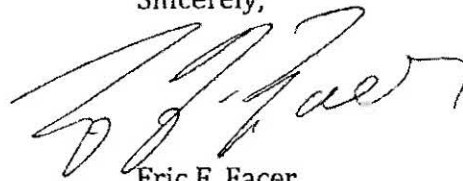
<sup>1</sup> Although colors are used in the name of each Cayuga brand style, those names are not printed on any cigarette packaging. For example, the words "Light Green" do not appear on the packaging of "Light Green Kings." However, the color used for each brand style's packaging does conform to the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



Ms. Mary K. Engle  
February 3, 2015  
Page 3

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

Sincerely,

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

Eric F. Facer

Enclosure



Division of  
Advertising Practices

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

February 6, 2014

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

Dear Mr. Facer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Great Swamp Enterprises, Inc. ("Great Swamp"), on January 24, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for eleven box varieties of the Cayuga brand of cigarettes.

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

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<sup>1</sup> Great Swamp stated in its January 24, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 18, 2011.

<sup>2</sup> As set forth in its January 24, 2014 letter, Great Swamp is using colors to identify its cigarette varieties (*e.g.*, "Light Green 100's"). We note that the color names are not printed on the packaging (*e.g.*, the words "Light Green" do not appear on the packaging of the "Light Green 100's" variety); however, the color used for a variety's packaging does conform to the color used in its name.

Eric F. Facer, Esq.  
February 6, 2014  
Page 2

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

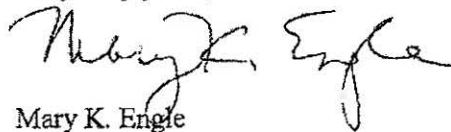
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

**This approval is effective on the date of this letter and runs through February 5, 2015, 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 Arien Parham at (202) 326-2696.

Very truly yours,



Mary K. Engle  
Associate Director

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



Division of  
Advertising Practices

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

February 5, 2015

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

Dear Mr. Facer:

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

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

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

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

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

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

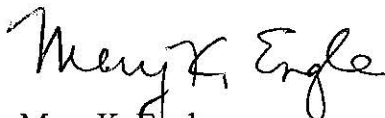
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

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

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

Very truly yours,



Mary K. Engle  
Associate Director

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

LAW OFFICES OF  
FINGER, ROEMER, BROWN & MARIANI, L.L.P.  
102 WEST THIRD STREET, SUITE 300 B. LOBBY LEVEL  
WINSTON-SALEM, NORTH CAROLINA 27101

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

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

---

henry@hcroemerlaw.com

OTHER OFFICE:

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

January 9, 2015

Via FedEx

Ms. Mary K. Engle  
Associate Director  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
3<sup>rd</sup> Floor, Room NJ-3212  
Washington, DC 20001

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

Dear Ms. Engel:

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

In a letter from you dated February 10, 2014, the Federal Trade Commission approved a certain health warning rotation plan for packaging and advertising on behalf of Kretek (the "Existing Plan").

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

As provided for by Section 1333(c)(2) of the Cigarette Labeling and Advertising Act (the "Act"), Kretek qualifies for a renewal of the equalization alternative because during fiscal year 2014: (1) each of the brand styles of all of the cigarettes manufactured or imported by Kretek accounted for less than [REDACTED] sticks, and (2) Kretek anticipates its sales for fiscal year 2015 for any one brand style of cigarettes it manufactures or imports will not exceed [REDACTED] sticks.

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

Ms. Mary K. Engle  
January 9, 2015  
Page 2

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

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

Kretek agrees to maintain records to demonstrate compliance with the Plan. The company official responsible for overseeing this matter is Sean Cassar, whose title is Chief Operating Officer. Mr. Cassar's contact information is as follows:


Mr. Sean Cassar  
Kretek International, Inc.  
5449 Endeavour Court  
Moorpark, CA 93021

Telephone number: 805-531-8888.

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

Thank you for your courtesy and cooperation.

Sincerely,

  
Henry C. Roemer, III

HCRiii/mhr

cc: Ms. Arien Parham *via email to* [aparham@ftc.gov](mailto:aparham@ftc.gov)  
cc: Mr. Sean Cassar



Division of  
Advertising Practices

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

February 9, 2015

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

Dear Mr. Roemer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Kretek International, Inc. ("Kretek"), on January 9, 2015, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for two international-size hard pack varieties of the Lagunas brand of cigarettes.

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

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

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

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<sup>1</sup> Kretek stated in its January 9, 2015 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 13, 2011.

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



Henry C. Roemer, III  
February 9, 2015  
Page 2

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

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

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

**This approval is effective on the date of this letter and runs through February 8, 2016, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,

  
Mary K. Engle  
Associate Director

# PIÑERA-VAZQUEZ LAW FIRM

Professional Association

CCM International Center  
1900 Southwest 3<sup>rd</sup> Avenue  
Miami, Florida 33129  
305.443.0629 telephone  
305.858.6272 facsimile  
spinera@aol.com

February 5, 2015

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 Pennsylvania Avenue,  
N.W. Washington D.C. 20580

**Re: Cigarette Health Warning Rotation Plan Submitted by  
R.G. Logistics, Inc. for Future Brand**

Dear Ms. Engle:

On behalf of our client, R.G. Logistics, Inc. ("RG Logistics"), we submit the Surgeon General Rotation plan as required under the Federal Cigarette Labeling and Advertising Act of 1984. *See* 15 U.S.C. §1331, *et. seq.* The director of RG Logistics is Richard Garcia, telephone number 305-887-2914, and the corporate address is 9771 N.W. 91<sup>st</sup> Court, Medley, Florida 33178. The cigarettes covered by the proposed plan are cigarettes that will be manufactured in the United States, are produced to our client's specifications, and are complete with the health warnings that comply with the Surgeon General warning language set forth in the statute.

The cigarettes covered by this plan are the "Future" brand; (1) Future Red 100 mm (hard pack); (2) Future Gold 100 mm (hard pack); (3) Future Menthol 100 mm (hard pack in green packaging); (4) Future Menthol Mild 100 mm (hard pack in light green packaging); (5) Future Silver 100 mm (hard pack); (6) Future King (hard pack in red packaging); (7) Future King Gold (hard pack); (8) Future King Menthol (hard pack in green packaging); and (9) Future King Menthol Mild (hard pack in light green packaging). The color name is not indicated in the package, but is indicated of the packaging color. Our client anticipates that the volume of "Future" brand cigarettes sold in 2015 will not exceed 300,000,000 sticks of any single brand style. The warnings will appear exactly as shown on the samples provided with our letter of November 14, 2014. The "Future" brand is not a new brand, as it is now converting to manufacture hard packs and intends to manufacture hard packs going forward. RG Logistics is not seeking approval of soft packs at this time, nor does it have any soft pack inventory for sale.

RG Logistics only sells and manufactures "Future" brand cigarettes. Previously, RG Logistics manufactured and sold "Future" brand soft pack cigarettes and is now converting to manufacture and sell "Future" brand hard pack cigarettes. The total cigarettes manufactured and sold by RG Logistics for fiscal year 2014 was [REDACTED] sticks. RG Logistics respectfully submits that the cigarettes manufactured by RG Logistics qualifies for the requested rotation plan insofar as all requirements set forth in Section 1333 have been met. More specifically, the one-fourth of the percent requirement, which refers to all cigarettes sold by RG Logistics, means that the number of cigarettes of each brand style sold in the fiscal year 2015 of the manufacturer or importer preceding the submission of the application is less than one-fourth of one percent of all cigarettes sold in the United States, has been met as demonstrated by the quantity of cigarettes imported or manufactured for sale. As a result, all of the brand styles qualify since all brand styles are below the one-fourth of one percent requirement as set forth above.

Therefore, RG Logistics qualifies for the alternative to the quarterly rotation of the Surgeon General Health Warnings. Under this plan, all four Surgeon General's Health Warnings will appear an equal number of times on the packs and cartons of each brand style, of the "Future" brand, that are manufactured during the one-year period beginning on the date this plan is approved. RG Logistics will monitor the production and maintain a log to ensure that the health warnings will be produced in such a manner so as to result in the equal rotation of the four health warnings within each production lot for the United States market. Specifically, during the production and printing of the packs and cartons, the four warnings will be produced simultaneously in equal numbers. In addition, RG Logistics will monitor each production run to ensure that an equal number of health warnings for each brand style is produced.

RG Logistics will maintain records of compliance with the approved plan. RG Logistics will ensure that the cigarettes are manufactured to meet all United States packaging requirements including the location and display of the Surgeon General's Health Warning. The four health warnings to be used in equal rotation on the packs and cartons are:

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

RG Logistics does not presently advertise the "Future" brand of cigarettes to consumers. In the future, if RG Logistics does elect to advertise to consumers, RG Logistics will submit a plan to the Federal Trade Commission for approval in advance of (or prior to) advertising period.

On behalf of our client, RG Logistics, we submit that the foregoing complies with the requirements set forth in the Federal Cigarette Labeling and Advertising Act, as amended, and request expedited approval of this request. Enclosed as Composite Exhibit 1 through 3 are representative samples of the Future packs and cartons containing the four health warnings. Should you require any additional information with respect to the foregoing, please contact the undersigned.

Respectfully Submitted,

  
Sylvia B. Pinera-Vazquez, Esq.

Enclosures

Selected packaging samples from those  
submitted with the plan.

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



# Future Kings

20 CLASS 'A' CIGARETTES

MANUFACTURED BY AND UNDER THE  
AUTHORITY OF RIG LOGISTICS INC  
USA, MERILEY, FL 33178  
TP FL 1984



# Future Kings



20 CLASS 'A' CIGARETTES

Kings

# Future



# Future Kings

UNDERAGE  
SALE  
PROHIBITED





*Future*

100's

200 CLASS 'A' CIGARETTES



UNDERAGE  
SALE  
PROHIBITED

*Future*

100's

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

200 CLASS 'A' CIGARETTES

100's

*Future*





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

Division of  
Advertising Practices

February 13, 2015

Ms. Silvia B. Piñera-Vazquez  
Piñera-Vazquez Law Firm  
CCM International Center  
1900 Southwest 3<sup>rd</sup> Avenue  
Miami, FL 33129

Dear Ms. Piñera-Vazquez:

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 R.G. Logistics, Inc. (“R.G. Logistics”), on February 5, 2015, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Future brand of cigarettes.

R.G. Logistics’ 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 November 14, 2014 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, R.G. Logistics’ plan for simultaneous display of the four health warnings on packaging is hereby approved for the following nine hard pack varieties of Future brand: Future Red 100’s, Future Kings (in red packaging), Future Gold 100’s, Future Gold Kings, Future Silver 100’s, Future Menthol 100’s (in dark green packaging), Future Menthol Kings (in dark green packaging), Future Menthol Mild 100’s (in light green packaging), and Future Menthol Mild Kings (in light green packaging).<sup>1</sup>

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<sup>1</sup> As set forth in its February 5, 2015 letter, R.G. Logistics is using colors to identify a number of its cigarette varieties (*e.g.*, “Future Silver 100’s”). We note that the color names are not printed on the packaging (*e.g.*, the word “Silver” does not appear on the packaging of the “Future Silver 100’s” variety); however, the color used for a variety’s name does conform to the color used in its packaging. We also note that the words “menthol” and “mild” are not printed on the packaging of those varieties.



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

If R.G. Logistics 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.

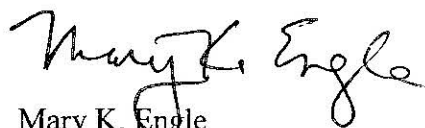
Please note that this letter only approves R.G. Logistics' cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

**This approval is effective on the date of this letter and runs through February 12, 2016, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact Arien Parham at (202) 326-2696.

Very truly yours,



Mary K. Engle  
Associate Director

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

# Goodrich Tobacco Company, LLC

March 10, 2015

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

RE: Cigarette Health Warning Rotation Plan for Additional Packaging Design

Dear Ms. Engle,

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

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

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

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

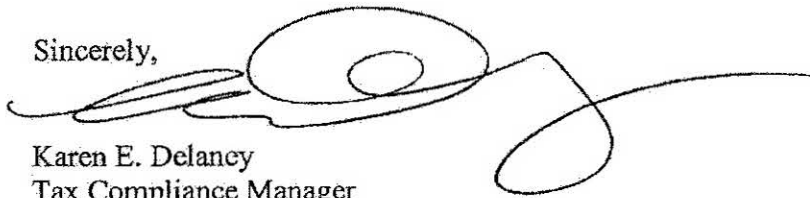
Goodrich Tobacco Company, LLC believes that its anticipated low sales volume of the RED SUN and Magic cigarette brands fit the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331. Sales estimates for the 2015 fiscal year of the brand styles listed above are provided on Exhibit A. RED SUN and Magic cigarette sales figures for the previous fiscal year, 2014, were less than [REDACTED] sticks. Goodrich Tobacco Company LLC does not anticipate that sales of any one brand style of its RED SUN or Magic brands will exceed [REDACTED] sticks for the one year period to be covered by this plan.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen E. Delaney', with a long horizontal flourish extending to the right.

Karen E. Delaney  
Tax Compliance Manager

**Goodrich Tobacco Company, LLC**

**EXHIBIT A**

Anticipated Red Sun Sales for Fiscal Year 2015

Red Sun King Size Box:		sticks
Red Sun Menthol King Size Box		sticks

Anticipated Magic Sales for Fiscal Year 2015

Magic King Size Box:		sticks
Magic Menthol King Size Box		sticks



Division of  
Advertising Practices

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

March 10, 2015

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

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Goodrich Tobacco Company, LLC ("Goodrich") on March 10, 2015, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain king size box varieties of the Red Sun and Magic brands of cigarettes.

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

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

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<sup>1</sup> Goodrich stated in its March 10, 2015 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

Ms. Karen E. Delaney  
March 10, 2015  
Page 2

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

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

**This approval is effective on the date of this letter and runs through March 9, 2016, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle  
Associate Director

February 27, 2015

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

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

Dear Bonnie:

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

Sandia has previously manufactured Revenge and American Harvest brands, on our behalf, during the calendar year January 2014 through December 2014. The two brand names, Revenge and American Harvest, are owned by Cousins Distributing Inc, and cigarettes using those two brand names are manufactured by Sandia Tobacco exclusively for Cousins Distributing Inc. Sandia manufactured [REDACTED] sticks of American Harvest and [REDACTED] sticks of Revenge in 2014. Our fiscal year is the same as the calendar year. Sandia plans to manufacture [REDACTED] sticks of "Revenge," and [REDACTED] sticks of "American Harvest" during the calendar year of January 2015 through December 2015. Last year we sold [REDACTED] sticks of Revenge brand and [REDACTED] sticks of American Harvest. [REDACTED]

[REDACTED] The list of cigarettes includes all the brands sold by Fresh Choice Tobacco. The cigarettes that are covered by this plan are the following U. S. manufactured brand style cigarettes, which include health warnings complying with the Surgeon General warning language set forth in the statute:

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

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

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

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

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

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

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

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

Very truly yours,



Jay Chapman

Compliance Manager

707-319-9602

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



Selected packaging samples from those  
submitted with the plan.

UNDERAGE  
SALE  
PROHIBITED

TP-NM-2



MADE IN USA  
Produced by  
Front Street Tobacco Company  
1831 Main Street, Suite 101  
Fairport, NY 14455  
800-742-2727  
www.frontstreettobacco.com



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



Ingredients: Flue-Cured tobacco, Burley tobacco, Oriental tobacco, No additives, no flavoring, all-natural.

MADE IN U.S.A.  
Distributed by Fresh  
1891 Walker Ave, Su  
Ingredients: Revenge contains:  
tobacco, Burley tobacco, Dried  
No additives, no flavoring, all-



Revenge 100's

200 Class A Filter Cigs

Just Good Tobacco  
100's

Revenge

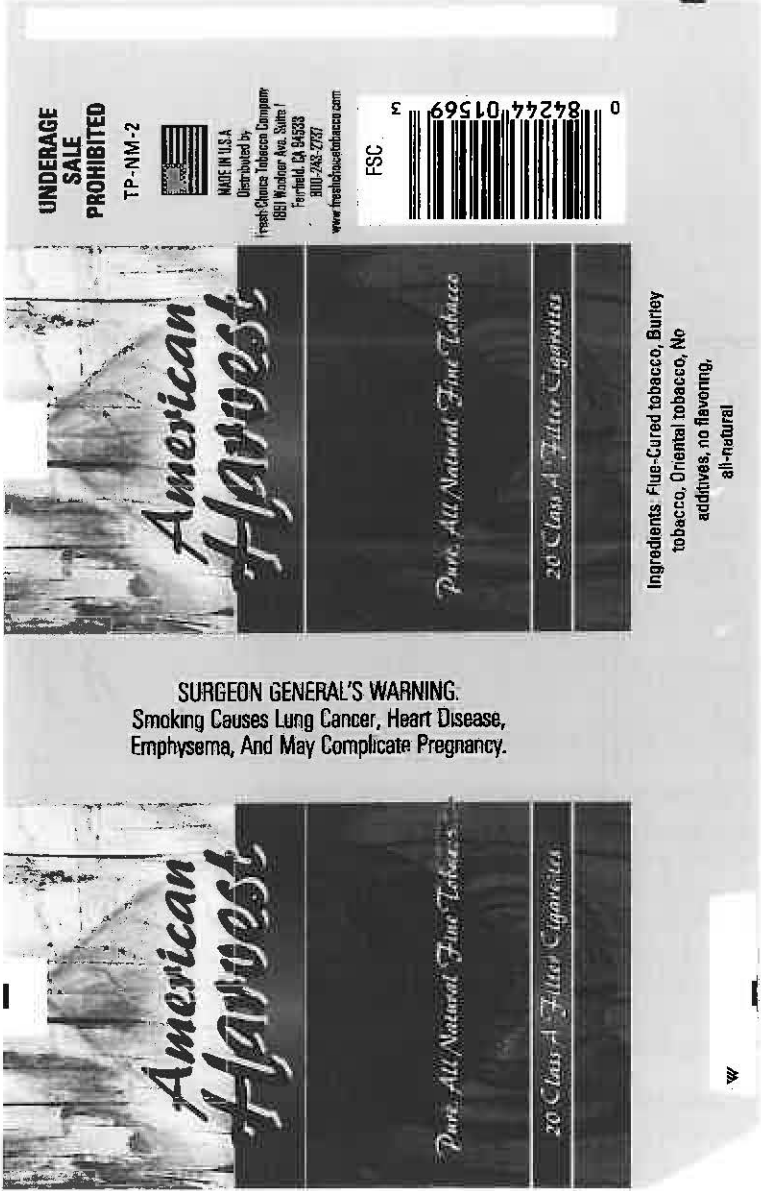
Revenge 100's

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

100's  
Tobacco

Revenge

10 Cigarettes



**UNDERAGE  
SALE  
PROHIBITED**

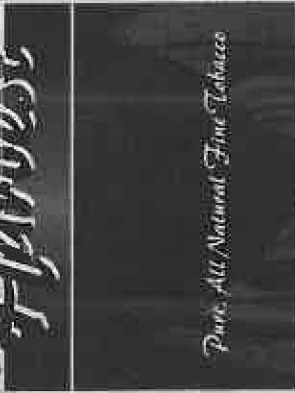
TP-NM-2



MADE IN U.S.A.  
Distributed by  
Fresh Choice Tobacco Company  
1881 Washburn Ave. Suite 1  
Ferrisfield, CA 94533  
800-246-7787  
www.freshchoicetobacco.com



*American  
Harvest*



*Pure, All-Natural Fine Tobacco*

*20 Class A Filter Cigarettes*



*American  
Harvest*



*Pure, All-Natural Fine Tobacco*

*20 Class A Filter Cigarettes*

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

**Ingredients:** Flue-Cured tobacco, Burley tobacco, Oriental tobacco, No additives, no flavoring, all-natural

W

100's

American Harvest

Ingredients: American Harvest  
Pure, All Natural Fine Cured Tobacco, No Additives, No Fillers

MADE IN  
THE U.S.A.  
ESTABLISHED BY THE  
AMERICAN HARVEST TOBACCO CO.  
1981 WASHINGTON, D.C.

Filter 100's

Pure, All Natural Fine Tobacco

100's

American Harvest

can Harvest

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

100's

American Harvest

100's

Pure, All Natural Fine Tobacco

© 1991 American Harvest Tobacco Co.



Division of  
Advertising Practices

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

March 16, 2015

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

Dear Mr. Chapman:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Cousins Distributing, Inc. d/b/a Fresh Choice Tobacco Company ("Fresh Choice") dated February 27, 2015, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Revenge and American Harvest brands of cigarettes.

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

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

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<sup>1</sup> Fresh Choice stated in its February 27, 2015 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 30, 2015.

Mr. Jay Chapman  
March 16, 2015  
Page 2

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

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

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

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

**This approval is effective on the date of this letter and runs through March 15, 2016, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle  
Associate Director

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



March 16, 2015

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

Re: Rotation Plan: Cheyenne, Decade and aura brands

Dear Ms. Engle,

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

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

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

701 S. Battleground Avenue  
Grover, North Carolina 28073



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

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

In our submission of March 29, 2010 for the Cheyenne and Decade brands were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

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

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

In our submission of May 18, 2010 for the aura brand were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Scott". The signature is fluid and cursive, with a large initial "D" and "S".

David A. Scott  
Chief Financial Officer

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

		Actual	Anticipated
		Previous	Current
		Fiscal	Rotation
		Year (2014)	Plan Year
Brand	<b>Cheyenne</b>		
Highest Selling Style			
Highest Selling Style %			
Brand	<b>Decade</b>		
Highest Selling Style			
Highest Selling Style %			
Brand	<b>aura</b>		
Highest Selling Style			
Highest Selling Style %			

Brand Totals [redacted]

Approximately [redacted] of all cigarettes sold in the US in 2014

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



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

Division of  
Advertising Practices

March 20, 2015

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

Dear Mr. Scott:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Cheyenne International, LLC (“Cheyenne”), on March 16, 2015, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cheyenne, Decade, and ‘aura’ brands of cigarettes.

Cheyenne’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 29, 2010 (Cheyenne and Decade) and May 18, 2010 (aura) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Cheyenne’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

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

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<sup>1</sup> Cheyenne stated in its March 16, 2015 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Mr. David A. Scott  
March 20, 2015  
Page 2

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

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

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

**This approval is effective on the date of this letter and runs through March 19, 2016, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director

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



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

January 7, 2015

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

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

Ladies and Gentlemen:

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

Sandia Tobacco Manufacturers, Inc. made no changes to any packaging or brand styles in 2014. All packaging will remain exactly as the samples previously submitted and approved by the FTC.

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

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

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

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

The company manufactured [REDACTED] sticks of the Sandia brand and [REDACTED] sticks of the Royal brand during the 2014 calendar year. These sales are less than one fourth, of one percent of all Cigarettes sold in the United States of America during that period. The Company anticipates manufacturing [REDACTED] sticks of Sandia brand and [REDACTED] sticks of Royal brand in 2015. More than one-half of the cigarettes manufactured by the company will be packaged into brand styles that meet this requirement of the Cigarette Act with respect to warning equalization, (i.e., less than one quarter of one percent).

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

The required warnings will be printed directly on the packs and cartons in a conspicuous

location as required under the Cigarette Labeling and Advertising Act ("CLAA").

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

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

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

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

Very truly yours,

A handwritten signature in black ink, appearing to be 'D. Woody', written in a cursive style.

Donna Woody  
Vice President/Secretary/Treasurer





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

Division of  
Advertising Practices

March 23, 2015

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

Dear Ms. Woody:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Sandia Tobacco Manufacturers, Inc. (“Sandia”) dated January 7, 2015, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for the Sandia and Royal brands of cigarettes.

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

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

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<sup>1</sup> Sandia stated in its January 7, 2015 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

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

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

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

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

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

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

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

Ms. Donna Woody

March 23, 2015

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

**This approval is effective on the date of this letter and runs through March 22, 2016, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact Arien Parham at (202) 326-2696.

Very truly yours,



Mary K. Engle  
Associate Director

# KING-MAKER MARKETING, INC.

March 17, 2015

Division of Advertising Practices  
Federal Trade Commission  
601 Pennsylvania Avenue, NW  
Room 4002  
Washington, DC 20580

Attention: Mary K. Engle, Associate Director

Dear Ms. Engle:

**Sub: Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331 *et seq.* requirements; Labeling and Advertising Plan for the "Checkers, Hi-Val, Gold Crest, and Ace" Brand Cigarettes imported by King Maker Marketing, Inc. ("KMM") for the year beginning April 2, 2015.**

This letter is to gain approval for KMM's plan for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Checkers, Gold Crest and Hi-Val brands of cigarettes. Your current approval extends to April 1, 2015.

1. King Maker Marketing, Inc. ("KMM") is an importer and distributor of cigarette products in the United States, bearing the following brand names.  
Ace™  
Checkers™  
Gold Crest™  
Hi-Val™
2. KMM sold roughly [REDACTED] sticks of cigarettes of all of the above brands in the fiscal year 2014, which runs from April 1, 2014 through March 31, 2015, which is under ¼ of 1% of the total US market for cigarettes. In fiscal year 2015, we expect to sell just about [REDACTED] sticks. This falls within the statutory threshold denoted in 15 U.S.C. §1333(c)(2)(A)(i) which makes KMM eligible for simultaneous display. Aggregate sales meet the requirements of U.S.C. §1333(c)(2)(A)(ii).
3. KMM wishes to continue to comply with the Federal Cigarette Labeling and Advertising Act by using the option of simultaneous display of Surgeon General warnings. (U.S.C. §1333(c)(2)(A)). The cigarettes will be displayed with the "non-descriptor" packaging as approved earlier. (list

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

enclosed – See Annexure “A”) We will display the four warnings an equal number of times on the packs and cartons of each brand style of the above listed brands for the one year period beginning on the date of approval of this plan. We will achieve this by having all four warnings print simultaneously, at the time of both the pack and the carton print runs. Records will be maintained to provide evidence of our compliance with this plan.

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

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

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

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

law in force, including the FSPTCA; samples of which have been submitted previously (list enclosed – See Annexure “B”) as follows:


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

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

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

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

Sincerely,

  
Bhavani Parameswar  
President

Enclosures

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

**Brand Group – Checkers**

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

**Brand Group – Hi-Val**

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



Qtr IV – October to December

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

**Brand Group – Gold Crest**

Qtr I – January to March

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

Qtr II – April to June

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

Qtr III – July to September

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

Qtr IV – October to December

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

**Brand Group – Ace**

Qtr I – January to March

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

Qtr II – April to June

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

Qtr III – July to September

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

Qtr IV – October to December

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







Division of  
Advertising Practices

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

March 27, 2015

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

Dear Ms. Parameswar:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by King Maker Marketing, Inc. ("King Maker") on March 17, 2015, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Checkers, Gold Crest, and Hi-Val brands of cigarettes.

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

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

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<sup>1</sup> King Maker stated in its March 17, 2015 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates. As described in that letter, King Maker also intends to run out its existing inventory of packaging for the Gold Crest brand (packaging with a colored stripe on a gold background, submitted on February 24, 2010).

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

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

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

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

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

<sup>3</sup> As set forth in its March 17, 2015 letter, King Maker is using colors to identify its cigarette varieties. We note that the color names are not printed on the packaging; however, the color referenced in a variety's name does conform to the color used in its packaging.

Ms. Bhavani Parameswar  
March 27, 2015  
Page 3

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

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

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

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

**This approval is effective on the date of this letter and runs through March 26, 2016, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

If you have any questions regarding this approval, please contact Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle  
Associate Director

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