



Division of  
Advertising Practices

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

MEMORANDUM

TO: Public Records  
Office of the Secretary

FROM: Bonnie McGregor  
Division of Advertising Practices

DATE: September 24, 2018

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 15, 2016 letter from Vardan Alumyan, AMVATRADE Corp. to Mary K. Engle.
2. January 9, 2017 letter from Mary K. Engle to Vardan Alumyan, AMVATRADE Corp.
3. January 17, 2017 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.
4. January 17, 2017 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.
5. January 19, 2017 letter from Rhondetta Walton, ITG Brands, LLC to Mary Engle.
6. January 23, 2017 letter from Mary K. Engle to Rhondetta Walton, ITG Brands, LLC.
7. January 5, 2017 letter from Eric F. Facer on behalf of Great Swamp Enterprises, Inc. to Mary K. Engle.
8. January 31, 2017 letter from Mary K. Engle to Eric F. Facer on behalf of Great Swamp Enterprises, Inc.
9. February 1, 2017 letter from Victoria Spier Evans, Vector Tobacco Inc. to Mary K. Engle.

10. February 2, 2017 letter from Mary K. Engle to Victoria Spier Evans, Vector Tobacco Inc.
11. February 9, 2017 letter from Hoo Tjhiang Han, Kretek International, Inc. to Mary K. Engle.
12. February 10, 2017 letter from Mary K. Engle to Hoo Tjhiang Han, Kretek International, Inc.
13. February 8, 2017 letter from William M. Sherman, Sherman's 1400 Broadway NYC, Ltd. to Mary K. Engle.
14. February 13, 2017 letter from William M. Sherman, Sherman's 1400 Broadway NYC, Ltd. to Mary K. Engle.
15. February 13, 2017 letter from Mary K. Engle to William M. Sherman, Sherman's 1400 Broadway NYC, Ltd.
16. February 16, 2017 letter from Henry C. Roemer, III on behalf of Kretek International, Inc. to Mary K. Engle.
17. February 17, 2017 letter from Mary K. Engle to Henry C. Roemer, III on behalf of Kretek International, Inc.
18. January 12, 2017 letter from Mark Mansfield, Wind River Tobacco Company, LLC to Mary K. Engle.
19. February 24, 2017 letter from Mary K. Engle to Mark Mansfield, Wind River Tobacco Company, LLC.
20. February 17, 2017 letter from Jay Chapman, Cousins Distributing, Inc. d/b/a Fresh Choice Tobacco to Mary K. Engle.
21. March 2, 2017 letter from Mary K. Engle to Jay Chapman, Fresh Choice Tobacco Company.
22. February 2, 2017 letter from Karen E. Delaney, Goodrich Tobacco Company, LLC to Mary K. Engle.
23. March 6, 2017 letter from Mary K. Engle to Karen E. Delaney, Goodrich Tobacco Company, LLC.
24. March 9, 2017 letter from David A. Scott, Cheyenne International, LLC to Mary K. Engle.

25. March 10, 2017 letter from Mary K. Engle to David A. Scott, Cheyenne International, LLC.



**AMVATRADE CORP.**

135 N Victory Blvd, Ste#7  
Burbank, CA 91502

T 818.859.7667  
F 646.588.1986  
vardan@amvatrade.com

December 15th 2016

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

**Re: Proposed Plan for Health Warning Labels on Cigarettes**

Dear Ms. Engle:

AMVATRADE Corp. is a New York State licensed cigarette importer and pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331 et seq. ("Cigarette Act") seeks approval of its cigarette health warning statement rotation plan for packaging and cartons of the following brand styles of Treasurer brand of cigarettes manufactured by The Chancellor Tobacco Company (UK) Ltd.:

1. **Treasurer Luxury Black**, 90mm long, hardpack and paper carton
2. **Treasurer Luxury Gold**, 90mm long, hardpack and paper carton
3. **Treasurer Luxury Silver**, 90mm long, hardpack and paper carton
4. **Treasurer Luxury White**, 90mm long, hardpack and paper carton
5. **Treasurer Luxury Menthol**, 90mm long, hardpack and paper carton
6. **Treasurer Black**, 90mm long, aluminum pack and paper carton
7. **Treasurer Gold**, 90mm long, aluminum pack and paper carton
8. **Treasurer Silver**, 90mm long, aluminum pack and paper carton

Pursuant to Section 1333(c)(2) AMVATRADE Corp. seeks approval of its plan to display the four health warning statements an equal number of times on the packaging and cartons of the aforementioned brand styles of Treasurer brand of cigarettes for the one year period beginning on the date of the approval of this plan. AMVATRADE Corp.'s sales of cigarettes in the United States for the 2014 fiscal year was [REDACTED] sticks of cigarettes. AMVATRADE Corp.'s sales of cigarettes in the United States for the 2015 fiscal year was [REDACTED] sticks of cigarettes. We anticipate our sales of Treasurer brand of cigarettes for the 2016 fiscal year will be [REDACTED] sticks of cigarettes. Our fiscal year extends from January 1st through December 31st of each year. AMVATRADE Corp. does not intend to import or manufacture any other brands of cigarettes at this time.

Each shipment as imported, contains an equal number of each of the four warnings on the packs and cartons of each brand style of the Treasurer brand and each warning on each brand style will be used in equal amounts.

We will keep records demonstrating compliance with this plan.



AMVATRADE Corp. will display the four health warning statements on the **Treasurer Luxury Black, Treasurer Luxury Gold, Treasurer Luxury Silver, Treasurer Luxury White, Treasurer Luxury Menthol, Treasurer Black, Treasurer Gold and Treasurer Silver** brand styles. The four health warning statements that will appear on the packs and cartons are as follows:

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

AMVATRADE Corp. will continue to comply with the advertising plan that was submitted by letter dated October 25, 2010 and approved by FTC by letter dated January 11, 2011.

AMVATRADE Corp. has submitted actual samples of packs for Treasurer Black, Treasurer Gold and Treasurer Silver brand styles of cigarettes with letters dated May 20, 2010 (Treasurer Gold and Treasurer Silver) and July 30, 2010 (Treasurer Black). We will continue to import the same packs without any changes.

Included with this letter, please find actual carton samples, total of 12 cartons, of **Treasurer Black, Treasurer Gold and Treasurer Silver** brand styles of cigarettes showing the four health warning statements exactly as they will appear.

AMVATRADE Corp. has submitted actual samples of packs of Treasurer Luxury Black, Treasurer Luxury Gold, Treasurer Luxury Silver, Treasurer Luxury White and Treasurer Luxury Menthol brand styles of cigarettes with its letter dated June 15, 2011. We will continue to import the same packs without any changes.

AMVATRADE Corp. has submitted actual samples of cartons of Treasurer Luxury Black, Treasurer Luxury Gold, Treasurer Luxury Silver, Treasurer Luxury White and Treasurer Luxury Menthol with its letter dated July 26, 2012. We will continue to import the same cartons without any changes.

Cordially,



Vardan Alamyran  
President, AMVATRADE Corp.

Selected packaging samples from those  
submitted with the plan.



TREASURER  
LONDON

*Gold*

A mark of grandeur, signifying superlative  
taste and absolute exclusivity.

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



TREASURER  
LONDON

*Gold*

Expensive Taste

100 GRAND CIGARETTES



TREASURER  
LONDON



TREASURER  
LONDON  
*Silver*

A mark of grandeur, signifying superlative  
taste and absolute exclusivity.



TREASURER  
LONDON  
*Silver*

Expensive Taste

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

100 GRAND CIGARETTES



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

Division of  
Advertising Practices

January 9, 2017

Mr. Vardan Alumyan  
President  
AMVATRADE Corp.  
290 Spagnoli Road  
Melville, NY 11747

Dear Mr. Alumyan:

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 AMVATRADE Corp. ("AMVATRADE") on December 15, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Treasurer brand of cigarettes.

AMVATRADE'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 20, 2010, July 30, 2010, June 15, 2011, July 26, 2012, and December 15, 2016 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, AMVATRADE's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following 90 mm varieties of the Treasurer brand: Black (aluminum pack), Gold (aluminum pack), Silver (aluminum pack), Luxury Black hard pack, Luxury Gold hard pack, Luxury Silver hard pack, Luxury White hard pack, and Luxury Menthol hard pack.

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> AMVATRADE stated in its December 15, 2016 letter that the four health warnings will appear exactly as shown on the packs and/or 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.

Mr. Vardan Alumyan

January 9, 2017

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

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, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director



January 17, 2017

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

Re: Request for annual plan renewal approval

Dear Ms. Mary Engle:

Premier Manufacturing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on all varieties of the 1<sup>st</sup> Class, the Ultra Buy, the Shield, the Wildhorse, the 1839 and the Traffic Brands. The warnings will appear exactly as shown on the sample packs and cartons that were enclosed in our March 11, 2015, November 12, 2015 and May 12, 2016 letters. We are no longer selling Brand Styles in soft packaging.

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

- ten varieties of Shield Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100 Box, Silver Kings Box, Silver 100's Box and Non Filter King Box;
- ten varieties of Wildhorse Brand: Red Kings Box, Red 100's Box, Gold Kings Box, Gold 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Silver King Box, Silver 100's Box, Menthol Silver 100's Box and Non Filter King Box;

(1)

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

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





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

The four warnings that will be displayed are:

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

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

Our sales for the last fiscal year (calendar year 2016) did not exceed [REDACTED] sticks for any one brand style. We also sell the Creston, Fact and Passport Brands. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan.

(2)

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

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





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

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

**Sincerely,**

A handwritten signature in black ink that reads "Terri Albright". The signature is written in a cursive style with a large, flowing "T" and "A".

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

**(3)**

**www.GoPremier.com**

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



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

Division of  
Advertising Practices

January 17, 2017

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

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Premier Manufacturing, Inc. ("Premier") on January 17, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1839, 1st Class, Shield, Traffic, Ultra Buy, and Wildhorse brands of cigarettes.

Premier's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 11, 2015, November 12, 2015, and May 12, 2016 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

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

- Eleven varieties of the 1839 brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Green Box (Kings and 100's), Menthol Blue Box (Kings and 100's), and Non-Filter Kings Box;

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<sup>1</sup> Premier stated in its January 17, 2017 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

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

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

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

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

Ms. Terri Albright  
January 17, 2017  
Page 3

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

**This approval is effective on the date of this letter and runs through January 16, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director



Rhondetta Walton  
Associate General Counsel

(336) 335-7260  
(336) 335-7707 fax  
Rhondetta.Walton@itgbrands.com

January 19, 2017

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

**RE: ITG BRANDS, LLC  
PACKAGING EXTENSION FOR WINSTON PACKS and CARTONS**

Dear Ms. Engle:

ITG Brands currently has approved plans to display the four health warnings for the Winston, Salem, Kool, Maverick and Rave brands.

ITG Brands hereby requests approval of a plan revision relating to a Winston brand line extension to include Winston Select Blend Kings Box packs and cartons. Sample packs and cartons were included with our submission dated December 2, 2016, for your review and approval.

The revision is being requested as the Winston Select Blend Kings Box is being added as an additional Winston brand style. The new packs and cartons for the above brand extension of Winston will be in addition to the Winston packs and cartons that are currently approved by the FTC. The four health warnings will appear exactly as shown on the samples submitted December 2, 2016. The four health warnings read precisely as required by the Federal Cigarette Labeling and Advertising Act.

The new packaging will not alter the quarterly rotation of the four health warnings under ITG Brands' previously approved plan for Winston (approval letter dated June 12, 2015) and ITG Brands will display the warnings on the Winston Select Blend Kings Box packs and cartons according to the rotation schedule in Exhibit A-1 of our June 11, 2015 plan. If approved, ITG Brands expects to begin utilizing the packs and cartons submitted December 2, 2016, during the 2<sup>nd</sup> calendar quarter of 2017. ITG Brands will continue to be in compliance with the previously approved June 11, 2015, December 21, 2015 and November 11, 2016 plans for advertising the Winston brand.

If you require any additional information, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Rhondetta Walton'.

Rhondetta Walton

Selected packaging samples from those  
submitted with the plan.

# Winston

SELECT BLEND

ITG Brands LLC  
Greensboro, NC  
27420 USA

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

THESE CIGARETTES  
DO NOT PRESENT  
A REDUCED RISK OF  
HARM COMPARED TO  
OTHER CIGARETTES.



KINGS BOX



# Winston

SELECT BLEND



KINGS BOX

# Winston

SELECT BLEND



# Winston

SELECT BLEND



UNDERAGE  
SALE  
PROHIBITED







SELECT BLEND

*Winston*



KINGS BOX

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

*Winston*

SELECT BLEND



KINGS BOX



*Winston*

TAT 7

AP 4

+





Division of  
Advertising Practices

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

January 23, 2017

Rhondetta Walton, Esq.  
ITG Brands, LLC  
714 Green Valley Road  
Greensboro, NC 27408

Dear Ms. Walton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, ITG Brands, LLC's ("ITG") June 11, 2015 plan for quarterly rotation of the four health warnings on packaging and in advertising for the Winston, Salem, Kool, and Maverick brands of cigarettes was approved on June 12, 2015. Your subsequent requests to expand your plan to include additional varieties of or modify packaging for the Winston brand were approved on September 2, 2015, November 12, 2015, May 26, 2016, and October 13, 2016.

By letter dated January 19, 2017, you now propose to expand your plan to include the Select Blend Kings Box variety of the Winston brand.

The warnings on the sample packs and cartons for the Select Blend Kings Box variety of the Winston brand submitted with your December 2, 2016 letter 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> ITG's plan for quarterly rotation of the four health warnings on packaging for the Select Blend Kings Box variety of the Winston brand is hereby approved effective on the date of this letter.

Approval of ITG's plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<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> ITG stated in its January 19, 2017 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on December 2, 2016.

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

Ms. Rhondetta Walton

January 23, 2017

Page 2

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

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

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

Very truly yours,

Handwritten signature of Mary K. Engle in black ink, including the initials 'sv' at the end.

Mary K. Engle  
Associate Director

# LAW OFFICES OF ERIC F. FACER, PLLC

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

January 5, 2017

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

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

ATTN: Ms. Bonnie McGregor

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

Dear Ms. Engle:

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

Great Swamp's first equalization plan was approved by the Federal Trade Commission (the "FTC") on March 10, 2011. Further, the company has renewed its plan annually since that time. The effective date of its current plan runs through February 2, 2017, as noted in the enclosed letter from your office dated February 3, 2016.

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

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

The fiscal year for Great Swamp is the calendar year. During 2016, 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 2017 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 12, 2016, as approved by the FTC on February 3, 2016; 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 2017, for warning label compliance. Great Swamp has devised a rotation plan that is intended to ensure the equalized use of the four health warnings on all packs and all cartons for each brand style covered by the Plan for the one-year period beginning on the date of approval of this Plan. Specifically, it will accomplish this objective by ordering packaging materials containing an equal number of the four health warnings. It will then employ its packaging inventory in such a way as to ensure the equalized use and rotation of the four health warnings on all packs and all cartons of each brand style of the Cayuga Brand. Based on the above, Great Swamp requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA (*i.e.*, the alternative to quarterly rotation). Great Swamp will keep records demonstrating compliance with this Plan.

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

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

Ms. Mary K. Engle  
January 5, 2017  
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



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

Division of  
Advertising Practices

January 31, 2017

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

Dear Mr. Facer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Great Swamp Enterprises, Inc. (“Great Swamp”), on January 5, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for eleven box varieties of the Cayuga brand of cigarettes.

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

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<sup>1</sup> Great Swamp stated in its January 5, 2017 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 18, 2011.

<sup>2</sup> As set forth in its January 5, 2017 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.

January 31, 2017

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 January 30, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director

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





## Vector Tobacco Inc.

Victoria Spier Evans  
Corporate Counsel

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

February 1, 2017

**BY FEDEX**

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

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

Dear Ms. Engle:

Vector Tobacco Inc. ("Vector Tobacco") hereby applies to renew its cigarette warning rotation plan ("Plan") pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("Act"). Except for the one brand style of *Eagle 20's* identified below, Vector Tobacco requests simultaneous rotation of the four required warnings in accordance with 15 U.S.C. § 1333(c)(2) for all Vector Tobacco brand styles of the *Eagle 20's* (except for *Eagle 20's* Red 100s Box), *Silver Eagle*, and *USA* cigarette brands, as listed on Exhibit B to the Anson Affidavit. In support of this application, enclosed is an affidavit of Nicholas P. Anson, Vice President-Finance of Vector Tobacco (the "Anson Affidavit") with attached Exhibits A and B. This application is for a one-year period beginning on the date of approval of this application.

Vector Tobacco's current rotation plan was approved on February 3, 2016 and will expire on February 2, 2017. Vector Tobacco requests renewal of its Plan with respect to all brand styles of the *Eagle 20's* (except for *Eagle 20's* Red 100s Box), *Silver Eagle*, and *USA* cigarette brands as listed on Exhibit B to the Anson Affidavit. The following USA styles are no longer requested for approval: Menthol 100's Soft Pack, Menthol Silver 100's Soft Pack, and Silver 100's Soft Pack. There were [REDACTED] 2016 sales for the USA brand styles which are no longer requested for approval.

Through the date of this application, the Surgeon General's warnings on the packages for all of Vector Tobacco's brand styles that are approved for equalization have been equalized in accordance with Vector Tobacco's current 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



Ms. Mary K. Engle  
February 1, 2017  
Page 2

achieve equal warnings within a single pallet of packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of the four warnings and for the soft pack labels rolls each containing a mix of the four warnings. In the manufacturing process, packaging is taken from the pallet and loaded into the packaging equipment as it is removed from the pallet, in the order that it is on the pallet, without any attempt to adjust or control that order. Accordingly, as the pallets of packing are used in the manufacturing process, the cigarettes produced using that packaging from those pallets will bear each of the four warnings in equal numbers, subject to limitations to the commercial printing and manufacturing practices.

The *Eagle 20's Red 100s Box* previously ceased to qualify for simultaneous warning rotation because its unit sales volume in the then-relevant fiscal year exceeded one-quarter of one percent of the total United States cigarette market. Vector Tobacco's plan for quarterly rotation of the four warnings on packaging for the *Eagle 20's Red 100s Box* was approved by letter dated February 3, 2016.

The Anson Affidavit sets forth the relevant information on total U.S. and Vector Tobacco cigarette sales in calendar year 2016, which is the most recent fiscal year of Vector Tobacco preceding the submission of this application. The Anson Affidavit shows that all Vector Tobacco brand styles qualify for simultaneous rotation, except for the *Eagle 20's Red 100s Box* brand style, as discussed above.

Except for the *Eagle 20's Red 100s Box* brand style, which will be subject to quarterly warning rotation as discussed above, the warnings required by the Act will be printed on the packs and cartons of all other Vector Tobacco brand styles an equal number of times within the one-year period beginning on the date of approval of this application. The four warnings required by the Act will be printed on the packs and cartons of each brand style of the Vector Tobacco brands (except *Eagle 20's Red 100s Box*) an equal number of times within the one-year period beginning on the date of approval of the Plan. The warnings will appear exactly as shown on the pack and carton packaging samples provided with my letter of January 13, 2014. This will confirm that Vector Tobacco, in the ordinary course of business, maintains records of compliance with the Plan.

The information contained in this letter, the 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**

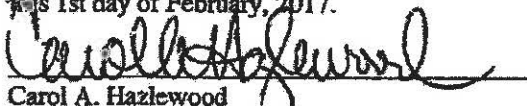
Nicholas P. Anson, being duly sworn, deposes and says:

1. I am Vice President – Finance of Vector Tobacco Inc. (“Vector Tobacco”), a corporation organized and existing under the laws of the Commonwealth of Virginia.
2. I submit this affidavit in support of the application to renew the Vector Tobacco Inc. Consolidated Rotation Plan for *Eagle 20's*, *Silver Eagle* and *USA* Cigarette Brands and Brand Styles, which is being filed contemporaneously herewith (the “Plan”).
3. Under 15 U.S.C. § 1333(c)(2), the Surgeon General’s Warnings on the packaging of a particular brand style of cigarettes may be rotated on a simultaneous basis if: (a) the number of cigarettes of such brand style sold in the fiscal year of Vector Tobacco preceding the submission of this application was less than one-fourth of one percent of all cigarettes sold in the United States in such year; and (b) more than one-half of the cigarettes sold by Vector Tobacco in the United States were packaged into brand styles that meet the foregoing requirement. Vector Tobacco’s most recent fiscal year was calendar year 2016.
4. Attached to this affidavit as Exhibit A is a copy of the Management Science Associates, Inc. CRA Shipment Data Report for calendar year 2016. This report shows that approximately [REDACTED] cigarettes were sold in the United States during calendar year 2016. One-fourth of one percent of [REDACTED] cigarettes is approximately [REDACTED] cigarettes.
5. Attached to this affidavit as Exhibit B are the sales figures for calendar year 2016 for all Vector Tobacco cigarette brand styles. Exhibit B shows that in 2016 all but one Vector Tobacco cigarette brand styles had unit sales of less than one-fourth of one percent of the total United States cigarette market. One brand style — *Eagle 20's Red 100s Box* — had unit sales in calendar year 2016 of more than one-fourth of one percent of the total United States cigarette market
6. Accordingly, for all except the *Eagle 20's Red 100s Box* brand style, Vector Tobacco is eligible to apply for simultaneous rotation of the required warnings as provided in 15 U.S.C. § 1333(c)(2), and all Vector Tobacco brand styles except the *Eagle 20's Red 100s Box* brand style are eligible for simultaneous warning rotation.



Nicholas P. Anson  
Vice President – Finance

Sworn to and subscribed before me,  
this 1st day of February, 2017.



Carol A. Hazlewood  
Notary Public, State of North Carolina  
My commission expires: February 28, 2017

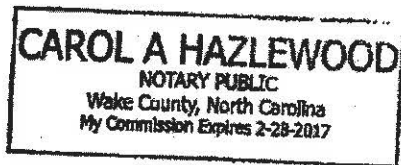


EXHIBIT A



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



NOTICE

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

**Exhibit B**

**Vector Tobacco Inc.  
Application to Renew Cigarette Warning Rotation Plan  
February 1, 2017**

|    | <b>Brand</b>              | <b>Current Brand Style Name</b>     | <b>2016 Units Sold</b> |
|----|---------------------------|-------------------------------------|------------------------|
| 1  | EAGLE 20's                | Blue 100s Box                       |                        |
| 2  | EAGLE 20's                | Blue Kings Box                      |                        |
| 3  | EAGLE 20's                | Menthol Gold 100s Box               |                        |
| 4  | EAGLE 20's                | Menthol Gold Kings Box              |                        |
| 5  | EAGLE 20's                | Non-Filter Kings Box                |                        |
| 6  | EAGLE 20's                | Orange 100s Box                     |                        |
| 7  | EAGLE 20's                | Orange Kings Box                    |                        |
| 8  | EAGLE 20's                | Red 100s Box                        |                        |
| 9  | EAGLE 20's                | Red Kings Box                       |                        |
| 10 | EAGLE 20's                | Menthol Silver 100s Box             |                        |
| 11 | EAGLE 20's                | Menthol Silver Kings Box            |                        |
|    | <b>TOTAL EAGLE 20's</b>   |                                     |                        |
| 1  | SILVER EAGLE              | Blue 100's Box                      |                        |
| 2  | SILVER EAGLE              | Blue Slims 120's Box                |                        |
| 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 Box             |                        |
| 11 | SILVER EAGLE              | Menthol Kings Box                   |                        |
|    | <b>TOTAL SILVER EAGLE</b> |                                     |                        |
| 1  | USA                       | Blue 100's Box                      |                        |
| 2  | USA                       | Blue 100's Soft Pack                |                        |
| 3  | USA                       | Blue Kings Box                      |                        |
| 4  | USA                       | Menthol Kings (Full Flavor) Box     |                        |
| 5  | USA                       | 100's (Full Flavor) Box             |                        |
| 6  | USA                       | 100's (Full Flavor) Soft Pack       |                        |
| 7  | USA                       | Kings (Full Flavor) Box             |                        |
| 8  | USA                       | Menthol Silver Kings Box            |                        |
| 9  | USA                       | Menthol 100's (Full Flavor) Box     |                        |
| 10 | USA                       | Menthol Silver 100's Box            |                        |
| 11 | USA                       | Silver 100's Box                    |                        |
|    | <b>TOTAL USA</b>          |                                     |                        |



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

Division of  
Advertising Practices

February 2, 2017

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 February 1, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Eagle 20’s, Silver Eagle, and USA brands of cigarettes.

Vector’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the Eagle 20’s Red 100’s box variety,<sup>1</sup> 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>2</sup>

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

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

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<sup>1</sup> The Eagle 20’s Red 100’s box variety is subject to quarterly rotation, which does not require annual approval.

<sup>2</sup> Vector stated in its February 1, 2017 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on January 13, 2014.

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

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan. The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.<sup>3</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 1, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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<sup>3</sup> 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 2, 2017

Page 3

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

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle /sv". The signature is written in a cursive style with a clear, legible font.

Mary K. Engle  
Associate Director



3449 Badewour Court • Moorpark, California 93021

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

February 9, 2017

Dear Ms. Engle:

Re: Renewal of Health Warning Rotation Plan for DREAMS Brand Cigarettes

On February 11, 2016, Kretek International (“Kretek”) received approval from the Federal Trade Commission (“FTC”) for its health warning rotation plan (“the Plan”) for its Dreams brand of cigarettes which are imported by Kretek.

The FTC’s approval is valid for a period of one year. With this letter, Kretek seeks to renew the FTC’s approval of Kretek’s plan for the following Dreams Brand of cigarettes all of which are in king-size, clam-shell style hard packs: California Dreams, Midnight Dreams, Menthol, Natural, and Pink Dreams.

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

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

Each year, Kretek will resubmit this equalized health warning statement plan for your review and approval. Kretek uses a calendar-based fiscal year that runs from January through December. Kretek should qualify to equalize the warnings on its packs and cartons during fiscal year 2017, since no single brand style of cigarettes imported by Kretek had sales of more than [REDACTED] sticks during fiscal year 2016. Kretek currently imports TAJ MAHAL, LAGUNAS and DREAMS brand families of cigarettes.





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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Hoo Tjhiang Han", enclosed within a large, loopy circular flourish.

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



Division of  
Advertising Practices

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

February 10, 2017

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

Dear Mr. Han:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Kretek International, Inc. ("Kretek"), on February 9, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Dreams brand of cigarettes.

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

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

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

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<sup>1</sup> Kretek stated in its February 9, 2017 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 13, 2016.

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

Mr. Hoo Tjhiang Han  
February 10, 2017  
Page 2

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


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

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

**This approval is effective on the date of this letter and runs through February 9, 2018, 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



February 8, 2017

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

Re: Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400") Advertising Rotation Plan

Dear Ms. Engle:

Sherman's 1400 had a recent warning rotation plan for advertising approved on July 20, 2009.

Sherman's 1400 intends to remove "Naturals" from its cigarette advertising, including changing the names of all styles in its **Naturals** brand family to the **Select** brand family or the **Originals** brand family (depending on the particular brand style), and accordingly seeks approval of an updated plan which incorporates the new brand names. In addition, we removed brands that we do not currently advertise or sell. Because advertising bearing the Naturals name may continue to be used until this transition is complete, we continue to include Naturals in this plan. The cigarette brands we are including in this plan are listed on the advertising rotation schedule below.

The following is our plan to comply with the health warning display requirements of FCLAA as it relates to advertising.

In advertising our brands, including the Originals and Select brands, we will continue to use the warning formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and we will place the warnings as specified in those plans except that for printed non-periodical advertising, Sherman's 1400 will rotate the required four warnings according to the date the items are ordered.<sup>1</sup> If Sherman's 1400 advertises in newspapers, magazines or other periodicals, it will rotate the required four warnings according to the cover date of the publication. The warnings will be rotated quarterly according to the schedule set out below. We will use the warning formats submitted with our letter of November 21, 2003. At the present time, we anticipate that our largest size advertising will be 48 inches x 24 inches.

The four cigarette health warnings as noted below will be rotated quarterly on advertising of each brand according to the following schedule:

<sup>1</sup> "Order date" is the date on which Sherman's 1400 approves the final artwork for release to the supplier for printing.

**DETAIL TOWNHOUSE**  
12 East 42nd Street • New York, NY 10017  
tel. 212-764-8000 fax 212-764-8133

**CORPORATE**  
10 Stading Boulevard • Englewood, NJ 07621  
tel. 201-735-9000 fax 201-735-9090

**MANUFACTURING**  
1615 Loring Drive • Greensboro, NC 27409  
tel. 336-665-6060 fax 336-606-1795

WWW.NATSHERMAN.COM

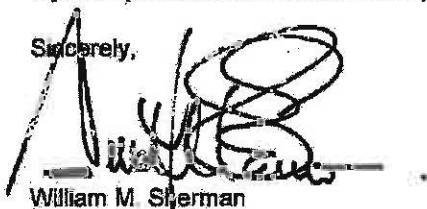
- A. SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy;
- B. SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
- C. SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury,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

| Brands  | Qtr. 1 | Qtr. 2 | Qtr. 3 | Qtr. 4 |
|---|--------|--------|--------|--------|
| Black & Gold                                  | A      | B      | C      | D      |
| Fantasia                                      | D      | A      | B      | C      |
| Classic                                       | C      | D      | A      | B      |
| Cigarettellos                                 | B      | C      | D      | A      |
| Havana Ovals                                  | D      | A      | B      | C      |
| Hint  | C      | D      | A      | B      |
| MCD   | B      | C      | D      | A      |
| Naturals                                      | A      | B      | C      | D      |
| New York Cut                                  | B      | C      | D      | A      |
| Select  | C      | D      | A      | B      |
| Originals                                     | D      | A      | B      | C      |
| Non-Brand Specific or Multi-Brand Advertising | A      | B      | C      | D      |

We also advertise cigarettes on the internet @[www.natsherman.com](http://www.natsherman.com) and will rotate the four cigarette health warnings on our website using the same rotation schedule as for our non-website advertising. The cigarette health warnings on our website [www.natsherman.com](http://www.natsherman.com) will be superimposed on the screen in an unavoidable manner on every page where it may be viewed without scrolling and will not be accessible or displayed through hyperlinks, pop-ups, interstitials or other similar means. We will use the warning formats that were submitted with the 1985 plans and the size of the warnings will be proportionate to those warning formats.

If you require additional information, please do not hesitate to contact me at 201-735-9004.

Sincerely,



William M. Sherman



February 13, 2017

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

Re: Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400") – Packaging Rotation Plan

Dear Ms. Engle:

Sherman's 1400's health warning display plan for packaging was most recently approved by letter dated September 7, 2016, following Sherman's 1400's request dated August 22, 2016. The September 7, 2016 plan approval covered all of Sherman's 1400's brand styles, including its Naturals brand family cigarettes. The Naturals brand family includes four king size varieties (King, Blue, Menthol and Yellow) and four queen size varieties (Originals, Blue, Menthol and Yellow).

Sherman's 1400 intends to remove "Naturals" from its cigarette packaging, including changing the brand names of all styles in its Naturals brand family to the Select brand family or the Originals brand family (depending on the particular brand style), and accordingly seeks approval of an updated plan, which incorporates the new brand names (see Attachment A for a complete list of the Naturals to Select or Originals brand family and styles). Cigarette packaging bearing the Naturals brand name will continue to be sold until this transition is complete.

With this letter, we seek approval for our plan to simultaneously display the four health warnings on previously approved packaging for our current brand styles (listed in Section I, below), and on the renamed brand styles (listed in Section II, below), in order to comply with the Federal Cigarette Labeling and Advertising Act ("FCLAA"). Regarding packaging materials for our current brand styles, each version of the four warnings is equally produced then equally used in the production process (25% A, 25% B, etc.)

**RETAIL TOWNHOUSE**

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

**CORPORATE**

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

**MANUFACTURING**

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

WWW.NATSHERMAN.COM

to ensure that we achieve simultaneous display of the four warnings on all our brands and brand styles. Through the date of this application, the Surgeon General health warnings for the previously approved packaging of our brand styles have been equalized in accordance with our plan. Sherman's 1400 will incorporate the renamed brand styles into this same equally-produced, equally-used production process after this plan is approved.

**I. Current brand and brand styles (samples provided on August 24, 2015)**

The actual hard pack and carton packaging, with each of the four health warnings, for the following brands and styles approved by the FTC on September 7, 2016 remain the same in all materials respects and are in compliance with Section 911 of The Family Smoking Prevention and Tobacco Control Act of 2009.

Black & Gold (black paper/gold filter/queen)  
Cigarettellos (brown paper/non filter/queen)  
Classic (white paper/cork filter/king)  
Classic Blue (white paper/cork filter/king)  
Classic Menthol (white paper/cork filter/king)  
Fantasia (multi-color paper/gold filter/queen)  
Havana Ovals (brown paper/non filter/queen)  
Hint Menthol (brown paper/brown filter/queen)  
MCD (brown paper/brown filter/queen)  
MCD Gold (brown paper/brown filter/queen)  
MCD Menthol (brown paper/brown filter/queen)  
MCD Silver (brown paper/brown filter/queen)  
Naturals Blue (white paper/white filter/queen)  
Naturals Blue King (white paper/white filter/king)  
Naturals King (white paper/cork filter/king)  
Naturals Menthol (white paper/white filter/queen)  
Naturals Menthol King (white paper/cork filter/king)  
Naturals Originals (brown paper/cork filter/queen)  
Naturals Yellow (brown paper/brown filter/queen)  
Naturals Yellow King (white paper/white filter/king)  
New York Cut Blue (white paper/white filter/king)  
New York Cut Menthol (white paper/white filter/king)  
New York Cut Original (white paper/cork filter/king)

**II. Additional brand and brand styles**

Actual packaging of the hard packs and cartons, with each of the four health warnings, for the **Select** brand family and the **Originals** brand family were submitted on January 9, 2017 and February 4, 2017. These brand families and brand styles will replace the **Naturals** brand family and brand styles once the transition is complete. With the exception of the change in brand family and brand styles names from **Naturals** to **Select** or **Originals**, the hard packs and cartons will be identical



in all material respects to the previously approved Naturals brand family and brand styles packaging and are in compliance with Section 911 of The Family Smoking Prevention and Tobacco Control Act of 2009. The hard packs, cartons and health warnings on the following brand styles will appear the same as on the packaging submitted on January 9, 2017 and February 4, 2017.

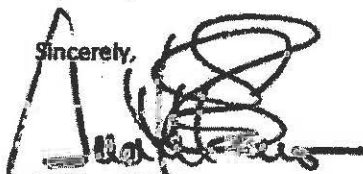
Originals (brown paper/cork filter/queen)  
Originals Blue (white paper/white filter/queen)  
Originals Menthol (white paper/white filter/queen)  
Originals Yellow (brown paper/brown filter/queen)  
Select King (white paper/cork filter/king)  
Select Blue King (white paper/white filter/king)  
Select Menthol King (white paper/cork filter/king)  
Select Yellow King (white paper/white filter/king)

Sherman's 1400 total domestic shipments for the twelve-month period ending April 30, 2016 (our fiscal year) were [REDACTED] sticks and we estimate the total domestic shipments for 2017 to be approximately [REDACTED]. In compliance with FCLAA, Section 1333(c)(2), kindly be advised that Sherman's 1400 manufactured and sold in each of its brands less than one-fourth of one (1%) percent of all cigarettes sold in the United States in its prior fiscal year of 2016. Thus, Sherman's 1400 will take advantage of the alternative to quarterly rotation of the health warnings for each of the foregoing brand styles pursuant to Section 1333(c)(2).

Sherman's 1400 will display the four health warnings an equal number of times on the hard packs and cartons of each of the current brand styles (listed in Section I, above) and the additional brand styles (listed in Section II, above) for the twelve-month period beginning on the date of the approval of this plan and the packaging images submitted herewith; or at such time as the authority to approve cigarette health warning statement plans moves from the FTC to the FDA. Sherman's 1400 will maintain records that show compliance with this packaging plan.

If you require additional information, please do not hesitate to contact me at 201-735-9004.

Sincerely,



William M. Sherman

|   |                             |   |                                  |                              |
|---|-----------------------------|---|----------------------------------|------------------------------|
| CURRENT LISTING 11/2016   |                             | Sherman's 1400 Broadway N.Y.C., Ltd.<br>7615 Boeing Drive<br>Greensboro, NC 27409<br>Phone: 201-735-9000<br>Fax: 201-735-9097 |                                  |                              |
| All cigarettes manufactured by Sherman's 1400 are fire-safe (FSC) / low ignition propensity (LIP) certified.                      |                             |   |                                  |                              |
| <b>BRAND FAMILY</b>   | <b>UPDATED BRAND FAMILY</b> | <b>BRAND NAME</b>   | <b>BRAND STYLE</b>               | <b>UPDATED BRAND NAME **</b> |
| Black & Gold  |                             | Black & Gold  | Black / Gold filter tip / queen  |                              |
| Cigarettellos   |                             | Cigarettellos   | Non-Filter Brown / queen         |                              |
| Classic   |                             | Classic   | White / Cork filter tip / king   |                              |
|   |                             | Classic Blue  | White / Cork filter tip / king   |                              |
|   |                             | Classic Menthol   | White / Cork filter tip / king   |                              |
| Fantasia  |                             | Fantasia  | Multi / Gold filter tip / queen  |                              |
| Havana Ovals  |                             | Havana Ovals  | Non-Filter Brown / queen         |                              |
| Hint Menthol  |                             | Hint Menthol  | Brown / Brown filter tip / queen |                              |
| MCD   |                             | MCD   | Brown / Brown filter tip / queen |                              |
|   |                             | MCD Gold  | Brown / Brown filter tip / queen |                              |
|   |                             | MCD Menthol   | Brown / Brown filter tip / queen |                              |
|   |                             | MCD Silver  | Brown / Brown filter tip / queen |                              |
| Naturals  | Originals                   | Naturals Blue   | White / White filter tip / queen | Originals Blue               |
|   |                             | Naturals Menthol  | White / White filter tip / queen | Originals Menthol            |
|   |                             | Naturals Originals  | Brown / Cork filter tip / queen  | Originals                    |
|   |                             | Naturals Yellow   | Brown / Brown filter tip / queen | Originals Yellow             |
|   | Select                      | Naturals Blue King  | White / White filter tip / king  | Select Blue King             |
|   |                             | Naturals Full Flavor King   | White / Cork filter tip / king   | Select King                  |
|   |                             | Naturals Menthol King   | White / Cork filter tip / king   | Select Menthol King          |
|   |                             | Naturals Yellow King  | White / White filter tip / king  | Select Yellow King           |
| New York Cut  |                             | New York Cut Blue   | White / White filter tip / king  |                              |
|   |                             | New York Cut Menthol  | White / White filter tip / king  |                              |
|   |                             | New York Cut Original   | White / Cork filter tip / king   |                              |
| <b>** THE NATURALS BRAND FAMILY &amp; ALL ITS ASSOCIATED BRAND STYLES ARE TO REMAIN ON THE DIRECTORY UNTIL FURTHER NOTICE. **</b> |                             |   |                                  |                              |

Selected packaging samples from those  
submitted with the plan.

Nat Sherman

Select  
Menthol

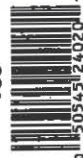
LUXURY CIGARETTES

20 Class A  
Cigarettes

TP-21C/041

Tobacco Filler Ingredients  
Tobacco and Water

FSC



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

W.B.

Select

LUXURY CIGARETTES

UNLAWFUL SALE PROHIBITED

www.natsherman.com  
11th Avenue New York  
NAT SHERMAN

*The Sherman Family*  
to come through  
late of the tobacco  
to offer the high quality  
we could not  
to make it a habit  
We have selected

Select

Nat Sherman

48071  
8

Select

LUXURY CIGARETTES

11TH AVENUE • NEW YORK





Nat Sherman

*Blue*

Select

LUXURY CIGARETTES

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

Tobacco Filler Ingredients:  
Tobacco and Water

*Blue*  
Select

UNDERAGE SALE PROHIBITED

200 CLASS A  
CIGARETTES  
TP-NC-641

WWW.NAT Sherman.COM  
GREENSBORO, NC 27409



LUXURY CIGARETTES

Select



20 CLASS A  
CIGARETTES  
TP-NC-341



FSC

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

FIFTH AVENUE • NEW YORK



Nat Sherman

Originals

YELLOW

BROWN

LUXURY CIGARETTES

NAT SHERMAN  
FIFTH AVENUE • NEW YORK

Tobacco Filler Ingredients:

Tobacco and Water

NAT SHERMAN  
SINCE 1930



Nat Sherman

Originals

FIFTH AVENUE · NEW YORK



Nat Sherman

Originals

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

W:A





Division of  
Advertising Practices

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

February 13, 2017

Mr. William M. Sherman  
Sherman's 1400 Broadway NYC, Ltd.  
10 Sterling Boulevard  
Englewood, NJ 07631

Dear Mr. Sherman:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed two letters dated February 8 and 13, 2017 that constitute a plan filed by Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400") calling for: (1) quarterly rotation of the four health warnings in advertising for the Originals and Select brands of cigarettes; (2) modification of Sherman's 1400's previously approved plan for quarterly rotation of the four health warnings in advertising for the Black & Gold, Cigarettellos, Classic, Fantasia, Havana Ovals, Hint, MCD, Naturals, and New York Cut brands of cigarettes; and (3) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Black & Gold, Cigarettellos, Classic, Fantasia, Havana Ovals, Hint, MCD, Naturals, New York Cut, Originals, and Select brands of cigarettes.

Sherman's 1400's plan for quarterly rotation of the four health warnings in advertising for the Originals and Select brands of cigarettes, and modification of its plan for quarterly rotation of the four health warnings in advertising for the Black & Gold, Cigarettellos, Classic, Fantasia, Havana Ovals, Hint, MCD, Naturals, and New York Cut brands are hereby approved.<sup>1</sup>

Sherman's 1400's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on August 24, 2015, January 9, 2017, and February 4, 2017 appear to meet the

---

<sup>1</sup> Sherman's 1400's advertising plan provides for internet advertising. With respect to the question of whether it is legal to advertise cigarettes on the internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Lashanda Freeman at 202-307-0052) to determine whether such advertising is permissible.

requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>2</sup>

Accordingly, Sherman's 1400's plan for simultaneous display of the four health warnings on packaging for the following box varieties is hereby approved:

- the queen size variety of the Black & Gold brand;
- the Non-Filter queen size variety of the Cigarettellos brand;
- three "International style" king size varieties of the Classic brand (Regular, Blue, and Menthol);
- the queen size variety of the Fantasia brand;
- the Non-Filter queen size variety of the Havana Ovals brand;
- the Menthol queen size variety of the Hint brand;
- four queen size varieties of the MCD brand (Regular, Gold, Menthol, and Silver);
- four king size varieties of the Naturals brand (Blue, Regular, Menthol and Yellow);
- four queen size varieties of the Naturals brand (Blue, Menthol, Originals, and Yellow);
- three king size varieties of the New York Cut brand (Blue, Menthol, and Original);
- four queen size varieties of the Originals brand (Originals, Blue, Menthol, and Yellow); and
- four king size varieties of the Select brand (Select, Blue, Menthol, and Yellow).

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 Sherman's 1400'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")

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<sup>2</sup> Sherman's 1400 stated in its February 13, 2017 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<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.

Mr. William M. Sherman  
February 13, 2017  
Page 3

concerning the rotation, size, and conspicuousness of the warnings in advertising and on packaging for Sherman's 1400's cigarettes. Moreover, it is not in any way an approval of any other design element, statement, or representation made in advertising or on packaging for Sherman's 1400's cigarettes, including, but not limited to, "natural." Nor does this letter purport to interpret or express any opinion about the adequacy of Sherman's 1400's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](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 12, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director

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

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

TELEPHONE (336) 723-4311  
TELEFAX (336) 759-0905  
[henry@hrcmemerlaw.com](mailto:henry@hrcmemerlaw.com)

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

February 16, 2017

Via FedEx

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

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

Dear Ms. Engle:

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 11, 2016, the Federal Trade Commission approved a certain health warning rotation plan for packaging 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 2016: (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 2017 for any one brand style of cigarettes it manufactures or imports will not exceed [REDACTED] sticks.

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

Moreover, the warning statements will continue to appear exactly as shown on the samples of the packs and cartons submitted with my letter to Sallie Schools dated January 13, 2011 in connection with the Existing Plan. We will display the four health warnings an equal number of times on the packs and cartons for each brand style for the one (1) year period beginning on the date of approval of this plan. We will keep records demonstrating compliance with the plan.

Ms. Mary K. Engle  
February 16, 2017  
Page 2

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

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


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

Telephone number: (805) 531-8888

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

Thank you for your courtesy and cooperation.

Sincerely,



Henry C. Roemer, III

HCRiii/mhr

cc: Mr. Don Gormley  
Mr. Hoo Tjhiang Han



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

Division of  
Advertising Practices

February 17, 2017

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

Dear Mr. Roemer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Kretek International, Inc. (“Kretek”), on February 16, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for two international-size hard pack varieties of the Lagunas brand of cigarettes.

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

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

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

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<sup>1</sup> Kretek stated in its February 16, 2017 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 17, 2017  
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).

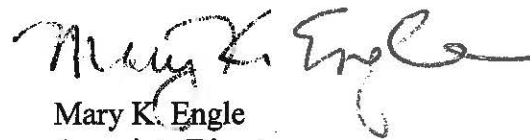
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been 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/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

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

**This approval is effective on the date of this letter and runs through February 16, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director





*WIND RIVER TOBACCO CO.*

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January 12, 2017

**VIA Fax and U.S.P.S**

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

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

Dear Ms. Engle:

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

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

During 2017, WRTC plans to manufacture two brand styles of American Bison® Cigarettes: (1) Bold Filter King Size Soft Pack Cigarettes (2) Mellow Filter King Size Soft Pack Cigarettes and three brand styles of Nashville® Cigarettes: (1) Full Flavor Filter King Size Soft Pack Cigarettes; (2) Smooth Filter King Size Soft Pack Cigarettes and (3) Menthol Filter King Size Soft Pack Cigarettes. 15 U.S.C. §1333(c)(2)(A). The term "brand style" is defined in the statute to mean: a

variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

WRTC operates on the federal fiscal year, October 1 – September 30.. WRTC believes that sales of American Bison® Cigarettes & Nashville® Cigarettes will not exceed one quarter of one percent of cigarettes manufactured in the United States during fiscal year 2017. The combined sales of each of WRTC's two American Bison® & three Nashville® brand styles which are the only brands and brand styles manufactured by WRTC were well below one quarter of one percent of the cigarettes sold in the United States during 2016. These determinations are based upon WRTC's records showing that sales made during fiscal year 2016 were [REDACTED] sticks American Bison® Cigarette sticks and [REDACTED] Nashville® Cigarette sticks.

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

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

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

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

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

Please let me know if you need any additional information.

Very truly yours,



Mark Mansfield  
Vice President



Division of  
Advertising Practices

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

February 24, 2017

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

Dear Mr. Mansfield:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Wind River Tobacco Company, LLC ("WRTC") dated January 12, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the American Bison and Nashville brands of cigarettes.

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

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

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

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<sup>1</sup> WRTC stated in its January 12, 2017 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on that date.

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

Mr. Mark Mansfield  
February 24, 2017  
Page 2

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

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

**This approval is effective on the date of this letter and runs through February 23, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director

February 17, 2017

Mary K Engle  
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 Cousins Distributing for Revenge/ American Harvest cigarettes.

Dear Ms. Engle:

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 2016 through December 2016. 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 2016. Our fiscal year is the same as the calendar year. Sandia will not be manufacturing cigarettes for us in 2017. We are looking for a replacement manufacturer. Last year we sold [REDACTED] sticks of Revenge brand and [REDACTED] sticks of American Harvest. The amount of sticks sold in 2016 [REDACTED] in 2016 for both Revenge and American Harvest. This was possible because [REDACTED] the sticks manufactured for us in 2015 for both Revenge and American Harvest. The list of cigarettes includes all the brands sold by Fresh Choice Tobacco. The cigarettes that are covered by this plan are the following U. S. manufactured brand style cigarettes listed below, which include health warnings complying with the Surgeon General warning language set forth in the statute:

1. Revenge 100 soft- blue packaging
2. Revenge 100 soft- yellow packaging
3. American Harvest 100 soft
4. American Harvest King soft



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

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

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

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

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

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

Very truly yours,



Jay Chapman  
Compliance Manager  
707-319-9602  
[jchapman34@hotmail.com](mailto:jchapman34@hotmail.com)



Division of  
Advertising Practices

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

March 2, 2017

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 17, 2017, 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 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, 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 17, 2017 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 2, 2017  
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.

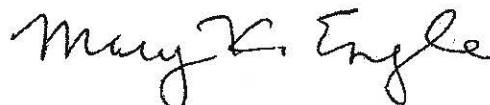
Please note that this letter only approves Fresh Choice's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness 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 1, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director

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



**Goodrich Tobacco Company**

February 2, 2017

Sent via US Priority Mail:  
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 enclosed with this letter, 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 Magic cigarette brand and 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 2017 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, 2016, 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), [kdeleney@xxiicentury.com](mailto:kdeleney@xxiicentury.com) (email), or 9530 Main Street, Clarence, NY 14301.

Sincerely,



Karen E. Delaney  
Tax Compliance Manager



**Goodrich Tobacco Company**

## EXHIBIT A

### Actual Sales for Fiscal Year 2016

Magic King Size Box [REDACTED] sticks  
Magic Menthol King Size Box [REDACTED] sticks

RED SUN King Size Box [REDACTED] sticks  
RED SUN Menthol King Size Box [REDACTED] sticks

### Estimated Sales Figures for Fiscal Year 2017

Magic King Size Box [REDACTED] sticks  
Magic Menthol King Size Box [REDACTED] sticks

RED SUN King Size Box [REDACTED] sticks  
RED SUN Menthol King Size Box [REDACTED] sticks

Selected packaging samples from those  
submitted with the plan.

Made in USA under exclusive license  
of Bronchoc Tobacco Company,  
P.O. Box 400, Champlain, NY 12031  
800-235-8339  
A Subsidiary of 21st Century Group, Inc.  
Stock Ticker Symbol: XXI



TP-NC-15033

22

11/10/16



# Magic

# Magic

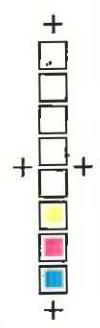
Filter Cigarettes

# Magic

# Magic

Filter Cigarettes

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



Underage  
Sale  
Prohibited



# Magic

# Menthol

Filter Cigarettes

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

# Magic

# Menthol

Filter Cigarettes

# Magic

# Menthol

Filter Cigarettes



TP-NC-15033





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

Division of  
Advertising Practices

March 6, 2017

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

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Goodrich Tobacco Company, LLC ("Goodrich") on February 2, 2017, 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 November 12, 2014 (Red Sun) and February 2, 2017 (Magic) appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Goodrich's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties: Red Sun Kings box, Red Sun Menthol Kings box, Magic Kings box, and Magic Menthol Kings box.

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

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

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<sup>1</sup> Goodrich stated in its February 2, 2017 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 6, 2017

Page 2

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

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

**This approval is effective on the date of this letter and runs through March 5, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director



# Cheyenne

INTERNATIONAL, LLC

March 9, 2017

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

Re: Rotation Plan: Cheyenne, Decade and aura brands

Dear Ms. Engle,

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

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

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

701 S. Battleground Avenue  
Grover, North Carolina 28073

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Scott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David A. Scott  
Chief Financial Officer

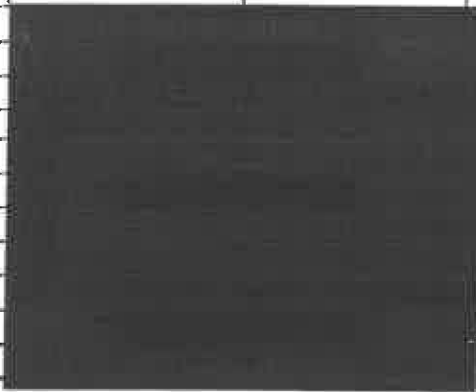
CHEYENNE INTERNATIONAL, LLC  
 (all styles are hard pack, called "box")

| Actual      | Anticipated |
|-------------|-------------|
| Previous    | Current     |
| Fiscal      | Rotation    |
| Year (2016) | Plan Year   |

|                         |          |  |
|-------------------------|----------|--|
| Brand                   | Cheyenne |  |
| Highest Selling Style   |          |  |
| Highest Selling Style % |          |  |

|                         |        |  |
|-------------------------|--------|--|
| Brand                   | Decade |  |
| Highest Selling Style   |        |  |
| Highest Selling Style % |        |  |

|                         |      |  |
|-------------------------|------|--|
| Brand                   | aura |  |
| Highest Selling Style   |      |  |
| Highest Selling Style % |      |  |



|              |  |  |
|--------------|--|--|
| Brand Totals |  |  |
|--------------|--|--|

Approximately [redacted] of all cigarettes sold in the US in 2016

(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 10, 2017

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

Dear Mr. Scott:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Cheyenne International, LLC (“Cheyenne”), on March 9, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cheyenne, Decade, and ‘aura’ brands of cigarettes.

Cheyenne’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated March 10, 2016 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 9, 2017 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.



Mr. David A. Scott  
March 10, 2017  
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.

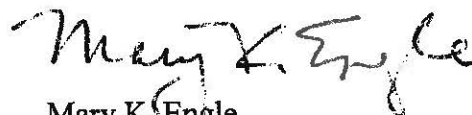
Please note that this letter only approves Cheyenne's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness 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 9, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director

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