



Division of
Advertising Practices

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

MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Bonnie McGregor
Division of Advertising Practices

DATE: December 5, 2017

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. April 7, 2016 letter from Barry M. Boren on behalf of Everything Tobacco, LLC to Mary Engle.
2. April 12, 2016 letter from Mary K. Engle to Barry M. Boren on behalf of Everything Tobacco, LLC.
3. February 26, 2016 letter from Rhondetta Walton, Commonwealth Brands, Inc. to Mary Engle.
4. April 14, 2016 letter from Mary K. Engle to Rhondetta Walton, Commonwealth Brands, Inc.
5. April 18, 2016 letter from Eric Barkley Estes, Xcaliber International Ltd., LLC to Mary K. Engle.
6. April 19, 2016 letter from Mary K. Engle to Eric Barkley Estes, Xcaliber International Ltd., LLC.
7. April 18, 2016 letter from J. Conrad Seneca d.b.a. Six Nations Manufacturing to Mary K. Engle.
8. April 20, 2016 letter from Mary K. Engle to J. Conrad Seneca, Six Nations Manufacturing.

9. April 14, 2016 letter from Katherine Ciambrone, ITG Brands, LLC to Mary K. Engle.
10. April 21, 2016 letter from Mary K. Engle to Katherine Ciambrone, ITG Brands, LLC.
11. April 6, 2016 letter from Karen E. Delaney, NASCO Products, LLC to Mary K. Engle.
12. April 26, 2016 letter from Mary K. Engle to Karen E. Delaney, NASCO Products, LLC.
13. March 22, 2016 letter from Barry M. Boren on behalf of Konci G & D Management Group (USA), Inc. to Mary Engle.
14. April 29, 2016 letter from Mary K. Engle to Barry M. Boren on behalf of Konci G & D Management Group (USA), Inc.
15. April 26, 2016 letter from William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates to Mary K. Engle.
16. April 29, 2016 letter from Mary K. Engle to William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates.
17. May 3, 2016 letter from Swetha Duggirala, Global Tobacco LLC to Mary K. Engle.
18. May 9, 2016 letter from Mary K. Engle to Swetha Duggirala, Global Tobacco LLC.
19. May 4, 2016 letter from John R. Long, Liggett Group LLC to Mary K Engle.
20. May 17, 2016 letter from Mary K Engle to John R. Long, Liggett Group LLC.
21. May 6, 2016 letter from Joseph M. Zebrowski, Rock River Manufacturing to Mary K. Engle.
22. May 23, 2016 letter from Mary K. Engle to Joseph M. Zebrowski, Rock River Manufacturing.
23. May 4, 2016 letter from Katherine Ciambrone, ITG Brands, LLC to Mary K. Engle.
24. May 26, 2016 letter from Mary K. Engle to Katherine Ciambrone, ITG Brands, LLC.
25. May 26, 2016 letter from Silvia B. Piñera-Vazquez on behalf of R.G. Logistics, Inc. to Mary K. Engle.
26. May 26, 2016 letter from Mary K. Engle to Silvia B. Piñera-Vazquez on behalf of R.G. Logistics, Inc.

27. April 13, 2016 letter from Everett W. Gee III, S&M Brands, Inc. to Mary K. Engle.
28. June 2, 2016 letter from Mary K. Engle to Everett W. Gee III, S&M Brands, Inc.
29. May 24, 2016 letter from Bryan Porter, Lake Erie Tobacco Company to Mary Engle.
30. June 6, 2016 letter from Mary K. Engle to Bryan Porter, Lake Erie Tobacco Company.
31. May 27, 2016 letter from Nancyellen Keane on behalf of Firebird Manufacturing, LLC to Mary K. Engle.
32. June 6, 2016 letter from Mary K. Engle to Nancyellen Keane on behalf of Firebird Manufacturing, LLC.
33. March 2, 2016 letter from G. George Bertram on behalf of Tantus Tobacco LLC to Mary K. Engle.
34. June 8, 2016 letter from Mary K. Engle to Michael Denney, Tantus Tobacco LLC.
35. May 26, 2016 letter from Veronica Vilarchao on behalf of Dosal Tobacco Corporation to Mary K. Engle.
36. June 10, 2016 letter from Mary K. Engle to Veronica Vilarchao on behalf of Dosal Tobacco Corporation.
37. June 13, 2016 letter from J. Conrad Seneca d.b.a. Six Nations Manufacturing to Mary K. Engle.
38. June 14, 2016 letter from Mary K. Engle to J. Conrad Seneca d/b/a Six Nations Manufacturing.
39. June 13, 2016 letter from Cameron Goodwin, Skookum Creek Tobacco Co., Inc. to Mary K. Engle.
40. June 14, 2016 letter from Mary K. Engle to Cameron Goodwin, Skookum Creek Tobacco Co., Inc.
41. June 14, 2016 letter from Arthur Montour, Native Wholesale Supply Co. to Mary K. Engle.
42. June 21, 2016 letter from Mary K. Engle to Arthur Montour, Native Wholesale Supply Co.
43. June 20, 2016 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.

44. June 23, 2016 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.

LAW OFFICES OF
BARRY M. BOREN

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April 7, 2016

Sent via Fax: 202-326-2190

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

Attention: Ms. Bonnie McGregor

Renewal of Surgeon General's Health Warning Equalization Plan
for Everything Tobacco, LLC
for Seneca, Couture and Opal Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for an importer of tobacco products, Everything Tobacco, LLC ("ET"), a Florida limited liability company with offices located at 7351 NW 35th Street, Miami, Florida 33122. ET wishes to renew its existing Surgeon General's Health Warning Equalization Plan for the display of the health warnings on packaging for its Seneca, Couture and Opal brands of cigarettes as required by 15 U.S.C. §1333 for cigarettes they are importing into the United States. The contact person for the company will continue to be its Manager, Michael Vazquez, who can be reached at the above address. His telephone number is (305) 406-2305.

The brand styles of Seneca, Couture and Opal cigarettes ET intends to import are listed in the attachment marked as Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Seneca, Couture and Opal brands ET is importing were enclosed with the Canadian Agricultural Depot, LLC ("CAD") submissions filed on the dates appearing in Exhibit "B."¹ The health warnings will

¹ ET received its health warning approval letter from the FTC on April 23, 2014. Prior to that time the same brand styles of cigarettes were being imported by CAD. Once the FTC plan for ET was approved CAD ceased importing and voluntarily cancelled its TTB tobacco import permit. TTB made the cancellation effective as of January 31, 2015. CAD and ET operated from the same premises and had the same manager.

continue to appear exactly as shown on the samples provided. The brand styles listed in Exhibit "A" have been equalized as of this date.

In fiscal year 2015², ET imported approximately [REDACTED] cigarettes (all were Seneca, Couture, and Opal brand cigarettes).³ In fiscal year 2016 to date, ET has imported approximately [REDACTED] cigarettes. ET anticipates importing approximately [REDACTED] of all its brand styles (all will be Seneca, Couture, and Opal brand cigarettes) in fiscal year 2016.

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

As a small importer as defined by the Act, ET wishes to submit a plan to equalize the four health warning statements required by 15 U.S.C. §1333(c) for its Seneca, Couture and Opal brands. Each of the four warning statements will appear on the packs and cartons of each brand style of the Seneca, Couture and Opal brands of cigarettes imported by ET an equal number of times in the one year period beginning on the date this plan is approved.

The individual packs of Seneca, Couture and Opal cigarettes to be imported by ET will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer.

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

ET will print all four (4) health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die cut, each shipment should be approximately equalized for each brand style as imported. If,

toward the end of the one year period, it appears that the warnings are not equalized on the packs and cartons for each brand style, ET will place special orders for packaging with the specific health warnings needed to ensure that the display of all four warnings is equalized on the packs and cartons for each brand style by the plan's anniversary date.

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

No provision of this plan and no action taken pursuant hereto or statement made in connection herewith constitutes or shall be construed as an admission in any judicial or administrative proceeding, in any private litigation, or in any official action, report or statement by the United States Government, any State Government, or any instrumentality thereof.

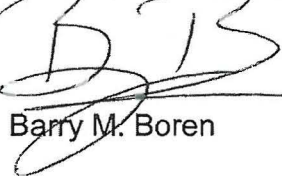
ET does not plan to advertise Seneca, Couture and Opal brand cigarettes at this time. If this should change, we will notify the FTC and modify the plan accordingly.

We believe this plan complies in all respects with the Federal Cigarette Labeling and Advertising Act, as amended, (15 U.S.C. §1331 *et seq.*) including any modifications made by the Public Health Cigarette Smoking Act of 1969, the Comprehensive Smoking Education Act of 1984, the Nurses' Education Amendments of 1985 and the Imported Cigarette Compliance Act of 2000. For this reason, we hereby request that you approve this plan as soon as possible.

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

A handwritten signature in black ink, appearing to read 'B M Boren', with a long horizontal flourish extending to the right.

Barry M. Boren

EVERYTHING TOBACCO, LLC
BRAND STYLES OF CIGARETTES
EXHIBIT "A"

Seneca Brand Styles

Full Flavor King Size Hard Pack
Blue King Size Hard Pack
Silver King size Hard Pack
Menthol King Size Hard Pack
Smooth Menthol King Size Hard Pack
Non-filter Full Flavor King Size Hard Pack

Full Flavor 100's Hard Pack
Blue 100's Hard Pack
Silver 100's Hard Pack
Menthol 100's Hard Pack
Smooth Menthol 100's Hard Pack
Extra Smooth Menthol 100's Hard Pack

Full Flavor 120's Hard Pack
Smooth 120's Hard Pack
Ultra 120's Hard Pack
Menthol 120's Hard Pack
Smooth Menthol 120's Hard Pack

Medium King Size Hard Pack
Medium 100's Hard Pack
Chill King Size Hard Pack

Full Flavor King Size Soft Pack
Blue King Size Soft Pack
Silver King Size Soft Pack
Menthol King Size Soft Pack
Smooth Menthol King Size Soft Pack

Full Flavor 100's Soft Pack
Blue 100's Soft Pack
Silver 100's Soft Pack
Menthol 100's Soft Pack
Smooth Menthol 100's Soft Pack

Full Flavor 72's Hard Pack
Blue 72's Hard Pack
Menthol 72's Hard Pack
Extra Smooth Menthol 100's Soft Pack

Couture Brand Styles

Ruby Slims King Size Hard Pack
Amethyst Slims King Size Hard Pack
Diamond Slims King Size Hard Pack
Aquamarine Slims King Size Hard Pack
Turquoise Slims King Size Hard Pack
Sapphire Slims King Size Hard Pack

Opal Brand Styles

Full Flavor Super Thins 120's Hard Pack
Smooth Super Thins 120's Hard Pack
Ultra Super Thins 120's Hard Pack
Menthol Super Thins 120's Hard Pack
Smooth Menthol Super Thins 120's Hard Pack

EXHIBIT "B"
EVERYTHING TOBACCO, LLC

BRAND

DATE[S] PACKAGING SUBMITTED TO FTC

Seneca

February 22, 2012, May 1, 2012
June 15, 2010, December 1, 2010
and December 1, 2011

Couture

February 22, 2012

Opal

February 22, 2012 (packs only) and
March 13, 2014 and April 8, 2014 (cartons only)



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

Division of
Advertising Practices

April 12, 2016

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Everything Tobacco, LLC (“ET”) on April 7, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, and Opal brands of cigarettes.

ET’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 the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:¹

<u>Brand</u>	<u>Date(s)</u>
Seneca	June 15, 2010 December 1, 2010 December 1, 2011 February 22, 2012 May 1, 2012

¹ Although the warnings on certain sample cartons submitted for the Seneca and Opal brands were not sufficiently conspicuous, corrected samples were subsequently submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act in force as of the date of this letter. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission approved.

<u>Brand</u>	<u>Date(s)</u>
Couture	February 22, 2012
Opal	February 22, 2012 (packs only) March 13, 2014 (cartons only) April 8, 2014 (cartons only)

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

- Thirty-four varieties of the Seneca brand: Full Flavor hard pack (Kings and 100's), Full Flavor soft pack (Kings and 100's), Blue hard pack (Kings and 100's), Blue soft pack (Kings and 100's), Silver hard pack (Kings and 100's), Silver soft pack (Kings and 100's), Menthol hard pack (Kings and 100's), Menthol soft pack (Kings and 100's), Smooth Menthol hard pack (Kings and 100's), Smooth Menthol soft pack (Kings and 100's), Extra Smooth Menthol 100's (hard pack and soft pack), Non-filter Full Flavor Kings hard pack, Full Flavor 120's hard pack, Smooth 120's hard pack, Ultra 120's hard pack, Menthol 120's hard pack, Smooth Menthol 120's hard pack, Medium hard pack (Kings and 100's), Chill Kings hard pack, Full Flavor 72's hard pack, Blue 72's hard pack, and Menthol 72's hard pack;
- Six "Slims" king size hard pack varieties of the Couture brand: Ruby, Amethyst, Diamond, Aquamarine, Turquoise, and Sapphire; and
- Five "Super Thins" 120's hard pack varieties of the Opal brand: Full Flavor, Smooth, Ultra, Menthol, and Smooth Menthol.

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

If ET 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 ET'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 ET's packaging. Moreover, it is not in any way an

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

Mr. Barry Boren
April 12, 2016
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approval of any other design element, statement, or representation made on packaging for ET's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of ET's packaging under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

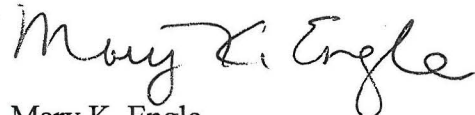
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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

This approval is effective on the date of this letter and runs through April 11, 2017, 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



Commonwealth B R A N D S, I N C.

February 26, 2016

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

**RE: COMMONWEALTH BRANDS, INC.
2016 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Engle:

Commonwealth Brands, Inc., 714 Green Valley Road, Greensboro, NC 27408 hereby submits its 2016 Cigarette Warning Label Rotation plans for the following brands¹:

Crowns	Riviera
Fortuna	Sonoma
Gauloises	Tuscany
Gitanes	USA Gold
Malibu	West
Montclair	

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

¹ In consideration of the contracting market for traditional cigarette products, CBI has decided to focus on fewer products in the marketplace. Therefore, CBI will no longer market the Davidoff or Raven brands. These brands were included in the 2015 Cigarette Warning Rotation Plan for Commonwealth Brands, but as of the date of this letter all production and sales of the Davidoff and Raven brands has ceased.

Commonwealth Brands have been rotated in accordance with its previously approved plans. If such request is approved, Commonwealth will require one-fourth of each package and carton material order to be printed with each one of the four warnings. Commonwealth Brands will maintain records that document compliance with this rotation plan.

The sales figures for Commonwealth Brands' styles, each of which qualify for the exemption during the most recent fiscal year preceding submission of this application (ending September 30, 2015), are reported in the attached **Exhibit B**.

During 2016, Commonwealth Brands will manufacture 111 brand styles.

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

<u>Brand(s)</u>	<u>Date(s)</u>
Crowns	September 7, 2010
Fortuna	March 18, 2010 April 28, 2010
Gauloises	April 28, 2010
Gitanes	April 28, 2010
Malibu	September 25, 2009 January 5, 2011 (cartons) January 24, 2011 (packs)
Montclair	March 18, 2010 May 29, 2013 (Black & Silver 100s) June 6, 2013 (Blue & Menthol Gold 100s)
Riviera	September 7, 2010
Sonoma	July 28, 2010
Tuscany	September 7, 2010
USA Gold	June 19, 2013 July 18, 2013 (Blue packs and cartons) September 30, 2013 (Glide Tec outer packs) November 25, 2013 (Glide Tec inner packs) January 26, 2015 (Glide Tec cartons)
West	March 18, 2010 April 28, 2010 June 3, 2010 (Menthol Dark Green 100s)

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

A listing of all Commonwealth Brands' styles is attached at **Exhibit A**. The sales figures for each of Commonwealth Brands' styles during Commonwealth's most recent fiscal year preceding submission of this application are reported in the attached **Exhibit B**. Industry sales for the corresponding one-year period ending September 30, 2015, were [REDACTED] units. The source of industry sales information are *The Maxwell Report, Fourth Quarter 2014 and First, Second and Third Quarters, 2015*. Commonwealth Brands' total sales volume during its most recent fiscal year preceding submission of this application was [REDACTED] units and its estimated total sales volume for the next fiscal year is [REDACTED] units. Commonwealth Brands' sales volume is measured on a fiscal year.

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

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

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

Gauloises – The May 1, 2009, plan for advertising which confirmed that Commonwealth Brands did not plan to advertise Gauloises over the internet.

Gitanes - The May 1, 2009, plan for advertising which confirmed that Commonwealth Brands did not plan to advertise Gitanes over the internet.

Malibu – The February 13, 2008, plan for display of the warnings in internet advertising.

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

Riviera – The December 11, 2006, plan for advertising and the December 2, 2010, revision which confirmed that Commonwealth Brands did not plan to advertise Riviera over the internet.

Sonoma – The February 13, 2008, plan for display of the warnings in internet advertising.

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

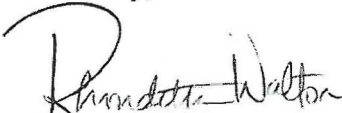
USA Gold – The February 13, 2008, plan for display of the warnings in internet advertising.

West – The March 3, 2008, and the April 16, 2008, plans for advertising which included a plan for display of the warning in internet advertising.

A copy of the Commonwealth Brands advertising rotation plan is attached as **Exhibit C**. This will also confirm that Commonwealth Brands has no Spanish language advertising with regard to any of its brands and no plans to implement same.

If you require any additional information, please contact me.

Sincerely,


Rhondetta Walton
Sr. Legal Counsel

Attachments:

Exhibit A – List of Brand Styles as of February 26, 2016

Exhibit B – Cigarette Volume 10/01/2014 – 09/30/2015

Exhibit C – Quarterly Warning Rotation Plan for Advertisements

EXHIBIT A

COMMONWEALTH BRANDS ROTATION PLAN
PACKAGING AND CARTON LABELS

BRAND STYLES AS OF FEBRUARY 26, 2016

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

CROWNS

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

FORTUNA

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

GAULOISES

BLUE FILTER KING SIZE BOX
RED FILTER KING SIZE BOX
YELLOW FILTER KING SIZE BOX

GITANES

DARK BLUE FILTER KING SIZE BOX
BLUE FILTER KING SIZE BOX

MALIBU

BLUE SLIMS FILTER 100s BOX
PINK SLIMS FILTER 100s BOX
MENTHOL GREEN SLIMS FILTER 100s BOX
BLUE SLIMS FILTER 120s BOX
PINK SLIMS FILTER 120s BOX
MENTHOL GREEN SLIMS FILTER 120'S BOX

MONTCLAIR

BLACK FILTER 100s BOX
BLUE FILTER KING SIZE BOX
BLUE FILTER 100s BOX
GRAY FILTER KING SIZE BOX
SILVER FILTER 100s BOX
MENTHOL GOLD FILTER 100s BOX
PURPLE SLIMS FILTER 100s BOX
MENTHOL GREEN SLIMS FILTER 100s BOX

RIVIERA

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

SONOMA

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

TUSCANY

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

USA GOLD

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

WEST

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

EXHIBIT B

Commonwealth Brands, Inc. FTC Sales
Fiscal Year 2015

Brand (SKU)	Total Units FY15
CROWNS BLUE 100 BOX - 39369	[REDACTED]
CROWNS BLUE KINGS BOX - 39363	
CROWNS MN DK GRN 100 BOX - 39367	
CROWNS MN DK GRN KINGS BOX - 39361	
CROWNS GOLD 100 BOX - 39368	
CROWNS GOLD KINGS BOX - 39362	
CROWNS MN GRN 100 BOX - 39370	
CROWNS MN GRN KINGS BOX - 39364	
CROWNS NF SOFT - 39365	
CROWNS RED 100 BOX - 39366	
CROWNS RED KINGS BOX - 39360	
DAVIDOFF	[REDACTED]
FORTUNA BLUE 100 BOX - 30290	
FORTUNA BLUE KINGS BOX - 30239	
FORTUNA MN DK GRN 100 BOX - 30291	
FORTUNA MN DK GRN KINGS BOX - 30243	
FORTUNA MN GRN 100 BOX - 30244	
FORTUNA MN GRN KINGS BOX - 30246	
FORTUNA NF KINGS SOFT - 30241	
FORTUNA PALE BLUE 100 BOX - 30242	
FORTUNA PALE BLUE KINGS BOX - 30240	
FORTUNA RED 100 BOX - 30289	
FORTUNA RED KINGS BOX - 30238	
GAULOISES	[REDACTED]
GITANES	
MALIBU BLUE SLIMS 100 BOX - 30204	
MALIBU BLUE SLIMS 120 BOX - 30200	
MALIBU MN GRN SLIMS 100 BOX - 30206	
MALIBU MN GRN SLIMS 120 BOX - 30207	
MALIBU PINK SLIMS 100 BOX - 30205	
MALIBU PINK SLIMS 120 BOX - 30201	
MONTCLAIR BLACK 100 BOX - 33293	
MONTCLAIR BLUE 100 BOX - 33295	
MONTCLAIR MN GOLD 100 BOX - 33297	
MONTCLAIR SILVER 100 BOX - 33296	
MONTCLAIR BLUE KING BOX	
MONTCLAIR GRAY KING BOX	

RAVEN
RIVIERA

SF BLUE 100 BOX - 39338
SF BLUE KINGS BOX - 39332
SF DK GRN 100 BOX - 39337
SF DK GRN KINGS BOX - 39331
SF GRAY 100 BOX - 39339
SF GRAY KINGS BOX - 39333
SF NF KINGS SOFT - 39335
SF PALE GRN 100 BOX - 39340
SF PALE GRN KINGS BX - 39334
SF RED 100 BOX - 39336
SF RED KINGS BOX - 39330

SONOMA BLUE 100 SOFT - 34280
SONOMA BLUE KINGS BOX - 34268
SONOMA MN DK GRN 100 BOX - 34269
SONOMA MN DK GRN 100 SOFT - 34279
SONOMA MN DK GRN KINGS BOX - 34274
SONOMA GOLD 100 BOX - 34285
SONOMA GOLD 100 SOFT - 34281
SONOMA GOLD KINGS BOX - 34284
SONOMA MN GRN 100 SOFT - 34278
SONOMA MN GRN KINGS BOX - 34275
SONOMA NF KINGS SOFT - 34283
SONOMA RED 100 BOX - 34277
SONOMA RED 100 SOFT - 34282
SONOMA RED KINGS BOX - 34276

TUSCANY

USA GOLD BLUE 100 BOX - 31213
USA GOLD BLUE 100 SOFT - 31219
USA GOLD BLUE KINGS BOX - 31267
USA GOLD BLUE KINGS SOFT - 31218
USA GOLD MENTHOL 100 BOX - 31214
USA GOLD MENTHOL 100 SOFT - 31237
USA GOLD MENTHOL KING BOX - 31212
USA GOLD MENTHOL KING SOFT - 31208
USA GOLD MENTHOL KINGS GTEC - 39822
USA GOLD GOLD 100 BOX - 31210
USA GOLD GOLD 100 SOFT - 31228
USA GOLD GOLD KINGS BOX - 31217
USA GOLD GOLD KINGS GTEC - 39821
USA GOLD GOLD KINGS SOFT - 31233
USA GOLD MN GOLD 100 BOX - 31232
USA GOLD MN GOLD 100 SOFT - 31236
USA GOLD MN GOLD KING SOFT - 31235

USA GOLD NF KINGS SOFT - 31215
USA GOLD RED 100 BOX - 31211
USA GOLD RED 100 SOFT - 31209
USA GOLD RED KINGS BOX - 31216
USA GOLD RED KINGS GTEC - 39820
USA GOLD RED KINGS SOFT - 31234

WEST BLUE 100 BOX - 37264
WEST BLUE KINGS BOX - 37260
WEST MN DK GRN 100 BOX - 37265
WEST MN DK GRN KINGS BOX - 37263
WEST GRAY 100 BOX - 37266
WEST GRAY KINGS BOX - 37259
WEST MN GRN 100 BOX - 37251
WEST MN GRN KINGS BOX - 37252
WEST RED 100 BOX - 37262
WEST RED KINGS BOX - 37258

Total

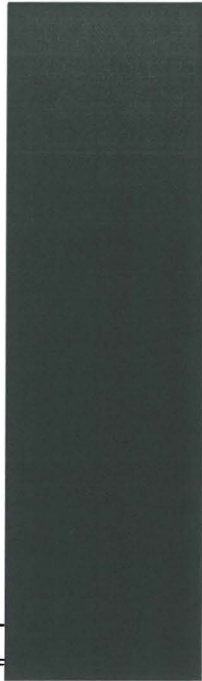


EXHIBIT C

COMMONWEALTH BRANDS
ADVERTISING ROTATION PLAN

QUARTER IN WHICH MATERIALS ARE PRODUCED	WARNING NOTICE UTILIZED			
	BRAND			
	USA GOLD	RIVIERA	SONOMA	MONTCLAIR
1 st Q (Jan – Mar)	A	B	C	D
2 nd Q (Apr. – June)	B	C	D	A
3 rd Q (July – Sept.)	C	D	A	B
4 th Q (Oct. – Dec.)	D	A	B	C
	FORTUNA	TUSCANY	WEST	MALIBU
1 st Q (Jan – Mar)	A	B	C	D
2 nd Q (Apr. – June)	B	C	D	A
3 rd Q (July – Sept.)	C	D	A	B
4 th Q (Oct. – Dec.)	D	A	B	C
	GAULOISES		GITANES	
1 st Q (Jan – Mar)		B		C
2 nd Q (Apr. – June)		C		D
3 rd Q (July – Sept.)		D		A
4 th Q (Oct. – Dec.)		A		B
	CROWNS			
1 st Q (Jan – Mar)				C
2 nd Q (Apr. – June)				D
3 rd Q (July – Sept.)				A
4 th Q (Oct. – Dec.)				B
	MULTIPLE BRANDS/ NON-BRAND SPECIFIC			
1 st Q (Jan – Mar)	A			
2 nd Q (Apr. – June)	B			
3 rd Q (July – Sept.)	C			
4 th Q (Oct. – Dec.)	D			

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



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

Division of
Advertising Practices

April 14, 2016

Rhondetta Walton, Esq.
Commonwealth Brands, Inc.
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, I have reviewed a proposed plan filed by Commonwealth Brands, Inc. (“Commonwealth”) on February 26, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Fortuna, Gauloises, Gitanes, Malibu, Montclair, Riviera, Sonoma, Tuscan, USA Gold, and West brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Crowns	September 7, 2010
Fortuna	March 18, 2010 April 28, 2010
Gauloises	April 28, 2010
Gitanes	April 28, 2010
Malibu	September 25, 2009 January 5, 2011 (cartons only) January 24, 2011 (packs only)

¹ Commonwealth stated in its February 26, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Montclair	March 18, 2010 May 29, 2013 June 6, 2013
Riviera	September 7, 2010
Sonoma	July 28, 2010
Tuscany	September 7, 2010
USA Gold	June 19, 2013 July 18, 2013 September 30, 2013 November 25, 2013 January 26, 2015
West	March 18, 2010 April 28, 2010 June 3, 2010

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

- Eleven varieties of the Crowns brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack;
- Eleven varieties of the Fortuna brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Pale Blue Kings Box, Pale Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box (blue/green packaging), Menthol Green 100's Box (blue/green packaging), and Non-filter Kings soft pack;
- Three Box varieties of the Gauloises brand: Red Kings, Blue Kings, and Yellow Kings;
- Two Box varieties of the Gitanes brand: Dark Blue Kings (packaging has a blue background with white lettering) and Blue Kings (packaging has a white background with blue lettering);

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

Rhondetta Walton, Esq.

April 14, 2016

Page 3

- Six Box varieties of the Malibu brand: Blue Slims 100's, Blue Slims 120's, Pink Slims 100's, Pink Slims 120's, Menthol Green Slims 100's, and Menthol Green Slims 120's;
- Eight varieties of the Montclair brand: Black 100's Box, Blue Kings Box, Blue 100's Box, Gray Kings Box, Silver 100's Box, Menthol Gold 100's Box, Purple Slims 100's Box, and Menthol Green Slims 100's Box;
- Eleven varieties of the Riviera brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack;
- Fourteen varieties of the Sonoma brand: Red Kings Box, Red 100's soft pack, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's soft pack (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box (blue-gray packaging), Blue 100's soft pack (blue-gray packaging), Menthol Dark Green Kings Box, Menthol Dark Green 100's soft pack, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's soft pack, and Non-filter Kings soft pack;
- Eleven varieties of the Tuscany brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack;
- Twenty-three varieties of the USA Gold brand: Red Kings Box, Red Kings Glide Tec Box, Red Kings soft pack, Red 100's Box, Red 100's soft pack, Gold Kings Box, Gold Kings Glide Tec Box, Gold Kings soft pack, Gold 100's Box, Gold 100's soft pack, Blue Kings Box, Blue Kings soft pack, Blue 100's Box, Blue 100's soft pack, Menthol Gold Kings soft pack, Menthol Gold 100's Box, Menthol Gold 100's soft pack, Menthol Kings Box (Dark Green Packaging), Menthol Kings Glide Tec Box (Dark Green Packaging), Menthol Kings soft pack (Dark Green Packaging), Menthol 100's Box (Dark Green Packaging), Menthol 100's soft pack (Dark Green Packaging), and Non-filter Kings soft pack; and
- Eleven varieties of the West brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Gray Kings Box, Gray 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack.

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

Rhondetta Walton, Esq.
April 14, 2016
Page 4

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

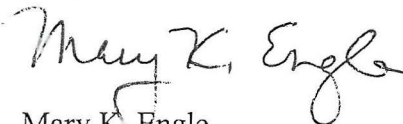
Please note that this letter only approves Commonwealth's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through April 13, 2017, 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

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

X C A L I B E R

INTERNATIONAL LTD., LLC.

Eric Barkley Estes
General Counsel

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

April 18, 2016

Ms. Mary K. Engle
Associate Director
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, D.C. 20001

Re: 2016-2017 Plan for Compliance with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* – Brand Styles “Echo,” “Edgefield,” and “Exeter”

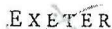
Dear Ms. Engle:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the “Act”), 15 U.S.C. §§ 1331, *et seq.*, Xcaliber International Ltd., L.L.C. (“Xcaliber”), submits the following narrative describing its plan to comply with the health warning display requirements. This plan represents the renewal of the plan previously approved by the Federal Trade Commission (“FTC”) on July 28, 2015, for the packaging of the brand styles “Echo,” “Edgefield,” and “Exeter” (collectively, the “Brands”). Through the date of this application, the Surgeon General’s warnings on the brand styles’ packaging have been equalized in accordance with the Act. All current Brands and their styles are listed on **Attachment A**. All of the Brands for which this plan is submitted are manufactured in Pryor, Oklahoma, by Xcaliber.

I. Packaging

- a. Warning Label Size and Location. Warnings will appear exactly as shown in the packs and cartons enclosed with Xcaliber’s submissions, dated July 29, 2013, and August 9, 2013. The warning statements are permanently imprinted on cigarette packs and cartons. The samples provided include each of the four warnings on packs and cartons for each brand style submitted.
- b. Warning Label Rotation. Pursuant to Section 1333(c)(2) of the Act, Xcaliber will display the four warnings an equal number of times on the packs and cartons for each of the brand styles of the Brands for one year beginning with the approval date of this plan.

Please note Xcaliber’s plan is based on the alternative to quarterly rotation provided in 15 U.S.C. Section 1333(c)(2). Xcaliber hereby states that the



yearly sales volume for each brand style of the Brands remains below the threshold under which the FTC may permit the plan to display the four warnings an equal number of times during the year. Xcaliber's sales for the fiscal year ending December 31, 2015, were [REDACTED] sticks. A schedule is attached reflecting Xcaliber's sales for 2015 and the first two months of 2016. This schedule is provided as **Attachment B**.

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

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

II. Advertising

Xcaliber continues to be in full compliance with the advertising plan approved August 17, 2012.

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

Attachment A

ECHO

Soft Pack

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

Box

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

EXETER

Soft Pack

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

Box

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

EDGEFIELD

Note: Edgefield is only available in a box.

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

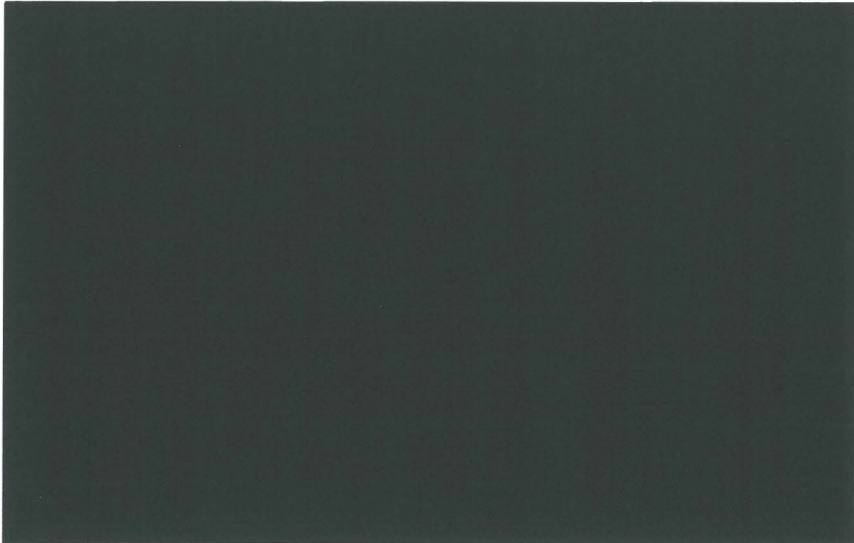
Red King
Gold King
Silver King
Menthol King (dark green pack)
Menthol Gold King (light green pack)
Non-Filter King (dark red pack)

XCALIBER INTERNATIONAL, LTD, L.L.C.
Attachment B - Sales
For the Period From Jan 1, 2015 to February 29, 2016

Item ID	Description	2015 Cases	2015 Cartons	2015 Sticks	Jan & Feb 2016 Cases	Jan & Feb 2016 Cartons	Jan & Feb 2016 Sticks
1111	Echo 100 Box Red						
1112	Echo 100 Box Gold						
1113	Echo 100 Box Menthol Gold						
1114	Echo 100 Box Menthol						
1116	Echo 100 Box Blue						
1121	Echo King Box Red						
1122	Echo King Box Gold						
1123	Echo King Box Menthol Gold						
1124	Echo King Box Menthol						
1125	Echo King Box Non Filter						
1126	Echo King Box Blue						
1211	Echo 100 SP Red						
1212	Echo 100 SP Gold						
1213	Echo 100 SP Menthol Gold						
1214	Echo 100 SP Menthol						
1216	Echo 100 SP Blue						
1221	Echo King SP Red						
1222	Echo King SP Gold						
1223	Echo King SP Menthol Gold						
1224	Echo King SP Menthol						
1225	Echo King SP Non Filter						
1226	Echo King SP Blue						
2111	Edgefield 100 Box Red						
2112	Edgefield 100 Box Gold						
2113	Edgefield 100 Box Menthol Gold						
2114	Edgefield 100 Box Menthol						
2116	Edgefield 100 Box Silver						
2121	Edgefield King Box Red						
2122	Edgefield King Box Gold						
2123	Edgefield King Box Menthol Gold						
2124	Edgefield King Box Menthol						
2125	Edgefield King Box Non Filter						
2126	Edgefield King Box Silver						
3111	Exeter 100 Box Red						
3112	Exeter 100 Box Gold						
3113	Exeter 100 Box Menthol Gold						
3114	Exeter 100 Box Menthol						
3116	Exeter 100 Box Blue						
3121	Exeter King Box Red						
3122	Exeter King Box Gold						
3123	Exeter King Box Menthol Gold						
3124	Exeter King Box Menthol						
3125	Exeter King Box Non Filter						
3126	Exeter King Box Blue						
3211	Exeter 100 SP Red						
3212	Exeter 100 SP Gold						
3213	Exeter 100 SP Menthol Gold						
3214	Exeter 100 SP Menthol						
3216	Exeter 100 SP Blue						
3221	Exeter King SP Red						

XCALIBER INTERNATIONAL, LTD, L.L.C.
Attachment B - Sales
For the Period From Jan 1, 2015 to February 29, 2016

Item ID	Description	2015 Cases	2015 Cartons	2015 Sticks	Jan & Feb 2016 Cases	Jan & Feb 2016 Cartons	Jan & Feb 2016 Sticks
3222	Exeter King SP Gold						
3223	Exeter King SP Menthol Gold						
3224	Exeter King SP Menthol						
3225	Exeter King SP Non Filter						
3226	Exeter King SP Blue						
4112	Vortex Box 100 Gold						
4113	Vortex Box 100 MN Gold						
4114	Vortex Box 100 MN						
4116	Vortex Box 100 Blue						
4122	Vortex Box King Gold						
4123	Vortex Box King MN Gold						
4124	Vortex Box King MN						
4125	Vortex Box King Non						
4126	Vortex Box King Blue						
5121	INTL Exeter King Box Red						
5122	INTL Exeter King Box Gold						





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

Division of
Advertising Practices

April 19, 2016

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

Dear Mr. Estes:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Xcaliber International, Ltd., LLC (“Xcaliber”) on April 18, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Echo, Exeter, and Edgefield brands of cigarettes.

Xcaliber’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated July 29 and August 9, 2013 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

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

- Twenty-two varieties of the Echo brand: Red Kings Box, Red Kings Soft Pack, Red 100’s Box, Red 100’s Soft Pack, Gold Kings Box, Gold Kings Soft Pack, Gold 100’s Box, Gold 100’s Soft Pack, Blue Kings Box, Blue Kings Soft Pack, Blue 100’s Box, Blue 100’s Soft Pack, Menthol Kings Box (dark green packaging), Menthol Kings Soft Pack (dark green packaging), Menthol 100’s Box (dark green packaging), Menthol 100’s Soft

¹ As set forth in its April 18, 2016 letter, Xcaliber is using colors in the names of a number of its cigarette varieties (*e.g.*, “Echo Red 100’s Box”). We note, however, that the color names are not printed on the packaging (*e.g.*, the word “Red” does not appear on the packaging of the “Echo Red 100’s Box” variety). The color used for a variety’s packaging does conform to the color used in its name, except that the packaging for the “Menthol Gold” varieties is light green in color.

Pack (dark green packaging), Menthol Gold Kings Box (light green packaging), Menthol Gold Kings Soft Pack (light green packaging), Menthol Gold 100's Box (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Box, and Non-Filter Kings Soft Pack;

- Twenty-two varieties of the Exeter brand: Red Kings Box, Red Kings Soft Pack, Red 100's Box, Red 100's Soft Pack, Gold Kings Box, Gold Kings Soft Pack, Gold 100's Box, Gold 100's Soft Pack, Blue Kings Box, Blue Kings Soft Pack, Blue 100's Box, Blue 100's Soft Pack, Menthol Kings Box (dark green packaging), Menthol Kings Soft Pack (dark green packaging), Menthol 100's Box (dark green packaging), Menthol 100's Soft Pack (dark green packaging), Menthol Gold Kings Box (light green packaging), Menthol Gold Kings Soft Pack (light green packaging), Menthol Gold 100's Box (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Box, and Non-Filter Kings Soft Pack; and
- Eleven Box varieties of the Edgefield brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings (dark green packaging), Menthol 100's (dark green packaging), Menthol Gold Kings (light green packaging), Menthol Gold 100's (light green packaging), and Non-Filter Kings.

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

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

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

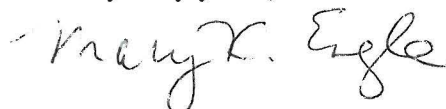
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Eric Barkley Estes
April 19, 2016
Page 3

This approval is effective on the date of this letter and runs through April 18, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in black ink and is positioned to the right of the typed name.

Mary K. Engle
Associate Director

**Six Nations Manufacturing
11359 Southwestern Blvd.
PO Box 377
Irving, NY 14081
Tele: 716-934-5130
Fax: 716-934-4087**

April 18, 2016

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

Re: Cigarette Health Warning Equalization Plan

Dear Ms. Engle:

This letter is being submitted for the renewal of the Surgeon General Warning Rotation Plan for packaging of Stallion, Bronco and Native Pride. The "Stallion", "Bronco" and "Native Pride" cigarette brands are manufactured by J Conrad Seneca, d.b.a. Six Nations Manufacturing. Upon renewal of this plan, the manufacturer intends to continue manufacturing these cigarettes under the authority of the Department Of The Treasury, Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15033) and J Conrad Seneca, d.b.a. Six Nations Manufacturing intends to market and sell the Stallion, Bronco and Native Pride brands. The Buffalo, Gator and Senate brands are the other brands we manufacture at this time. We do not import any brands at this time. Six Nations Manufacturing letter dated June 9, 2015 for health warning statement plans for Buffalo, Gator and Senate was approved on June 19, 2015.

Stallion, Bronco and Native Pride cigarettes are manufactured in the following variety of styles:

- (1) Stallion Full Flavor Red Kings Box
- (2) Stallion Smooth Gold Kings Box
- (3) Stallion Menthol Kings Box
- (4) Stallion Full Flavor Red 100's Box
- (5) Stallion Smooth Gold 100's Box
- (6) Stallion Ultra Smooth Silver 100's Box
- (7) Stallion Menthol 100's Box
- (8) Bronco Red Kings Box
- (9) Bronco Gold Kings Box
- (10) Bronco Silver Kings Box
- (11) Bronco Menthol Kings Box
- (12) Bronco Menthol Gold Kings Box

- (13) Bronco Non-Filter Kings Box
- (14) Bronco Red 100's Box
- (15) Bronco Gold 100's Box
- (16) Bronco Silver 100's Box
- (17) Bronco Menthol 100's Box
- (18) Bronco Menthol Gold 100's Box
- (19) Native Pride Robust Full Bodied Flavor Kings Size Box
- (20) Native Pride Relaxed Smooth Flavor Kings Size Box
- (21) Native Pride Full Bodied Menthol Flavor Kings Size Box
- (22) Native Pride Robust Full Bodied Flavor 100's Size Box
- (23) Native Pride Relaxed Smooth Flavor 100's Size Box
- (24) Native Pride Full Bodied Menthol Flavor 100's Size Box
- (25) Native Pride Smooth Menthol Flavor 100's Size Box
- (26) Native Pride Ultra Smooth Flavor 100's Size Box

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). For the Stallion brands, the warnings will appear exactly as shown on the Stallion Full Flavor Red 100's packs submitted with letter dated April 14, 2014 and on the other packs and cartons exactly as shown on the samples submitted with our March 24, 2014 letter. For the Bronco brand the warnings on the packs and cartons will appear exactly as submitted on November 15, 2012 and for the Native Pride brand they will appear exactly as submitted on November 14, 2011. Under Section 1333(c)(2) J Conrad Seneca, d.b.a. Six Nations Manufacturing will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of Stallion, Bronco and Native Pride brands for the one year period beginning on the date of approval of this plan. We have attached "Schedule A" as our actual annual production volume by style for fiscal year 2015 and have attached "Schedule B" as an estimate of our annual production volume by style for fiscal year 2016.

Our advertising plan for Stallion was approved on April 23, 2014 and for the Bronco and Native Pride brands on December 17, 2012 and we will remain in compliance with those plans.

J Conrad Seneca, d.b.a. Six Nations Manufacturing 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. J Conrad Seneca, d.b.a. Six Nations Manufacturing will maintain records of compliance with the approved plan. If there are any questions or concerns regarding these plans, please contact me.

Sincerely,



J Conrad Seneca, Owner

Enclosures

SCHEDULE A: Actual annual (1/1/2015 -12/31/2015) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride, Bronco and Stallion Cigarettes by style in sticks.

Style	Sticks
Bronco Red Kings Box	
Bronco Gold Kings Box	
Bronco Silver Kings Box	
Bronco Menthol Kings Box	
Bronco Menthol Gold Kings Box	
Bronco Non-Filter Kings Box	
Bronco Red 100's Box	
Bronco Gold 100's Box	
Bronco Silver 100's Box	
Bronco Menthol 100's Box	
Bronco Menthol Gold 100's Box	
Native Pride Robust Full Bodied Flavor King Size Box	
Native Pride Relaxed Smooth Flavor King Size Box	
Native Pride Full Bodied Menthol Flavor King Size Box	
Native Pride Robust Full Bodied Flavor 100's Size Box	
Native Pride Relaxed Smooth Flavor 100's Size Box	
Native Pride Full Bodied Menthol Flavor 100's Size Box	
Native Pride Smooth Menthol Flavor 100's Size Box	
Native Pride Ultra Smooth Flavor 100's Size Box	
Senate Full Flavor King's Size Box	
Senate Smooth King's Size Box	
Senate Menthol King's Size Box	
Senate Menthol Smooth King's Size Box	
Senate Ultra Smooth King's Size Box	
Senate Non-Filter King's Size Box	
Senate Full Flavor 100's Size Box	
Senate Smooth 100's Size Box	
Senate Menthol 100's Size Box	
Senate Menthol Smooth 100's Size Box	
Senate Ultra Smooth 100's Size Box	
Gator Full Flavor King's Size Box	
Gator Smooth King's Size Box	
Gator Menthol King's Size Box	
Gator Menthol Smooth King's Size Box	
Gator Ultra Smooth King's Size Box	
Gator Non-Filter King's Size Box	
Gator Full Flavor 100's Size Box	
Gator Smooth 100's Size Box	
Gator Menthol 100's Size Box	
Gator Menthol Smooth 100's Size Box	
Gator Ultra Smooth 100's Size Box	

SCHEDULE A: Actual annual (1/1/2013 -12/31/2013) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride and Bronco Cigarettes by style in sticks:
 (continued)

Style	Sticks
Buffalo Full Flavor King's Size Box	
Buffalo Smooth King's Size Box	
Buffalo Menthol King's Size Box	
Buffalo Menthol Smooth King's Size Box	
Buffalo Ultra Smooth King's Size Box	
Buffalo Non-Filter King's Size Box	
Buffalo Full Flavor 100's Size Box	
Buffalo Smooth 100's Size Box	
Buffalo Menthol 100's Size Box	
Buffalo Menthol Smooth 100's Size Box	
Buffalo Ultra Smooth 100's Size Box	
Buffalo Full Flavor 100's Size Soft	
Buffalo Smooth 100's Size Soft	
Buffalo Menthol 100's Size Soft	
Buffalo Menthol Smooth 100's Size Soft	
Buffalo Ultra Smooth 100's Size Soft	
Stallion Full Flavor Red King Box	
Stallion Smooth Gold King Box	
Stallion Menthol King Box	
Satlion Full Flavor Red 100's Box	
Satlion Smooth Gold 100's Box	
Satlion Ultra Smooth Silver 100's Box	
Stallion Menthol 100's Box	
Totals	

SCHEDULE B: Estimated annual (1/1/2016 -12/31/2016) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride, Bronco and Stallion Cigarettes by style in sticks.

Style	Sticks
Bronco Red Kings Box	
Bronco Gold Kings Box	
Bronco Silver Kings Box	
Bronco Menthol Kings Box	
Bronco Menthol Gold Kings Box	
Bronco Non-Filter Kings Box	
Bronco Red 100's Box	
Bronco Gold 100's Box	
Bronco Silver 100's Box	
Bronco Menthol 100's Box	
Bronco Menthol Gold 100's Box	
Native Pride Robust Full Bodied Flavor King Size Box	
Native Pride Relaxed Smooth Flavor King Size Box	
Native Pride Full Bodied Menthol Flavor King Size Box	
Native Pride Robust Full Bodied Flavor 100's Size Box	
Native Pride Relaxed Smooth Flavor 100's Size Box	
Native Pride Full Bodied Menthol Flavor 100's Size Box	
Native Pride Smooth Menthol Flavor 100's Size Box	
Native Pride Ultra Smooth Flavor 100's Size Box	
Senate Full Flavor King's Size Box	
Senate Smooth King's Size Box	
Senate Menthol King's Size Box	
Senate Menthol Smooth King's Size Box	
Senate Ultra Smooth King's Size Box	
Senate Non-Filter King's Size Box	
Senate Full Flavor 100's Size Box	
Senate Smooth 100's Size Box	
Senate Menthol 100's Size Box	
Senate Menthol Smooth 100's Size Box	
Senate Ultra Smooth 100's Size Box	
Gator Full Flavor King's Size Box	
Gator Smooth King's Size Box	
Gator Menthol King's Size Box	
Gator Menthol Smooth King's Size Box	
Gator Ultra Smooth King's Size Box	
Gator Non-Filter King's Size Box	
Gator Full Flavor 100's Size Box	
Gator Smooth 100's Size Box	
Gator Menthol 100's Size Box	
Gator Menthol Smooth 100's Size Box	
Gator Ultra Smooth 100's Size Box	

SCHEDULE B: Estimated annual (1/1/2016 -12/31/2016) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride, Bronco and Stallion Cigarettes by style in sticks.
(continued)

Style	Sticks
Buffalo Full Flavor King's Size Box	
Buffalo Smooth King's Size Box	
Buffalo Menthol King's Size Box	
Buffalo Menthol Smooth King's Size Box	
Buffalo Ultra Smooth King's Size Box	
Buffalo Non-Filter King's Size Box	
Buffalo Full Flavor 100's Size Box	
Buffalo Smooth 100's Size Box	
Buffalo Menthol 100's Size Box	
Buffalo Menthol Smooth 100's Size Box	
Buffalo Ultra Smooth 100's Size Box	
Buffalo Full Flavor 100's Size Soft	
Buffalo Smooth 100's Size Soft	
Buffalo Menthol 100's Size Soft	
Buffalo Menthol Smooth 100's Size Soft	
Buffalo Ultra Smooth 100's Size Soft	
Stallion Full Flavor Red King Box	
Stallion Smooth Gold King Box	
Stallion Menthol King Box	
Satlion Full Flavor Red 100's Box	
Satlion Smooth Gold 100's Box	
Satlion Ultra Smooth Silver 100's Box	
Stallion Menthol 100's Box	
Totals	



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

Division of
Advertising Practices

April 20, 2016

Mr. J. Conrad Seneca
Six Nations Manufacturing
11359 Southwestern Blvd.
P.O. Box 377
Irving, NY 14081

Dear Mr. Seneca:

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 J. Conrad Seneca d/b/a Six Nations Manufacturing (“Six Nations”) on April 18, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronco, Native Pride, and Stallion brands of cigarettes.

Six Nations’ 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 the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter:¹

<u>Brand</u>	<u>Date(s)</u>
Bronco	November 15, 2012
Native Pride	November 14, 2011
Stallion	March 24, 2014 April 14, 2014

¹ Six Nations stated in its April 18, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

- Seven box varieties of the Stallion brand: Full Flavor Red (Kings and 100's), Smooth Gold (Kings and 100's), Menthol (Kings and 100's), and Ultra Smooth Silver 100's;
- Eleven box varieties of the Bronco brand: Red (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), Menthol Gold (Kings and 100's), and Non-Filter Kings; and
- Eight box varieties of the Native Pride brand: Robust Full Bodied Flavor (Kings and 100's), Relaxed Smooth Flavor (Kings and 100's), Full Bodied Menthol Flavor (Kings and 100's), Smooth Menthol Flavor 100's, and Ultra Smooth Flavor 100's.

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

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

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

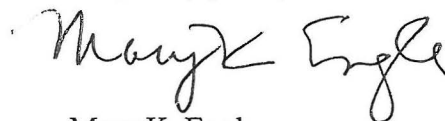
This approval is effective on the date of this letter and runs through April 19, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Mr. J. Conrad Seneca
April 20, 2016
Page 3

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

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director



April 14, 2016

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

**RE: ITG Brands, LLC
2016 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Engle:

ITG Brands, LLC ("ITG Brands"), 714 Green Valley Rd, Greensboro, NC 27455 hereby submits its 2016 Cigarette Warning Label Rotation Plan for the Rave brand.

For the Rave brand family, this letter requests approval of a plan to conduct manufacturing operations so that the four health warnings specified in 15 U.S.C. §1333(a)(1) of the Federal Cigarette Labeling and Advertising Act (the "Act"), shall appear on the packs and cartons of each brand style of Rave cigarettes, an equal number of times during a twelve month period starting from the date this plan is approved by the FTC. During 2016, the Rave brand will be offered in 9 styles which are listed in **Exhibit A**.

Sales volume for each of the Rave brand styles during the most recent fiscal year preceding submission of this application (which ended September 30, 2015) is also reported in the attached **Exhibit A**. ITG Brands total sales volume for Rave in 2015 was [REDACTED] units. ITG Brands estimates total sales volume for Rave in 2016 to be [REDACTED] units.

Industry sales for the corresponding one year period ending September 30, 2015, were [REDACTED] units. Sources used for industry sales information are: *The Maxwell Report, Fourth Quarter 2014 and First, Second and Third Quarters, 2015*.

Based on the sales volume for the fiscal year ending September 30, 2015, each of the Rave brand styles meet the statutory requirements for the equalization method set out in 15 U.S.C.

§1333(c)(2)(C) in that (i) none of the brand styles exceeded one-fourth of one percent of cigarettes sold in the United States during ITG Brands' most recent fiscal year preceding submission of this application ; and (ii) more than 50% of the cigarettes manufactured by ITG Brands during that same period were packaged into brand styles that fall below the maximum volume set out in (i) above. The impact of ITG Brands' ownership of Maverick, Winston, Salem and Kool on the second prong of this test is discussed below.

Each of the four statutory warning labels will be displayed an equal number of times on all Rave packs and cartons in a process during manufacturing that will ensure an equal number of each warning notice being used for packs and cartons for each brand style of the Rave brand for the one year period beginning on the date of the approval of this plan. To ensure this, ITG Brands will require one-fourth of each package and carton material order to be printed with each of the four warnings. ITG Brands will maintain records documenting compliance with the rotation plan.

In addition and as previously advised, effective June 12, 2015, ITG Brands became owner of the Maverick, Winston, Salem and Kool brands. ITG Brands will continue the previously approved quarterly rotation for Maverick, Winston, Salem and Kool. Based on the sales volume for the period beginning June 12, 2015, and ending September 30, 2015, none of the brand styles in the Maverick, Winston, Salem and Kool brand families exceeded one-fourth of one percent (0.25%) of cigarettes sold in the United States. Please see **Exhibit B** for a listing of all Maverick, Winston, Salem and Kool brand styles and the sales volume data from date of acquisition (June 12, 2015) until end of the 2015 fiscal year (September 30, 2015).

The four health warnings will appear exactly as shown on the Rave brand packs and cartons submitted with our letter dated January 12, 2010.

ITG Brands will continue to be in compliance with the following plans related to advertising the brand styles (see **Exhibit C** for the approved quarterly rotation):

Rave: The May 14, 2009, plan for advertising which confirmed that ITG Brands did not plan to advertise Rave over the internet.

Maverick: The June 11, 2015, plan for advertising which confirmed that ITG Brands did not plan to advertise Maverick over the internet.

Winston: The June 11, 2015 plan for advertising and the December 21, 2015, plan for display of the warnings in internet advertising.

Kool: The June 11, 2015, plan for advertising and the December 21, 2015, plan for display of the warnings in internet advertising.

April 14, 2016

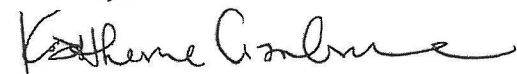
Page 3

Salem: The June 11, 2015, plan for advertising which confirmed that ITG Brands did not plan to advertise Salem over the internet.

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

If you require any additional information, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Katherine Ciambone".

Katherine Ciambone

Attachments:

Exhibit A: List of Rave Brand Styles and Sales Volume

Exhibit B: List of Maverick, Winston, Salem and Kool Brand Styles and Sales Volume

Exhibit C: Quarterly Warning Rotation Plan for Advertising

April 14, 2016

EXHIBIT A

ITG BRANDS, LLC
BRAND STYLES and SALES VOLUME

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

Brand	Style	Total Units FY15
Rave	Gold 100s Box	
Rave	Gold Kings Box	
Rave	Menthol Dark Green 100s Box	
Rave	Menthol Dark Green Kings Box	
Rave	Red 100s Box	
Rave	Red Kings Box	
Rave	Red 100s Soft Pack	
Rave	Menthol 100s Soft Pack	
Rave	Gold 100s Soft Pack	
	TOTAL	

April 14, 2016

EXHIBIT B

ITG BRANDS, LLC
BRAND STYLES and SALES VOLUME

BRAND STYLES UTILIZING THE QUARTERLY WARNING STATEMENT
ROTATION (15 U.S.C. §1333(C)(1)):

Brand	Style	Total Units	
		June 15, 2015 – September 30, 2015	
Maverick	King Box		
Maverick	100s Box		
Maverick	Menthol King Box		
Maverick	Menthol 100s Box		
Maverick	Gold King Box		
Maverick	Gold 100s Box		
Maverick	Menthol Gold 100s Box		
Maverick	Silver 100s Box		
Maverick	Menthol Silver 100s Box		
	TOTAL		
Kool	Menthol King Soft Pack		
Kool	Menthol King Box		
Kool	Menthol Super Long 100s Box		
Kool	Menthol XL Green Box (79mm)		
Kool	Menthol Blue King Box		
Kool	Menthol Blue 100s Box		
Kool	Menthol XL Blue Box (79mm)		
	TOTAL		
Salem	Menthol King Box		
Salem	Menthol 100s Box		
Salem	Menthol Gold King Box		
Salem	Menthol Gold 100s Box		
Salem	Menthol Silver King Box		
Salem	Menthol Silver 100s Box		
Salem	Menthol Slim 100s Box		
	TOTAL		
Winston	Gold 100s Box		
Winston	Gold King Box		
Winston	Red 100s Box		
Winston	Red King Box		
Winston	White 100s Box		
Winston	White King Box		
Winston	Blue King Box		
Winston	Menthol King Box		
Winston	Menthol 100s Box		
Winston	Full Flavor King Box		
Winston	Full Flavor 100s Box		
	TOTAL		

April 14, 2016

EXHIBIT C

ITG BRANDS, LLC
ADVERTISING ROTATION PLAN FOR ALL BRANDS

QUARTER IN WHICH
ADVERTISING MATERIALS
ARE PRODUCED

WARNING NOTICE UTILIZED

BRAND

	RAVE
1 st Q (Jan – Mar)	A
2 nd Q (Apr. – June)	B
3 rd Q (July – Sept.)	C
4 th Q (Oct. – Dec.)	D

	MAVERICK	WINSTON	SALEM	KOOL
1 st Q (Jan – Mar)	A	B	C	D
2 nd Q (Apr. – June)	B	C	D	A
3 rd Q (July – Sept.)	C	D	A	B
4 th Q (Oct. – Dec.)	D	A	B	C

MULTIPLE BRANDS/
NON-BRAND SPECIFIC

1 st Q (Jan – Mar)	A
2 nd Q (Apr. – June)	B
3 rd Q (July – Sept.)	C
4 th Q (Oct. – Dec.)	D

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



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

Division of
Advertising Practices

April 21, 2016

Ms. Katherine Ciambrone
ITG Brands, LLC
714 Green Valley Road
Greensboro, NC 27455

Dear Ms. Ciambrone:

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 ITG Brands, LLC ("ITG") on April 14, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Rave brand of cigarettes.¹

ITG's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on January 12, 2010 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.² Accordingly, ITG's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following nine varieties of the Rave brand: Red Kings box, Red 100's (soft pack and box), Gold Kings box, Gold 100's (soft pack and box), Menthol Kings box, and Menthol 100's (soft pack and box).

¹ ITG's plan for quarterly rotation of the four health warnings on packaging for certain varieties of the Winston, Salem, Kool, and Maverick brands of cigarettes was approved on June 12, 2015. ITG's request to expand its plan to include additional varieties of the Winston brand, and to modify the packaging for the Winston, Salem, Kool, and Maverick brands, was approved on September 2, 2015. ITG's plan to modify the cartons for certain varieties of the Winston brand was approved on November 12, 2015. Plans subject to quarterly rotation do not require annual renewal.

² ITG stated in its April 14, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on January 12, 2010.

Ms. Katherine Ciambrone
April 21, 2016
Page 2

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

Please note that this letter only approves ITG'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 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, or www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through April 20, 2017, 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

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



321 Farmington Road, Mocksville, North Carolina 27028 • Phone: 336-940-3769 • Fax: 336-940-3669

April 6, 2016

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

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:

RED SUN King Size Box
RED SUN Bold Cold Menthol King Size Box

The RED SUN cigarette brand is manufactured in the United States by NASCO Products, LLC. Upon approval of this plan, the manufacturer will continue to manufacture these cigarettes under the authority of the Alcohol & Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NC-15033).

These cigarettes 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. 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 Cigarette Act. The warnings will be placed on the product in a location which complies with applicable labeling statutes. The warnings will appear exactly as they do on the packs and cartons submitted with our letter dated March 3, 2015.

NASCO Products, LLC believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331. The enclosed Exhibit A provides sales figures for all NASCO Products, LLC's brands¹ for the 2015 fiscal year as well as anticipated sales figures for the 2016 fiscal year. We do not

¹ NASCO Products, LLC also manufactures the RED SUN and Magic cigarette brands for Goodrich Tobacco Company. Goodrich Tobacco Company, LLC has its own Cigarette Health Warning Rotation Plan. Sales of the RED SUN and Magic cigarette brands distributed by Goodrich Tobacco Company, LLC are not included in Exhibit A of our plan. NASCO Products, LLC and Goodrich Tobacco Company are affiliates and are both wholly-owned subsidiaries of 22nd Century Group, Inc.

anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes for the one year period covered by this plan.

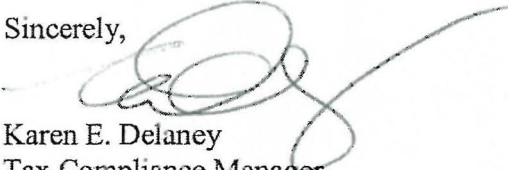
If this plan for the alternative to quarterly rotation of warnings on packaging is approved, the four cigarette health warnings will continue to appear on the packs and cartons of each of the cigarette brand styles listed above an equal number of times throughout the one year period beginning on the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

NASCO Products, LLC continues to be in compliance with its December 1, 2015, plan for simultaneous display of the four health warnings on packaging for the SF cigarette brand approved on December 2, 2015.

At this time NASCO Products, LLC will do no advertising of cigarettes in any form. If NASCO Products, LLC decides to engage in advertising, NASCO Products, LLC will submit a plan to the FTC.

NASCO Products, LLC, the manufacturer, is aware of the requirements set forth by the FTC in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Cigarette Act. NASCO Products, LLC will maintain record of compliance with the approved plan. If there are any questions or concerns regarding this plan, please contact me at 716-270-1523 (phone), 716-877-3064 (fax), kdelaney@xxiicentury.com (email), or 9530 Main Street, Clarence, NY 14301 (mailing address).

Sincerely,



Karen E. Delaney
Tax Compliance Manager

EXHIBIT A

Actual sales figures for Fiscal Year 2015

PRODUCT	STICKS
SF Red King Size Box	
SF Blue King Size Box	
SF Gray King Size Box	
SF Menthol Dark Green King Size Box	
SF Menthol Pale Green King Size Box	
SF Non-Filter King Size Soft Pack	
SF Red 100's Box	
SF Blue 100's Box	
SF Gray 100's Box	
SF Menthol Dark Green 100's Box	
SF Menthol Pale Green 100's Box	
RED SUN Regular King Size Box	
RED SUN Bold Cold Menthol King Size Box	

Estimated sales figures for Fiscal Year 2016

PRODUCT	STICKS
SF Red King Size Box	
SF Blue King Size Box	
SF Gray King Size Box	
SF Menthol Dark Green King Size Box	
SF Menthol Pale Green King Size Box	
SF Non-Filter King Size Soft Pack	
SF Red 100's Box	
SF Blue 100's Box	
SF Gray 100's Box	
SF Menthol Dark Green 100's Box	
SF Menthol Pale Green 100's Box	
RED SUN Regular King Size Box	
RED SUN Bold Cold Menthol King Size Box	



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

Division of
Advertising Practices

April 26, 2016

Ms. Karen E. Delaney
NASCO Products, LLC
321 Farmington Road
Mocksville, NC 27028

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 proposed plan filed by NASCO Products, LLC ("NASCO") on April 6, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Red Sun brand of cigarettes.

NASCO'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 March 3, 2015 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, NASCO's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following two varieties of the Red Sun brand: Red Sun Kings box and Red Sun Bold Cold 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.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If NASCO 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.

¹ NASCO stated in its April 6, 2016 letter that the four health warnings will appear exactly shown on the packs and cartons submitted on this date.

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

Ms. Karen E. Delaney
April 26, 2016
Page 2

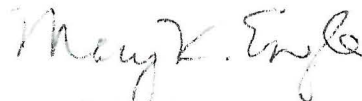
Please note that this letter only approves NASCO's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucml76164.htm.

This approval is effective on the date of this letter and runs through April 25, 2017, 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

LAW OFFICES OF
BARRY M. BOREN

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

borenlaw@bellsouth.net

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

March 22, 2016

Sent via Fax: 202-326-2190

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

Attention: Ms. Bonnie McGregor

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

Dear Mr. Engle:

Please be advised that we are the attorneys for a manufacturer¹ of tobacco products, Konci G & D Management Group (USA), Inc. ("Konci"), a New York corporation with offices located at 139 Centre Street, Suite 510, New York, New York 10013. Konci wishes to renew its existing equalization Surgeon General's Health Warning Rotation Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they are manufacturing in the United States under the brand name "Golden Deer." The contact person for the company will be its President, Dominic Chu, who can be reached at the above address. His telephone number is (646) 613-9393.

The brand styles of Golden Deer cigarettes Konci intends to manufacture are listed in the attachment at Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Golden Deer brand Konci is manufacturing were enclosed with the original submission on April 23, 2012. The health warnings will continue to appear exactly as shown on the samples provided. The brand styles listed in the attachment at Exhibit "A" have been equalized as of this date.

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

In fiscal year 2015, Konci manufactured approximately [REDACTED] Golden Deer brand cigarettes.² In fiscal year 2016 to date, it has manufactured approximately [REDACTED] Golden Deer brand cigarettes. Konci anticipates manufacturing approximately [REDACTED] Golden Deer cigarettes in fiscal year 2016.

In addition to the Golden Deer cigarettes Konci is manufacturing in the United States, it also imports Chung Hwa brand cigarettes and Double Happiness brand cigarettes. In fiscal year 2015, Konci imported approximately [REDACTED] Chung Hwa and [REDACTED] Double Happiness brand cigarettes. In fiscal year 2016 to date, Konci has imported [REDACTED] Chung Hwa and [REDACTED] Double Happiness brand cigarettes. In fiscal year 2016, Konci anticipates importing approximately [REDACTED] Chung Hwa and [REDACTED] Double Happiness brand cigarettes.

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

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

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

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

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

KONCI G & D MANAGEMENT GROUP (USA) INC.
BRAND STYLES OF CIGARETTES
EXHIBIT "A"

GOLDEN DEER

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

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



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

Division of
Advertising Practices

April 29, 2016

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Konci G & D Management Group (USA), Inc. ("Konci") on March 22, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Golden Deer brand of cigarettes.

Konci's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated April 23, 2012 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Konci's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight box varieties of the Golden Deer brand: Red (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), and Menthol Green (Kings and 100's).

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

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

¹ Konci stated in its March 22, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on April 23, 2012.

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

Barry M. Boren, Esq.
April 29, 2016
Page 2


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

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

This approval is effective on the date of this letter and runs through April 28, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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

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

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

William J. McGowan

WJMcGowan@SMS-LawFirm.Com

April 26, 2016

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

Cigarette Health Warning Rotation Plan

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

Dear Ms Engle:

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

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

NTA previously submitted its 2015 Native Packaging Plan on May 11, 2015 and your office approved the Plan on May 12, 2015. NTA previously submitted its 2014 Native Packaging Plan on May 7, 2014 and your office approved the Plan on May 14,

Ms Mary Engle
April 26, 2016
Page 2

2014. NTA previously submitted its 2013 Native Packaging Plan on May 14, 2013 and your office approved the Plan on May 16, 2013. NTA previously submitted its 2012 Native Packaging Plan on June 7, 2012 and your office approved the Plan on June 8, 2012. NTA previously submitted its 2011 Native Packaging Plan on June 8, 2011 and your office approved the Plan on June 10, 2011. NTA previously submitted its 2010 Native Packaging Plan on August 17, 2010 and your office approved the Plan on August 17, 2010. Your office previously approved, on July 22, 2005, a cigarette health warning display plan for certain Native soft pack varieties which had been submitted on July 7, 2005. In addition, your office previously approved, on September 9, 2005, a cigarette health warning display plan for certain Native hard pack varieties which had been submitted on August 31, 2005. Your office also previously approved, on September 4, 2008, a cigarette health warning display plan for the Native non-filter king size hard pack and the Native non-filter king size soft pack varieties which had been submitted August 18, 2008. On June 21, 2010 NTA submitted a request to rename and repackage certain styles of Native brand soft pack and hard pack varieties and that request was approved by your office on June 21, 2010.

NTA's current approval to display the warnings on packaging expires May 11, 2016. NTA wishes to renew its plan for the 24 Native brand styles and six (6) Mohawk brand styles. NTA represents that the 24 Native brand cigarette styles and six (6) Mohawk brand styles listed in its May 11, 2015, plan have been equalized to this date. The cigarettes covered by this plan are the following U.S. manufactured Native brand

style cigarettes, which will display health warnings complying with the Surgeon General warning language set forth in the statute:

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

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

The FOUR (4) health warnings for the soft and hard pack Native full flavor in king and 100's and soft and hard pack Native menthol in king and 100's will appear exactly as they do on the packs submitted with our letter of August 2, 2010. For the non-filtered king sized soft and hard packs, the FOUR (4) health warnings for the packs will appear exactly as

they do on the packs which were submitted to you with the March 24, 2008, letter. For the renamed and repackaged styles listed above and indicated with an asterisk, the FOUR (4) health warnings will appear exactly as they do on the packs that were submitted with my June 9, 2010 and May 22, 2010 letters to you. The FOUR (4) health warnings for the cartons for all 24 styles covered by NTA's current Plan continue to appear exactly as they do on the cartons submitted with our August 2, 2010 letter. The FOUR (4) health warnings for the two (2) Native brand Select styles (Native Select King hard pack and Native Select 100's hard pack) will appear exactly as they appear on the pack and carton samples which were submitted with our March 28, 2011, letter. NTA will maintain records to demonstrate compliance with the Plan.

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

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

The most recent plan for Mohawk was submitted on May 11, 2015 and was approved on May 12, 2015. Except for the Mohawk non-filter style, the FOUR (4) health warnings for the above noted new NTA "Mohawk" brand styles will appear exactly as

cases sold	2015	2015 Sticks Sold	2016 Projected Sticks sold
------------	------	---------------------	-------------------------------

NATIVE full flavor King soft pack
 Native full flavor 100's soft pack
 Native full flavor 100's hard pack
 Native full flavor King hard pack
 Native King Soft (Blue)
 Native 100 Soft (Blue)
 Native 100's hard pack (Blue)
 Native King hard pack (Blue)
 Native Menthol soft pack (Green)
 Native Menthol 100's soft pack (Green)
 Native Menthol 100's hard pack (Green)
 Native Menthol hard pack (Green)
 Native King soft pack (Light green)
 Native 100's soft (Light Green)
 Native 100's hard pack (Light Green)
 Native King hard pack (Light Green)
 Mohawk Full Flavor King (Red) hard pack
 Mohawk King (Gold) hard pack
 Mohawk Menthol King (Green) hard pack
 Mohawk Menthol King (Light Green) hard pack
 Mohawk non-filter (Brown) hard pack
 Mohawk King (Silver) hard pack
 Native Full flavor King non-filter
 Native Full flavor King non-filter hard pack
 Native Select 100's hard pack
 Native Select King hard pack
 Native King soft (Light Blue)
 Native 100's soft (Light Blue)
 Native 100's hard pack (Light Blue)
 Native King hard pack (Light Blue)



TOTALS

Exhibit B

1. All domestic folding carton production for tobacco packaging components for Native Trading Associates requiring Surgeon General Warnings (SGW) shall be produced in a manner to ensure that an equal number of each of the four warnings is yielded on every production run.
 2. Individual King Size Packs
 - a. King Size Hinged Lid Hard Packs are produced 28-up per sheet
 - b. Each Flavor is produced individually and never in combination
 - c. The printing plates for each flavor shall be divided equally 7-up of each SGW
 - d. Yielding an equal number of each SGW
 3. Individual 100's Size Packs
 - a. 100's Size Hinged Lid Hard Packs are produced 21-up per sheet
 - b. Each Flavor is produced individually and never in combination
 - c. Production of each flavor will be broken down into two forms
 - i. 75% of the order will be produced 7-up of each of 3 SGW's
 - ii. 25% of the order will be produced 21-up of the remaining SGW
 - iii. Yielding an equal number of each of the 4 SGW's
 4. Cartons
 - a. Both King Size & 100's Size Cartons are produced 4-up
 - b. Each Flavor is produced individually and never in combination
 - c. Printing plates for all cartons are divided equally 1-up of each of the 4 SGW's
 - d. Yielding an equal number of each SGW
-

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

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

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

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

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,

² We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA's April 26, 2016 letter do not always appear on the packaging – e.g., the words "Blue," "Green," "Ultra," "Red," "Gold," "Silver," "Light Green," and "Brown" do not appear on the packaging. However, when a color is used in a variety's name, it does appear to conform to the color used in its packaging. We also note that the word "Menthol" does not appear on the packaging for the "Native Menthol (Green)" and "Mohawk Menthol (Light Green)" varieties.

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

William J. McGowan, Esq.
April 29, 2016
Page 3

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

This approval is effective on the date of this letter and runs through April 28, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

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

Mary K. Engle
Associate Director



May 3, 2016

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

Re: Plan for Compliance with the Federal Cigarette Labeling and Advertising Act for
Global Classic and Patriot Cigarettes

Dear Ms. Engle:

Global Tobacco LLC received approval from you on May 12, 2015 to equalize the Surgeon General's Warnings on packaging of certain styles of Global Classic and Patriot brands. We now want to renew our plan by submitting this letter on the approved Global Classic and Patriot brand of cigarettes. In order to facilitate such manufacturing, we submit this letter containing our plan for compliance with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et. seq.* (the "FCLAA").

As a preliminary matter, we currently hold a permit to manufacture cigarettes (TP-TX-15001) at our principal place of business located at 2861 Congressman Ln, Suite 300, Dallas, TX 75220.

I. PACKAGING

This section addresses the plan for compliance with respect to the "Packaging" requirements of the FCLAA, including a discussion of the warning label size and location, the warning label rotation and records of compliance.

A. Warning Label Size and Location

Please note that Global Tobacco LLC no longer carries Global Fiesta Brand of Cigarettes.

We plan to renew our plan on the following brands:

1. Global Classic
2. Patriot



The following are the brand styles of the Global Classic Brand:

1. Global Classic Red /100's/ Box
2. Global Classic Gold /100's/Box
3. Global Classic Menthol /100's/Box
4. Global Classic Menthol Gold /100's/Box
5. Global Classic Silver /100's/Box
6. Global Classic Red /Kings/Box
7. Global Classic Gold /Kings/Box
8. Global Classic Menthol /Kings/Box
9. Global Classic Red/100's/Soft
10. Global Classic Gold/100's/Soft
11. Global Classic Menthol/100's/Soft
12. Global Classic Menthol Gold/100's/Soft
13. Global Classic Silver/100's/Soft
14. Global Classic Red /Kings/Soft
15. Global Classic Gold /Kings/Soft
16. Global Classic Menthol /Kings/Soft

The following are the brand styles of the Patriot Brand:

1. Patriot Red /100's/Soft
2. Patriot Gold /100's/Soft
3. Patriot Menthol /100's/Soft
4. Patriot Menthol Gold /100's/Soft
5. Patriot Silver /100's/Soft
6. Patriot Red /Kings/Soft
7. Patriot Gold /Kings/Soft
8. Patriot Menthol /Kings/Soft

Included with our letter dated May 13, 2010 and June 17, 2010 were samples of actual cartons and packages for certain styles of Global Classic and Patriot brands. The carton and package samples have been prepared in accordance with the precise wording, capitalization, and punctuation of the warnings under section 1333(a) of the FCLAA and in compliance with the requirements for placement and size of the warnings on the packaging under Section 1333(b)(1) of the FCLAA. The required warnings will appear on both the actual packages and cartons of the foregoing brand styles exactly as they appear on the samples that we submitted to FTC which meet the requirements of the cigarette act.



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

Through the date of this application, the Surgeon General’s warning on the packages for the brand styles of Global Classic and Patriot brands have been equalized in accordance with the plan. I wish to employ the option for warning label equalization provided for in Section 1332(c)(2)

of the FCLAA and display the four required warning labels an equal number of times on the packages and cartons of each of the foregoing brand styles for the one year period beginning on the date of approval of this plan.

As you are no doubt aware, Section 1332(c)(2) allows a cigarette manufacturer or importer to display the four warnings an equal number of times during the year on a brand style's packaging if the company's annual sales of that brand style are less than one-fourth (1/4th) of one percent (1%) of all of the cigarettes sold in the United States and more than half the cigarettes manufactured or imported by that company are packaged into brand styles that meet this threshold. Total sales for all brand styles for fiscal year 2015 were [REDACTED] sticks. The following is the actual sales volume for the fiscal year 2015 and we anticipate more or less the same for the calendar year 2016. Global Tobacco’s fiscal year is same as the calendar year.

1.	Global Classic Red /100’s/ Box	[REDACTED]	Sticks
2.	Global Classic Gold /100’s/Box	[REDACTED]	Sticks
3.	Global Classic Menthol /100’s/Box	[REDACTED]	Sticks
4.	Global Classic Menthol Gold /100’s/Box	[REDACTED]	Sticks
5.	Global Classic Silver /100’s/Box	[REDACTED]	Sticks
6.	Global Classic Red /Kings/Box	[REDACTED]	Sticks
7.	Global Classic Gold /Kings/Box	[REDACTED]	Sticks
8.	Global Classic Menthol /Kings/Box	[REDACTED]	Sticks
9.	Global Classic Red/100’s/Soft	[REDACTED]	Sticks
10.	Global Classic Gold/100’s/Soft	[REDACTED]	Sticks
11.	Global Classic Menthol/100’s/Soft	[REDACTED]	Sticks
12.	Global Classic Menthol Gold/100’s/Soft	[REDACTED]	Sticks
13.	Global Classic Silver/100’s/Soft	[REDACTED]	Sticks
14.	Global Classic Red /Kings/Soft	[REDACTED]	Sticks
15.	Global Classic Gold /Kings/Soft	[REDACTED]	Sticks
16.	Global Classic Menthol /Kings/Soft	[REDACTED]	Sticks
Total actual sales of Global Classic Brand			Sticks



1.	Patriot Red /100's/Soft		Sticks
2.	Patriot Gold /100's/Soft		Sticks
3.	Patriot Menthol /100's/Soft		Sticks
4.	Patriot Menthol Gold /100's/Soft		Sticks
5.	Patriot Silver /100's/Soft		Sticks
6.	Patriot Red /Kings/Soft		Sticks
7.	Patriot Gold /Kings/Soft		Sticks
8.	Patriot Menthol /Kings/Soft		Sticks
Total actual sales of Patriot Brand			Sticks
1.	Silver Cloud Red/Kings/Box		Sticks
2.	Silver Cloud Gold/ Kings/Box		Sticks
3.	Silver Cloud Menthol/Kings/Box		Sticks
Total actual sales of Silver Cloud Brand			Sticks

According to the foregoing formula, equalization per brand style is appropriate where (1) the company's annual sales of that brand style were less than one-fourth (1/4th) of one percent (1%) of all of the cigarettes sold in the United States in the previous fiscal year and (2) more than half of the cigarettes manufactured or imported by that company are packaged into brand styles that meet this low sales threshold.

Based on the foregoing sales volume, it seems that each of the foregoing brand styles qualifies for warning label equalization as our sales of each brand style were less than one-fourth (1/4th) on one percent (1%) of all of the cigarettes sold in the United States.

I will ensure that all four of the required warnings shall be equally displayed on the packs and cartons of each brand style for the coming year by equalizing the use of each warning within each shipment of each brand style such that 25% of the packs and cartons shipped per shipment per brand style will display one of the four required warnings. As set forth below, I shall cause appropriate records to be maintained demonstrating that the four required warnings are equally placed on the packs and cartons of the foregoing brand styles.



C. Records of Compliance

I represent that I will maintain records demonstrating compliance with this plan at my principal place of business.

I. ADVERTISING

Global Tobacco, LLC intends to follow the "Advertising" requirements of the FCLAA.

On November 4th, 2009 you approved Global Tobacco Company's plan for advertising for the Global Classic brand and on July 19th, 2010 you approved plan for advertising for the Patriot brand. This plan covers print advertisement not to exceed ten square feet in size.

A. Warning Label Size and Placement

The size of our advertisements will not exceed ten square feet. We will use the warnings formats that were submitted by the five leading U.S. cigarette manufacturers with their 1985 plans and we will place the warnings as specified in those plans. Accordingly, for its advertising I propose the quarterly rotation of warning labels in its advertisements set forth below.

We currently do not intend to operate a company website and do not intend to advertise our products in such website. Although a company web site (www.globaltobaccollc.com) is listed in our company letterhead, it is not functional and we do not have any plans to operate such web site in near future. However, in future, if we do operate a company website, we will submit our advertisement plans along with web-site details for FTC approval.

B. Warning Label Rotation:

We continue to maintain the following quarterly rotation schedule for advertising of the four required warning statements.

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



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

My schedule for quarterly rotation of the warnings in advertising is as follows:

	Global Classic	Patriot
First Quarter (Jan. – March)	A	B
Second Quarter (Apr. – June)	B	C
Third Quarter (July – Sept.)	C	D
Fourth Quarter (Oct. – Dec.)	D	A

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

Sincerely,

Swetha Duggirala
Regulatory Compliance Officer
Global Tobacco LLC
2861 Congressman Ln, Suite # 300
Dallas, Texas 75220
Phone: 214-357-6653 x 224
Fax: 214-357-6655



Division of
Advertising Practices

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

May 9, 2016

Ms. Swetha Duggirala
Global Tobacco, LLC
2861 Congressman Lane, Suite 300
Dallas, TX 75220

Dear Ms. Duggirala:

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 Global Tobacco, LLC ("Global Tobacco") on May 3, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Global Classic and Patriot brands of cigarettes.

Global Tobacco'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 13 and June 17, 2010 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Global Tobacco's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Sixteen varieties of the Global Classic brand: Red Kings (soft pack and hard pack), Red 100's (soft pack and hard pack), Gold Kings (soft pack and hard pack), Gold 100's (soft pack and hard pack), Menthol Kings (soft pack and hard pack), Menthol 100's (soft pack and hard pack), Menthol Gold 100's (soft pack and hard pack), and Silver 100's (soft pack and hard pack); and
- Eight soft pack varieties of the Patriot brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Menthol Kings, Menthol 100's, Menthol Gold 100's, and Silver 100's.

¹ Global Tobacco stated in its May 3, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although some of the warnings on the sample packs of the Global Classic brand initially submitted on May 13, 2010 contained capitalization errors, corrected samples were submitted on June 17, 2010.

Ms. Swetha Duggirala
May 9, 2016
Page 2

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

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

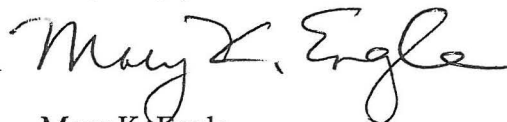
Please note that this letter only approves Global Tobacco's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and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

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

This approval is effective on the date of this letter and runs through May 8, 2017, 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

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



Liggett Group

John R. Long
Vice President & General Counsel

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

May 4, 2016

BY FEDEX

Ms. Mary K. Engle
Associate Director, Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, NW
Room NJ 3212
Washington, DC 20001

Re: Application to Renew Liggett Group Cigarette Warning Rotation Plan

Dear Ms. Engle:

Liggett Group LLC ("Liggett") hereby applies to renew its Label Statement Rotation Plan ("Plan") pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("Act"). Except for two styles of the PYRAMID brand as discussed below (which are subject to quarterly warning rotation), Liggett is applying for simultaneous rotation of the four warnings required by the Act, to be implemented in accordance with Section 2(d) of the Plan, as originally approved by the Federal Trade Commission ("FTC") on September 19, 1985.

Liggett's current rotation plan was approved by the FTC by letter dated May 20, 2015 and will expire on May 19, 2016. Liggett requests renewal of its Plan with respect to all brand styles of the following brands: BRONSON (except for the following styles which are no longer requested for approval: Silver 100's Soft Pack, Full Flavor Menthol 100's Soft Pack, and Gold Menthol 100's Soft Pack), CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID (except for PYRAMID Red 100s Box and PYRAMID Blue 100s Box), and TOURNEY (except for Blue 100's Soft Pack) as listed on Exhibit B of my enclosed affidavit. There were no 2015 sales for the Bronson and Tourney brand styles which are no longer requested for approval. This application is for a one-year period beginning on the date of approval of this application.

Through the date of this request, the Surgeon General's warnings on the packages for all of Liggett's brand styles that are approved for equalization have been equalized in accordance with the Plan. Liggett box and soft pack labels are printed in such a way that all four warnings are printed with each revolution of one printing cylinder. For the cartons, two printing cylinders are alternated during the printing process to achieve equal warnings within a single pallet of packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of the four warnings. For soft pack labels, each roll of labels contains an equal mix of the four warnings. In the

manufacturing process, packaging is taken from the pallet and loaded into the packaging equipment as it is removed from the pallet, in the order that it is on the pallet, without any attempt to adjust or control that order. Accordingly, as the pallets of packing are used in the manufacturing process, the cigarettes produced using that packaging from those pallets will bear each of the four warnings in equal numbers, subject to limitations to the commercial printing and manufacturing practices.

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

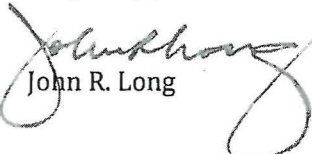
Enclosed with this letter is my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette unit sales in Liggett's most recent fiscal year (calendar year 2015). This information shows that, with the exceptions of PYRAMID Red 100s Box and PYRAMID Blue 100s Box, Liggett's sales of any one brand style did not exceed one-fourth of one percent of all cigarettes sold in the United States in 2015, and more than one-half of the cigarettes sold by Liggett were packaged into brand styles that meet this requirement. Accordingly, pursuant to the Act and the Plan, all but the two PYRAMID brand styles identified above qualify for simultaneous rotation of the four warnings required by the Act.

Except for the two PRYAMID brand styles identified above that will be subject to quarterly warning rotation, the warnings required by the Act will be printed on the packs and cartons of all other Liggett brand styles an equal number of times within the one-year period beginning on the date of approval of this application. These warnings will appear exactly as shown on the most recent sample packaging previously submitted in connection with Liggett's Plan and subsequent letters as previously approved by the FTC. This will confirm that Liggett, in the ordinary course of business, maintains records of compliance with its approved plans for packaging and advertising.

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

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

Very truly yours,

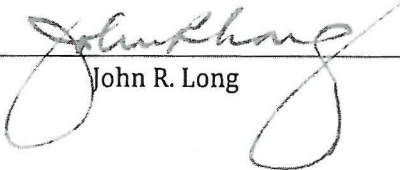

John R. Long

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF JOHN R. LONG


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

1. I am Vice President & General Counsel of Liggett Group LLC ("Liggett").
2. On August 31, 1985, Liggett filed its Label Statement Rotation Plan ("Plan") pursuant to Section 4(c) of the Federal Cigarette Labeling and Advertising Act ("Act"). The Federal Trade Commission approved the Plan on September 19, 1985 and has approved renewals of the Plan every year since then, most recently on May 20, 2015.
3. Under Section 4(c)(2)(A) of the Act and Section 2(d) of the Plan, the Surgeon General's Warnings on the packaging of a particular brand style may be rotated on a simultaneous basis if: (1) the number of cigarettes of such brand style sold in the fiscal year of Liggett preceding the submission of this application was less than one-fourth of one percent of all cigarettes sold in the United States in such year; and (2) more than one-half of the cigarettes sold by Liggett in the United States were packaged into brand styles that meet the foregoing requirement. Liggett's most recent fiscal year was calendar year 2015.
4. Attached to this affidavit as Exhibit A is a copy of The Maxwell Report for calendar year 2015. This report shows that approximately [REDACTED] cigarettes were sold in the United States during calendar year 2015. One quarter of one percent of [REDACTED] cigarettes is approximately [REDACTED] cigarettes.
5. Attached to this affidavit as Exhibit B are the sales figures for calendar year 2015 for all brand styles manufactured by Liggett. Exhibit B shows that all but two brand styles manufactured by Liggett had sales in 2015 of fewer than [REDACTED] cigarettes, and more than half of the cigarettes sold by Liggett in 2015 were packaged into brand styles that had sales in 2015 of fewer than [REDACTED] cigarettes. Accordingly, all but two Liggett brand styles are eligible for simultaneous warning rotation. The two Liggett brand styles that had sales over [REDACTED] cigarettes in calendar year 2015 and that, therefore, do not qualify for simultaneous warning rotation are PYRAMID Red 100s Box and PYRAMID Blue 100s Box.
6. Accordingly, Liggett is eligible to apply for simultaneous warning rotation as provided in Section 2(d) of the Plan. Pursuant to the Act and the Plan, all Liggett brand styles except PYRAMID Red 100s Box and PYRAMID Blue 100s Box qualify for simultaneous warning rotation. The warnings on these two PYRAMID styles will be rotated quarterly in accordance with Section 2(b) and other applicable provisions of the Plan.



John R. Long

Sworn to and subscribed before me,
this 4th day of May, 2016.



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

CAROL A HAZLEWOOD
NOTARY PUBLIC
Wake County, North Carolina
My Commission Expires 2-28-2017

EXHIBIT A

THE MAXWELL REPORT

THE MAXWELL REPORT ON THE STATE OF THE ECONOMY

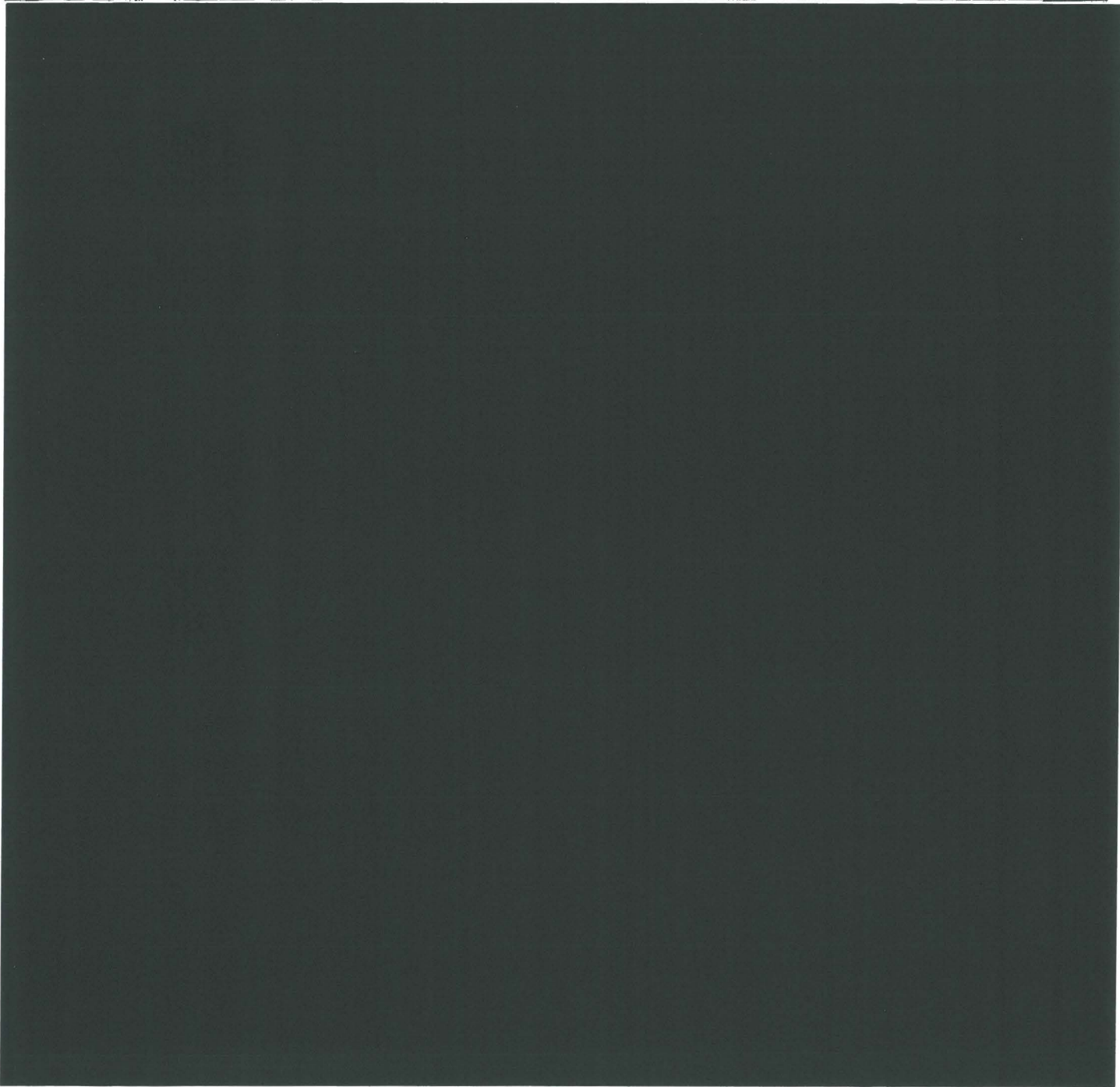


EXHIBIT A

THE MAXWELL REPORT

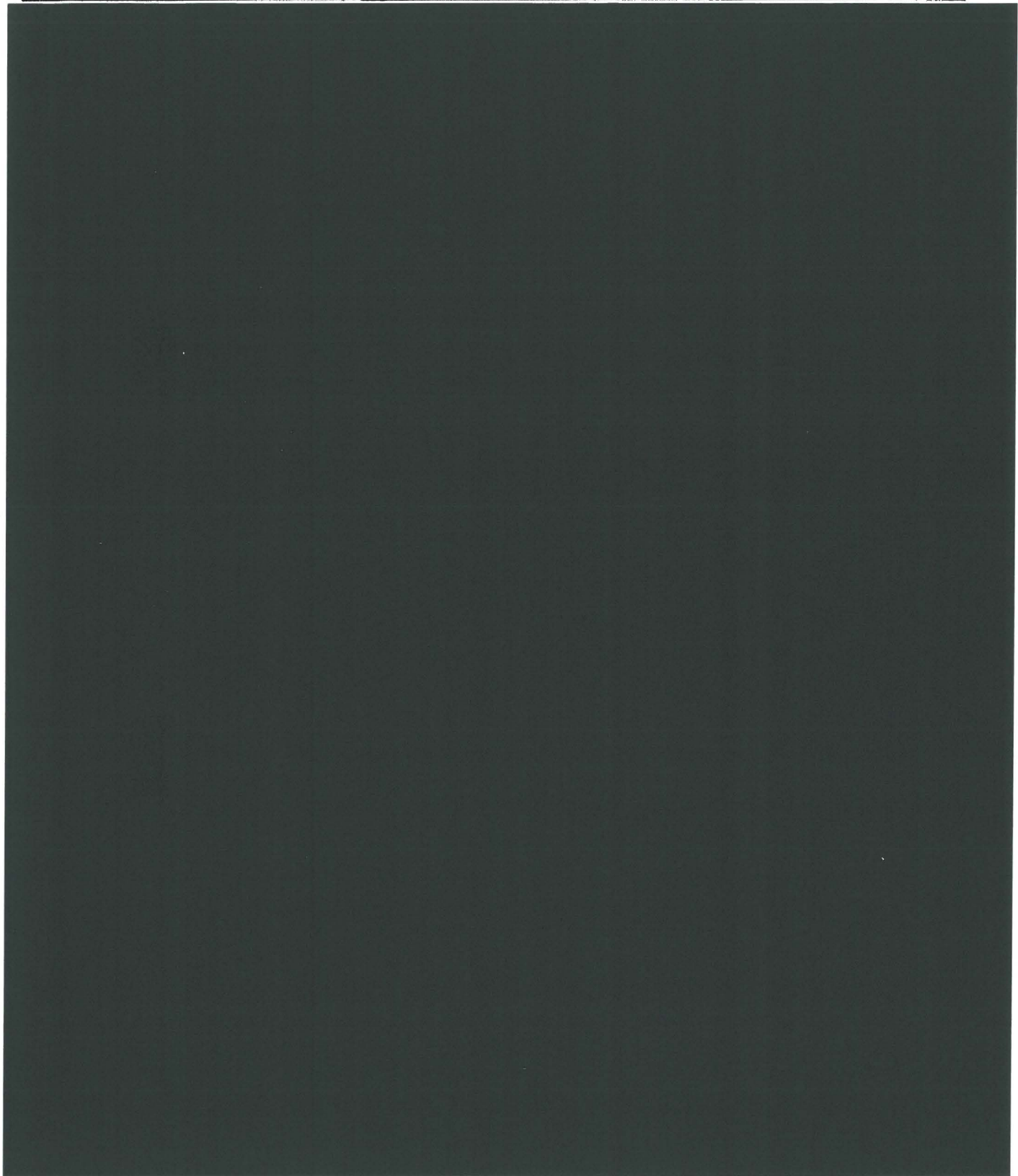


Exhibit B

**Liggett Group LLC
Application to Renew Warning Rotation Plan
May 4, 2016**

2015 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2015 Units Sold
1	BRONSON	Full Flavor Filter Kings Box	
2	BRONSON	Full Flavor Filter 100's Box	
3	BRONSON	Gold Kings Box	
4	BRONSON	Gold 100's Box	
5	BRONSON	Silver Kings Box	
6	BRONSON	Silver 100's Box	
7	BRONSON	Full Flavor Menthol Kings Box	
8	BRONSON	Full Flavor Menthol 100's Box	
9	BRONSON	Gold Menthol Kings Box	
10	BRONSON	Gold Menthol 100's Box	
	TOTAL BRONSON		
1	CLASS A	Non-Filter Kings Box	
2	CLASS A	Full Flavor Filter 100's Box	
3	CLASS A	Filter Kings Box	
4	CLASS A	Filter 100's Box	
5	CLASS A	Blue 100's Box	
6	CLASS A	Menthol Filter Kings Box	
7	CLASS A	Menthol Filter 100's Box	
8	CLASS A	Menthol Silver 100's Box	
	TOTAL CLASS A		
1	EVE	Amethyst 120's Box	
2	EVE	Sapphire 120's Box	
3	EVE	Menthol Emerald 120's Box	
4	EVE	Menthol Turquoise 120's Box	
	TOTAL EVE		
1	GRAND PRIX	Non-Filter Classic Kings Box	
2	GRAND PRIX	Filter Red Kings Box	
3	GRAND PRIX	Filter Red 100s Soft Pack	
4	GRAND PRIX	Filter Red 100s Box	
5	GRAND PRIX	Blue Kings Box	
6	GRAND PRIX	Blue 100s Soft Pack	
7	GRAND PRIX	Blue 100s Box	
8	GRAND PRIX	Orange 100s Soft Pack	
9	GRAND PRIX	Orange 100s Box	
10	GRAND PRIX	Menthol Gold Kings Box	
11	GRAND PRIX	Menthol Gold 100s Box	
12	GRAND PRIX	Menthol Silver 100s Soft Pack	
13	GRAND PRIX	Menthol Silver 100s Box	
	TOTAL GRAND PRIX		
1	LIGGETT SELECT	Non-Filter Kings Box	
2	LIGGETT SELECT	Red Kings Box	
3	LIGGETT SELECT	Red 100's Soft Pack	
4	LIGGETT SELECT	Red 100's Box	
5	LIGGETT SELECT	Gold Kings Box	
6	LIGGETT SELECT	Gold 100's Soft Pack	
7	LIGGETT SELECT	Gold 100's Box	
8	LIGGETT SELECT	Silver 100's Soft Pack	

Exhibit B

Liggett Group LLC
 Application to Renew Warning Rotation Plan
 May 4, 2016

2015 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2015 Units Sold
9	LIGGETT SELECT	Silver 100's Box	
10	LIGGETT SELECT	Menthol Gold Kings Box	
11	LIGGETT SELECT	Menthol Gold 100's Box	
12	LIGGETT SELECT	Menthol Silver Kings Box	
13	LIGGETT SELECT	Menthol Silver 100's Soft Pack	
14	LIGGETT SELECT	Menthol Silver 100's Box	
	TOTAL LIGGETT SELECT		
1	MONTEGO	Full Flavor Kings Box	
2	MONTEGO	Full Flavor 100's Box	
3	MONTEGO	Gold Kings Box	
4	MONTEGO	Gold 100's Box	
5	MONTEGO	Blue 100's Box	
6	MONTEGO	Menthol Kings Box	
7	MONTEGO	Menthol Silver Kings Box	
8	MONTEGO	Menthol Silver 100's Box	
	TOTAL MONTEGO		
1	PYRAMID	Non-Filter Kings Box	
2	PYRAMID	Red Kings Box	
3	PYRAMID	Red 100s Box	
4	PYRAMID	Blue Kings Box	
5	PYRAMID	Blue 100s Box	
6	PYRAMID	Orange Kings Box	
7	PYRAMID	Orange 100s Box	
8	PYRAMID	Menthol Gold Kings Box	
9	PYRAMID	Menthol Gold 100s Box	
10	PYRAMID	Menthol Silver Kings Box	
11	PYRAMID	Menthol Silver 100s Box	
	TOTAL PYRAMID		
1	TOURNEY	Non-Filter Kings Box	
2	TOURNEY	Full Flavor Kings Box	
3	TOURNEY	Full Flavor 100's Soft Pack	
4	TOURNEY	Full Flavor 100's Box	
5	TOURNEY	Gold Kings Box	
6	TOURNEY	Gold 100's Soft Pack	
7	TOURNEY	Gold 100's Box	
8	TOURNEY	Blue 100's Box	
9	TOURNEY	Menthol Full Flavor Kings Box	
10	TOURNEY	Menthol Full Flavor 100's Box	
11	TOURNEY	Menthol Gold Kings Box	
12	TOURNEY	Menthol Gold 100's Soft Pack	
13	TOURNEY	Menthol Gold 100's Box	
14	TOURNEY	Slims Blue 120's Box	
15	TOURNEY	Slims Rose 120's Box	
16	TOURNEY	Slims Menthol Teal 120's Box	
	TOTAL TOURNEY		



Division of
Advertising Practices

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

May 17, 2016

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

Dear Mr. Long:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Liggett Group LLC (“Liggett”) on May 4, 2016 calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronson, Class A, Eve, Grand Prix, Liggett Select, Montego, Pyramid, and Tourney brands of cigarettes.

Liggett’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, with the exception of the Pyramid Red 100’s Box and Pyramid Blue 100’s Box varieties,¹ and the warnings on the sample packs and cartons submitted with your letters on the following dates continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:²

<u>Brand</u>	<u>Date(s)</u>
Bronson	March 2, 2006
	May 4, 2010
	June 2, 2010
	September 21, 2010
	October 13, 2011
	January 29, 2013

¹ The Pyramid Red 100’s Box and Pyramid Blue 100’s Box varieties are subject to quarterly rotation, which does not require annual approval.

² Liggett stated in its May 4, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Class A	February 7, 2000 May 4, 2010 October 13, 2011 January 29, 2013
Eve	May 4, 2010
Grand Prix	May 4, 2010 October 13, 2011
Liggett Select	May 4, 2010 June 2, 2010 October 13, 2011
Montego	April 3, 2006 May 4, 2010 June 2, 2010
Pyramid	May 4, 2010 February 23, 2011
Tourney	November 30, 2005 May 4, 2010 October 13, 2011 January 29, 2013

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

- Ten Box varieties of the Bronson brand: Full Flavor (Kings and 100's), Full Flavor Menthol (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), and Gold Menthol (Kings and 100's);
- Eight Box varieties of the Class A brand: Non-Filter Kings, Full Flavor 100's, Filter Kings, Filter 100's, Menthol Filter Kings, Menthol Filter 100's, Blue 100's, and Menthol Silver 100's;
- Four Box varieties of the Eve brand: Amethyst 120's, Sapphire 120's, Menthol Emerald 120's, and Menthol Turquoise 120's;
- Thirteen varieties of the Grand Prix brand: Non-Filter Classic Kings Box, Filter Red Kings Box, Filter Red 100's (Soft Pack and Box), Blue Kings Box, Blue 100's (Soft Pack and Box), Orange 100's (Soft Pack and Box), Menthol Gold Box (Kings and 100's), and Menthol Silver 100's (Soft Pack and Box);

John R. Long, Esq.

May 17, 2016

Page 3

- Fourteen varieties of the Liggett Select brand: Non-Filter Kings Box, Red Kings Box, Red 100's (Soft Pack and Box), Gold Kings Box, Gold 100's (Soft Pack and Box), Silver 100's (Soft Pack and Box), Menthol Gold Box (Kings and 100's), Menthol Silver Kings Box, and Menthol Silver 100's (Soft Pack and Box);
- Eight Box varieties of the Montego brand: Full Flavor (Kings and 100's), Gold (Kings and 100's), Blue 100's, Menthol Kings, and Menthol Silver (Kings and 100's);
- Nine Box varieties of the Pyramid brand: Non-Filter Kings, Red Kings, Blue Kings, Orange (Kings and 100's), Menthol Gold (Kings and 100's), Menthol Silver (Kings and 100's); and
- Sixteen varieties of the Tourney brand: Non-Filter Kings Box, Full Flavor Kings Box, Full Flavor 100's (Soft Pack and Box), Gold Kings Box, Gold 100's (Soft Pack and Box), Blue 100's Box, Menthol Full Flavor Box (Kings and 100's), Menthol Gold Kings Box, Menthol Gold 100's (Soft Pack and Box), Slims Rose 120's Box, Slims Blue 120's Box, and Slims Menthol Teal 120's Box.

This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission has most recently approved.

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

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

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

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

John R. Long, Esq.
May 17, 2016
Page 4

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

This approval is effective on the date of this letter and runs through May 16, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in black ink and is positioned above the printed name and title.

Mary K. Engle
Associate Director



A Division of H.C. Coors, Inc.

Mary K. Engle
Associate Director, Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW
MailDrop CC-10528
Washington, DC 20580
Attn: William Ducklow

May 6, 2016

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

Dear Ms. Engle & Ms. McGregor:

Please find enclosed Rock River Manufacturing amendment of its existing warning label advertising plan for Silver Cloud brands of cigarettes. Rock River Manufacturing had previously been approved for advertng on July 10, 2015.

I ADVERTISING

In internet advertising, the warnings will be displayed in an unavoidable manner on every webpage, where it may be viewed without scrolling, and shall not be accessed by hyperlinks, pop-ups, interstitials, or other similar means. We will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and the size of the warnings shall be proportionate to those warning formats. The warnings will be rotated quarterly according to the schedule set out Below/Above. Attached to this letter as attachment 1 are sample webpages showing the placement of the warnings on our website.

A. Warning Label Size and Placement

Accordingly, for its advertising, Rock River proposes the quarterly rotation of warnings labels in its advertisements set forth in the schedule below.

Rock River does not advertising the Seneca, Couture, or Opal brands.

B. Warning Label Rotation



A Division Of He-Chek, Inc.

Rock River will maintain the following quarterly rotation schedule for advertising of the Silver Cloud brand using the four required warning statements.

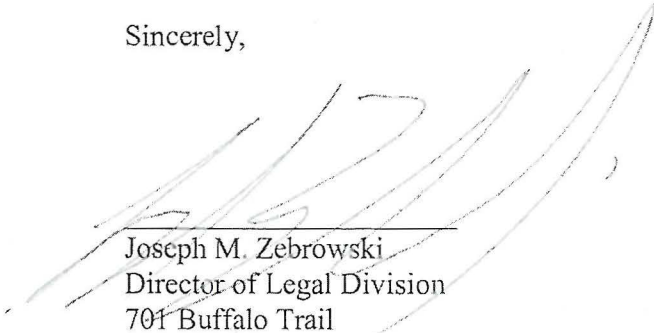
- A. SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema And May Complicate Pregnancy.
- B. SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
- C. SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature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

The schedule for quarterly rotation of the warnings in advertising is as follows:

First Quarter	(January- March):	A
Second Quarter	(April – June):	B
Third Quarter	(July-September):	C
Fourth Quarter	(October-December):	D

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

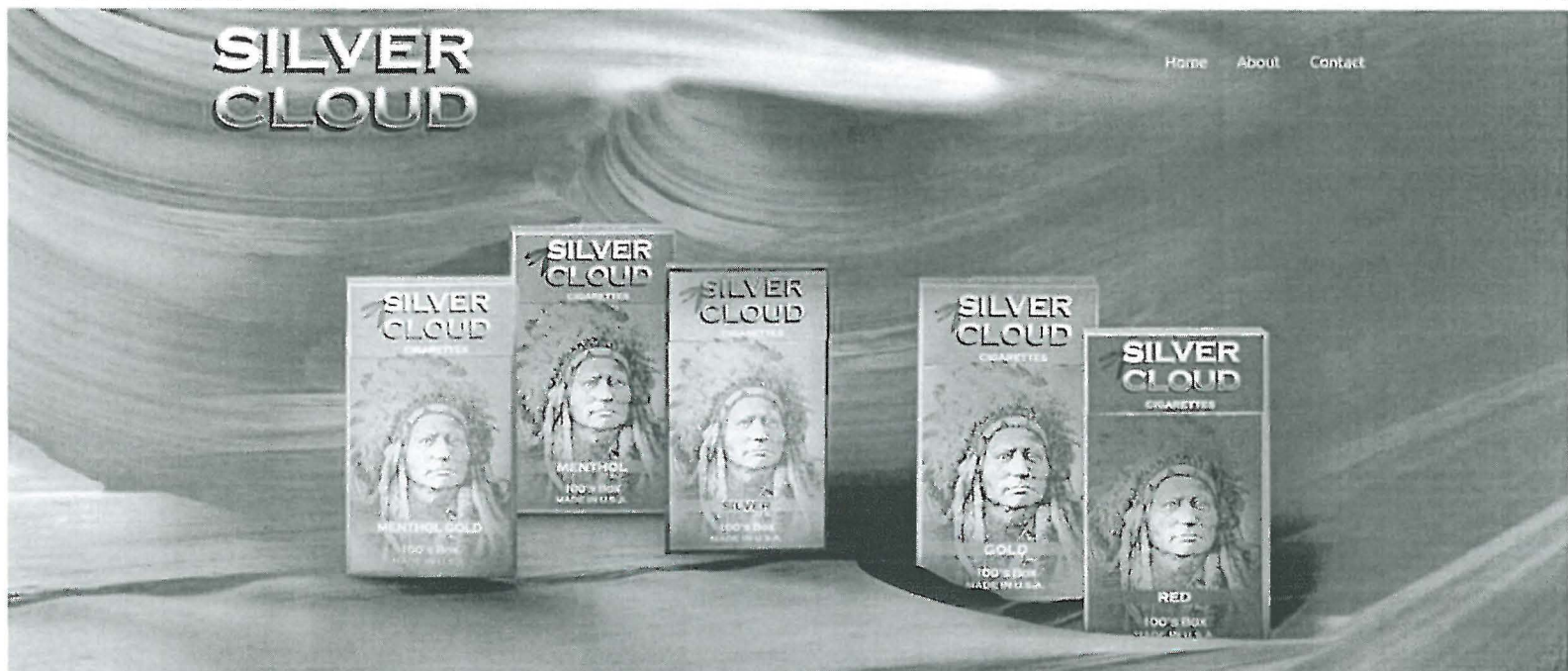
Sincerely,



Joseph M. Zebrowski
Director of Legal Division
701 Buffalo Trail
Winnebago, NE 68071
Phone: 402-878-2300

SILVER CLOUD

[Home](#) [About](#) [Contact](#)

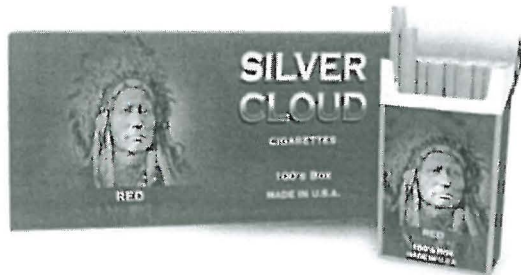


SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.

Affordable

Satisfying

Popular



SILVER CLOUD

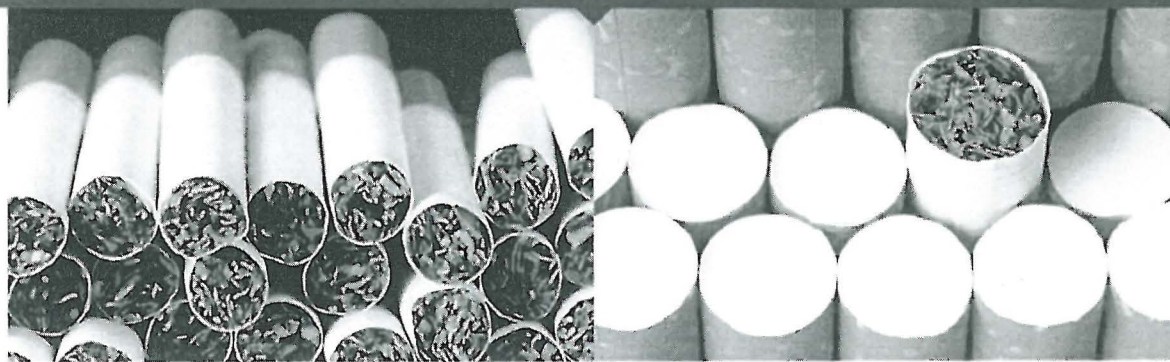
The Silver Cloud brand is a product of Rock River Manufacturing, a subsidiary of Ho-Chunk Trading Group. The Ho-Chunk Trading Group is a division of Ho-Chunk, Inc., the award-winning economic development corporation owned by the Winnebago Tribe of Nebraska.

We are proud to bring your customers a quality tobacco selection that provides a smooth satisfying flavor, burns longer and is more economical than both premium brands and higher priced Native brands.

Proudly Made in Native America

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

A satisfying smoke at an affordable price.



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

SILVER
CLOUD

Home About Contact



For more information, call 877-846-6805

Visit our partners



Must be 18 to enter this site. Nation to nation transactions do not automatically exempt entities, including Indian Nations or businesses operating in Indian Country, from their reporting obligations or paying state cigarette excise taxes. Unless expressly exempted by law, state and local cigarette taxes apply. Customers should consult a knowledgeable attorney about their tax and reporting obligations.

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



Manufacturing Quality Tribal Tobacco Products.



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



Rock River Manufacturing is proud to own and manufacture popular Tribal tobacco brands including Silver Cloud cigarettes; Fire Dance filtered and flavored cigars; One Spirit filtered and flavored cigars; and Fire Dance and One Spirit pipe tobacco.

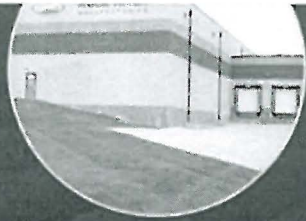


Our state-of-the-art facilities, efficient operations and industry expertise ensure all of our products are produced with the highest quality control and freshness.

For more information on our quality products, please visit hochunktradinggroup.com or to order, please visit hcidistribution.com.



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



Our state-of-the-art facilities, efficient operations and industry expertise ensure all of our products are produced with the highest quality control and freshness.

For more information on our quality products, please visit hochunkradingroup.com or to order, please visit hcidistribution.com.

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©ROCK RIVER MFG.

Nation to nation transactions do not automatically exempt entities, including Indian Nations or businesses operating in Indian Country, from their reporting obligations or paying state cigarette excise taxes. Unless expressly exempted by law, state and local cigarette taxes apply. Customers should consult a knowledgeable attorney about their tax and reporting obligations.

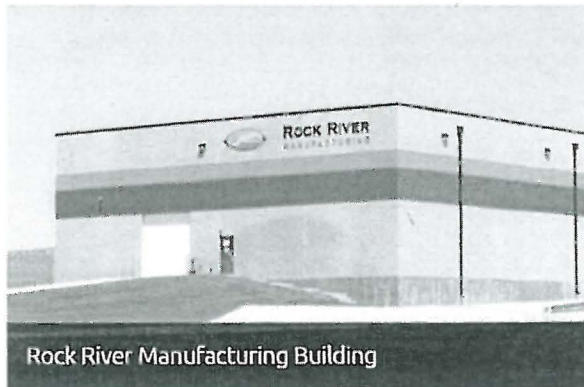


SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.





About us



Rock River Manufacturing Building

Rock River Manufacturing is a subsidiary of the Ho-Chunk Trading Group, a division of Ho-Chunk, Inc., the award-winning economic development corporation of the Winnebago Tribe of Nebraska.

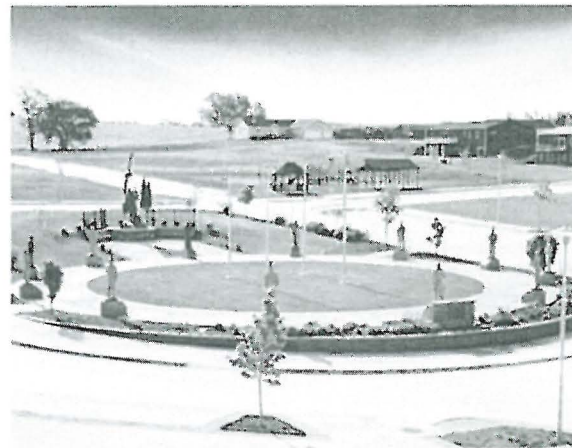
Rock River was launched in 2012 to provide economic opportunity and job opportunities for Tribal members on the Winnebago Reservation. The company maintains a state-of-the-art 14,000 square foot facility in the Ho-Chunk Village on the Reservation.

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



Ho-Chunk Village features a mixed use residential and commercial development launched in 2003. The Village features multi-family and single family private homes offering Tribal members the opportunity for home ownership for the first time in the history of their family.

Revenues from Rock River and other Ho-Chunk, Inc. subsidiaries help develop the Village and provide other needed economic development throughout the Winnebago Reservation.

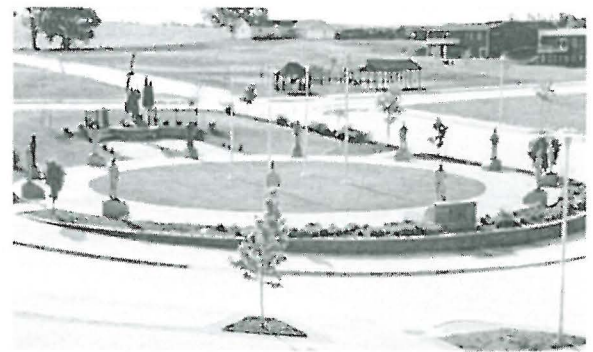


SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.



single family product manufacturing opportunities are opportunity for home ownership for the first time in the history of their family.

Revenues from Rock River and other Ho-Chunk, Inc. subsidiaries help develop the Village and provide other needed economic development throughout the Winnebago Reservation.



Nation to nation transactions do not automatically exempt entities, including Indian Nations or businesses operating in Indian Country, from their reporting obligations or paying state cigarette excise taxes. Unless expressly exempted by law, state and local cigarette taxes apply. Customers should consult a knowledgeable attorney about their tax and reporting obligations.

SURGEON GENERAL'S WARNING Cigarette Smoke Contains Carbon Monoxide.



for home ownership for the first time
Revenues from Rock River and other
develop the Village and provide other
throughout the Winnebago Reservat

509 Reuben Snake Ave.
Winnebago, NE 68071
Phone: 402.878.4003
Fax: 402.878.2919
Email: Info@RockRiverMfg.com



Nation-to-nation transactions do not automatically exempt entities, including Indian Nations or businesses operating in Indian Country, from their reporting obligations or paying state cigarette excise taxes. Unless expressly exempted by law, state and local cigarette taxes apply. Customers should consult a knowledgeable attorney about their tax and reporting obligations.

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



Division of
Advertising Practices

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

May 23, 2016

Mr. Joseph M. Zebrowski
Rock River Manufacturing
701 Buffalo Trail
Winnebago, NE 68071

Dear Mr. Zebrowski:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Rock River Manufacturing ("Rock River") on May 6, 2016, calling for quarterly rotation of the four health warnings in Internet advertising for the Silver Cloud brand of cigarettes.

Rock River's plan for rotation and display of the four health warnings in the aforementioned advertising for the Silver Cloud brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Lashanda Freeman at 202-307-0052) to determine whether such advertising on the Internet is permissible.

Please note that this letter is not an approval of any statement or representation made in advertising for Rock River's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Rock River's advertising and packaging under the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

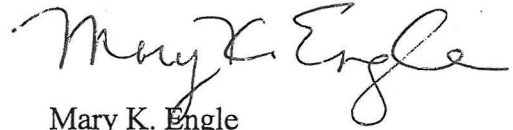
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

Mr. Joseph M. Zebrowski
May 23, 2016
Page 2

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

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

Very truly yours,

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

Mary K. Engle
Associate Director



May 4, 2016

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 REVISIONS 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 the packs and cartons for the following six brand styles of Winston, which are identified below:

Winston Red 100s Box
Winston Red King Box
Winston Gold 100s Box
Winston Gold King Box
Winston White 100s Box
Winston White King Box

Sample packs and cartons are included with this submission for your review and approval.

The revision is being requested as the pack and carton packaging has been redesigned to (i) update certain design elements; and (ii) reposition certain information such as the brand identification. The new packs and cartons for the above six brand styles of Winston will replace 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 herein. 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. If approved, ITG Brands expects to begin utilizing the packs and cartons submitted herein during the 3rd calendar quarter of 2016 and beginning October 1, 2016, ITG Brands will only use the packs and cartons submitted herein for the foregoing six brand styles of Winston. ITG Brands will continue



Winston
NATURALLY SMOOTH

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.



GOLD 100'S

3005147
WN/C



Winston
NATURALLY SMOOTH



GOLD 100'S



Winston
NATURALLY SMOOTH



Winston
NATURALLY SMOOTH

UNDERAGE
SALE
PROHIBITED



Questions? Comments?
CALL 1-866-233-6527
OR VISIT winstoncigarettes.com
PLEASE DON'T LITTER

PLEASE DON'T LITTER

UNDERAGE SALE PROHIBITED

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

Winston
NATURALLY SMOOTH

ITG Brands LLC
Greensboro, NC
27420 USA

Questions? Comments?
CALL 1-866-233-6527
OR VISIT winstoncigarettes.com

200 Class A Cigarettes

NATURALLY SMOOTH

Winston



RED BOX



Winston
NATURALLY SMOOTH

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

RED BOX



Winston



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

Division of
Advertising Practices

May 26, 2016

Ms. Katherine Ciabrone
Sr. Vice President and Chief Compliance Officer
ITG Brands, LLC
714 Green Valley Road
Greensboro, NC 27408

Dear Ms. Ciabrone:

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 for certain varieties of the Winston, Salem, Kool, and Maverick brands of cigarettes was approved on June 12, 2015. Your August 31, 2015 request to expand your plan for quarterly rotation of the four health warnings on packaging to include additional varieties of the Winston brand, and to modify the packaging for the Winston, Salem, Kool, and Maverick brands of cigarettes, was approved on September 2, 2015. Your November 3, 2015 request to modify the cartons for certain varieties of the Winston brand was approved on November 12, 2015.

By letter dated May 4, 2016, you now propose to further modify the packs and cartons for certain varieties of the Winston brand of cigarettes.

The warnings on the sample packs and cartons for the Red Box (Kings and 100’s), Gold Box (Kings and 100’s), and White Box (Kings and 100’s) varieties of the Winston brand submitted with your May 4, 2016 letter continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

Please note that this letter only approves ITG’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 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

Ms. Katherine Ciambrone
May 26, 2016
Page 2

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

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

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

Very truly yours,

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

Mary K. Engle
Associate Director

PIÑERA-VAZQUEZ LAW FIRM
Professional Association

CCM International Center
1900 Southwest 3rd Avenue
Miami, Florida 33129
305.443.0629 telephone
305.858.6272 facsimile
sbp@pineravazquezlaw.com

May 26, 2016

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

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

Dear Ms. Engle:

On behalf of our client, R.G. Logistics, Inc. ("RG Logistics"), we submit the Surgeon General Rotation plan as required under the Federal Cigarette Labeling and Advertising Act of 1984. *See* 15 U.S.C. §1331, *et. seq.* The rotation plan for the "Future" brand cigarettes was previously approved on February 13, 2015. The director of RG Logistics is Richard Garcia, telephone number 305-887-2914, and the corporate address is 9771 N.W. 91st Court, Medley, Florida 33178. The cigarettes covered by the proposed plan are cigarettes that will be manufactured in the United States, are produced to our client's specifications, and are complete with the health warnings that comply with the Surgeon General warning language set forth in the statute.

The cigarettes covered by this plan are the "Future" brand; (1) Future Red 100 mm (hard pack in red packaging); (2) Future Gold 100 mm (hard pack); (3) Future Menthol 100 mm (hard pack in green packaging); (4) Future Menthol Mild 100 mm (hard pack in light green packaging); (5) Future Silver 100 mm (hard pack); (6) Future King (hard pack in red packaging); (7) Future King Gold (hard pack); (8) Future King Menthol (hard pack in green packaging); and (9) Future King Menthol Mild (hard pack in light green packaging). The color name is not indicated in the package, but is indicated of the packaging color. Our client anticipates that the volume of "Future" brand cigarettes sold in fiscal year 2016 will not exceed [REDACTED] sticks of any single brand style. RG Logistics uses the calendar year as its fiscal year. The warnings will appear exactly as shown on the samples provided with our letter of November 14, 2014. The "Future" brand is not a new brand and RG Logistics is not seeking approval of soft packs at this time, nor does it have any soft pack inventory for sale.

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

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

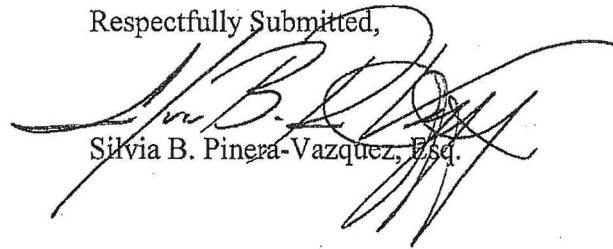
RG Logistics will maintain records of compliance with the approved plan. RG Logistics will ensure that the cigarettes are manufactured to meet all United States packaging requirements including the location and display of the Surgeon General's Health Warning. The four health warnings to be used in equal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

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

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

On behalf of our client, RG Logistics, we submit that the foregoing complies with the requirements set forth in the Federal Cigarette Labeling and Advertising Act, as amended, and request expedited approval of this request. Should you require any additional information with respect to the foregoing, please contact the undersigned.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Silvia B. Pinera-Vazquez', with a large, stylized flourish extending to the right.

Silvia B. Pinera-Vazquez, Esq.



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

Division of
Advertising Practices

May 26, 2016

Silvia B. Piñera-Vazquez, Esq.
Piñera-Vazquez Law Firm
CCM International Center
1900 Southwest 3rd Avenue
Miami, FL 33129

Dear Ms. Piñera-Vazquez:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of R.G. Logistics, Inc. (“R.G. Logistics”), on May 26, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Future brand of cigarettes.

R.G. Logistics’ sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated November 14, 2014 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, R.G. Logistics’ plan for simultaneous display of the four health warnings on packaging is hereby approved for the following nine hard pack varieties of Future brand: Red 100’s, Kings (in red packaging), Gold 100’s, Gold Kings, Silver 100’s, Menthol 100’s (in dark green packaging), Menthol Kings (in dark green packaging), Menthol Mild 100’s (in light green packaging), and Menthol Mild Kings (in light green packaging).¹

¹ As set forth in its May 26, 2016 letter, R.G. Logistics is using colors to identify a number of its cigarette varieties (*e.g.*, “Future Silver 100’s”). We note that the color names are not printed on the packaging (*e.g.*, the word “Silver” does not appear on the packaging of the “Future Silver 100’s” variety); however, the color used for a variety’s name does conform to the color used in its packaging. We also note that the words “menthol” and “mild” are not printed on the packaging of those varieties.

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

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

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

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

This approval is effective on the date of this letter and runs through May 25, 2017, 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

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

S&M BRANDS, INC.



3662 Ontario Road
Keysville, VA 23947

Toll Free: 1 (800) 766-5342
Phone: (434) 736-2130
Fax: (434) 736-0744

www.SMBRANDS.com

April 13, 2016

Mary K. Engle
Associate Director of Advertising Practices
Federal Trade Commission
601 New Jersey Ave NW, Room # NJ 3212
Washington, D.C. 20580
Via UPS Overnight

Re: Federal Trade Commission ("FTC") Health Warning/Advertising Rotation plan for S&M Brands, Inc. makers of Bailey's Cigarette, Tahoe Cigarettes, Riverside Cigarettes, and Valu Time Cigarettes

Dear Ms. Engle:

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

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

By letter dated January 11, 2010 the Company proposed to change the names of a variety of the Bailey's, Tahoe, and Riverside brand styles of cigarettes, and modify the packaging accordingly. The FTC approved the Amended Plan via letter dated January 12, 2010.

By letter dated August 31, 2010 the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, and Riverside cigarette brands. The company proposed to change the names of a variety of the Valu Time brand styles of cigarettes, and modify the packaging accordingly. The FTC approved the Plan via letter dated August 31, 2010.

By letter dated August 23, 2012 the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time cigarette brands with no changes made to its plan. The FTC approved the Plan via letter dated August 23, 2012.

By letter dated August 21, 2013 the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time cigarette brands. The FTC approved the Plan via letter dated August 22, 2013

By letter dated May 20, 2014 the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time cigarette brands. The FTC approved the Plan via letter dated July 31, 2014.

By letter dated May 13, 2015 the Company sought approval for the display of the four health warning on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Cigarette brands. The FTC approved the Plan via letter dated June 9, 2015.

INNOVATION THROUGH FIVE GENERATIONS OF TRADITION

Bailey's

TAHOE

Riverside

LEX12

CONTACT™



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

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

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

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

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

With our letters dated November 23, 2009 and November 2, 2009 the Company enclosed samples of all Bailey's, Tahoe, and Riverside cigarette brand styles including all four health warnings for each style that the Company will be manufacturing. The warnings will appear exactly as shown on those samples. With the Company's August 4, 2010 letter the Company enclosed samples of all of the Valu Time cigarette brand styles that the Company will be manufacturing including all four health warnings for each style. The warnings for those brand styles will appear exactly as shown on the samples enclosed with that letter. Additional samples of Bailey's, Tahoe, Riverside, and Valu Time materials are available upon request, but the warnings that our Company uses will continue to appear exactly as on the exemplars previously provided to and approved by the FTC.

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

As a small manufacturer, under our reading of applicable law, S&M Brands, Inc. has qualified (and we believe still qualifies) to have a Plan to simultaneously display the four health warnings on cigarette packaging. The four warnings will appear an equal number of times on the packs and cartons for each brand style of Bailey's, Tahoe, Riverside, and Valu Time brand cigarettes for a one year period beginning on the date of approval of this Plan. The technology used by our packaging supplier allows all packaging to arrive at our factory already equalized. We have two types of soft pack packing machines which use either roll wraps (GDX1 machine) or cut wraps (AMF 379 machines) and one hard pack packing machines (GDX2) that uses box blanks that are similar to the cut wraps. The roll wraps are printed with the required warnings on packages in sequential order of 123 then 234 then 412, then 134 as the technology does not allow all 4 warnings on the roll. The supplier of the cut wraps and the box blanks provides an equal number of warnings per box and the box is exhausted before another box is opened. The Company ensures equalization by making certain there are no open boxes of cut wraps or box

blanks at the end of the year. The carton packaging comes from the supplier in stacks of 500 per warning on a pallet containing 28,000. Stacks of 500 cartons per warning are run thru the machine in sets of 2000 so that all four Surgeon General Warnings are used in equal numbers. If at the end of the year the Company realizes that equalization may not be occurring the Company will take steps to make sure an equal number of each of the four health warnings have appeared on each brand style of cigarettes. All of these methods ensure equalization in the field. We will keep records demonstrating compliance with this Plan.

Our sales by fiscal year are summarized in the chart below. Our fiscal year is the same as the calendar year. For fiscal year 2015 our actual sales are reported below. For fiscal years 2016 and 2017 our anticipated sales are reported below. The figures represent individual sticks sold.

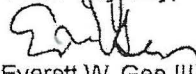
Volume in Sticks

Year	Bailey's	Tahoe	Valu Time	Riverside
2015				
2016				
2017				

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

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

Yours very truly,



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

cc: Mr. Malcolm L. Bailey, CEO

¹ Stick number breakdown by style: **Tahoe soft packs** are: King Size: Filter [redacted], Gold [redacted], Sky Blue [redacted], Menthol [redacted], and Evergreen Menthol [redacted]; 100's Size: Filter [redacted], Gold [redacted], Sky [redacted], Menthol [redacted], and Evergreen Menthol [redacted]. **Tahoe hard packs** are: King Size: Filter [redacted] and Gold [redacted].

² Stick number breakdown by style: **Tahoe soft packs** are: King Size: Filter [redacted], Gold [redacted], Sky Blue [redacted], Menthol [redacted], and Evergreen Menthol [redacted]; 100's Size: Filter [redacted], Gold [redacted], Sky [redacted], Menthol [redacted], and Evergreen Menthol [redacted]. **Tahoe hard packs** are: King Size: Filter [redacted] and Gold [redacted].

³ Stick number breakdown by style: **Tahoe soft packs** are: King Size: Filter [redacted], Gold [redacted], Sky Blue [redacted], Menthol [redacted], and Evergreen Menthol [redacted]; 100's Size: Filter [redacted], Gold [redacted], Sky [redacted], Menthol [redacted], and Evergreen Menthol [redacted]. **Tahoe hard packs** are: King Size: Filter [redacted] and Gold [redacted].

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

**ROTATION PLAN FOR
ADVERTISING AND PROMOTIONAL MATERIALS**

Bailey's Brand

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

Tahoe Brand

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

Riverside Brand

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

Valu Time Brand

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

The warnings are as follows:

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



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

Division of
Advertising Practices

June 2, 2016

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

Dear Mr. Gee:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed the proposed plan filed by S&M Brands, Inc. (“S&M Brands”) on April 13, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bailey’s, Tahoe, Riverside, and Valu Time brands of cigarettes.

S&M Brands’ sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated November 2 and November 23, 2009 (Bailey’s, Tahoe, and Riverside) and August 4, 2010 (Valu Time) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

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

¹ S&M Brands stated in its April 13, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Mr. Everett W. Gee, III

June 2, 2016

Page 2

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

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

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

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

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

Mr. Everett W. Gee, III
June 2, 2016
Page 3

This approval is effective on the date of this letter and runs through June 1, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in dark ink and is positioned to the right of the typed name.

Mary K. Engle
Associate Director



May 24, 2016

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

Dear Mary Engle:

Please consider this letter as Lake Erie Tobacco Company's ("LET") submission of its rotational warning plan for the "31" brand of cigarettes that will be marketed, manufactured and distributed by our company.

LET is a cigarette and other tobacco products manufacturer located at 6564 Route 417 Kill Buck, NY 14748. The Chief Executive Officer of Lake Erie Tobacco Company is Bryan Porter.

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

Styles and Flavors

This proposed plan covers the following "31" brand styles:

"31" Full Flavor 100 Box
"31" Menthol 100 Box

Sample packaging for each of the packs and cartons of the two brand styles listed above was submitted with our May 4, 2016 letter.

We have carefully read the Act and feel our products will be in full compliance with the "Cigarette Act" Warning Label Display Requirements. As a new cigarette manufacturer we have no previous sales.

We will display the four health warnings on the "31" brand of cigarettes an equal number of times throughout the plan year (the alternative to quarterly rotation). We anticipate that we will begin manufacturing and selling the "31" brand of cigarettes in 2016. Our anticipated sales volume for the "31" brand of cigarettes is [REDACTED] sticks per year.

Our proposed plan for compliance with the "Cigarette Act" is to have our supplier, HSM Packaging, run the four warning labels simultaneously with each other. The four warnings will be displayed on the packs and cartons of each brand style an equal number of times during the

one year period following the date of approval of this plan by the Federal Trade Commission. The warnings will appear exactly as shown on the sample packs and cartons submitted with our May 4, 2016 letter. This shows how the warnings will appear on the "31" Full Flavor 100's and "31" Menthol 100's box brand styles.

Label Statements and Rotation Plan

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

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

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

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

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

ADVERTISING

We are also requesting approval of our plan to advertise the "31" brand of cigarettes, and refer to the Schedule for Warnings in Advertisements from the FTC's Memorandum to Potential Cigarette Manufacturers and Importers (<https://www.ftc.gov/public-statements/2011/03/memorandum-potential-cigarette-manufacturers-importers>). We will use the warning formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and we will place the warnings as specified in those plans. The warnings will be rotated quarterly according to the schedule set out below. Copies of the formats that we will be using are attached. The size of our advertisements shall not exceed 160 square feet.

Our advertising will correspond to the following schedule:

Schedule for Quarterly Rotation
"31" Brand

1 st Quarter (Jan-Mar)	A
2 nd Quarter (Apr-June)	B
3 rd Quarter (July-Sept)	C
4 th Quarter (Oct-Dec)	D

The Warnings are as follows:

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

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

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

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

We will maintain records of compliance for this plan.

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

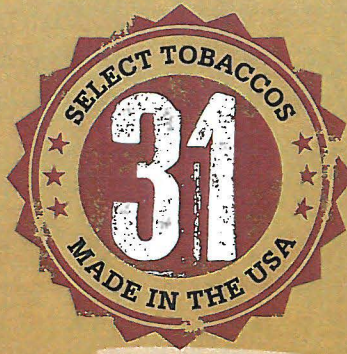
Yours truly,

A handwritten signature in black ink, appearing to be 'BP' with a large loop at the bottom left.

Bryan Porter

Selected packaging samples from those
submitted with the plan.

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



MADE IN
USA
LAKE ERIE
TOBACCO CO.
TP-NY-15D11



FULL FLAVOR



FULL FLAVOR
100's

FULL FLAVOR



FULL FLAVOR

100's

CTP0416 4/2
#60021 128-11G
KSA

FULL FLAVOR
100's



UNDERAGE
SALE
PROHIBITED

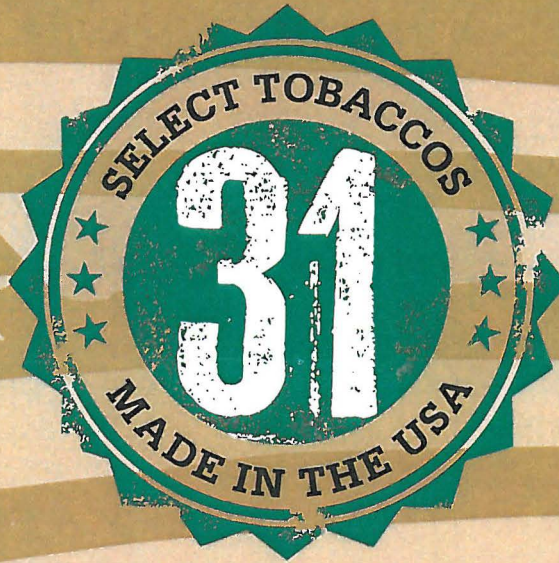
100's

20 CLASS A
CIGARETTES

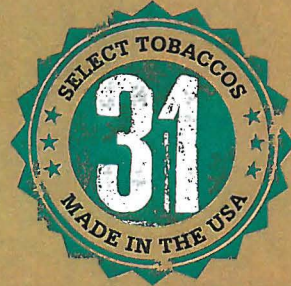
FULL FLAVOR

10 HARD PACKS

UNDERAGE SALE
PROHIBITED



MENTHOL 100's



MENTHOL 100's

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

MADE IN
USA
LAKE ERIE
TOBACCO CO.
TP-NY-15011



MENTHOL 100's





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

Division of
Advertising Practices

June 6, 2016

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

Dear Mr. Porter:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Lake Erie Tobacco Company (“Lake Erie”) on May 24, 2016, calling for: (1) quarterly rotation of the four health warnings in advertising up to one hundred sixty square feet in size for the “31” brand; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “31” brand of cigarettes.

Lake Erie’s plan for rotation of the warnings in advertising up to one hundred sixty square feet in size for the “31” brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

Lake Erie’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with Lake Erie’s letter dated May 4, 2016 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Lake Erie’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following two varieties of the “31” brand: Full Flavor 100’s box and Menthol 100’s box.

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

¹ Lake Erie stated in its May 24, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on May 4, 2016.

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

Mr. Bryan Porter
June 6, 2016
Page 2

Please note that this letter only approves Lake Erie's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings in Lake Erie's advertising for the "31" brand and on Lake Erie'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 Lake Erie's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Lake Erie's packaging or advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

This approval is effective on the date of this letter and runs through June 5, 2017, 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

NANCYELLEN KEANE
804.697.1272 telephone
804.698.5140 facsimile
nancyellen.keane@troutmansanders.com

TROUTMAN SANDERS

TROUTMAN SANDERS LLP
Attorneys at Law
Troutman Sanders Building
1001 Haxall Point
P.O. Box 1122 (23218-1122)
Richmond, Virginia 23219
804 697 1200 telephone
troutmansanders.com

May 27, 2016

VIA FEDERAL EXPRESS and E-MAIL

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

**Cigarette Health Warning Plan for Firebird Manufacturing, LLC
PALMETTO brand**

Dear Ms. Angle:

On behalf of Firebird Manufacturing, LLC ("Firebird") I hereby submit a Surgeon General's Equalization Plan for Firebird as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended ("FCLAA"), for ten (10) styles of Palmetto brand.

Firebird is manufacturer of the Palmetto brand. Scott D. Batson is COO. The location of the factory is at 1057 Bill Tuck Highway, South Boston, VA 24592. Firebird has not to date imported any cigarettes. Firebird does not export cigarettes.

Firebird's 2015 fiscal year sales were [REDACTED] sticks. Its sales in 2016 are anticipated to be [REDACTED] sticks, which should qualify the company for the Section 1333(c)(2) exemption. Firebird's Plan for display of the warnings on the sample packs and cartons for Palmetto was submitted on May 5, 2015 and approved May 26, 2015.

Palmetto cigarettes are sold in ten soft pack brand styles. Firebird requests that the following ten (10) styles be included in the Plan:

Palmetto Red Kings
Palmetto Gold Kings
Palmetto Blue Kings
Menthol Green Kings
Palmetto Menthol Gold Kings
Palmetto Red 100's
Palmetto Gold 100's
Palmetto Blue 100's
Palmetto Menthol Green 100's
Palmetto Menthol Gold 100's

TROUTMAN
SANDERS

Ms. Mary Angle
May 27, 2016
Page 2

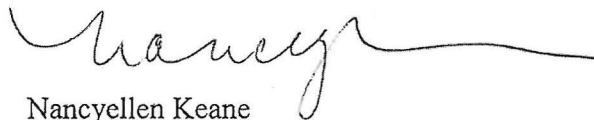
The warnings will appear exactly as shown on the sample packs and cartons of Palmetto packaging submitted with my letter of June 18, 2010.

Firebird agrees to equalize the display of the four health warnings on packs and cartons for each brand style of the Palmetto brand covered by this Plan for the one year period beginning on the date of approval of this Plan. Beginning on the date of approval of this Plan, Firebird will ensure that the printer will print all 4 warnings in equal numbers on each printed sheet of packaging for all cartons and packs, so when sheets are cut, the display of warnings will be approximately equalized on packs and cartons for each brand style. Based on the above, Firebird requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA. We will keep records demonstrating compliance with this Plan.

Firebird does not advertise at this time. Should Firebird desire to advertise its products, it will submit an advertising Plan to FTC in advance.

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request expedited approval of this request. Should this request conform to your requirements, we request that the letter evidencing approval be faxed to me at (804) 698-5140. Should you require any additional information with respect to the foregoing please contact me at (804) 697-1272 or on my cell phone (804) 350-2640.

Very truly yours,



Nancyellen Keane

cc: Scott D. Batson

28244089



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

Division of
Advertising Practices

June 6, 2016

Nancyellen Keane, Esq.
Troutman Sanders LLP
1001 Haxall Point
P.O. Box 1122
Richmond, VA 23219

Dear Ms. Keane:

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 Firebird Manufacturing, LLC (“Firebird”) dated May 27, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Palmetto brand of cigarettes.

Firebird’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 June 18, 2010 letter continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Firebird’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten soft pack varieties of the Palmetto brand: Red (Kings and 100's), Gold (Kings and 100's), Blue (Kings and 100's), Menthol Green (Kings and 100's), and Menthol Gold (Kings and 100's).

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

¹ Firebird stated in its May 27, 2016 letter that the four health warnings will continue to appear exactly as shown on the packs and cartons submitted on this date.

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

Nancyellen Keane, Esq.

June 6, 2016

Page 2

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

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

This approval is effective on the date of this letter and runs through June 5, 2017, 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) 326-2356.

Very truly yours,



Mary K. Engle
Associate Director

G. GEORGE BERTRAM

RESULT DRIVEN REPRESENTATION

200 PROGRESS DRIVE - SUITE 500 | RUSSELL SPRINGS, KY 42642 | GEORGEBERTRAM@RECOVERYLAW.COM

Ms. Mary K. Engle, Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, N.W., Mail Drop CC-10418
Washington, D.C. 20580

Renewal of Surgeon General's Warning Rotation Plan for
Tantus Tobacco LLC Cigarette Brands: Berkley, Berley, Main Street,
Sport, Golden Blend, GSmoke, and 24/7

Dear Ms. Engle/Ms. Schools:

Please be advised that I am the attorney for Tantus Tobacco, a manufacturer of tobacco products, located at 200 Progress Dr., Russell Springs, Kentucky 42642; phone number (270)-866-8888. Tantus has been manufacturing the following seven brands of cigarettes at its facility: Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7. The contact person for the company will be its President, Michael Denney, who can be reached at 200 Progress Drive, Russell Springs, KY. 42642; (270) 866-8888.

The brand styles of Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 brand cigarettes Tantus intends to manufacture are listed on **Exhibit "A"**. Actual samples of the Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 packs and cartons for the various brand styles listed on **Exhibit "A"** (showing exactly where and how the four (4) Surgeons General's health warnings appear and will continue to appear) were enclosed with our letters dated June 7, 2010 and June 21, 2010. These warnings will continue to appear on the same cigarette brands and styles that Tantus is currently manufacturing.

In fiscal year 2015, (same as calendar year, January 1, 2015 through December 31, 2015), Tantus manufactured approximately [REDACTED] cigarettes (all were Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke and 24/7 brand cigarettes). Tantus anticipates manufacturing less than [REDACTED] cigarettes in fiscal year 2016. Tantus' sales of each of these cigarette brands in fiscal year 2015 and its projected sales volume for each of these cigarette brands in fiscal year 2016, appear on the list attached as **Exhibit "B"**.

No one brand style of cigarettes sold by Tantus constituted more than ¼ of 1% of all the cigarettes sold in the United States in fiscal/calendar year 2015 and Tantus anticipates that no one brand style will constitute more than ¼ of 1% of all the cigarettes sold in the United States in fiscal/calendar year 2016. In addition, more than one-half of the cigarettes manufactured by Tantus for sale in the United States in fiscal/calendar year 2015 were packaged into brand styles which meet the requirements of 15 U.S.C. § 1333(c)(2)(A)(I).

As a “small manufacturer” (as defined in the Act), Tantus wishes to renew its plan to equalize the four health warning statements required by 15 U.S.C. § 1333(c) for its Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 brands. Each of the four warning statements will appear on the packs and cartons of each brand style of Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 brand cigarettes manufactured by Tantus an equal number of times in the one-year period beginning on the date this plan is approved. Tantus will maintain records demonstrating compliance with this plan.

Tantus intends to print all four (4) health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die cut, each shipment should be approximately equalized for each brand style as manufactured. If, toward the end of the one-year period, it appears that the warnings are not equalized on the packs and cartons for each brand style, Tantus will place special orders for the specific health warnings needed to ensure that the rotation is equalized for each brand style by the plan's anniversary date.

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

Tantus has an advertising rotation plan in place for its Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 cigarettes which was approved by the FTC on August 30, 2005, September 6, 2006, November 16, 2006, January 22, 2007 and July 18, 2007. (See **Exhibit C** attached). Tantus has an internet advertising plan in place for its Berkley, Berley, 24/7, Golden Blend, GSmoke, MainStreet, and Sport cigarettes that was approved on September 18, 2008. Tantus is in compliance with these plans and would like to continue utilizing them in 2016 and 2017.

Tantus believes its plans comply in all respects with the Federal Cigarette Labeling and Advertising Act, as amended, (15 U.S.C. § 1331 et seq.) including any modifications made by the Public Health Act of 1969, the Comprehensive Smoking Education Act of 1984, the Nurses' Education Amendments of 1985 and the Imported Cigarette Compliance Act

EXHIBIT "A" LIST OF CIGARETTE BRAND STYLES
TANTUS TOBACCO, LLC

Brand
24/7
Red King Box
Gold King Box
Menthol King Box
Red 100's Box
Gold 100's Box
Menthol 100's Box
Silver 100's Box
Menthol Gold 100's Box
Berley
Red King Box
Red King Soft
Red 100's Soft
Red 100's Box
Gold King Box
Gold King Soft
Gold 100's Soft
Gold 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol 100's Box
Menthol King Box
Menthol Gold 100's Box
Menthol Gold 100's Soft
Menthol Gold King Box
Menthol Gold King Soft
Blue 100's Soft
Blue 100's Box
Blue King Box
Blue King Soft
Non Filter King Soft
Berkley
Red King Box
Red King Soft
Red 100's Soft
Red 100's Box
Gold King Box
Gold King Soft
Gold 100's Soft

Gold 100's Box
Silver King Soft
Silver 100's Soft
Silver 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol 100's Box
Menthol Gold King Soft
Menthol Gold 100's Soft
Menthol Gold 100's Box
Non Filter King Soft
Golden Blend
Red King Soft
Red 100's Soft
Red King Box
Red 100's Box
Gold 100's Soft
Gold King Box
Gold 100's Box
Silver 100's Soft
Silver 100's Box
Menthol 100's Soft
Menthol 100's Box
Menthol Gold 100's Box
Menthol Gold 100's Soft
Non Filter King Soft
Main Street
Red King Soft
Red 100's Soft
Red King Box
Red 100's Box
Gold King Soft
Gold 100's Soft
Gold King Box
Gold 100's Box
Blue 100's Soft
Blue 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol 100's Box
Menthol King Box
Menthol Gold 100's Soft
Menthol Gold 100's Box
G Smoke
Red King Soft

EXHIBIT "C"
TANTUS TOBACCO, LLC
SCHEDULE OF WARNINGS FOR
PRINT ADVERTISING

Brand Name	Quarter One Jan. 1st to March 31st	Quarter Two April 1st to June 30th	Quarter Three July 1st to Sept. 30th	Quarter Four Oct. 1st to December 31st
Berley	C	D	A	B
Berkley	B	C	D	A
24/7	A	B	C	D
Golden Blend	A	B	C	D
Sport	D	A	B	C
Main Street	C	D	A	B
GSmoke	B	C	D	A

- 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.



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

Division of
Advertising Practices

June 8, 2016

Michael Denney, President
Tantus Tobacco LLC
200 Progress Drive Suite 600
Russell Springs, KY 42642

Dear Mr. Denney:

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 Tantus Tobacco LLC (“Tantus”) on March 2, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 24/7, Berley, Berkley, Golden Blend, Main Street, GSmoke, and Sport brands of cigarettes.

Tantus’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 June 7 and June 21, 2010 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Tantus’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eight hard pack varieties of the 24/7 brand: Red King, Red 100's, Gold King, Gold 100's, Menthol King, Menthol 100's, Silver 100's, and Menthol Gold 100's;
- Twenty-one varieties of the Berley brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Menthol King (hard pack and soft pack), Menthol 100's (hard pack and soft pack), Menthol Gold King (hard pack and soft pack), Menthol Gold 100's (hard pack and soft pack), Blue King (hard pack and soft pack), Blue 100's (hard pack and soft pack), and Non Filter King soft pack;

¹ Tantus stated in its March 2, 2016 letter that the four health warnings will continue to appear exactly as shown on the sample packs and cartons submitted on June 7 and June 21, 2010.

- Eighteen varieties of the Berkley brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Silver King soft pack, Silver 100's (hard pack and soft pack), Menthol King soft pack, Menthol 100's (hard pack and soft pack), Menthol Gold King soft pack, Menthol Gold 100's (hard pack and soft pack), and Non Filter King soft pack;
- Fourteen varieties of the Golden Blend brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King hard pack, Gold 100's (hard pack and soft pack), Silver 100's (hard pack and soft pack), Menthol 100's (hard pack and soft pack), Menthol Gold 100's (hard pack and soft pack), and Non Filter King soft pack;
- Sixteen varieties of the Main Street brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Blue 100's (hard pack and soft pack), Menthol King (hard pack and soft pack), Menthol 100's (hard pack and soft pack), Menthol Gold 100's (hard pack and soft pack);
- Fourteen varieties of the GSmoke brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Blue 100's soft pack, Menthol King soft pack, Menthol 100's soft pack, and "Woman" 100's hard pack (Red, Gold, and Menthol Gold); and
- Sixteen varieties of the Sport brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Blue 100's (hard pack and soft pack), Menthol King (hard pack and soft pack), Menthol 100's (hard pack and soft pack), and Menthol Gold 100's (hard pack and soft pack).

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

Please note that this letter only approves Tantus'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 Tantus'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 Tantus's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Tantus's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations

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

Mr. Michael Denney
June 8, 2016
Page 3

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

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

This approval is effective on the date of this letter and runs through June 7, 2017, or until authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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CLIENT/MATTER NUMBER
091139-0104

May 26, 2016

FEDERAL EXPRESS

Ms. Mary K. Engle, Associate Director
c/o Bonnie McGregor
Federal Trade Commission
Division of Advertising Practices
601 New Jersey Avenue, NW
Washington, DC 20580

Re: **Dosal Tobacco Corporation**

Dear Ms. Engle:

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

If you have any questions, please do not hesitate to contact me.

Very truly yours,


Veronica Vilarchao

Enclosures

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

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

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

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

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

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

- b. **Warning Label Rotation:** Section 1333(c)(2) of the Cigarette Act allows manufacturers to seek permission from the FTC to display the four (4) warnings an equal number of times during the year on a brand style's packaging if the company meets the low volume sales threshold established by the Cigarette Act. To meet the low volume sales requirement established by the Cigarette Act, the annual sales of each of a company's brand styles in its prior fiscal year must be less than one-fourth (1/4) of one percent (1%) of all of the cigarettes sold in the United States in that fiscal year (for calendar year 2015, approximately 660 million cigarettes) and more than half the cigarettes manufactured or imported by the company must be packaged into brand styles that meet the low sales threshold (the "Low Sales Volume Requirement"). Except for the brand style 305's Full Flavor 100's Box, Dosal meets the Low Sales Volume Requirement based on its sales in 2015 and forecasts that it will meet the Low Sales Volume Requirement for 2016 for all other brand styles manufactured by Dosal (please see Dosal's Sales Report for the year 2015, and Sales Forecast for the year 2016, attached hereto as Exhibit "B").¹ With the exception of the brand style 305's Full Flavor 100's Box, during the year 2015, sales for any one brand style did not exceed [REDACTED] cigarettes, and for the year 2016 Dosal projects that sales for any one brand style will not exceed [REDACTED] cigarettes. Accordingly, except for the brand style 305's Full Flavor 100's Box, Dosal wishes to equalize the warning statements on all Dosal brand style cigarette packaging during the year, as follows:

- i. An even distribution of each of the four (4) warnings will be produced for the packs and cartons of each brand style of Dosal brand cigarettes, which are manufactured and

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

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

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

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

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

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

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

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

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

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

3. **COMPETIDORA**

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

EXHIBIT "B"

DOSAL TOBACCO CORPORATION
 SALES VOLUME REPORT FOR 2015 AND SALES
 FORECAST FOR 2016 FOR ALL BRAND STYLES

2015 SALES REPORT AND 2016 SALES PROJECTIONS

<u>SKU</u>	<u>Brand</u>	<u>Brand Style</u>	<u>Cartons Sold 2015</u>	<u>Number of Sticks 2015</u>	<u>Projected Carton Sales 2016</u>	<u>Projected Sales in Sticks 2016</u>
305FFKBX	/ 305's	Full Flavor Kings Box				
305FFYBX	/ 305's	Full Flavor 100's Box				
305BLKBX	/ 305's	Blue Kings Box				
305BLYBX	/ 305's	Blue 100's Box				
305MGYBX	/ 305's	Menthol Gold 100's Box				
305MNBX	/ 305's	Menthol Kings Box				
305MNYBX	/ 305's	Menthol 100's Box				
305NFKBX	/ 305's	Non Filter Kings Box				
305SVYBX	/ 305's	Silver 100's Box				
305SVKBX	/ 305's	Silver Kings Box				
COMCFKBX	/ Competidora	Full Flavor				
COMNFKBX	/ Competidora	Non-Filter				
DTCFFKBX	/ DTC	Full Flavor Kings Box				
DTCFFYBX	/ DTC	Full Flavor 100's Box				
DTCGDKBX	/ DTC	Gold Kings Box				
DTCGDYBX	/ DTC	Gold 100's Box				
DTCMGYBX	/ DTC	Menthol Gold 100's Box				
DTCNFKBX	/ DTC	Non Filter Kings Box				

DTC SVYBX	/ DTC	Silver 100's Box
DTC MNK BX	/ DTC	Menthol Kings Box
DTC MNY BX	/ DTC	Menthol 100's Box
		TOTAL:

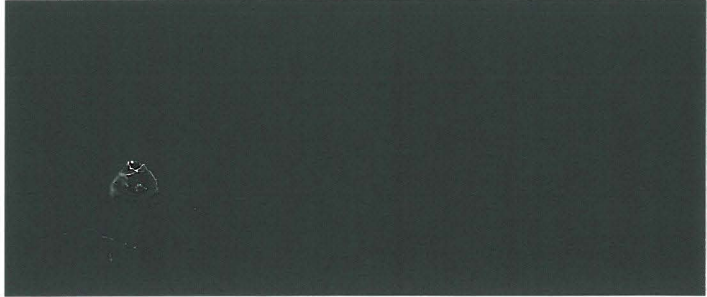


EXHIBIT "C"
ADVERTISEMENT WARNING
STATEMENT ROTATION SCHEDULE*

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

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

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



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

Division of
Advertising Practices

June 10, 2016

Ms. Veronica Vilarchao
Foley & Lardner LLP
2 South Biscayne Blvd.
Suite 1900
Miami, FL 33131

Dear Ms. Vilarchao:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Dosal Tobacco Corp. (“Dosal”) on May 26, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the DTC, 305's, and Competidora brands of cigarettes.

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

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

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

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

² Dosal stated in its May 26, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

Ms. Veronica Vilarchao
June 10, 2016
Page 2

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

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

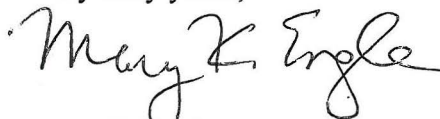
Please note that this letter only approves Dosal's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through June 9, 2017, 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

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

**Six Nations Manufacturing
11359 Southwestern Blvd.
PO Box 377
Irving, NY 14081
Tele: 716-934-5130
Fax: 716-934-4087**

June 13, 2016

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

Re: Cigarette Health Warning Equalization Plan

Dear Ms. Engle:

This letter is being submitted for the renewal of the Surgeon General Warning Rotation Plans that were approved by your office on June 19, 2015 for the packaging for the Senate, Gator and Buffalo brands. The brand styles of each brand (Senate, Gator and Buffalo) are listed and submitted as Schedule "A". We will adhere to the advertising plan of Senate, Gator and Buffalo cigarettes, most recently approved by your office on December 17, 2012. The "Senate", "Gator" and "Buffalo" cigarette brands will continue to be manufactured by J Conrad Seneca, d.b.a. Six Nations Manufacturing. The other brands that Six Nations Manufacturing produces at this time are "Native Pride", "Bronco" and "Stallion". Six Nations Manufacturing letter dated April 18, 2016 for health warning statement plans for "Native Pride", "Bronco" and "Stallion" was approved on April 20, 2016.

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear on the packs and cartons for the Senate and Gator brands exactly as shown on the samples submitted with the letter dated 2/8/2011. The warnings will appear on the packs and cartons for the Buffalo brand exactly as shown on the samples submitted with the letters dated April 28, 2009, May 13, 2009 and May 7, 2010. Under Section 1333(c)(2) J Conrad Seneca, d.b.a. Six Nations Manufacturing will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of Senate, Gator and Buffalo brands for the one year period beginning on the date of approval of this plan. Thru the date of this application, the Surgeon General Warning Label on the packages and cartons of the Gator, Senate and Buffalo brand styles have been equalized in accordance with our approved plans. Six Nations Manufacturing assures the printing of an equal number of the four warning labels produced throughout the

year by working with its packaging vendors to design pre-printing layouts by purchase order in equal amounts of the four warning labels for the packs and cartons of each brand style per production run. We will keep records demonstrating compliance with this plan. The total sales for our fiscal year 2016 are estimated to be [REDACTED] cigarettes as shown in Schedule "B". J Conrad Seneca, d.b.a. Six Nations Manufacturing has attached Schedule "C" showing actual production volume for our fiscal year 2015.

J Conrad Seneca, d.b.a. Six Nations Manufacturing advertising plan for Senate, Gator and Buffalo brands was most recently approved on December 17, 2012. We will remain in compliance with this advertising plan.

J Conrad Seneca, d.b.a. Six Nations Manufacturing is aware of the requirements set forth by the Federal Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the act. J Conrad Seneca, d.b.a. Six Nations Manufacturing will maintain records of compliance with the approved plan. If there are any questions or concerns regarding these plans, please contact me.

Sincerely,



J Conrad Seneca, Owner

Enclosures

SCHEDULE B: Estimated annual (1/1/2016 -12/31/2016) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride, Bronco and Stallion Cigarettes by style in sticks.

Style	Sticks
Bronco Red Kings Box	
Bronco Gold Kings Box	
Bronco Silver Kings Box	
Bronco Menthol Kings Box	
Bronco Menthol Gold Kings Box	
Bronco Non-Filter Kings Box	
Bronco Red 100's Box	
Bronco Gold 100's Box	
Bronco Silver 100's Box	
Bronco Menthol 100's Box	
Bronco Menthol Gold 100's Box	
Native Pride Robust Full Bodied Flavor King Size Box	
Native Pride Relaxed Smooth Flavor King Size Box	
Native Pride Full Bodied Menthol Flavor King Size Box	
Native Pride Robust Full Bodied Flavor 100's Size Box	
Native Pride Relaxed Smooth Flavor 100's Size Box	
Native Pride Full Bodied Menthol Flavor 100's Size Box	
Native Pride Smooth Menthol Flavor 100's Size Box	
Native Pride Ultra Smooth Flavor 100's Size Box	
Senate Full Flavor King's Size Box	
Senate Smooth King's Size Box	
Senate Menthol King's Size Box	
Senate Menthol Smooth King's Size Box	
Senate Ultra Smooth King's Size Box	
Senate Non-Filter King's Size Box	
Senate Full Flavor 100's Size Box	
Senate Smooth 100's Size Box	
Senate Menthol 100's Size Box	
Senate Menthol Smooth 100's Size Box	
Senate Ultra Smooth 100's Size Box	
Gator Full Flavor King's Size Box	
Gator Smooth King's Size Box	
Gator Menthol King's Size Box	
Gator Menthol Smooth King's Size Box	
Gator Ultra Smooth King's Size Box	
Gator Non-Filter King's Size Box	
Gator Full Flavor 100's Size Box	
Gator Smooth 100's Size Box	
Gator Menthol 100's Size Box	
Gator Menthol Smooth 100's Size Box	
Gator Ultra Smooth 100's Size Box	

SCHEDULE B: Estimated annual (1/1/2016 -12/31/2016) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride, Bronco and Stallion Cigarettes by style in sticks.
(continued)

Style	Sticks
Buffalo Full Flavor King's Size Box	
Buffalo Smooth King's Size Box	
Buffalo Menthol King's Size Box	
Buffalo Menthol Smooth King's Size Box	
Buffalo Ultra Smooth King's Size Box	
Buffalo Non-Filter King's Size Box	
Buffalo Full Flavor 100's Size Box	
Buffalo Smooth 100's Size Box	
Buffalo Menthol 100's Size Box	
Buffalo Menthol Smooth 100's Size Box	
Buffalo Ultra Smooth 100's Size Box	
Buffalo Full Flavor 100's Size Soft	
Buffalo Smooth 100's Size Soft	
Buffalo Menthol 100's Size Soft	
Buffalo Menthol Smooth 100's Size Soft	
Buffalo Ultra Smooth 100's Size Soft	
Stallion Full Flavor Red King Box	
Stallion Smooth Gold King Box	
Stallion Menthol King Box	
Satlion Full Flavor Red 100's Box	
Satlion Smooth Gold 100's Box	
Satlion Ultra Smooth Silver 100's Box	
Stallion Menthol 100's Box	
Totals	

SCHEDULE C: Actual annual (1/1/2015 -12/31/2015) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride, Bronco and Stallion Cigarettes by style in sticks.

Style	Sticks
Bronco Red Kings Box	
Bronco Gold Kings Box	
Bronco Silver Kings Box	
Bronco Menthol Kings Box	
Bronco Menthol Gold Kings Box	
Bronco Non-Filter Kings Box	
Bronco Red 100's Box	
Bronco Gold 100's Box	
Bronco Silver 100's Box	
Bronco Menthol 100's Box	
Bronco Menthol Gold 100's Box	
Native Pride Robust Full Bodied Flavor King Size Box	
Native Pride Relaxed Smooth Flavor King Size Box	
Native Pride Full Bodied Menthol Flavor King Size Box	
Native Pride Robust Full Bodied Flavor 100's Size Box	
Native Pride Relaxed Smooth Flavor 100's Size Box	
Native Pride Full Bodied Menthol Flavor 100's Size Box	
Native Pride Smooth Menthol Flavor 100's Size Box	
Native Pride Ultra Smooth Flavor 100's Size Box	
Senate Full Flavor King's Size Box	
Senate Smooth King's Size Box	
Senate Menthol King's Size Box	
Senate Menthol Smooth King's Size Box	
Senate Ultra Smooth King's Size Box	
Senate Non-Filter King's Size Box	
Senate Full Flavor 100's Size Box	
Senate Smooth 100's Size Box	
Senate Menthol 100's Size Box	
Senate Menthol Smooth 100's Size Box	
Senate Ultra Smooth 100's Size Box	
Gator Full Flavor King's Size Box	
Gator Smooth King's Size Box	
Gator Menthol King's Size Box	
Gator Menthol Smooth King's Size Box	
Gator Ultra Smooth King's Size Box	
Gator Non-Filter King's Size Box	
Gator Full Flavor 100's Size Box	
Gator Smooth 100's Size Box	
Gator Menthol 100's Size Box	
Gator Menthol Smooth 100's Size Box	
Gator Ultra Smooth 100's Size Box	

SCHEDULE C: Actual annual (1/1/2013 -12/31/2013) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride and Bronco Cigarettes by style in sticks:
 (continued)

Style	Sticks
Buffalo Full Flavor King's Size Box	
Buffalo Smooth King's Size Box	
Buffalo Menthol King's Size Box	
Buffalo Menthol Smooth King's Size Box	
Buffalo Ultra Smooth King's Size Box	
Buffalo Non-Filter King's Size Box	
Buffalo Full Flavor 100's Size Box	
Buffalo Smooth 100's Size Box	
Buffalo Menthol 100's Size Box	
Buffalo Menthol Smooth 100's Size Box	
Buffalo Ultra Smooth 100's Size Box	
Buffalo Full Flavor 100's Size Soft	
Buffalo Smooth 100's Size Soft	
Buffalo Menthol 100's Size Soft	
Buffalo Menthol Smooth 100's Size Soft	
Buffalo Ultra Smooth 100's Size Soft	
Stallion Full Flavor Red King Box	
Stallion Smooth Gold King Box	
Stallion Menthol King Box	
Stallion Full Flavor Red 100's Box	
Stallion Smooth Gold 100's Box	
Stallion Ultra Smooth Silver 100's Box	
Stallion Menthol 100's Box	
Totals	



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

Division of
Advertising Practices

June 14, 2016

Mr. J. Conrad Seneca
Six Nations Manufacturing
P.O. Box 377
Irving, NY 14081

Dear Mr. Seneca:

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 J. Conrad Seneca d/b/a Six Nations Manufacturing (“Six Nations”) on June 13, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Senate, Gator, and Buffalo brands of cigarettes.

Six Nations’ 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 the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter:¹

<u>Brand</u>	<u>Date(s)</u>
Senate	February 8, 2011
Gator	February 8, 2011
Buffalo	April 28, 2009 May 13, 2009 May 7, 2010

¹ Six Nations stated in its June 13, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

- Eleven box varieties of the Senate brand: Full Flavor (Kings and 100's), Smooth (Kings and 100's), Ultra Smooth (Kings and 100's), Menthol (Kings and 100's), Menthol Smooth (Kings and 100's), and Non-Filter Kings;
- Eleven box varieties of the Gator brand: Full Flavor (Kings and 100's), Smooth (Kings and 100's), Ultra Smooth (Kings and 100's), Menthol (Kings and 100's), Menthol Smooth (Kings and 100's), and Non-Filter Kings; and
- Sixteen varieties of the Buffalo brand: Full Flavor Kings box, Full Flavor 100's (soft pack and box), Menthol Kings box, Menthol 100's (soft pack and box), Non-Filter Kings box, Smooth Kings box, Smooth 100's (soft pack and box), Ultra Smooth Kings box, Ultra Smooth 100's (soft pack and box), Menthol Smooth Kings box, and Menthol Smooth 100's (soft pack and box).

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

Please note that this letter only approves Six Nations' 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 Six Nations' 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 Six Nations' cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Six Nations' packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucml76164.htm.

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

Mr. J. Conrad Seneca
June 14, 2016
Page 3

This approval is effective on the date of this letter and runs through June 13, 2017, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director



1041 W State Route 108
Shelton, Washington 98584

June 13, 2016

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

Via Facsimile and U.S. Mail

Dear Ms. Engle:

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

Skookum Creek Tobacco Company currently produces three brand families of cigarettes, "Complete," "Premis," and "Traditions" A rotation plan was approved July 13, 2015, for these brand families.

Certain "Brand Styles" from the Complete, and Traditions brand families have been discontinued. Warnings for existing brand styles will appear exactly as shown on the sample packaging previously submitted to and approved by the FTC. Skookum Creek Tobacco Company is seeking approval for the brand styles identified in Exhibit A.

No brand style manufactured by Skookum Creek Tobacco in fiscal year 2015 exceeded the sales limits in 15 U.S.C. § 1333(c)(2)(A)(i). A copy of Skookum Creek Tobaccos 2015 fiscal sales figures as well as current fiscal year sales to date and estimates for all brand styles is attached as Exhibit B. Units as shown are in sticks. Please note that the fiscal year for Skookum Creek Tobacco Company runs October 1 to September 30, concurrent with the federal fiscal year.

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

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

Skookum Creek Tobacco Company continues to be in compliance with its plan for Internet advertising as approved October 8, 2008 for Traditions and July16, 2007 for Complete and Premis. Skookum Creek Tobacco Co., Inc. does not advertise its cigarettes in any other format or medium.

Sincerely,



Cameron Goodwin, General Manager

Document Prepared by:



Michael Bell

Quality Assurance Manager/FDA, FTC Compliance Manager

360-490-6852

Skookum Creek Tobacco Company, 1041 W. State Route 108, Shelton WA, 98584
Administrative Contact:
Michael Bell, Quality Assurance Manager
360-229-3616

Exhibit A Skookum Creek Tobacco Co., Inc. Brand Families and

<p>COMPLETE</p> <p>Full Flavor Kings (Hard Pack) High Air Kings (Hard Pack) Ultra High Air Kings (Hard Pack) Menthol Kings (Hard Pack) Menthol High Air Kings (Hard Pack) Non Filtered Kings (Hard Pack) Full Flavor 100s (Hard Pack) High Air 100's (Hard Pack) Ultra High Air 100s (Hard Pack) Menthol 100s (Hard Pack) Menthol High Air 100s (Hard Pack)</p>	<p>PREMIS</p> <p>Full Flavor Kings (Hard Pack) High Air Kings (Hard Pack) Ultra High Air Kings (Hard Pack) Menthol Kings (Hard Pack) Menthol High Air Kings (Hard Pack) Full Flavor 100s (Hard Pack) High Air 100's (Hard Pack) Ultra High Air 100s (Hard Pack) Menthol 100s (Hard Pack) Menthol High Air 100s (Hard Pack)</p>
<p>TRADITIONS – ADDITIVE FREE</p> <p>Full Flavor Kings (Hard Pack) High Air Kings (Hard Pack) Full Flavor 100s (Hard Pack) High Air 100's (Hard Pack)</p>	<p>TRADITIONS – NON ADDITIVE FREE</p> <p>DISCONTINUED</p>

Brands of Cigarettes

The Complete and Premis brand families are available with fire safe paper, where required by law,
 Traditions are available only with fire safe paper

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

Product Item #	Brand Family	Brand Name	Units Sold FY 2015	Projected FY 2016	Current FY16 Sales 10/2015 to 1/2016
01-50000	Complete 85mm Full Flavor Soft Pack	Complete			
01-50001	Complete 85mm High Air Soft Pack	Complete			
01-50002	Complete 85mm Ultra High Air Soft Pack	Complete			
01-50003	Complete 85mm Menthol Soft Pack	Complete			
01-50004	Complete 85mm Menth HA Soft Pack	Complete			
01-50005	Complete 100mm Full Flavor Soft Pack	Complete			
01-50006	Complete 100mm High Air Soft Pack	Complete			
01-50007	Complete 100mm Ultra High Air Soft Pack	Complete			
01-50008	Complete 100mm Menthol Soft Pack	Complete			
01-50009	Complete 100mm Menthol High Air Soft Pack	Complete			
01-50010	Complete 85mm Non-Filter Soft Pack	Complete			
01-50011	Complete 100mm Full Flavor Hard Box	Complete			
01-50012	Complete 100mm High Air Hard Box	Complete			
01-50013	Complete 100mm Ultra High Air Box	Complete			
01-50014	Complete 100mm Menthol Hard Box	Complete			
01-50015	Complete 100mm Menthol High Air Box	Complete			
01-50017	Complete 85mm Full Flavor Hard Box	Complete			
01-50018	Complete 85mm High Air Hard Box	Complete			
01-50019	Complete 85mm Ultra High Air Hard Box	Complete			
01-50020	Complete 85mm Menthol Hard Box	Complete			
01-50021	Complete 85mm Menthol High Air Box	Complete			
01-50022	Complete 85mm Non Filtered Hard Box	Complete			
01-50023	Premis 85mm Full Flavor Soft Pack	Premis			
01-50024	Premis 85mm High Air Soft Pack	Premis			

01-50025	Premis 85mm Ultra High Air Soft Pack	Premis		
01-50026	Premis 85mm Menthol Soft Pack	Premis		
01-50027	Premis 85mm Menthol High Air Soft Pack	Premis		
01-50028	Premis 100mm Full Flavor Soft Pack	Premis		
01-50029	Premis 100mm High Air Soft Pack	Premis		
01-50030	Premis 100mm Ultra High Air Soft Pack	Premis		
01-50031	Premis 100mm Menthol Soft Pack	Premis		
01-50032	Premis 100mm Menthol High Air Soft Pack	Premis		
01-50071	Complete FSC 100mm Full Flavor Box	Complete		
01-50072	Complete FSC 100mm High Air Box	Complete		
01-50073	Complete FSC 100mm Ultra High Air Box	Complete		
01-50074	Complete FSC 100mm Menthol Box	Complete		
01-50075	Complete FSC 100mm Menthol High Air Box	Complete		
01-50076	Complete FSC 85mm Full Flavor Box	Complete		
01-50077	Complete FSC 85mm High Air Box	Complete		
01-50078	Complete FSC 85mm Ultra High Air Box	Complete		
01-50079	Complete FSC 85mm Menthol Box	Complete		
01-50080	Complete FSC 85mm Menthol High Air Box	Complete		
01-50081	Complete FSC 85mm Non Filter Box	Complete		
01-50511	Traditions Additive Free 100mm Full Flavor Hard Box	Traditions		
01-50513	Traditions Additive Free 100mm High-Air Hard Box	Traditions		
01-50514	Traditions Additive Free 100mm Menthol Hard Box	Traditions		
01-50517	Traditions Additive Free 85mm Full Flavor Hard Box	Traditions		
01-50519	Traditions Additive Free 85mm High-Air Hard Box	Traditions		
01-50520	Traditions Additive Free 85mm Menthol Hard Box	Traditions		
01-50522	Traditions Additive Free 85mm Non Filter Hard Box	Traditions		
01-50530	Traditions 85 mm Full Flavor Hard Box	Traditions		
01-50531	Traditions 85mm High Air Hard Box	Traditions		
01-50534	Traditions 85mm Menthol Hard Box	Traditions		
01-50535	Traditions 85mm Non-Filter Hard Box	Traditions		
01-50537	Traditions 100mm Full Flavor Hard Box	Traditions		

01-50538

Traditions 100mm High-Air Hard Box

Traditions

01-50539

Traditions 100mm Menthol Hard Box

Traditions





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

Division of
Advertising Practices

June 14, 2016

Mr. Cameron Goodwin
Skookum Creek Tobacco Co., Inc.
1041 W. State Route 108
Shelton, WA 98584

Dear Mr. Goodwin:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Skookum Creek Tobacco Co., Inc. (“Skookum Creek”) on June 13, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Complete, Premis, and Traditions brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Complete	April 12, 2007 June 9, 2008 July 10, 2008 March 11, 2010
Premis	October 15, 2015 October 30, 2015
Traditions	September 16, 2008 September 30, 2008 January 12, 2011

¹ Skookum Creek stated in its June 13, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

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

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

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

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

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

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

Mr. Cameron Goodwin
June 14, 2016
Page 3

This approval is effective on the date of this letter and runs through June 13, 2017, 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,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in black ink and is positioned above the printed name and title.

Mary K. Engle
Associate Director



PO Box 214
Gowanda, New York 14070

1.877.NATIVE3
Fax: 716.537.6137

June 14, 2016

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

Dear Mary Engle:

Native Wholesale Supply imports the Seneca, Opal and Couture brand of cigarettes manufactured by Grand River Enterprises Six Nations Ltd. Native Wholesale Supply requests approval for its 2016 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the Cigarette Act on packaging for its Seneca, Opal and Couture brands of cigarettes. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Arthur Montour.

Our previous plan for the simultaneous display of the four health warnings on packages for the Seneca, Couture and Opal brands was approved on June 26, 2015. The company is not seeking any changes to its plan and to date all warnings have been equalized according to date. We now wish to renew our approval for the following brand styles:

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

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

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

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

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

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



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

Division of
Advertising Practices

June 21, 2016

Mr. Arthur Montour
President
Native Wholesale Supply Co.
P.O. Box 214
Gowanda, NY 14070

Dear Mr. Montour:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Native Wholesale Supply Company (“NWSC”) on June 14, 2016, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, and Opal brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Seneca	May 28, 2010 June 30, 2011 September 16, 2011 September 28, 2011 October 4, 2011 June 10, 2014

¹ NWSC stated in its June 14, 2016 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Couture	November 5, 2014
Opal	May 28, 2010 June 30, 2011

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

- Thirty-four varieties of the Seneca brand: Non-filter Kings Box, Chill Kings Box, Full Flavor Box (72's, 120's, Kings, and 100's), Full Flavor soft pack (Kings and 100's), Blue Box (72's, Kings, and 100's), Blue soft pack (Kings and 100's), Medium Box (Kings and 100's), Menthol Box (72's, 120's, Kings, and 100's), Menthol soft pack (Kings and 100's), Silver Box (Kings and 100's), Silver soft pack (Kings and 100's), Smooth Box 120's, Smooth Menthol Box (Kings, 100's and 120's), Smooth Menthol soft pack (Kings and 100's), Extra Smooth Menthol 100's (soft pack and box), and Ultra Box 120's;
- Six varieties of the Couture brand: 100 Slims Ruby Box, 100 Slims Amethyst Box, 100 Slims Diamond Box, 100 Slims Sapphire Box, 100 Slims Turquoise Box, and 100 Slims Aquamarine Box; and
- Five box 120's varieties of the Opal brand: Full Flavor, Smooth, Ultra, Menthol, and Smooth Menthol.

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

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

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

Mr. Arthur Montour
June 21, 2016
Page 3

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

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

This approval is effective on the date of this letter and runs through June 20, 2017, 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



June 20, 2016

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 to include 2 new Non-Filter Box Brand Styles

Dear Ms. Mary Engle:

Premier Manufacturing, Inc. January 14, 2016 plan for simultaneous display of the four health warnings on packaging for certain varieties of each brand of the 1st Class, the Ultra Buy, the Shield, the Wildhorse, the 1839 and the Traffic Brands was approved on January 15, 2016, is requesting approval to expand its plan to include the display of the four health warnings on packaging of the Traffic Non-Filter King Box and the Ultra Buy Non-Filter King Box. The warnings will appear exactly as shown on the sample packs and cartons enclosed with our May12th letter.

Premier Manufacturing will display the four health warnings an equal number of times on the packs and cartons for each of these brand styles 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 the Traffic Non-Filter King Box and the Ultra Buy Non-Filter King Box 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 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.

(1)

www.GoPremier.com

Selected packaging samples from those
submitted with the plan.

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

TRAFFIC

TRAFFIC

NON-FILTER KING BOX

TRAFFIC

NON-FILTER KING BOX
20 CLASS A CIGARETTES

NON-FILTER KING BOX

TRAFFIC

NON-FILTER KING BOX
20 CLASS A CIGARETTES

UNDERAGE
SALE
PROHIBITED

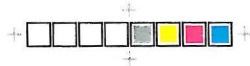
**A PRODUCT OF
US FARMERS®**

M-1 2 3 4 5 6 7 8 9 10 11 12
Y-16 17 18 19

415-XXXX - C



Manufactured under license from:
Premier Manufacturing, Inc.
St. Louis, MO 63005
www.gopremier.com
Made in the U.S.A.
TP-NC-15000



TRAFFIC

NON-FILTER KING BOX
200 CLASS A CIGARETTES

**A PRODUCT OF
US FARMERS®**

NON-FILTER KING BOX
200 CLASS A CIGARETTES

TRAFFIC

TRAFFIC

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

Manufactured under license from:
Premier Manufacturing, Inc.
St. Louis, MO 63005
www.gopremier.com
Made in the U.S.A.

UNDERAGE SALE PROHIBITED

TP-NC-15000

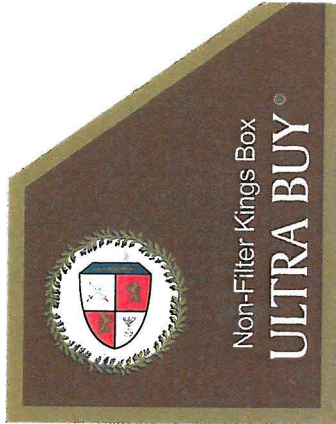


FSC

TRAFFIC

Manufactured under license from
Philip Morris Inc.
© 2009
www.groceries.com
Made in the USA

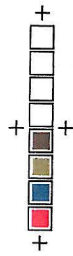
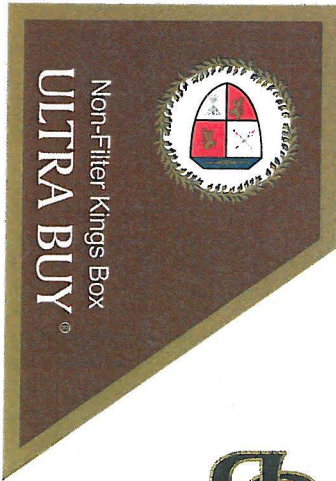
FSC



20 CLASS A CIGARETTES



20 CLASS A CIGARETTES



Underage
Sale
Prohibited



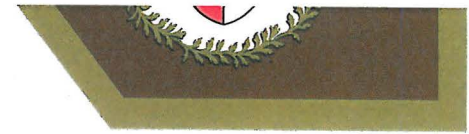
SURGEON GENERAL'S WARNING:
Cigarette Smoke
Contains Carbon Monoxide.

M-1 2 3 4 5 6 7 8 9 10 11 12
Y-16 17 18 19

415-XXXX-B

**A PRODUCT OF
US FARMERS®**

Non-Filter Kings Box



200 CLASS A CIGARETTES

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



Underage Sale Prohibited

TP - NC - 15000

Manufactured under license from:
Premier Manufacturing, Inc.
St. Louis, MO 63005
www.gopremier.com
Made in the USA



200 CLASS A CIGARETTES





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

Division of
Advertising Practices

June 23, 2016

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, on January 15, 2016, I approved a plan filed by Premier Manufacturing, Inc. (“Premier”) 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.

By letter dated June 20, 2016, you now propose to expand your plan for simultaneous display of the four health warnings on packaging to include Non-Filter Kings Box varieties of the Traffic and Ultra Buy brands.

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 May 12, 2016 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Premier’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties: Traffic Non-Filter Kings Box and Ultra Buy Non-Filter Kings Box.

¹ Premier stated in its June 20, 2016 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted May 12, 2016.

Ms. Terri Albright
June 23, 2016
Page 2

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

Please note that this letter only approves 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 www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through June 22, 2017, 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

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