



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: May 24, 2019

SUBJECT: Cigarette Labeling and Advertising Act  
File No. P854505

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

1. March 29, 2017 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Mary K. Engle.
2. April 3, 2017 letter from Mary K. Engle to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
3. April 10, 2017 letter from Russell Mancuso, King Maker Marketing, Inc. to the Division of Advertising Practices.
4. April 13, 2017 letter from Mary K. Engle to Russell Mancuso, King Maker Marketing, Inc.
5. March 3, 2017 letter from Barry M. Boren on behalf of Everything Tobacco, LLC to Mary Engle.
6. April 13, 2017 letter from Mary K. Engle to Barry Boren on behalf of Everything Tobacco, LLC.
7. April 13, 2017 letter from Rhondetta G. Walton, Commonwealth Brands, Inc. to Mary Engle.
8. April 13, 2017 letter from Rhondetta G. Walton, Commonwealth Brands, Inc. to Mary Engle.

9. April 13, 2017 letter from Mary K. Engle to Rhondetta Walton, Commonwealth Brands, Inc.
10. April 20, 2017 letter from J Conrad Seneca d/b/a Six Nations Manufacturing to Mary K. Engle.
11. April 20, 2017 letter from Mary K. Engle to J. Conrad Seneca d/b/a Six Nations Manufacturing.
12. April 25, 2017 letter from Karen E. Delaney, NASCO Products, LLC to Mary K. Engle.
13. April 25, 2017 letter from Mary K. Engle to Karen E. Delaney, NASCO Products, LLC.
14. April 24, 2017 letter from Barry M. Boren on behalf of Konci G & D Management Group (USA), Inc. to Mary Engle.
15. April 26, 2017 letter from Mary K. Engle to Barry M. Boren on behalf of Konci G & D Management Group (USA), Inc.
16. April 26, 2017 letter from Joseph M. Zebrowski, Rock River Manufacturing to Mary K. Engle.
17. April 27, 2017 letter from Mary K. Engle to Joseph M. Zebrowski, Rock River Manufacturing.
18. April 27, 2017 letter from William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates to Mary K. Engle.
19. April 28, 2017 letter from Mary K. Engle to William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates.
20. April 28, 2017 letter from John R. Long, Liggett Group LLC to Mary K. Engle.
21. May 1, 2017 letter from Mary K Engle to John R. Long, Liggett Group LLC.
22. April 27, 2017 letter from Silvia B. Pinera-Vazquez on behalf of R.G. Logistics, Inc. to Mary K. Engle.
23. May 5, 2017 letter from Mary K. Engle to Silvia B. Pinera-Vazquez on behalf of R.G. Logistics, Inc.
24. May 4, 2017 letter from Swetha Duggirala, Global Tobacco, LLC to Mary K. Engle.
25. May 8, 2017 letter from Mary K. Engle to Swetha Duggirala, Global Tobacco, LLC.

26. May 2, 2017 letter from Travis G. Heron, Seneca Manufacturing Company to Mary Engle.
27. May 9, 2017 letter from Mary K. Engle to Travis G. Heron, Seneca Manufacturing Company
28. May 15, 2017 letter from Dominic Chu, Konci G&D Management Group (USA) Inc. to the Division of Advertising Practices.
29. May 17, 2017 letter from Mary K. Engle to Dominic Chu, Konci G&D Management Group (USA) Inc.
30. May 15, 2017 letter from C. Randall Nuckolls on behalf of Santa Fe Natural Tobacco Company, Inc. to Mary K. Engle.
31. May 19, 2017 letter from Mary K. Engle to C. Randall Nuckolls on behalf of Santa Fe Natural Tobacco Company, Inc.
32. May 17, 2017 letter from Bryan Porter, Lake Erie Tobacco Company to Advertising Practices.
33. May 19, 2017 letter from Mary K. Engle to Bryan Porter, Lake Erie Tobacco Company.
34. May 31, 2017 letter from Everett W. Gee III, S&M Brands, Inc. to Mary K. Engle.
35. June 1, 2017 letter from Mary K. Engle to Everett W. Gee III, S&M Brands, Inc.
36. May 24, 2017 letter from Veronica Vilarchao on behalf of Dosal Tobacco Corporation to Mary K. Engle.
37. June 8, 2017 letter from Mary K. Engle to Veronica Vilarchao on behalf of Dosal Tobacco Corporation.
38. April 17, 2017 letter from Ray Peters, Skookum Creek Tobacco Co., Inc. to Mary K. Engle.
39. June 16, 2017 letter from Mary K. Engle to Ray Peters, Skookum Creek Tobacco Co., Inc.
40. May 10, 2017 letter from Arthur Montour, Native Wholesale Supply Co. to Advertising Practices.

41. June 20, 2017 letter from Mary K. Engle to Arthur Montour on behalf of Native Wholesale Supply Co.

# Holland & Knight

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

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

March 29, 2017

## VIA FEDERAL EXPRESS

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

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

Dear Ms. Engle:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 24, Teaneck, New Jersey 07666 and its affiliates (collectively "JTI"), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), seeking approval for JTI to display the warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes in the manner provided in Section 4(c)(2)(C) of the Act, as provided in paragraph 2(b) of the Label Statement Rotation Plan of JTI submitted to the Federal Trade Commission on August 28, 1985 (the "Plan"), as subsequently amended and approved, most recently on April 2, 2015 (for all then current brand styles of all brands), July 30, 2015 (for "Wave" full flavor king size black pack (hard pack) and "Wave" menthol king size black pack (hard pack)), February 4, 2016 (for four "LD by L. Ducat" brand styles), March 29, 2016 (for all then current brand styles of all brands) and December 19, 2016 (for ten "LD by L. Ducat brand styles).

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

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

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

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

Six hard pack varieties of the LD by L. Ducat brand with the pre-December 2016 packaging: Red (Kings and 100's), Menthol (100's), Blue (100's), Silver (100's) and Menthol Green (100's); and

Ten hard pack varieties of the LD by L. Ducat brand with revised packaging with the "crest design", namely Red (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's) and Menthol Green (Kings and 100's).

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

<b><u>Brand</u></b>	<b><u>Date(s)</u></b>
Export 'A'	August 18, 2014
Wave	February 25, 2015
Wings	September 8, 2010
LD by L. Ducat	January 15, 2016 (Red (Kings and 100's), Menthol (100's) and Blue (100's))
	February 19, 2016 (Silver (100's) and Menthol Green (100's))
	October 28, 2016 (all brand styles with revised packaging with the "crest design")

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

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

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\* The four "black pack" varieties currently covered by JTI's Plan are no longer being sold and are therefore not included herein.

- (a) the cigarettes sold by JTI in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. The total number of cigarettes imported and sold by JTI in the United States during JTI's last fiscal year ended December 31, 2016 was less than [REDACTED] and the total number of cigarettes of any brand style imported and sold by JTI in the United States during such year was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI imports and sells accounted for less than one-fourth of one percent of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half (*i.e.* all) of the cigarettes imported by JTI for sale in the United States are packaged into brand styles which meet the requirements of clause (i);
- (b) the statutorily mandated warnings will appear exactly as shown on the sample individual packages and cartons (or bundles) submitted to and approved by the Federal Trade Commission unless and until revised sample individual packages and cartons are submitted to the Federal Trade Commission on JTI's behalf and approved by the Federal Trade Commission; and
- (c) JTI will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes for each brand style for the one year period beginning on the date of approval for the Plan and JTI will keep records demonstrating compliance with the Plan.

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

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

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

Ms. Mary K. Engle  
March 29, 2017  
Page 4

Thank you for your continued cooperation in this matter.

Very truly yours,



Neal N. Beaton

Enclosures





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

Division of  
Advertising Practices

April 3, 2017

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. and its affiliates (collectively “JTI”) dated March 29, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Export ‘A’, Wave, Wings, and LD by L. Ducat brands.

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

<u>Brand</u>	<u>Date(s)</u>
Export ‘A’	August 18, 2014
Wave	February 25, 2015
Wings	September 8, 2010
LD by L. Ducat	January 15, 2016 February 19, 2016 October 28, 2016

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<sup>1</sup> JTI stated in its letter dated March 29, 2017 that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

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

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

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

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

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

Neal N. Beaton, Esq.

April 3, 2017

Page 3

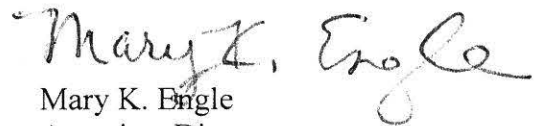
[www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

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

**This approval is effective on the date of this letter and runs through April 2, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,

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

# **KING MAKER MARKETING, INC.**

MAILING ADDRESS: 629 CEPI DRIVE, CHESTERFIELD, MO 63005 PH. 636-537-6800 FAX: 636-530-1362

April 10, 2017

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

**Re: Federal Cigarette Labeling and Advertising Act, §§ 15 U.S.C. 1331 et seq.  
requirements; Labeling for Imported KMM Ace™, Checkers™, Gold Crest™, Hi-Val™ Brand Cigarettes  
and Domestic KMM Ace™ and Gold Crest™ Brand Cigarettes .**

Dear Ms. Engle:

King Maker Marketing, Inc. ("KMM") has previously submitted warning plans for its Ace™, Checkers™, Gold Crest™, Hi-Val™ brands, with its most recent submission occurring on March 23, 2016. Since KMM's March 2016 submission, Premier Manufacturing ("Premier"), a wholly owned subsidiary of U.S. Tobacco Cooperative, Inc. ("USTC"), purchased all the stock of KMM. However, KMM remains a corporate entity and the Ace™, Checkers™, Gold Crest™, Hi-Val™ products remain with the company. Accordingly, all KMM products will continue to be owned by KMM under the USTC corporate umbrella.

The purpose of this letter is twofold: (1) to obtain your approval for KMM's plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for the previously approved Ace™, Checkers™, Gold Crest™, Hi-Val™ products distributed by KMM (collectively, the "Imported KMM Products"); and (2) to obtain your approval for KMM's plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on new varieties of the Ace™ and Gold Crest™ products in the new "U S FARMERS" packaging (collectively, the "Domestic Ace and Gold Crest Products") to be introduced by KMM and manufactured at USFCTG's FDA-registered manufacturing facility. This plan request FTC approval for brand/style's listed in the tables below. It is anticipated that the previously approved Ace™ and Gold Crest™ products will be discontinued within a few months of introduction to the U.S. market of the Domestic Ace™ and Gold Crest™ Products.<sup>1</sup> This letter seeks approval of the simultaneous display plans for both the Imported KMM Products and Domestic Ace and Gold Crest Products as both sets of products will be distributed in U.S. commerce at some point in 2017.

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<sup>1</sup> It is anticipated that the previously approved Checkers™ and Hi-Val™ products in the existing packaging will be phased out. At that point, a subsequent letter will be filed with FTC seeking approval of the simultaneous display plan for the Domestic Checkers™ and Hi-Val™ products for the new packaging.

## I. WARNING PLAN FOR IMPORTED KMM PRODUCTS

This section requests your approval for KMM's plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for the Imported KMM Products. Your current approval extends to March 23, 2017.

1. KMM is an importer and distributor of cigarette products in the United States, bearing the following brand names: Ace<sup>TM</sup>, Checkers<sup>TM</sup>, Gold Crest<sup>TM</sup>, Hi-Val<sup>TM</sup>.
2. KMM sold approximately [REDACTED] total sticks of cigarettes in fiscal year 2016 (calendar year ending December 31<sup>st</sup>), which is under one-fourth (1/4) of one percent (1%) of the total U.S. market for cigarettes. In 2017, KMM expects to sell just about [REDACTED] sticks. This falls within the statutory threshold denoted in 15 U.S.C. § 1333(c)(2)(A)(i), which makes KMM eligible for simultaneous display.<sup>2</sup> Aggregate sales meet the requirements of 15 U.S.C. § 1333(c)(2)(A)(ii).
3. KMM wishes to continue to comply with the Federal Cigarette Labeling and Advertising Act (FCLAA) by using the option of simultaneous display of Surgeon General warnings.<sup>3</sup> KMM will display the four warnings an equal number of times on the packs and cartons of each brand style listed the table below for the one year period beginning on the date of approval of this plan. KMM will achieve this by having all four warnings print simultaneously, at the time of both the pack and the carton print runs. The warnings will appear on the packs and cartons of each of the KMM Products exactly as on the samples submitted on the dates below:

KMM PRODUCT	BRAND	SUBMISSION
BRAND	STYLE	DATE
ACE	RED KINGS BOX	February 24, 2010
ACE	RED 100's BOX	February 24, 2010
ACE	YELLOW KINGS BOX	February 24, 2010

<sup>2</sup> Section 201 of the Family Smoking Prevention and Tobacco Control Act ("Tobacco Control Act") (Pub.-L. 111-31) amended section 4 of Federal Cigarette Labeling and Advertising Act (FCLAA), 15 U.S.C. 1333, to prescribe nine health warning statements that must appear on cigarette packages and advertisements. It also modified the FCLAA's requirements regarding the submission of warning plans for cigarette packages and advertisements and requires that such warning plans be submitted to FDA (as delegated by the Secretary of Health and Human Services) for review and approval, rather than to the Federal Trade Commission (FTC). However, these requirements are currently not in effect, and the FDA has advised that the FTC will continue to review warning plans for current cigarette warnings that will be in effect until 15 months after FDA issues regulations as directed by Section 201(b). Although FDA issued such regulations in June 2011, the U.S. Court of Appeals for the District of Columbia ruled that the particular images chosen were unconstitutional in an "as applied" challenge to the actual graphic images selected by FDA. Despite FDA's indication that it would promulgate new graphic warning images, the FDA has yet to do so. Accordingly, all statutory references included in this submission reference the prior version of the FCLAA, which has historically been administered by FTC.

<sup>3</sup> 15 U.S.C. § 1333(c)(2)(A).

KMM PRODUCT	BRAND	SUBMISSION
BRAND	STYLE	DATE
ACE	YELLOW 100'S BOX	February 24, 2010
ACE	BLUE 100'S BOX	February 24, 2010
ACE	DEEP GREEN MENTHOL 10 KING BOX	February 24, 2010
ACE	DEEP GREEN MENTHOL 10 100'S BOX	February 24, 2010
ACE	PALE GREEN MENTHOL 94 KING BOX	February 24, 2010
ACE	PALE GREEN MENTHOL 94 100'S BOX	February 24, 2010
ACE	MAROON NON FILTER KING BOX	February 24, 2010
CHECKERS	RED KINGS BOX	February 24, 2010
CHECKERS	RED 100'S BOX	February 24, 2010
CHECKERS	YELLOW KINGS BOX	February 24, 2010
CHECKERS	YELLOW 100'S BOX	February 24, 2010
CHECKERS	BLUE 100'S BOX	February 24, 2010
CHECKERS	DEEP GREEN MENTHOL 10 KING BOX	February 24, 2010
CHECKERS	DEEP GREEN MENTHOL 10 100'S BOX	February 24, 2010
CHECKERS	PALE GREEN MENTHOL 94 KING BOX	February 24, 2010
CHECKERS	PALE GREEN MENTHOL 94 100'S BOX	February 24, 2010
CHECKERS	MAROON NON FILTER KING BOX	February 24, 2010
GOLD CREST	RED KINGS BOX	March 22, 2013
GOLD CREST	RED 100'S BOX	March 22, 2013
GOLD CREST	YELLOW KINGS BOX	March 22, 2013
GOLD CREST	YELLOW 100'S BOX	March 22, 2013
GOLD CREST	BLUE 100'S BOX	March 22, 2013
GOLD CREST	DEEP GREEN MENTHOL 10 KING BOX	March 22, 2013
GOLD CREST	DEEP GREEN MENTHOL 10 100'S BOX	March 22, 2013
GOLD CREST	PALE GREEN MENTHOL 94 KING BOX	March 22, 2013
GOLD CREST	PALE GREEN MENTHOL 94 100'S BOX	March 22, 2013
GOLD CREST	MAROON NON FILTER KING BOX	March 22, 2013
HI-VAL	61310 Red 100's Box Filter	February 24, 2010
HI-VAL	61410 Red Kings Box Filter	February 24, 2010
HI-VAL	62410 Yellow Kings Box Filter	March 30, 2010
HI-VAL	62310 Yellow 100's Box Filter	March 30, 2010
HI-VAL	63310 Blue 100's Box Filter	March 30, 2010
HI-VAL	64210 Deep Green Menthol 10 Kings Box Filter	February 24, 2010
HI-VAL	64310 Deep Green Menthol 10 100's Box Filter	February 24, 2010
HI-VAL	65210 Pale Green Menthol 94 Kings Box Filter	March 30, 2010
HI-VAL	65310 Pale Green Menthol 94 100's Box Filter	March 30, 2010
HI-VAL	63410 Maroon Non Filter Kings Box	February 24, 2010

4. Consistent with FTC's guidance and prior submissions, sufficient records will be maintained to demonstrate our compliance with this plan.
5. For advertising materials, KMM will continue to comply with the Advertising Plans most recently approved by the FTC . However we no longer sell or advertise the Smoker Friendly brand and would like to amend our Advertisement Rotation Schedule as follows on Appendix 1.
6. Further, KMM will continue to comply with existing and forthcoming advertising and labeling regulations from the FDA/FTC pursuant to the Tobacco Control Act.

## II. WARNING PLAN FOR DOMESTIC ACE AND GOLD CREST PRODUCTS

This section requests approval for KMM's plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for the new Ace and Gold Crest brand styles in the "U S FARMERS" packaging. As previously explained, the transaction in which Premier purchased all the stock of KMM, resulted in the Ace<sup>TM</sup>, Checkers<sup>TM</sup>, Gold Crest<sup>TM</sup>, Hi-Val<sup>TM</sup> brands being owned under the USTC corporate umbrella. It is anticipated that KMM will introduce the new Ace and Gold Crest brand styles to the U.S. market on or about April 1, 2017.

1. The warnings will appear on the packs and cartons of each of the Domestic Ace and Gold Crest Products, exactly as the samples included with our submission dated March 02, 2017.

KMM wishes to comply with the Federal Cigarette Labeling and Advertising Act (FCLAA) by using the option of simultaneous display of Surgeon General warnings.<sup>4</sup> KMM will display the four warnings an equal number of times on the packs and cartons of each brand style listed the table below for the one year period beginning on the date of approval of this plan. KMM will achieve this by having all four warnings print simultaneously, at the time of both the pack and the carton print runs. The warnings will appear on the packs and cartons of each of the KMM Products, exactly as on the samples submitted on the dates below:

KMM PRODUCT BRAND	ALL BRAND STYLES IN THIS CHART ARE IN "U S FARMERS" PACKAGING	SUBMISSION DATE
ACE	RED KING BOX	March 02, 2017
ACE	RED 100S BOX	March 02, 2017
ACE	YELLOW KING BOX	March 02, 2017
ACE	YELLOW 100S BOX	March 02, 2017
ACE	BLUE 100S BOX	March 02, 2017

<sup>4</sup> 15 U.S.C. § 1333(c)(2)(A).

KMM PRODUCT	ALL BRAND STYLES IN THIS CHART	SUBMISSION
BRAND	ARE IN "U S FARMERS" PACKAGING	DATE
ACE	MENTHOL 10 KINGS BOX	March 02, 2017
ACE	MENTHOL 10 100S BOX	March 02, 2017
ACE	MENTHOL 94 100S BOX	March 02, 2017
ACE	NON FILTER KINGS BOX	March 02, 2017
GOLD CREST	RED KINGS BOX	March 02, 2017
GOLD CREST	RED 100S BOX	March 02, 2017
GOLD CREST	YELLOW KINGS BOX	March 02, 2017
GOLD CREST	YELLOW 100S BOX	March 02, 2017
GOLD CREST	BLUE 100S BOX	March 02, 2017
GOLD CREST	MENTHOL 10 KINGS BOX	March 02, 2017
GOLD CREST	MENTHOL 10 100S BOX	March 02, 2017
GOLD CREST	MENTHOL 94 100S BOX	March 02, 2017
GOLD CREST	NON FILTER KINGS BOX	March 02, 2017

2. KMM will continue to comply with existing and forthcoming advertising and labeling regulations from the FDA/FTC pursuant to the Tobacco Control Act.

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

Sincerely,



Russell Mancuso  
Vice President – Consumer Products

Permission is given to contact my assistant, Terri Albright, in regard to this submission with any changes or assistance you may need. Her direct line is: 636.537.6823



## Appendix 1: Rotational Warning Schedule for KMM Advertising Materials

Table 1-1: Rotational Warning Schedule for KMM Product Advertising Materials				
Quarter	Ace	Checkers	Gold Crest	Hi-Val
1st Quarter (Jan – Mar.)	A	B	C	D
2nd Quarter (Apr.- June)	B	C	D	A
3rd Quarter (July –Sept.)	C	D	A	B
4th Quarter (Oct. –Dec.)	D	A	B	C

The warnings are as follows:

Letter	Warning Statement
A	SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.
B	SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.
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: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

Selected packaging samples from those  
submitted with the plan.

ACE  
RED KINGS BOX



TP-NC-16003

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

RED KINGS BOX  
20 CLASS A CIGARETTES

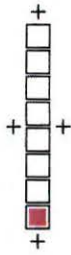
Made in the USA  
Manufactured under license  
from King Maker Marketing, Inc.  
Raleigh, NC 27608  
www.gopremier.com



RED KINGS BOX  
20 CLASS A CIGARETTES

M-1 2 3 4 5 6 7 8 9 10 11 12  
Y-17 18 19 20

415-4401 - B



RED KINGS BOX  
ACE

PROHIBITED  
SALE  
UNDERAGE

A PRODUCT OF  
US FARMERS

200 CLASS A CIGARETTES

# ACE

MENTHOL 94  
100s BOX

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

# ACE

200 CLASS A CIGARETTES

FSC



TP-NC-15000

UNDERAGE SALE PROHIBITED

MENTHOL 94  
100s BOX

MENTHOL 94  
100s BOX

# ACE

Made in the USA  
Manufactured under license  
from King Maker Marketing, Inc.  
Raleigh, NC 27608  
[www.gopremier.com](http://www.gopremier.com)  
A PRODUCT OF US FARMERS

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

NON-FILTER  
KINGS BOX

20 CLASS A CIGARETTES

**GOLD CREST**

**GOLD CREST**  
NON-FILTER KINGS BOX

FSC



7 6732103418 2

TP-NC-15000

Made in the USA  
Manufactured under license  
from King Maker Marketing, Inc.  
Raleigh, NC 27608  
[www.gopremier.com](http://www.gopremier.com)

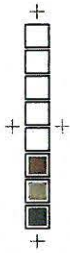


NON-FILTER  
KINGS BOX

M-123456789012  
Y-18171819

415-4508-ID

**GOLD CREST**



**GOLD CREST**  
NON-FILTER KINGS BOX



UNDERAGE  
SALE  
PROHIBITED

A PRODUCT OF  
US FARMERS

200 CLASS A CIGARETTES



TP-NC-15000



FSC



# GOLD CREST

BLUE 100s BOX

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

UNDERAGE SALE PROHIBITED

200 CLASS A CIGARETTES

# GOLD CREST



BLUE 100s BOX

A PRODUCT OF US FARMERS

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

Made in the USA  
Manufactured under license  
from King Maker Marketing, Inc.  
Raleigh, NC 27608





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

Division of  
Advertising Practices

April 13, 2017

Mr. Russell Mancuso  
King Maker Marketing, Inc.  
629 Cepi Drive  
Chesterfield, MO 63005

Dear Mr. Mancuso:

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 King Maker Marketing, Inc. (“King Maker”) on April 13, 2017, calling for: (1) modification of King Maker’s previously approved plan for quarterly rotation of the four health warnings in advertising for the Ace, Checkers, Gold Crest, and Hi-Val brands of cigarettes, and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Checkers, Gold Crest, and Hi-Val brands.

King Maker’s request to modify its previously approved plan for quarterly rotation of the four health warnings in advertising for the Ace, Checkers, Gold Crest, and Hi-Val brands is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

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

<u>Brand</u>	<u>Date(s)</u>
Ace	February 24, 2010 March 2, 2017 (“US Farmers” packaging)
Checkers	February 24, 2010

---

<sup>1</sup> King Maker stated in its April 13, 2017 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Gold Crest	March 22, 2013 March 2, 2017 (“US Farmers” packaging)
Hi-Val	February 24, 2010 <sup>2</sup> March 30, 2010

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

- Ten varieties of the Ace brand in other than “US Farmers” packaging: Kings box (red), 100's box (red), Kings box (yellow), 100's box (yellow), 100's box (blue), Menthol 10 Kings box (deep green), Menthol 10 100's box (deep green), Menthol 94 Kings box (pale green), Menthol 94 100's box (pale green), and Non-Filter Kings box (maroon);
- Nine varieties of the Ace brand in “US Farmers” packaging: Red Kings box, Red 100’s box, Yellow Kings Box, Yellow 100’s Box, Blue 100’s box, Menthol 10 Kings box, Menthol 10 100’s box, Menthol 94 100’s box, and Non-Filter Kings box;
- Ten varieties of the Checkers brand: Kings box (red), 100’s box (red), Kings box (yellow), 100’s box (yellow), 100’s box (blue), Menthol 10 Kings box (deep green), Menthol 10 100’s box (deep green), Menthol 94 Kings box (pale green), Menthol 94 100’s box (pale green), and Non-Filter Kings box (maroon);
- Ten varieties of the Gold Crest brand in other than “US Farmers” packaging: Kings box (with red stripe), 100’s box (with red stripe), Kings box (with yellow stripe), 100’s box (with yellow stripe), 100’s box (with blue stripe), Menthol 10 Kings box (with deep green stripe), Menthol 10 100’s box (with deep green stripe), Menthol 94 Kings box (with pale green stripe), Menthol 94 100’s box (with pale green stripe), Non-Filter Kings box (with maroon stripe);

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

<sup>3</sup> As set forth in its April 13, 2017 letter, King Maker is using colors to identify its cigarette varieties. We note that the color names are printed only on the varieties in “US Farmers” packaging (e.g., “Red Kings box”); however, for the remaining varieties, the color referenced in the name does conform to the color used in the packaging.



- Nine varieties of the Gold Crest brand in “US Farmers” packaging: Red Kings box, Red 100’s box, Yellow Kings Box, Yellow 100’s Box, Blue 100’s box, Menthol 10 Kings box, Menthol 10 100’s box, Menthol 94 100’s box, and Non-Filter Kings box; and
- Ten varieties of the Hi-Val brand: Kings box (red), 100’s box (red), Kings box (yellow), 100’s box (yellow), 100’s box (blue), Menthol 10 Kings box (deep green), Menthol 10 100’s box (deep green), Menthol 94 Kings box (pale green), Menthol 94 100’s box (pale green), and Non-Filter Kings box (maroon).

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

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

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

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

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

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

Mr. Russell Mancuso  
April 13, 2017  
Page 4

**This approval is effective on the date of this letter and runs through April 12, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,

Handwritten signature of Mary K. Engle in cursive script, followed by a forward slash and the letters 'sv'.

Mary K. Engle  
Associate Director

LAW OFFICES OF  
**BARRY M. BOREN**

[borenlaw@bellsouth.net](mailto:borenlaw@bellsouth.net)

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

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

March 3, 2017

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 35<sup>th</sup> 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."<sup>1</sup> The health warnings will continue to appear exactly as shown

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<sup>1</sup> 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.

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

In fiscal year 2016<sup>2</sup>, ET imported approximately [REDACTED] cigarettes (all were Seneca, Couture, and Opal brand cigarettes).<sup>3</sup> In fiscal year 2017 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 2017.

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.

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<sup>2</sup> 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



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

<u>BRAND</u>	<u>DATE[S] PACKAGING SUBMITTED TO FTC</u>
<u>Seneca</u>	February 22, 2012, May 1, 2012 June 15, 2010, December 1, 2010 and December 1, 2011
<u>Couture</u>	February 22, 2012
<u>Opal</u>	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 13, 2017

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 proposed plan filed on behalf of Everything Tobacco, LLC (“ET”) on March 3, 2017, 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:<sup>1</sup>

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

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<sup>1</sup> 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.<sup>2</sup> 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 approval of any other design element, statement, or representation made on packaging for ET's

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

Mr. Barry Boren  
April 13, 2017  
Page 3

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

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

**This approval is effective on the date of this letter and runs through April 12, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,

Handwritten signature of Mary K. Engle in black ink, with a vertical line and the letters 'SV' to the right of the name.

Mary K. Engle  
Associate Director



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

April 13, 2017

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.  
2017 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Engle:

Commonwealth Brands, Inc., 714 Green Valley Road, Greensboro, NC 27408 hereby submits its 2017 Cigarette Warning Label Rotation plans for the following brands<sup>1</sup>:

Crowns	Rave
Fortuna	Sonoma
Montclair	USA Gold

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 on Exhibit A an equal number of times during the 12-month period starting from the date this plan is approved by the FTC. These brand styles meet the statutory requirements for the equalization method set out in 15 USC §1333(c)(2)(C) in that (i) none of the brand styles exceed one-fourth of 1 percent of all cigarettes sold in the U.S. during Commonwealth'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

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<sup>1</sup> 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 Gauloises, Gitanes, Malibu, Riviera, Tuscany, and West brands. These brands were included in the 2016 Cigarette Warning Rotation Plan for Commonwealth Brands, but as of the date of this letter all production and sales of the Gauloises, Gitanes, Malibu, Riviera, Tuscany, and West brands has ceased. We also no longer market certain varieties of the Fortuna, Montclair and USA Gold brands. Rave was included in the 2016 Cigarette Warning Label Rotation Plans submitted by ITG Brands, LLC. However, as Rave will be manufactured by Commonwealth Brands it has been added to this plan.

for the previously approved brand styles of Commonwealth Brands have been rotated in accordance with its previously approved plans. If this request is approved, Commonwealth will require one-fourth of each package and carton material order for all brand styles in Exhibit A 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, 2016), are reported in the attached **Exhibit B**.

During 2017, Commonwealth Brands will manufacture 65 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:

<b>Brand(s)</b>	<b>Date(s)</b>
Crowns	September 7, 2010
Fortuna	March 18, 2010 April 28, 2010
Montclair	March 18, 2010 May 29, 2013 (Black & Silver 100s) June 6, 2013 (Blue & Menthol Gold 100s)
Rave	March 31, 2017 <sup>2</sup>
Sonoma	July 28, 2010
USA Gold <sup>3</sup>	June 19, 2013 July 18, 2013 (Blue packs and cartons)

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 for 2017 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

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<sup>2</sup> Commonwealth Brands submitted all packs and cartons of Rave in a letter dated March 31, 2017.

<sup>3</sup> Commonwealth Brands 2016 Cigarette Warning Label Rotation plan also referenced submission dates for USA Gold Glide Tec Box packs and cartons. However, those brand variants have been discontinued and are not included in this year's plan and reference to that information has been omitted.

Ms. Mary Engle  
April 13, 2017  
Page 3

September 30, 2016, were [REDACTED] units. The source of industry sales information is the *MSAI CRA Shipment Database for Fourth Quarter 2015 and First, Second and Third Quarters, 2016*. 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.

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

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

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

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  
Senior Legal Counsel

Ms. Mary Engle  
April 13, 2017  
Page 4

Attachments:

Exhibit A-List of Current Brand Styles

Exhibit B-Cigarette Volume 10/01/2015-09/30/2016

**EXHIBIT A**

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

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

**CROWNS**

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

**MONTCLAIR**

BLACK FILTER 100s BOX  
BLUE FILTER 100s BOX  
SILVER FILTER 100s BOX  
MENTHOL GOLD FILTER 100s BOX

**RAVE**

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



**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

**USA GOLD**

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

**EXHIBIT B**

**COMMONWEALTH BRANDS, INC. FTC SALES  
Fiscal Year 2016**

<b>Brand (SKU)</b>	<b>Total Units FY16</b>
CROWNS GOLD BOX	
CROWNS GOLD BOX 100S	
CROWNS BLUE BOX	
CROWNS BLUE BOX 100S	
CROWNS MENTHOL GREEN BOX	
CROWNS MENTHOL GREEN BOX 100S	
CROWNS RED BOX	
CROWNS RED BOX 100S	
CROWNS MENTHOL DARK GREEN BOX	
CROWNS MENTHOL DARK GREEN BOX 100S	
CROWNS NON-FILTERED KINGS SOFT CROWN	
FORTUNA BLUE BOX	
FORTUNA BLUE BOX 100S	
FORTUNA MENTHOL GREEN BOX	
FORTUNA MENTHOL GREEN BOX 100S	
FORTUNA RED BOX	
FORTUNA RED BOX 100S	
FORTUNA MENTHOL DARK GREEN BOX	
FORTUNA MENTHOL DARK GREEN BOX 100S	
FORTUNA PALE BLUE BOX	
FORTUNA PALE BLUE BOX 100S	
FORTUNA	
MALIBU BLUE BOX SLIM 100S	
MALIBU BLUE BOX SLIM 120S	
MALIBU MENTHOL GREEN BOX SLIM 100S	
MALIBU MENTHOL GREEN BOX SLIM 120S	
MALIBU PINK BOX SLIM 100S	
MALIBU PINK BOX SLIM 120S	
MALIBU	
MONTCLAIR MENTHOL GOLD BOX 100S	
MONTCLAIR SILVER BOX 100S	
MONTCLAIR BLUE BOX 100S	
MONTCLAIR BLACK BOX 100S	
MONTCLAIR	
SONOMA GOLD BOX	
SONOMA GOLD 100S SOFT	
SONOMA GOLD BOX 100S	

SONOMA BLUE BOX  
SONOMA BLUE 100S SOFT  
SONOMA MENTHOL GREEN BOX  
SONOMA MENTHOL GREEN 100S SOFT  
SONOMA RED BOX  
SONOMA RED 100S SOFT  
SONOMA RED BOX 100S  
SONOMA MENTHOL DARK GREEN BOX  
SONOMA MENTHOL DARK GREEN 100S SOFT  
SONOMA MENTHOL DARK GREEN BOX 100S  
SONOMA NON-FILTERED KINGS SOFT  
**SONOMA**

USA GOLD MENTHOL KINGS SOFT  
USA GOLD MENTHOL BOX  
USA GOLD MENTHOL 100S SOFT  
USA GOLD MENTHOL BOX 100S  
USA GOLD MENTHOL GOLD KINGS SOFT  
USA GOLD MENTHOL GOLD 100S SOFT  
USA GOLD MENTHOL GOLD BOX 100S  
USA GOLD GOLD KINGS SOFT  
USA GOLD GOLD BOX  
USA GOLD GOLD GLIDE TEC BOX  
USA GOLD GOLD 100S SOFT  
USA GOLD GOLD BOX 100S  
USA GOLD BLUE KINGS SOFT  
USA GOLD BLUE BOX  
USA GOLD BLUE 100S SOFT  
USA GOLD BLUE BOX 100S  
USA GOLD RED KINGS SOFT  
USA GOLD RED BOX  
USA GOLD RED GLIDE TEC BOX  
USA GOLD RED 100S SOFT  
USA GOLD RED BOX 100S  
USA GOLD NON-FILTERED KINGS SOFT  
**USA GOLD**

**TOTAL**

Selected packaging samples from those  
submitted with the plan.

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



BOX

MFD UNDER LICENSE BY  
COMMONWEALTH BRANDS, INC.  
REIDSVILLE, NC 27320  
FOR  
Lignum - 2, Inc.  
Bowling Green, KY 42101



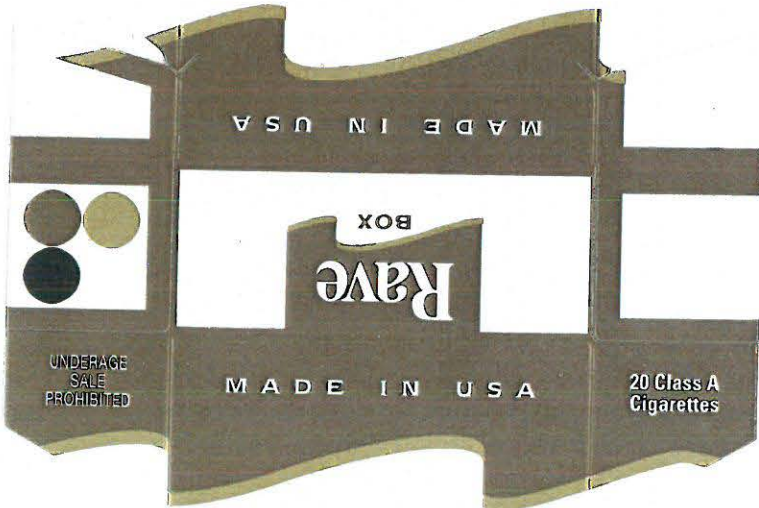
BOX

WN/A  
9066

BOX



9066



MADE IN USA

BOX

Rave

MADE IN USA

20 Class A  
Cigarettes

UNDERAGE  
SALE  
PROHIBITED

MFD UNDER LICENSE BY  
COMMONWEALTH BRANDS, INC.  
REIDSVILLE, NC 27320  
FOR  
Liggett & Myers Inc.

**BOX**  
**100's**

MADE IN USA

**Rave**

MADE IN USA

**Rave**

**BOX**  
**100's**

200 CLASS A CIGARETTES

MADE IN USA

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

**Rave**

**BOX**  
**100's**

FSC  
0 87393 24626 0



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

April 13, 2017

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.  
ADVERTISING PLAN FOR RAVE**

Dear Ms. Engle:

Previously Rave<sup>1</sup> was included in the annual submission of ITG Brands, LLC. However, as Rave will be manufactured by Commonwealth Brands it is included in Commonwealth Brands' 2017 Cigarette Warning Label Rotation Plan submitted.

Commonwealth Brands also intends to advertise the Rave brand.

At this time Commonwealth Brands requests approval to use ads up to 10 square feet in size (Category 7) and notes that a copy of the acetates we will use in our advertising were submitted in correspondence dated January 22, 2002. Commonwealth Brands will use the warning formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and will place the warning as specified in those plans. The advertising warnings for Rave will be rotated quarterly according to the schedule attached as Exhibit A. The quarterly rotation schedule showing how Rave will be incorporated into Commonwealth Brands' overall advertising plan is set out in the attached **Exhibit A**.

This will also confirm that Commonwealth Brands has no plans to implement Spanish language advertising for Rave.

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<sup>1</sup> The Rave brand is owned by ITG Brands, LLC, which until November 10, 2014 was known as Lignum-2, L.L.C.

Ms. Mary Engle  
April 13, 2017  
Page 2

Also, Commonwealth Brands does not intend to advertise Rave over the internet at this time and agrees that prior to engaging in internet advertising for the Rave brand Commonwealth Brands will submit a plan to the FTC requesting approval.

If you require any additional information, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Rhondetta Walton". The signature is written in a cursive style with a large initial "R".

Rhondetta G. Walton  
Sr. Legal Counsel

**Attachments:**

Exhibit A – Quarterly Warning Rotation Plan for Advertisements



**EXHIBIT A**

**COMMONWEALTH BRANDS  
ADVERTISING ROTATION PLAN**

**QUARTER IN WHICH  
MATERIALS ARE  
PRODUCED**

**WARNING NOTICE UTILIZED**

**BRAND**

	USA GOLD	SONOMA	MONTCLAIR
1 <sup>st</sup> Q (Jan – Mar)	A	C	D
2 <sup>nd</sup> Q (Apr. – June)	B	D	A
3 <sup>rd</sup> Q (July – Sept.)	C	A	B
4 <sup>th</sup> Q (Oct. – Dec.)	D	B	C
	FORTUNA	CROWNS	
1 <sup>st</sup> Q (Jan – Mar)	A	C	
2 <sup>nd</sup> Q (Apr. – June)	B	D	
3 <sup>rd</sup> Q (July – Sept.)	C	A	
4 <sup>th</sup> Q (Oct. – Dec.)	D	B	
	RAVE		
1 <sup>st</sup> Q (Jan – Mar)	B		
2 <sup>nd</sup> Q (Apr. – June)	C		
3 <sup>rd</sup> Q (July – Sept.)	D		
4 <sup>th</sup> Q (Oct. – Dec.)	A		
	MULTIPLE BRANDS/ NON-BRAND SPECIFIC		
1 <sup>st</sup> Q (Jan – Mar)	A		
2 <sup>nd</sup> Q (Apr. – June)	B		
3 <sup>rd</sup> Q (July – Sept.)	C		
4 <sup>th</sup> 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 13, 2017

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 two letters dated April 13, 2017, which constitute a plan filed by Commonwealth Brands, Inc. ("Commonwealth"), calling for: (1) quarterly rotation of the four health warnings in advertising up to ten square feet in size for the Rave brand of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Fortuna, Montclair, Rave, Sonoma, and USA Gold brands of cigarettes.

Commonwealth's plan for rotation of the warnings in advertising up to ten square feet in size for the Rave brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

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

<u>Brand</u>	<u>Date(s)</u>
Crowns	September 7, 2010
Fortuna	March 18, 2010 April 28, 2010

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<sup>1</sup> Commonwealth stated 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
Rave	March 31, 2017
Sonoma	July 28, 2010
USA Gold	June 19, 2013 July 18, 2013

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

- 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;
- Ten varieties of the Fortuna brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Pale Blue Kings Box, Pale Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box (blue/green packaging), and Menthol Green 100's Box (blue/green packaging);
- Four varieties of the Montclair brand: Black 100's Box, Blue 100's Box, Silver 100's Box, and Menthol Gold 100's;
- Six varieties of the Rave brand: Gold 100's Box, Gold Kings Box, Menthol Dark Green 100's Box, Menthol Dark Green Kings Box, Red 100's Box, and Red Kings Box;
- 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; and

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<sup>2</sup> 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 13, 2017

Page 3

- Twenty varieties of the USA Gold brand: Red Kings Box, Red Kings soft pack, Red 100's Box, Red 100's soft pack, Gold Kings Box, Gold Kings soft pack, Gold 100's Box, Gold 100's soft pack, Blue Kings Box, Blue Kings soft pack, Blue 100's Box, Blue 100's soft pack, Menthol Gold Kings soft pack, Menthol Gold 100's Box, Menthol Gold 100's soft pack, Menthol Kings Box (Dark Green Packaging), Menthol Kings soft pack (Dark Green Packaging), Menthol 100's Box (Dark Green Packaging), Menthol 100's soft pack (Dark Green Packaging), and Non-filter Kings soft pack.

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.

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

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

**This approval is effective on the date of this letter and runs through April 12, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

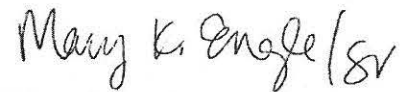
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<sup>3</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Rhondetta Walton, Esq.  
April 13, 2017  
Page 4

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" followed by a stylized initial "sv".

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 20, 2017

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 approval of the Surgeon General Warning Rotation Plans for the packaging for the Senate, Gator and Buffalo brands and the Stallion, Bronco and Tribal Pride brands. 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. Six Nations Manufacturing letter dated June 13, 2016 for health warning statement plans for "Buffalo", "Gator" and "Senate" was approved on June 14, 2016. Please note that Six Nations Manufacturing changed the Native Pride brand name and packaging to Tribal Pride in May of 2016. The packaging for this brand remains almost entirely the same with the exception of the word "Tribal" replacing the word "Native" throughout the pack and the carton. Upon approval 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 sell the Stallion, Bronco, Tribal Pride, Senate, Gator and Buffalo brands. The brand styles of each brand that Six Nations Manufacturing intends to sell (Senate, Gator, Buffalo, Bronco, Stallion and Tribal Pride) are listed and submitted as Schedule "A". The "Senate", "Gator", "Buffalo", "Tribal Pride", "Bronco" and "Stallion" cigarette brands will continue to be manufactured by J Conrad Seneca, d.b.a. Six Nations Manufacturing.

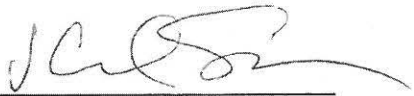
These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear on the packs and cartons for the Senate brand exactly as shown on the samples submitted with the letter dated 2/8/2011. The warnings will appear on the packs and cartons for the Stallion brand exactly as shown on the samples submitted with the letter's dated 3/24/2014 and April 14, 2014. The warnings will appear on the packs and cartons for the Gator, Buffalo, Bronco, and Tribal Pride brands exactly as shown on the samples submitted with the letters dated April 6, 2017 and

April 18, 2017. 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, Buffalo, Stallion, Bronco and Tribal Pride 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 Labels on the packages and cartons of the Gator, Senate, Buffalo, Stallion, Bronco and Native Pride brand styles have been equalized in accordance with our approved plans. Through the date of this application, the Surgeon General Warning Labels on the packages and cartons of the Tribal Pride brand have been equalized. 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 2017 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 all brands that we manufactured in fiscal year 2016.

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. Our advertising plan for Stallion was approved on April 23, 2014 and for the Bronco brand on December 17, 2012 and we will remain in compliance with those plans. Tribal Pride does not currently have an advertising plan but Six Nations Manufacturing will submit one in the coming weeks, and prior to engaging in advertising for the Tribal Pride brand, the company will submit and advertising plan for approval.

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 A

We are seeking re-approval for the following brand styles

Approved Packaging - Bronco	Approved Packaging - Stallion	Approved Packaging - Senate	Approved Packaging - Gator
Bronco Red Kings Box	Stallion Full Flavor Red King Box	Senate Full Flavor King's Size Box	Gator Full Flavor King's Size Box
Bronco Gold Kings Box	Stallion Smooth Gold King Box	Senate Smooth King's Size Box	Gator Smooth King's Size Box
Bronco Silver Kings Box	Stallion Menthol King Box	Senate Menthol King's Size Box	Gator Menthol King's Size Box
Bronco Menthol Kings Box	Stallion Full Flavor Red 100's Box	Senate Menthol Smooth King's Size Box	Gator Menthol Smooth King's Size Box
Bronco Menthol Gold Kings Box	Stallion Smooth Gold 100's Box	Senate Ultra Smooth King's Size Box	Gator Ultra Smooth King's Size Box
Bronco Non-Filter Kings Box	Stallion Ultra Smooth Silver 100's Box	Senate Non-Filter King's Size Box	Gator Non-Filter King's Size Box
Bronco Red 100's Box	Stallion Menthol 100's Box	Senate Full Flavor 100's Size Box	Gator Full Flavor 100's Size Box
Bronco Gold 100's Box		Senate Smooth 100's Size Box	Gator Smooth 100's Size Box
Bronco Silver 100's Box		Senate Menthol 100's Size Box	Gator Menthol 100's Size Box
Bronco Menthol 100's Box		Senate Menthol Smooth 100's Size Box	Gator Menthol Smooth 100's Size Box
Bronco Menthol Gold 100's Box		Senate Ultra Smooth 100's Size Box	Gator Ultra Smooth 100's Size Box
Approved Packaging - Buffalo			
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			

## SCHEDULE A

We are seeking approval for the following brand styles

Submitted Packaging - Tribal Pride
Tribal Pride Robust Full Bodied Flavor King Size Box
Tribal Pride Relaxed Smooth Flavor King Size Box
Tribal Pride Full Bodied Menthol Flavor King Size Box
Tribal Pride Robust Full Bodied Flavor 100's Size Box
Tribal Pride Relaxed Smooth Flavor 100's Size Box
Tribal Pride Full Bodied Menthol Flavor 100's Size Box
Tribal Pride Smooth Menthol Flavor 100's Size Box
Tribal Pride Ultra Smooth Flavor 100's Size Box



**SCHEDULE B:** Estimated annual (1/1/2017 -12/31/2017) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Tribal 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	
Tribal Pride Robust Full Bodied Flavor King Size Box	
Tribal Pride Relaxed Smooth Flavor King Size Box	
Tribal Pride Full Bodied Menthol Flavor King Size Box	
Tribal Pride Robust Full Bodied Flavor 100's Size Box	
Tribal Pride Relaxed Smooth Flavor 100's Size Box	
Tribal Pride Full Bodied Menthol Flavor 100's Size Box	
Tribal Pride Smooth Menthol Flavor 100's Size Box	
Tribal 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 (1/1/2017 -12/31/2017) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Tribal 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	
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	

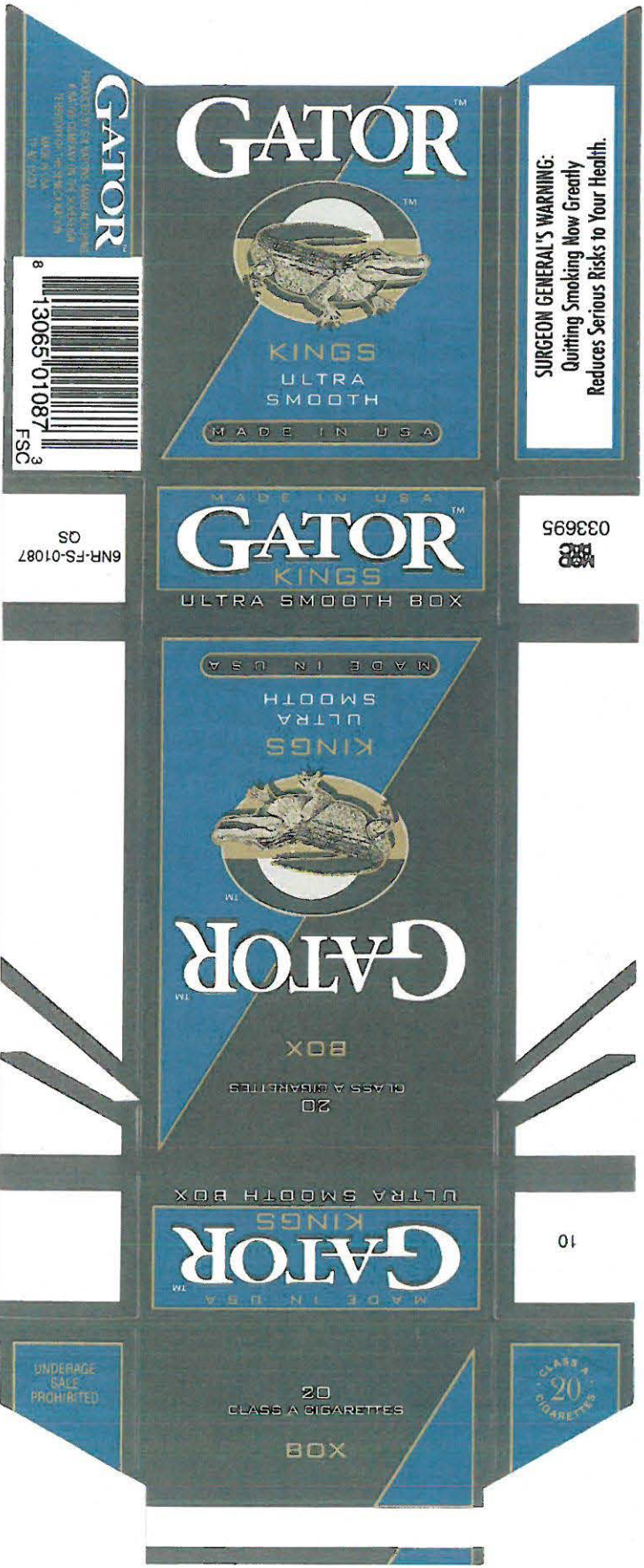
**SCHEDULE C:** Actual annual (1/1/2016 -12/31/2016) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride, Tribal Pride, Bronco and Stallion Cigarettes by style in sticks.

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	
Tribal Pride Robust Full Bodied Flavor King Size Box	
Tribal Pride Relaxed Smooth Flavor King Size Box	
Tribal Pride Full Bodied Menthol Flavor King Size Box	
Tribal Pride Robust Full Bodied Flavor 100's Size Box	
Tribal Pride Relaxed Smooth Flavor 100's Size Box	
Tribal Pride Full Bodied Menthol Flavor 100's Size Box	
Tribal Pride Smooth Menthol Flavor 100's Size Box	
Tribal 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 (1/1/2016 -12/31/2016) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride, Tribal 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	
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	

Selected packaging samples from those  
submitted with the plan.



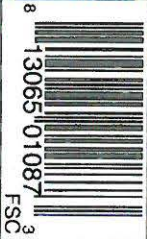
GATOR™



KINGS  
ULTRA  
SMOOTH

MADE IN USA

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



6NR-FS-01087  
QS

MADE IN USA  
GATOR™  
KINGS

ULTRA SMOOTH BOX

NO TOBACCO  
033695

MADE IN USA

KINGS  
ULTRA  
SMOOTH



GATOR™

BOX

20  
CLASS A CIGARETTES

ULTRA SMOOTH BOX

GATOR™  
KINGS  
MADE IN USA

10

UNDERAGE  
SALE  
PROHIBITED

20  
CLASS A CIGARETTES

BOX

CLASS A  
20  
CIGARETTES

PRODUCED BY SIX NATIONS MANUFACTURING  
A NATIVE COMPANY ON THE SOVEREIGN  
TERRITORY OF THE SENECA NATION  
MADE IN USA  
TP-NY-15033

100'S  
SMOOTH  
MENTHOL  
**GATOR**  
CLASS A CIGARETTES  
200  
BOX

UNDERAGE SALE PROHIBITED

200  
CLASS A CIGARETTES



TM

MADE IN  
USA

**GATOR**  
MENTHOL SMOOTH

TM

100'S

BOX

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

200  
CLASS A CIGARETTES  
**GATOR**  
MENTHOL  
SMOOTH  
100'S BOX



BOX

100'S

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

**BUFFALO**<sup>®</sup>  
FILTER DE LUXE

*Smooth*

MADE IN USA  
20 CLASS A CIGARETTES

**BUFFALO CIGARETTES**  
PRODUCED BY SIX NATIONS MANUFACTURING,  
A NATION COMPANY ON THE SOVEREIGN  
TERRITORY OF THE SENECA NATION  
MADE IN USA  
TP 4411523



6N-FS-01033  
LC

**BUFFALO**<sup>®</sup>  
*Smooth*

036531



MADE IN USA  
20 CLASS A CIGARETTES

*Smooth*

**BUFFALO**<sup>®</sup>  
FILTER DE LUXE



**BUFFALO**<sup>®</sup>  
*Smooth*

14

CLASS A  
20  
CIGARETTES



UNDERAGE  
SALE  
PROHIBITED



PRODUCED BY SIX NATIONS MANUFACTURING  
A NATIVE COMPANY ON THE SOVEREIGN  
TERRITORY OF THE SENECA NATION  
MADE IN USA  
TP-NY-15033

BOX  
*Non-Filler*  
BUFFALO

200 CLASS A CIGARETTES  
UNDERAGE SALE PROHIBITED



BOX

BUFFALO<sup>®</sup>

BOX

DE LUXE

*Non-Filler*

MADE IN USA

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

BUFFALO<sup>®</sup>  
*Non-Filler*  
BOX



MADE IN USA

DE LUXE

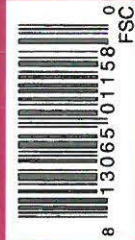
CLASS A  
• 20 •  
CIGARETTES



PREMIUM BLENDED TOBACCO

GIEL YORK TOBACCO  
www.bronco.cigarettes.com

MADE IN U.S.A.  
TP-NY-15033



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

BRONCO®

RED

100's BOX

PREMIUM BLENDED TOBACCO



100's

BRONCO®

100's BOX

RED

BRONCO®

6N-01158  
CM

042968

7

UNDERAGE  
SALE  
PROHIBITED

BRONCO®

100's



HINGE-TOP BOX™



PREMIUM BLENDED TOBACCO



TP-NY-15033

# BRONCO®



GIEL YORK TOBACCO  
[www.broncocigarettes.com](http://www.broncocigarettes.com)

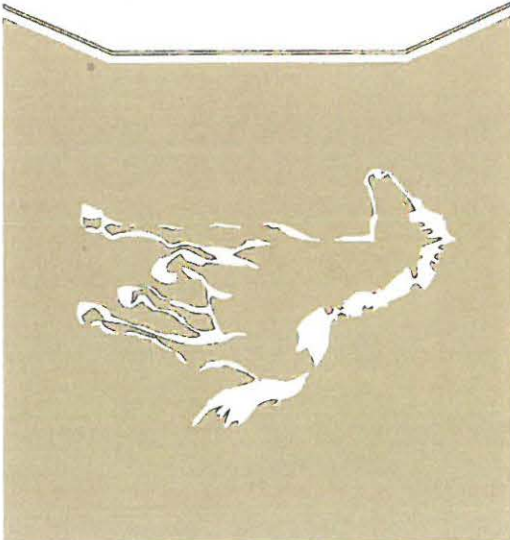
MADE IN U.S.A.

CLASS A  
200  
CIGARETTES



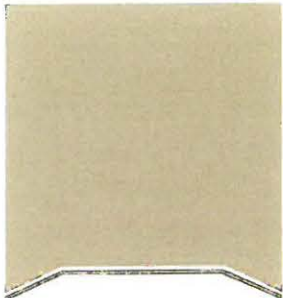
# BRONCO®

KING BOX



PREMIUM BLENDED TOBACCO

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



# BRONCO®

HINGE-TOP BOX™

UNDERAGE  
SALE  
PROHIBITED

KING BOX

SIX NATIONS  
MANUFACTURING  
A NATIVE COMPANY ON THE SOVEREIGN  
TERRITORY OF THE SENECA NATION  
Underage Sale Prohibited



6N-FS-01155  
PW

T R I B A L  
**PRIDE**



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

T R I B A L  
**PRIDE**

047546  
13065



**PRIDE**  
T R I B A L

A FULL BODIED  
MENTHOL FLAVOR

MADE IN USA

**PRIDE**  
T R I B A L

15

MADE IN USA



A FULL BODIED  
MENTHOL FLAVOR

TP-NY-15033



MANUFACTURING  
A NATIVE COMPANY ON THE SOVEREIGN  
TERRITORY OF THE SENECA NATION

SIX NATIONS



A ROBUST  
FULL BODIED FLAVOR

PRIDE

T R I B A L

MADE IN USA



UNDERAGE SALE PROHIBITED  
200 CLASS A CIGARETTES  
TP-NY-15033

MADE IN USA



T R I B A L

PRIDE

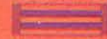
A ROBUST FULL BODIED FLAVOR



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



MADE IN USA



T R I B A L  
PRIDE

A ROBUST  
FULL BODIED FLAVOR





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

Division of  
Advertising Practices

April 20, 2017

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 revised proposed plan filed by J Conrad Seneca d/b/a Six Nations Manufacturing (“Six Nations”) on April 20, 2017, 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, Buffalo, Bronco, Tribal 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 appear to meet the requirements of the Cigarette Act in force as of the date of this letter:<sup>1</sup>

<u>Brand</u>	<u>Date(s)</u>
Senate	February 8, 2011
Gator	April 6, 2017 April 18, 2017
Buffalo	April 6, 2017 April 18, 2017
Bronco	April 6, 2017
Tribal Pride	April 6, 2017

<sup>1</sup> Six Nations stated in its April 20, 2017 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>
Stallion	March 24, 2014 April 14, 2014

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;
- Eleven box varieties of the Buffalo 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 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;
- Eight box varieties of the Tribal Pride brand: Robust Full Bodied (Kings and 100's), Relaxed Smooth (Kings and 100's), Full Bodied Menthol (Kings and 100's), Smooth Menthol 100's, and Ultra Smooth 100's; and
- 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.

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

If Six Nations decides to advertise the Tribal Pride 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.

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

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

Mr. J. Conrad Seneca  
April 20, 2017  
Page 3

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

**This approval is effective on the date of this letter and runs through April 19, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director



# NASCO

## P R O D U C T S

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

April 25, 2017

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 brands<sup>1</sup> for the 2016 fiscal year as well as anticipated sales figures for the 2017 fiscal year. NASCO

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<sup>1</sup> 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.

Products, LLC's fiscal year is the calendar year. We do not 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 November 3, 2016, plan for simultaneous display of the four health warnings on packaging for the SF cigarette brand approved on November 29, 2016.

NASCO Products, LLC plans to advertise cigarettes on the Internet. In Internet advertising the warnings will be displayed in an unavoidable manner on every web page where it may be viewed without scrolling, and shall not be accessed through 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 U.S. cigarette manufacturers and the size of the warnings shall be proportionate to those warning formats. Attached to this letter is a sample website page for reference. The warnings will be rotated quarterly according to the schedule set out below. In advertisements for multiple brands of cigarettes or for no specific brand, the warnings shall be rotated according to the schedule for the SF brand.

NASCO Products, LLC, the manufacturer, 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 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](mailto:kdelaney@xxiicentury.com) (email), or 9530 Main Street, Clarence, NY 14301 (mailing address).

Sincerely,



Karen E. Delaney  
Tax Compliance Manager

# NASCO

## PRODUCTS

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

### Rotation Plan for Internet Advertising

<b>Cigarette Brand</b>	Quarter 1 January - March	Quarter 2 April - June	Quarter 3 July - September	Quarter 4 October - December
RED SUN	C	D	A	B
SF	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.

# EXHIBIT A

## Actual 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	

## Estimated sales figures for Fiscal Year 2017

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	



Division of  
Advertising Practices

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

April 25, 2017

Ms. Karen E. Delaney  
NASCO Products, LLC  
9530 Main Street  
Clarence, NY 14031

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by NASCO Products, LLC ("NASCO") on April 25, 2017, calling for: (1) quarterly rotation of the four health warnings in Internet advertising for the Red Sun and SF brands of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Red Sun brand of cigarettes.

NASCO's plan for rotation and display of the four health warnings in Internet advertising for the Red Sun and SF brands 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.

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 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

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<sup>1</sup> NASCO stated in its April 25, 2017 letter that the four health warnings will appear exactly shown on the packs and cartons submitted on this date.

Ms. Karen E. Delaney  
April 25, 2017  
Page 2

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. **This approval of your plan for simultaneous display of the warnings on packaging is effective on the date of this letter and runs through April 24, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

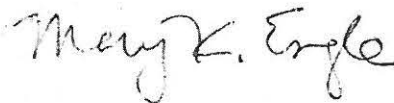
Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

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

Very truly yours,



Mary K. Engle  
Associate Director

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

LAW OFFICES OF  
**BARRY M. BOREN**

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

[borenlaw@bellsouth.net](mailto:borenlaw@bellsouth.net)

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

April 24, 2017

Sent via Fax and FedEx: 202-326-3259

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 manufacturer<sup>1</sup> 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 Surgeon General warnings on the brand styles listed in the attachment at Exhibit "A" have been equalized as of this date.

---

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

In fiscal year 2016, Konci manufactured approximately [REDACTED] Golden Deer brand cigarettes.<sup>2</sup> In fiscal year 2017 to date, it has manufactured approximately [REDACTED] Golden Deer brand cigarettes. Konci anticipates manufacturing approximately [REDACTED] Golden Deer cigarettes in fiscal year 2017.

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 2016, Konci imported approximately [REDACTED] Chung Hwa and [REDACTED] Double Happiness brand cigarettes. In fiscal year 2017 to date, Konci has not imported any Chung Hwa and Double Happiness brand cigarettes. In fiscal year 2017, 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.

---

<sup>2</sup> Konci's fiscal year coincides with the calendar year.



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

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, or any instrumentality thereof.

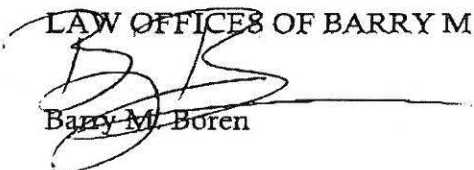
Konci does not plan to advertise the Golden Deer brand cigarettes at this time. If this should change, we will notify the FTC and modify the plan accordingly.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

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 26, 2017

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 revised proposed plan filed on behalf of Konci G & D Management Group (USA), Inc. ("Konci") dated April 24, 2017, 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.<sup>1</sup> 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.<sup>2</sup> 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.

---

<sup>1</sup> Konci stated in its letter dated April 24, 2017 that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on April 23, 2012.

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

Barry M. Boren, Esq.  
April 26, 2017  
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](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through April 25, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director



A DIVISION OF HO-CHUNK, INC.

www.rockrivermfg.com

509 Reuben Snake Ave.  
Winnebago, NE 68071  
PH: 402.878.4003  
FX: 402.878.2919

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

April 26, 2017

**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 update to its existing warning label plan for Silver Cloud, Seneca, Couture, and Opal brand of cigarette. October 28, 2016, Rock River submitted a cigarette health warning display plan for Silver Cloud 100's and Kings, Seneca, Couture, and Opal brand styles. This plan was approved on November 3, 2016. Rock River now submits new packaging for its Silver Cloud brand, and packaging for its new brands Fire Dance and One Spirit for approval. Rock River will run both the previously approved packaging and the new packaging for Silver Cloud. The new packaging for Silver Cloud includes a small portrait on the silver band.

**I. PACKAGING**

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



A Division Of Ho-Chunk, Inc.

## A. Warning Label Size and Location

### Silver Cloud, Seneca, Couture, and Opal

We wish to establish a new plan for the following brands:

#### Silver Band Packaging:

Silver Cloud Red 100 Box

Silver Cloud Gold 100 Box

Silver Cloud Silver 100 Box

Silver Cloud Menthol 100 Box

Silver Cloud Menthol Gold 100 Box

Silver Cloud Red King Box

Silver Cloud Gold King Box

Silver Cloud Menthol King Box

#### Fire Dance:

Fire Dance Regular Full Flavor 100 Box

Fire Dance Regular Smooth 100 Box

Fire Dance Regular Ultra Smooth 100 Box

Fire Dance Menthol 100 Box

Fire Dance Menthol Smooth 100 Box

Fire Dance Regular Full Flavor King Box

Fire Dance Regular Smooth King Box

Fire Dance Menthol King Box

#### One Spirit:

One Spirit Regular Full Flavor 100 Box

One Spirit Regular Smooth 100 Box

One Spirit Regular Ultra Smooth 100 Box

One Spirit Menthol 100 Box

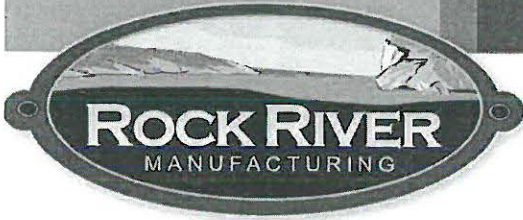
One Spirit Menthol Smooth 100 Box

One Spirit Regular Full Flavor King Box

One Spirit Regular Smooth King Box

One Spirit Menthol King Box

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



A DIVISION OF HO-GIUNK, INC.

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

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

Rock River's sales figures for all of the brand styles of the manufactured Silver Cloud, Fire Dance, One Spirit and imported Seneca, Couture, and Opal brands for January 1, 2016 through December 31, 2016 by style by sticks are as follows:

<b>STYLE</b>	<b>NUMBER OF STICKS</b>
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	
Seneca Blue Soft 100	
Seneca Silver Soft 100	
Seneca Menthol Soft 100	
Seneca Smooth Menthol Soft 100	
Seneca Extra Smooth Menthol Soft 100	
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	
Seneca Medium Box 100	
Seneca Blue Box 100	
Seneca Silver Box 100	
Seneca Menthol Box 100	
Seneca Smooth Menthol Box 100	



A Division Of Ho-Chang, Inc.

<u>STYLE</u>	<u>NUMBER OF STICKS</u>	
Seneca Extra Smooth Menthol Box 100	[REDACTED]	
Seneca Full Flavor Box 120		
Seneca Smooth Box 120		
Seneca Ultra Box 120		
Seneca Menthol Box 120		
Seneca Smooth Menthol Box 120		
Seneca Full Flavor 72 Box		
Seneca Blue 72 Box		
Seneca Menthol 72 Box		
Silver Cloud Red 100 Box		
Silver Cloud Gold 100 Box		
Silver Cloud Silver 100 Box		
Silver Cloud Menthol 100 Box		
Silver Cloud Menthol Gold 100 Box		
Silver Cloud Red King Box		
Silver Cloud Gold King Box		
Silver Cloud Menthol King Box		
Couture Slims Ruby 100 Box		
Couture Slims Amethyst 100 Box		
Couture Slims Diamond 100 Box		
Couture Slims Sapphire 100 Box		
Couture Slims Turquoise 100 Box		
Couture Slims Aquamarine 100 Box		
Opal Full Flavor Box 120		
Opal Smooth Box 120		
Opal Ultra Box 120		
Opal Menthol Box 120		
Opal Smooth Menthol Box 120		

Rock River does not import or manufacture any other brands or brand styles than those listed above. Rock River has not sold its Fire Dance, One Spirit brands before nor has Rock River sold its Silver Cloud brand with its new packaging before. Rock River estimates that its total sales for all Silver Cloud, Fire Dance, and One Spirit for the fiscal year 2017 will total [REDACTED] sticks.





A DIVISION OF HO-CHUNG, INC.

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

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

### **C. Records of Compliance**

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

## **II ADVERTISING**

Rock River's July 7, 2015 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size for the Silver Cloud brand was approved on July 10<sup>th</sup>, 2015. Rock River will maintain compliance with this plan.

### **A. Warning Label Size and Placement**

Rock River is seeking an amendment to its advertising plan for its Silver Cloud brand to include advertisements not to exceed one hundred sixty (160) square feet for the One Spirit and Fire Dance brands. Rock River intends to follow the "Advertising" requirements of the FCLAA for its new Fire Dance and One Spirit brands. Included in our letter dated February 15, 2017 were the printed warnings that we will be using for categories 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11. Rock River 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, Rock River proposes the quarterly rotation of warnings labels in its advertisements set forth in the schedule below.



A DIVISION OF HO-CHUNK, INC.

Rock River shall advertise online on company controlled webpages by displaying the packaging against backdrops. 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.

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

**B. Warning Label Rotation**

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

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

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



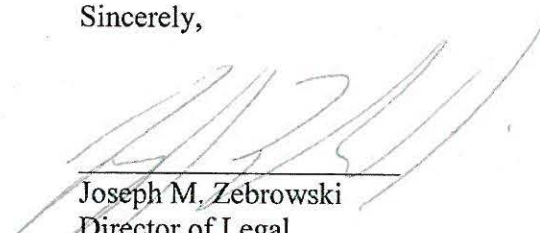
A DIVISION OF HO-CHUNK, INC.

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

509 Reuben Snake Ave.  
Winnebago, NE 68071  
PH 402.878.4003  
FX 402.878.2919

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,

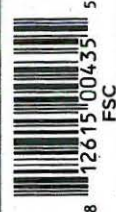


\_\_\_\_\_  
Joseph M. Zebrowski  
Director of Legal  
701 Buffalo Trail  
Winnebago, NE 68071  
Phone: 402-878-2300



SILVER CLOUD  
RED KINGS

Rock River Manufacturing  
Winnebago, NE 68071  
Made in U.S.A.



TP-NE-15000

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

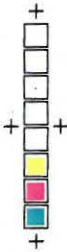
SILVER CLOUD  
RED KINGS



SILVER CLOUD  
RED KINGS

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

WN-A



PREMIUM TOBACCO

SILVER CLOUD  
RED KINGS

22

PREMIUM TOBACCO

20  
TWENTY CLASS A  
CIGARETTES

UNDERAGE  
SALE  
PROHIBITED

M 3456789101112  
Y-16 18 19



4



SILVER CLOUD

PREMIUM TOBACCO

# SILVER CLOUD

MENTHOL GOLD 100S

WN-C

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

Rock River Manufacturing  
Winnebago, NE 68071  
Made in U.S.A.

SILVER CLOUD  
MENTHOL GOLD 100S

TP-NE-15000

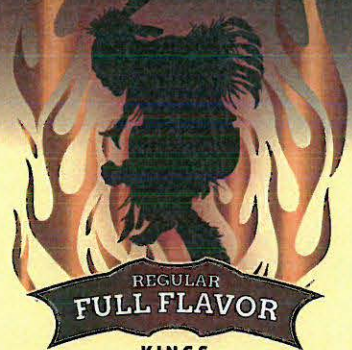
MENTHOL GOLD 100S

MENTHOL GOLD 100S

20  
CLASS A  
CIGARETTES

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

# FireDance



REGULAR  
FULL FLAVOR

KINGS

Rock River Manufacturing  
Winnebago, NE 68071  
Made in Native America

TP-NE-15000

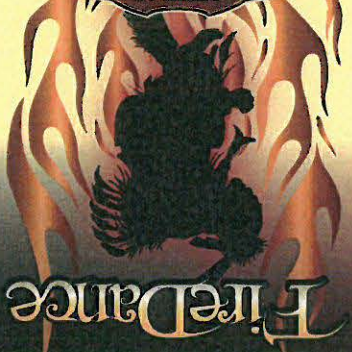


REGULAR FULL FLAVOR  
KINGS

# FireDance

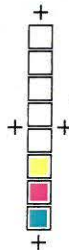
KINGS

REGULAR  
FULL FLAVOR



# FireDance

PREMIUM TOBACCO



A 2 3 4 5 6 7 8 9 10 11 12  
Y-H 18 19

WN-C



# FireDance

REGULAR FULL FLAVOR  
KINGS

PREMIUM TOBACCO



16

UNDERAGE  
SALE  
PROHIBITED





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



3



PREMIUM TOBACCO

# FireDance

REGULAR  
ULTRA SMOOTH

100s

10 HARD PACKS OF 20 CIGARETTES



FireDance

# FireDance

REGULAR  
ULTRA SMOOTH

100s

10 HARD PACKS OF  
20 CIGARETTES

TP-NE-150



8 53754 007  
FSC

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

WN-8

UNDERAGE  
SALE  
PROHIBITED



10 HARD PACKS OF 20 CIGARETTES

100s



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

# One SPIRIT

*One People. One Nation.*

REGULAR  
FULL  
FLAVOR

TP-NE-16000



Rock River Manufacturing  
Winnebago, NE 68071  
Made in Native America

20 CLASS A CIGARETTES

REGULAR FULL FLAVOR KINGS

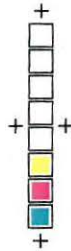


20 CLASS A CIGARETTES

REGULAR  
FULL  
FLAVOR

*One People. One Nation.*

# One SPIRIT



M 2 3 4 5 6 7 8 9 10 11 12  
Y 11 18 19

WN-C

PREMIUM



REGULAR FULL FLAVOR KINGS

PREMIUM

Underage  
Sale  
Prohibited



6



PREMIUM

REGULAR SMOOTH  
100s

10 H,  
20

One  
SPIRIT

One People. One Nation.

UNDERAGE SALE  
PROHIBITED

10 HARD PACKS OF 20 CIGARETTES



REGULAR  
SMOOTH 100S

WN - A

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

One  
SPIRIT

One People. One Nation.

CLASS A CIGARETTES



One People. One Nation.

SPIRIT

SALE  
TED



Division of  
Advertising Practices

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

April 27, 2017

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 April 26, 2017, calling for: (1) quarterly rotation of the four health warnings in advertising up to one hundred and sixty square feet in size for the Fire Dance and One Spirit brands; (2) quarterly rotation of the four health warnings in Internet advertising for the Fire Dance and One Spirit brands; and (3) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Silver Cloud, Fire Dance, and One Spirit brands of cigarettes.

Rock River's plan for rotation of the warnings in the aforementioned advertising for the Fire Dance and One Spirit brands 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.

Rock River's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 15, 2017 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

---

<sup>1</sup> Rock River stated in its April 26, 2017 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

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

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

**This approval of Rock River's plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through April 26, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

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

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

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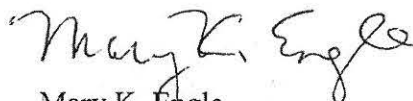
<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Joseph Zebrowski  
April 27, 2017  
Page 3

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

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

Very truly yours,

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

Mary K. Engle  
Associate Director

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

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

William J. McGowan

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

WJMcGowan@SMS-LawFirm.Com

April 27, 2017

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

**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 2016 Native Packaging Plan on April 26, 2016 and your office approved the Plan on April 29, 2016.

Ms Mary Engle  
April 27, 2017  
Page 2

NTA's current approval to display the warnings on packaging expires April 28, 2017. NTA wishes to renew its plan for the 24 Native brand styles and six (6) Mohawk brand styles. NTA represents that the warnings on the 24 Native brand cigarette styles and six (6) Mohawk brand styles listed in its April 26, 2016, 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

Ms Mary Engle  
April 27, 2017  
Page 3

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 22 styles (except for the two (2) Native Select 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)

Ms Mary Engle  
April 27, 2017  
Page 4

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

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 they appear on the samples of pack and carton packaging which were submitted with our March 28, 2011, letter. The FOUR (4) health warnings for the Mohawk non-filter style will appear exactly as they appear on the pack and carton samples which were submitted with our April 8, 2011, letter. NTA will maintain records to demonstrate compliance with the Plan.

NTA's sales figures for 2016 and projected sales figures for the Native and Mohawk brands for calendar year 2017 (NTA uses the calendar year as its fiscal year) are provided at Exhibit A. NTA does not manufacture or import any other brands. As shown in Exhibit A, each of the styles manufactured by NTA in 2016 were packaged into brand styles that met the requirements of the Cigarette Act with respect to warning equalization, (i.e., less than one quarter of one percent of all cigarettes sold in the United States) for the fiscal year and all of NTA brand styles are projected to meet the requirements for 2017. Based on the above, NTA requests continued approval to use the rotation option provided in Section 1333(c)(2). NTA will equalize the FOUR (4) health warnings on the packs and cartons for each style of the Native and Mohawk brands, for the one year period beginning on the date of approval of this Plan. The printing equalization plan for both Native and Mohawk brands appears at Exhibit B.



Ms Mary Engle  
April 27, 2017  
Page 5

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

NTA's advertising plan for Mohawk brand was approved on June 10, 2011. NTA's advertising plan for the Native brand was approved on July 22, 2005. Modifications to the plan were approved by the FTC on October 8, 2009 and February 9, 2011. NTA will maintain compliance with its approved advertising plans. NTA does not employ any multi-brand advertising.

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

Very truly yours,

**SILVER, MCGOWAN & SILVER, P.C.**

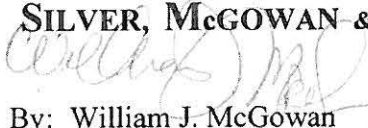
  
By: William J. McGowan

Exhibit A

	2016 Sales CASES SOLD	Sticks Sold	2017 Projected Sales Sticks
STYLE			
Native Full Flavor King Soft			
Native Full Flavor 100's Soft			
Native Full Flavor 100's Box			
Native Full Flavor King Box			
Native King Soft (Blue)			
Native 100's Soft (Blue)			
Native 100's Box (Blue)			
Native King Box (Blue)			
Native King Menthol Soft			
Native Menthol 100's Soft			
Native Menthol 100's Box			
Native King Menthol Box			
Native King Menthol Soft (Green)			
Native Menthol 100's Soft (Green)			
Native Menthol 100's Box (Green)			
Native King Menthol Box (Green)			
Mohawk Full Flavor King Box (Red)			
Mohawk King Box (Gold)			
Mohawk Menthol King Box (Green)			
Mohawk Menthol King Box (Light Green)			
Mohawk Non-Filter King Box (Brown)			
Mohawk King Box (Silver)			
Native King Non-Filter soft			
Native King Non-Filter box			
Native Selects 100's Box			
Native King Selects Box			
Native King Soft (Ultra in light blue packaging)			
Native 100's Soft (Ultra in light blue packaging)			
Native 100's Hard Pack (Ultra in light blue packaging)			
Native King Hard (Ultra in light blue packaging)			
TOTAL			

## Exhibit B

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



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

Division of  
Advertising Practices

April 28, 2017

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

Dear Mr. McGowan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Susan Jesmer d/b/a Native Trading Associates (“NTA”) on April 27, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Native and Mohawk brands of cigarettes.

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

<u>Brand</u>	<u>Submission Date(s)</u>
Native	March 24, 2008 May 22, 2010 June 9, 2010 August 2, 2010 March 28, 2011
Mohawk	March 28, 2011 April 8, 2011

---

<sup>1</sup> NTA stated in its April 27, 2017 letter that the four health warnings will appear exactly as shown on the sample packaging submitted on these dates.

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

- 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.<sup>3</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves 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,

---

<sup>2</sup> We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA's April 27, 2017 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.

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

William J. McGowan, Esq.  
April 28, 2017  
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](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through April 27, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

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



# Liggett Group

**John R. Long**  
Vice President & General Counsel

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

April 28, 2017

## 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: (1) Renewal of Liggett Group LLC Cigarette Warning Rotation Plan;  
(2) Addition of MONTEGO Menthol 100's Box Brand Style to the Plan; and  
(3) Addition of Four LIGGETT SELECT Brand Styles to the Plan.

Dear Ms. Engle:

Liggett Group LLC ("Liggett") hereby applies for the following pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("Act"):

- (1) To renew its cigarette warning rotation plan (the "Plan") for the brands BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID (except for the two styles discussed below), and TOURNEY, which was approved by the FTC by letter dated May 17, 2016 and will expire on May 16, 2017.
- (2) To add to the Plan the MONTEGO Menthol 100's Box brand style.
- (3) To add to the Plan the four brand styles of LIGGETT SELECT for which a warning rotation plan was approved by the FTC by letter dated November 8, 2016.<sup>1</sup> The four brand styles are:

LIGGETT SELECT Blue Kings Box,  
LIGGETT SELECT Blue 100s Box,  
LIGGETT SELECT Orange Kings Box,  
LIGGETT SELECT Orange 100s Box

---

<sup>1</sup> Although the warning rotation plan for these four brand styles will not expire until November 7, 2017, for administrative convenience, Liggett is requesting that these four styles be added to the Plan, thereby synchronizing the Plan expiration date for all Liggett brand styles.

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

Liggett requests renewal of the Plan with respect to all brand styles listed on enclosed Exhibit C. The following brand styles are not listed on Exhibit C because they have been discontinued and, therefore, Liggett is no longer requesting approval for them:

CLASS A Menthol Silver 100's Box  
LIGGETT SELECT Red 100's Soft Pack  
LIGGETT SELECT Gold 100's Soft Pack  
LIGGETT SELECT Gold Kings Box  
LIGGETT SELECT Gold 100's Box  
LIGGETT SELECT Silver 100's Soft Pack  
LIGGETT SELECT Silver 100's Box  
LIGGETT SELECT Menthol Silver 100's Soft Pack

Through the date of this request, the Surgeon General's warnings on the packages for all of Liggett's brand styles that are approved for equalization have been equalized in accordance with the Plan. Liggett box 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 relevant fiscal year exceeded one-quarter of one percent of the total United States cigarette market. These two brand styles are PYRAMID Red 100s Box and PYRAMID Blue 100s Box. Liggett's plan for quarterly rotation of the four warnings on packaging of these two brand styles was approved by 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 2016). 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 2016, 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.

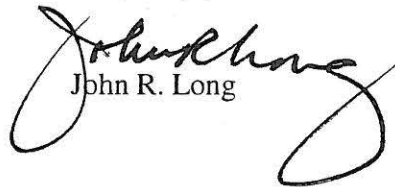
Except for the two PYRAMID brand styles identified above that are subject to quarterly warning rotation, the warnings required by the Act will be printed on the packs and cartons of all brand styles listed on enclosed Exhibit C an equal number of times within the one-year period beginning on the date 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. Liggett submitted pack and carton packaging samples for each of the warnings for MONTEGO Menthol 100's Box with its letter of March 10, 2017. The warnings on the MONTEGO Menthol 100's Box will appear exactly as on the March 10, 2017 samples.

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,

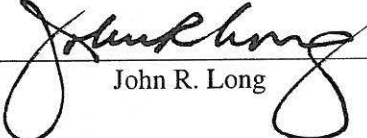
  
John R. Long

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

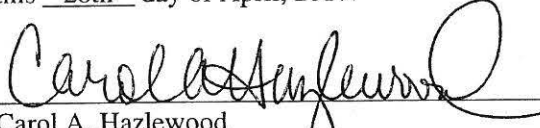
**AFFIDAVIT OF JOHN R. LONG**

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 17, 2016 and November 8, 2016.
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 2016.
4. Attached to this affidavit as Exhibit A is a copy of The Maxwell Report for calendar year 2016. This report shows that approximately [REDACTED] cigarettes were sold in the United States during calendar year 2016. 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 2016 for all brand styles manufactured by Liggett. Exhibit B shows that all but two brand styles manufactured by Liggett had sales in 2016 of fewer than [REDACTED] cigarettes, and more than half of the cigarettes sold by Liggett in 2016 were packaged into brand styles that had sales in 2016 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 2016 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 28th day of April, 2017.

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

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

# EXHIBIT A

## THE MAXWELL REPORT

Year End & Fourth Quarter 2016 Cigarette Industry

**John C. Maxwell, Jr.**  
The Maxwell Report  
7 Glebe Close  
Richmond, VA 23227

(804) 359-0429  
jmaxjr@comcast.net

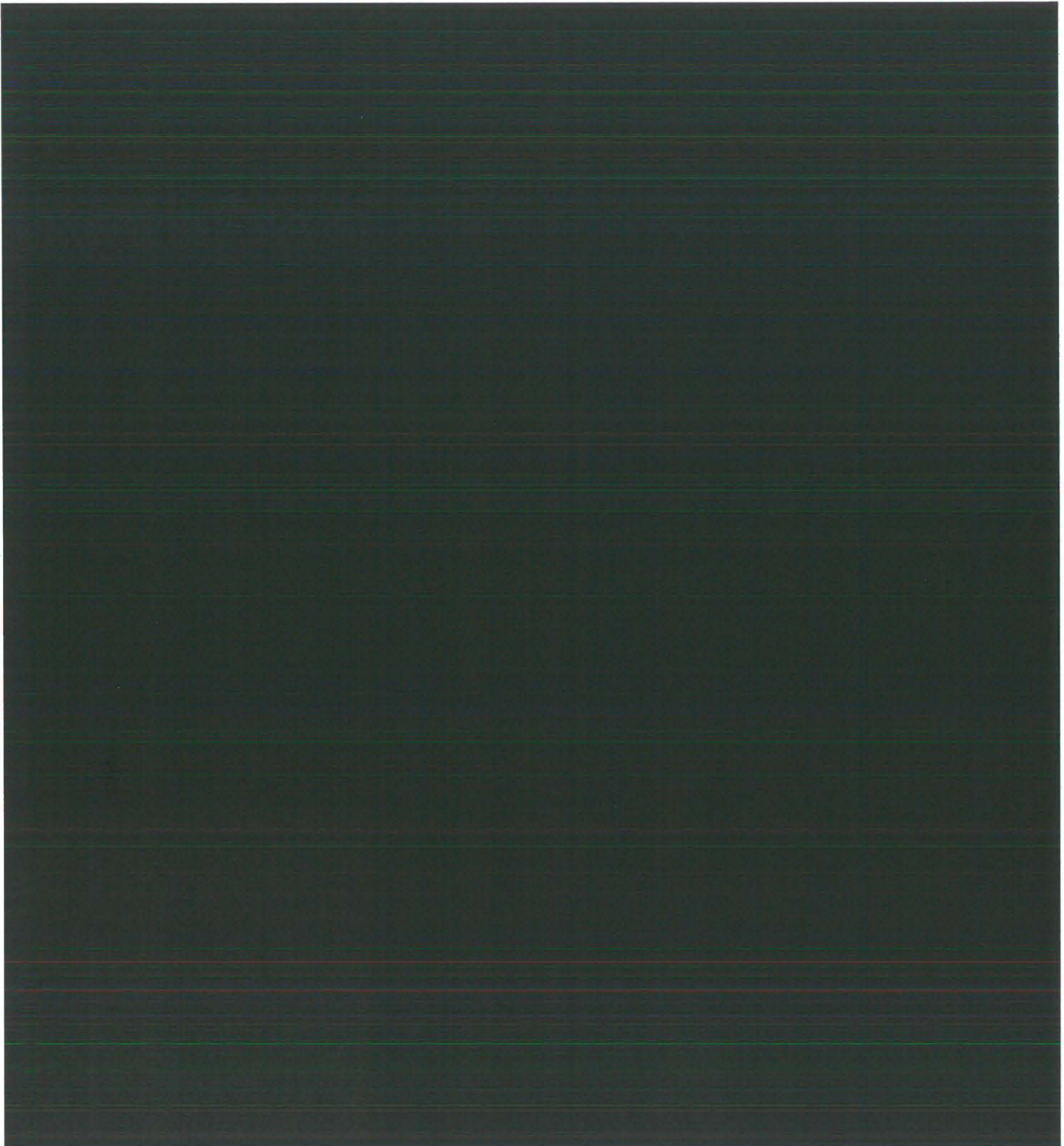
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

*This information has been compiled from various sources and may not be complete. It is not guaranteed and is not a representation by us. Any opinion expressed herein is based upon our interpretation of the information from such source.*

# EXHIBIT A

THE MAXWELL REPORT

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**Exhibit B**

**Liggett Group LLC  
Application to Renew Warning Rotation Plan  
April 28, 2017**

**2016 Gross Unit Sales by Brand Style**

	<b>Brand</b>	<b>Current Brand Style Name</b>	<b>2016 Units Sold</b>
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	
	<b>TOTAL BRONSON</b>		
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	
	<b>TOTAL CLASS A</b>		
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	
	<b>TOTAL EVE</b>		
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	
	<b>TOTAL GRAND PRIX</b>		

**Exhibit B**

**Liggett Group LLC  
Application to Renew Warning Rotation Plan  
April 28, 2017**

**2016 Gross Unit Sales by Brand Style**

	<b>Brand</b>	<b>Current Brand Style Name</b>	<b>2016 Units Sold</b>
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	
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	
15	LIGGETT SELECT	Blue Kings Box	
16	LIGGETT SELECT	Blue 100s Box	
17	LIGGETT SELECT	Orange Kings Box	
18	LIGGETT SELECT	Orange 100s Box	
	<b>TOTAL LIGGETT SELECT</b>		
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	
9	MONTEGO	Menthol 100's Box	
	<b>TOTAL MONTEGO</b>		
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	

**Exhibit B**

**Liggett Group LLC  
Application to Renew Warning Rotation Plan  
April 28, 2017**

**2016 Gross Unit Sales by Brand Style**

	<b>Brand</b>	<b>Current Brand Style Name</b>	<b>2016 Units Sold</b>
10	PYRAMID	Menthol Silver Kings Box	
11	PYRAMID	Menthol Silver 100s Box	
	<b>TOTAL PYRAMID</b>		
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	
	<b>TOTAL TOURNEY</b>		

**Exhibit C**

**Liggett Group LLC  
Application to Renew Warning Rotation Plan  
April 28, 2017**

**List of Brand Styles Eligible for Simultaneous Warning Rotation**

	<b>Brand</b>	<b>Brand Style</b>
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
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
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
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
1	LIGGETT SELECT	Non-Filter Kings Box
2	LIGGETT SELECT	Red Kings Box
3	LIGGETT SELECT	Red 100's Box
4	LIGGETT SELECT	Blue Kings Box
5	LIGGETT SELECT	Blue 100s Box
6	LIGGETT SELECT	Orange Kings Box
7	LIGGETT SELECT	Orange 100s Box
8	LIGGETT SELECT	Menthol Gold Kings Box
9	LIGGETT SELECT	Menthol Gold 100's Box
10	LIGGETT SELECT	Menthol Silver Kings Box
11	LIGGETT SELECT	Menthol Silver 100's Box



Exhibit C

Liggett Group LLC  
Application to Renew Warning Rotation Plan  
April 28, 2017

List of Brand Styles Eligible for Simultaneous Warning Rotation

	Brand	Brand Style
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
9	MONTEGO	Menthol 100's Box
1	PYRAMID	Non-Filter Kings Box
2	PYRAMID	Red Kings Box
3	PYRAMID	Blue Kings Box
4	PYRAMID	Orange Kings Box
5	PYRAMID	Orange 100s Box
6	PYRAMID	Menthol Gold Kings Box
7	PYRAMID	Menthol Gold 100s Box
8	PYRAMID	Menthol Silver Kings Box
9	PYRAMID	Menthol Silver 100s Box
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

Selected packaging samples from those  
submitted with the plan.

MONTEGO

MENTHOL



MADE IN THE USA

MONTEGO

MENTHOL - 100'S BOX

MADE IN THE USA



MENTHOL

MONTEGO

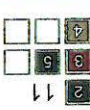
100'S BOX

MENTHOL - 100'S BOX

MONTEGO

100'S BOX

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



WARNING: SMOKING IS ADDICTIVE. [www.montegocigarettes.com](http://www.montegocigarettes.com)



MADE IN THE USA



MENTHOL

MONTEGO

100'S BOX

MENTHOL - 100'S BOX

MONTEGO

100'S BOX



# MONTEGO

MENTHOL • 100'S BOX



MADE IN THE USA



# MONTEGO

MENTHOL • 100'S BOX

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 1, 2017

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

Dear Mr. Long:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Liggett Group LLC ("Liggett") on April 28, 2017 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,<sup>1</sup> 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:<sup>2</sup>

<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

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<sup>1</sup> The Pyramid Red 100's Box and Pyramid Blue 100's Box varieties are subject to quarterly rotation, which does not require annual approval.

<sup>2</sup> Liggett stated in its April 28, 2017 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	August 11, 2016
Montego	April 3, 2006 May 4, 2010 June 2, 2010 March 10, 2017
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);
- Seven 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, and Blue 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);

- Eleven Box varieties of the Liggett Select brand: Red (Kings and 100's), Blue (Kings and 100's), Orange (Kings and 100's), Menthol Gold (Kings and 100's), Menthol Silver (Kings and 100's), and Non-Filter Kings;
- Nine Box varieties of the Montego brand: Full Flavor (Kings and 100's), Gold (Kings and 100's), Blue 100's, Menthol Kings, Menthol Silver (Kings and 100's), and Menthol 100's;
- Nine Box varieties of the Pyramid brand: Non-Filter Kings, Red Kings, Blue Kings, Orange (Kings and 100's), Menthol Gold (Kings and 100's), and Menthol Silver (Kings and 100's); and
- 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.<sup>3</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves 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

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

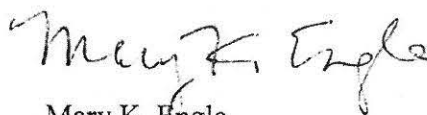
John R. Long, Esq.  
May 1, 2017  
Page 4

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

**This approval is effective on the date of this letter and runs through April 30, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

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



# PINERA-VAZQUEZ LAW FIRM

Professional Association

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

April 27, 2017

**VIA FEDERAL EXPRESS**

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

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

Dear Ms. Engle:

On behalf of our client, R.G. Logistics, Inc. ("RG Logistics"), we submit the following Surgeon General's health warnings rotation plan as required under the Federal Cigarette Labeling and Advertising Act of 1984. *See* 15 U.S.C. §1331, *et. seq.* The director of RG Logistics is Richard Garcia, the corporate address is 9771 NW 91<sup>st</sup> Court, Medley, Florida 33178, and its telephone number is 305-887-2914. The cigarettes covered by the proposed plan are cigarettes that will be manufactured, by RG Logistics, 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 "RRR" brand; (1) RRR Full Flavor 100 mm (hard pack); (2) RRR Gold 100 mm (hard pack); (3) RRR Menthol 100 mm (hard pack); (4) RRR Menthol Smooth 100 mm (hard pack); (5) RRR Platinum 100 mm (hard pack); (6) RRR Full Flavor King (hard pack); (7) RRR Gold King (hard pack); and (8) RRR Menthol King (hard pack). During the past two years RG Logistics has not imported or manufactured any RRR brand cigarettes. RG Logistics acknowledges that the Future brand is the only brand that RG Logistics has imported or manufactured in fiscal year 2016 and 2017 to date. RG Logistics uses the calendar years as its fiscal year. RG Logistics total sales for fiscal year 2016 for Future were [REDACTED] sticks. Our client anticipates that the volume of cigarettes sold in 2017, for all brand styles that the company manufactures, will not exceed [REDACTED] sticks of all brand styles manufactured.

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, meaning that the number of cigarettes of each brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of one percent of all

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Page Two

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 sales 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 RRR brand covered by this plan 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. RG Logistics will achieve equalization by having all four warnings print simultaneously in equal numbers at the time of both the pack and carton print runs for each brand style.

The four Surgeon General's Health Warnings will appear exactly as shown on the samples submitted with our letter submitted September 4, 2015. 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 Warnings.

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 RRR 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 prior to advertising.

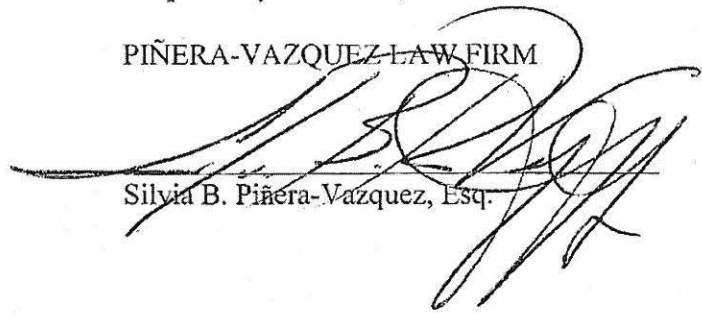
Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Page Three

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,

PIÑERA-VAZQUEZ LAW FIRM

A large, stylized handwritten signature in black ink, overlapping the printed name below it. The signature is highly cursive and difficult to decipher.

Silvia B. Piñera-Vazquez, Esq.



Division of  
Advertising Practices

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

May 5, 2017

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

Dear Ms. Piñera-Vazquez:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of R.G. Logistics, Inc. (“R.G. Logistics”) on April 27, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the RRR 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 September 4, 2015 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, R.G. Logistics’ plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight hard pack varieties of the RRR brand: Full Flavor (Kings and 100’s), Gold (Kings and 100’s), Menthol (Kings and 100’s), Menthol Smooth 100’s, and Platinum 100’s.

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

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<sup>1</sup> R.G. Logistics stated in its April 27, 2017 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on September 4, 2015.

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

Silvia B. Piñera-Vazquez, Esq.  
May 5, 2017  
Page 2

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


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

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

**This approval is effective on the date of this letter and runs through May 4, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director



May 4, 2017

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

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

Dear Ms. Engle:

Global Tobacco LLC received approval from you on May 9, 2016 and August 19, 2016 to equalize the four Surgeon General Warnings on packaging of certain styles of Global Classic and Patriot brands. We now want to revise our plan by submitting this letter requesting approval to rotate warnings quarterly on the previously approved brand styles of the Global Classic and Patriot brands. In order to facilitate such manufacturing, Global submits this letter containing its plan for compliance with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 et. Seq. (FCLAA).

**A. Warning Label Size and Location**

The cigarettes covered by this plan are the following brand styles of Global Classic and Patriot Brands:

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
17. Patriot Red 100's Soft
18. Patriot Gold 100's Soft
19. Patriot Menthol 100's Soft
20. Patriot Menthol Gold 100's Soft
21. Patriot Silver 100's Soft
22. Patriot Red Kings Soft
23. Patriot Gold Kings Soft
24. Patriot Menthol Kings Soft
25. Patriot Red 100's Box



26. Patriot Gold 100's Box
27. Patriot Menthol 100's Box
28. Patriot Menthol Gold 100's Box
29. Patriot Silver 100's Box
30. Patriot Red Kings Box
31. Patriot Gold Kings Box
32. Patriot Menthol Kings Box

Included with our letters dated May 13, 2010 and June 17, 2010 were samples of actual cartons and packages for certain styles of Global Classic and Patriot brands. Global also submitted samples of actual cartons and packages of certain styles of Patriot brand dated May 4<sup>th</sup>, 2016, corrected June 28<sup>th</sup>, 2016 and revised July 13<sup>th</sup>, 2016. The cartons and packages were 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 packing 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 submitted to FTC which meet the requirements of the cigarette act.

**B. Packaging - Warning Label Rotation:**

Through the date of this application, the Surgeon General warnings on the packages and cartons for the brand styles of Global Classic and Patriot brands have been equalized in accordance with the approved plan and will be equalized as of the date that we begin rotating the warnings quarterly.

Upon approval of this plan, Global will employ quarterly rotation of the health warnings on packaging instead of warning label equalization provided for in Section 1332(c)(2) of the FCLAA. This plan provides the manner by which the required warning statements on cigarette packaging will be rotated quarterly for each of the foregoing brand styles.





Global will rotate the four health warnings quarterly on all packs and cartons of the Global Classic and Patriot brands, based on the date of manufacture, according to the schedule below.

Rotation Period	Global Classic	Patriot	Silver Cloud
First Quarter(Jan-March)	A	B	C
Second Quarter(April- June)	B	C	D
Third Quarter (July- Sept)	C	D	A
Fourth Quarter(Oct-Dec)	D	A	B

- 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.

I will ensure that all four of the required warnings shall be quarterly rotated on the packs and cartons of each brand style of the Global Classic and Patriot brands. As set forth below, I shall cause appropriate records to be maintained demonstrating that the four required warnings are quarterly rotated on the packs and cartons of the foregoing brand styles in accordance with this plan.



**C. Records of Compliance**

Global will maintain records demonstrating compliance with this plan at our principal place of business.

**D. Advertising**

Global intends to follow the "Advertising" requirements of the FCLAA.

On November 4<sup>th</sup>, 2009 you approved Global Tobacco Company's plan for advertising for the Global Classic brand and on July 19<sup>th</sup>, 2010 you approved Global Tobacco's plan for advertising for the Patriot brand. This plan covers print advertisement not to exceed ten square feet. We will maintain compliance with this plan with respect to the "Advertising" requirements of the FCLAA, including a discussion of the warning label size and placement, and the warning label rotation.

**E. Advertising - Warning Label Rotation**

Global will 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.



The schedule for quarterly rotation of the warnings in Global Tobacco's advertising for the Global Classic and Patriot brands is as follows

Rotation Period	Global Classic	Patriot	Silver Cloud
First Quarter(Jan-March)	A	B	C
Second Quarter(April- June)	B	C	D
Third Quarter (July- Sept)	C	D	A
Fourth Quarter(Oct-Dec)	D	A	B

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 Affairs Officer  
Global Tobacco LLC  
2861 Congressman Lane, Suite 300  
Dallas, TX 75220  
Ph: 214-357-6653  
Fax:214-357-6655  
Email: swetha@globaltobaccollc.com



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

Division of  
Advertising Practices

May 8, 2017

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 4, 2017, calling for quarterly rotation of the four health warnings on packaging for certain varieties of the Global Classic and Patriot brands of cigarettes.

The warnings on the sample packs and cartons submitted with Global Tobacco’s letters on the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

<u>Brand</u>	<u>Date(s)</u>
Global Classic	May 13, 2010 June 17, 2010
Patriot	May 13, 2010 May 4, 2016 June 28, 2016 July 13, 2016

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<sup>1</sup> Global Tobacco stated in its May 4, 2017 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 originally submitted contained capitalization errors or were not sufficiently conspicuous, corrected samples were 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 has previously approved.

Accordingly, Global Tobacco's plan for quarterly rotation of the four health warnings on packaging for the following varieties is hereby approved:

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

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

Please note that this letter only approves 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](http://www.fda.gov/TobaccoProducts/default.htm), or [www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

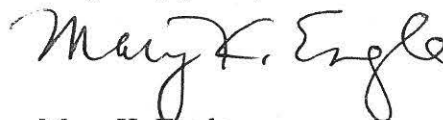
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<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Swetha Duggirala  
May 8, 2017  
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, looping "E" at the end.

Mary K. Engle  
Associate Director

# SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES 

PO Box 496  
175 Rochester Street  
Salamanca, NY 14779

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

May 2, 2017

FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
600 PENNSYLVANIA AVENUE  
WASHINGTON DC 20580

Re: Heron & Sands Cigarettes

Dear Ms. Engle:

Please consider this letter our request for annual compliance.

Our plan for the simultaneous display of the Surgeon General's warnings on packaging and the quarterly rotation of the Surgeon General's warnings on advertising for Heron cigarettes was originally submitted to the Federal Trade Commission on December 17, 2007, and was approved on December 19, 2007.

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

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

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

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

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

FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
RE: HERON CIGARETTES  
May 2, 2017  
PAGE 2

Crimson 100's Box

Crimson King Size Box

No. 33 Black Red 100's Box

No. 33 Black Red King Box

No. 33 Black Gold 100's Box

No. 33 Black Gold King Box

No. 33 Black Menthol 100's Box

No. 33 Black Menthol King Box

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

Red 100's Box

Red King Size Box

Gold 100's Box

Gold King Size Box

Silver 100's Box

Silver King Size Box

Menthol 100's Box

Menthol King Size Box

Menthol Blue 100's Box

Menthol Blue King Size Box

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

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

Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we imported or manufactured for the 2016 fiscal year (calendar year ending December 31, 2016) are set out in Exhibit A along with anticipated 2017 sales.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons of each Heron and Sands cigarette brand style listed above an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the Heron and Sands cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. Seneca Manufacturing Company will maintain records of compliance with the approved plan. We will continue to advertise according to our plan approved by the FTC on December 17, 2007 (Heron) and November 8, 2011 (Sands).



FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
RE: HERON CIGARETTES  
May 2, 2017  
PAGE 3

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

Sincerely,

SENECA MANUFACTURING COMPANY

A handwritten signature in black ink, appearing to read "Travis G. Heron", written in a cursive style.

Travis G. Heron  
Partner

TGH/ch  
Attachment  
Enclosures

Brand	Style	2016 Sales by Stick	Estimated 2017 Sales by Stick
Heron	Red 100 SP		
Heron	Red 100 Box		
Heron	Red King Box		
Heron	Gold 100 SP		
Heron	Gold 100 Box		
Heron	Gold King Box		
Heron	Silver 100 SP		
Heron	Silver 100 Box		
Heron	Silver King Box		
Heron	Menthol 100 SP		
Heron	Menthol 100 Box		
Heron	Menthol King Box		
Heron	Menthol Gold 100 SP		
Heron	Menthol Gold 100 Box		
Heron	Menthol Gold King Box		
Heron	Non-Filter King Box		
Heron	Crimson 100 Box		
Heron	Crimson King Box		
Heron	No. 33 Black Red 100 Box		
Heron	No. 33 Black Red King Box		
Heron	No. 33 Black Gold 100 Box		
Heron	No. 33 Black Gold King Box		
Heron	No. 33 Black Menthol 100 Box		
Heron	No. 33 Black Menthol King Box		
Sands	Red 100 Box		
Sands	Red King Box		
Sands	Gold 100 Box		
Sands	Gold King Box		
Sands	Silver 100 Box		
Sands	Silver King Box		
Sands	Menthol 100 Box		
Sands	Menthol King Box		
Sands	Menthol Blue 100 Box		
Sands	Menthol Blue King Box		
	<b>Grand Total</b>		

Selected packaging samples from those  
submitted with the plan.

UNDERAGE  
SALE  
PROHIBITED

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



100'S BOX

A TURN FOR THE BETTER

MADE IN THE USA  
TP-NY-15007  
Crafted on the Territory of  
the Seneca Nation of Indians by  
Seneca Manufacturing Company  
Seneca, 175 Pictet St.  
Salamanca, NY 14779

FSC



A TURN FOR THE BETTER

100'S BOX

SAN-098-PCK-502-CM



GOLD

SAN098P502



GOLD

61126-0-CM  
9b 13

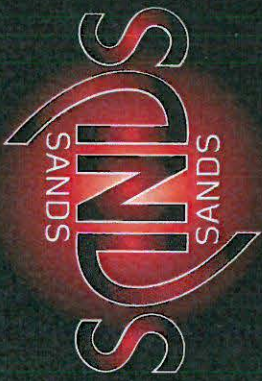
CLASS A  
20  
CIGARETTES

A TURN FOR THE BETTER

RED 100'S BOX

CLASS A  
200 CIGARETTES

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



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

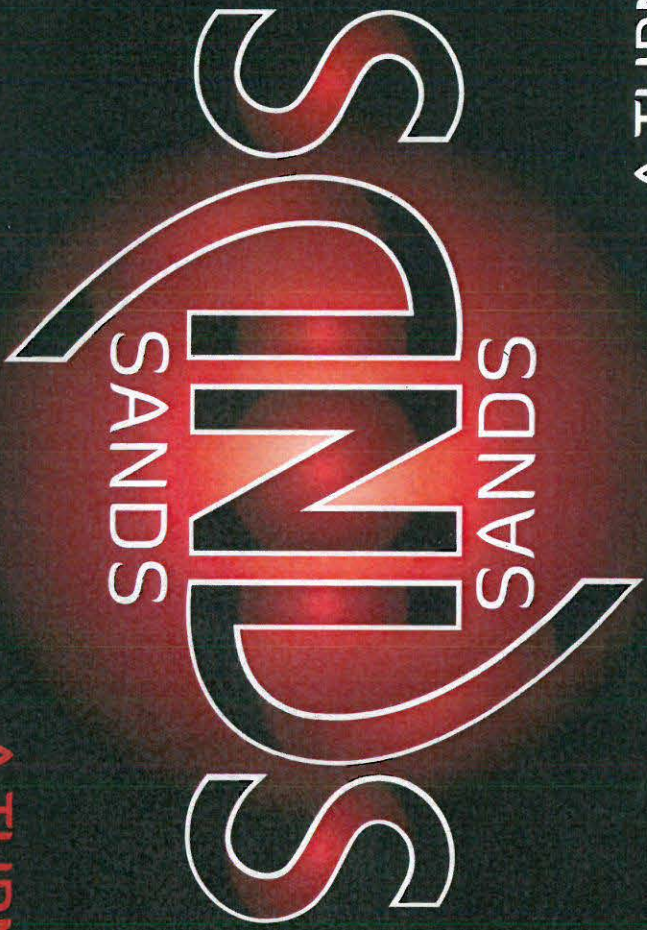


FSC

MADE IN THE USA  
TP - NY-15007  
UNDERAGE  
SALE  
PROHIBITED

RED 100'S BOX

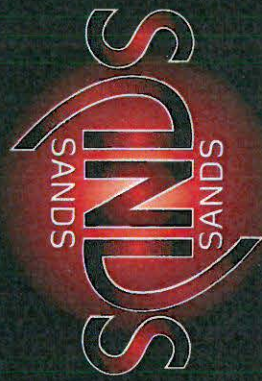
A TURN FOR THE BETTER



A TURN FOR THE BETTER

A TURN FOR THE BETTER

200 CLASS A CIGARETTES



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

# HERON



SINCE 1794  
PREMIUM  
NATIVE BLEND

MADE IN THE USA  
TP - NY-15007  
© 2007 Lorillard Licensing &  
Sales Company  
12th Floor, New York, NY 10020

FSC



6 890761 28036 5

12

# HERON

MENTHOL\_GOLD KINGS

060-005-005

KM

# HERON



SINCE 1794  
PREMIUM  
NATIVE BLEND

MENTHOL\_GOLD

MENTHOL\_GOLD KINGS

# HERON

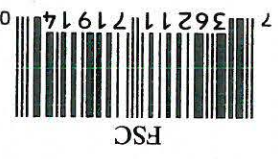
UNDERAGE  
SALE  
PROHIBITED

MENTHOL\_GOLD  
KINGS BOX



THIRTY THREE

GOLD 100'S BOX



MADE IN THE USA  
TP - NY-15007  
UNDERAGE  
SALE  
PROHIBITED  
Crafted on the Territory of  
the Seneca Nation of Indians by  
SMC  
175 Rochester St.  
Salamanca, NY 14779



**BLACK**  
THIRTY THREE

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

200 CLASS A  
CIGARETTES

GOLD 100'S BOX

THIRTY THREE

**BLACK**



THIRTY THREE

**BLACK**





Division of  
Advertising Practices

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

May 9, 2017

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

Dear Mr. Heron:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca Manufacturing Company ("Seneca") on May 2, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron and Sands brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Heron	December 9, 2016 January 11, 2017 April 5, 2017 April 21, 2017
Sands	December 9, 2016 February 14, 2017

<sup>1</sup> Seneca stated in its May 2, 2017 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 cartons submitted on December 9, 2016 and April 5, 2017 did not meet the size requirements of the Cigarette Act or were not sufficiently conspicuous, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.



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

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

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

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

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

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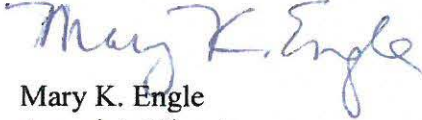
<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Travis G. Heron  
May 9, 2017  
Page 3

**This approval is effective on the date of this letter and runs through May 8, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,

A handwritten signature in blue 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



**MANAGEMENT GROUP (USA) INC.**

May 15, 2017

Federal Trade Commission  
Division of Advertising Practices  
600 Pennsylvania NW CC- 10528  
Washington DC 20580  
Attn: Mary Engle

**RE: Federal Cigarette Labeling Approval CHUNGHWA FILTER KING SIZE BOX**

Dear Ms. Engle,

Konci G&D Management Group (USA) Inc. (hereinafter referred to as "Konci") is a New York Corporation, licensed to import tobacco products under 26 U.S.C. Chapter, permit number NY-TI-30002 with offices at 202 Canal Street, suite 901, New York, New York 10013. Dominic Chu remains the sole owner of Konci and acts as its President.

The health warnings on the sample packs and cartons for the Chunghwa Filter King Size Box brand style of the Chunghwa brand was submitted in October 31, 2001 and the warning display plan was approved on December 5, 2001.

In December 20, 2011 because of package design changes, we submitted for approval new sample packs, cartons and warning labels and we received the approval letter dated March 8, 2012.

We are now submitting for approval NEW sample packs and cartons for the Chunghwa Brand Filter King Size Box. The differences in the sample packs and cartons submitted April 3, 2017 and those submitted in December 20, 2011 are design changes reflected with the removal of the Chinese characters on the side panel and replacement with "CHUNGHWA" in written form.

In addition, on the carton submitted herein, "Made in China" will be printed on the right side flap in larger size.

The health warnings on the Chunghwa Filter King Size Box Brand Style will appear exactly as shown on the sample packs and cartons submitted April 3, 2017.

The warnings are as follows:

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

The only other cigarettes that Konci currently imports is the Double Happiness King Size Filter Box brand with Gray and red background packaging. Our other brand Golden Deer is manufactured in the United States and the health warning plan is filed on behalf of Konci by the our representative.

The four (4) cigarette health warnings will be rotated quarterly on the packs and cartons of all brand styles currently imported by Konci according to the following schedule:

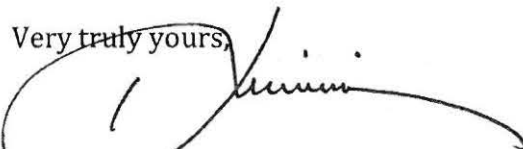
	Chunghwa	Double Happiness King Size Filter Box with Gray and red Background Packaging
1 <sup>st</sup> Quarter (Jan.-Mar.)	A	B
2 <sup>nd</sup> Quarter (Apr.-June)	B	C
3 <sup>rd</sup> Quarter (July-Sept.)	C	D
4 <sup>th</sup> Quarter (Oct.-Dec.)	D	A

Konci shall maintain records reflecting the dates of the order, importation and the warning displayed with each import. The rotation will be based on the date the order(s) are placed.

Although there is an approved advertising plan dated November 12, 2003, Konci has no intention of advertising the Chunghwa brand at this time. In the event Konci decides to advertise in the future, we will submit a plan for display of the warning statements in advertising to the Federal Trade Commission (FTC) for consideration prior to engaging in any advertising for the Chunghwa brand.

Please do not hesitate to contact Angela Leung at 646-613-9393 if there are any questions or comments regarding this matter. We look forward to hearing from you.

Very truly yours,



Dominic Chu  
President

Selected packaging samples from those  
submitted with the plan.

中華



PRODUCED BY SHANGHAI CIGARETTE FACTORY  
SHANGHAI TOBACCO GROUP CO. LTD.



6 901028 078883

FSC

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

专供出口

CHUNGHWA

PRODUCED BY SHANGHAI CIGARETTE FACTORY  
SHANGHAI TOBACCO GROUP CO. LTD.



CHUNGHWA

UNDERAGE  
SALE  
PROHIBITED

CHUNGHWA

FILTER CIGARETTES

20

UNDERAGE  
SALE  
PROHIBITED

# CHUNGHWA CIGARETTES

KING SIZE

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



# Chunghwa

## FILTER CIGARETTES

PRODUCED BY SHANGHAI CIGARETTE FACTORY  
SHANGHAI TOBACCO GROUP CO., LTD.



# CHUNGHWA

专供出口



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

Division of  
Advertising Practices

May 17, 2017

Mr. Dominic Chu  
202 Canal Street  
Suite 901  
New York, NY 10013

Dear Mr. Chu:

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, Konci G & D Management Group (USA), Inc.’s (“Konci”) plan for quarterly rotation of the four health warnings on packaging for one variety (Filter Kings Box) of the Chunghwa brand of cigarettes was approved on December 5, 2001. Your February 21, 2012 proposal to modify the packaging for the Chunghwa Filter Kings Box variety was approved on March 8, 2012.

By letter dated May 15, 2017, you now propose to further modify the packs and cartons for the Filter Kings Box variety of the Chunghwa brand of cigarettes.

The warnings on the modified packaging for the Filter Kings Box variety of the Chunghwa brand submitted with your April 3, 2017 letter continues 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 is not an approval of any other design element, statement, or representation made on packaging or in advertising for Konci’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Konci’s packaging and advertising under the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) or any regulations that have been or might be promulgated by the Department of Health and Human 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

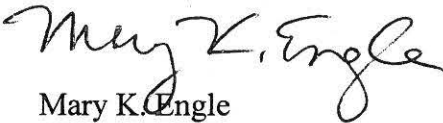


Mr. Dominic Chu  
May 17, 2017  
Page 2

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

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

Very truly yours,

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

Mary K. Engle  
Associate Director

C. RANDALL NUCKOLLS  
(202) 496-7176

EMAIL ADDRESS  
randy.nuckolls@dentons.com

May 15, 2017

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

**Re: Updated Warning Label Rotation Plan for Natural American Spirit Brand Styles**

Dear Ms. Engle:

I serve as counsel for Santa Fe Natural Tobacco Company, Inc. ("SFNTC"), located at 1 Plaza La Prensa, Santa Fe, NM 85707. The President of SFNTC is Michael A. Little. His telephone number is 919-692-4257. SFNTC is the manufacturer of Natural American Spirit ("NAS") cigarettes.

In 2017, SFNTC will commercialize an additional NAS brand style, Hunter Balanced Taste king size hard packs. Pursuant to 15 U.S.C. § 1333(c)2 of the Federal Cigarette Labeling and Advertising Act (the "Cigarette Act"), I submit this letter to update the Surgeon General Warning Label Rotation Plan for the packaging of NAS brand styles and request that your office provide an updated rotation plan approval letter that includes this additional NAS brand style.

SFNTC currently manufactures the following thirteen king size hard pack varieties of the NAS brand utilizing a B, C, D, A rotation sequence for its packaging and advertising: Full Bodied Taste; Balanced Taste; Mellow Taste; Smooth Mellow Taste; Menthol Full-Bodied Taste; Menthol Mellow Taste; Non-Filtered; Perique Blend Rich Robust Taste; Perique Blend Rich Taste; Made with Organic Tobacco Full-Bodied Taste; Made with Organic Tobacco Mellow Taste; 100% U.S. Grown Tobacco Full-Bodied Taste; 100% U.S. Grown Tobacco Mellow Taste. Your office previously approved the rotation plan for packaging for these brand styles as set forth in your letters of December 30, 2013, August 24, 2010 and October 20, 2011.

SFNTC submitted to your office a full set of sample packaging for the Hunter Balanced Taste brand style on March 31, 2017. The warnings on the cartons and packs for this brand style will appear exactly as shown on the samples submitted, and following approval of this plan SFNTC will quarterly rotate the four health warnings for Hunter Balanced Taste brand style

Ms. Mary K. Engle

Page 2

utilizing the same B, C, D, A rotation sequence as SFNTC utilizes for other NAS brand styles. Pursuant to this established sequence, the health warnings will continue to rotate as follows:

1st Quarter - B - Quitting Smoking Now Greatly Reduces Serious Risks to Your Health (January  
February, March)

2nd Quarter - C - Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low  
Birth Weight. (April, May, June)

3rd Quarter - D - Cigarette Smoke Contains Carbon Monoxide (July, August, September)

4th Quarter - A - Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate  
Pregnancy. (October, November, December)

The packaging for this brand style will bear the health warning for the quarter in which the cigarettes are packaged. SFNTC will maintain records to demonstrate compliance with its approved rotation plans for both advertising and packaging.

If you have any questions regarding this SFNTC request please contact me at (202) 496-7176.

Sincerely,

A handwritten signature in blue ink that reads "C. Randall Nuckolls". The signature is written in a cursive style with a large initial "C".

C. Randall Nuckolls

Selected packaging samples from those  
submitted with the plan.

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

# NATURAL AMERICAN SPIRIT

100% ADDITIVE-FREE  
NATURAL TOBACCO



Feel free to call  
us if you have any  
questions:  
1-800-332-5595



FSC No additives in our tobacco does NOT mean a safer cigarette.

# NATURAL AMERICAN SPIRIT

BALANCED TASTE

100% ADDITIVE-FREE  
NATURAL TOBACCO

SFNTC, SANTA FE, NM 87504  
SFNTC.COM

100% Additive-Free Natural Tobacco  
Since day one, we've focused on giving you  
only the best all-natural whole leaf tobacco  
that the earth provides. Discover our  
spirit at [Americanspirit.com](http://Americanspirit.com).

**RESPECT FOR  
THE EARTH**



# NATURAL AMERICAN SPIRIT



HUNTER

20 CLASS A  
CIGARETTES

© SFNTC • TPNC629

PLEASE RECYCLE YOUR  
CIGARETTE BUTTS AND THIS PACK

61002213  
WMB

61002213



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

NATURAL  
AMERICAN  
SPIRIT  
100% ADDITIVE-FREE NATURAL TOBACCO



No additives in our tobacco does  
**NOT** mean a safer cigarette.  
200 CLASS A CIGARETTES

0 47995 20030 5  
FSC

Our dedicated manufacturing facility in Oxford, N.C., produces only Natural American Spirit tobacco products and is committed to reducing its environmental footprint. This facility is a 100% zero-waste-to-landfill operation, recycling and repurposing all waste: absolutely nothing ends up in a landfill.

Discover our commitment at [AmericanSpirit.com](http://AmericanSpirit.com).

# RESPECT FOR THE EARTH®



## Reducing Waste

SFNTC  
P.O. Box 25140  
Santa Fe, New Mexico 87504  
USA  
No. TPNC629

NATURAL  
AMERICAN  
SPIRIT  
100% ADDITIVE-FREE NATURAL TOBACCO





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

Division of  
Advertising Practices

May 19, 2017

C. Randall Nuckolls, Esq.  
McKenna Long & Aldridge, LLP  
1900 K St., N.W.  
Washington, D.C. 20006-1108

Dear Mr. Nuckolls:

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 Santa Fe Natural Tobacco Company, Inc. ("Santa Fe") on May 15, 2017, calling for quarterly rotation of the four health warnings on packaging for the Hunter Balanced Taste king size hard pack variety of the NAS brand.

The warnings on the sample packs and cartons submitted with your March 31, 2017 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Santa Fe's plan for quarterly rotation of the four health warnings on packaging of the Hunter Balanced Taste king size hard pack variety of the NAS brand is hereby approved.<sup>1</sup>

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

Please note that this letter only approves Santa Fe'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 Santa Fe's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on

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<sup>1</sup> By letters dated August 24, 2010, October 20, 2011, and December 30, 2013, certain other varieties of the NAS brand were approved for quarterly rotation of the four health warnings on packaging, which does not need to be re-approved annually.

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

C. Randall Nuckolls, Esq.

May 19, 2017

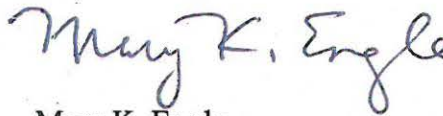
Page 2

packaging or in advertising for Santa Fe's cigarettes, including, but not limited to, "organic," "natural," "no additives," and "additive-free." Nor does this letter purport to interpret or express any opinion about the adequacy of Santa Fe's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

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

Very truly yours,



Mary K. Engle  
Associate Director





May 17, 2017

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 for the "31" brand of cigarettes.

#### Styles and Flavors

Our previous plan for the simultaneous display of warnings on packages for the "31" brand styles Full Flavor 100 box and Menthol 100 box was approved on June 6, 2016 and has not changed. We now wish to seek renewal of those brand styles and approval of the following brand styles:

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

Sample packaging for each of the packs and cartons of the four brand styles listed above was enclosed for your approval on March 10, 2017.

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

We will display the four health warnings on every brand style of the "31" brand of cigarettes an equal number of times throughout the plan year (the alternative to quarterly rotation). We had [redacted] sales before June 2016. Since June 2016, we have sold [redacted] sticks of the 31 brand styles Full Flavor 100 box and Menthol 100 box.<sup>1</sup> Our anticipated sales volume for the "31" brand of cigarettes (all styles) over the

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<sup>1</sup> These sales include only the "31" brand and exclude LET sales of cigarettes produced for third parties as a contract manufacturer.

next year is [REDACTED] sticks.<sup>2</sup> In calendar year 2016 and to date in 2017, LET did not manufacture or import any other cigarettes.

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. We will keep records demonstrating compliance with this plan.

The warnings will appear exactly as shown on the sample packs and cartons submitted with our letters of May 4, 2016 and March 10 2017. This shows how the warnings will appear on the "31" Full Flavor 100's box and "31" Menthol 100's box brand styles as well as the "31" Blue 100 box, "31" Blue Kings box, "31" Full Flavor Kings box and "31" Menthol Kings box.

#### **Label Statements and Rotation Plan**

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

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

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

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

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

#### **Advertising**

LET currently has an advertising plan on file with the FTC and will maintain compliance with its May 24, 2016 plan approved June 6, 2016.

Again, please consider our health warning display plan for packaging 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,



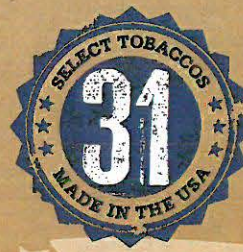
Bryan Porter

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<sup>2</sup> These projected sales include only the "31" brand and exclude LET sales of cigarettes produced for third parties as a contract manufacturer.

Selected packaging samples from those  
submitted with the plan.

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



BLUE

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



BLUE  
KING SIZE

BLUE

18



BLUE

KING SIZE

CTPOST 16 18/1  
#60316 128-15  
KBA

BLUE  
KING SIZE



KING SIZE

20 CLASS A  
CIGARETTES

UNDERAGE  
SALE  
PROHIBITED

BLUE

MADE IN THE USA

**BLUE KING SIZE**



**BLUE  
KING SIZE**

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



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

**BLUE KING SIZE**



UNDERAGE SALE  
PROHIBITED

WARD PACKS

**BLUE  
KING SIZE**





Division of  
Advertising Practices

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

May 19, 2017

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 on behalf of Lake Erie Tobacco Company (“Lake Erie”) on May 17, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “31” brand of cigarettes.

Lake Erie’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your May 4, 2016 and March 10, 2017 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Lake Erie’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following six hard pack varieties of the “31” brand: Full Flavor (100’s and Kings), Menthol (100’s and Kings), and Blue (100’s and Kings).

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

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

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<sup>1</sup> Lake Erie stated in its May 17, 2017 letter that the four health warnings will continue to appear exactly as shown on the packs and cartons submitted on this date.

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

Mr. Bryan Porter  
May 19, 2017  
Page 2

enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings 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](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through May 18, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director

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](http://www.SMBRANDS.COM)

May 31, 2017

Mary K Engle  
Associate Director of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Ave NW, CC10528  
Washington, D.C. 20580

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.

**INNOVATION THROUGH FIVE GENERATIONS OF TRADITION**

*Bailey's*

**TAHOE**

**Riverside**

**LEXI2**

**CONTACT**





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 Time cigarette brands. The FTC approved the Plan via letter dated June 9, 2015.

By letter dated April 13, 2016 the Company sought approval for the display of the four health warning on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time cigarette brands. The FTC approved the Plan via letter dated June 2, 2016.

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. As requested last year the Company has included the packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time cigarette brands with our letters dated April 24, 2017, May 18, 2017, and May 31, 2017. The packaging has not changed since it was most recently approved by the FTC.

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

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

As a small manufacturer, under our reading of applicable law, S&M Brands, Inc. has qualified (and we believe still qualifies) to have a Plan to simultaneously display the four health warnings on cigarette packaging. The four warnings will appear an equal number of times on the packs and cartons for each brand style of Bailey's, Tahoe, Riverside, and Valu Time brand cigarettes for a one year period beginning on the date of approval of this Plan. The technology

used by our packaging supplier allows all packaging to arrive at our factory already equalized. We have two types of soft pack packing machines which use either roll wraps (GDX1 machine) or cut wraps (AMF 379 machines) and one hard pack packing machines (GDX2) that uses box blanks that are similar to the cut wraps. The roll wraps are printed with the required warnings on packages in sequential order of 123 then 234 then 412, then 134 as the technology does not allow all 4 warnings on the roll. The supplier of the cut wraps and the box blanks provides an equal number of warnings per case and the case is exhausted before another case is opened. The Company ensures equalization by making certain there are no open cases of cut wraps or box blanks at the end of the year. The carton packaging comes from the supplier in stacks of 500 per warning on a pallet containing 28,000. Stacks of 500 cartons per warning are run thru the machine in sets of 2000 so that all four Surgeon General Warnings are used in equal numbers. If at the end of the year the Company realizes that equalization may not be occurring the Company will take steps to make sure an equal number of each of the four health warnings have appeared on each brand style of cigarettes. All of these methods ensure equalization in the field. We will keep records demonstrating compliance with this Plan.

Our total sales by fiscal year are summarized in the chart below. Our fiscal year is the same as the calendar year. For fiscal year 2016 our actual sales are reported below. For fiscal years 2017 and 2018 our anticipated sales are reported below. The figures represent individual sticks sold. These four brands are all of the cigarette brands manufactured by S&M Brands and S&M Brands does not import any cigarette brands.

**Volume in Sticks**

Year	Bailey's	Tahoe	Valu Time	Riverside
2016				
2017				
2018				

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.

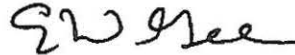
<sup>1</sup> Stick number breakdown by style: **Tahoe soft packs** are: King Size: Filter [redacted] Gold [redacted], Sky Blue [redacted] Menthol [redacted] and Evergreen Menthol [redacted]; 100's Size: Filter [redacted] Gold [redacted] Sky [redacted] Menthol [redacted], and Evergreen Menthol [redacted].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

<sup>2</sup> 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]

<sup>3</sup> 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]

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,

A handwritten signature in black ink, appearing to read "E W Gee". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

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

cc: Mr. Malcolm L. Bailey, CEO

Selected packaging samples from those  
submitted with the plan.

*American Made*  
**Bailey's**<sup>®</sup>  
F A M I L Y

*Premium American Tobacco  
at an Honest Price*

*American Made*  
**Bailey's**<sup>®</sup>  
F A M I L Y

*Premium American Tobacco  
at an Honest Price*

S&M Brands, Inc.  
3662 Ontario Road  
Keyesville, VA 23947 USA  
[www.baileyscigarettes.com](http://www.baileyscigarettes.com)  
20 Class A Filter Cigarettes

UNDERAGE SALE PROHIBITED



Blue 100's

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



Blue 100's

FSC



**Bailey's**<sup>®</sup>  
Blue 100's

1 2 3 4 5 6 7 8 9 10 11 12  
SP\_21 12 13 14 15

Crush-Proof Box



**Bailey's**  
F A M I L Y  
Menthol Kings Box  
Crush-Proof Box



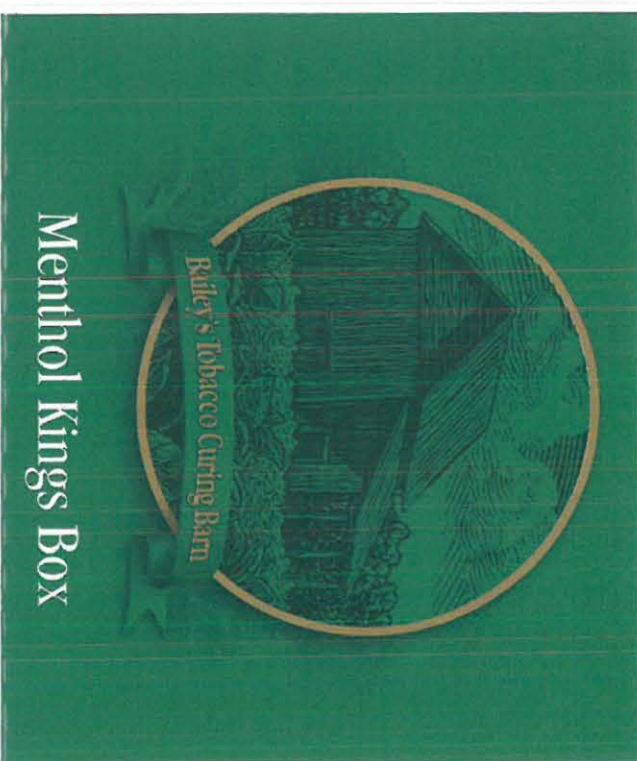
Five generations of the Bailey family have taken great pride in growing the finest tobacco in the U.S. In 1993, we decided to manufacture a cigarette from our superior leaf, with the same commitment to excellence and attention to detail. We sincerely hope you enjoy our premium tobacco at an honest price.

Steven & Mac Bailey

Get in touch with the family: [www.baileyscigarettes.com](http://www.baileyscigarettes.com)

**Bailey's**  
American Grown - American Made  
F A M I L Y

Premium American Tobacco  
at an Honest Price



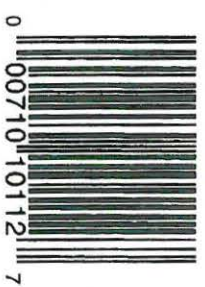
Menthol Kings Box

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

**Bailey's**  
American Grown - American Made  
F A M I L Y

Menthol Kings Box

S&M Brands, Incorporated  
3662 Ontario Road  
Keysville, Virginia 23947 USA  
[www.baileyscigarettes.com](http://www.baileyscigarettes.com)  
200 Class A Filter Cigarettes  
UNDERAGE SALE PROHIBITED  
Crush-Proof Box



FSC

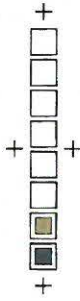
Menthol Kings Box

Premium American Tobacco  
at an Honest Price

F A M I L Y

Crush

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



TAHOE®

TAHOE®  
Gold Kings BOX

TAHOE®

S&M Brands, Inc.  
3662 Ontario Road  
Keysville, VA 23947 USA  
www.tahoe-cigarettes.com  
20 Class A Filler Cigarettes

FSC



SP16

1 2 3 4 5 6 7 8 9 10 11 12  
12 13 14 15

UNDERAGE SALE  
PROHIBITED

# TAAHOE®

UNDERAGE SALE  
PROHIBITED

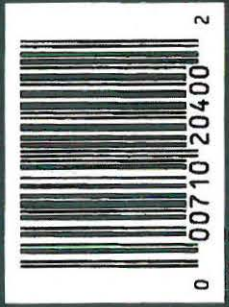
S&M Brands, Incorporated  
3662 Ontario Road  
Keysville, Virginia 23947 USA  
[www.tahoecigarettes.com](http://www.tahoecigarettes.com)  
200 Class A Filter Cigarettes



*Filter Kings*

# TAAHOE®

*Quality American Blend*



FSC

*Filter Kings*

# TAAHOE®

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

*Quality American Blend*





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

# Filter Kings Box

20 CLASS A CIGARETTES  
MADE IN U.S.A.

S&M Brands, Inc.  
3662 Ontario Road  
Keysville, VA 23947  
20 CLASS A CIGARETTES

FSC  
UNDERAGE SALE  
PROHIBITED



# Riverside

Filter Kings Box

SP3

MADE IN U.S.A.  
20 CLASS A CIGARETTES

# Filter Kings Box

# Riverside

# Riverside

Filter Kings Box

# Riverside

Teal Menthol 100's

UNDERAGE SALE PROHIBITED

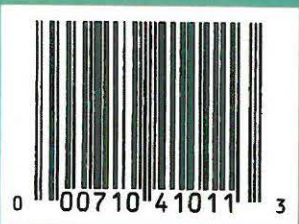
Riverside®

S&M Brands, Inc.  
3662 Ontario Road  
Keyville, VA 23947  
200 CLASS A CIGARETTES

Riverside®

Teal Menthol 100's

200 CLASS A CIGARETTES • MADE IN U.S.A.



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

Riverside®

Teal Menthol 100's

FSC

200 CLASS A CIGARETTES • MADE IN U.S.A.

TEAL MENTHOL 100'S

**VALU TIME**  
**Teal Menthol**

**100s**

Made in U.S.A. | 20 Class A Cigarettes

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

**VALU TIME**  
**Teal Menthol**

**100s**

Made in U.S.A. | 20 Class A Cigarettes

MANUFACTURED BY:  
SMM Brands, Inc.  
368 Ontario Road  
Kempville, VA 23947 USA

DISTRIBUTED BY:  
TOPCO ASSOCIATES, LLC  
7711 Gross Point Road, Skokie, IL 60077  
1-888-423-8139 ©TOPCO 5BR 510



UNDERAGE SALE  
PROHIBITED

**VALU TIME**  
**Teal Menthol 100s**

1 2 3 4 5 6 7 8 9 10 11 12  
SP\_1 13 14 15

200 CLASS A CIGARETTES  
UNDERAGE SALE PROHIBITED

Silver 100s



DISTRIBUTED BY TOPCO ASSOCIATES LLC  
7711 GROSS POINT ROAD, SKOKIE, IL 60077  
1-888-423-0139 © TOPCO SBR 510

3662 Ontario Road  
Keyville, VA 23947 USA

MANUFACTURED BY: S&M Brands, Inc.



Silver

100s

Made in U.S.A. | 200 Class A Cigarettes



FSC



Silver 100s

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

Made in U.S.A. | 200 Class A Cigarettes

100s



Division of  
Advertising Practices

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

June 1, 2017

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

Dear Mr. Gee:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed the revised proposed plan filed by S&M Brands, Inc. (“S&M Brands”) on May 31, 2017, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bailey’s, Tahoe, Riverside, and Valu Time brands of cigarettes.

S&M Brands’ sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated April 24, May 18, and May 31, 2017 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

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

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

---

<sup>1</sup> S&M Brands stated in its May 31, 2017 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

**This approval is effective on the date of this letter and runs through May 31, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Mr. Everett W. Gee III  
June 1, 2017  
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, looping "M" and "E".

Mary K. Engle  
Associate Director



FOLEY & LARDNER LLP

**ATTORNEYS AT LAW**

2 SOUTH BISCAYNE BLVD., SUITE 1900  
MIAMI, FL 33131  
305.482.8400 TEL  
305.482.8600 FAX  
foley.com

WRITER'S DIRECT LINE  
305-482-8413  
vvilarchao@foley.com EMAIL

CLIENT/MATTER NUMBER  
091139-0104

May 24, 2017

**VIA FEDERAL EXPRESS**

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

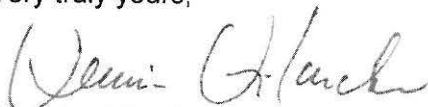
**Re: Dosal Tobacco Corporation**

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,

  
Verónica 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 132<sup>nd</sup> 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 2016, approximately [REDACTED] cigarettes) and more than half the cigarettes manufactured or imported by the company must be packaged into brand styles that meet the low sales threshold (the "Low Sales Volume Requirement"). Except for the brand style 305's Full Flavor 100's Box, Dosal meets the Low Sales Volume Requirement based on its sales in 2016 and forecasts that it will meet the Low Sales Volume Requirement for 2017 for all other brand styles manufactured by Dosal (please see Dosal's Sales Report for the year 2016, and Sales Forecast for the year 2017, attached hereto as Exhibit "B").<sup>1</sup> With the exception of the brand style 305's Full Flavor 100's Box, during the year 2016, sales for any one brand style did not exceed [REDACTED] cigarettes, and for the year 2017 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

---

<sup>1</sup> 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 2016 AND SALES  
FORECAST FOR 2017 FOR ALL BRAND STYLES**

**2016 SALES REPORT AND 2017 SALES PROJECTIONS**

<u>SKU</u>	<u>Brand</u>	<u>Brand Style</u>	<u>Cartons Sold 2016</u>	<u>Number of Sticks 2016</u>	<u>Projected Carton Sales 2017</u>	<u>Projected Sales in Sticks 2017</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				
305MNKBX	/ 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				

DTCSVYBX / DTC

Silver 100's Box

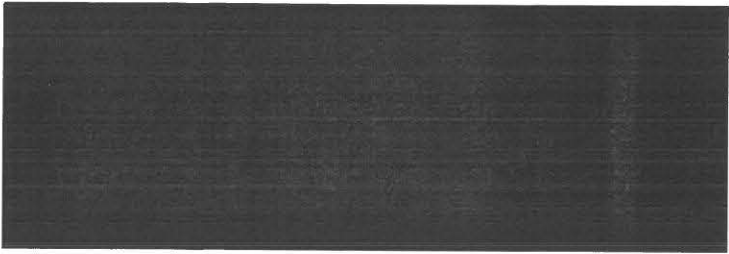
DTCMNK BX / DTC

Menthol Kings Box

DTCMNYBX / DTC

Menthol 100's Box

**TOTAL:**





**EXHIBIT "C"**  
**ADVERTISEMENT WARNING**  
**STATEMENT ROTATION SCHEDULE\***

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

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

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



Division of  
Advertising Practices

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

June 8, 2017

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 24, 2017, 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,<sup>1</sup> 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.<sup>2</sup>

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

---

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

<sup>2</sup> Dosal stated in its May 24, 2017 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

Ms. Veronica Vilarchao  
June 8, 2017  
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.<sup>3</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

**This approval is effective on the date of this letter and runs through June 7, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director

---

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

# SKOOKUM CREEK TOBACCO

April 17, 2017

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

Dear Ms. Engle:

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

Skookum Creek Tobacco Company currently produces three brand families of cigarettes, "Complete," "Premis," and "Traditions." A rotation plan was approved June 14, 2016, for these brand families.

Certain previously approved "Brand Styles" from the Complete, and Traditions brand families were discontinued prior to our June 13, 2016 letter but will appear on our sales chart for FY2016. 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 2016 exceeded the sales limits in 15 U.S.C. § 1333(c)(2)(A)(i). A copy of Skookum Creek Tobacco's 2016 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 July 16, 2007 for Complete and Premis. Skookum Creek Tobacco Co., Inc. does not advertise its cigarettes in any other format or medium.

Sincerely,



Ray Peters, General Manager

**Exhibit A**

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

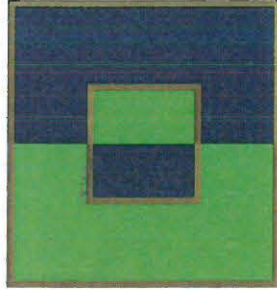
<p><b>COMPLETE</b></p> <p>01-50071 FSC Full Flavor Kings (Hard Box)          01-50072 FSC High Air Kings (Hard Box)          01-50073 FSC Ultra High Air Kings (Hard Box)          01-50074 FSC Menthol Kings (Hard Box)          01-50075 FSC Menthol High Air Kings (Hard Box)          01-50076 FSC Non Filtered Kings (Hard Box)          01-50077 FSC Full Flavor 100s (Hard Box)          01-50078 FSC High Air 100's (Hard Box)          01-50079 FSC Ultra High Air 100s (Hard Box)          01-50080 FSC Menthol 100s (Hard Box)          01-50081 FSC Menthol High Air 100s (Hard Box)</p> <p>Discontinued-Non FSC          01-50011 Full Flavor 100s (Hard Box)          01-50012 High Air 100s (Hard Box)          01-50013 Ultra High Air 100s (Hard Box)          01-50014 Menthol 100s (Hard Box)          01-50015 Menthol High Air 100s (Hard Box)          01-50017 Full Flavor Kings (Hard Box)          01-50018 High Air Kings (Hard Box)          01-50019 Ultra High Air Kings (Hard Box)          01-50020 Menthol Kings (Hard Box)          01-50021 Menthol High Air Kings (Hard Box)          01-50022 Non Filter Kings (Hard Box)</p>	<p><b>PREMIS</b></p> <p>01-50123 Full Flavor Kings (Hard Box)          01-50124 High Air Kings (Hard Box)          01-50125 Ultra High Air Kings (Hard Box)          01-50126 Menthol Kings (Hard Box)          01-50127 Menthol High Air Kings (Hard Box)          01-50128 Full Flavor 100s (Hard Box)          01-50129 High Air 100's (Hard Box)          01-50130 Ultra High Air 100s (Hard Box)          01-50131 Menthol 100s (Hard Box)          01-50132 Menthol High Air 100s (Hard Box)</p>
<p><b>TRADITIONS - ADDITIVE FREE</b></p> <p>Full Flavor Kings (Hard Box)          High Air Kings (Hard Box)          Full Flavor 100s (Hard Box)          High Air 100's (Hard Box)</p>	

**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 2016	Projected FY 2017	Current FY16 Sales 10/2016 to 2/2017
01-50011	Complete 100mm Full Flavor Hard Box	Complete		Disc.	Disc.
01-50012	Complete 100mm High Air Hard Box	Complete		Disc.	Disc.
01-50013	Complete 100mm Ultra High Air Hard Box	Complete		Disc.	Disc.
01-50014	Complete 100mm Menthol Hard Box	Complete		Disc.	Disc.
01-50015	Complete 100mm Menthol High Air Hard Box	Complete		Disc.	Disc.
01-50017	Complete 85mm Full Flavor Hard Box	Complete		Disc.	Disc.
01-50018	Complete 85mm High Air Hard Box	Complete		Disc.	Disc.
01-50019	Complete 85mm Ultra High Air Hard Box	Complete		Disc.	Disc.
01-50020	Complete 85mm Menthol Hard Box	Complete		Disc.	Disc.
01-50021	Complete 85mm Menthol High Air Hard Box	Complete		Disc.	Disc.
01-50022	Complete 85mm Non Filtered Hard Box	Complete		Disc.	Disc.
01-50123	Premis 85mm Full Flavor Hard Box	Premis			
01-50124	Premis 85mm High Air Hard Box	Premis			
01-50125	Premis 85mm Ultra High Air Hard Box	Premis			
01-50126	Premis 85mm Menthol Hard Box	Premis			
01-50127	Premis 85mm Menthol High Air Hard Box	Premis			
01-50128	Premis 100mm Full Flavor Hard Box	Premis			
01-50129	Premis 100mm High Air Hard Box	Premis			
01-50130	Premis 100mm Ultra High Air Hard Box	Premis			
01-50131	Premis 100mm Menthol Hard Box	Premis			
01-50132	Premis 100mm Menthol High Air Hard Box	Premis			
01-50071	Complete FSC 100mm Full Flavor Hard Box	Complete			
01-50072	Complete FSC 100mm High Air Hard Box	Complete			
01-50073	Complete FSC 100mm Ultra High Air Hard Box	Complete			
01-50074	Complete FSC 100mm Menthol Hard Box	Complete			
01-50075	Complete FSC 100mm Menthol High Air Hard Box	Complete			
01-50076	Complete FSC 85mm Full Flavor Hard Box	Complete			
01-50077	Complete FSC 85mm High Air Hard Box	Complete			

01-50078	Complete FSC 85mm Ultra High Air Hard Box	Complete	
01-50079	Complete FSC 85mm Menthol Hard Box	Complete	
01-50080	Complete FSC 85mm Menthol High Air Hard Box	Complete	
01-50081	Complete FSC 85mm Non Filter Hard Box	Complete	
01-50511	Traditions Additive Free 100mm Full Flavor Hard Box	Traditions	
01-50513	Traditions Additive Free 100mm High-Air Hard Box	Traditions	
01-50517	Traditions Additive Free 85mm Full Flavor Hard Box	Traditions	
01-50519	Traditions Additive Free 85mm High-Air Hard Box	Traditions	

COMPLETE



*Menthol High Air Filter  
Deluxe 100s*

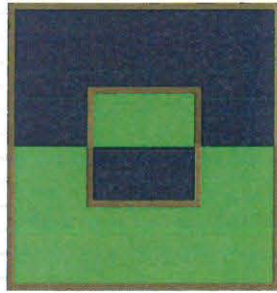
Sales to  
Minors  
Prohibited

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

W 3

*Menthol High Air Filter  
100s Box*  
COMPLETE

COMPLETE



*Menthol High Air Filter  
Deluxe 100s*

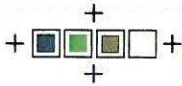
COMPLETE<sup>®</sup>  
*Menthol High Air Filter  
100s Box*

20  
CLASS A  
CIGARETTES

  
www.skookumcreek.com  
MADE IN U.S.A.



4/11/16





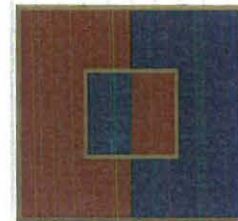
# COMPLETE

*Non-Filter  
Deluxe Kings Box*



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

**COMPLETE**<sup>®</sup>  
*Non-Filter  
Deluxe Kings Box*



*Sales to  
Minors  
Prohibited*

2/16/16



20  
CLASS A  
CIGARETTES



**TRADITIONS**  
FULL FLAVOR 100S

**TRADITIONS**



**FULL FLAVOR 100S**

**TRADITIONS**  
FULL FLAVOR 100S

Sales to  
Minors  
Prohibited

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

W 12

**TRADITIONS**

TRADITIONS are micro-manufactured on the  
Squaxin Island Indian Reservation, and  
all profits support our communities.  
We, the People of the Water,  
thank you for purchasing TRADITIONS



Squaxin Island Museum, Library & Research Center, Shelton, WA  
Visit [www.squaxinland.org](http://www.squaxinland.org) to learn the complete story.

**FULL FLAVOR 100S**

**TRADITIONS**

**HIGH-AIR FILTER BOX 100S**



Josef Scaylea, circa 1957

w 4

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

**TRADITIONS**

**HIGH-AIR FILTER BOX 100S**

**Sales to Minors  
Prohibited**



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

Division of  
Advertising Practices

June 16, 2017

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

Dear Mr. Peters:

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 14, 2017, 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 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:<sup>1</sup>

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

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<sup>1</sup> Skookum Creek stated in its June 14, 2017 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); and
- Four hard pack varieties of the Traditions brand: Full Flavor (Kings and 100's), and High Air (Kings and 100's).

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

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

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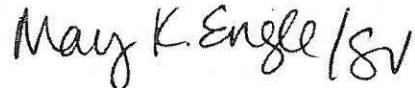
<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Ray Peters  
June 16, 2017  
Page 3

**This approval is effective on the date of this letter and runs through June 15, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,

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

Mary K. Engle  
Associate Director



PO Box 214  
Gowanda, New York 14070

1.877.NATIVE3  
Fax: 716.532.6137

May 10, 2017

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 2017 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 21, 2016. 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

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

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

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

Our sales for 2016 by brand style is attached. Native Wholesale Supply's fiscal year coincides with the calendar year.

We comply with the "Cigarette Act" by having our supplier, White House Graphics, print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of each brand style of the Seneca, Couture and Opal brands an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan. The warnings will appear exactly as shown on the sample packs and cartons for the Seneca brand submitted with our May 28, 2010, June 30, 2011, September 16, 2011, September 28, 2011, October 4, 2011, and June 10, 2014 letters; for the Couture brand submitted with our November 5, 2014 letter; and for the Opal brand submitted with our May 28, 2010 and June 30, 2011 letters.

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

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

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

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

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

### **ADVERTISING**

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

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

Yours truly,



Arthur Montour, President



Native Wholesale Supply  
2016 Brand Sales

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



Division of  
Advertising Practices

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

June 20, 2017

Mr. Arthur Montour  
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 proposed plan filed by Native Wholesale Supply Company ("NWSC") on May 10, 2017, 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:<sup>1</sup>

<b><u>Brand</u></b>	<b><u>Date(s)</u></b>
Seneca	May 28, 2010 June 30, 2011 September 16, 2011 September 28, 2011 October 4, 2011 June 10, 2014
Couture	November 5, 2014
Opal	May 28, 2010 June 30, 2011

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<sup>1</sup> NWSC stated in its May 10, 2017 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves 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).

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

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

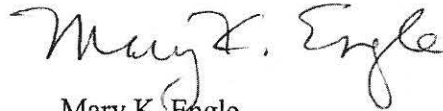
Mr. Arthur Montour  
June 20, 2017  
Page 3

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 19, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,

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

Mary K. Engle  
Associate Director