



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: January 24, 2020

SUBJECT: Cigarette Labeling and Advertising Act
File No. P854505

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

1. April 2, 2018 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Mary K. Engle.
2. April 9, 2018 letter from Mary K. Engle to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
3. April 4, 2018 letter from Travis G. Heron, Seneca Manufacturing Company to Mary Engle.
4. April 10, 2018 letter from Mary K. Engle to Travis G. Heron, Seneca Manufacturing Company.
5. April 4, 2018 letter from Terri Albright, King Maker Marketing, Inc. to the Division of Advertising Practices.
6. April 11, 2018 letter from Mary K. Engle to Terri Albright, King Maker Marketing, Inc.
7. April 11, 2018 letter from Barry M. Boren on behalf of Everything Tobacco, LLC to Mary Engle.
8. April 12, 2018 letter from Mary K. Engle to Barry M. Boren on behalf of Everything Tobacco, LLC.

9. April 12, 2018 letter from Geraldine Bowen Barker, Commonwealth Brands, Inc. to Mary Engle.
10. April 12, 2018 letter from Mary K. Engle to Geraldine Bowen Barker, Commonwealth Brands, Inc.
11. April 20, 2018 letter from J. Conrad Seneca d/b/a Six Nations Manufacturing to Mary K. Engle.
12. April 20, 2018 letter from Mary K. Engle to J. Conrad Seneca d/b/a Six Nations Manufacturing.
13. April 23, 2018 letter from Joseph M. Zebrowski, Rock River Manufacturing to Mary K. Engle.
14. April 24, 2018 letter from Mary K. Engle to Joseph M. Zebrowski, Rock River Manufacturing.
15. April 23, 2018 letter from Barry M. Boren on behalf of Konci Group (USA), Inc. to Mary Engle.
16. April 24, 2018 letter from Mary K. Engle to Barry M. Boren on behalf of Konci Group (USA), Inc.
17. April 25, 2018 letter from William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates to Mary K. Engle.
18. April 26, 2018 letter from Mary K. Engle to William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates.
19. April 24, 2018 letter from John R. Long, Liggett Group LLC to Mary K. Engle.
20. April 30, 2018 letter from Mary K. Engle to John R. Long, Liggett Group LLC.
21. March 22, 2018 from C. Randall Nuckolls on behalf of Santa Fe Natural Tobacco Company, Inc. to Mary K. Engle.
22. May 3, 2018 letter from Mary K. Engle to C. Randall Nuckolls on behalf of Santa Fe Natural Tobacco Company, Inc.
23. May 1, 2018 letter from Heather Enyart, Seneca-Cayuga Tobacco Company to the Division of Advertising Practices.

24. May 4, 2018 letter from Mary K. Engle to Heather Enyart, Seneca-Cayuga Tobacco Company.
25. May 3, 2018 from Juan Miguel Araiza, Skookum Creek Tobacco Co., Inc. to Mary K. Engle.
26. May 7, 2018 from Mary K. Engle to Juan Miguel Araiza, Skookum Creek Tobacco Co., Inc.
27. May 7, 2018 letter from Geraldine Bowen Barker, ITG Brands, LLC to Mary Engle.
28. May 7, 2018 letter from Mary K. Engle to Geraldine Bowen Barker, ITG Brands, LLC.
29. May 18, 2018 letter from Bryan Porter, Lake Erie Tobacco Company to Advertising Practices.
30. May 18, 2018 letter from Mary K. Engle to Bryan Porter, Lake Erie Tobacco Company.
31. May 18, 2008 letter from Darren Rose, Azuma Corporation to Mary K. Engle.
32. May 29, 2018 letter from Mary K. Engle to Darren Rose, Azuma Corporation.
33. May 29, 2018 letter from Everett W. Gee III, S&M Brands, Inc. to Mary K. Engle.
34. May 31, 2018 letter from Mary K. Engle to Everett W. Gee III, S&M Brands, Inc.
35. May 23, 2018 letter from Paige S. Fitzgerald on behalf of Cherokee Tobacco Company, LLC to Mary K. Engle.
36. June 1, 2018 letter from Mary K. Engle to Paige S. Fitzgerald on behalf of Cherokee Tobacco Company, LLC.
37. June 5, 2018 letter from Veronica Vilarchao on behalf of Dosal Tobacco Corporation to the Division of Advertising Practices.
38. June 6, 2018 letter from Mary K. Engle to Veronica Vilarchao on behalf of Dosal Tobacco Corporation.
39. June 7, 2018 letter from Erlind Hill, Native Wholesale Supply Company to Advertising Practices.
40. June 19, 2018 letter from Mary K. Engle to Erlind Hill, Native Wholesale Supply Company.

Holland & Knight

31 West 52nd Street | New York, NY 10019 | T 212.513.3200 | F 212.365.9010
Holland & Knight LLP | www.hkllaw.com

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

April 2, 2018

VIA FEDERAL EXPRESS

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

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

Dear Ms. Engle:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 24, Teaneck, New Jersey 07666 and its affiliates (collectively "JTI"), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), seeking approval for JTI to display the warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes in the manner provided in Section 4(c)(2)(C) of the Act, as provided in paragraph 2(b) of the Label Statement Rotation Plan of JTI submitted to the Federal Trade Commission on August 28, 1985 (the "Plan"), as subsequently amended and approved, most recently on April 3, 2017 (for all then current brand styles of all brands).

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

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

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

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

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

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

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

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

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

- (a) the cigarettes sold by JTI in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. The total number of cigarettes imported (or manufactured) and sold by JTI in the United States during JTI's last fiscal year ended December 31, 2017 was less than [REDACTED] and the total number of cigarettes of any brand style imported (or manufactured) and sold by JTI in the United States during such year was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI imported (or manufactured) and sold accounted for less than one-fourth of one percent of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half (*i.e.* all) of the cigarettes imported (or manufactured) by JTI for sale in the United States are packaged into brand styles which meet the requirements of clause (i);
- (b) the statutorily mandated warnings will appear exactly as shown on the sample individual packages and cartons (or bundles) submitted to and approved by the Federal Trade Commission unless and until revised sample individual packages and cartons are submitted to the Federal Trade Commission on JTI's behalf and approved by the Federal Trade Commission; and
- (c) JTI will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes for each brand style for the one year period beginning

* The six hard pack varieties of the LD by L. Ducat brand with the pre-December 2016 packaging, namely Red (Kings and 100's), Menthol (100's), Blue (100's), Silver (100's) and Menthol Green (100's), currently covered by JTI's Plan, are no longer being sold and are therefore not included herein.

Ms. Mary K. Engle
April 2, 2018
Page 3

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 enclosed a Federal Express airway bill and envelope with our letter dated March 6, 2018 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@hkllaw.com.

Thank you for your continued cooperation in this matter.

Very truly yours,



Neal N. Beaton

Enclosures

Attachment 1

Export 'A'

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

Export A 72 Hard Pack:

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

Export 'A' 72 Bundle:

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

Wave/Wings/LD by L. Ducat

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

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

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

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

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

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

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

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

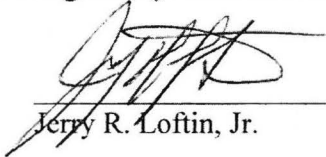
Four hard pack varieties of the Export ‘A’ brand: Full Flavor, Rich Taste, Smooth Taste and Ultra Smooth Taste;

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

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

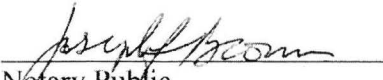
Ten hard pack varieties of the LD by L. Ducat brand: Red (Kings and 100’s), Menthol (Kings and 100’s), Blue (Kings and 100’s), Silver (Kings and 100’s) and Menthol Green (Kings and 100’s).

IN WITNESS WHEREOF, I have hereunto signed my name this 2nd day of April, 2018.



Jerry R. Loftin, Jr.

Sworn to before me this
2nd day April, 2018



Notary Public

My Commission Expires September 17, 2024



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

Division of
Advertising Practices

April 9, 2018

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. and its affiliates (collectively “JTI”) dated April 2, 2018, 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 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:¹

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

¹ JTI stated in its April 2, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Neal N. Beaton, Esq.

April 9, 2018

Page 2

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

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

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

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

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

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

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

Neal N. Beaton, Esq.

April 9, 2018

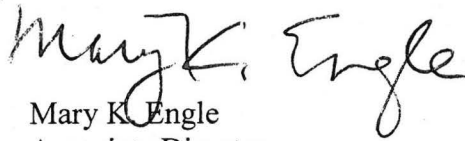
Page 3

signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to FDA.

This approval is effective on the date of this letter and runs through April 8, 2019, 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 above the printed name and title.

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

April 4, 2018

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

Re: Heron & Sands Cigarettes

Dear Ms. Engle:

Please consider this letter our request for annual compliance.

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

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

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

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

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

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

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
April 4, 2018
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 2017 fiscal year (calendar year ending December 31, 2017) are set out in Exhibit A. Our Royal and Sandia brand styles were approved in a letter dated January 18, 2018. The anticipated 2018 sales are set out in Exhibit B. Seneca Manufacturing Company imports only the Heron Non-Filter King Size Box style of cigarettes. Seneca Manufacturing Company manufactures all of the other styles of cigarettes noted above.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons of each Heron and Sands cigarette brand style listed above an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the Heron and Sands cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are

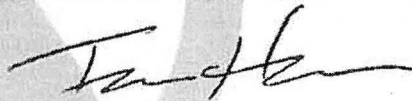
FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
April 4, 2018
PAGE 3

approximately 200 units between warning labels. Seneca Manufacturing Company will maintain records of compliance with the approved plan. We will continue to advertise according to our plan approved by the FTC on December 17, 2007 (Heron) and November 8, 2011 (Sands). Seneca Manufacturing Company has an agreement with the manufacturer of the Heron Non-Filter King style that for every pallet sent, the four (4) cigarette health warnings will be rotated an equal number of times, with approximately 200 units between each warning. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, Seneca Manufacturing Company will place an order of the specific warning label(s) that need to be equalized. This practice will be utilized for the styles that are imported and for those that Seneca Manufacturing Company manufactures.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Travis G. Heron
Partner

TGH/ch
Attachment
Enclosures

Exhibit A

Brand	Style	2017 Sales by Sticks
Heron	No. 33 Black Red King Box	
Heron	No. 33 Black Gold King Box	
Heron	No. 33 Black Menthol King Box	
Heron	No. 33 Black Red 100 Box	
Heron	No. 33 Black Gold 100 Box	
Heron	No. 33 Black Menthol 100 Box	
Heron	Crimson King Box	
Heron	Red King Box	
Heron	Gold King Box	
Heron	Silver King Box	
Heron	Menthol King Box	
Heron	Menthol Gold King Box	
Heron	Non-Filter King Box	
Heron	Crimson 100 Box	
Heron	Red 100 Box	
Heron	Gold 100 Box	
Heron	Silver 100 Box	
Heron	Menthol 100 Box	
Heron	Menthol Gold 100 Box	
Heron	Red 100 SP	
Heron	Gold 100 SP	
Heron	Silver 100 SP	
Heron	Menthol 100 SP	
Heron	Menthol Gold 100 SP	
Sands	Red King Box	
Sands	Gold King Box	
Sands	Silver King Box	
Sands	Menthol King Box	
Sands	Menthol Blue King Box	
Sands	Red 100 Box	
Sands	Gold 100 Box	
Sands	Silver 100 Box	
Sands	Menthol 100 Box	
Sands	Menthol Blue 100 Box	



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

Division of
Advertising Practices

April 10, 2018

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 April 4, 2018, 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.¹

<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

¹ Seneca stated in its April 4, 2018 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.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Seneca's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") 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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

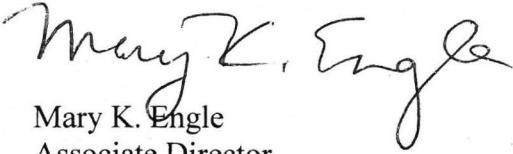
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Travis G. Heron
April 10, 2018
Page 3

This approval is effective on the date of this letter and runs through April 9, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

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

Mary K. Engle
Associate Director



April 4, 2018

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

Re: Request for annual plan renewal approval

Dear Ms. Engle:

King Maker Marketing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on all varieties of the Ace Brand (US Farmers packaging) and Gold Crest (US Farmers packaging). The warnings will appear exactly as shown on the Ace and Gold Crest sample packs and cartons that were enclosed in our March 2, 2017 letter. Also, the Wildhorse Brand, formerly manufactured by Premier Manufacturing, Inc., will now be manufactured by King Maker Marketing and we request approval for simultaneous display of the four health warnings on the varieties listed below. We enclosed Wildhorse packaging with our letter dated 10/26/2017. The warnings will appear exactly as shown on the Wildhorse sample packs and cartons submitted on 10/26/2017.

King Maker Marketing, Inc. will display the four health warnings an equal number of times on the packs and cartons for each of the brand styles listed below of the Wildhorse Brand, Ace Brand (US Farmers packaging) and Gold Crest Brand (US Farmers packaging) for the one-year period beginning on the date of approval of this plan. We will achieve equalization of the four warnings on the packs and cartons of each brand style listed below by having all four warnings printed simultaneously at the time of both pack and carton print runs. King Maker Marketing, Inc. will keep records demonstrating compliance with the plan. The warnings on all packs and cartons of each of our Brand styles of our currently approved brands have been equalized to date. At this time King Maker Marketing is not requesting approval for the Checkers and Hi-Val Brands. The Brand Styles listed below are the only Brand Styles we will manufacture.

-Ten varieties of the Wildhorse Brand: Red Box Kings, Red Box 100's, Gold Box Kings, Gold Box 100's, Menthol Green Box Kings, Menthol Green 100's Box, Silver Box Kings, Silver Box 100's, Menthol Silver 100's Box, and Non-Filter King Box.

-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;

-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.

The four warnings that will be displayed are:

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

King Maker Marketing also requests to modify its previously approved advertisement plan to include advertising up to 20 sq. feet for the Wildhorse Brand as well as internet advertising of the Ace, Gold Crest and Wildhorse Brand.

We will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers and we will place the warnings as specified in those plans. The warnings will be rotated quarterly according to the schedule set out below. Copies of the formats King Maker Marketing will be using were submitted with letters dated March 14, 2018 and April 2, 2018 and the size of our advertisements will not exceed 20 sq. feet.

In internet advertising, the warnings will be displayed in an unavoidable manner on every web page, where they may be viewed without scrolling and shall not be accessed through hyperlinks, popups, interstitials, or other similar means. We will use the warnings formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and the size of the warnings shall be proportionate to those warnings formats. The Warnings will be rotated quarterly according to the schedule below. The warnings in internet advertising for the Ace, Gold Crest and Wildhorse brands will appear as they do in the attached screen shots.

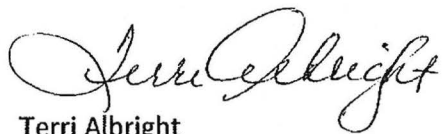
ROTATION WARNING SCHEDULE					
QUARTER	ACE	CHECKERS	GOLD CREST	HI-VAL	WILDHORSE/MULTIPLE BRANDS
1 ST QTR	A	B	C	D	D
2 ND QTR	B	C	D	A	A
3 RD QTR	C	D	A	B	B
4 TH QTR	D	A	B	C	C

King Maker sales for the last fiscal year (calendar year 2017) did not exceed [REDACTED] sticks for any one brand style that we manufacture. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan. King Maker Marketing does not import cigarettes.

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

Please call me if you have questions or need additional information.

Sincerely,

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

Terri Albright

Operations/Compliance Director

Direct Phone: 636.537.6823

Fax: 636.530.1362

Email: talbright@gopremier.com

Selected packaging samples from those
submitted with the plan.

Wildhorse®

A PRODUCT OF
US FARMERS®

Underage
Sale
Prohibited

RED BOX

Wildhorse®

Wildhorse®

RED BOX



20 CLASS A CIGARETTES

Wildhorse®

RED BOX

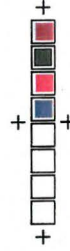
20 CLASS A CIGARETTES



RED BOX

415-2505-A

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



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

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

FSC 7 08926 156112 3

11P - NC - 15000

UNDERAGE SALE
PROHIBITED

**A PRODUCT OF
US FARMERS®**

Wildhorse®

MENTHOL GREEN BOX

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

Wildhorse®

MENTHOL GREEN BOX

200 CLASS A CIGARETTES



TM



FSC

TP-NC-15000

MENTHOL GREEN BOX

Wildhorse®

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

200 CLASS A CIGARETTES

MENTHOL GREEN BOX

Experience the Freedom®

TM



Division of
Advertising Practices

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

April 11, 2018

Ms. Terri Albright
King Maker Marketing, Inc.
629 Cepi Drive
Chesterfield, MO 63005

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Maker Marketing, Inc. ("King Maker") on April 4, 2018, calling for: (1) quarterly rotation of the four health warnings in advertising up to twenty square feet in size for the Wildhorse brand of cigarettes; (2) quarterly rotation of the four health warnings in Internet advertising for the Ace, Gold Crest, and Wildhorse brands of cigarettes; and (3) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Gold Crest, and Wildhorse brands of cigarettes.

King Maker's plan for rotation of the warnings in the aforementioned advertising for the Ace, Gold Crest, and Wildhorse 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.

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

¹ King Maker stated in its April 4, 2018 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>
Ace	March 2, 2017
Gold Crest	March 2, 2017
Wildhorse	October 26, 2017

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

- Nine box varieties of the Ace brand: Red Kings, Red 100's, Yellow Kings, Yellow 100's, Blue 100's, Menthol 10 Kings, Menthol 10 100's, Menthol 94 100's, and Non-Filter Kings;
- Nine box varieties of the Gold Crest brand: Red Kings, Red 100's, Yellow Kings, Yellow 100's, Blue 100's, Menthol 10 Kings, Menthol 10 100's, Menthol 94 100's, and Non-Filter Kings; and
- Ten box varieties of the Wildhorse brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Menthol Green Kings, Menthol Green 100's, Silver Kings, Silver 100's, Menthol Silver 100's, and Non-Filter Kings.

This approval of King Maker's plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through April 10, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Please note that this letter only approves 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

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

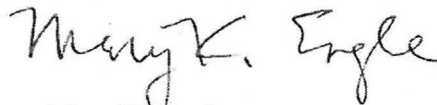
Ms. Terri Albright
April 11, 2018
Page 3

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

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

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

Very truly yours,

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

Mary K. Engle
Associate Director

LAW OFFICES OF
BARRY M. BOREN

borenlaw@bellsouth.net

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

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

April 11, 2018

Sent via email: csands@ftc.gov

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

Attention: Ms. Bonnie McGregor

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

Dear Ms. Engle:

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

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

In fiscal year 2017¹, ET imported approximately [REDACTED] cigarettes (all were Seneca, Couture, and Opal brand cigarettes).² In fiscal year 2018 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 2018. ET does not manufacture any cigarettes.

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.

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.

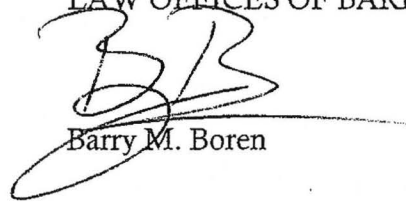
We believe this plan complies in all respects with the Federal Cigarette Labeling and Advertising Act, as amended, (15 U.S.C. §1331 *et seq.*) including any modifications made by the Public Health Cigarette Smoking Act of 1969, the Comprehensive Smoking Education Act of 1984, the Nurses' Education Amendments 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.

¹ ET's fiscal year coincides with the calendar year.

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

A handwritten signature in black ink, consisting of stylized initials 'BMB' with a long horizontal stroke extending to the right.

Barry M. Boren

BMB: md/encs.

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

Selected packaging samples from those
submitted with the plan.

UNDERAGE
SALE
PROHIBITED

20 CLASS
A
CIGARETTES




SANTITAS
SILVER
100'S

MADE UNDER THE
AUTHORITY OF
TOBACCOVILLE
USA, INC.
USA

MADE IN
CANADA

54TL25




SANTITAS
SILVER
100'S

AMERICA'S FINEST BLEND


AMERICA'S FINEST BLEND

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



FSC
81467 00306 5

F6-100S-SE-SIL-LB
WIN 1




AMERICA'S FINEST BLEND

SANTITAS
SILVER
100'S

AMERICA'S FINEST BLEND

CONTEPA
MARK'S
WIN



5D

10 SOFT PACKS

PREMIUM

UNDERAGE SALE PROHIBITED



AMERICA'S
FINEST BLEND

SENECA

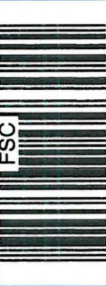
BLUE
100'S

SENECA

MADE UNDER THE
AUTHORITY OF
TOBACCOVILLE USA, INC.

MADE IN CANADA
54-TL-25

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



100'S
BLUE

SENECA

FINEST BLEND

F6-100S-SE-BL-CT



SOFT
PACK

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

SLIMS
Couture

SLIMS
Couture

Made in Canada
54-TL-25



6 81467100384 3

F4-SL100-COUSA-RU-BL

9

SLIMS
Couture

DATE

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

RUBY

SLIMS
Couture

20 CLASS A
SLIM CIGARETTES

RUBY

200 SLIM CIGARETTES

Couture SLIMS

AMETHYST

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

AMETHYST

Couture

CIM170

F4-SL100-COUSA-AM-CT 2



Couture
SLIMS

AMETHYST



6 81467 00388 1

200 CLASS A CIGARETTES

Made in Canada
54-TL-25

SLIMS

Couture

... OF THE WORLD'S FINEST CIGARETTES CAN ONLY BE CALLED COUTURE...

Opal
120's

Opal
120's

MADE IN
CANADA
54-TL-25



Full Flavor
SUPER THINS

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

Opal
120's Full Flavor
SUPER THINS

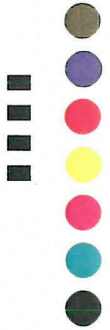
CTP0117 10/2
#63679_141-01
KBA

SUPER THINS

Full Flavor

Opal
120's

F6-120H-OP-FF-BL



Opal
120's Full Flavor
SUPER THINS



Smooth Menthol
SUPER THINS



54-TL-25

Opal
120's

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



MADE IN CANADA

SUPER THINS

Smooth Menthol

120's

Opal

UNDERAGE SALE PROHIBITED

Opal Smooth Menthol



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

Division of
Advertising Practices

April 12, 2018

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Everything Tobacco, LLC ("ET") on April 11, 2018, 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 with your letter dated March 23, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, 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;

¹ Everything Tobacco stated in its April 11, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

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

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

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

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

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

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

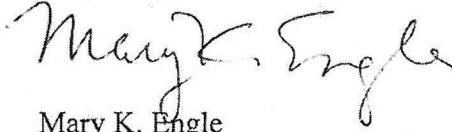
This approval is effective on the date of this letter and runs through April 11, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Barry M. Boren, Esq.
April 12, 2018
Page 3

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

Very truly yours,

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

Mary K. Engle
Associate Director



Commonwealth

B R A N D S, I N C.

April 12, 2018

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.
2018 Cigarette Warning Label Rotation Plans

Dear Ms. Engle:

Commonwealth Brands, Inc. ("Commonwealth Brands"), 714 Green Valley Road, Greensboro, NC 27408, hereby submits its 2018 Cigarette Warning Label Rotation plans for the following brands.

Crowns	Rave
Fortuna	Sonoma
Montclair	USA Gold

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

approved. Commonwealth Brands will maintain records that document compliance with this rotation plan.

The sales figures for Commonwealth Brands' brand styles, each of which qualify for the exemption during the most recent fiscal year preceding submission this application (ending September 30, 2017), are reported in the attached **Exhibit B**.

During 2018, Commonwealth Brands will manufacture 64 brand styles.¹

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

Brand(s)	Date(s)
Crowns	February 28, 2018 September 7, 2010
Fortuna	February 28, 2018
Montclair	February 28, 2018
Rave	February 28, 2018
Sonoma	February 28, 2018 March 28, 2018 July 28, 2010
USA Gold	February 28, 2018 March 28, 2018 April 9, 2018

The warnings read precisely as required by The Cigarette Labeling Act. If the FTC approves the revised USA Gold Blue King Box and 100's Box packs, Commonwealth Brands intends to utilize the previously approved packs until those brand styles run out – which we anticipate will occur sometime during the 2018 calendar year, therefore, we do not anticipate that any of the current USA Gold Blue King or 100's Box packs will be destroyed. If approved, Commonwealth Brands expects to begin utilizing the packs submitted with our February 28, 2018 letter during the second or third calendar quarter of 2018. Commonwealth Brands will continue to be in compliance with its approved plans for advertising and internet advertising.

¹ In consideration of the contracting market for traditional cigarette products, Commonwealth Brands has decided to focus on fewer products in the marketplace. Therefore, Commonwealth Brands will no longer market the Crowns Non-Filter Kings Soft Pack. This brand style was included in the 2017 Cigarette Warning Rotation Plan for Commonwealth Brands, but as of the date of this letter all production and sales of this brand style have ceased. In addition, Commonwealth Brands will no longer manufacture the Crowns Blue King Size Box, the Crowns Menthol Green King Size Box, and the Sonoma Blue Filter King Size Box after the existing packaging runs out and we do not anticipate that any of this packaging will be destroyed.

A listing of all Commonwealth Brands' styles for 2018 is attached in **Exhibit A**. The sales figures for each of Commonwealth Brands' styles during its most recent fiscal year preceding submission of this application are reported in the attached **Exhibit B**. Industry sales for the corresponding one-year period ending September 30, 2017, were [REDACTED] units. The source of industry sales information is the *MSAICRA Shipment Database for Fourth Quarter 2016 and First, Second and Third Quarters, 2017*. 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 advertising which included a plan for display of the warnings in internet advertising.

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


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

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

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

If you require any additional information, please contact me.

Sincerely,


Geraldine Bowen Barker
Associate General Counsel
Phone: 336.335.7260
Geraldine.Barker@itgbrands.com

Attachments:

- Exhibit A – Current List of Brand Styles
- Exhibit B – Cigarette Volume 10/01/2016 – 9/30/2017
- Exhibit C – Quarterly Warning Rotation Plan for Advertisements

EXHIBIT A

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

**BRAND STYLES UTILIZING THE EQUAL NUMBER OF TIMES WARNING
STATEMENT ROTATION (15 USC §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

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 2017**

Brand (SKU)

Total Units FY17

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

MONTCLAIR MENTHOL GOLD BOX 100S
MONTCLAIR SILVER BOX 100S
MONTCLAIR BLUE BOX 100S
MONTCLAIR BLACK BOX 100S
MONTCLAIR

RAVE GOLD BOX
RAVE GOLD BOX 100S
RAVE RED BOX
RAVE RED BOX 100S
RAVE MENTHOL DARK GREEN BOX
RAVE MENTHOL DARK GREEN BOX 100S
RAVE



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 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 100S SOFT
USA GOLD RED BOX 100S
USA GOLD NON-FILTERED KINGS SOFT
USA GOLD

TOTAL



EXHIBIT C

**COMMONWEALTH BRANDS
ADVERTISING ROTATION PLAN**

QUARTER IN WHICH MATERIALS ARE PRODUCED WARNING NOTICE UTILIZED

BRAND

USA GOLD

SONOMA

MONTCLAIR

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

FORTUNA

CROWNS

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

RAVE

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

**MULTIPLE BRANDS/
NON-BRAND SPECIFIC**

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

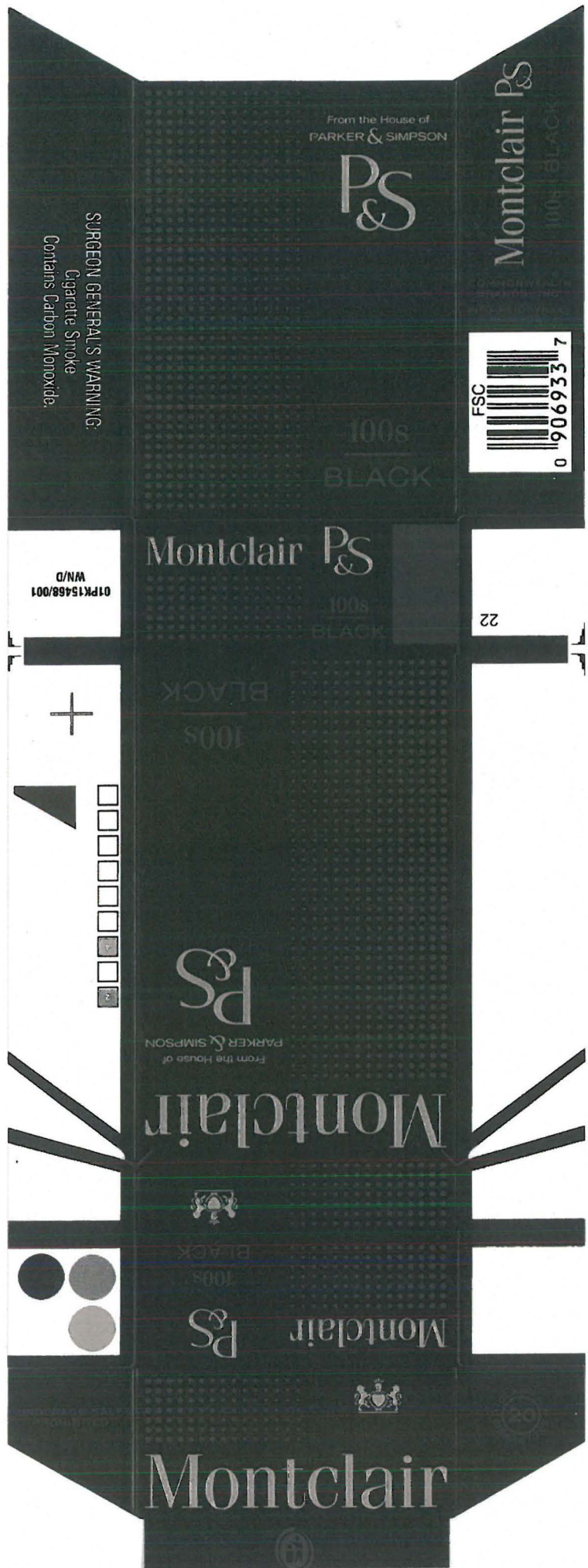
A -- SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

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

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

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

Selected packaging samples from those
submitted with the plan.



From the House of
PARKER & SIMPSON



Montclair PS
100s BLACK



100s
BLACK

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

01PK15458/001
W/N/D

Montclair PS

100s
BLACK

22

100s
BLACK



From the House of
PARKER & SIMPSON

Montclair



100s
BLACK

Montclair PS



Montclair



100S | BLUE

Montclair

PS
From the House of
PARKER & SIMPSON

COMMONWEALTH
BRANDS, INC.
REIDSVILLE, NC 27320 USA

CLASS A
200 CIGARETTES/20s

Montclair

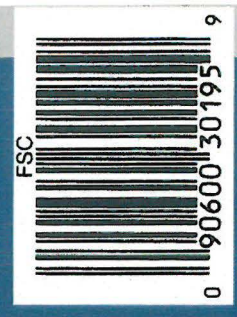
From the House of
PARKER & SIMPSON

PS

100S | BLUE

Montclair

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



MENTHOL GOLD



USA GOLD
MENTHOL GOLD 100s

COMMONWEALTH BRANDS, INC.
MFG REIDSVILLE NC 27320



100s
MADE IN USA

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

20

USA GOLD
MENTHOL GOLD 100s

01PK28274/001
M/N/C

10

20

MADE IN USA
100s



USA GOLD
MENTHOL GOLD

USA GOLD
MENTHOL GOLD 100s

UNDERAGE SALE
PROHIBITED

USA GOLD



BLUE

USA GOLD



COMMONWEALTH BRANDS, INC.
REIDSVILLE, NC 27320 USA

CLASS A
200 CIGARETTES/20s

BOX



USA GOLD BLUE

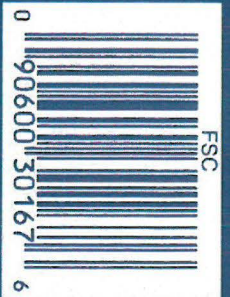
MADE IN USA

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

200

200

USA GOLD BLUE



MADE IN USA

BOX

1250

UNDER PAPE
SEAL
PROTECTED

20



SONOMA

MADE IN USA

100s

SONOMA
100s

SONOMA

MADE IN USA

100s

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

SONOMA
MADE IN USA

FSC

0 906793 1



SONOMA

100s



100s



WN'S

SONOMIA

BOX



SONOMIA

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

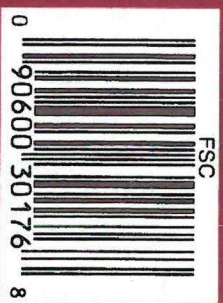
SONOMIA

BOX

COMMONWEALTH BRANDS, INC.
REIDSVILLE, NC 27320 USA

CLASS A
200 CIGARETTES/20'S

BOX



CROWNS



COMMONWEALTH BRANDS, INC.
MFG REIDSVILLE, NC 27320

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



CROWNS

100s

18

5733
W/A



CROWNS



CROWNS

100s



UNOCCUPY SALE
PROHIBITED





BOX

CROWNS

COMMONWEALTH BRANDS, INC.
REIDSVILLE, NC 27320 USA

CLASS A
200 CIGARETTES/20S

CROWNS



BOX

CROWNS

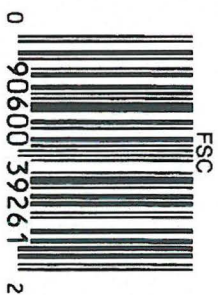


BOX

BOX



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



Rave

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

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

FSC



BOX
100's

Rave

BOX
100's

9072
WN/D

11

BOX
100's



Rave



9072

MADE IN USA

BOX
100's

Rave

MADE IN USA

20 Class A
Cigarettes

UNDERAGE
SALE
PROHIBITED



MFD UNDER LICENSE BY
COMMONWEALTH BRANDS, INC.
REIDSVILLE, NC 27320

FOR

Lignum - 2, Inc.
Bowling Green, KY 42101

BOX

Rave

M A D E I N U S A

M A D E I N U S A

BOX

200 CLASS A CIGARETTES

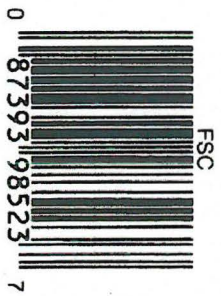
Rave

M A D E I N U S A

BOX

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

Rave



200 CLASS A CIGARETTES

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

1-1-0-1



20

CLASS A FILTER CIGARETTES

COMMONWEALTH BRANDS, INC.
Raleigh, NC 27620



9196
W/M/A

Fortuna

CLASS A FILTER CIGARETTES

20



Fortuna



Fortuna

Fortuna



UNDERAGE
SALE
PROHIBITED



100'S

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

Fortuna

Fortuna

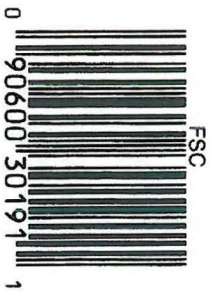
100'S



200

CLASS A FILTER CIGARETTES

Fortuna



1

200

CLASS A FILTER CIGARETTES

COMMONWEALTH BRANDS, INC
Reidsville, NC 27320

ES



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

Division of
Advertising Practices

April 12, 2018

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

Dear Ms. Barker:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Commonwealth Brands, Inc. (“Commonwealth”) on April 12, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Fortuna, Montclair, Rave, Sonoma, and USA Gold brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Crowns	September 7, 2010 February 28, 2018
Fortuna	February 28, 2018
Montclair	February 28, 2018
Rave	February 28, 2018

¹ Commonwealth stated in its April 12, 2018 letter that it intends to run out its existing inventory of approved packs for the USA Gold Blue Kings Box and USA Gold Blue 100’s Box varieties.

<u>Brand</u>	<u>Date(s)</u>
Sonoma	July 28, 2010 February 28, 2018 March 28, 2018
USA Gold	February 28, 2018 March 28, 2018 April 9, 2018

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

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

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

Geraldine Bowen Barker, Esq.
April 12, 2018
Page 3

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

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

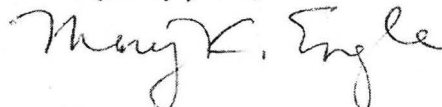
Please note that this letter only approves Commonwealth's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through April 11, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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

Six Nations Manufacturing

11359 Southwestern Blvd.

Irving, New York 14081

(716) 934-5130

April 20, 2018

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, Buffalo, Tribal Pride, Bronco and Stallion brands. Six Nations Manufacturing's letter dated April 20, 2017 for health warning statement plans for "Senate", "Gator", "Buffalo", "Tribal Pride", "Bronco" and "Stallion" was approved on April 20, 2017. 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 Senate, Gator, Buffalo, Tribal Pride, Bronco and Stallion brands. The brand styles of each brand that Six Nations Manufacturing intends to sell (Senate, Gator, Buffalo, Tribal Pride, Bronco and Stallion) are listed and submitted as Schedule A. Please be advised that the following previously approved styles of Senate Brand are no longer being sold: Ultra Smooth Kings, Ultra Smooth 100's and Menthol Smooth 100's. 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, Gator, Buffalo and Tribal Pride, Bronco and Stallion brands exactly as shown on the samples submitted with the letters dated as follows:

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

Ms. Mary K Engle
April 20, 2018

Page 2

Stallion

March 24, 2014
April 14, 2014

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, Tribal Pride, Bronco and Stallion 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, Tribal Pride, Bronco and Stallion brand styles have been equalized in accordance with our approved plan. 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 2018 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 the Brands that we sold in our prior fiscal year 2017.

J Conrad Seneca, d.b.a. Six Nations Manufacturing advertising plan for Senate, Gator, Buffalo and Bronco 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 we will remain in compliance with that plan. Tribal Pride does not currently have an advertising plan but Six Nations Manufacturing will prepare one in the coming weeks, and prior to engaging in advertising for the Tribal Pride brand, the company will submit the 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 David J. Spara, Controller at (716) 934-5130 ext. 110.

Sincerely,



J Conrad Seneca, Owner

Enclosures

Schedule A - We are seeking re-approval for the following Brand Styles

Approved Packaging - Senate

- Senate Full Flavor Kings Box
- Senate Smooth Kings Box
- Senate Menthol Kings Box
- Senate Menthol Smooth Kings Box
- Senate Non-Filter Kings Box
- Senate Full Flavor 100's Box
- Senate Smooth 100's Box
- Senate Menthol 100's Box

Approved Packaging - Gator

- Gator Full Flavor Kings Size Box
- Gator Smooth Kings Size Box
- Gator Ultra Smooth Kings Size Box
- Gator Menthol Kings Box
- Gator Menthol Smooth Kings Box
- Gator Non-Filter Kings Box
- Gator Full Flavor 100's Box
- Gator Smooth 100's Box
- Gator Ultra Smooth 100's Box
- Gator Menthol 100's Box
- Gator Menthol Smooth 100's Box

Approved Packaging - Buffalo

- Buffalo Full Flavor King Size Box
- Buffalo Smooth King Size Box
- Buffalo Ultra Smooth King Size Box
- Buffalo Menthol King Size Box
- Buffalo Menthol Smooth King Size Box
- Buffalo Non-Filter King Size Box
- Buffalo Full Flavor 100's Box
- Buffalo Smooth 100's Box
- Buffalo Ultra Smooth 100's Box
- Buffalo Menthol 100's Box
- Buffalo Menthol Smooth 100's Box

Approved Packaging - Tribal Pride

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

Approved Packaging - Bronco

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

Approved Packaging - Stallion

- Stallion Red King Box
- Stallion Gold King Box
- Stallion Menthol King Box
- Stallion Red 100's Box
- Stallion Gold 100's Box
- Stallion Silver 100's Box
- Stallion Menthol 100's Box

Six Nations Manufacturing
Projected 2018 Production by style in sticks
Senate, Gator, Buffalo, Tribal Pride, Stallion and Bronco

Sticks

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



Six Nations Manufacturing
Actual 2017 Production by style in sticks
Senate, Gator, Buffalo, Tribal Pride, Stallion and Bronco

Sticks

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





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

Division of
Advertising Practices

April 20, 2018

Mr. J. Conrad Seneca
Six Nations Manufacturing
11359 Southwestern Blvd.
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, 2018, 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:¹

<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
<u>Brand</u>	<u>Date(s)</u>

¹ Six Nations stated in its April 20, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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:

- Eight box varieties of the Senate brand: Full Flavor (Kings and 100's), Smooth (Kings and 100's), Menthol (Kings and 100's), Menthol Smooth Kings, 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.² 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 the rotation, size, and conspicuosity 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

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

Mr. J. Conrad Seneca
April 20, 2018
Page 3

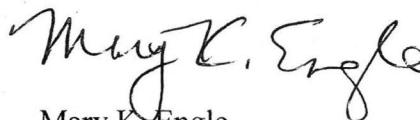
packaging or in advertising for Six Nations' cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Six Nations' packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services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

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

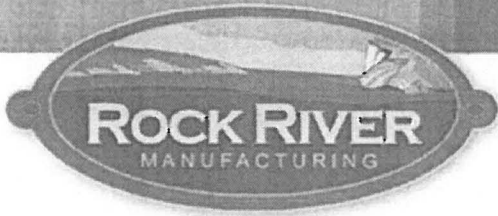
This approval is effective on the date of this letter and runs through April 19, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director



A Division Of Ho-Chunk, Inc.

www.rockrivermfg.com

509 Reuben Snake Ave.
Winnebago, NE 68071
P 402.878.4003
F 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 23, 2018

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

Dear Ms. Engle & Ms. McGregor:

Please find enclosed Rock River Manufacturing's update to its existing warning label plan for Silver Cloud, Fire Dance, and One Spirit brand of cigarette. On March 7, 2018, our plan for display of the warnings on the Renards, Seneca, Couture, and Opal brands was approved. April 26, 2017, Rock River submitted a cigarette health warning display plan for Silver Cloud, Fire Dance, and One Spirit brand styles. This plan was approved on April 27, 2017. Rock River is seeking renewal of its Silver Cloud, Fire Dance, and One Spirit brand styles.

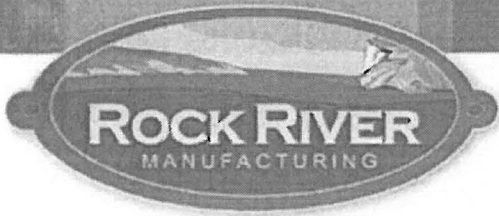
I. PACKAGING

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 brands including a discussion of the warning label size and location, the warning label equalization and records of compliance.

A. Warning Label Size and Location

Silver Cloud, Fire Dance, One Spirit

Rock River wishes to renew its plan for the following brands:



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☎ 402.878.2919

Silver Cloud:

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:

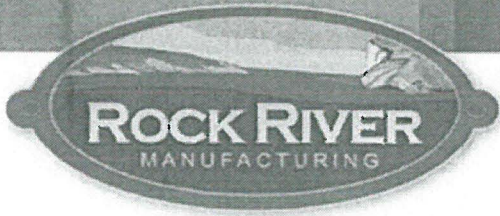
One Spirit Regular Full Flavor 100 Box
One Spirit Regular Smooth 100 Box
One Spirit Regular Ultra Smooth 100 Box
One Spirit Menthol 100 Box
One Spirit Menthol Smooth 100 Box

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.

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



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☎ 402.878.2919

and cartons of the Silver Cloud, Fire Dance, and One Spirit 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, Renards, and imported Seneca, Couture, and Opal brands for our prior fiscal year of January 1, 2017 through December 31, 2017 by style by sticks are as follows:

STYLE	NUMBER OF STICKS
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	
Seneca Extra Smooth Menthol Box 100	
Seneca Full Flavor Box 120	
Seneca Smooth Box 120	
Seneca Ultra Box 120	
Seneca Menthol Box 120	



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☎ 402 578 2919

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Seneca Smooth Menthol Box 120
Seneca Full Flavor 72 Box
Seneca Blue 72 Box
Seneca Menthol 72 Box

STYLE

NUMBER OF STICKS

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

Renards Full Flavor 100's Box
Renards Smooth 100's Box
Renards Extra Smooth 100's Box
Renards Menthol 100's Box
Renards Menthol King Box
Renards Extra Smooth King Box
Renards Smooth King Box
Renards Full Flavor 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



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512 Reuben Street Ave
Whiteburg, NE 68071
402-876-4200
402-876-1210

10/10/2017 10:00 AM

<u>STYLE</u>	<u>NUMBER OF STICKS</u>
Opal Full Flavor Box 120	
Opal Smooth Box 120	
Opal Ultra Box 120	
Opal Menthol Box 120	
Opal Smooth Menthol Box 120	

Rock River also plans to manufacture One Spirit brand, sales in 2017. Rock River does not import or manufacture any other brands or brand styles than those listed above. Rock River estimates that its total sales for all Silver Cloud, Fire Dance, One Spirit, Seneca, Couture, Opal, and Renards for the fiscal year 2018 will total sticks.

Based on the foregoing sales volume, it appears that 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 (1/4th) of one percent (1%) of all the cigarettes sold in the United States.

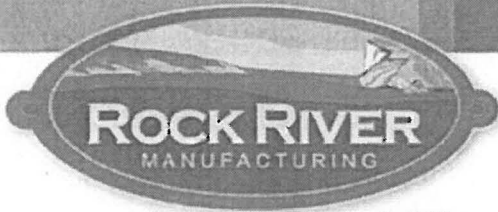
Rock River will comply with the Cigarette Act by having its supplier of packaging for its manufactured Silver Cloud, FireDance, and One Spirit brands print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of each of the Silver Cloud, FireDance, 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, 2015. Rock River's April 26, 2017 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size and for internet advertising for the One Spirit and Fire Dance brands was approved on April 27, 2017. Rock River will maintain compliance with these plans.



A. Warning Label Size and Placement

Rock River does not advertise the Seneca, Couture, Opal, or Renards brands, and if Rock River decides to advertise, Rock River will submit a plan to the FTC prior to the advertising of those 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

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



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

Division of
Advertising Practices

April 24, 2018

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

Dear Mr. Zebrowski:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Rock River Manufacturing (“Rock River”) on April 23, 2018, calling for 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 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 16, 2017 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, 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: 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

¹ Rock River stated in its April 23, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

Mr. Joseph Zebrowski

April 24, 2018

Page 2

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

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

Please note that this letter only approves Rock River's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings in 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 www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through April 23, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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

LAW OFFICES OF
BARRY M. BOREN

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

borenlaw@bellsouth.net

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

April 23, 2018

Sent via email: csands@ftc.gov

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

Attention: Ms. Conner Sands

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

Dear Mr. Engle:

Please be advised that we are the attorneys for a manufacturer¹ of tobacco products, Konci Group (USA), Inc. ("Konci"), a New York corporation with offices located at 202 Canal Street, Suite 901, New York, NY 10013. Konci wishes to renew its existing equalization Surgeon General's Health Warning Rotation Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they are manufacturing in the United States under the brand name "Golden Deer." The contact person for the company will be its President, Dominic Chu, who can be reached at the above address. His telephone number is (646) 613-9393.

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

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

In fiscal year 2017, Konci manufactured approximately [REDACTED] Golden Deer brand cigarettes.² In fiscal year 2018 to date, it has manufactured approximately [REDACTED] Golden Deer brand cigarettes. Konci anticipates manufacturing approximately [REDACTED] Golden Deer cigarettes in fiscal year 2018.

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 2017, Konci imported approximately [REDACTED] cases Chung Hwa and [REDACTED] Double Happiness brand cigarettes. In fiscal year 2018 to date, Konci has not imported any Chung Hwa brand cigarettes and it has not imported any Double Happiness brand cigarettes. In fiscal year 2018, Konci anticipates importing approximately [REDACTED] Chung Hwa and [REDACTED] Double Happiness brand cigarettes. Konci does not import or manufacture any other brands.

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

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

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

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

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

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

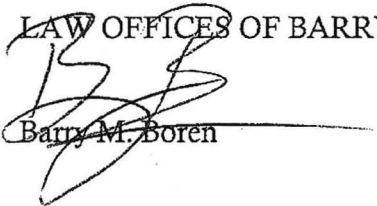
Konci does not plan to advertise the Golden Deer brand cigarettes at this time. If this should change, we will notify the FTC and modify the plan accordingly.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN


Barry M. Boren

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

GOLDEN DEER

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

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

Selected packaging samples from those
submitted with the plan.

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



KING SIZE

FILTER CIGARETTES
MADE IN USA

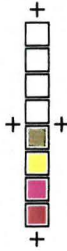


FILTER CIGARETTES
MADE IN USA

KING SIZE



AMERICAN BLEND



20 CLASS A
CIGARETTES

Manufactured under
license from
Shanghai Tobacco Group
Made in USA

FSC



TP-NC-15000



415-4013-C

UNDERAGE
SALE
PROHIBITED

AMERICAN BLEND

18910 1712
11 10
1995

AMERICAN BLEND



**GOLDEN
DEER**
MENTHOL GREEN

100
FILTER CIGARET
MADE IN U

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

**GOLDEN
DEER**
MENTHOL GREEN

100's

**UNDERAGE
SALE PROHIBITED**

TP-NC-15000





Division of
Advertising Practices

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

April 24, 2018

Barry M. Boren, Esq.
One Datan
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 Group (USA), Inc. ("Konci") on April 23, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Golden Deer brand of cigarettes.

Konci's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter of March 23, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Konci's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight box varieties of the Golden Deer brand: Red (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), and Menthol Green (Kings and 100's).

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

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

¹ Konci stated in its letter dated April 23, 2018 that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

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

Barry M. Boren, Esq.
April 24, 2018
Page 2


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

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

This approval is effective on the date of this letter and runs through April 23, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

LAW OFFICES
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 25, 2018

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.

Per your requirement, we submitted current packaging for the Native soft and hard pack varieties and for the Mohawk hard pack varieties on March 19, 2018. Except for Native Menthol, Native Menthol Green and Native Non-Filter King varieties there have been no changes to the Native and Mohawk packaging, including the warnings, from the

2017 Native Packaging Plan previously submitted on April 27, 2017 and approved by your office on April 28, 2017. All Native and Mohawk packaging remains the same except for the Native Menthol, Native Menthol Green and Native Non-Filter King brand styles. In the packaging for those brand styles, the words "All Natural" have been removed

NTA's current approval to display the warnings on packaging expires April 27, 2018. NTA wishes to renew its plan for 22 Native brand styles and six (6) Mohawk brand styles. The two (2) Native Select brand styles are no longer part of NTA's plan for which it here seeks approval. NTA is not selling the Native Select brand styles at this time. NTA represents that the warnings on the 22 Native brand cigarette styles and six (6) Mohawk brand styles listed below have been equalized to this date. The cigarettes covered by this plan are the following U.S. manufactured Native brand style cigarettes, which will display health warnings complying with the Surgeon General warning language set forth in the statute:

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

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

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

Mohawk:

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

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

NTA's sales figures for 2017 and projected sales figures for the Native and Mohawk brands for calendar year 2018 (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 2017 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 2018. Based on the above, NTA requests continued approval to use the rotation option provided

Ms Mary Engle
April 25, 2018
Page 4

in Section 1333(c)(2). NTA will equalize the FOUR (4) health warnings on the packs and cartons for each style of the Native and Mohawk brands, for the one-year period beginning on the date of approval of this Plan. The printing equalization plan for both Native and Mohawk brands appears at Exhibit B.

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

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 for Native Brand Cigarette

<u>2017 Sales</u> Native			<u>2018 Projections</u>		
<u>Style</u>	<u>Cases Sold</u>	<u>Sticks</u>	<u>Style</u>	<u>Cases</u>	<u>Sticks</u>
Full Flavor			Full Flavor		
Full Flavor 100's			Full Flavor 100's		
Full Flavor 100's Box			Full Flavor 100's Box		
Full Flavor box			Full Flavor box		
Blue			Blue		
Blue 100's			Blue 100's		
Blue 100's Box			Blue 100's Box		
Blue Box			Blue Box		
Menthol			Menthol		
Menthol 100's			Menthol 100's		
Menthol 100's Box			Menthol 100's Box		
Menthol Box			Menthol Box		
Menthol Blue			Menthol Blue		
Menthol Blue 100's			Menthol Blue 100's		
Menthol Blue 100's Box			Menthol Blue 100's Bc		
Menthol Blue Box			Menthol Blue Box		
Non Filter			Non Filter		
Non Filter Box			Non Filter Box		
Ultra			Ultra		
Ultra 100's			Ultra 100's.		
Ultra 100's Box			Ultra 100's Box		
Ultra Box			Ultra Box		

There were [redacted] sales of Mohawk brand cigarettes in 2017 and [redacted] sales are projected at this time for 2018.

EXHIBIT B

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

Selected packaging samples from those
submitted with the plan.

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

Mohawk

Full Flavor

20 Class A Cigarettes

Made by
Native Trading Associates
Mohawk Nation Territory
Akwesasne, NY

FSC



7 38749 10010 0



Mohawk

20 Class A Cigarettes

Full Flavor

19

Mohawk

CTP0311 19
#38808 37-02B

Mohawk

UNDERAGE
SALE
PROHIBITED

Menthol Box

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

200 Class A Cigarettes

Menthol hawk



Menthol hawk



UNDERAGE SALE PROHIBITED

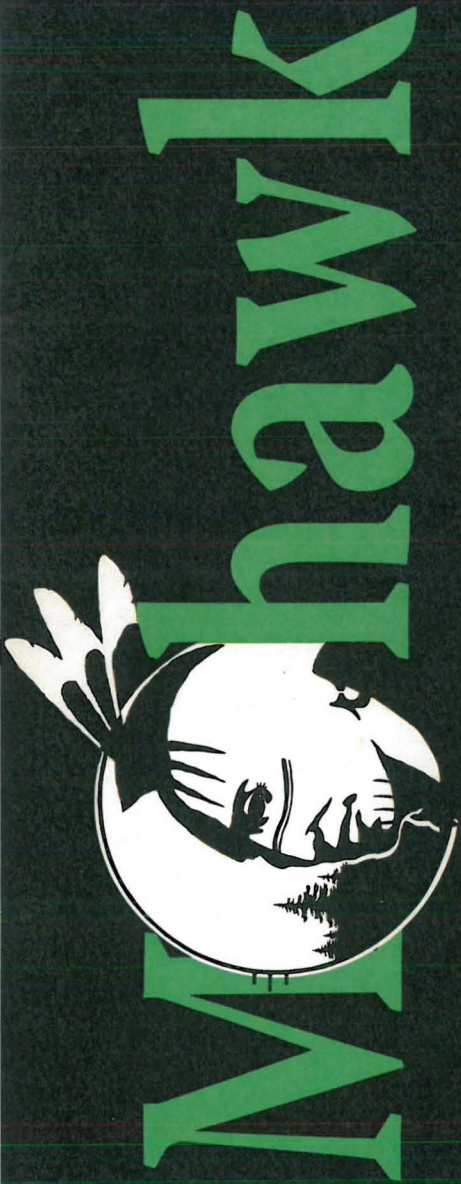


200 Class A Cigarettes

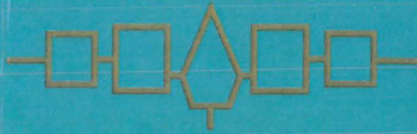
Menthol Box



Menthol hawk



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



100% Additive Free

*Made by the
Original Tobacco Traders®*

20 Class A Cigarettes



Made by
Native Trading Associates
Mohawk Nation Territory
Akwesasne, NY

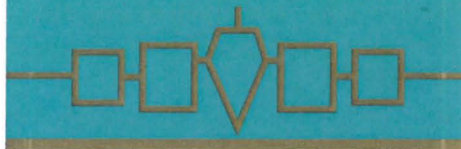


ALL NATURAL
NATIVE®

20 Class A Cigarettes

*Made by the
Original Tobacco Traders®*

100% Additive Free



20

ALL NATURAL
NATIVE®

ALL NATURAL
NATIVE®

ALL NATURAL
NATIVE®

CTP1217 20/2
#67720 37-02B
KBA

UNDERAGE
SALE
PROHIBITED

Made by the Original Tobacco Traders®

BOX

200 Class A C

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



NATIVE®

Underage Sale Prohibited

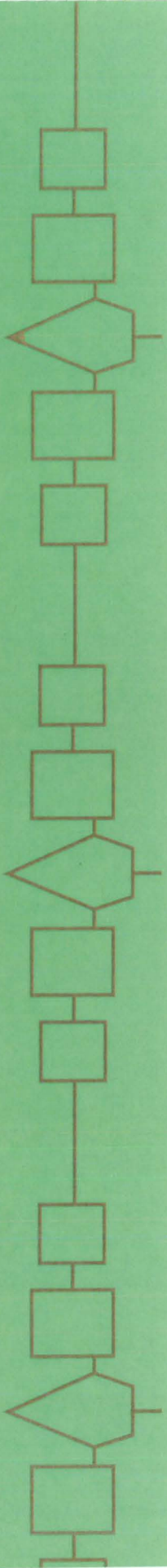
FSC



200 Class A Cigarettes

BOX

Made by the Original Tobacco Traders®



NATIVE

NATIVE®

Made by Native Trading Associates
Mohawk Nation Territory
Akwesasne, NY

NATIVE®



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

Division of
Advertising Practices

April 26, 2018

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 25, 2018, 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 letter dated March 19, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Twenty-two 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),

¹ NTA stated in its April 25, 2018 letter that the four health warnings will appear exactly as shown on the sample packaging submitted on March 19, 2018.

² We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA's April 25, 2018 letter do not always appear on the packaging – *e.g.*, the words "Blue," "Green," "Ultra," "Gold," "Silver," "Brown," and "Light Green," do not appear on the packaging. However, when a color is used in a variety's name, it does appear to conform to the color used in its packaging. We also note that the word "Menthol" does not appear on the packaging for the "Native Menthol (Light Green)" and "Mohawk Menthol (Light Green)" varieties.

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 (Light Green), Menthol 100's soft pack (Light Green), Menthol Kings hard pack (Light Green), Menthol 100's hard pack (Light Green), Kings soft pack (Ultra in light blue packaging), 100's soft pack (Ultra in light blue packaging), Kings hard pack (Ultra in light blue packaging), and 100's hard pack (Ultra in light blue packaging); and

- Six Box varieties of the Mohawk brand: Full Flavor Kings (Red), Kings (Gold), Kings (Silver), Menthol Kings (Green), Menthol Kings (Light Green), and Non-Filter Kings (Brown).

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

Please note that this letter only approves NTA's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on NTA's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for NTA's cigarettes, including, but not limited to, "all natural" and "100% additive free." Nor does this letter purport to interpret or express any opinion about the adequacy of NTA's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

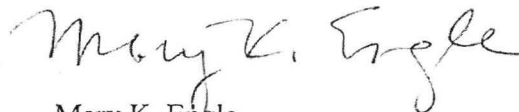
This approval is effective on the date of this letter and runs through April 25, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

William J. McGowan, Esq.
April 26, 2018
Page 3

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

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



Liggett Group

John R. Long
Vice President & General Counsel

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

April 24, 2018

BY FEDEX

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

- Re: (1) Renewal of Liggett Group LLC Cigarette Warning Rotation Plan
Approved May 1, 2017;
(2) Renewal of Nine MONTEGO Brand Styles in the Plan
Approved November 1, 2017

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 (“Plan”) for certain brand styles of the brands BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, PYRAMID (except for the two brand styles discussed below), and TOURNEY, that were included in our Plan approved by the FTC by letter dated May 1, 2017 and will expire on April 30, 2018.
- (2) To renew its Plan for the nine brand styles of MONTEGO (in packaging with three tobacco leaves) for which a warning rotation plan was approved by the FTC by letter dated November 1, 2017.¹ These nine brand styles are:

MONTEGO Red Kings Box
MONTEGO Red 100s Box
MONTEGO Blue Kings Box
MONTEGO Blue 100s Box

¹ Although the warning rotation plan for these nine brand styles will not expire until October 31, 2018, for administrative convenience, Liggett is requesting that these nine styles be added to the Plan, thereby synchronizing the Plan expiration date for all Liggett brand styles.

MONTEGO Orange 100s Box
MONTEGO Menthol Gold Kings Box
MONTEGO Menthol Gold 100s Box
MONTEGO Menthol Silver Kings Box
MONTEGO Menthol Silver 100s Box

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

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

BRONSON Silver 100's Box
BRONSON Full Flavor Menthol 100's Box
BRONSON Gold Menthol 100's Box

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

All nine of the following MONTEGO brand styles in the old packaging (i.e., NOT in the new packaging with the three tobacco leaves):

MONTEGO Full Flavor Kings Box
MONTEGO Full Flavor 100's Box
MONTEGO Gold Kings Box
MONTEGO Gold 100's Box
MONTEGO Blue 100's Box
MONTEGO Menthol Kings Box
MONTEGO Menthol 100's Box
MONTEGO Menthol Silver Kings Box
MONTEGO Menthol Silver 100s Box

TOURNEY Blue 100's Box

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 the FTC by letter dated June 10, 2011.

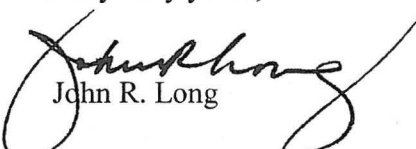
Enclosed with this letter is my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette unit sales in Liggett's most recent fiscal year (calendar year 2017). This information shows that, with the exceptions of PYRAMID Red 100s Box and PYRAMID Blue 100s Box, Liggett's sales of any one brand style did not exceed one-fourth of one percent of all cigarettes sold in the United States in 2017, 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 for which renewal is requested an equal number of times within the one-year period beginning on the date of approval of this application. These warnings will appear exactly as shown on the most recent sample packaging previously submitted in connection with Liggett's Plan and subsequent letters as previously approved by the FTC.

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

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

Very truly yours,

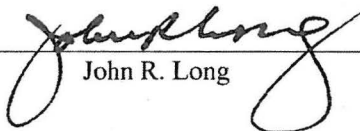

John R. Long

STATE OF NORTH CAROLINA
COUNTY OF WAKE

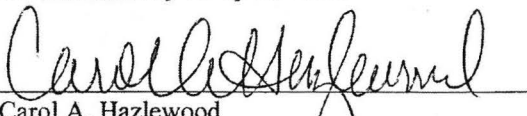
AFFIDAVIT OF JOHN R. LONG

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

1. I am Vice President & General Counsel of Liggett Group LLC ("Liggett").
2. On August 31, 1985, Liggett filed its Label Statement Rotation Plan ("Plan") pursuant to Section 4(c) of the Federal Cigarette Labeling and Advertising Act ("Act"). The Federal Trade Commission approved the Plan on September 19, 1985 and has approved renewals of the Plan every year since then, most recently on May 1, 2017 and November 1, 2017.
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 2017.
4. Attached to this affidavit as Exhibit A is a copy of "Total Cigarette Industry Shipment Volume Estimation, Results for December 2017," published by Management Science Associates, Inc., which is a leading compiler and publisher of cigarette industry data. Exhibit A shows that approximately [REDACTED] cigarettes were sold in the United States during calendar year 2017. 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 2017 for all brand styles manufactured by Liggett. Exhibit B shows that all but two brand styles manufactured by Liggett had sales in 2017 of fewer than [REDACTED] cigarettes, and more than half of the cigarettes sold by Liggett in 2017 were packaged into brand styles that had sales in 2017 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 2017 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 24th day of April, 2018.


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

January 9, 2018

TOTAL CIGARETTE INDUSTRY SHIPMENT VOLUME ESTIMATION

Results for December 2017

1. Overview

This report contains the results from the cigarette shipment volume estimation procedure developed by Management Science Associates, Inc. (MSAi). It provides current estimates of Total Market volumes for the 1st Quarter 2017, 2nd Quarter 2017, 3rd Quarter 2017, 4th Quarter 2017, Total 2017, and October 2017 – December 2017. These results will be used in the December 2017 CRA Total U.S. deliverables.

2. Market Size Estimates

Market Size Estimates
[REDACTED]

Please note that this estimation report is no longer considered an alpha release and under the restrictions imposed for those special releases. These reports are issued pursuant to and subject to your CRA agreement with MSA.

Exhibit A

Exhibit B

**Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
April 24, 2018**

2017 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2017 Units Sold
1	BRONSON	Full Flavor Filter Kings Box	
2	BRONSON	Full Flavor Filter 100's Box	
3	BRONSON	Gold Kings Box	
4	BRONSON	Gold 100's Box	
5	BRONSON	Silver Kings Box	
6	BRONSON	Silver 100's Box	
7	BRONSON	Full Flavor Menthol Kings Box	
8	BRONSON	Full Flavor Menthol 100's Box	
9	BRONSON	Gold Menthol Kings Box	
10	BRONSON	Gold Menthol 100's Box	
	TOTAL BRONSON		
1	CLASS A	Non-Filter Kings Box	
2	CLASS A	Full Flavor Filter 100's Box	
3	CLASS A	Filter Kings Box	
4	CLASS A	Filter 100's Box	
5	CLASS A	Blue 100's Box	
6	CLASS A	Menthol Filter Kings Box	
7	CLASS A	Menthol Filter 100's Box	
	TOTAL CLASS A		
1	EVE	Amethyst 120's Box	
2	EVE	Sapphire 120's Box	
3	EVE	Menthol Emerald 120's Box	
4	EVE	Menthol Turquoise 120's Box	
	TOTAL EVE		
1	GRAND PRIX	Non-Filter Classic Kings Box	
2	GRAND PRIX	Filter Red Kings Box	
3	GRAND PRIX	Filter Red 100s Soft Pack	
4	GRAND PRIX	Filter Red 100s Box	
5	GRAND PRIX	Blue Kings Box	
6	GRAND PRIX	Blue 100s Soft Pack	
7	GRAND PRIX	Blue 100s Box	
8	GRAND PRIX	Orange 100s Soft Pack	
9	GRAND PRIX	Orange 100s Box	
10	GRAND PRIX	Menthol Gold Kings Box	
11	GRAND PRIX	Menthol Gold 100s Box	
12	GRAND PRIX	Menthol Silver 100s Soft Pack	
13	GRAND PRIX	Menthol Silver 100s Box	
	TOTAL GRAND PRIX		

Exhibit B

**Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
April 24, 2018**

2017 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2017 Units Sold
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	Blue Kings Box	
6	LIGGETT SELECT	Blue 100s Box	
7	LIGGETT SELECT	Gold 100's Soft Pack	
8	LIGGETT SELECT	Orange Kings Box	
9	LIGGETT SELECT	Orange 100s Box	
10	LIGGETT SELECT	Silver 100's Soft Pack	
11	LIGGETT SELECT	Menthol Gold Kings Box	
12	LIGGETT SELECT	Menthol Gold 100's Box	
13	LIGGETT SELECT	Menthol Silver Kings Box	
14	LIGGETT SELECT	Menthol Silver 100's Soft Pack	
15	LIGGETT SELECT	Menthol Silver 100's Box	
	TOTAL LIGGETT SELECT		
	MONTEGO (old packaging)		
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 100's Box	
8	MONTEGO	Menthol Silver Kings Box	
9	MONTEGO	Menthol Silver 100's Box	
	TOTAL MONTEGO (old packaging)		
	MONTEGO (new packaging with three tobacco leaves)		
1	MONTEGO	Red Kings Box	
2	MONTEGO	Red 100s Box	
3	MONTEGO	Blue Kings Box	
4	MONTEGO	Blue 100s Box	
5	MONTEGO	Orange 100s Box	
6	MONTEGO	Menthol Gold Kings Box	
7	MONTEGO	Menthol Gold 100s Box	
8	MONTEGO	Menthol Silver Kings Box	
9	MONTEGO	Menthol Silver 100s Box	
	TOTAL MONTEGO (new packaging with three tobacco leaves)		

Exhibit B

**Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
April 24, 2018**

2017 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2017 Units Sold
1	PYRAMID	Non-Filter Kings Box	
2	PYRAMID	Red Kings Box	
3	PYRAMID	Red 100s Box	
4	PYRAMID	Blue Kings Box	
5	PYRAMID	Blue 100s Box	
6	PYRAMID	Orange Kings Box	
7	PYRAMID	Orange 100s Box	
8	PYRAMID	Menthol Gold Kings Box	
9	PYRAMID	Menthol Gold 100s Box	
10	PYRAMID	Menthol Silver Kings Box	
11	PYRAMID	Menthol Silver 100s Box	
	TOTAL PYRAMID		
1	TOURNEY	Non-Filter Kings Box	
2	TOURNEY	Full Flavor Kings Box	
3	TOURNEY	Full Flavor 100's Soft Pack	
4	TOURNEY	Full Flavor 100's Box	
5	TOURNEY	Gold Kings Box	
6	TOURNEY	Gold 100's Soft Pack	
7	TOURNEY	Gold 100's Box	
8	TOURNEY	Blue 100's Box	
9	TOURNEY	Menthol Full Flavor Kings Box	
10	TOURNEY	Menthol Full Flavor 100's Box	
11	TOURNEY	Menthol Gold Kings Box	
12	TOURNEY	Menthol Gold 100's Soft Pack	
13	TOURNEY	Menthol Gold 100's Box	
14	TOURNEY	Slims Blue 120's Box	
15	TOURNEY	Slims Rose 120's Box	
16	TOURNEY	Slims Menthol Teal 120's Box	
	TOTAL TOURNEY		



Division of
Advertising Practices

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

April 30, 2018

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 24, 2018 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.¹

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,² 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:³

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

¹ This letter replaces the one dated April 27, 2018.

² The Pyramid Red 100’s Box and Pyramid Blue 100’s Box varieties are subject to quarterly rotation, which does not require annual approval.

³ Liggett stated in its April 24, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Class A	October 13, 2011 January 29, 2013
Eve	May 4, 2010
Grand Prix	May 4, 2010 October 13, 2011
Liggett Select	August 11, 2016
Montego	September 19, 2017
Pyramid	May 4, 2010 February 23, 2011
Tourney	November 30, 2005 May 4, 2010 October 13, 2011

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

- Seven Box varieties of the Bronson brand: Full Flavor (Kings and 100's), Full Flavor Menthol Kings, Gold (Kings and 100's), Silver Kings, and Gold Menthol Kings;
- Seven Box varieties of the Class A brand: Non-Filter Kings, Full Flavor 100's, Filter Kings, Filter 100's, Blue 100's, Menthol Filter Kings, and Menthol Filter 100's;
- 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 (in packaging with three tobacco leaves): Red (Kings and 100's), Blue (Kings and 100's), Orange 100's, Menthol Gold (Kings and 100's), and Menthol Silver (Kings and 100's);

- Nine Box varieties of the Pyramid brand: Non-Filter Kings, Red Kings, Blue Kings, Orange (Kings and 100's), Menthol Gold (Kings and 100's), and Menthol Silver (Kings and 100's); and
- Fifteen 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), 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.⁴ 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 www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

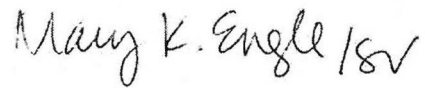
This approval is effective on the date of this letter and runs through April 29, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

John R. Long, Esq.
April 30, 2018
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 /sv".

Mary K. Engle
Associate Director

March 22, 2018

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

Re: Updated Packaging for Natural American Spirit Brand Styles

Dear Ms. Engle:

I serve as counsel for Santa Fe Natural Tobacco Company, Inc. ("SFNTC"), located at 3220 Knotts Grove Road, Oxford, North Carolina 27565. The President of SFNTC is Michael R. Ball. His telephone number is 919-692-3103. SFNTC is the manufacturer of Natural American Spirit ("NAS") cigarettes.

SFNTC currently manufactures the following fourteen 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; and Hunter Balanced Taste. Your office previously approved the rotation plan for packaging for these brand styles as set forth in your letters of May 19, 2017, December 30, 2013, August 24, 2010 and October 20, 2011.

An updated set of packaging for each of these fourteen brand styles was submitted to your office on February 21, 2018. The warnings on the cartons and packs for these brand styles will appear exactly as shown on the samples submitted, and SFNTC will continue to quarterly rotate the four health warnings for each brand style utilizing the B, C, D, A rotation sequence previously approved by the Federal Trade Commission. This packaging replaces any prior packaging approved by the Federal Trade Commission and will be the only packaging utilized for these brand styles.

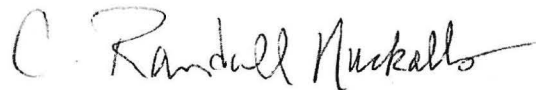
Pursuant to this established sequence, the health warnings will continue to rotate as follows:

- 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 each 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,



C. Randall Nuckolls
Partner

CRN/mpk

Selected packaging samples from those
submitted with the plan.

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

NATURAL AMERICAN SPIRIT



TOBACCO INGREDIENTS:
TOBACCO & WATER



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

PEFC
PEFC#88-31958



FSC Natural American Spirit cigarettes are not safer than other cigarettes.

NATURAL AMERICAN SPIRIT

BALANCED TASTE

TOBACCO INGREDIENTS:
TOBACCO & WATER

We focus on giving you only
the best whole-leaf tobacco that the
earth provides, grown responsibly.
Discover our commitment at
AmericanSpirit.com
Made in our zero-waste-to-landfill facility
SFNTC, OXFORD, NC 27565
SFNTC.com
Tobacco Ingredients:
Tobacco & Water

6400236
WN/A

6400236



**RESPECT FOR
THE EARTH**



NATURAL AMERICAN SPIRIT



HUNTER



20 CLASS A
CIGARETTES
© SFNTC • FPKC629

PLEASE RECYCLE YOUR
CIGARETTE BUTTS AND THIS PACK

MENTH
TASTE



TOBACCO
TOBACCO

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

NATURAL
AMERICAN
SPIRIT



MADE WITH WHOLE-LEAF TOBACCO

Natural American Spirit cigarettes
are not safer than other cigarettes.

200 CLASS A CIGARETTES

FSC



Since 1982, sustainability has been at the root of who we are. Over the years, the lessons we've learned and the sustainable growing techniques we've developed in partnership with independent farmers have helped us infuse our Earth-friendly philosophy into everything we do. From our dedicated zero-waste-to-landfill manufacturing facility to sponsoring community clean-ups and cigarette butt recycling initiatives, discover our commitment at AmericanSpirit.com

Our Commitment



NATURAL
AMERICAN
SPIRIT



MADE WITH WHOLE-LEAF TOBACCO

SFNTC

P.O. BOX 25140

SANTA FE, NM 87504

USA

SFNTC.com

No. TPNC629

Ingredients:

Organic Tobacco & Organic Menthol

PEFC Certified

This product is
from sustainably
managed forests
and controlled
sources

www.pefc.org



PEFC Certification applies to this printed pack



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

Division of
Advertising Practices

May 3, 2018

C. Randall Nuckolls, Esq.
Dentons US LLP
1900 K Street, NW
Washington, D.C. 20006

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, Santa Fe Natural Tobacco Company, Inc.’s (“SFNTC”) August 24, 2010 plan for quarterly rotation of the four health warnings on packaging for one variety of the Natural American Spirit (“NAS”) brand of cigarettes was approved on August 24, 2010. Your subsequent requests to expand your plan for quarterly rotation of the four health warnings on packaging to include certain additional varieties of the NAS brand were approved on October 20, 2011, December 30, 2013, and May 19, 2017.

By letter dated March 22, 2018, you now propose to replace the previously approved packaging for the following fourteen king size hard pack varieties of the NAS brand: 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”; and Hunter Balanced Taste.

The health warnings on the sample packs and cartons submitted with your letter of February 21, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Please note that this letter only approves SFNTC’s submitted packaging 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 SFNTC’s packaging. Please note that this letter is not in

¹ SFNTC stated in its March 22, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

C. Randall Nuckolls, Esq.

May 3, 2018

Page 2

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

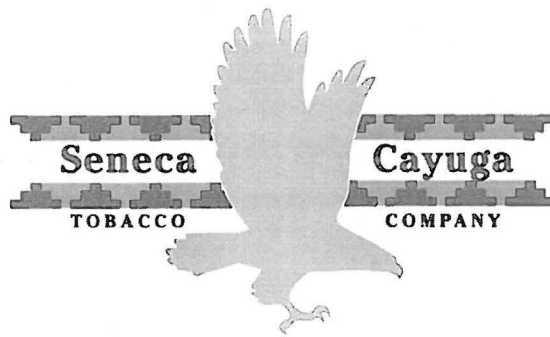
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle" followed by a stylized monogram "sv".

Mary K. Engle
Associate Director



May 1, 2018

Page 1

VIA FACSIMILE 202-326-3259

VIA UPS OVERNIGHT

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

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

Dear Ms. Engle

This letter represents a request for renewal of the Label Statement Rotation Plan of Seneca-Cayuga Tobacco Company ("SCTC"), we hereby submit a Surgeon General's Equalization Plan for Skydancer as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C § 1331 (1998), et seq.), as amended ("FCLAA"), for all styles listed below of Skydancer brand soft pack and hard pack varieties. SCTC previously submitted a 2016 Plan renewal on July 13, 2016 and your office approved the prior plan on July 25, 2016.

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

SCTC requests that the following styles constitute the plan:

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

Seneca-Cayuga Tobacco Company

May 1, 2018

Page 2

In fiscal year 2016 (October 1, 2015 - September 30, 2016), our total sales were [REDACTED] sticks of the Skydancer brand and [REDACTED] sticks of the Golden Bay brand. Fiscal year 2017 (October 1, 2016 – September 30, 2017) our total sales were [REDACTED] sticks of the Skydancer brand and [REDACTED] sticks of the Golden Bay brand. Anticipated fiscal year 2018 (October 1, 2017 – September 30, 2018) sales are [REDACTED] sticks of the Skydancer brand and [REDACTED] sticks of the Golden Bay brand, which is no longer being manufactured by SCTC. No other brands have been manufactured or sold by SCTC.

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

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

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

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

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

Cordially,



Heather Enyart
Compliance

Selected packaging samples from those
submitted with the plan.

UNDERAGE SALE PROHIBITED

TF-OK2

FSC



PREMIUM
BLACK

100% NATURAL MADE IN USA

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



SKYDANCER

100% NATURAL MADE IN USA

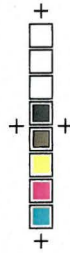


PREMIUM
BLACK

CGP

M 2 3 4 5 6 7 8 9 10 11 12
Y-15 16 17

WM-C



SKYDANCER

PREMIUM
BLACK

4

SKYDANCER

CLASS A
20
CIGARETTES

PREMIUM GOLD BOX

MADE IN USA
SKYDANCER



SKYDANCER



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

SKYDANCER™
PREMIUM GOLD BOX



Division of
Advertising Practices

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

May 4, 2018

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

Dear Ms. Enyart:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca-Cayuga Tobacco Company ("Seneca-Cayuga") on May 1, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Skydancer brand of cigarettes.

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

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

Ms. Heather Enyart
May 4, 2018
Page 2

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

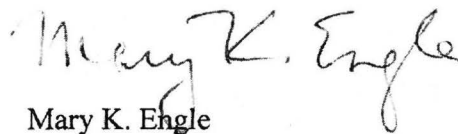
Please note that this letter only approves Seneca-Cayuga's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through May 3, 2019, 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

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



May 3, 2018

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 16, 2017, for these brand families.

One previously approved "Brand Style" from the Complete brand family was discontinued prior to our June 14, 2017 letter but will appear on our sales chart for FY2017. Warnings for existing brand styles will appear exactly as shown on the sample packaging submitted on the following dates: October 15, 2015, October 30, 2015, April 17, 2017 and May 17, 2017. Skookum Creek Tobacco Company is seeking approval for the brand styles identified in Exhibit A

No brand style manufactured by Skookum Creek Tobacco in fiscal year 2017 exceeded the sales limits in 15 U.S.C. § 1333(c)(2)(A)(i). A copy of Skookum Creek Tobacco's 2017 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,

Juan Miguel (Mike) Araiza, General Manager

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

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

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 2017	Projected FY 2018	Current FY18 Sales 10/2017 to 2/2018
01-50021	Complete 85mm Menthol High Air Hard Box	Complete			
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			



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

Division of
Advertising Practices

May 7, 2018

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

Dear Mr. Araiza:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Skookum Creek Tobacco Co., Inc. ("Skookum Creek") on May 3, 2018, 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:¹

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

¹ Skookum Creek stated in its May 3, 2018 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.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

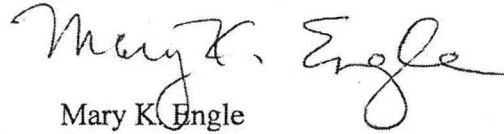
This approval is effective on the date of this letter and runs through May 6, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Mr. Juan Miguel Araiza
May 7, 2018
Page 3

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

Very truly yours,

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

Mary K. Engle
Associate Director



Geraldine Bowen Barker
Associate General Counsel

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

May 7, 2018

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

RE: ITG Brands, LLC
Packaging Extension for Winston Packs and Cartons – "Winston Black"

Dear Ms. Engle:

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

ITG Brands hereby requests approval of a plan revision relating to a Winston brand line extension to include Winston Black Bold King and Winston Black Bold 100's Box packs and cartons. Sample packs and cartons were included with our letter dated April 18, 2018 for your review and approval.

The revision is being requested as the Winston Black Bold is being added as additional Winston brand styles. The new packs and cartons for the above brand extension of Winston will be in addition to the Winston packs and cartons that are currently approved by the FTC. The four health warnings will appear exactly as shown on the packaging samples as submitted with our letter of April 18, 2018. The four health warnings read precisely as required by the Federal Cigarette Labeling and Advertising Act.

The new packaging will not alter the quarterly rotation of the four health warnings under ITG Brands' previously approved plan for Winston (approval letter dated June 12, 2015) and ITG Brands will rotate the warnings quarterly on the Winston Black Bold King and Winston Black Bold 100's packs and cartons according to the rotation schedule in Exhibit A-1 of our June 11, 2015 plan. If approved, ITG Brands expects to begin utilizing the packs and cartons submitted with our letter of April 18, 2018 during the 3rd calendar quarter of 2018. ITG Brands will continue to be in compliance with the previously approved June 11, 2015, December 21, 2015 and November 11, 2016 plans for advertising the Winston brand.

If you require any additional information, please contact me.

Sincerely,


Geraldine Bowen Barker

Selected packaging samples from those
submitted with the plan.

Winston

BLACK

ITG Brands LLC
Greensboro, NC
27420 USA

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

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



BOLD BOX



Winston

BLACK



BOLD BOX

Winston

BLACK

UNDERAGE SALE PROHIBITED

CLASS A 20 CIGARETTES

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

Winston

Winston

B L A C K



B O L D B O X 1 0 0 ' S

AP-4

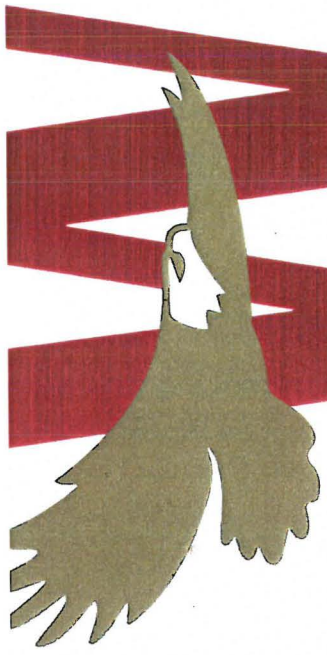
SURGEON GENERAL'S
WARNING: Cigarette
Smoke Contains
Carbon Monoxide.

Winston

B L A C K

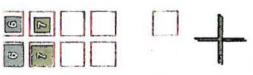


S , O O T X O B D L



Winston

B L A C K





Division of
Advertising Practices

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

May 7, 2018

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

Dear Ms. Barker:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, ITG Brands, LLC's ("ITG") June 11, 2015 plan for quarterly rotation of the four health warnings on packaging and in advertising for the Winston, Salem, Kool, and Maverick brands of cigarettes was approved on June 12, 2015. Your subsequent requests to expand your plan to include additional varieties of or modify packaging for the Winston brand were approved on September 2, 2015, November 12, 2015, May 26, 2016, October 13, 2016, and January 23, 2017.

By letter dated May 7, 2018, you now propose to expand your plan to include the Black Bold 100's Box and Black Bold Kings Box varieties of the Winston brand.

The warnings on the sample packs and cartons for the Black Bold 100's Box and Black Bold Kings Box varieties of the Winston brand submitted with your April 18, 2018 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ ITG's plan for quarterly rotation of the four health warnings on packaging for the Black Bold 100's Box and Black Bold Kings Box varieties of the Winston brand is hereby approved effective on the date of this letter.

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

¹ ITG stated in its May 7, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on April 18, 2018.

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

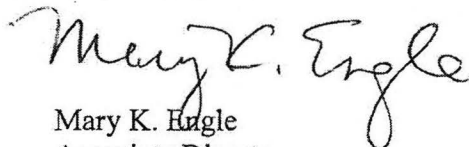
Geraldine Bowen Barker, Esq.
May 7, 2018
Page 2

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

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

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

Very truly yours,



Mary K. Engle
Associate Director



May 18, 2018

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

Dear Mary Engle:

Please consider this letter as Lake Erie Tobacco Company's ("LET") request to renew approval of its rotational warning plan for the "31" brand of cigarettes that 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 of the "31" brand was approved on June 6, 2016 and May 19, 2017 and has not changed. We now wish to renew approval for the following six (6) brand styles:

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

Sample packaging for each of the packs and cartons of the six (6) brand styles listed above is enclosed for your approval.

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). In calendar year 2017 we had sales of [REDACTED] stick of all styles of the "31" brand of cigarettes.¹ The calendar year is our fiscal year. Our anticipated sales volume for the "31" brand of cigarettes (all styles) in calendar year 2018 is

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

sticks.² In calendar year 2017 and to date in calendar year 2018, LET did not manufacture or import any other cigarettes for domestic use.

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 letter of May 15, 2018. This shows how the warnings will appear on the "31" Full Flavor 100's box and "31" Menthol 100's box brand styles as well as the "31" Blue 100 box, "31" Blue Kings box, "31" Full Flavor Kings box and "31" Menthol Kings box.

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,

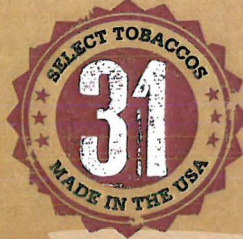


Bryan Porter

² 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



FULL FLAVOR

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



FULL FLAVOR
KING SIZE

FULL FLAVOR



FULL FLAVOR

10

KING SIZE

FULL FLAVOR
KING SIZE



CTP1017 10/2
#66877 128-15
KBA

UNDERAGE
SALE
PROHIBITED

KING SIZE

20 CLASS A
CIGARETTES

FULL FLAVOR

10 PACKS OF 20 CLASS A CIGARETTES



MENTHOL
100'S



MENTHOL 100'S

MADE IN
USA
LAKE ERIE
TOBACCO CO
TP-NY-150



MENTHOL 100'S

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



MENTHOL 100'S





Division of
Advertising Practices

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

May 18, 2018

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

Dear Mr. Porter:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Lake Erie Tobacco Company ("Lake Erie") on May 18, 2018, 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 15, 2018 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Lake Erie's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following six Box 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.² 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 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning

¹ Lake Erie stated in its May 18, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on May 15, 2018.

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

Mr. Bryan Porter
May 18, 2018
Page 2

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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucml76164.htm.

This approval is effective on the date of this letter and runs through May 17, 2019, 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

AZUMA CORPORATION

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

May 18, 2018

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

Re: Heron & Sands Cigarettes

Dear Ms. Engle:

Please consider this letter our request for annual compliance.

This is our initial plan for the simultaneous display of the Surgeon General's warnings on packaging for Heron and Sands.

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

No. 33 Black Red 100's Box
No. 33 Black Gold 100's Box
No. 33 Black Menthol 100's Box

No. 33 Black Red King Box
No. 33 Black Gold King Box
No. 33 Black Menthol King Box

Crimson Medium 100's Box

Crimson Medium King Box

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

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

Red King Size Box
Gold King Size Box
Silver King Size Box
Menthol King Size Box
Menthol Blue King Size Box

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON & SANDS CIGARETTES
May 18, 2018
PAGE 2

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 provided to your office on April 4, 2018 and April 26, 2018.

Azuma Corporation's anticipated low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. Our estimated sales for all brand styles that we intend to manufacture for the 2018 fiscal year (calendar year ending December 31, 2018) are set out in Exhibit A. We had no 2017 sales as we are just starting our manufacturing business. Azuma Corporation will manufacture all of the above styles of cigarettes. No other brands will be imported.


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 packs and cartons of each brand style of the Heron and Sands brands an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, Azuma Corporation will place an order of the specific warning label(s) that need to be equalized. Azuma Corporation will maintain records of compliance with the approved plan.

At this point in time, Azuma Corporation does not intend to advertise. We will submit a plan for approval before engaging in any advertising.

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON & SANDS CIGARETTES
May 18, 2018
PAGE 3

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

Sincerely,

A handwritten signature in black ink, appearing to read "Darren Rose", written over a horizontal line.

5-18-18

Darren Rose

Azuma Corporation

Exhibit A

Brand	Style	Estimated 2018 Sales by Stick
Heron	No. 33 Black Red King Box	
Heron	No. 33 Black Gold King Box	
Heron	No. 33 Black Menthol King Box	
Heron	No. 33 Black Red 100 Box	
Heron	No. 33 Black Gold 100 Box	
Heron	No. 33 Black Menthol 100 Box	
Heron	Crimson Medium King Box	
Heron	Crimson Medium 100 Box	
Sands	Red King Box	
Sands	Gold King Box	
Sands	Silver King Box	
Sands	Menthol King Box	
Sands	Menthol Blue King Box	
Sands	Red 100 Box	
Sands	Gold 100 Box	
Sands	Silver 100 Box	
Sands	Menthol 100 Box	
Sands	Menthol Blue 100 Box	

Selected packaging samples from those
submitted with the plan.

MADE IN THE USA
TP - CA-15012

UNDERAGE
SALE
PROHIBITED

BLACK
THIRTY THREE

MENTHOL 100's

FSC



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

060-000-008 Rev 2

KM

BLACK
THIRTY THREE

MENTHOL 100's

BLACK
THIRTY THREE



BLACK
THIRTY THREE

UNDERAGE
SALE
PROHIBITED



CLASS A
20
CIGARETTES



CRIMSON

MEDIUM HERON

CRIMSON
KINGS



UNDERAGE
SALE
PROHIBITED

MADE IN THE USA
TP - CA-15012



CRIMSON
MEDIUM HERON

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

200 CLASS A
CIGARETTES

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



KING'S BOX

A TURN FOR THE BETTER

MADE IN THE USA
TP - CA-15012

UNDERAGE
SALE
PROHIBITED

FSC



A TURN FOR THE BETTER

KING'S BOX

060-005-023

KM



MENTHOL

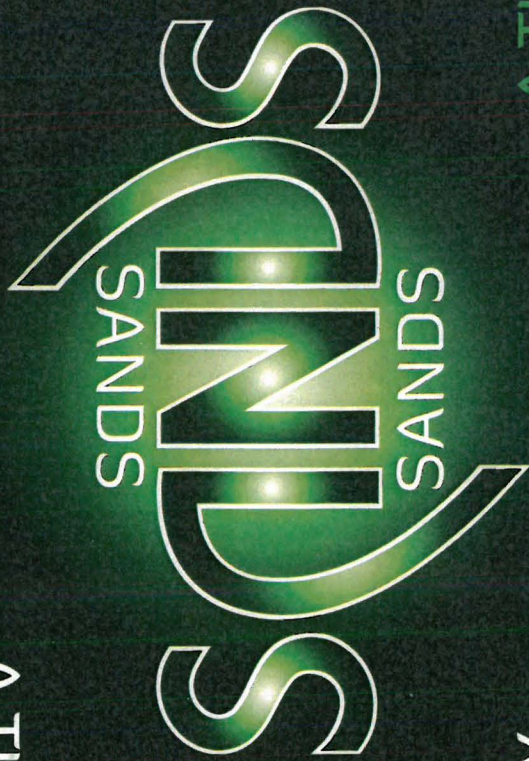


UNDERAGE
SALE
PROHIBITED

CLASS A
20
CIGARETTES

MENTHOL

A TURN FOR THE BETT



100% TOBACCO
KING'S BOX

A TURN FOR THE BETTER

A TURN FOR THE BETTER



MADE IN THE USA
TP - CA-15012

UNDERAGE
SALE
PROHIBITED



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

CLASS A
200 CIGARETTES

060-006-023



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

Division of
Advertising Practices

May 29, 2018

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

Dear Mr. Rose:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Azuma Corporation (“Azuma”) on May 18, 2018, 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.

Azuma’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated April 04 and 26, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Azuma’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eight Box varieties of the Heron brand: No. 33 Black Red (Kings and 100’s), No. 33 Black Gold (Kings and 100’s), No. 33 Black Menthol (Kings and 100’s), and Crimson Medium (Kings and 100’s); 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).

¹ Azuma stated in its May 18, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Mr. Darren Rose
May 29, 2018
Page 2

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

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

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

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

This approval is effective on the date of this letter and runs through May 28, 2019, 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

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

S&M BRANDS, INC.



3662 Ontario Road
Keysville, VA 23947

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

www.SMBRANDS.com

May 29, 2018

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

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

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

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

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

INNOVATION THROUGH FIVE GENERATIONS OF TRADITION

Bailey's

TAHOE

Riverside

LEXI2

CONTACT



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

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

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

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

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

Our sales by fiscal year are summarized in the chart below. Our fiscal year is the same as the calendar year. For fiscal year 2017 our actual sales are reported below. For fiscal years 2018 and 2019 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
2017				
2018				
2019				

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

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

Yours very truly,



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

cc: Mr. Malcolm L. Bailey, CEO

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 Blue [redacted], Menthol [redacted], and Evergreen Menthol [redacted]. **Tahoe hard packs** are: King Size: Filter [redacted] and Gold [redacted].

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 Blue [redacted], Menthol [redacted], and Evergreen Menthol [redacted]. **Tahoe hard packs** are: King Size: Filter [redacted] and Gold [redacted].

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 Blue [redacted], Menthol [redacted], and Evergreen Menthol [redacted]. **Tahoe hard packs** are: King Size: Filter [redacted] and Gold [redacted].

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

**ROTATION PLAN FOR
ADVERTISING AND PROMOTIONAL MATERIALS**

Bailey's Brand

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

Tahoe Brand

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

Riverside Brand

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

Valu Time Brand

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

The warnings are as follows:

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



Division of
Advertising Practices

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

May 31, 2018

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 29, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bailey's, Tahoe, Riverside, and Valu Time brands of cigarettes.

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

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

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

¹ S&M Brands stated in its May 29, 2018 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.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

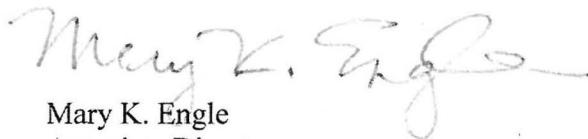
This approval is effective on the date of this letter and runs through May 30, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Mr. Everett W. Gee III
May 31, 2018
Page 3

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary K. Engle". The signature is written in dark ink and is positioned above the printed name and title.

Mary K. Engle
Associate Director

Paige S. Fitzgerald
paige.fitzgerald@troutman.com

May 23, 2018

VIA E-MAIL

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

Cigarette Health Warning Plan
Cherokee Tobacco Company, LLC and CHEROKEE brand extension

Dear Ms. Engle:

On behalf of Cherokee Tobacco Company, LLC ("Cherokee"), we hereby submit a request to extend the Surgeon General's Equalization Plan for Cherokee as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended ("FCLAA"), for all styles of CHEROKEE brand soft and hard pack varieties. Cherokee previously submitted its 2016 Plan Renewal on November 18, 2016, for fourteen (14) previously approved styles and also submitted a brand expansion plan for five (5) additional hard pack styles on November 18, 2016. Your office approved this plan and expansion on November 23, 2016.

Through the date of this application, the Surgeon General's warnings on the packages for the brand styles of CHEROKEE brand have been equalized in accordance with the Plan.

Cherokee continues as the exclusive distributor of CHEROKEE brand cigarettes in the U.S. and holder of exclusive rights to the trademark for the CHEROKEE brand. Scott D. Batson is Chief Operating Officer of Cherokee and Firebird Manufacturing, LLC ("Firebird"). The location of the factory remains at 1057 Bill Tuck Highway, South Boston, VA 24592. The contract manufacturer is Firebird. Cherokee does not import any cigarettes. The only brand Cherokee has manufactured is the CHEROKEE brand.

Cherokee had a plan for the following 19 styles:

Cherokee Red Kings soft pack, Cherokee Red 100's soft pack, Cherokee Blue Kings soft pack, Cherokee Blue 100's soft pack, Cherokee Blue Kings Box, Cherokee Menthol Green Kings soft pack, Cherokee Menthol Green 100's soft pack, Cherokee Menthol Green Kings Box, Cherokee Menthol Gold Kings soft pack, Cherokee Menthol Gold 100's soft pack, Cherokee Sky Kings soft pack, Cherokee Sky 100's soft pack, Cherokee Non Filter Kings

soft pack, Cherokee Red Kings Box, Cherokee Red 100's box, Cherokee Blue 100's box, Cherokee Menthol Green 100's box, Cherokee Menthol Gold 100's box, Cherokee Sky 100's box

In our fiscal year 2017, which is the same as the calendar year, our total sales of the CHEROKEE brand were [REDACTED] sticks. Our anticipated sales of the CHEROKEE brand in fiscal year 2018 will total [REDACTED] sticks.

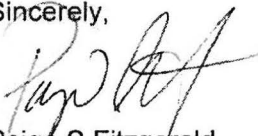
Packs and cartons of each brand style displaying each of the 4 health warnings were enclosed with our letter dated May 18, 2018. The warnings will appear exactly as shown on the samples provided with our May 18th letter. Cherokee will equalize the four health warnings on the packs and cartons for each brand style listed above for the one-year period beginning on the date of approval of this Plan.

Beginning on the date of approval of this Plan, Cherokee will ensure that the printer will print all four (4) Surgeon General's warnings in equal numbers on each printed sheet of packaging for all cartons and packs, so when sheets are cut, the display of warnings will be approximately equalized on packs and cartons for each brand style. Based on the above, Cherokee requests approval to use the equalization option provided in Section 1333(c)(2) of the FCLAA. Cherokee will keep records demonstrating compliance with this Plan.

For advertising materials, there are no changes from the prior approved Plan dated April 11, 2005. The company will maintain compliance with that Plan.

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request expedited approval of this request. Should this request conform to your requirements, we request that the letter evidencing approval be faxed to me at (804) 698-5114 or be sent by email to paige.fitzgerald@troutman.com. Should you require any additional information with respect to the foregoing, please contact me at 804-697-1404 or on my cell phone (804-938-2570).

Sincerely,



Paige S Fitzgerald

Selected packaging samples from those
submitted with the plan.




CHEROKEE
 Made in USA - Cherokee Tobacco Company LLC
 South Boston, VA 24592
 Exclusive Distributor
 TP-VA-15004



Special Blend

CHEROKEE



Made in USA

Menthol Gold Kings

CHEROKEE
Menthol Gold Kings

Underage
Sale
Prohibited

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



Special Blend

CHEROKEE



Made in USA

Menthol Gold Kings

w/36





CHEEROKEE

Made in USA

Blue 100s Box

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



CHEEROKEE



Blue 100s Box

Made in USA





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

Division of
Advertising Practices

June 1, 2018

Paige S. Fitzgerald, Esq.
Troutman Sanders LLP
1001 Haxall Point
Richmond, VA 23219

Dear Ms. Fitzgerald:

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 Cherokee Tobacco Company, LLC (“Cherokee”) on May 23, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cherokee brand of cigarettes.

Cherokee’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 May 18, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Cherokee’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following nineteen varieties of the Cherokee brand: Red Kings (soft pack and Box), Red 100’s (soft pack and Box), Blue Kings (soft pack and Box), Blue 100’s (soft pack and Box), Menthol Green Kings (soft pack and Box), Menthol Green 100’s (soft pack and Box), Menthol Gold Kings soft pack, Menthol Gold 100’s (soft pack and Box), Sky Kings soft pack, Sky 100’s (soft pack and Box), and Non-Filter Kings soft pack.

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

¹ Cherokee stated in its May 23, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on May 18, 2018.

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

Paige S. Fitzgerald, Esq.
June 1, 2018
Page 2

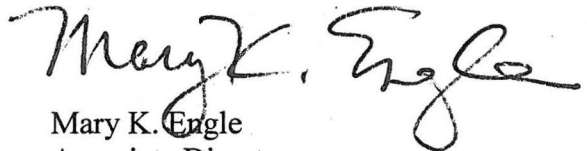
Please note that this letter only approves Cherokee's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through May 31, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

June 5, 2018

Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, N.W.
Mail Drop CC-10528
Washington, DC 20580
Attn: Bonnie McGregor

Re: Dosal Tobacco Corporation

Dear Ms. McGregor:

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.

Sincerely,


Veronica Vilarchao

Enclosure

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

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

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

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

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

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

- b. **Warning Label Rotation:** Section 1333(c)(2) of the Cigarette Act allows manufacturers to seek permission from the FTC to display the four (4) warnings an equal number of times during the year on a brand style's packaging if the company meets the low volume sales threshold established by the Cigarette Act. To meet the low volume sales requirement established by the Cigarette Act, the annual sales of each of a company's brand styles in its prior fiscal year must be less than one-fourth (1/4) of one percent (1%) of all of the cigarettes sold in the United States in that fiscal year (for calendar year 2017, 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 2017 and forecasts that it will meet the Low Sales Volume Requirement for 2018 for all other brand styles manufactured by Dosal (please see Dosal's Sales Report for the year 2017, and Sales Forecast for the year 2018, attached hereto as Exhibit "B").¹ With the exception of the brand style 305's Full Flavor 100's Box, during the year 2017, sales for any one brand style did not exceed [REDACTED] cigarettes, and for the year 2018 Dosal projects that sales for any one brand style will not exceed [REDACTED] cigarettes. Accordingly, except for the brand style 305's Full Flavor 100's Box, Dosal wishes to equalize the warning statements on all Dosal brand style cigarette packaging during the year, as follows:

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

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

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

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

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

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

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

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

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

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

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

3. **COMPETIDORA**

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

EXHIBIT "B"

**DOSAL TOBACCO CORPORATION
SALES VOLUME REPORT FOR 2017 AND
SALES FORECAST FOR 2018 FOR ALL BRAND STYLES**

2017 SALES REPORT AND 2018 SALES PROJECTIONS

<u>SKU</u>	<u>Brand</u>	<u>Brand Style</u>	<u>Cartons Sold 2017</u>	<u>Number of Sticks 2017</u>	<u>Projected Carton Sales 2018</u>	<u>Projected Sales in Sticks 2018</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 Kings Box				
COMNFKBX	/ Competidora	Non-Filter Kings Box				
DTCFFKBX	/ DTC	Full Flavor Kings Box				
DTCFFYBX	/ DTC	Full Flavor 100's Box				
DTCGDKBX	/ DTC	Gold Kings Box				
DTCGDYBX	/ DTC	Gold 100's Box				
DTCMGYBX	/ DTC	Menthol Gold 100's Box				
DTCNFKBX	/ DTC	Non Filter Kings Box				

DTC SVYBX / DTC

Silver 100's Box

DTC MNKBX / DTC

Menthol Kings Box

DTC MNYBX / DTC

Menthol 100's Box

TOTAL:

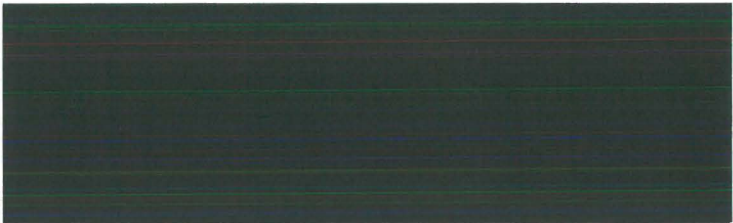


EXHIBIT "C"
ADVERTISEMENT WARNING
STATEMENT ROTATION SCHEDULE*

<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 6, 2018

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 revised proposed plan filed on behalf of Dosal Tobacco Corp. ("Dosal") on June 5, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the DTC, 305's, and Competidora brands of cigarettes.

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

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

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

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

² Dosal stated in its June 5, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

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

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

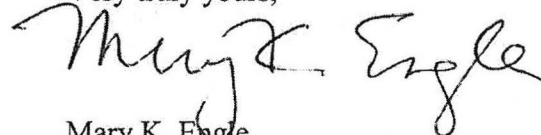
Please note that this letter only approves Dosal's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through June 5, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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



PO Box 214
Gowanda, New York 14070

1.877.NATIVE3
Fax: 716.537.6137

June 7, 2018

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 2018 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the Cigarette Act on packaging for its Seneca, Opal and Couture brands of cigarettes. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Elmer Steeprook.

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 20, 2017. 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 2017 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,



Erlind Hill, Manager

Native Wholesale Supply
2017 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	



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

Division of
Advertising Practices

June 19, 2018

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

Dear Mr. Hill:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Native Wholesale Supply Company (“NWSC”) on June 7, 2018, 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 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:¹

<u>Brand</u>	<u>Date(s)</u>
Seneca	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

¹ NWSC stated in its June 7, 2018 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, Kings, 100's, and 120's), Full Flavor soft pack (Kings and 100's), Blue box (72's, Kings, and 100's), Blue soft pack (Kings and 100's), Medium box (Kings and 100's), Menthol box (72's, Kings, 100's, and 120's), Menthol soft pack (Kings and 100's), Silver box (Kings and 100's), Silver soft pack (Kings and 100's), Smooth box 120's, Smooth Menthol Box (Kings, 100's, and 120's), Smooth Menthol soft pack (Kings and 100's), Extra Smooth Menthol soft pack 100's, Extra Smooth Menthol box 100's, and Ultra box 120's;
- Six 100's box varieties of the Couture brand: Slims Ruby, Slims Amethyst, Slims Diamond, Slims Sapphire, Slims Turquoise, and Slims Aquamarine; and
- Five 120's box varieties of the Opal brand: Full Flavor, Smooth, Ultra, Menthol, and Smooth Menthol.

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

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

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

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

Mr. Erlind Hill
June 19, 2018
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 18, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

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

Mary K. Engle
Associate Director