



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 31, 2020

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. October 10, 2018 letter from Geraldine Bowen Barker, Commonwealth Brands, Inc. to Mary Engle.
2. October 10, 2018 letter from Mary K. Engle to Geraldine Bowen Barker, Commonwealth Brands, Inc.
3. October 15, 2018 letter from Mary Najjar, Marketing Group USA, Inc. to Mary K. Engle.
4. October 16, 2018 letter from Mary K. Engle to Mary Najjar, Marketing Group USA, Inc.
5. October 15, 2018 letter from Henry C. Roemer, III on behalf of El Morro Ship Chandlers to Will Ducklow.
6. October 16, 2018 letter form Mary K. Engle to Henry C. Roemer, III on behalf of El Morro Ship Chandlers.
7. October 17, 2018 letter from Rhonda A. Anderson on behalf of Lorali, Inc. to Mary K. Engle.
8. October 18, 2018 letter from Mary K. Engle to Rhonda A. Anderson on behalf of Lorali, Inc.
9. October 10, 2018 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to the Division of Advertising Practices.

10. October 26, 2018 letter from Mary K. Engle to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
11. October 29, 2018 letter from Paige S. Fitzgerald on behalf of Firebird Manufacturing, LLC to Will Ducklow.
12. October 30, 2018 letter from Mary K. Engle to Paige S. Fitzgerald on behalf of Firebird Manufacturing, LLC.
13. November 2, 2018 letter from Sarah Treptow, Ohserase Manufacturing, LLC to the Division of Advertising Practices.
14. November 2, 2018 letter from Mary K. Engle to Sarah Treptow, Ohserase Manufacturing, LLC.
15. October 16, 2018 letter from Joseph M. Zebrowski, Rock River Manufacturing to Mary K. Engle.
16. November 6, 2018 from Mary K. Engle to Joseph M. Zebrowski, Rock River Manufacturing.
17. October 31, 2018 letter from Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc. to Mary K. Engle.
18. November 20, 2018 letter from Mary K. Engle to Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc.
19. November 5, 2018 letter from William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates to Mary K. Engle.
20. November 27, 2018 letter from Mary K. Engle to William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates.
21. November 13, 2018 letter from Karen E. Delaney, NASCO Products, LLC to Mary K. Engle.
22. November 27, 2018 letter from Mary K. Engle to Karen E. Delaney, NASCO Products, LLC.
23. December 5, 2018 letter from Geraldine Bowen Barker, ITG Brands to Mary Engle.
24. December 18, 2018 letter from Mary K. Engle to Geraldine Bowen Barker, ITG Brands.



Commonwealth

B R A N D S, I N C.

October 10, 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.
Packaging changes for Montclair and Sonoma

Dear Ms. Engle:

Commonwealth Brands, Inc. ("Commonwealth Brands") currently has a plan that was approved by the FTC on April 12, 2018 to rotate the four health warnings for all existing varieties of the Montclair and Sonoma cigarette brands.

Commonwealth Brands hereby requests approval to replace cigarette packaging for certain varieties of the Montclair brand and to expand its plan to also include new brand styles of both the Montclair and Sonoma brands. Sample packs and cartons reflecting all of these requested changes for both Montclair and Sonoma were included in Commonwealth Brands' letter of August 7, 2018 for your review and approval.

If approved, 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 the Sonoma New Brand Style Varieties and the Montclair New Brand Style Varieties an equal number of times during the 12-month period starting from the date this packaging is approved by the FTC. The Sonoma New Brand Style Varieties and the Montclair New Brand Style Varieties meet the statutory requirements for the equalization method set out in 15 USC §1333(e)(2)(C) of the Cigarette Labeling Act 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 of this letter; 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. Commonwealth Brands' sales for the Fiscal Year 2017 did not exceed [REDACTED] sticks for any brand style of cigarettes that it manufactures and Commonwealth Brands does not import. In addition, Commonwealth Brands does not anticipate that its sales will exceed that number for the one-year period covered by the plan or for the next fiscal year. Through the date of this letter the

Ms. Mary Engle
October 10, 2018

Surgeon General's warnings on the packages for the previously approved brand styles of the varieties of the Montclair and Sonoma cigarette brands have been rotated in accordance with its previously approved plans.

The specific packaging additions and changes requested by Commonwealth Brands are as follows:

MONTCLAIR – Addition of the Following Four (4) New Brand Styles (“Montclair New Brand Style Varieties”) for Packs and Cartons:

- a. Black Filter King Size Box
- b. Menthol Dark Green Filter King Size Box
- c. Menthol Dark Green Filter 100s Box
- d. Blue Filter King Size Box

MONTCLAIR – Color and Other Modifications to Packs and Cartons for the Montclair Existing Brand Styles (“Montclair Modified Existing Varieties”):

- a. Black Filter 100s Box - Color change of the word “Montclair” from champagne to white
- b. Blue Filter 100s Box - Color change of the word “Montclair” from champagne to white
- c. Menthol Gold Filter 100s Box - Color change of the word “Montclair” from champagne to white
- d. Silver Filter 100s Box - Color change of the word “Montclair” from gray to black

MONTCLAIR -The Other Modifications to the Montclair Modified Existing Varieties are as follows:

- a. Removal of the P&S House of Parker & Simpson reference from the packs and cartons of the Montclair Modified Existing Varieties; and
- b. Change the dots and descriptor wording to be slightly darker to increase contrast on the packs and cartons of the Montclair Modified Existing Varieties.

SONOMA - Addition of the Following Two (2) New Brand Styles (“Sonoma New Brand Style Varieties”) for Packs and Cartons:

- a. Blue Filter 100s Box
- b. Menthol Green Filter 100s Box

For the Sonoma New Brand Style Varieties, the Montclair New Brand Style Varieties, and the Montclair Modified Existing Varieties, the four health warnings will appear exactly as shown on the pack and carton samples submitted with Commonwealth Brands' letter of August 7, 2018. The four health warnings read precisely as required by the Cigarette Labeling Act. We will display the four health warnings an equal number of times on the pack and cartons for each

Ms. Mary Engle
October 10, 2018

brand style of the Sonoma New Brand Style Varieties and the Montclair New Brand Style Varieties for the one year period beginning on the date of approval of this letter. However, we will continue to display the four health warnings an equal number of times on the pack and cartons for the Montclair Modified Existing Varieties for the one year period beginning on April 12, 2018, the date of the FTC approval letter. We will keep records demonstrating compliance with this plan.

We plan to run-out of the current Montclair packaging that was approved in the April 12, 2018 letter and anticipate that it will take another eight months to sell through it. If approved, Commonwealth Brands expects to begin utilizing the packs and cartons submitted with Commonwealth Brands' letter of August 7, 2018 during the 1st calendar quarter of 2019. Commonwealth Brands will continue to be in compliance with the previously approved plans for advertising the Montclair and Sonoma brands.

If you require any additional information, please contact me.

Sincerely,

Geraldine Bowen Barker YBB

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

Selected packaging samples from those
submitted with the plan.

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

MENTHOL

Montclair
MENTHO

COMMONWEALTH
BRANDS, INC.
MFG. REIDSVILLE,
NC 27320



BOX

Montclair MENTHOL

BOX

47

01PK31540/001
W/N/B



Montclair MENTHOL

BOX

Montclair

MENTHOL

UNDERAGE SALE
PROHIBITED



Montclair



Montclair

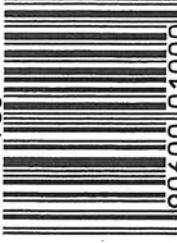
BLACK

Montclair

BLACK

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

FSC



0 90600 01000

Montclair

SONOMA

MADE IN USA

100s

SONOMA
100s

COMMONWEALTH
BRANDS, INC.
MFG PEIDSVILLE
NC 27320



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

01PK31546/001
W/N/C

SONOMA

100s

3



100s

MADE IN USA

SONOMA



100s

SONOMA



UNDERAGE SALE
PROHIBITED





SONNOMIA

100S BOX

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

SONNOMIA

100S BOX



SONNOMIA



Division of
Advertising Practices

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

October 10, 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, Commonwealth Brands, Inc.'s ("Commonwealth") April 12, 2018 plan 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 was approved.

By letter dated October 10, 2018, you now propose to: (1) expand your plan for simultaneous display of the four health warnings on packaging to include additional varieties of the Montclair and Sonoma brands; and (2) modify the packaging for certain varieties of the Montclair brand.

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 on August 7, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Commonwealth's expansion of its plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through October 9, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first:¹

¹ As set forth in its October 10, 2018 letter, Commonwealth is using colors in the names of its cigarette varieties (*e.g.*, Montclair Menthol Dark Green Kings Box). We note that the color names are not printed on the packaging for the Montclair Menthol Dark Green Kings Box, Montclair Menthol Dark Green 100's Box, Sonoma Blue 100's Box, and Sonoma Menthol Green 100's Box varieties; however, the color used for the packaging of those varieties does conform to the color used in the names of those varieties. We note also that the word "menthol" is not printed on the packaging for the Sonoma Menthol Green 100's Box variety.

Geraldine Bowen Barker, Esq.
October 10, 2018
Page 2

- Four varieties of the Montclair brand: Black Kings Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, and Blue Kings Box; and
- Two varieties of the Sonoma brand: Blue 100's Box and Menthol Green 100's Box.

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.

It also appears that the health warnings on the modified packaging for the Montclair Black 100's Box, Montclair Blue 100's Box, Montclair Silver 100's Box, and Montclair Menthol Gold 100's Box varieties submitted with your letter of August 7, 2018 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.³ I wish to remind you that the Commission's April 12, 2018 approval of Commonwealth's cigarette health warning statement rotation plan for simultaneous display of the warnings on packaging for these varieties of the Montclair brand expires on April 11, 2019, or when the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

Please note that this letter only approves Commonwealth's expansion of its cigarette health warning statement rotation plan and the submitted packaging modifications 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. 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

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.

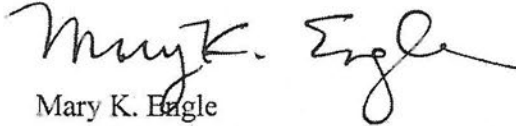
³ Commonwealth stated in its October 10, 2018 letter that it intends to run out its existing inventory of approved packaging for the Montclair Black 100's Box, Montclair Blue 100's Box, Montclair Silver 100's Box, and Montclair Menthol Gold 100's Box varieties.

Geraldine Bowen Barker, Esq.
October 10, 2018
Page 3

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 Aine Farrell at (202) 326-2409.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. Eagle". The signature is written in a cursive style with a large, sweeping "E" at the end.

Mary K. Eagle
Associate Director

MARKETING GROUP USA INC.

2801 Camino Del Rio South
Suite 304, San Diego, CA 92108 USA
email: nynycigarettes@gmail.com
web: nynycigarettes.com

(844) 818-3341
Office: 619-291-1662 USA
Cell: 619-328-7710



October 15, 2018

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

RE: Annual Extension for the Approved Cigarette Warning Equalization Plan,

Dear Ms. Engle:

This letter is being submitted by Marketing Group USA, INC, for the extension of the approval of the Surgeon General Warning Equalization Plan for the display of the four health warnings on packaging of the New York New York cigarette brand.

The initial approval was issued on January 27, 2009 valid to January 26, 2010.

A subsequent extension was granted on April 01, 2010 valid to March 31, 2011 for Full Flavor hard pack (Kings and 100's), Menthol hard pack (Kings and 100's), and Non Filter Kings soft pack.

On September 28, 2010, an application to approve new packaging to comply with The Family Smoking Prevention and Tobacco Control Act (FSPTCA) was submitted.

New packaging was submitted on August 05, 2010 as follows:

Red Box 100 Size, formerly Full Flavor 100's
Red Box King Size, formerly Full Flavor Kings

Gold Box 100 Size, formerly Lights
Gold Box King Size, formerly Lights
Silver Box 100 Size, formerly Ultra Lights

Menthol Box 100 Size
Menthol Box King Size
Menthol Gold Box, formerly Menthol Light

Non-Filter Box King Size, formerly Non-Filter Soft Pack

That application for the change of brand style names was approved on September 30, 2010.

Subsequent extension plans were submitted and approved.

Through the date of this application, the Surgeon General Warnings have been equalized on our packaging for the nine brand styles of New York New York Brand cigarettes.

The New York New York brand will continue to be manufactured in the United States by our contract manufacturer Joseph M. Anderson d/b/a Smokin Joes for Marketing Group USA, Inc. Upon approval of this extension, the contract manufacturer will continue to manufacture these cigarettes under the authority of the Bureau of Alcohol, Tobacco, Firearms and Explosives (Manufacturer of Tobacco Products License TP-NY-168).

Marketing Group USA, Inc. does not import cigarettes.

New York New York brand cigarettes will be manufactured in a variety of styles. The following varieties of New York New York cigarettes are the only brand styles of cigarettes that we manufacture and will be manufactured in accordance with both FTC and FSPTCA rules and regulations:

Red Box King Size, Red Box 100 Size
Gold Box King Size, Gold Box 100 Size
Silver Box 100 Size
Menthol Box King Size, Menthol Box 100 size, Menthol Gold Box 100 Size
Non-filter Box King Size

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 (10) packs ("Pack") of twenty (20) cigarettes each pack. The warnings will appear exactly as they do on the actual pack labels and cartons submitted by our contract manufacturer on September 08, 2017.

Marketing Group USA Inc's United States stick sales for the period January 01, 2017 to December 31, 2017 were [REDACTED].

Marketing Group USA Inc's United States stick sales for the period January 01, 2018 to October 01, 2018, were [REDACTED].

Marketing Group USA Inc. uses the calendar year as the fiscal year.

The breakdown of the number of stick sales are indicated in two graphs attached as **Exhibit 1**.

United States sales estimates for the next one year period for the varieties of New York New York brand styles listed above are provided in **Exhibit 2**. Marketing Group USA, Inc. does not anticipate that the total of all brand styles of its cigarettes will exceed [REDACTED] sticks in sales for the one year period to be covered by this plan.

Upon approval of the extension, the four cigarette health warnings will appear on the packs and cartons of each of the brand styles 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 warnings appear on each

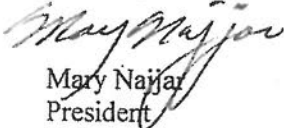
of the above listed brand styles an equal number of times throughout the plan year, raw materials packaging inventory will be stored and loaded into packaging machines alternating the four health warnings equally.

Marketing Group USA will maintain compliance with the September 28, 2010 Plan for point of sale advertising for the New York New York Brand, and with the September 29, 2011 Plan for the internet advertising for the New York new York Brand

Marketing Group USA, Inc. is aware of the requirements set forth in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Act. Marketing Group USA, Inc. will maintain records of compliance with the approved plan.

Thank you in advance for your kind attention to this important request for extension. If there are any questions or concerns regarding these plans, please feel free to contact me.

Sincerely,


Mary Najjar
President

STICK SALES FIGURES JANUARY 1-DECEMBER 31, 2017

NEW YORK NEW YORK

STICKS

NEW YORK NEW YORK RED KING BOX
NEW YORK NEW YORK GOLD KING BOX
NEW YORK NEW YORK MENTHOL KING BOX
NEW YORK NEW YORK NONFILTER BOX
NEW YORK NEW YORK RED 100 BOX***
NEW YORK NEW YORK GOLD 100 BOX
NEW YORK NEW YORK SILVER 100 BOX
NEW YORK NEW YORK MENTHOL 100 BOX
NEW YORK NEW YORK MENTHOL GOLD 100 BOX

GRAND TOTAL

STICK SALES FIGURES JANUARY 1-OCTOBER 1, 2018

NEW YORK NEW YORK RED KING BOX***
NEW YORK NEW YORK GOLD KING BOX
NEW YORK NEW YORK MENTHOL KING BOX
NEW YORK NEW YORK NONFILTER BOX
NEW YORK NEW YORK RED 100 BOX
NEW YORK NEW YORK GOLD 100 BOX
NEW YORK NEW YORK SILVER 100 BOX
NEW YORK NEW YORK MENTHOL 100 BOX
NEW YORK NEW YORK MENTHOL GOLD 100 BOX

GRAND TOTAL

EXHIBIT #1

	Total Estimated Stick Sales Oct. 01, 2018 to Oct. 30, 2019
NYNY Red 100 Size Box	
NYNY Red King Size Box	
NYNY Gold 100 Size Box	
NYNY Gold King Size Box	
NYNY Menthol 100 Size Box	
NYNY Menthol King Size Box	
NYNY Menthol Gold 100 Size Box	
NYNY Silver 100 Size Box	
NYNY Non-Filter King Size Box	

TOTAL

EXHIBIT #2



UNITED STATES OF AMERICA
Federal Trade Commission
Washington, D.C. 20580

Division of
Advertising Practices

October 16, 2018

Ms. Mary Najjar
Marketing Group USA, Inc.
2801 Camino Del Rio South, Suite 304
San Diego, CA 92108

Dear Ms. Najjar:

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 Marketing Group USA, Inc. (“Marketing Group”) on October 15, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “New York New York” brand of cigarettes.

Marketing Group’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 September 8, 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, Marketing Group’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following nine box varieties of the New York New York brand: Red (Kings and 100’s), Gold (Kings and 100’s), Silver 100’s, Menthol (Kings and 100’s), Menthol Gold 100’s, and Non-Filter Kings.

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

Please note that this letter only approves Marketing Group’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22,

¹ Marketing Group stated in its October 15, 2017 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on September 8, 2017.

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. Mary Najjar
October 16, 2018
Page 2

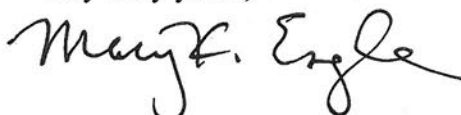
2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Marketing Group's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Marketing Group's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Marketing Group'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 October 15, 2018, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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

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

TELEPHONE 336 723-4311
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OTHER OFFICE:
105 SOUTH BRIDGE STREET
P.O. BOX 8
JONESVILLE, N.C. 28642
336 835-4000

October 15, 2018

Via Email and FedEx

Mr. Will Ducklow
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Mail Drop CC-10528
Washington, DC 20580

Re: Request for FTC Approval of the Warning Statement Rotation Plan for ASHFORD GREEN (in lieu of ASHFORD MENTHOL)

Dear Mr. Ducklow:

I am writing this letter on behalf of El Morro Ship Chandlers ("El Morro"), the importer for the above indicated product.

In accordance with a letter dated December 7, 2010 a Warning Statement Rotation Plan for ASHFORD MENTHOL cigarettes (King-Size hard pack) was approved by the Federal Trade Commission (the "Packaging Plan").

El Morro now seeks to change the name of the product ASHFORD MENTHOL to ASHFORD GREEN and change the packs and cartons for the product.

By letter to the Federal Trade Commission dated October 1, 2018 actual product packaging samples of ASHFORD GREEN were submitted to the Federal Trade Commission for review.

Please grant El Morro approval of a revision to the Packaging Plan substituting ASHFORD GREEN for ASHFORD MENTHOL. From the date of such approval forward, the Warning Statements will be rotated quarterly based on the quarter in which the ASHFORD GREEN products are manufactured. El Morro will continue to rotate the warnings quarterly on packs and cartons for the ASHFORD GREEN variety in accordance with the rotation schedule provided on Exhibit A of our December 7, 2010 Plan. Moreover, the Warning Statements will appear on the final or finished products exactly as shown on the packaging samples enclosed in our October 1, 2018 letter.

Defined terms as used herein shall be as defined in the Packaging Plan.

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

Sincerely,



Henry C. Roemer, III

HCR/III/mhr

cc: Bradley Huffman, El Morro Ship Chandlers

Selected packaging samples from those
submitted with the plan.

Ashford®

JOHANN WILHELM
VON EICKEN



FSC



Ashford®

FINEST INTERNATIONAL QUALITY

King Size

GREEN

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

Ashford®

King Size

HW 1

MADE IN GERMANY

Ashford
6
612007174
Puerto Rico
99 x 246,75 mm

King Size

FINEST INTERNATIONAL QUALITY

Ashford®

King Size



Ashford®

King Size



CLASS A
20
CIGARETTES

UNDERAGE
SALE
PROHIBITED

EST. 1770

Ashford®

FINEST INTERNATIONAL
QUALITY

GREEN

King Size

AMERICAN BLEND

JOHANN WILHELM
VON EICKEN
Made in Germany

King Size

Ashford®

AMERICAN BLEND



EST. 1770

Ashford®

FINEST INTERNATIONAL
QUALITY

GREEN

King Size

AMERICAN BLEND

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



Division of
Advertising Practices

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

October 16, 2018

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

Dear Mr. Roemer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, El Morro Ship Chandlers' ("El Morro") December 7, 2010 plan for quarterly rotation of the four health warnings on packaging for certain varieties of the Ashford brand of cigarettes was approved.

By letter dated October 15, 2018, you now propose to change the name of the "Ashford Menthol" king size hard pack variety to "Ashford Green" king size hard pack and to modify the packaging for that variety.

It appears that the health warnings on the sample packs and cartons for the Ashford Green king size hard pack variety submitted with your letter of October 1, 2018 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

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

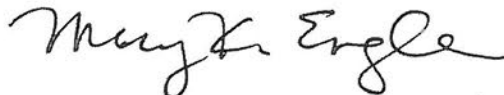
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or

Mr. Henry C. Roemer, III
October 16, 2018
Page 2

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, stylized "M" and "E".

Mary K. Engle
Associate Director

Law Office Of
RHONDA A. ANDERSON, P.A.

2655 LeJeune Road
Suite 540
Coral Gables, Florida 33134

Telephone: (305) 567-3004
Facsimile: (305) 476-9837
E-Mail: randersonlaw@gmail.com

October 17, 2018

Sent via Federal Express, Tracking No. 7735-0130-6549

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

Re: Importer: Lorali, Inc.
Cigarette Brand: Director
Manufacturer: Compania Tabacalera Internacional, S.A.
Health Warning Rotation Plan, Cigarette Labeling & Advertising Act, 15 USC § 1333

Dear Mrs. Engle:

In compliance with the Cigarette Labeling and Advertising Act, this letter shall serve as formal notice regarding Lorali, Inc.'s request for renewal of its health warning plan of four health warnings previously approved on October 4, 2017. Lorali's most recent plan is for the import of the six (6) styles of the "Director" brand of cigarettes described below. Lorali wishes to continue to equalize the warnings on the six (6) styles. The manufacturer of Director brand cigarettes is Compania Tabacalera Internacional, S.A. (hereinafter referred to as "The Manufacturer.") Mr. Paul Mendoza is the President of Lorali, Inc., whose mailing address is 11700 N.W. 102nd Rd, Suite 15, Medley, Florida 33178 and telephone number is 786-485-3179. This plan addresses the packaging materials of Director brand for the following styles bearing the UPC codes indicated below.

DIRECTOR BRAND STYLES	UPC CODE
Red 100s Box	0 19962 83904 7
Red King Box	0 19962 83804 0
Blue 100s Box	0 19962 83944 3
Blue King Box	0 19962 83844 6
Green 100s Box	0 19962 83924 5
Green King Box	0 19962 83824 8

In compliance with Section 1333(c)(2), Lorali, Inc. proposes to display the four Surgeon General Warnings an equal number of times on packs and cartons for each brand style of the "Director" Brand of cigarettes during a 12-month period, beginning on the date of the Commission's approval. Lorali will accomplish an equalized display by requiring the manufacturer to print all four warnings for all brand styles at the same time. Lorali, Inc.

Mary K. Engle, Associate Director
 Federal Trade Commission
 Re: "Director" brand
 Compliance of with the Federal Cigarette Labeling and Advertising Act

qualifies for the label rotation plan described in Section 1333(c)(2)(C), because in the 12-month period preceding this submission and the entire 2017 fiscal year, Lorali, Inc. [REDACTED] cigarettes in the United States and Lorali's total and estimated sales for the 2018 and 2019 fiscal years is [REDACTED] sticks, which is a quantity less than is less than one-fourth of 1 percent of all the cigarettes sold in the United States per fiscal year.

The only cigarette brand Lorali, Inc. imported into the United States in 2017 and 2018 is Director. Lorali, Inc. does not manufacturer any cigarettes. The Manufacturer, Compania Tabacalera Internacional, S.A., has not manufactured, and will not manufacture any other brand of cigarettes for sale or importation into the United States. In addition, Lorali, Inc. will keep records demonstrating compliance with this plan.

Enclosed with our September 6, 2017 submission were actual packaging samples of six (6) Director brand styles listed above displaying the following Surgeon General's Warnings that the Importer will continue to comply with:

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

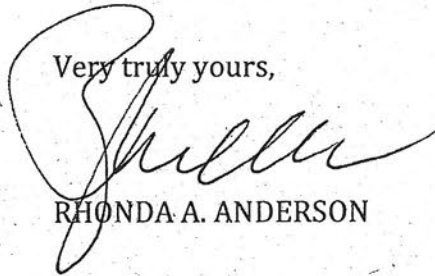
The warnings will appear exactly as shown on the samples provided with our letter of September 6, 2017. Lorali, Inc. will continue to comply with the advertising plan approved on October 4, 2017, which rotated the warnings quarterly for the Director brand POS in accordance with the following schedule:

DIRECTOR BRAND	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
	Jan. to March	April to June	July to Sept.	Oct. to Dec.
	Warning A	Warning B	Warning C	Warning D

Please advise if the proposed rotation plan and labeling meets with your Office's approval.

Mary K. Engle, Associate Director
Federal Trade Commission
Re: "Director" brand
Compliance of with the Federal Cigarette Labeling and Advertising Act

Very truly yours,

A handwritten signature in black ink, appearing to read 'Rhonda A. Anderson', written in a cursive style.

RHONDA A. ANDERSON

RAA/mr



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

Division of
Advertising Practices

October 18, 2018

Rhonda A. Anderson, P.A.
2655 LeJeune Road
Suite 540
Coral Gables, Florida 33134

Dear Ms. Anderson:

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 Lorali, Inc. ("Lorali") dated October 17, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Director brand of cigarettes.

Lorali'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 September 6, 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, Lorali's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following six box varieties of the Director brand: Red (King and 100's), Blue (King and 100's), and Green (King 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 Lorali'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 Lorali's packaging. Moreover, it is

¹ Lorali stated in its October 17, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on September 6, 2017.

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.

Rhonda A. Anderson, P.A.
October 18, 2018
Page 2

not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Lorali's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Lorali'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).

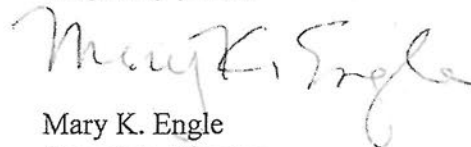
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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

This approval is effective on the date of this letter and runs through October 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 Donya Jackson at (202) 326-2050.

Very truly yours,



Mary K. Engle
Associate Director

October 10, 2018

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

VIA HAND DELIVERY

Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, NW
Mail Drop CC10528
Washington, DC 20580

**Re: Wind River Tobacco Company, LLC
Teton Brand Cigarettes**

Dear Sir / Madam:

This plan for the simultaneous display of health warnings on the packaging of Teton brand cigarettes and for the display of health warnings on certain advertising for Teton brand cigarettes (the "**Plan**") is submitted to the Federal Trade Commission ("**FTC**") on behalf of Wind River Tobacco Company, LLC ("**WRT**"), whose Senior Vice President, Manufacturing Operations is Bennett Lee Welchons. WRT is located at 4792 Potato House Court, Wilson, NC 27893.

I. Background

Pursuant to the Federal Cigarette Labeling and Advertising Act (the "**Act**"), manufacturers of cigarettes are required to submit a label statement rotation plan to the FTC for approval. 15 U.S.C. §1333(c). Section 1333(a) sets forth the wording of the warning labels required for all packaging and advertising of cigarettes sold, distributed, or advertised in the United States. Section 1333(b)(1) provides the placement and size requirements for the warning labels on cigarette packaging. Section 1333(b)(2) sets forth the requirements for warnings in advertisements, except for outdoor billboards, which are covered in Section 1333(b)(3).

WRT intends to manufacture the Teton brand of cigarettes in the seven (7) brand styles listed in Schedule A, attached hereto. WRT seeks approval for the simultaneous display of health warnings on the packaging of the Teton brand of cigarettes for the brand styles listed in

Schedule A. This Plan sets forth the manner in which WRT shall comply with the warning label requirements of the Act.

II. Packaging

A. Beginning on the date of approval of this Plan (the "Effective Date") the following label statements required by 15 U.S.C. §1333(a)(1), shall be displayed on the packs and cartons of the Teton brand styles manufactured by WRT:

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.

B. WRT intends to utilize the label statement rotation option provided by 15 U.S.C. §1333(c)(2), to display the four warnings an equal number of times on the packs and cartons of each of the Teton brand styles it manufactures. WRT will ensure equal use of the warning label statements by ordering equal quantities of packaging (packs and cartons) containing each of the four (4) warning label statements. The packaging will be delivered to WRT on pallets. Each pallet will contain a designated quantity of the packaging (e.g., 10,000 units) with an equal quantity of packaging on each pallet containing each of the four (4) warning statements (e.g., 2500 units with warning A, 2500 units with warning B, 2500 units with warning C and 2500 with warning D). WRT will load the packaging inventory from each pallet into the packaging machines and thus, produce finished packages containing the four health warnings in an equal number. Accordingly, the packs and cartons will be printed and distributed using an equal number of all four (4) warning labels. WRT shall maintain records accounting for the number of packs and cartons using each warning label. WRT will equalize the use of the four (4) warning labels on the packs and cartons of all seven (7) Teton brand styles for the one year period beginning on the Effective Date.

WRT's fiscal year runs from October 1, of one calendar year to September 30, of the next calendar year. The estimated annual sales volumes for fiscal year 2019 (October 1, 2018 – September 30, 2019) for the Teton brand styles are set forth in Schedule A. WRT [REDACTED] sales of cigarettes during fiscal year 2017. Further, WRT does not anticipate that the sales volume for any one brand style of cigarettes it manufactures or imports for the one year period beginning on the Effective Date shall exceed one-fourth of one percent of all cigarettes sold in the United States in that year. In addition to Teton, WRT will manufacture American Bison and Nashville brand cigarettes during the one-year period beginning on the Effective Date. WRT renewed sales of American Bison and Nashville brand cigarettes in August of 2018. The estimated combined annual sales volume for fiscal year 2018 (October 1, 2017 – September 30, 2018) for all American Bison and Nashville brand styles is [REDACTED] cigarettes. WRT does not

manufacture or import any other brand of cigarettes. The estimated annual sales volumes for fiscal year 2019 for American Bison and Nashville brand styles are set forth in Schedule B.

The label statements required by 15 U.S.C. §1333(a)(1), shall be printed on the packaging prior to WRT's manufacturing the Teton cigarettes. The warning labels will appear on the packs and cartons of each of the Teton No. 18 brand styles and on the packs of each of the Teton No. 6 brand styles exactly as they appear on the packaging submitted to the FTC with WRT's letter dated September 14, 2018. The warning labels will appear on the cartons of the Teton No. 6 brand styles exactly as they appear on the packaging submitted to the FTC with WRT's letter dated October 5, 2018.

III. Advertising

WRT intends to advertise the Teton cigarettes on certain promotional materials.

A. Beginning on the Effective Date, the following label statements required by 15 U.S.C. §1333(a)(2), shall be rotated in advertisements for the Teton brand of cigarettes manufactured by WRT:

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.

B. The warning labels on WRT's advertising for the Teton brand cigarettes shall be rotated according to the dates listed in Schedule C attached hereto.

C. WRT will comply with the format requirements of the Act by utilizing the warning formats submitted with the 1985 plans of the five (5) leading U.S. cigarette manufacturers and place the warnings as specified in those plans. No such advertisements shall exceed 20 square feet. Copies of the warning formats were provided with WRT's letter to the FTC dated September 14, 2018.

D. Any advertisement prepared for which a label statement is required on or after the Effective Date, shall bear the label statement referenced in Schedule C for the quarter in which the artwork for such advertisement is first delivered in final form for production of the advertisement, regardless of the date(s) on which such advertisement is thereafter published, distributed, installed or displayed; provided however, that the deliveries described in this subparagraph D shall be made in a manner that is consistent with customary business practices or with business considerations unrelated to the rotation obligation imposed by this subparagraph.

E. Any advertisement that includes multiple brands or for no specific brand shall follow the health warning rotation schedule for the Nashville brand of cigarettes.

IV. Miscellaneous

A. Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarettes during any period of time.

B. Please be advised that the sales volume information contained in this Plan is confidential and contains trade secrets and proprietary business information of WRT. WRT does not authorize the release of this sales volume information to anyone without WRT's permission, except as specifically required by law.

If you have any further questions regarding the Plan, please do not hesitate to contact me by email at ckoenigs@ralaw.com or by telephone at (202) 216-8317. As always, your prompt attention and assistance in this matter are greatly appreciated.

Sincerely,

ROETZEL & ANDRESS, LPA


Craig A. Koenigs

Enclosures

SCHEDULE A


The following is a list of the Teton cigarette brand styles that WRT will manufacture and the estimated annual sales volume in cigarettes for fiscal year 2019 (October 1, 2018 to September 30, 2019) for each brand style.

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Estimated Sales Volume</u>
Teton	Kings / Box	No. 18 Blue Kings	
		No. 18 Yellow Kings	
		No. 18 Green Menthol Kings	
	100's / Box	No. 6 Red 100's	
		No. 6 Gold 100's	
		No. 6 Green Menthol 100's	
		No. 6 Black Menthol 100's	

SCHEDULE B

The following is a list of the American Bison and Nashville cigarette brand styles that WRT manufactures. Below are the estimated annual sales volume in cigarettes for the American Bison and Nashville brand cigarettes, respectively, for fiscal year 2019 (October 1, 2018 to September 30, 2019) for each brand style.

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Estimated Sales Volume</u>
American Bison	King / Box	Blue	
		Gold	
		Yellow	
		Green (Menthol)	
		Dark Green (Menthol)	

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Estimated Sales Volume</u>
Nashville	Kings / Box	Red	
		Gold	
		Silver	
		Green (Menthol)	
		Black (Menthol)	
	100's / Box	Red	
		Gold	
		Silver	
		Green (Menthol)	
		Black (Menthol)	

SCHEDULE C

Quarterly Rotation Schedule for Advertising

	Nashville	American Bison	Teton
1 st Quarter (January. – March)	A	D	C
2 nd Quarter (April – June)	B	A	D
3 rd Quarter (July – September)	C	B	A
4 th Quarter (October – December)	D	C	B

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.

Selected packaging samples from those
submitted with the plan.

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

TETON



AMERICAN BLEND

**RED
100's**

WILSON, NC USA

Visit us at: windriver tobacco.com
Wind River Tobacco Co., LLC
Wilson, NC 27893



**No.
6**

**RED
100's**

WILSON, NC USA

Sale only allowed in the United States.

PLEASE DO NOT LITTER

**RED
100's**

AMERICAN BLEND



**No.
9**

**RED
100's**

**No.
6**



**No.
6**

**Underage
Sale
Prohibited**

NO

**CLASS A
20
CIGARETTES**



M-1 2 3 4 5 6
Y-1 19 20
21 11 01 8 7 9 5 2 1

2

WILSON, NC USA

TOBACCO ★ WATER ★ SUN

GREEN MENTHOL KINGS



FSC

GREEN MENTHOL KINGS

TETON



GREEN MENTHOL KINGS

TOBACCO ★ WATER ★ SUN

WILSON, NC USA

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

MENTHOL



GREEN MENTHOL KINGS



TETON



Visit us at: windrivertobacco.com
Wind River Tobacco Co., LLC
Wilson, NC 27893
200 Class A Cigarettes

Underage Sale Prohibited
Sale only allowed in the United States
Teton No. 18 cigarettes are not safer than other cigarettes.



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

Division of
Advertising Practices

October 26, 2018

Craig A. Koenigs, Esq.
Roetzel & Andress, LPA
1300 Pennsylvania Avenue NW, Suite 700
Washington, D.C. 20004

Dear Mr. Koenigs:

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 submitted on behalf of Wind River Tobacco Company, LLC ("WRTC") on October 10, 2018, calling for: (1) quarterly rotation of the four health warnings in advertising up to twenty square feet in size for the Teton brand of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Teton brand of cigarettes.

WRTC's plan for quarterly rotation of the warnings in the aforementioned advertising for the Teton brand of cigarettes is hereby approved. Approval of this advertising plan assumes that the plan is implemented in good faith.

WRTC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated September 14 and October 5, 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, WRTC's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following seven box varieties of the Teton brand: No. 18 Blue Kings, No. 18 Yellow Kings, No. 18 Green Menthol Kings, No. 6 Red 100's, No. 6 Gold 100's, No. 6 Green Menthol 100's, and No. 6 Black Menthol 100's.

This approval of WRTC's plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through October 25, 2019, or until

¹ Although the warnings on some of the sample cartons initially submitted were not sufficiently conspicuous, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

Craig A. Koenigs, Esq.
October 26, 2018
Page 2

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

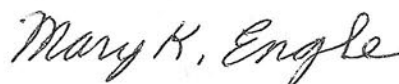
Approval of this plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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



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.

Paige S. Fitzgerald
D 804.697.1404
F 804.698.5114
paige.fitzgerald@troutman.com

October 29, 2018

VIA FEDERAL EXPRESS AND EMAIL

Mr. Will Ducklow
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mailstop CC-10528
Washington, DC 20580

Cigarette Health Warning Plan for Firebird Manufacturing, LLC
PALMETTO brand

Dear Mr. Ducklow:

On behalf of Firebird Manufacturing, LLC ("Firebird"), I hereby submit a Surgeon General's Equalization Plan for Firebird as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended ("FCLAA"), for all styles of PALMETTO brand soft and hard pack varieties. Firebird previously submitted its 2017 Plan Renewal on June 29, 2017 for ten (10) previously approved styles and also submitted a brand expansion plan for five (5) additional hard pack styles on June 29, 2017. Your office approved this plan and expansion on July 5, 2017.

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

Firebird is the manufacturer of the Palmetto brand. Scott D. Batson is the COO of Firebird. The location of the factory is at 1057 Bill Tuck Highway, South Boston, VA 24592. Firebird has not, to date, imported any cigarettes. Firebird expects to export cigarettes in 2018, but has not yet done so.

Palmetto cigarettes are sold in ten (10) soft pack brand styles and five (5) hard pack brand styles. Firebird had a plan approved for the following fifteen (15) brand styles:

- Palmetto Red Kings (soft pack)
- Palmetto Gold Kings (soft pack)
- Palmetto Blue Kings (soft pack)
- Menthol Green Kings (soft pack)
- Palmetto Menthol Gold Kings (soft pack)
- Palmetto Red 100's (soft pack and box)

Palmetto Gold 100's (soft pack and box)
Palmetto Blue 100's (soft pack and box)
Palmetto Menthol Green 100's (soft pack and box)
Palmetto Menthol Gold 100's (soft pack and box)

Firebird's total fiscal year 2017 sales were [REDACTED] sticks.¹ Anticipated sales of Firebird's cigarettes for fiscal year 2018² are anticipated to be approximately [REDACTED] sticks, which should qualify the company for the Section 1333(c)(2) exemption.

The warnings will appear exactly as shown on the sample packs and cartons of Palmetto packaging submitted with the letters dated May 27, 2016, and June 26, 2018.

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

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

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request expedited approval of this request. Should this request conform to your requirements, we request that the letter evidencing approval be emailed to me at paige.fitzgerald@troutmansanders.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.

Very truly yours,

/s/Paige S. Fitzgerald

Paige S. Fitzgerald

cc: Scott D. Batson

¹ Firebird also manufactures the Cherokee brand of cigarettes for Cherokee Tobacco Company. Cherokee Tobacco Company submits the warning plan for the Cherokee brand.

² Note that Firebird Manufacturing LLC uses a calendar year as its fiscal year.

Selected packaging samples from those
submitted with the plan.

Palmetto



Gold

MADE IN USA
KINGS

Underage
Sale
Prohibited

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

Palmetto



Gold

MADE IN USA
KINGS

Palmetto
Gold
KINGS

Firebird Manufacturing, LLC
1057 Bill Tuck Hwy
South Boston, VA 24592
Made In USA

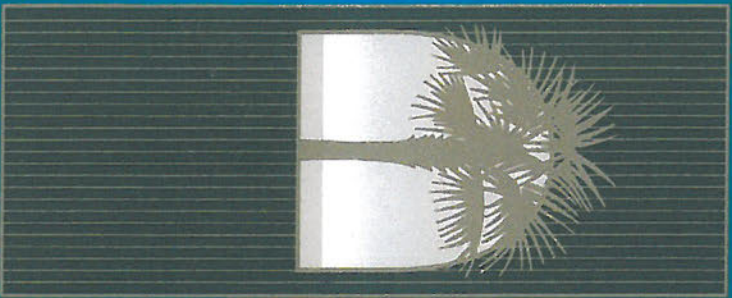


200 Class A Cigarettes

Palmetto

B I L U E
1 0 0 ' S

Firebird Manufacturing, LLC
1057 Bill Tuck Hwy
South Boston, VA 24592
Made In USA



Palmetto®

B I L U E
1 0 0 ' S

MADE IN USA

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

Palmetto

S . 0 0 0 1
B I L U E

UNDERAGE
SALE
PROHIBITED



MADE IN USA



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

Division of
Advertising Practices

October 30, 2018

Paige S. Fitzgerald, Esq.
Troutman Sanders LLP
1001 Haxall Point
P.O. Box 1122
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 Firebird Manufacturing, LLC (“Firebird”) on October 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 Palmetto brand of cigarettes.

Firebird’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters of May 27, 2016 and June 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, Firebird’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following fifteen varieties of the Palmetto brand: Red Kings Soft Pack, Red 100’s (Soft Pack and Box), Gold Kings Soft Pack, Gold 100’s (Soft Pack and Box), Blue Kings Soft Pack, Blue 100’s (Soft Pack and Box), Menthol Green Kings Soft Pack, Menthol Green 100’s (Soft Pack and Box), Menthol Gold Kings Soft Pack, and Menthol Gold 100’s (Soft Pack and Box).

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

¹ Firebird stated in its October 29, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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.

October 30, 2018

Page 2

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

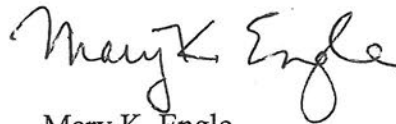
Please note that this letter only approves Firebird's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through October 29, 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

November 2, 2018

Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW CC-10528
Washington, D.C. 20580



OHSERASE
MANUFACTURING LLC

26 Eagle Drive
PO Box 1221
Akwasne, NY 13655
518 358-9309

RE: Surgeon General's Health Warning Equalization Plan for Signal Brand Cigarettes

Dear Sir/Madam:

This is an application for approval of the plan of Ohserase Manufacturing, LLC for the display of the health warnings on its Signal cigarette brand. Ohserase Manufacturing, LLC is a limited liability corporation with offices located at 26 Eagle Drive, Akwasne, New York 13655, mailing address P.O. Box 1221, Akwasne, New York 13655 and the phone number is (518)358-4229.

Ohserase wishes to file a Surgeon General's Health Warning Equalization Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964 for the brand of cigarettes they wish to manufacture in the United States under the brand name "Signal."

The brand styles of Signal brand cigarettes Ohserase intends to manufacture are listed on Exhibit "A." Enclosed with our submission of October 15, 2017 were the actual production packs and cartons for the brand styles listed on Exhibit A showing exactly where and how the four (4) Surgeon General's health warnings will appear on individual packs and cartons Ohserase will be manufacturing for our Signal brand. The warnings will appear exactly as shown on those samples.

Ohserase manufactured approximately [REDACTED] cigarettes in fiscal year 2017 (all were Signal brand). To date, in fiscal year 2018, Ohserase has manufactured [REDACTED] cigarettes (all were Signal). Ohserase anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (Signal) in fiscal year 2018. Ohserase does not import any brand styles of cigarettes.

No one brand style of cigarettes sold by Ohserase has for the past fiscal year constituted more than ¼ of 1% of all the cigarettes sold in the United States in such year, and no one brand style will constitute more than ¼ 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 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, Ohserase wishes to submit a plan to equalize the four health warning statements required by 15 U.S.C. §1333(c) for its Signal brand. Each of the four warning statements will appear on the packs and cartons of each brand style of

Signal brand cigarettes manufactured by Ohserase an equal number of times in the one year period beginning on the date this plan is approved. Ohserase will maintain records demonstrating compliance with this plan.

The individual packs of Signal cigarettes to be manufactured by Ohserase 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. Ohserase will keep a running total of the number of cartons and packs it manufactures with each warning label for each brand style.

Ohserase understands that the FTC is charged with ensuring that Ohserase'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.

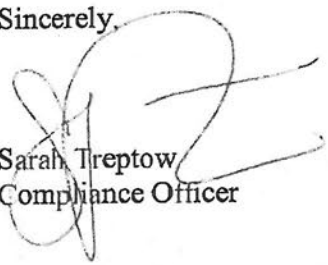
Ohserase will print all four health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die cut each shipment should be approximately equalized for each brand style as manufactured. If, toward the end of the one year period, it appears that the warnings are not equalized on the packs and cartons for each brand style, Ohserase 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.

Ohserase has an advertising plan in place and approved by the Federal Trade Commission. The plan was approved in January of 2013 and has not changed.

We believe this plan complies in all respect with the Federal Cigarette Labeling and Advertising Act, as amended, 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.

If you have any questions I can be reached by phone at (518) 358-4229 extension 1039. Thank you.

Sincerely,



Sarah Treptow
Compliance Officer

Exhibit A

**Ohserase Manufacturing, LLC
Signal Brand Styles**

Full Flavor King Box

Full Flavor 100 Box

Smooth King Box

Smooth 100 Box

Ultra Smooth King Box

Ultra Smooth 100 Box

Menthol King Box

Menthol 100 Box

Menthol Smooth King Box

Menthol Smooth 100 Box

Bold King Box

Bold 100 Box

Max King Box

Max 100 Box



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

Division of
Advertising Practices

November 2, 2018

Ms. Sarah Treptow
Ohserase Manufacturing, LLC
26 Eagle Drive
P.O. Box 1221
Akwesasne, NY 13655

Dear Ms. Treptow:

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 Ohserase Manufacturing, LLC (“Ohserase”) on November 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 Signal brand of cigarettes.

Ohserase’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 October 15, 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, Ohserase’s plan for simultaneous display of the four health warnings on packaging for the following fourteen box varieties of the Signal brand is hereby approved: Full Flavor (Kings & 100’s), Smooth (Kings & 100’s), Ultra Smooth (Kings & 100’s), Menthol (Kings & 100’s), Menthol Smooth (Kings & 100’s), Bold (Kings & 100’s), and Max (Kings & 100’s).

Approval of Ohserase’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 Ohserase stated in its November 2, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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. Sarah Treptow
November 2, 2018
Page 2

Please note that this letter only approves Ohserase'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 Ohserase'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 Ohserase's cigarettes, including, but not limited to, "all natural." Nor does this letter purport to interpret or express any opinion about the adequacy of Ohserase'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 November 1, 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



www.rockrivermfg.com

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

A Division Of Ho-Chunk, Inc.

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

October 16, 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 update to its existing warning label plan for Silver Cloud, Fire Dance, and One Spirit brand of cigarette. On April 23, 2018, Rock River submitted a cigarette health warning display plan for certain Silver Cloud, Fire Dance, and One Spirit brand styles. This plan was approved on April 24, 2018. Rock River now submits packaging for its new brand, Dakota, for approval.

I. PACKAGING

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

A. Warning Label Size and Location

Dakota

Rock River wishes to establish a new plan for the following brand styles:

Dakota:

Dakota Red Kings Box
Dakota Menthol Kings Box
Dakota Gold Kings Box



A Division Of HO-CHUNK, Inc.

- Dakota Menthol Gold 100's Box
- Dakota Menthol 100s Box
- Dakota Silver 100s Box
- Dakota Red 100s Box
- Dakota Gold 100s 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 Dakota brand styles exactly as they appear on the samples that Rock River submitted on August 29th, 2018.

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

Rock River wishes to employ the option for simultaneous display of the four health warnings by displaying the four required warning labels an equal number of times on the packages and cartons of the Dakota 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, and Dakota for our fiscal year January 1, 2017 through December 31, 2017 by style by sticks are as follows:

<u>STYLE</u>	<u>NUMBER OF STICKS</u>
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	



www.rockrivermfg.com

509 Reuben Snake Ave.
Winnebago, NE 68071
P 402.878.4003
F 402.878.2919

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



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

Based on the foregoing sales volume, it appears that the new Dakota brand style qualifies 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 Dakota brand, Copac Inc. 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 Dakota 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 plan for quarterly rotation of the four health warnings in internet advertising for the Silver Cloud brand was approved on May 23, 2016. 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 Division Of Ho-Chunk, Inc.

Rock River does not intend to advertise for the other brands (Seneca, Couture, Opal, and Renards). Rock River does not currently advertise the Dakota brand style on the internet, and if Rock River decides to advertise the Dakota brand style on the internet Rock River will obtain FTC approval prior to advertising.

A. Warning Label Size and Placement

Rock River is seeking an amendment to its advertising plan to include advertisements not to exceed one hundred sixty (160) square feet for its new brand Dakota. Included my letter dated February 15, 2017 were the printed warnings for categories 1, 2, 3, 4, 5, 6, 7 8, 9, 10, and 11. Rock River will use the warnings formats that were submitted by the five leading U.S. cigarette manufacturers with their 1985 plans and we will place the warnings as specified in those plans. Accordingly, for its advertising, Rock River proposes the quarterly rotation of warnings labels in its advertisements set forth in the schedule below.

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



A Division Of Ho-Chunk, Inc.

www.rockrivermfg.com

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

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

Sincerely,

Joseph M. Zebrowski
Director of Legal

Selected packaging samples from those
submitted with the plan.

Dakota



Manufactured for the
Flandreau Santee Sioux Tribe
of South Dakota.
Made in U.S.A.

TP-NE-15000



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

RED 100s
20 CLASS A CIGARETTES

RED 100s
Dakota

RED 100s
20 CLASS A CIGARETTES



Dakota

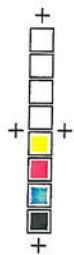
Dakota
RED 100s



M-1 2 3 10
Y
17 20 8 7 8 9 10 11 12

WIN-B

8



UNDERAGE
SALE
PROHIBITED

Zakota™ GOLD 100S

10 HARD PACKS
20 CLASS A CIGARETTES



UNDERAGE
SALE
PROHIBITED



Zakota™ GOLD 100S



UNDERAGE
SALE
PROHIBITED

Zakota™ GOLD 100S

Manufactured for the Flandreau Santee
Sioux Tribe of South Dakota.
Made in U.S.A.

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

TP-NE-15000



8 50746 00485 1

FSC



Division of
Advertising Practices

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

November 6, 2018

Mr. Joseph M. Zebrowski
Rock River Manufacturing
509 Ruben 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 October 16, 2018, calling for: (1) quarterly rotation of the four health warnings in advertising up to one hundred and sixty square feet in size for the Dakota brand of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Dakota brand of cigarettes.

Rock River's plan for rotation of the warnings in the aforementioned advertising for the Dakota brand is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

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 August 29, 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, Rock River's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight box varieties of the Dakota brand: Red (Kings and 100's), Gold (Kings and 100's), Silver 100's, Menthol (Kings and 100's), and Menthol Gold 100's.

¹ Rock River stated in its October 16, 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
November 6, 2018
Page 2

This approval of Rock River's plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through November 5, 2019 or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

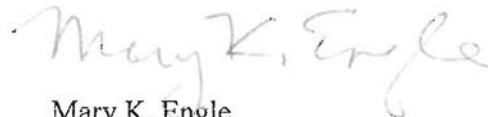
Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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 and size of the warnings in advertising and on packaging for the Dakota brand. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Rock River's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Rock River's 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 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.



Farmers Tobacco Co. of Cynthiana, Inc.
636 US Hwy 27 N, PO Box 98
Cynthiana, KY 41031

October 31, 2018

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

RE: Cigarette Health Warning Plan

Dear Madam:

Farmers Tobacco Co. of Cynthiana, Inc. is a cigarette manufacturer (TP-KY-45) located in Cynthiana, Kentucky. We are submitting this plan to you explaining how we will comply with the health warning display requirements.

Farmers Tobacco Co. of Cynthiana, Inc. owns and manufactures only the brands "Kentucky's Best", "VB Made in the USA", and "Baron American Blend". This is a consolidated plan for all three brands. Please see the attachment to this letter for the brands listings. We do not import any cigarettes.

I. Packaging

According to Section 1333(c)(2), we would like permission to display the four warnings an equal number of times during the year (rather than rotating the warnings quarterly) since our company's annual sales for all brands (Kentucky's Best, VB Made in the USA, and Baron American Blend) are less than one-fourth of one percent of all the cigarettes sold in the United States. We will equalize the four warnings on the packs and cartons of each brand style that we manufacture for the one-year period beginning on the date of approval of this plan and all warnings have been equalized to date. Equalization is achieved by the packaging vendor who will print all four warnings in equal numbers on each printed sheet of packaging for all cartons and packs so that when sheets are cut, the warnings will be equalized on cartons and packs for each brand style. The warnings will appear exactly as shown on the pack and carton samples submitted with our letters dated October 3, 2017, October 17, 2017 and December 7, 2017.

The sales volumes in cigarettes for each brand for fiscal year 2017 were as follows:

Kentucky's Best
VB Made in the USA
Baron American Blend



Anticipated sales volumes in cigarettes for each brand for fiscal year 2018 are as follows:

Kentucky's Best
VB Made in the USA
Baron American Blend



II. Advertisements (other than outdoor billboard advertisements)

Farmers Tobacco Co. of Cynthiana Inc. continues to be in compliance with the advertising plans approved by the FTC on November 18, 2003 and April 18, 2005 for Kentucky's Best, March 25, 2005 for VB Made in the USA and April 27, 2005 for Baron American Blend.

Farmers Tobacco Co. of Cynthiana, Inc. will maintain sufficient records to demonstrate compliance with this plan.

If any further information is required, please call us at 1-866-832-7637 between the hours of 8:00 AM and 5:00 PM EST. Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Straus".

Jennifer Straus
Vice President

Farmers Tobacco Co. of Cynthiana, Inc.

Farmers Tobacco Co. of Cynthiana, Inc.
List of Brand Family Styles

Kentucky's Best

Red King Soft Pack	Red 100 Soft Pack
Gold King Soft Pack	Gold 100 Soft Pack
Red King Hard Pack	Silver 100 Soft Pack
Gold King Hard Pack	Red 100 Hard Pack
Silver King Hard Pack	Gold 100 Hard Pack
Menthol King Hard Pack	Silver 100 Hard Pack
Green King Hard Pack	Menthol 100 Hard Pack
Non-Filter King Soft Pack	Green 100 Hard Pack

VB Made in the USA

Red King Hard Pack	Red 100 Hard Pack
Gold King Hard Pack	Gold 100 Hard Pack
Menthol King Hard Pack	Blue 100 Hard Pack
Non-Filter King Soft Pack	Menthol 100 Hard Pack
	Green 100 Hard Pack

Baron American Blend

Red King Hard Pack	Red 100 Hard Pack
Blue King Hard Pack	Blue 100 Hard Pack
Menthol King Hard Pack	Silver 100 Hard Pack
Non-Filter King Soft Pack	Menthol 100 Hard Pack
	Green 100 Hard Pack



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

Division of
Advertising Practices

November 20, 2018

Ms. Jennifer Straus
Vice President
Farmers Tobacco Co. of Cynthiana, Inc.
636 US Highway 27 North
P.O. Box 98
Cynthiana, KY 41031

Dear Ms. Straus:

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 Farmers Tobacco Co. of Cynthiana, Inc. (“Farmers Tobacco”) on October 31, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “Kentucky’s Best,” “VB Made in the USA,” and “Baron American Blend” brands of cigarettes.

Farmers Tobacco’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the health warnings on the sample packs and cartons submitted with your letters dated October 3, October 17, and December 7, 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, Farmers Tobacco’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Sixteen varieties of the Kentucky’s Best brand: Red Kings (soft pack and hard pack), Gold Kings (soft pack and hard pack), Silver Kings hard pack, Menthol Kings hard pack, Green Kings hard pack, Non-Filter Kings soft pack, Red 100's (soft pack and hard pack),

¹ 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 the Commission has most recently approved.

Gold 100's (soft pack and hard pack), Silver 100's (soft pack and hard pack), Menthol 100's hard pack, and Green 100's hard pack;

- Nine varieties of the VB Made in the USA brand: Red hard pack (Kings and 100's), Gold hard pack (Kings and 100's), Menthol hard pack (Kings and 100's), Non-Filter Kings soft pack, Blue 100's hard pack, and Green 100's hard pack; and
- Nine varieties of the Baron American Blend brand: Red hard pack (Kings and 100's), Blue hard pack (Kings and 100's), Menthol hard pack (Kings and 100's), Non-Filter Kings soft pack, Silver 100's hard pack, and Green 100's hard pack.

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

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

This approval is effective on the date of this letter and runs through November 19, 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.

Ms. Jennifer Straus
November 20, 2018
Page 3

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

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

November 5, 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: Aine Farrell

Cigarette Health Warning Rotation Plan - Amended

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 this change to NTA's current 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. NTA wishes to expand the Plan by adding two (2) new styles of Native brand cigarettes, Menthol Bold King hardpack and Menthol Bold 100's hard pack (hereafter the "Bold Styles") to its current Warning Rotation Plan approved by your office on April 26, 2018. NTA represents that the warnings on the two (2) Native brand cigarette Bold styles listed above will be equalized in the same manner as the other NTA styles of cigarettes.

The cigarettes covered by this amendment will display health warnings complying with the Surgeon General warning language set forth in the statute and will appear exactly as shown on the packaging submitted with our letter dated August 27, 2018. 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 expanded Plan.

NTA also manufactures 22 additional styles of Native brand cigarettes as well as six (6) styles of Mohawk brand cigarettes. NTA does not manufacture or import any other brand styles.

NTA's projected sales figures for all of the Native brand styles for calendar year 2018 (NTA uses the calendar year as its fiscal year) are provided at Exhibits A and A(1). NTA's actual 2017 sales figures for the 22 Native brand styles appear at Exhibit A(1). NTA [REDACTED] Mohawk brand cigarettes in 2017 and [REDACTED] 2018 are projected. Based on the above, NTA requests approval to use the rotation option provided in Section 1333(c)(2) for the Native brand Bold styles. NTA will display the FOUR (4) health warnings an equal number of times on the packs and cartons for each brand style of the Bold Styles of the Native brand, for the one-year period beginning on the date of approval of this Plan. The printing equalization plan for all Native brand styles appears at Exhibit B.

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

Ms Mary Engle
November 5, 2018
Page 3

and February 9, 2011. NTA will maintain compliance with its approved advertising plan for the Native brand. 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

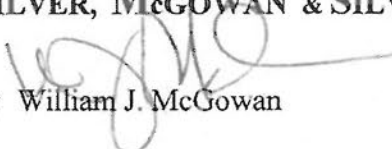


EXHIBIT A

BOLD – PROJECTIONS of SALES November 1, 2018 – October 31, 2019

All Hard Packs

Menthol Bold 100's Box

Menthol Bold King Box



EXHIBIT A(1)

NATIVE Brand Styles Sales and Projections

<u>2017 Sales</u>				<u>2018 Projections</u>			
<u>Style</u>	<u>Cases Sold</u>	<u>Sticks</u>	<u>Style</u>	<u>Cases</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 Kings (Light Green)			Menthol Kings (Light Green)				
Menthol 100's (Light Green)			Menthol 100's (Light Green)				
Menthol100's (Light Green) Box			Menthol100's (Light Green) Box				
Menthol Kings (Light Green) Box			Menthol Kings (Light Green) 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				

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.



Menthol

Made by the
Original Tobacco Traders®

20 Class A Cigarettes



Made by
Native Trading Associates
Mchisak Nation Territory
Akwesasne, NY

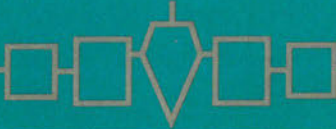


NATIVE.
BOLD

20 Class A Cigarettes

Made by the
Original Tobacco Traders®

Menthol



23

NATIVE.
BOLD

NATIVE.
BOLD

NATIVE.
BOLD

CTP0618 23/2
#69639 37-028
KBA

UNDERAGE
SALE
PROHIBITED



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

NATIVE[®]

Underage Sale Prohibited

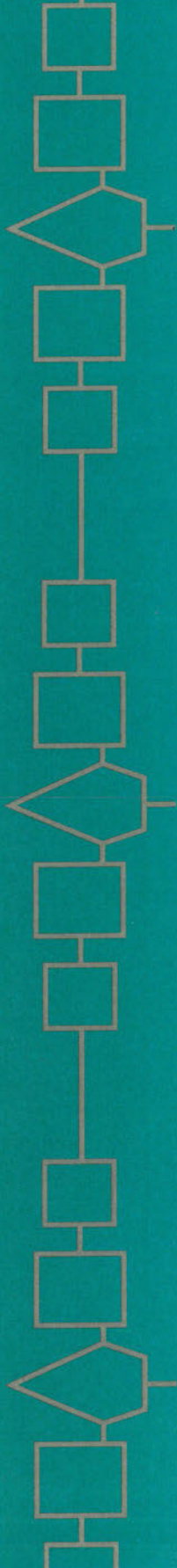
FSC



200 Class A Cigarettes

Menthol 100's
Made by the Original Tobacco Traders[®]
BOX

NATIVE[®]
BOLD





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

Division of
Advertising Practices

November 27, 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, Susan Jesmer d/b/a Native Trading Associates’ (“NTA”) April 25, 2018 plan 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 was approved on April 26, 2018. In a letter dated November 5, 2018, you now propose to expand NTA’s plan to include two additional varieties of the Native brand.

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 August 27, 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 Native Menthol Bold King hard pack and Native Menthol Bold 100’s hard pack varieties.

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

Please note that this letter only approves 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

¹ NTA stated in its November 5, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on August 27, 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.

William J. McGowan, Esq.

November 27, 2018

Page 2

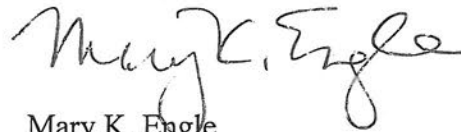
the rotation, size, and conspicuousness of the warnings on NTA's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for NTA's cigarettes. Nor does this letter purport to interpret or express any opinion about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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, 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 November 26, 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

NASCO



PRODUCTS

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

November 13, 2018

Ms. Mary K. Engle
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, N.W.
Room CC-10528
Washington, DC 20580

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

This letter is being submitted for the annual renewal approval of the alternative method to the quarterly Surgeon General Warning rotation plan on packaging of the following eleven (11) varieties of the SF cigarette brand:

Red King Box
Blue King Box
Gray King Box
Menthol Dark Green King Box
Menthol Pale Green King Box
Non-Filter King Soft Pack
Red 100's Box
Blue 100's Box
Gray 100's Box
Menthol Dark Green 100's Box
Menthol Pale Green 100's Box

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

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The Surgeon General Warnings will be on each Pack and Outer Carton of cigarettes in the form and content dictated by the Federal Cigarette Labeling and Advertising Act and therefore satisfactory to the Federal Trade Commission ("FTC"). The warnings will be printed directly on the packaging in a legible and conspicuous manner and will be of a size, format, and type required by the Cigarette

Act. The warnings will be placed on the product in a location which complies with applicable labeling statutes. The warnings will appear exactly as they do on the packs and cartons submitted with our letter dated November 11, 2014.

NASCO Products, LLC believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331. Actual sales figures for the 2017 fiscal year for all the brand styles that we manufacture are provided on Exhibit A. Sales estimates for the 2018 fiscal year for all the brand styles that we manufacture are provided on Exhibit A. Please note, the RED SUN cigarette brand was discontinued November 28, 2017. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes for the one year period covered by this plan.

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

NASCO Products, LLC will continue to comply with its April 25, 2017 plan for Internet advertising of the SF brand of cigarettes.

NASCO Products, LLC, the manufacturer, is aware of the requirements set forth by the FTC in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Cigarette Act. NASCO Products, LLC will maintain record of compliance with the approved plan. If there are any questions or concerns regarding this plan, please contact me at 716-270-1523 (phone), 716-877-3064 (fax), kdelaney@xxiicentury.com (email), or 8560 Main Street, Williamsville, NY 14221 (mailing address).

Sincerely,



Karen E. Delaney
Tax Compliance Manager

EXHIBIT A

Actual sales figures for Fiscal Year 2017

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

Estimated sales figures for Fiscal Year 2018

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

*Discontinued



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

Division of
Advertising Practices

November 27, 2018

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

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by NASCO Products, LLC (“NASCO”) on November 13, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the SF brand of cigarettes.

NASCO’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 November 11, 2014 letter continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, NASCO’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven varieties of the SF brand: Red Box (Kings and 100’s), Blue Box (Kings and 100’s), Gray Box (Kings and 100’s), Menthol Dark Green Box (Kings and 100’s), Menthol Pale Green Box (Kings and 100’s), and Non-Filter Kings Soft Pack.²

¹ NASCO stated in its November 13, 2018 letter that the four health warnings will appear exactly shown on the packs and cartons submitted on this date.

² As set forth in its November 13, 2018 letter, NASCO is using colors to identify its cigarette varieties (*e.g.*, “Menthol Dark Green 100’s”). We note that the color names and the word “menthol” are not printed on the packaging (*e.g.*, the words “Menthol Dark Green” do not appear on the packaging of the “Menthol Dark Green 100’s” variety); however, the color used for a variety’s packaging does conform to the color used in its name.

Ms. Karen E. Delaney

November 27, 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.³ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

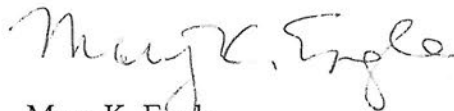
Please note that this letter only approves NASCO's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on NASCO'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 NASCO's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of NASCO'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 November 26, 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) 326-2407.

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.



Geraldine Bowen Barker
Associate General Counsel

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

December 5, 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 Smooth”

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 Smooth King and Winston Smooth 100's Box packs and cartons. Sample packs and cartons are included with this letter for your review and approval.

The revision is being requested as Winston Smooth 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 this letter. 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 Smooth King and Winston Smooth 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 this letter during the 2nd calendar quarter of 2019. ITG Brands will continue to be in compliance with the previously approved June 11, 2015, December 21, 2015 and November 11, 2016 plans for advertising the Winston brand.

If you require any additional information, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Geraldine Bowen Barker'. The signature is written in a cursive, flowing style.
Geraldine Bowen Barker

Selected packaging samples from those
submitted with the plan.

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

Winston
SMOOTH

ITG Brands LLC
Greensboro, NC
27420 USA

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



REAL SMOOTH 100's

13

Winston
SMOOTH

3005962
WIN/B

REAL SMOOTH 100'S

Winston
SMOOTH

Winston
SMOOTH

UNDERAGE
SALE
PROHIBITED

CLASS A
20
CIGARETTES

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

Winston

SMOOTH

REAL SMOOTH BOX



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

Winston

SMOOTH



REAL SMOOTH BOX

Winston

SMOOTH





Division of
Advertising Practices

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

December 18, 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, January 23, 2017, and May 7, 2018.

By letter dated December 5, 2018, you now propose to expand your plan to include the Smooth 100’s Box and Smooth Kings Box varieties of the Winston brand.

The warnings on the sample packs and cartons for the Smooth 100’s Box and Smooth Kings Box varieties of the Winston brand submitted with your December 5, 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 Smooth 100’s Box and Smooth 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 December 5, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on December 5, 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.

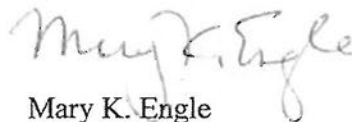
Geraldine Bowen Barker, Esq.
December 18, 2018
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Please note that this letter only approves ITG's expansion of its cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA"). 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 Aine Farrell at (202) 326-2409.

Very truly yours,



Mary K. Engle
Associate Director