



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: April 21, 2023

SUBJECT: Cigarette Labeling and Advertising Act
File No. P854505

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

1. March 25, 2020 letter from Travis G. Heron, Seneca Manufacturing Company to Mary Engle.
2. April 2, 2020 letter from Rick Quaresima to Travis G. Heron, Seneca Manufacturing Company.
3. March 11, 2020 letter from Juan Miguel Araiza, Skookum Creek Tobacco Co., Inc. to Mary K. Engle.
4. April 3, 2020 letter from Rick Quaresima to Juan Miguel Araiza, Skookum Creek Tobacco Co., Inc.
5. April 15, 2020 letter from Victoria Spier Evans, Liggett Group LLC to Mary K. Engle.
6. April 15, 2020 letter from Rick Quaresima to Victoria Spier Evans, Liggett Group LLC.
7. April 16, 2020 letter from Lance Morgan, Rock River Manufacturing to Mary K. Engle.
8. April 17, 2020 letter from Rick Quaresima to Lance Morgan, Rock River Manufacturing.
9. February 25, 2020 letter from Barry M. Boren on behalf of Konci Group (USA), Inc. to Mary Engle.

10. April 30, 2020 letter from Rick Quaresima to Barry M. Boren on behalf of Konci Group (USA), Inc.
11. April 30, 2020 letter from Paige S. Fitzgerald on behalf of Native Trading Associates, LLC to Rick Quaresima.
12. April 30, 2020 letter from Rick Quaresima to Paige S. Fitzgerald on behalf of Native Trading Associates, LLC.
13. April 27, 2020 letter from Heather Enyart, Seneca-Cayuga Tobacco Company to the Division of Advertising Practices.
14. May 1, 2020 letter from Rick Quaresima to Heather Enyart, Seneca-Cayuga Tobacco Company.
15. May 13, 2020 letter from Geraldine Bowen Barker, ITG Brands, LLC to Richard A. Quaresima.
16. May 14, 2020 letter from Rick Quaresima to Geraldine Bowen Barker, ITG Brands, LLC.
17. June 3, 2020 letter from Veronica Vilarchao on behalf of Dosal Tobacco Corporation to Richard Quaresima.
18. June 3, 2020 letter from Rick Quaresima to Veronica Vilarchao on behalf of Dosal Tobacco Corporation.
19. May 20, 2020 letter from Barry M. Boren on behalf of Everything Tobacco, LLC to Mary Engle.
20. June 5, 2020 letter from Rick Quaresima to Barry M. Boren on behalf of Everything Tobacco, LLC.
21. June 15, 2020 letter from Tina M. Bardak, Lake Erie Tobacco Company to Advertising Practices.
22. June 23, 2020 letter from Serena Viswanathan to Tina M. Bardak, Lake Erie Tobacco Company.
23. June 24, 2020 letter from Erlind Hill, Native Wholesale Supply Company to Advertising Practices.
24. June 26, 2020 letter from Serena Viswanathan to Erlind Hill, Native Wholesale Supply Company.

25. June 24, 2020 letter from Robyn Y. Etricks on behalf of Philip Morris USA Inc. to Rick Quaresima.
26. June 29, 2020 letter from Serena Viswanathan to Robyn Y. Etricks on behalf of Philip Morris USA Inc.

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496
175 Rochester Street
Salamanca, NY 14779

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

March 25, 2020

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

Re: Heron, Sands, Warrior and Palma Cigarettes Renewal

Dear Ms. Engle:

Please consider this letter our request for annual compliance.

Our plan requests approval for the simultaneous display of the Surgeon General's warnings on packaging for the following brand styles of cigarettes:

Seneca Manufacturing Company will manufacture the Heron, Sands, Warrior and Palma brands in the following varieties:

Heron Cigarettes -
Red 100's Soft Pack
Gold 100's Soft Pack
Silver 100's Soft Pack
Menthol 100's Soft Pack
Menthol Gold 100's Soft Pack

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

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

Crimson 100's Box

Crimson King Size Box

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON, SANDS, WARRIOR AND PALMA CIGARETTES RENEWAL
March 25, 2020
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No. 33 Black Red 100's Box
No. 33 Black Gold 100's Box
No. 33 Black Menthol 100's Box

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

Sands Cigarettes

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

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

Warrior Cigarettes

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

Red King Size Box
Gold King Size Box
Menthol King Size Box

Palma Cigarettes –

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

Red King Size Box
Gold King Size Box
Menthol King Size Box

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

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples most recently provided to your office with our letters dated December 9, 2016, January 11, 2017, February 14, 2017, April 5, 2017, April 21, 2017, January 29, 2019 and March 6, 2019. Although some of the warnings submitted on December 9, 2016 and April 5, 2017 were not sufficiently clear and conspicuous, corrected samples were provided later.

Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we imported or manufactured for the 2019 fiscal year (calendar year ending December 31, 2019) are set out in Exhibit B (we are also the contract manufacturer for the Tracker brand for Azuma Corporation). The anticipated 2020 sales are set out in Exhibit A. Seneca Manufacturing Company imports only the Heron Non-Filter King Size Box style of cigarettes. Seneca Manufacturing Company manufactures all of the other styles of cigarettes noted above.

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON, SANDS, WARRIOR AND PALMA CIGARETTES RENEWAL
March 25, 2020
PAGE 3

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons of each Heron, Sands, Warrior and Palma cigarette brand style listed above an equal number of times for the one year period beginning on the date of approval of this plan.

To ensure the cigarette health warnings appear on the Heron, Sands, Warrior and Palma cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. Seneca Manufacturing Company will maintain records of compliance with the approved plan.

We will continue to advertise according to our plan approved by the FTC on December 19, 2007 (Heron) and November 8, 2011 (Sands). At this point in time, there is no plan to advertise the Warrior and Palma brands of cigarettes. If Seneca Manufacturing does want to advertise these brands, we will submit a plan for approval before engaging in any advertising.

Seneca Manufacturing Company has an agreement with the manufacturer of the Heron Non-Filter King style that for every pallet sent, the four (4) cigarette health warnings will be rotated an equal number of times, with approximately 200 units between each warning. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, Seneca Manufacturing Company will place an order of the specific warning label(s) that need to be equalized. This practice will be utilized for the styles that are imported and for those that Seneca Manufacturing Company manufactures.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Travis G. Heron
Partner

Exhibit A

Brand	Style	2020 Estimate Sticks
Heron	No. 33 Black Red King Box	
Heron	No. 33 Black Gold King Box	
Heron	No. 33 Black Menthol King Box	
Heron	No. 33 Black Red 100 Box	
Heron	No. 33 Black Gold 100 Box	
Heron	No. 33 Black Menthol 100 Box	
Heron	Crimson King Box	
Heron	Red King Box	
Heron	Gold King Box	
Heron	Silver King Box	
Heron	Menthol King Box	
Heron	Menthol Gold King Box	
Heron	Non-Filter King Box	
Heron	Crimson 100 Box	
Heron	Red 100 Box	
Heron	Gold 100 Box	
Heron	Silver 100 Box	
Heron	Menthol 100 Box	
Heron	Menthol Gold 100 Box	
Heron	Red 100 SP	
Heron	Gold 100 SP	
Heron	Silver 100 SP	
Heron	Menthol 100 SP	
Heron	Menthol Gold 100 SP	
Palma	Red King Box	
Palma	Gold King Box	
Palma	Menthol King Box	
Palma	Red 100 Box	
Palma	Gold 100 Box	
Palma	Menthol 100 Box	
Sands	Red King Box	
Sands	Gold King Box	
Sands	Silver King Box	
Sands	Menthol King Box	
Sands	Menthol Blue King Box	
Sands	Red 100 Box	
Sands	Gold 100 Box	
Sands	Silver 100 Box	
Sands	Menthol 100 Box	
Sands	Menthol Blue 100 Box	
Warrior	Red King Box	
Warrior	Gold King Box	
Warrior	Menthol King Box	
Warrior	Red 100 Box	
Warrior	Gold 100 Box	
Warrior	Menthol 100 Box	

Exhibit B

Brand	Style	Actual 2019 Sales by Stick
Heron	No. 33 Black Red King Box	
Heron	No. 33 Black Gold King Box	
Heron	No. 33 Black Menthol King Box	
Heron	No. 33 Black Red 100 Box	
Heron	No. 33 Black Gold 100 Box	
Heron	No. 33 Black Menthol 100 Box	
Heron	Crimson King Box	
Heron	Red King Box	
Heron	Gold King Box	
Heron	Silver King Box	
Heron	Menthol King Box	
Heron	Menthol Gold King Box	
Heron	Non-Filter King Box	
Heron	Crimson 100 Box	
Heron	Red 100 Box	
Heron	Gold 100 Box	
Heron	Silver 100 Box	
Heron	Menthol 100 Box	
Heron	Menthol Gold 100 Box	
Heron	Red 100 SP	
Heron	Gold 100 SP	
Heron	Silver 100 SP	
Heron	Menthol 100 SP	
Heron	Menthol Gold 100 SP	
Palma	Red King Box	
Palma	Gold King Box	
Palma	Menthol King Box	
Palma	Red 100 Box	
Palma	Gold 100 Box	
Palma	Menthol 100 Box	
Sands	Red King Box	
Sands	Gold King Box	
Sands	Silver King Box	
Sands	Menthol King Box	
Sands	Menthol Blue King Box	
Sands	Red 100 Box	
Sands	Gold 100 Box	
Sands	Silver 100 Box	
Sands	Menthol 100 Box	
Sands	Menthol Blue 100 Box	
Warrior	Red King Box	
Warrior	Gold King Box	
Warrior	Menthol King Box	
Warrior	Red 100 Box	
Warrior	Gold 100 Box	
Warrior	Menthol 100 Box	



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

Division of
Advertising Practices

April 2, 2020

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

Dear Mr. Heron:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca Manufacturing Company (“Seneca”) on March 25, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron, Palma, Sands, and Warrior brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Heron	December 9, 2016 January 11, 2017 April 5, 2017 April 21, 2017
Palma	January 29, 2019

¹ Seneca stated in its March 25, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although some of the warnings on the cartons submitted on December 9, 2016 and April 5, 2017 did not meet the size requirements of the Cigarette Act or were not sufficiently conspicuous, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

<u>Brand</u>	<u>Date(s)</u>
Sands	December 9, 2016 February 14, 2017
Warrior	March 6, 2019

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

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

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

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

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

Mr. Travis G. Heron
April 2, 2020
Page 3

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

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

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 April 1, 2021, 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,

RICHARD
QUARESIMA

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RICHARD QUARESIMA
Date: 2020.04.02
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Rick Quaresima
Associate Director (Acting)



March 11, 2020

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

Dear Ms. Engle:

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

Skookum Creek Tobacco Company currently produces two brand families of cigarettes, "Complete," and "Premis". A rotation plan was approved May 10, 2019, for these brand families.

Warnings for existing brand styles will appear exactly as shown on the sample packaging submitted on the following dates: October 15, 2015, October 30, 2015, April 17, 2017 and May 17, 2017. Skookum Creek Tobacco Company is seeking approval for the brand styles identified in Exhibit A

No brand style manufactured by Skookum Creek Tobacco in fiscal year 2019 exceeded the sales limits in 15 U.S.C. § 1333(c)(2)(A)(i). A copy of Skookum Creek Tobacco's 2019 fiscal sales figures as well as current fiscal year sales to date and estimates for all brand styles is attached as Exhibit B. Units as shown are in sticks. Please note that the fiscal year for Skookum Creek Tobacco Company runs October 1 to September 30, concurrent with the federal fiscal year.

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

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

Skookum Creek Tobacco Company continues to be in compliance with its plan for Internet advertising as approved July 16, 2007 for Complete and Premis. Skookum Creek Tobacco Co., Inc. does not advertise its cigarettes in any other format or medium.

Sincerely,

Juan Miguel (Mike) Araiza, General Manager

Exhibit A

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

COMPLETE	PREMIS
Full Flavor Kings (Hard Pack) High Air Kings (Hard Pack) Ultra High Air Kings (Hard Pack) Menthol Kings (Hard Pack) Menthol High Air Kings (Hard Pack) Non Filtered Kings (Hard Pack) Full Flavor 100s (Hard Pack) High Air 100's (Hard Pack) Ultra High Air 100s (Hard Pack) Menthol 100s (Hard Pack) Menthol High Air 100s (Hard Pack)	Full Flavor Kings (Hard Pack) High Air Kings (Hard Pack) Ultra High Air Kings (Hard Pack) Menthol Kings (Hard Pack) Menthol High Air Kings (Hard Pack) Full Flavor 100s (Hard Pack) High Air 100's (Hard Pack) Ultra High Air 100s (Hard Pack) Menthol 100s (Hard Pack) Menthol High Air 100s (Hard Pack)

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

Product Item #	Brand Family	Brand Name	Units Sold FY 2019	Projected FY 2020	Current FY20 Sales 10/2019 to 2/2020
01-50123	Premis 85mm Full Flavor Hard Box	Premis			
01-50124	Premis 85mm High Air Hard Box	Premis			
01-50125	Premis 85mm Ultra High Air Hard Box	Premis			
01-50126	Premis 85mm Menthol Hard Box	Premis			
01-50127	Premis 85mm Menthol High Air Hard Box	Premis			
01-50128	Premis 100mm Full Flavor Hard Box	Premis			
01-50129	Premis 100mm High Air Hard Box	Premis			
01-50130	Premis 100mm Ultra High Air Hard Box	Premis			
01-50131	Premis 100mm Menthol Hard Box	Premis			
01-50132	Premis 100mm Menthol High Air Hard Box	Premis			
01-50071	Complete FSC 100mm Full Flavor Hard Box	Complete			
01-50072	Complete FSC 100mm High Air Hard Box	Complete			
01-50073	Complete FSC 100mm Ultra High Air Hard Box	Complete			
01-50074	Complete FSC 100mm Menthol Hard Box	Complete			
01-50075	Complete FSC 100mm Menthol High Air Hard Box	Complete			
01-50076	Complete FSC 85mm Full Flavor Hard Box	Complete			
01-50077	Complete FSC 85mm High Air Hard Box	Complete			
01-50078	Complete FSC 85mm Ultra High Air Hard Box	Complete			
01-50079	Complete FSC 85mm Menthol Hard Box	Complete			
01-50080	Complete FSC 85mm Menthol High Air Hard Box	Complete			
01-50081	Complete FSC 85mm Non Filter Hard Box	Complete			



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

Division of
Advertising Practices

April 3, 2020

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

Dear Mr. Araiza:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Skookum Creek Tobacco Co., Inc. (“Skookum Creek”) on March 11, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Complete and Premis brands of cigarettes.

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

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

¹ Skookum Creek stated in its March 11, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

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

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

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

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

This approval is effective on the date of this letter and runs through April 2, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Mr. Juan Miguel Araiza

April 3, 2020

Page 3

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

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by
RICHARD QUARESIMA
Date: 2020.04.03
07:52:41 -04'00'

Rick Quaresima
Associate Director (Acting)



Victoria Spier Evans
Vice President & General Counsel

Tel 919-990-3590
Fax 919-990-3505
vspierevans@lvbrands.com
(Admitted in DC and PA)

April 15, 2020

BY FEDEX

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

Re: Renewal of Liggett Group LLC Cigarette Warning Rotation Plan
Approved April 18, 2019

Dear Ms. Engle:

Liggett Group LLC (“Liggett”) hereby applies for approval of its Label Statement Rotation Plan (“Plan”) pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“Act”) for certain brand styles of the brands BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID (except for the one brand style discussed below), and TOURNEY, that were included in our Plan approved by the FTC by letter dated April 18, 2019 and will expire on April 17, 2020.

Except for the brand style PYRAMID Red 100s Box discussed below, which is subject to quarterly warning rotation, Liggett is applying for simultaneous rotation of the four warnings required by the Act, to be implemented in accordance with Section 2(d) of the Plan, as originally approved by the Federal Trade Commission (“FTC”) on September 19, 1985. This application is for a one-year period beginning on the date of approval of this application. Liggett requests simultaneous rotation of the four warnings with respect to all brand styles listed on Exhibit B enclosed with my letter of January 24, 2020 except for the brand style PYRAMID Red 100s Box which is subject to quarterly warning rotation.

Through the date of this request, the Surgeon General's warnings on the packages for all of Liggett's brand styles that are approved for equalization have been equalized in accordance with the Plan. Liggett box packs are printed in such a way that all four warnings are printed with each revolution of one printing cylinder. For the cartons, two printing cylinders are alternated during the printing process to achieve equal warnings within a single pallet of packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of the four warnings. In the manufacturing process, packaging is taken from the pallet and loaded into the packaging equipment as it is removed from the pallet, in the order that it is on the pallet, without any attempt to adjust or control that order. Accordingly, as the pallets of packing are used in the manufacturing process, the cigarettes produced using that packaging from those pallets will bear each of the four warnings in equal numbers, subject to limitations to the commercial printing and manufacturing practices.

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

However, in Liggett's calendar year 2018, the gross units of PYRAMID Blue 100s Box dropped below one-quarter of one percent of the total United States cigarette market which would qualify it for simultaneous warnings rotation. In Liggett's 2019 plan, Liggett did not request simultaneous warning rotation for PYRAMID Blue 100's Box and maintained the current quarterly warning rotation for this brand style. In this year's plan, Liggett wishes to change PYRAMID Blue 100's Box to simultaneous warning rotation.

Enclosed with my letter of January 24, 2020 was my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette unit sales in Liggett's most recent fiscal year (calendar year 2019). This information shows that, with the exception of PYRAMID Red 100s Box, Liggett's sales of any one brand style did not exceed one-fourth of one percent of all cigarettes sold in the United States in 2019, and more than one-half of the cigarettes sold by Liggett were packaged into brand styles that meet this requirement. Accordingly, pursuant to the Act and the Plan, all but the PYRAMID Red 100s Box brand style identified above qualify for simultaneous rotation of the four warnings required by the Act.

Except for PYRAMID Red 100s Box, the warnings required by the Act will be printed on the packs and cartons of all brand styles with respect to all brand styles listed on Exhibit B enclosed with my letter of January 24, 2020 an equal number of times within the one-year period beginning on the date of approval of this application. These warnings will appear exactly as

shown on the sample packaging submitted on September 19, 2017 and April 4, 2019 in connection with Liggett's Plan.

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

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

Very truly yours,



Victoria Spier Evans

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF VICTORIA SPIER EVANS

Victoria Spier Evans, being first duly sworn, deposes and says:

1. I am Vice President & General Counsel of Liggett Group LLC ("Liggett").
2. On August 31, 1985, Liggett filed its Label Statement Rotation Plan ("Plan") pursuant to Section 4(c) of the Federal Cigarette Labeling and Advertising Act ("Act"). The Federal Trade Commission approved the Plan on September 19, 1985 and has approved renewals of the Plan every year since then, most recently on April 18, 2019.
3. Under Section 4(c)(2)(A) of the Act and Section 2(d) of the Plan, the Surgeon General's Warnings on the packaging of a particular brand style may be rotated on a simultaneous basis if: (1) the number of cigarettes of such brand style sold in the fiscal year of Liggett preceding the submission of this application was less than one-fourth of one percent of all cigarettes sold in the United States in such year; and (2) more than one-half of the cigarettes sold by Liggett in the United States were packaged into brand styles that meet the foregoing requirement. Liggett's most recent fiscal year was calendar year 2019.
4. Attached to this affidavit as Exhibit A is a copy of "Total Cigarette Industry Shipment Volume Estimation, Results for December 2019," published by Management Science Associates, Inc., which is a leading compiler and publisher of cigarette industry data. Exhibit A shows that approximately [REDACTED] cigarettes were sold in the United States during calendar year 2019. One quarter of one percent of [REDACTED] cigarettes is approximately [REDACTED] cigarettes.
5. Attached to this affidavit as Exhibit B are the sales figures for calendar year 2019 for all brand styles manufactured by Liggett. Exhibit B shows that all but one brand style manufactured by Liggett had sales in 2019 of fewer than [REDACTED] cigarettes, and more than half of the cigarettes sold by Liggett in 2019 were packaged into brand styles that had sales in 2019 of fewer than [REDACTED] cigarettes. Accordingly, all but one Liggett brand style are eligible for simultaneous warning rotation. The PYRAMID Red 100s Box style had sales over [REDACTED] cigarettes in calendar year 2019 and therefore, does not qualify for simultaneous warning rotation.
6. Accordingly, Liggett is eligible to apply for simultaneous warning rotation as provided in Section 2(d) of the Plan. Pursuant to the Act and the Plan, all Liggett brand styles except PYRAMID Red 100s Box qualify for simultaneous warning rotation.

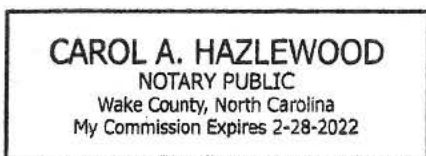
Victoria Spier Evans
Victoria Spier Evans

Sworn to and subscribed before me,
this 24th day of January, 2020

Carol A. Hazlewood

Carol A. Hazlewood
Notary Public, State of North Carolina

My commission expires: February 28, 2022



TOTAL CIGARETTE INDUSTRY SHIPMENT VOLUME ESTIMATION - REVISED

Results for December 2019

1. Overview

This report contains the results from the cigarette shipment volume estimation procedure developed by Management Science Associates, Inc. (MSAi). It provides current estimates of Total Market volumes for the 1st Quarter 2019, 2nd Quarter 2019, 3rd Quarter 2019, 4th Quarter 2019, Total 2019, and October 2019 – December 2019. These results will be used in the December 2019 CRA Total U.S. deliverables.

2. Market Size Estimates

Market Size Estimates								
<i>(Millions of Cigarettes)</i>								
	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Tot 19	Oct-19	Nov-19	Dec-19
CRA Domestic								
Non CRA SPM Dom								
NPM Domestic								
Total Imports								
Total Market								
Total CRA								
Total AOM								
% AOM								

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

Exhibit B

**Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
January 24, 2020**

2019 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2019 Units Sold
1	BRONSON	Full Flavor Filter Kings Box	
2	BRONSON	Full Flavor Filter 100's Box	
3	BRONSON	Gold Kings Box	
4	BRONSON	Gold 100's Box	
5	BRONSON	Silver Kings Box	
6	BRONSON	Full Flavor Menthol Kings Box	
7	BRONSON	Gold Menthol Kings Box	
	TOTAL BRONSON		
1	CLASS A	Non-Filter Kings Box	
2	CLASS A	Full Flavor Filter 100's Box	
3	CLASS A	Filter Kings Box	
4	CLASS A	Filter 100's Box	
5	CLASS A	Blue 100's Box	
6	CLASS A	Menthol Filter Kings Box	
7	CLASS A	Menthol Filter 100's Box	
	TOTAL CLASS A		
1	EVE	Amethyst 120's Box	
2	EVE	Sapphire 120's Box	
3	EVE	Menthol Emerald 120's Box	
4	EVE	Menthol Turquoise 120's Box	
	TOTAL EVE		
1	GRAND PRIX	Non-Filter Classic Kings Box	
2	GRAND PRIX	Filter Red Kings Box	
3	GRAND PRIX	Filter Red 100s Box	
4	GRAND PRIX	Blue Kings Box	
5	GRAND PRIX	Blue 100s Box	
6	GRAND PRIX	Orange 100s Box	
7	GRAND PRIX	Menthol Gold Kings Box	
8	GRAND PRIX	Menthol Gold 100s Box	
9	GRAND PRIX	Menthol Silver 100s Box	
	TOTAL GRAND PRIX		
1	LIGGETT SELECT	Non-Filter Kings Box	
2	LIGGETT SELECT	Red Kings Box	
3	LIGGETT SELECT	Red 100's Box	
4	LIGGETT SELECT	Blue Kings Box	
5	LIGGETT SELECT	Blue 100s Box	
6	LIGGETT SELECT	Orange Kings Box	
7	LIGGETT SELECT	Orange 100s Box	

Exhibit B

**Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
January 24, 2020**

2019 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2019 Units Sold
8	LIGGETT SELECT	Menthol Gold Kings Box	
9	LIGGETT SELECT	Menthol Gold 100's Box	
10	LIGGETT SELECT	Menthol Silver Kings Box	
11	LIGGETT SELECT	Menthol Silver 100's Box	
	TOTAL LIGGETT SELECT		
1	MONTEGO	Red Kings Box	
2	MONTEGO	Red 100s Box	
3	MONTEGO	Blue Kings Box	
4	MONTEGO	Blue 100s Box	
5	MONTEGO	Orange 100s Box	
6	MONTEGO	Menthol Gold Kings Box	
7	MONTEGO	Menthol Gold 100s Box	
8	MONTEGO	Menthol Silver Kings Box	
9	MONTEGO	Menthol Silver 100s Box	
	TOTAL MONTEGO		
1	PYRAMID	Non-Filter Kings Box	
2	PYRAMID	Red Kings Box	
3	PYRAMID	Red 100s Box	
4	PYRAMID	Blue Kings Box	
5	PYRAMID	Blue 100s Box	
6	PYRAMID	Orange Kings Box	
7	PYRAMID	Orange 100s Box	
8	PYRAMID	Menthol Gold Kings Box	
9	PYRAMID	Menthol Gold 100s Box	
10	PYRAMID	Menthol Silver Kings Box	
11	PYRAMID	Menthol Silver 100s Box	
	TOTAL PYRAMID		
1	TOURNEY	Non-Filter Kings Box	
2	TOURNEY	Full Flavor Kings Box	
3	TOURNEY	Full Flavor 100's Box	
4	TOURNEY	Gold Kings Box	
5	TOURNEY	Gold 100's Box	
6	TOURNEY	Menthol Full Flavor Kings Box	
7	TOURNEY	Menthol Full Flavor 100's Box	
8	TOURNEY	Menthol Gold Kings Box	
9	TOURNEY	Menthol Gold 100's Box	
10	TOURNEY	Slims Blue 120's Box	
11	TOURNEY	Slims Rose 120's Box	

Exhibit B

**Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
January 24, 2020**

2019 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2019 Units Sold
12	TOURNEY	Slims Menthol Teal 120's Box	
	TOTAL TOURNEY		



Division of
Advertising Practices

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

April 15, 2020

Victoria Spier Evans
Vice President & General Counsel
Liggett Group LLC
100 Maple Lane
Mebane, NC 27302

Dear Ms. Evans:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Liggett Group LLC (“Liggett”) on April 15, 2020 calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronson, Class A, Eve, Grand Prix, Liggett Select, Montego, Pyramid, and Tourney brands of cigarettes.

Liggett’s sales of the following brand styles appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging,¹ and the warnings on the sample packs and cartons submitted with your September 19, 2017 and April 4, 2019 letters continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.² Accordingly, Liggett’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Seven Box varieties of the Bronson brand: Full Flavor (Kings and 100’s), Full Flavor Menthol Kings, Gold (Kings and 100’s), Silver Kings, and Gold Menthol Kings;
- Seven Box varieties of the Class A brand: Non-Filter Kings, Full Flavor 100’s, Filter Kings, Filter 100’s, Blue 100’s, Menthol Filter Kings, and Menthol Filter 100’s;

¹ Liggett’s plan for quarterly rotation of the four health warnings on packaging for the Pyramid Red 100’s Box variety was approved on June 10, 2011 and does not require annual approval.

² Liggett stated in its April 15, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

- Four Box varieties of the Eve brand: Amethyst 120's, Sapphire 120's, Menthol Emerald 120's, and Menthol Turquoise 120's;
- Nine Box varieties of the Grand Prix brand: Non-Filter Classic Kings, Filter Red (Kings and 100's), Blue (Kings and 100's), Orange 100's, Menthol Gold (Kings and 100's), and Menthol Silver 100's;
- Eleven Box varieties of the Liggett Select brand: Red (Kings and 100's), Blue (Kings and 100's), Orange (Kings and 100's), Menthol Gold (Kings and 100's), Menthol Silver (Kings and 100's), and Non-Filter Kings;
- Nine Box varieties of the Montego brand: Red (Kings and 100's), Blue (Kings and 100's), Orange 100's, Menthol Gold (Kings and 100's), and Menthol Silver (Kings and 100's);
- Ten Box varieties of the Pyramid brand: Non-Filter Kings, Red Kings, Blue (Kings and 100's), Orange (Kings and 100's), Menthol Gold (Kings and 100's), and Menthol Silver (Kings and 100's); and
- Twelve Box varieties of the Tourney brand: Non-Filter Kings, Full Flavor (Kings and 100's), Gold (Kings and 100's), Menthol Full Flavor (Kings and 100's), Menthol Gold (Kings and 100's), Slims Rose 120's, Slims Blue 120's, and Slims Menthol Teal 120's.

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

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

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

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

Victoria Spier Evans
April 15, 2020
Page 3

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

This approval is effective on the date of this letter and runs through April 14, 2021, 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,

RICHARD QUARESIMA
Digitally signed by RICHARD QUARESIMA
Date: 2020.04.15 15:48:48 -04'00'

Richard Quaresima
Associate Director (Acting)



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

April 16, 2020

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

Dear Ms. Engle & Ms. McGregor:

Please find enclosed Rock River Manufacturing's renewal to its existing warning label plan for Silver Cloud, Fire Dance, One Spirit, and Dakota brands of cigarette. On April 19, 2019, Rock River submitted a cigarette health warning display plan for certain Silver Cloud, Fire Dance, and One Spirit styles. The plan for Silver Cloud, Fire Dance, One Spirit, and Dakota was approved on April 19, 2019.

I. PACKAGING

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

A. Warning Label Size and Location

Rock River wishes to renew its plan for the following brand styles:

Silver Cloud, Fire Dance, One Spirit, and Dakota

Silver Cloud:

Silver Cloud Red 100 Box
Silver Cloud Gold 100 Box

Silver Cloud Red King Box
Silver Cloud Gold King Box

Mary K. Engle
Page 2
April 16, 2020

Silver Cloud Silver 100 Box
Silver Cloud Menthol 100 Box
Silver Cloud Menthol Gold 100 Box

Silver Cloud Menthol King Box

Fire Dance:

Fire Dance Regular Full Flavor 100 Box
Fire Dance Regular Smooth 100 Box
Fire Dance Regular Ultra Smooth 100 Box
Fire Dance Menthol 100 Box
Fire Dance Menthol Smooth 100 Box

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

One Spirit:

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

One Spirit Regular Full Flavor King Box
One Spirit Regular Smooth King Box
One Spirit Menthol King Box

Dakota:

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

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

The cartons and packages were prepared in accordance with the precise wording, capitalization, and punctuation of the warnings under section 1333(a)(1) of the FCLAA and in compliance with the requirements for placement and size of the warnings on the packing under Section 1333(b) of the FCLAA. The required warnings will appear on both the actual packages and cartons of the foregoing Silver Cloud, Fire Dance, and One Spirit brand styles exactly as they appear on the samples that Rock River submitted on February 16, 2017, and on the Dakota brand styles exactly as they appear on the samples that Rock River submitted on August 29, 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 Silver Cloud, Fire Dance, One Spirit, and Dakota brand styles listed above for the one-year period beginning on the date of approval of this plan. The warnings on all packages have been equalized to-date.


Rock River's sales figures for all brand styles of the manufactured Silver Cloud, Fire Dance, and Dakota for the fiscal year of January 1, 2019 through December 31, 2019 by style by sticks are as follows:

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

Silver Cloud Red 100s Box	
Silver Cloud Gold 100s Box	
Silver Cloud Silver 100s Box	
Silver Cloud Menthol 100s Box	
Silver Cloud Menthol Gold 100s Box	
Silver Cloud Red King Box	
Silver Cloud Gold King Box	
Silver Cloud Menthol King Box	

Fire Dance Red 100s Box
Fire Dance Red King 100 Box
Fire Dance Gold 100s Box
Fire Dance Gold King Box
Fire Dance Menthol 100s Box
Fire Dance Menthol King Box
Fire Dance Menthol Gold 100s Box
Fire Dance Silver 100s Box

Dakota Red 100s Box
Dakota Red Kings Box
Dakota Gold 100s Box
Dakota Gold King Box
Dakota Menthol 100s Box
Dakota Menthol King Box
Dakota Menthol Gold 100s Box
Dakota Silver 100s Box

Rock River also plans to manufacture One Spirit brand  sales in 2019. Rock River does not import or manufacture any other brands or brand styles than those listed above including Couture, Opal, Seneca, and Renards.

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

Rock River will comply with the Cigarette Act by having its supplier of packaging for its manufactured Silver Cloud, Fire Dance, One Spirit, and 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 Silver Cloud, Fire Dance, One Spirit, and 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's October 16, 2018 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size for the Dakota brand was approved on November 6, 2018. Rock River will maintain compliance with these plans.

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 Rotation

Rock River will maintain the following quarterly rotation schedule for advertising of the Silver Cloud, One Spirit, Fire Dance, and Dakota 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.

Mary K. Engle
Page 5
April 16, 2020

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

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,



Lance Morgan
President



Division of
Advertising Practices

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

April 17, 2020

Mr. Lance Morgan
Rock River Manufacturing
509 Reuben Snake Ave.
Winnebago, NE 68071

Dear Mr. Morgan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Rock River Manufacturing (“Rock River”) on April 16, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Dakota, Fire Dance, One Spirit, and Silver Cloud brands of cigarettes.

Rock River’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated February 16, 2017 and August 29, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Eight box varieties of the 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;
- Eight box varieties of the Fire Dance brand: Regular Full Flavor (Kings and 100’s), Regular Smooth (Kings and 100’s), Regular Ultra Smooth 100’s, Menthol (Kings and 100’s), and Menthol Smooth 100’s;

¹ Rock River stated in its April 16, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

Mr. Lance Morgan

April 17, 2020

Page 2

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

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

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

This approval is effective on the date of this letter and runs through April 16, 2021 or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Mr. Lance Morgan
April 17, 2020
Page 3

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

Very truly yours,

RICHARD QUARESIMA
Digitally signed by
RICHARD QUARESIMA
Date: 2020.04.17
16:13:46 -04:00

Rick Quaresima
Associate Director (Acting)

LAW OFFICES OF
BARRY M. BOREN

borenlaw@bellsouth.net

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

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

February 25, 2020

Sent via email: bmcgregor@ftc.gov

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

Attention: Bonnie McGregor

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

Dear Ms. McGregor:

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

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

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

In fiscal year 2019, Konci manufactured approximately [REDACTED] Golden Deer brand cigarettes.² In fiscal year 2020 to date, it has manufactured [REDACTED] Golden Deer brand cigarettes. Konci anticipates manufacturing approximately [REDACTED] Golden Deer cigarettes in fiscal year 2020.

In addition to the Golden Deer cigarettes Konci is manufacturing in the United States, it also imports Chung Hwa brand cigarettes and Double Happiness brand cigarettes. In fiscal year 2019, Konci [REDACTED] sticks of Chung Hwa cigarettes [REDACTED] and [REDACTED] sticks of Double Happiness brand cigarettes [REDACTED]. In fiscal year 2020 to date, Konci has [REDACTED] imported or manufactured any Chung Hwa brand cigarettes [REDACTED] and it has not imported or manufactured any Double Happiness brand cigarettes [REDACTED]. In fiscal year 2020, Konci anticipates importing approximately [REDACTED] sticks of Chung Hwa and [REDACTED] sticks Double Happiness brand cigarettes. It does [REDACTED] Chang Hwa or Double Happiness brand cigarettes [REDACTED]. Konci does not import or manufacture any other brands. Konci imports other brands for the Duty Free market. None of these brands are imported into the United States and none are for domestic distribution.

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

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

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

For the Golden Deer brand styles listed on Exhibit A, Konci will print all four (4) health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die cut, each shipment should be approximately equalized for each brand style as manufactured. If, toward the end of the one year period, it appears

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

that the warnings are not equalized on the packs and cartons for each brand style, Konci will place special orders for the specific health warnings needed to ensure that the display of all

four warnings is equalized on the packs and cartons for each brand style by the plan's anniversary date.

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

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

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

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

GOLDEN DEER

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

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



Division of
Advertising Practices

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

April 30, 2020

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Konci Group (USA), Inc. (“Konci”) on February 25, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Golden Deer brand of cigarettes.

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

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

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

¹ Konci stated in its February 25, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on March 23, 2018. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

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

Barry M. Boren, Esq.

April 30, 2020

Page 2

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

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

This approval is effective on the date of this letter and runs through April 29, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by
RICHARD QUARESIMA
Date: 2020.04.30
15:38:43 -04'00'

Richard Quaresima
Associate Director (Acting)

Paige S. Fitzgerald

804.697.1404

paige.fitzgerald@troutman.com

April 30, 2020

VIA E-MAIL

Mr. Richard Quaresima
Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Cigarette Health Warning Plan
Native Trading Associates, LLC and NATIVE and MOHAWK brands

Dear Mr. Quaresima:

On behalf of Native Trading Associates, LLC ("NTA"), we hereby submit a request to extend the Surgeon General's Equalization Plan for NTA 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 NATIVE brand soft and hard pack varieties and MOHAWK hard pack varieties listed below. Susan Jesmer d/b/a Native Trading Associates previously submitted its Plan Renewal on April 19, 2019, for twenty-four (24) previously approved styles of Native and six (6) varieties of Mohawk. Your office approved this plan on April 19, 2019.

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

NTA changed its form of ownership from a sole proprietorship operating as Susan Jesmer d/b/a Native Trading Associates to a single-member limited liability company, "Native Trading Associates, LLC," and Susan Jesmer is the sole member of the limited liability company. This change occurred on July 15, 2019. NTA continues as the exclusive manufacturer of the NATIVE and MOHAWK brand cigarettes and holder of the rights to the trademark for these brands.

NTA's factory remains at 442 Frogtown Road, Hogansburg, New York 13655, and the telephone number is 518-358-4262. NTA does not manufacture or import any other brands.

NTA requests a plan for the following:

- Twenty-four varieties of the Native brand: Non-Filter Kings soft pack, Non-Filter Kings hard pack, Full Flavor Kings soft pack, Full Flavor 100's soft pack, Full Flavor Kings hard pack, Full Flavor 100's hard pack, Menthol Kings soft pack, Menthol 100's soft pack, Menthol Kings hard pack, Menthol 100's hard pack, Kings soft pack (Blue), 100's soft pack (Blue), Kings hard pack (Blue), 100's hard pack (Blue), Menthol Kings soft pack

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

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

In NTA's fiscal year 2019, which is the same as the calendar year, for the Native and Mohawk brands, the number of sticks sold of any one of these brands' styles was less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2019, and sales of none of NTA's Native or Mohawk brand styles exceeded [REDACTED] sticks. In fiscal year 2020, NTA does not anticipate sales of any single brand style of the Native brand to exceed [REDACTED] sticks. NTA anticipates [REDACTED] of the Mohawk brand in fiscal year 2020.

Packs and cartons of each brand style displaying each of the 4 health warnings were submitted on March 19, and August 27, 2018. The warnings will appear exactly as shown on these samples. NTA will equalize the display of the four health warnings on the packs and cartons for each brand style listed above for the one-year period beginning on the date of approval of this Plan.

Beginning on the date of approval of this Plan, NTA will ensure that all four (4) Surgeon General's warnings will be equalized on packs and cartons for each brand style in accordance with its method for such equalization, attached as Exhibit A. Based on the above, NTA requests approval to use the equalization option provided in Section 1333(c)(2) of the FCLAA. NTA will keep records demonstrating compliance with this Plan.

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

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

Sincerely,

/s/ Paige S. Fitzgerald

Paige S Fitzgerald

Attachment

1. 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

2. 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

3. 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.

4. Cartons
 - a. Both King Size and 100's Size Cartons are produced 4-up
 - b. Each Brand Style is produced individually and never in combination
 - c. Printing plates for all cartons are divided equally 1-up of each of the 4 SGW's
 - d. Yielding an equal number of each SGW



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

Division of
Advertising Practices

April 30, 2020

Paige S. Fitzgerald, Esq.
Troutman Sanders LLP
1001 Haxall Point, Suite 1500
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 Native Trading Associates, LLC (“NTA”) on April 30, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Native and Mohawk brands of cigarettes.

NTA’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 19 and August 27, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

¹ NTA stated in its April 30, 2020 letter that the four health warnings will appear exactly as shown on the sample packaging submitted on March 19 and August 27, 2018.

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

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

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

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

² We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA's April 30, 2020 letter do not always appear on the packaging – *e.g.*, the words "Blue," "Green," "Ultra," "Gold," "Silver," "Brown," and "Light Green," do not appear on the packaging. However, when a color is used in a variety's name, it does appear to conform to the color used in its packaging. We also note that the word "Menthol" does not appear on the packaging for the "Native Menthol (Light Green)" and "Mohawk Menthol (Light Green)" varieties.

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.

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/Resources/You/ucm176164.htm.

This approval is effective on the date of this letter and runs through April 29, 2021, or until the authority to approve cigarette health warning statement moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

RICHARD QUARESIMA
Digitally signed by RICHARD QUARESIMA
Date: 2020.04.30 12:19:49 -04'00'

Richard Quaresima
Associate Director (Acting)



April 27, 2020

Page 1

VIA FACSIMILE 202-326-3259

VIA UPS OVERNIGHT

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

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

Dear Ms. Engle

This letter represents a request for renewal of the Label Statement Rotation Plan of Seneca-Cayuga Tobacco Company ("SCTC"), we hereby submit a Surgeon General's Equalization Plan for Skydancer as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C § 1331 (1998), et seq.), as amended ("FCLAA"), for all styles listed below of Skydancer brand soft pack and hard pack varieties. SCTC previously submitted a 201 Plan renewal on May 8, 2019 and your office approved the prior plan on May 13, 2019.

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

SCTC requests that the following styles constitute the plan:

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

In the fiscal year 2019 (October 1, 2018 – September 30, 2019) our total sales were [REDACTED] sticks of the Skydancer brand. Anticipated fiscal year 2020 (October 1, 2019 – September 30, 2020) sales are [REDACTED] sticks of the Skydancer brand. No other brands were sold by SCTC in fiscal year 2019.

The packaging has changed slightly, but the appearance of the warning has not changed since the samples were provided to your office by letter on March 26, 2018. The ink coloring on the panel of the box containing the warning label has not changed on the pack or the carton. The size of the warning label has not changed on the pack or the carton. The only change made by SCTC is the removal of the wording "100% Natural" from the packaging as instructed by FDA. The warnings will appear exactly as shown on the previously submitted samples.

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

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

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

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

Cordially,



Heather Enyart
Compliance



Division of
Advertising Practices

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

May 1, 2020

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

Dear Ms. Enyart:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca-Cayuga Tobacco Company (“Seneca-Cayuga”) on April 27, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Skydancer brand of cigarettes.

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

¹ Seneca-Cayuga stated in its April 27, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on March 26, 2018.

Ms. Heather Enyart

May 1, 2020

Page 2

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

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

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

This approval is effective on the date of this letter and runs through April 30, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by RICHARD
QUARESIMA
Date: 2020.05.01 13:46:39
-04'00'

Richard Quaresima
Associate Director (Acting)

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



May 13, 2020

Richard A. Quaresima
Acting 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 Menthol”

Dear Mr. Quaresima:

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 Menthol Box Kings (labeled as Green Box) and Winston Menthol Box 100's (labeled Green 100's and/or Green Box 100s) packs and cartons. Sample packs and cartons were included with our letter dated March 25, 2020 for your review and approval.

The revision is being requested as the Winston Menthol Box Kings (labeled as Green Box) and Winston Menthol Box 100's (labeled Green 100's and/or Green Box 100s) are being added as additional Winston brand styles. The new packs and cartons for the above brand extension of Winston will be in addition to the Winston packs and cartons that are currently approved by the FTC. The four health warnings will appear exactly as shown on the packaging samples as submitted with our letter dated March 25, 2020. 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 Menthol Box Kings (labeled as Green Box) and Winston Menthol Box 100's (labeled Green 100's and/or Green Box 100s) 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 Winston Menthol Box Kings (labeled as Green Box) and Winston Menthol Box 100's (labeled Green 100's and/or Green Box 100s) packs and cartons submitted with our letter dated March 25, 2020 during the 3rd calendar quarter of 2020. 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.

Selected packaging samples from those
submitted with the plan.

Winston

ITG Brands LLC
Greensboro, NC
27420 USA

100% PLANT-BASED MENTHOL

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

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



GREEN BOX

3005858
W/N/C

Winston

100% PLANT-BASED MENTHOL

10

GREEN BOX

Winston

100% PLANT-BASED MENTHOL

Winston

100% PLANT-BASED MENTHOL

UNDERAGE
SALE
PROHIBITED

CLASS A
20
CIGARETTES

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

Winston

Winston



GREEN BOX 100'S

3005869
W/N/A

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

Winston

100% PLANT-BASED MENTHOL



GREEN BOX 100'S



Winston





Division of
Advertising Practices

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

May 14, 2020

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, May 7, 2018, and December 18, 2018.

By letter dated May 13, 2020, you now propose to expand your plan to include two additional varieties of the Winston brand.

The warnings on the sample packs and cartons submitted with your March 25, 2020 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 expansion of its plan for quarterly rotation of the four health warnings on packaging to include the Menthol Box Kings (“Green Box”) and Menthol Box 100’s (“Green 100’s” packs and “Green Box 100’s” cartons) varieties of the Winston brand is hereby approved effective on the date of this letter.

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

¹ ITG stated in its May 13, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on March 25, 2020.

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.

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, including, but not limited to, "100% plant-based menthol." 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.

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

Very truly yours,

RICHARD QUARESIMA
Digitally signed by RICHARD QUARESIMA
Date: 2020.05.14 09:10:57 -04'00'

Richard Quaresima
Associate Director (Acting)



VERONICA VILARCHAO
PARTNER
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 415-9070
FAX (305) 347-7897
EMAIL VVilarchao@shutts.com

June 3, 2020

VIA EMAIL

Mr. Richard Quaresima, Associate Director
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Dosal Tobacco Corporation

Dear Mr. Quaresima:

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

If you have any questions regarding the enclosed Plan, or if I can be of any other assistance, please do not hesitate to contact me.

Best regards,

Shutts & Bowen LLP

A handwritten signature in blue ink, appearing to read "Veronica Vilarchao".

Veronica Vilarchao

Enclosure

MIADOCS 20009114 3

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

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

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

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

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

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

- b. **Warning Label Rotation:** Section 1333(c)(2) of the Cigarette Act allows manufacturers to seek permission from the FTC to display the four (4) warnings an equal number of times during the year on a brand style's packaging if the company meets the low volume sales threshold established by the Cigarette Act. To meet the low volume sales requirement established by the Cigarette Act, the annual sales of each of a company's brand styles in its prior fiscal year must be less than one-fourth (1/4) of one percent (1%) of all of the cigarettes sold in the United States in that fiscal year (for calendar year 2019, approximately [REDACTED] cigarettes) and more than half the cigarettes manufactured or imported by the company must be packaged into brand styles that meet the low sales threshold (the "Low Sales Volume Requirement"). Except for the brand styles 305's Full Flavor 100's Box and 305's Full Flavor Kings Box, Dosal meets the Low Sales Volume Requirement based on its sales in 2019 and forecasts that it will meet the Low Sales Volume Requirement for 2020 for all other brand styles manufactured by Dosal (please see Dosal's Sales Report for the year 2019, and Sales Forecast for the year 2020, attached hereto as Exhibit "B").¹ With the exception of the brand styles 305's Full Flavor 100's Box and 305's Full Flavor Kings Box, during the year 2019, sales for any one brand style did not exceed [REDACTED] cigarettes, and for the year 2020 Dosal projects that sales for any one brand style will not exceed [REDACTED] cigarettes. Accordingly, except for the brand styles 305's Full Flavor 100's Box and 305's Full Flavor Kings Box, Dosal wishes to equalize the warning statements on all Dosal brand style cigarette packaging during the year, as follows:
 - i. An even distribution of each of the four (4) warnings will be displayed on the packs and cartons of each brand style of

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

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

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

As approved by the FTC on June 22, 2011, for the brand style 305's Full Flavor 100's Box, Dosal has been rotating and shall continue to rotate the four (4) warnings quarterly on its packaging according to the schedule attached hereto as Exhibit "C."

Beginning on October 1, 2020, Dosal shall also rotate the four (4) warning statements quarterly on its packaging according to the schedule attached hereto as Exhibit "C" for the brand style 305's Full Flavor Kings Box. For this brand style, Dosal needs time to transition from equalizing the four (4) warning statements on its packaging to quarterly rotation of the warning statements, and therefore, Dosal shall continue to equalize the warning statements for the brand style 305's Full Flavor Kings Box until the end of the third calendar quarter, September 30, 2020.

The quarterly rotation for brand styles 305's Full Flavor 100's Box and 305's Full Flavor Kings Box shall be based on the date that the cigarettes are packaged.

3. Records of Compliance. Dosal has an established process of record keeping, which allows Dosal to demonstrate compliance with the Cigarette Act and the Plan upon request. This system of record keeping will continue to be in effect, and thus Dosal's compliance with the Act and the Plan will continue to be effectively monitored.
4. Advertisements. Dosal's advertising plan is in place and will not change from its prior submissions to the FTC. Dosal will maintain compliance with its advertising plan.
 - a. **Adherence to the 1985 Plans:** For its advertising, Dosal will use the warning formats submitted with the 1985 plans of the five (5) leading United States cigarette manufacturers, and will place the warnings as specified in those plans.

- b. **Acetates:** Dosal has purchased Warning Statements Exhibits 1-7, copies of which were previously submitted to the FTC. All warnings on advertisements will appear exactly as shown on the acetates previously submitted to the FTC and corresponding to the size of the advertisement.
- c. **Size of Advertisements:** Dosal will not engage in advertisements for any brand style which exceed 10 square feet.
- d. **Warning Label Rotation:** Dosal will rotate the warnings on advertisements quarterly according to the schedule attached hereto as Exhibit "C".
- e. **Company or Multiple Brand Advertising:** In the event that Dosal engages in Company or multiple brand advertising, Dosal will use the rotation schedule for the first brand listed in Exhibit "C" of the Plan.
- f. **Internet Advertising:** At this time, Dosal does not engage in advertising on the internet, however, if Dosal does begin to advertise on the internet, Dosal will then submit a plan to the FTC regarding internet advertising for approval.

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

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

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

3. **COMPETIDORA**

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

EXHIBIT "B"

**DOSAL TOBACCO CORPORATION
SALES VOLUME REPORT FOR 2019 AND
SALES FORECAST FOR 2020 FOR ALL BRAND STYLES**

2019 SALES REPORT AND 2020 SALES PROJECTIONS

<u>SKU</u>	<u>Brand</u>	<u>Brand Style</u>	<u>Cartons Sold 2019</u>	<u>Number of Sticks 2019</u>	<u>Projected Carton Sales 2020</u>	<u>Projected Sales in Sticks 2020</u>
305FFKBX	/ 305's	Full Flavor Kings Box				
305FFYBX	/ 305's	Full Flavor 100's Box				
305BLKBX	/ 305's	Blue Kings Box				
305BLYBX	/ 305's	Blue 100's Box				
305MGYBX	/ 305's	Menthol Gold 100's Box				
305MNKBX	/ 305's	Menthol Kings Box				
305MNYBX	/ 305's	Menthol 100's Box				
305NFKBX	/ 305's	Non Filter Kings Box				
305SVYBX	/ 305's	Silver 100's Box				
305SVKBX	/ 305's	Silver Kings Box				
COMCFKBX	/ Competidora	Full Flavor Kings Box				
COMNFKBX	/ Competidora	Non-Filter Kings Box				
DTCFFKBX	/ DTC	Full Flavor Kings Box				
DTCFFYBX	/ DTC	Full Flavor 100's Box				
DTCGDKBX	/ DTC	Gold Kings Box				
DTCGDYBX	/ DTC	Gold 100's Box				
DTCMGYBX	/ DTC	Menthol Gold 100's Box				
DTCNFKBX	/ DTC	Non Filter Kings Box				

DTC SVYBX / DTC

Silver 100's Box

DTC MNKBX / DTC

Menthol Kings Box

DTC MNYBX / DTC

Menthol 100's Box

TOTAL:



EXHIBIT "C"
ADVERTISEMENT WARNING
STATEMENT ROTATION SCHEDULE*

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

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

*This statement rotation schedule also applies to the warnings on packaging for brand styles 305's Full Flavor 100's Box and 305's Full Flavor Kings Box. The quarterly rotation shall be based on the date the cigarettes are packaged.



Division of
Advertising Practices

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

June 3, 2020

Ms. Veronica Vilarchao
Shutts & Bowen LLP
200 South Biscayne Blvd.
Suite 4100
Miami, FL 33131

Dear Ms. Vilarchao:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Dosal Tobacco Corp. (“Dosal”) on June 3, 2020, calling for: (1) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the DTC, 305's, and Competidora brands of cigarettes; and (2) quarterly rotation of the four health warnings on packaging for the Full Flavor Kings Box variety of the 305's brand.

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

Accordingly, Dosal's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **June 2, 2021 (or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first)**:

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

¹ By letter dated June 22, 2011, the Full Flavor 100's Box variety of the 305's brand was approved for quarterly rotation, which does not need to be re-approved annually.

² Dosal stated in its June 3, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

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

In addition, Dosal's plan for quarterly rotation of the four health warnings on packaging for the Full Flavor Kings Box variety of the 305's brand, beginning on October 1, 2020, is also approved. Dosal will continue to equalize the warnings on that variety until such time.

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

Please note that this letter only approves Dosal's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and, if not already expired, expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Dosal's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Dosal's packaging and advertising under the TCA 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) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

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.

Ms. Veronica Vilarchao
June 3, 2020
Page 3

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

Very truly yours,

RICHARD QUARESIMA
Digitally signed by RICHARD QUARESIMA
Date: 2020.06.03 17:18:18 -04:00

Richard Quaresima
Associate Director (Acting)

LAW OFFICES OF
BARRY M. BOREN

borenlaw@bellsouth.net

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

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

May 20, 2020

Sent via email: bmcgregor@ftc.gov

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

Attention: Ms. Bonnie McGregor

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

Dear Ms. Engle:

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

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

In fiscal year 2019¹, ET imported approximately [REDACTED] cigarettes (all were Seneca brand cigarettes).² In fiscal year 2020 to date, ET has imported approximately [REDACTED] cigarettes. ET anticipates importing approximately [REDACTED] of all its brand styles (all will be Seneca brand cigarettes) in fiscal year 2020. ET does not manufacture any cigarettes.

ET [REDACTED] Opal or Couture cigarettes in 2019 and it [REDACTED] Opal or Couture cigarettes in 2020. There are plans to import these cigarettes in the future (after 2020).

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

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

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

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

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

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

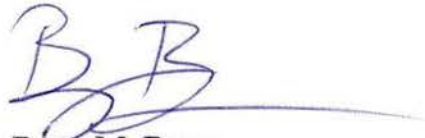
¹ ET's fiscal year coincides with the calendar year.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

A handwritten signature in blue ink, consisting of stylized initials 'B B' followed by a horizontal line extending to the right.

Barry M. Boren

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

Seneca Brand Styles

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

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

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

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

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

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

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

EXHIBIT "A"
EVERYTHING TOBACCO, LLC

Couture Brand Styles

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

Opal Brand Styles

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



Division of
Advertising Practices

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

June 5, 2020

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Everything Tobacco, LLC (“ET”) dated May 20, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, and Opal brands of cigarettes.

ET’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated March 23, 2018 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, ET’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Thirty-four varieties of the Seneca brand: Full Flavor hard pack (Kings and 100’s), Full Flavor soft pack (Kings and 100’s), Blue hard pack (Kings and 100’s), Blue soft pack (Kings and 100’s), Silver hard pack (Kings and 100’s), Silver soft pack (Kings and 100’s), Menthol hard pack (Kings and 100’s), Menthol soft pack (Kings and 100’s), Smooth Menthol hard pack (Kings and 100’s), Smooth Menthol soft pack (Kings and 100’s), Extra Smooth Menthol 100’s (hard pack and soft pack), Non-filter Full Flavor Kings hard pack, Full Flavor 120’s hard pack, Smooth 120’s hard pack, Ultra 120’s hard pack, Menthol 120’s hard pack, Smooth Menthol 120’s hard pack, Medium hard pack (Kings and 100’s), Chill Kings hard pack, Full Flavor 72’s hard pack, Blue 72’s hard pack, and Menthol 72’s hard pack;

¹ Everything Tobacco stated in its May 20, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

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

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

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

Please note that this letter only approves ET’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for ET’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of ET’s packaging under the TCA 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) or FDA’s final rule, “Required Warnings for Cigarette Packages and Advertisements” (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

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.

This approval is effective on the date of this letter and runs through June 4, 2021 or until the new health warnings required under the TCA take effect, whichever comes first.
If you have any questions regarding this approval, please contact Bonnie McGregor at (202) 326-2356.

Very truly yours,

RICHARD
Digitally signed by
RICHARD QUARESIMA
Date: 2020.06.05
10:54:26 -04:00'

Rick Quaresima
Associate Director (Acting)



June 15, 2020

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

Dear Mary Engle:

Please consider this letter as Lake Erie Tobacco Company's ("LET") request to renew approval of its rotational warning plan for the "31" brand of cigarettes that we manufacture and request for approval of its warning rotation plan for our imported brands; Seneca, Couture and Opal. LET is a cigarette and other tobacco products manufacturer and importer located at 6564 Route 417 Kill Buck, NY 14748. The Chief Executive Officer of Lake Erie Tobacco Company is Bryan Porter. I am General Counsel for LET and as such, authorized to submit this letter.

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

Styles and Flavors

Our previous plan for the simultaneous display of warnings on packages of the "31" brand was approved on June 6, 2016, May 19, 2017, May 18, 2018, June 18, 2019 and has not changed. We now wish to renew approval for the same six (6) brand styles:

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

Our previous plan for the simultaneous display of warnings on packages of the Seneca, Couture and Opal brand was approved on June 18, 2019 and has not changed. We now wish to renew approval for rotation of the four health warnings on packaging on the following Seneca, Couture and Opal brand styles that LET imports into the United States:

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

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

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

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

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

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

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

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

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

We will display the four health warnings on the packs and cartons of every brand style of cigarettes listed above an equal number of times for the one year period beginning on the date of approval of this plan (the alternative to quarterly rotation). In calendar year 2019 we had total sales of [REDACTED] sticks of cigarettes, all of which were the "31" brand of cigarettes. In calendar year 2019, we had sales of [REDACTED] of all styles of the Seneca, Couture and Opal brands of cigarettes. The calendar year is our fiscal year. Our anticipated sales volume for the "31" brand of cigarettes (all styles) in calendar year 2019 is [REDACTED] sticks. Our anticipate sales volume for the Seneca, Couture and Opal brand of cigarettes (all styles) in calendar year 2019 is [REDACTED]

Our proposed plan for compliance with the "Cigarette Act" is to have our suppliers, HSM Packaging and Grand River Enterprises Six Nations Ltd. run the four warning labels simultaneously with each other. The four warnings will be displayed on the packs and cartons of each brand style listed above an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan.

For "31" brand cigarettes, the warnings will appear exactly as shown on the sample packs and cartons submitted with our letter of May 15, 2018. This shows how the warnings will appear on the "31" Full Flavor 100's box and "31" Menthol 100's box brand styles as well as the "31" Blue 100 box, "31" Blue Kings box, "31" Full Flavor Kings box and "31" Menthol Kings box.

For Seneca, Couture and Opal, we enclosed sample packs and cartons with our May 16, 2019 letter and the warnings will appear exactly as shown.

LET does not manufacture or import any cigarettes other than those noted above.

Label Statements and Rotation Plan

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

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

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

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

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

Advertising

LET currently has an advertising plan for the "31" brand on file with the FTC and will maintain compliance with its May 24, 2016 plan approved June 6, 2016. LET does not intend to advertise Seneca, Couture or Opal brands at this time.

Again, please consider our health warning display plan for packaging of the "31", Seneca, Couture and Opal brands for approval at your earliest convenience. Should you have any questions, please feel free to contact me directly at 716.783.6797.

Very truly yours,



Tina M. Bardak
General Counsel



Division of
Advertising Practices

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

June 23, 2020

Ms. Tina M. Bardak
General Counsel
Lake Erie Tobacco Company
6564 Route 417
Kill Buck, NY 14748

Dear Ms. Bardak:

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 Lake Erie Tobacco Company (“LET”) on June 15, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “31,” Seneca, Couture, and Opal brands of cigarettes.

LET’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your May 15, 2018 and May 16, 2019 letters 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, LET’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Six box varieties of the “31” brand: Full Flavor (kings and 100’s), Menthol (kings and 100’s), and Blue (kings and 100’s);
- Thirty-four varieties of the Seneca brand: Full Flavor box (kings and 100’s), Full Flavor soft pack (kings and 100’s), Medium box (kings and 100’s), Blue box (kings and 100’s), Blue soft pack (kings and 100’s), Silver box (kings and 100’s), Silver soft pack (kings and 100’s), Menthol box (kings and 100’s), Menthol soft pack (kings and 100’s), Smooth Menthol box (kings and 100’s), Smooth Menthol soft pack (kings and 100’s), Extra Smooth Menthol box 100’s, Extra Smooth Menthol soft pack 100’s, Non-Filter box kings, Chill box kings, Full Flavor box 120’s, Smooth box 120’s, Ultra box 120’s,

¹ LET stated in its June 15, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Menthol box 120's, Smooth Menthol box 120's, Full Flavor box 72's, Blue box 72's, and Menthol box 72's;

- Six 100's box varieties of the Couture brand: Slims Ruby, Slims Amethyst, Slims Diamond, Slims Aquamarine, Slims Turquoise, and Slims Sapphire; and
- Five 120's box varieties of the Opal brand: Super Thins Full Flavor, Super Thins Smooth, Super Thins Ultra, Super Thins Menthol, and Super Thins Smooth Menthol.

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.

If LET decides to advertise the Seneca, Couture, or Opal brands 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 LET'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 ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for LET's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of LET's packaging and advertising under the TCA 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) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

This approval is effective on the date of this letter and runs through June 22, 2021 or until the new health warnings required under the TCA take effect, 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.

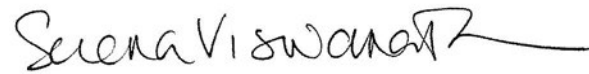
Ms. Tina M. Bardak

June 23, 2020

Page 3

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

Very truly yours,

A handwritten signature in black ink that reads "Serena Viswanathan" followed by a long, sweeping horizontal line.

Serena Viswanathan
Acting Associate Director



P.O. Box 214
Gowanda, NY 14070
716.532.6136

June 24, 2020

Federal Trade Commission
Advertising Practices
6000 Pennsylvania Avenue North West
Washington, D.C. 20580
Mail Drop CC-10528

Dear Mary Engle:

Native Wholesale Supply imports the Seneca, Opal and Couture brand of cigarettes manufactured by Grand River Enterprises Six Nations LTD. Native Wholesale Supply requests approval for its 2020 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the cigarette Act on packaging for its Seneca, Opal and couture brands of cigarettes. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Elmer Steeprock.

Our previous plan for the simultaneous display of the four health warnings on packages for the Seneca, Couture and Opal brands was approved on June 26, 2019. The company is not seeking any changes to its plan and to date all warnings have been equalized according to date. We now wish to renew our approval for the following brand Styles:

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

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

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

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

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

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

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

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

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

Our sales for 2019 by brand style is attached. Native Wholesale Supply's fiscal year coincides with the calendar year.

We comply with the "Cigarette Act" by having our supplier, White House Graphics, print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of each brand style of the Seneca, Couture and Opal brands listed above an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan. The Warnings will appear exactly as shown on the sample packs and cartons for the Seneca, Opal and Couture brands submitted with our June 5, 2019 letter.

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

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

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

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

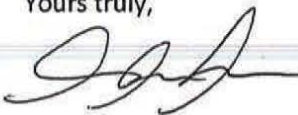
SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

ADVERTISING

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

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

Yours truly,



Erlind Hill, Manager

Native Wholesale Supply

2019 Brand Sales

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



Division of
Advertising Practices

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

June 26, 2020

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

Dear Mr. Hill:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Native Wholesale Supply Company (“NWSC”) on June 24, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, and Opal brands of cigarettes.

NWSC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on June 5, 2019 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Thirty-four varieties of the Seneca brand: Non-filter Kings box, Chill Kings box, Full Flavor box (72’s, Kings, 100’s, and 120’s), Full Flavor soft pack (Kings and 100’s), Blue box (72’s, Kings, and 100’s), Blue soft pack (Kings and 100’s), Medium box (Kings and 100’s), Menthol box (72’s, Kings, 100’s, and 120’s), Menthol soft pack (Kings and 100’s), Silver box (Kings and 100’s), Silver soft pack (Kings and 100’s), Smooth box 120’s, Smooth Menthol Box (Kings, 100’s, and 120’s), Smooth Menthol soft pack (Kings and 100’s), Extra Smooth Menthol soft pack 100’s, Extra Smooth Menthol box 100’s, and Ultra box 120’s;

¹ NWSC stated in its June 24, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on June 5, 2019.

Mr. Erlind Hill

June 26, 2020

Page 2

- Six 100's box varieties of the Couture brand: Slims Ruby, Slims Amethyst, Slims Diamond, Slims Sapphire, Slims Turquoise, and Slims Aquamarine; and
- Five 120's box varieties of the Opal brand: Super Thins Full Flavor, Super Thins Smooth, Super Thins Ultra, Super Thins Menthol, and Super Thins Smooth Menthol.

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

Please note that this letter only approves NWSC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for NWSC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of NWSC's packaging and advertising under the TCA 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) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

This approval is effective on the date of this letter and runs through June 25, 2021 or until the new health warnings required under the TCA take effect, whichever comes first.

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

Mr. Erlind Hill
June 26, 2020
Page 3

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

Very truly yours,

SERENA
VISWANATHAN

Digitally signed by SERENA
VISWANATHAN
Date: 2020.06.25 22:18:40 -04'00'

Serena Viswanathan
Acting Associate Director



Robyn Y. Etricks
Assistant General Counsel

June 24, 2020

Via Electronic Mail

Mr. Rick Quaresima
Acting Associate Director
U.S. Federal Trade Commission
Bureau of Consumer Protection
Division of Advertising Practices
600 Pennsylvania Avenue, N.W., CC-10528
Washington, D.C. 20580

RE: Philip Morris USA Inc. Warning Rotation Plan for Nat's Products

Dear Mr. Quaresima:

Pursuant to section 4 of the Federal Cigarette Labeling and Advertising Act ("FCLAA") (15 U.S.C. § 1333), Philip Morris USA Inc. ("PM USA") seeks approval of this warning rotation plan for packaging for packs and cartons of Nat's, as listed in the chart below.

Consistent with FCLAA's requirements, PM USA plans to rotate the required cigarette health warnings as noted below quarterly on Nat's packs and cartons, all of which are king size hard pack styles, in accordance with the following schedule, based on the date on which the products are packaged:

Brand	Styles	Q1 (Jan- Mar)	Q2 (Apr- Jun)	Q3 (July- Sept)	Q4 (Oct- Dec)
NAT'S	Mellow Taste (Blue) Rich Taste (Orange) Rich Smooth Taste (Yellow) Menthol (Green)	A	B	C	D

The warnings are as follows:

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

PM USA will maintain records that show compliance with this warning rotation plan. Our March 6, 2020 letter to you included sample packaging displaying each of the warning statements listed above for the packs and cartons for all four styles of Nat’s. The warning statements will appear exactly as shown on the samples included with our March 6, 2020 letter.

For all advertising for Nat’s, PM USA agrees to use the warning statement formats that were submitted to the Federal Trade Commission with the 1985 Plans of the five leading U.S. cigarette manufacturers (including PM USA). The warnings will be rotated quarterly according to the schedule above. At this time, we anticipate that our largest advertisement will not exceed 14 square feet.

The products may be advertised using direct mail, point-of-sale materials, and magazines. For all non-periodical advertising (excluding digital advertising), including direct mail and point-of-sale materials, PM USA will rotate the warnings according to the date the advertising is ordered.¹ In periodical advertising, such as magazines, PM USA will rotate the required warnings according to the cover date of the publication.

The products may be advertised on websites owned by PM USA and by e-mail. The warning statement format used in advertising the products on websites will be similar to the format that appears on the existing PM USA-owned website at virginiaslims.com. PM USA agrees to use the warning statement formats that were submitted to the Federal Trade Commission with the 1985 Plans of the five leading U.S. cigarette manufacturers (including PM USA). The size of the warnings will be proportionate to those warning formats. The warnings will be rotated on the first day of the calendar quarter according to the rotation schedule above. If PM USA advertises on third-party websites, the warnings will be rotated on the same schedule and will use the same warning statement format as websites owned by PM USA. The cigarette warnings on websites will be superimposed on the screen in an unavoidable manner on every page advertising cigarettes, may be viewed without scrolling, and will not be displayed through hyperlinks, pop-ups, interstitials or other similar means.

Finally, PM USA proposes a modification to the previously approved warning rotation schedule for packaging and advertising for its Saratoga brand. PM USA currently rotates the required health warnings on packaging and advertising for Saratoga in accordance with the following schedule:

Brand	Q1 (Jan-Mar)	Q2 (Apr-Jun)	Q3 (July-Sept)	Q4 (Oct-Dec)
SARATOGA	B	C	D	A

¹ The “date the advertising is ordered” means the date on which PM USA approves the final artwork to release to the supplier, consistent with PM USA’s usual business practice.

Effective Q4 2020, PM USA will change the warning rotation schedule for Saratoga as follows:²

Brand	Q1 (Jan- Mar)	Q2 (Apr- Jun)	Q3 (July- Sept)	Q4 (Oct- Dec)
SARATOGA	D	A	B	C

If you require additional information, please do not hesitate to contact me at (804) 484-8512.

Sincerely,



Robyn Y. Ettricks

cc: Ms. Bonnie McGregor
Mr. William Ducklow
Ms. Phyllis Marcus

²Attached as Exhibit A is a list of PM USA cigarette brands in market, effective Q4 2020.

EXHIBIT A

List of PM USA Cigarette Brands in Market -- Effective Q4 2020

Brand	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
Alpine	B	C	D	A
Basic	B	C	D	A
Benson & Hedges	C	D	A	B
Cambridge	D	A	B	C
Chesterfield	A	B	C	D
Commander	A	B	C	D
Dave's	B	C	D	A
English Ovals	C	D	A	B
L&M	C	D	A	B
Lark	D	A	B	C
Marlboro	A	B	C	D
Merit	B	C	D	A
Nat's	A	B	C	D
Parliament	D	A	B	C
Player's	B	C	D	A
Saratoga	D	A	B	C
Virginia Slims	C	D	A	B

Selected packaging samples from those
submitted with the plan.

Nat's

Nat's
1-800-221-1698
TP-7-VA
TOBACCO
INGREDIENTS
TOBACCO AND WATER
PLEASE DO NOT LITTER

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



RICH TASTE

AP-00
MATERIAL
NUMBER
2R-0NBA
HM-2

Nat's



Nat's



TOBACCOS AND ADD WATER.

WE TAKE ONLY FINE



Nat's



UNDERAGE
SALE
PROHIBITED



TWENTY
CLASS A
CIGARETTES

Nat's



Nat's

• MELLOW TASTE •



Nat's

• MELLOW TASTE •

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

Tobacco Ingredients:
Tobacco and Water

UNDERAGE
SALE
PROHIBITED



AP-00
4S-00PA
HW-4



Division of
Advertising Practices

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

June 29, 2020

Ms. Robyn Y. Etricks
Assistant General Counsel
Altria Client Services
6603 West Broad Street
Richmond, VA 23230

Dear Ms. Etricks:

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 Philip Morris USA Inc. (“PM USA”) on June 24, 2020, calling for: (1) quarterly rotation of the four health warnings in advertising up to fourteen square feet in size for the Nat’s brand of cigarettes; (2) quarterly rotation of the four health warnings in Internet advertising for the Nat’s brand; (3) quarterly rotation of the four health warnings on packaging for certain varieties of the Nat’s brand; and (4) modification of PM USA’s previously approved schedule for quarterly rotation of the four health warnings on packaging and in advertising for the Saratoga brand.

PM USA’s plan for quarterly rotation of the warnings in the aforementioned advertising for the Nat’s brand is hereby approved. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Lawrence C. Keller at 202-598-2781) to determine whether such advertising on the Internet is permissible.

The warnings on the sample packs and cartons submitted with your March 6, 2020 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ PM USA’s plan for quarterly rotation of the four health warnings on king size hard pack packaging for the Mellow Taste (Blue), Rich Taste (Orange), Rich Smooth Taste (Yellow), and Menthol (Green) varieties of the Nat’s brand is hereby approved effective on the date of this letter.

² PM USA stated in its June 24, 2020 letter that the health warnings will appear exactly as shown on the packs and cartons submitted on March 6, 2020.

PM USA's modification of its previously approved schedule for quarterly rotation of the health warnings on packaging and in advertising for the Saratoga brand is also hereby approved.

Approval of PM USA'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 PM USA'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 ("TCA") and expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for PM USA's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of PM USA's packaging and advertising under the TCA 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) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

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

Very truly yours,

SERENA

VISWANATHAN

Serena Viswanathan

Acting Associate Director

Digitally signed by SERENA
VISWANATHAN
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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.