

Division of
Advertising Practices

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

MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Sallie Schools
Division of Advertising Practices

DATE: May 2, 2013

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. September 29, 2011 letter from C. Randall Nuckolls on behalf of Santa Fe Natural Tobacco Company, Inc. to Mary K. Engle.
2. October 20, 2011 letter from Mary K. Engle to C. Randall Nuckolls on behalf of Santa Fe Natural Tobacco Company, Inc.
3. September 15, 2011 letter from Robert L. Ammerman, Farmers Tobacco Co. of Cynthiana, Inc. to Mary K. Engle.
4. October 31, 2011 letter from Mary K. Engle to Robert L. Ammerman, Farmers Tobacco Co. of Cynthiana, Inc.
5. September 29, 2011 letter from Frank Najor, Marketing Group USA, Inc. to Mary K. Engle.
6. October 31, 2011 letter from Mary K. Engle to Frank Najor, Marketing Group USA, Inc.
7. November 3, 2011 letter from Gary C. Sanden, Seneca Manufacturing Company to Mary K. Engle.
8. November 8, 2011 letter from Mary K. Engle to Gary C. Sanden, Seneca Manufacturing Company.

9. October 24, 2011 letter from Arthur Montour, Native Wholesale Supply Co. to Mary Engle.
10. November 9, 2011 letter from Mary K. Engle to Arthur Montour, Native Wholesale Supply Co.
11. October 20, 2011 letter from William M. Sherman, Sherman's 1400 Broadway NYC, Ltd. to Mary K. Engle.
12. November 9, 2011 letter from Mary K. Engle to William M. Sherman, Sherman's 1400 Broadway NYC, Ltd.
13. November 4, 2011 letter from Elias Yazbeck, Winner Co. to Mary K. Engle.
14. November 14, 2011 letter from Mary K. Engle to Elias Yazbeck, Winner Co.
15. November 17, 2011 letter from John R. Long, Liggett Group to Mary K. Engle.
16. November 18, 2011 letter from Mary K. Engle to John R. Long, Liggett Group.
17. November 7, 2011 letter from Peter L. Tourtellot, Alternative Brands, Inc. to Mary K.Engle.
18. December 5, 2011 letter from Mary K. Engle to Peter L. Tourtellot, Alternative Brands, Inc.
19. December 6, 2011 letter from J. Conrad Seneca, d/b/a Six Nations Manufacturing to Mary K. Engle.
20. December 12, 2011 letter from Mary K. Engle to J. Conrad Seneca, d/b/a Six Nations Manufacturing.
21. December 6, 2011 letter from Karen E. Delaney, Smokin Joes to Mary K. Engle.
22. December 13, 2011 letter from Mary K. Engle to Karen E. Delaney, Smokin Joes.

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C. RANDALL NUCKOLLS
(202) 496-7176

EMAIL ADDRESS
muckolls@mckennalong.com

September 29, 2011

Ms. Mary K. Engle, Associate Director
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, N.W., 3rd Floor
Washington, D.C. 20001

Re: Santa Fe Natural Tobacco Company Packaging Plan for 2011

Dear Ms. Engle:

I serve as the Washington Counsel for Santa Fe Natural Tobacco Company, Inc. ("SFNTC"), located at 1 Plaza La Prensa, Santa Fe, NM 85707. The President of SFNTC is Nicholas A. Bumbacco. His telephone number is (505) 982-4257. SFNTC is the manufacturer of Natural American Spirit ("NAS") cigarettes. Pursuant to 15 U.S.C. § 1333(c)2 of the Federal Cigarette Labeling and Advertising Act (the "Cigarette Act"), please accept this letter as SFNTC's request for Federal Trade Commission ("FTC") approval to display the four required Surgeon General warning labels on the following SFNTC brand styles.

Brand Styles Currently Manufactured by SFNTC

NAS Full Bodied-Taste Cigarettes (King Size/Soft Pack/Carton)
NAS Full Bodied-Taste Cigarettes (King Size/Hard Pack/Carton)
NAS Balanced Taste Cigarettes (King Size/Hard Pack/Carton)
NAS Mellow Taste Cigarettes (King Size/Soft Pack/Carton)
NAS Mellow Taste Cigarettes (King Size/Hard Pack/Carton)
NAS Smooth Mellow Taste Cigarettes (King Size/Hard Pack/Carton)
NAS Menthol Full-Bodied Taste Cigarettes (King Size/Hard Pack/ Carton)
NAS Menthol Mellow Taste Cigarettes (King Size/Hard Pack/ Carton)
NAS Non-Filtered Cigarettes (King Size/Soft Pack/Carton)
NAS Perique Blend Rich Robust Taste Cigarettes (King Size/Hard Pack/Carton)
NAS Perique Blend Rich Taste Cigarettes (King Size/Hard Pack/Carton)
NAS Made with Organic Tobacco Full-Bodied Taste Cigarettes (King Size/Hard Pack/Carton)
NAS Made with Organic Tobacco Mellow Taste Cigarettes (King Size/Hard Pack/Carton)
NAS 100% U.S. Grown Tobacco Full-Bodied Taste Cigarettes (King Size/Hard Pack/Carton)
NAS 100% U.S. Grown Tobacco Mellow Taste Cigarettes (King Size/Hard Pack/Carton)

All NAS brand styles described in this letter are filtered cigarettes unless indicated otherwise. SFNTC operates using the calendar year as its fiscal year. For the 2010 calendar year, each brand style above, with the exception of NAS Mellow Taste Cigarettes (King Size/Hard Pack/Carton), was produced in a quantity substantially less than one-fourth of one percent of all cigarettes sold in the United States in

Ms. Mary K. Engle
September 29, 2011
Page 2

that year. For calendar year 2011, SFNTC anticipates that it will have two brand styles, NAS Mellow Taste Cigarettes (King Size/Hard Pack/Carton) and NAS Full Bodied-Taste Cigarettes (King Size/Hard Pack/Carton) that will exceed one-fourth of one percent of all cigarettes sold in the United States. All other brand styles will remain well below one-fourth of one percent of all cigarettes sold in the United States. Beginning on the date of approval of this plan, NAS will display the four health warnings in an equal number of times, on the packs and cartons for each brand style listed above for a one year period with the exception of NAS Mellow Taste Cigarettes (King Size/Hard Pack/Carton) and NAS Full Bodied-Taste Cigarettes (King Size/Hard Pack/Carton).

Attached is a chart setting forth sales volume for each SFNTC brand style for calendar year 2010 and for the first six months of calendar year 2011. As required by the Cigarette Act, SFNTC is currently rotating quarterly the four Surgeon General Warnings on all NAS Mellow Taste Cigarettes (King Size/Hard Pack/Carton) and NAS Full Bodied-Taste Cigarettes (King Size/Hard Pack/Carton). SFNTC is following a B, C, D, A rotation sequence based on the packaging date for the NAS Mellow Taste Cigarettes (King Size/Hard Pack/Carton) and NAS Full Bodied-Taste Cigarettes (King Size/Hard Pack/Carton), the same rotation sequence it uses for its yearly advertising rotation plan. There will be no change in the SFNTC advertising rotation plan in calendar year 2011. SFNTC will maintain records to demonstrate compliance with its rotation plans for both advertising and packaging and its equalization plan for packaging.

Pursuant to this established rotation sequence, the Surgeon General Warnings on NAS Mellow Taste Cigarettes (King Size/Hard Pack/Carton) and NAS Full Bodied-Taste Cigarettes (King Size/Hard Pack/Carton) will be rotated as follows, based on the date of packaging for these two brand styles:

- 1st Quarter, 2011 - B - Quitting Smoking Now Greatly Reduces Serious Risks to Your Health (January, February, March)
- 2nd Quarter, 2011 - C - Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight. (April, May, June)
- 3rd Quarter, 2011 - D - Cigarette Smoke Contains Carbon Monoxide (July, August, September)
- 4th Quarter, 2011 - A - Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy. (October, November, December)

In the summer of 2010 SFNTC submitted updated packaging for all NAS brand styles to the FTC. On September 14 SFNTC submitted updated carton packaging for NAS filtered cigarettes Made with Organic Tobacco – Full Bodied Taste. The Surgeon General Warnings for each brand style will appear exactly as shown on the latest version of the packaging submitted to the FTC for each brand style.

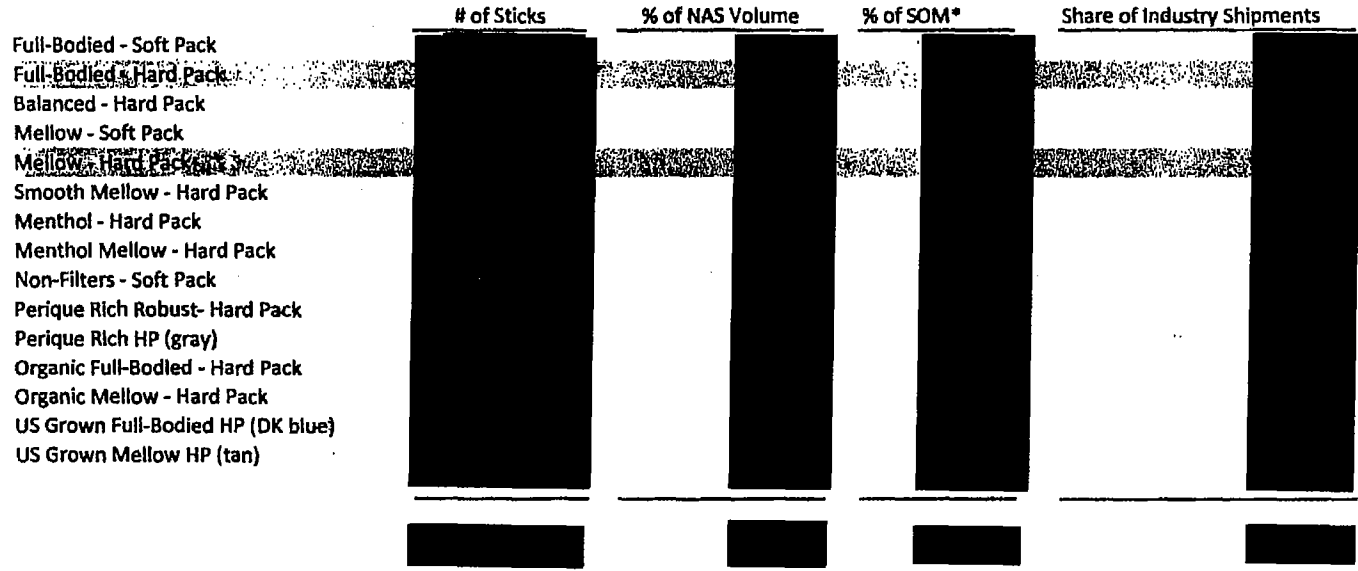
If you have any further questions regarding the SFNTC plan for compliance with the provisions of the Federal Cigarette Labeling and Advertising Act, you may contact me at (202) 496-7176.

Sincerely,



C. Randall Nuckolls

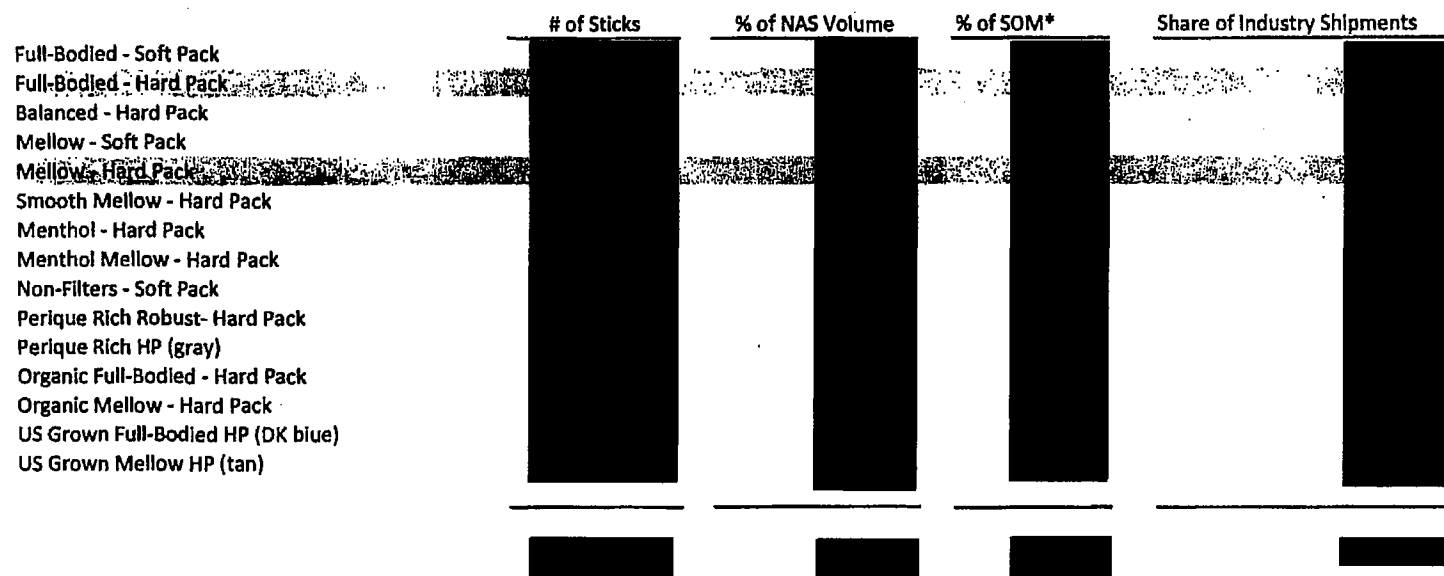
NAS Volume By Style -YTD December 31, 2010



304,515,164,132 Industry Volume - Nov Full Year 2010-estimate

*2010 YTD Marlin share as of November

NAS Volume By Style -YTD June 30, 2011



146,493,774,747 Industry Volume - YTD June latest esti

*2011 YTD Marlin share as of May

Selected packaging samples from those
submitted with the plan.



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

AMERICAN
SPIRIT

MADE WITH ORGANIC TOBACCO • FULL-BODIED TASTE



AMERICAN
SPIRIT

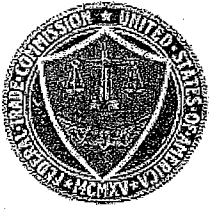


MADE WITH ORGANIC TOBACCO

AMERICAN
SPIRIT

MADE WITH ORGANIC TOBACCO • FULL-BODIED TASTE





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

Division of
Advertising Practices

October 20, 2011

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

Dear Mr. Nuckolls:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Santa Fe Natural Tobacco Company, Inc. ("Santa Fe") on September 29, 2011, calling for: (1) simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Natural American Spirit ("NAS") brand of cigarettes; and (2) expansion of Santa Fe's plan for quarterly rotation of the four health warnings on packaging for the NAS Mellow Taste king size hard pack variety to include one additional variety (Full-Bodied Taste king size hard pack) of the NAS brand.

Santa Fe's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging of the NAS brand with the exception of the Mellow Taste king size hard pack variety, and the warnings on the sample packs and cartons submitted with your letters dated June 2 and July 9, 2010 and September 14, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Santa Fe's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following thirteen king size varieties of the NAS brand: Full-Bodied Taste soft pack; Balanced Taste hard pack; Mellow Taste soft pack; Smooth Mellow Taste hard pack; Menthol Full-Bodied Taste hard pack; Menthol Mellow Taste hard pack; Non-Filtered soft pack; Perique Blend Rich Robust Taste hard pack; Perique Blend Rich Taste hard pack; "Made With

¹ Santa Fe stated in its September 29, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission has most recently approved.

C. Randall Nuckolls
October 20, 2011
Page 2

Organic Tobacco Full-Bodied Taste” hard pack; “Made With Organic Tobacco Mellow Taste” hard pack; “100% U.S. Grown Tobacco Full-Bodied Taste” hard pack; and “100% U.S. Grown Tobacco Mellow Taste” hard pack.

Santa Fe’s expansion of its plan for quarterly rotation of the four health warnings on packaging to include the NAS Full-Bodied Taste king size hard pack variety is also approved.

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, 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 September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle
Associate Director

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



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

September 15, 2011

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

RE: Cigarette Health Warning Plan

Dear Madam:

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

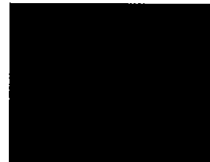
Farmers Tobacco Co. of Cynthiana, Inc. owns and manufactures only the brands "Kentucky's Best", "VB Made in the USA", and "Baron American Blend". This is a consolidated plan for all three brands. Please see the attachment to this letter for the brands listings. We do not import any cigarettes.

I. Packaging

According to Section 1333(c)(2), we would like permission to display the four warnings an equal number of times during the year (rather than rotating the warnings quarterly) since our company's annual sales for all brands (Kentucky's Best, VB Made in the USA, and Baron American Blend) are less than one-fourth of one percent of all the cigarettes sold in the United States. We will equalize the four warnings on the packs and cartons of each brand style that we manufacture for the one-year period beginning on the date of approval of this plan. The warnings will appear exactly as shown on the pack and carton samples submitted with our letters dated June 21, 2010, August 3, 2010, and September 29, 2010 and for the VB Made in the USA Non-Filter Soft Pack and Baron American Blend Non-Filter Soft Pack exactly as on the samples sent with our letter dated March 30, 2006.

The sales volumes in cigarettes for each brand for fiscal year 2010 were as follows:

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



Anticipated sales volumes in cigarettes for each brand for fiscal year 2011 are as follows:

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



II. Advertisements (other than outdoor billboard advertisements)

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Ammerman".

Robert L. Ammerman
President

Farmers Tobacco Co. of Cynthiana, Inc.

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

Kentucky's Best

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

VB Made in the USA

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

Baron American Blend

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



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

October 31, 2011

Robert L. Ammerman
Farmers Tobacco Co. of Cynthiana, Inc.
636 US Highway 27 North
P.O. Box 98
Cynthiana, KY 41031

Dear Mr. Ammerman:

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, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Farmers Tobacco Co. of Cynthiana, Inc. (“Farmers Tobacco”) on September 15, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Kentucky’s Best, “VB Made in the USA,” and “Baron American Blend” brands of cigarettes.

Farmers Tobacco’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the health warnings on the sample packs and cartons submitted with your letters dated March 30, 2006, and June 21, August 3, and September 29, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Farmers Tobacco’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

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

¹ Farmer’s Tobacco stated in its September 15, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons the Commission has most recently approved.

Robert L. Ammerman
October 31, 2011
Page 2

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

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

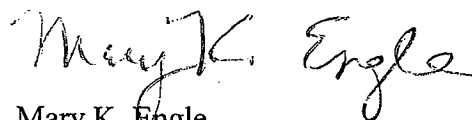
Please note that this letter only approves Farmers Tobacco's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and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

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

This approval is effective on the date of this letter and runs through September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,



Mary K. Engle
Associate Director

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

MARKETING GROUP USA, INC.

September 29, 2011

Ms. Mary K. Engle
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, N.W.
Room NJ-3212
Washington, D.C. 20580

RE: Annual Extension for the Approved Cigarette Warning Equalization Plan,
Packaging compliant with Family Smoking Prevention and Tobacco Control Act
Point of Sale Advertising

Dear Ms. Engle;

This letter is being submitted for the extension of the approval of the Surgeon General Warning Equalization Plan for the display of the four health warnings on packaging of the New York New York cigarette brand. The initial approval was issued on January 27, 2009 valid to January 26, 2010.

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

A second extension was granted on April 01, 2010 valid until June 21, 2010 for Light hard pack (Kings and 100's), Menthol Light 100's hard pack and Ultra Light 100's.

On August 05, 2010 and September 28, 2010, an application to approve new packaging to comply with The Family Smoking Prevention and Tobacco Control Act (FSPTCA) was submitted, as well as application to continue with the previously approved Surgeon General Warning and Point of Sale Advertising up to 470 square inches.

New packaging was submitted as follows:

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

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

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

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

That application for the change of brand style names and extension of the Point Of Sale Advertising for up to 470 square inches was approved on September 30, 2010.

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

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

Marketing Group USA, Inc. does not import cigarettes.

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

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

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 (10) packs ("Pack") of twenty (20) cigarettes each pack. The warnings will appear exactly as they do on the actual pack labels and cartons submitted under Exhibit A of our letter of August 05, 2010 and approved on September 30, 2010.

The stick sale totals for the period 08/01/2010 to 07/31/2011 were [REDACTED] cartons, which equates to [REDACTED] sticks. Totals attached as **Exhibit 1**.

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

Upon approval of the extension, the four cigarette health warnings will appear on the packs and cartons of each of the brand styles listed above an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette warnings appear on each

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

Marketing Group USA will maintain compliance with the September 28, 2010 Plan for point of sale advertising for the New York New York Brand.

Marketing Group USA, Inc. maintains a website at www.newyorknewyorkcigarettes.com. In internet advertising the warnings will be displayed in an unavoidable manner on every webpage, where it may be viewed without scrolling, and shall not be accessed through hyperlinks, pop-ups, interstitials, or other similar means. We will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and the size of the warnings shall be proportionate to those warning formats. The warnings will be rotated quarterly according to the schedule set out in **Exhibit 3**. Attached to this letter as **Exhibit 4** are sample web pages showing the placement of the warnings on our website.

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

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

Sincerely,

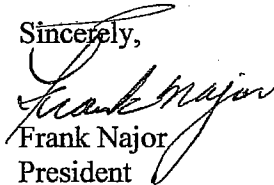

Frank Najor
President

EXHIBIT 1

PRODUCT NEW YORK NEW YORK	STICKS (Estimated Stick Sales Figures 8/1/10 - 7/31/11)
Full Flavor (Red) 100 size box	
Full Flavor (Red) King size box	
Light (GOLD) 100 size box	
Light (GOLD) King size box	
Menthol 100 size box	
Menthol King size box	
Menthol Light (MENTHOL GOLD) 100 size box	
Ultra Light (SILVER) 100 size box	
Non-filter King size box	
TOTAL	

EXHIBIT 2

PRODUCT NEW YORK NEW YORK	Total Estimated Stick Sales 10/01/2011 - 09/30/2012
Red Box 100 Size	
Red Box King Size	
Gold Box 100 Size	
Gold Box King Size	
Menthol Box 100 Size	
Menthol Box King Size	
Menthol Gold Box 100 Size	
Silver Box 100 Size	
Non-Filter Box King Size	

**Rotation Schedule for Internet
Advertising Plan**

New York New York Cigarettes

Quarter	New York New York
Q1 Jan, Feb, March	B
Q2 April, May, June	C
Q3 July, Aug, Sept	D
Q4 Oct, Nov, Dec	A

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

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

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

“D” SURGEON GENERAL’S WARNING: Cigarette Smoke Contains Carbon Monoxide.



Division of
Advertising Practices

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

October 31, 2011

Frank Najor
The Marketing Group USA, Inc.
2515 Camino Del Rio South, Suite 350
San Diego, CA 92108

Dear Mr. Najor:

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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by The Marketing Group USA, Inc. ("TMG") on September 29, 2011, calling for: (1) quarterly rotation of the four health warnings in internet advertising for the "New York New York" brand of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the New York New York brand.

TMG's plan for rotation of the warnings in internet advertising for the New York New York brand is hereby approved. Approval of this advertising plan assumes that the plan is implemented in good faith. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Kenneth Maddox at 202-307-0092) to determine whether such advertising on the Internet is permissible.

TMG's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated August 5, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, TMG's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following nine Box varieties of the New York New York brand: Red (King and 100's), Gold

¹ TMG stated in its September 29, 2011 letter that the four health warnings will appear exactly as shown on the samples submitted on this date.

(King and 100's), Silver 100's, Menthol (King and 100's), Menthol Gold 100's, and Non-filter King.

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.

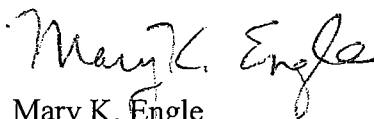
Please note that this letter only approves TMG's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation and size of the warnings in advertising and on packaging for the New York New York brand. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for TMG's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of TMG'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 September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,



Mary K. Engle
Associate Director

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

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496
175 Rochester Street
Salamanca, NY 14779

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

November 3, 2011

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
DIVISION OF ADVERTISING
600 PENNSYLVANIA AVENUE
WASHINGTON DC 20508

Re: Cigarette Health Warning Rotation Plan

Dear Ms. Engle:

This letter is being submitted for your approval of the alternative method to the quarterly rotation of the Surgeon General's Warnings for packaging of the Sands cigarette brand, and for approval of quarterly rotation of warnings in advertising. Sands brand will be manufactured by the partnership of Travis G. Heron, Ellen R. Heron and Gary C. Heron, d/b/a Seneca Manufacturing Company (Manufacturer of Tobacco Products License TP-NY-15007).

The Sands cigarette brand will be manufactured in the following twenty (20) varieties:

Red 100's Box	Red 100's Soft Pack
Gold 100's Box	Gold 100's Soft Pack
Silver 100's Box	Silver 100's Soft Pack
Menthol 100's Box	Menthol 100's Soft Pack
Menthol Blue 100's Box	Menthol Blue 100's Soft Pack
Red King Box	Red King Soft Pack
Gold King Box	Gold King Soft Pack
Silver King Box	Silver King Soft Pack
Menthol King Box	Menthol King Soft Pack
Menthol Blue King Box	Menthol Blue King Soft Pack

These cigarettes will be packaged in 200 count cartons ("Outer Carton"). Each Outer Carton will contain ten (10) packs of twenty (20) cigarettes each ("pack"). Regardless of the overall appearance of the label and carton, a white background consistently embodies the Surgeon General's Warnings with black type in order to maximize the contrast and visibility of the image. The warnings will appear on the Sands cigarette brand exactly as shown on the sample packs and cartons submitted with our March 21, 2011 letter, except for the packaging that was revised. Those samples will appear exactly as shown on the samples submitted on September 29, 2011.

Seneca Manufacturing Company believes that its low sales volume of cigarettes fits

the criteria for the alternative to quarterly rotation of warning on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. Seneca Manufacturing Company will manufacture Sands brand in addition to Heron brand. Our sales for each Heron brand style for the previous fiscal year and the anticipated sales for Heron and Sands brand styles for the next fiscal year are shown on Exhibit A.

If this plan for the alternative quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons for each of the twenty (20) brand style's of the Sands brand 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 Sands brand style an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the health warnings. Seneca Manufacturing Company will maintain records of compliance with approved plan.

We do intend to advertise by point of sale. We will use the warning formats that were submitted with the 1985 Plan of the five (5) leading U.S. cigarette manufacturers and we will place the warnings as specified in those plans. The warnings will be rotated quarterly according to the schedule set out below. The size of our advertising will not exceed 10 square feet, and we will use the format previously sent to the FTC with our December 17, 2007 plan, and that was approved by the FTC on December 19, 2007, in connection with our submission for the Heron brand.

Sands quarterly rotation of the health warnings in advertising will be as follows:

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

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

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

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


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

We do not intend on advertising on the internet.

If there are any questions or concerns regarding this, please feel free to contact me.

Very truly yours,

SENECA MANUFACTURING
COMPANY



Gary G. Sanden

GCS/jlw
Enclosures

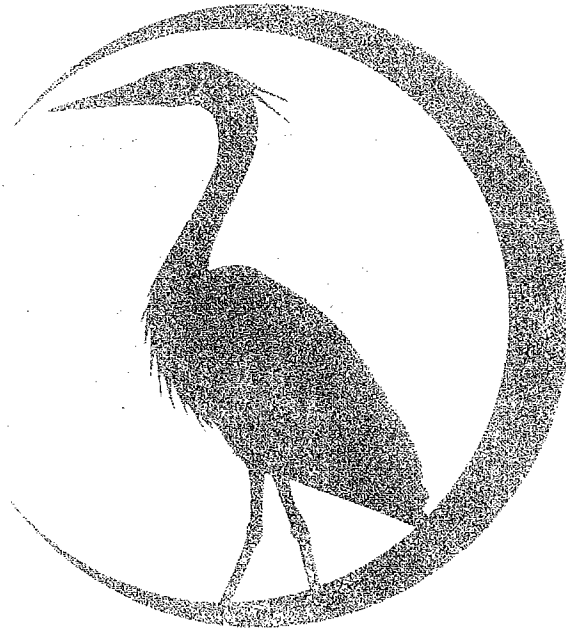


EXHIBIT A

Page 1

Heron-Brand Styles	Previous Year (2010) Sales/Sticks
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Gold 100's SP	
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Gold 100's Box	
Red King Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Gold King Box	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Gold King SP	
Non-Filter King SP	

EXHIBIT A

Page 2

Heron-Brand Styles	Estimated Sales (2011)/Sticks
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Gold 100's SP	
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Gold 100's Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Gold King Box	
Non-Filter King Box	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Gold King SP	

EXHIBIT A

Page 3

Sands-Brand Styles	Estimated Sales (2011)/Sticks
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Blue 100's Box	
Red King Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Blue King Box	
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Blue 100's SP	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Blue King SP	

Selected packaging samples from those
submitted with the plan.

MENTHOL BLUE

SANDS SANDS SANDS

KING'S

A TURN FOR THE BETTER

083-CIG-034 Rev 0
KM

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



UNDERAGE
SALE
PROHIBITED

MENTHOL BLUE

SANDS SANDS SANDS

KING'S

A TURN FOR THE BETTER

SANDS SANDS SANDS

MADE IN THE USA
TP - NY-15007
Gathered on
the Territory of the
Seneca Nation of Indians
by Seneca Mill Company
175 Rochester St.
Salamanca, NY 14779





200 CLASS A CIGARETTES

A TURN FOR THE BETTER

A TURN FOR THE BETTER

SANDS SANDS SANDS SANDS

RED 100'S

A TURN FOR THE BETTER

CLASS A
200 CIGARETTES

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



MADE IN THE USA
TF - NY-15007

UNDERAGE
SALE
PROHIBITED

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



RED 100'S

A TURN FOR THE BETTER



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

Division of
Advertising Practices

November 8, 2011

Gary C. Sanden
Seneca Manufacturing Company
P.O. Box 496
175 Rochester Street
Salamanca, NY 14779

Dear Mr. Sanden:

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 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by the partnership of Travis G. Heron, Ellen R. Heron and Gary C. Heron, d/b/a Seneca Manufacturing Company ("Seneca") on November 3, 2011, calling for: (1) quarterly rotation of the four health warnings in advertising up to ten square feet in size for the Sands brand of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Sands brand.

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

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 your letter dated March 21, 2011, and on the revised sample packs submitted with your letter dated September 29, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

¹ Although the warnings on the packs for the king size soft pack varieties submitted on March 21, 2011 did not meet the size requirements of the Cigarette Act, corrected samples were submitted on September 29, 2011. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

Accordingly, Seneca's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following twenty varieties of the Sands brand (each offered in both box and soft pack varieties): Red (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), and Menthol Blue (Kings and 100's).

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

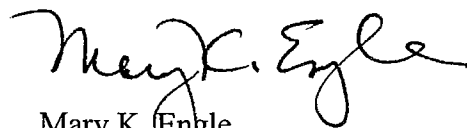
Please note that this letter only approves Seneca's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation and size of the warnings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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucml176164.htm.

This approval is effective on the date of this letter and runs through September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,



Mary K. Engle
Associate Director

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



PO Box 214
Gowanda, New York 14070

1.877.NATIVE3
Fax: 716.532.6137

October 24, 2011

Federal Trade Commission
Advertising Practices
601 New Jersey Avenue North West
Washington, D.C. 20001
Mail Stop NJ3212

Dear Mary Engle:

Native Wholesale Supply imports the Seneca, Opal and Couture brands of cigarettes manufactured by Grand River Enterprises Six Nations Ltd. Native Wholesale Supply requests approval for its 2011 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the Cigarette Act on packaging for three additional varieties of the Seneca brand. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Arthur Montour.

Our previous plan for the simultaneous display of warnings on packages for the Seneca, Opal and Couture brands was approved on June 17, 2011 and August 8, 2011. Our plan for Seneca 72's was approved June 17, 2011 and we now wish to request approval for the following brand styles which have redesigned cartons:

Seneca 72's Full Flavor Box
Seneca 72's Blue Box
Seneca 72's Menthol 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 2010 for all cigarettes we sell by brand style is attached. For those brand styles with names that changed in 2010, we have reported the total sales for that variety of cigarettes under the new brand style names.

Our proposed plan for compliance with the "Cigarette Act" is to have our supplier, White House Graphics, print the four surgeon general warnings simultaneously. The four warnings will be displayed on the packs and cartons of each of the aforementioned brand styles of the Seneca brand 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 on the aforementioned brand styles will appear exactly as shown on the packs and cartons submitted with our September 16th, 2011, September 28th, 2011 and October 4th 2011 letters.

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

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

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

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

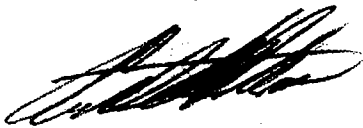
SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

ADVERTISING

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

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

Yours truly,

A handwritten signature in black ink, appearing to read 'Arthur Montour', with a stylized flourish at the end.

Arthur Montour, President

Native Wholesale Supply

2010 Brand Sales

Brand Style	Sticks
Seneca Full Flavor Soft King	
Seneca Blue Soft King	
Seneca Silver Soft King	
Seneca Menthol Soft King	
Seneca Smooth Menthol Soft King	
Seneca Full Flavor 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 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 72's Full Flavor Slide Pack	
Seneca 72's Blue Slide Pack	
Seneca 72's Menthol Slide Pack	
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	
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	

Selected packaging samples from those
submitted with the plan.

PREMIUM

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



SENECA

72's

BLUE

72's

8 PACKS OF 25 CIGARETTES

SENECA

72's



UNDERAGE SALE PROHIBITED

MENTHOL

72's

SENECA



PREMIUM

SENECA

72's

AMERICA'S
FINEST BLEND

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

48791-0 QS

10

72's

OF 25 CIGARETTES



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

November 9, 2011

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

Dear Mr. Montour:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, Native Wholesale Supply Company’s (“NWSC”) June 17, 2011 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca and Couture Slims brands of cigarettes was approved on that date. That approval expires on June 16, 2012, except that with respect to the Full Flavor, Blue, and Menthol Box 72's varieties of the Seneca brand, the approval expired on September 16, 2011.

As described in your letter dated October 24, 2011, you have now modified the display of the warnings on the cartons for the Full Flavor, Blue, and Menthol Box 72's varieties of the Seneca brand, and now seek a new approval for simultaneous display of the warnings on the packs and cartons for those three varieties.

NWSC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the health warnings on the sample packs and cartons submitted with your letters dated September 16, September 28, and October 4, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, NWSC’s plan for simultaneous display of the four health warnings on packaging for the Full Flavor, Blue, and Menthol Box 72's varieties of the Seneca brand is hereby approved.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.¹ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

¹ Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Arthur Montour
November 9, 2011
Page 2

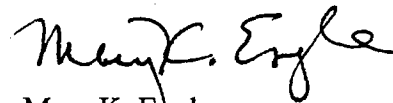
Please note that this letter only approves NWSC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

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

Very truly yours,



Mary K. Engle
Associate Director

SINCE  1930

Nat Sherman

FIFTH AVENUE • NEW YORK

October 20, 2011

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

Re: Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400")

Dear Ms. Engle,

Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400") had its health warning display plan for packaging previously approved on July 20, 2009 with amendments approved January 22, 2010 until July 19, 2010 and December 17, 2010 until December 16, 2011. With this letter, we seek approval for our plan to simultaneously display the four health warnings on previously approved packaging for all our approved current brand styles, in order to comply with FCLAA. Through the date of this application, the Surgeon General health warnings for the packaging for the brand styles of Sherman's 1400 have been equalized in accordance with our plan.

The actual hard pack and carton packaging, with each of the four health warnings, for our current brands and brand styles that was previously approved, remains the same and is in compliance with Section 911 of The Family Smoking Prevention and Tobacco Control Act of 2009, which became effective June 22, 2010. The hard packs, cartons and health warnings on the following brands and brand styles will appear exactly as on the samples enclosed with our letter of November 4, 2009 and our corrected sample of December 7, 2009.

I. Current brand and brand styles:

Black & Gold (black paper/gold filter/queen)
Cigarettellos (brown paper/non filter/queen)
Classic (white paper/cork filter/king)
Classic Blue (white paper/cork filter/king)
Classic Menthol (white paper/cork filter/king)
Fantasia (multi color paper/gold filter/queen)
Havana Ovals (brown paper/non filter/queen)
Hint Menthol (brown paper/brown filter/queen)
MCD (brown paper/brown filter/queen)
MCD Gold (brown paper/brown filter/queen)
MCD Menthol (brown paper/brown filter/queen)
MCD Silver (brown paper/brown filter/queen)
Naturals Blue (white paper/white filter/queen)
Naturals Blue King (white paper/white filter/king)
Naturals King (white paper/cork filter/king)
Naturals Menthol (white paper/white filter/queen)

RETAIL

489 Fifth Avenue • New York, NY 10017
tel. 212-764-5000 fax 212-764-5134

CORPORATE

2200 Fletcher Avenue • Fort Lee, NJ 07024
tel. 201-735-9000 fax 201-735-9099

MANUFACTURING

7615 Boeing Drive • Greensboro, NC 27409
tel. 336-665-6060 fax 336-605-1795

I. Current brand and brand styles (cont):

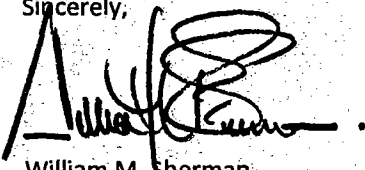
Naturals Menthol King (white paper/cork filter/king)
Naturals Originals (brown paper/cork filter/queen)
Naturals Yellow (brown paper/brown filter/queen)
Naturals Yellow King (white paper/white filter/king)
New York Cut Blue (white paper/white filter/king)
New York Cut Menthol (white paper/white filter/king)
New York Cut Original (white paper/cork filter/king)
Smoker Friendly SFP Deluxe Menthol (white paper/cork filter/king)
Smoker Friendly SFP Deluxe Red (white paper/cork filter/king)
Smoker Friendly SFP Deluxe Blue (white paper/white filter/king)
Smoker Friendly SFP Deluxe Gold (white paper/white filter/king)

Sherman's 1400 total domestic shipments for the twelve-month period ending April 30, 2011 were [REDACTED] sticks and we anticipate next year's volume to be the same. In compliance with the Cigarette Act, Section 1333(c)(2), kindly be advised that Sherman's 1400 manufactured and sold in each of its brands less than one-fourth of one (1%) percent of all cigarettes sold in the United States in its fiscal year 2011, and expects to be below that fraction of sales in the present year. Thus, Sherman's 1400 will take advantage of the alternative to quarterly rotation of the health warnings on its packaging for the each of the foregoing brand styles pursuant to Section 1333(c)(2).

Sherman's 1400 will continue to display the four health warnings an equal number of times on the hard packs and cartons of each of the foregoing brand styles for the time period beginning on the date of the approval of this plan through September 21, 2012, at which time the authority for the advertising approval process will be assumed by the FDA under the Family Smoking Prevention and Tobacco Control Act. Sherman's 1400 will maintain records that show compliance with its packaging and advertising plan. Sherman's 1400 had its advertising plan originally approved November 24, 2003 and the expanded plan approved on July 20, 2009.

If you require any further information, please do not hesitate to contact me at 201-735-9004.

Sincerely,



William M. Sherman
Executive Vice President

WMS/MM/smw

cc: Stanley Friedman, Esq.



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

November 9, 2011

William M. Sherman
Executive Vice President
Sherman's 1400 Broadway NYC, LTD
2200 Fletcher Avenue
Fort Lee, NJ 07024

Dear Mr. Sherman:

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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400") on October 20, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Black & Gold, Cigarettellos, Classic, Fantasia, Havana Ovals, Hint, MCD, Naturals, New York Cut, and Smoker Friendly SFP Deluxe brands of cigarettes.

Sherman's 1400's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the health warnings on the sample packs and cartons submitted with your letters dated November 4 and December 7, 2009 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Sherman's 1400's plan for simultaneous display of the four health warnings on packaging for the following box varieties is hereby approved:

- the queen size variety of the Black & Gold brand;
- the Non-Filter queen size variety of the Cigarettellos brand;
- three "International style" king size varieties of the Classic brand (Regular, Classic Blue, and Classic Menthol);

¹ Sherman's 1400 stated in its October 20, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

- the queen size variety of the Fantasia brand;
- the Non-Filter queen size variety of the Havana Ovals brand;
- the Menthol queen size variety of the Hint brand;
- four queen size varieties of the MCD brand (Regular, Gold, Menthol, and Silver);
- four king size varieties of the Naturals brand (Blue, Regular, Menthol and Yellow);
- four queen size varieties of the Naturals brand (Blue, Menthol, Originals, and Yellow Brown);
- three king size varieties of the New York Cut brand (Blue, Menthol and Original); and
- four king size varieties of the Smoker Friendly SFP Deluxe brand (Menthol, Red, Blue and Gold).

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 Sherman's 1400's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Sherman's 1400's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Sherman's 1400's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Sherman's 1400'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

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

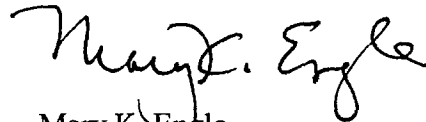
William M. Sherman
November 9, 2011
Page 3

menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, or www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

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

Very truly yours,



Mary K. Engle
Associate Director

Winner Co.

763 Kasota Ave. SE. Minneapolis, MN 55414

Friday, November 04, 2011

Ms. Mary K. Engle
Associate Director
Bureau of Consumer Protection
Division of Advertising Practices
Federal Trade Commission
Sixth and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: Cigarette Health Warning Rotation Plan renewal.

Dear Ms. Engle:

Winner Company is submitting a renewal Cigarette Health Warning Plan (the "plan") most recently approved November 17 2010, as required under the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331, et seq. ("the Cigarette Act"). The cigarettes covered by the proposed plan are "Winner" brand.

The company will cause to have manufactured nine brand styles of "Winner" cigarettes: full flavor king box, full flavor 100's box, blue king box (dark blue packaging), blue 100's box (dark blue packaging), menthol full flavor king box, menthol full flavor 100's box, menthol gold 100's box (light green packaging), silver 100's box (light blue packaging) and non filter king soft. The contract Manufacturer for Winner Co is: Alternative Brands Inc.

All of the brand styles caused to be manufactured by the company under the plan qualify for the alternative to quarterly rotation set forth in 15 U.S.C. 1333(C)(2). The company caused to be manufactured during fiscal year 2010 less than [REDACTED] sticks of cigarettes of all brand styles, and anticipates that during the one year period covered by this renewal plan it will not cause to be manufactured more than [REDACTED] sticks of cigarettes of any one-brand style. We do not import cigarettes.

Under the alternative method for rotating the warnings on packaging, set forth in 15 U.S.C. 1333(c) (2)(c), the company assures that each of the four health warnings specified in 15 U.S.C. 1333(a)(1) will appear on the packaging, both packs and cartons, of each brand style an equal number of times for the one year period beginning on the date this plan is approved. The warnings will appear exactly as they appear on the sample packs and cartons submitted with our letter of August 13, 2010. Winner Co. will

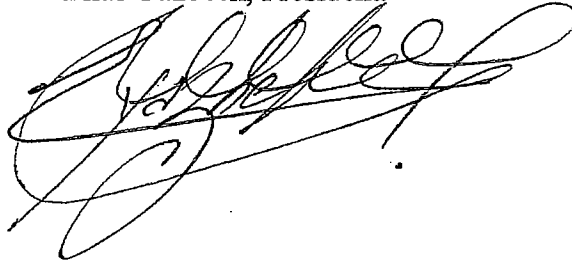
keep records demonstrating compliance with this undertaking. The four health warnings are printed in black lettering on white background.

All of the individual packs and cartons of cigarettes bear the statutorily mandated health warnings in a manner that complies with the Cigarette Act. All four warnings specified in the Cigarette Act appear on the individual packs and cartons of each brand style the company is causing to be manufactured.

The company will not be advertising the cigarettes manufactured under this plan and therefore is not submitting a plan for the rotation of the health warnings in advertising. If we plan to advertise in the future we will submit a plan to the FTC prior to advertising.

The company will keep records to demonstrate compliance with this plan. These records will be maintained at 763 Kasota Avenue SE. Minneapolis Minnesota, and the person responsible for maintaining these records will be Elias Yazbeck.

Sincerely,
Elias Yazbeck, President.

A handwritten signature in black ink, appearing to read 'Elias Yazbeck', written in a cursive style with a large, sweeping flourish at the end.



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

November 14, 2011

Elias Yazbeck
President
Winner Co.
763 Kasota Ave., S.E.
Minneapolis, MN 55414

Dear Mr. Yazbeck:

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, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Winner Co. (“Winner”) on November 4, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Winner brand of cigarettes.

Winner’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the health warnings on the sample packs and cartons submitted with your letter dated August 13, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Winner’s plan for simultaneous display of the four health warnings on packaging for the Winner brand is hereby approved for the Non Filter Kings soft pack variety, and the following eight box varieties: Full Flavor (Kings and 100’s), Blue (dark blue packaging) (Kings and 100’s), Silver 100’s (light blue packaging), Menthol Full Flavor (Kings and 100’s), and Menthol Gold 100’s (light green packaging).

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 Winner 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

¹ Winner stated in its November 4, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

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

Elias Yazbeck
November 14, 2011
Page 2

statements in advertisements.

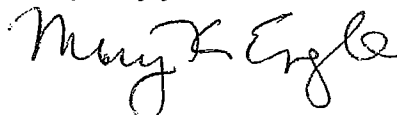
Please note that this letter only approves Winner's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Winner's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for Winner's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Winner'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 September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle
Associate Director



Liggett Group

John R. Long
Vice President & General Counsel

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

November 17, 2011

BY FED EX

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

Re: Application to Renew Liggett Group Cigarette Warning Rotation Plan

Dear Ms. Engle:

Liggett Group LLC ("Liggett") hereby applies to renew its Label Statement Rotation Plan ("Plan") pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("Act"). Except for the two PYRAMID brand styles identified below, 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, and most recently approved by letter dated June 10, 2011.

Liggett's current rotation plan was approved on June 10, 2011 and will expire on June 9, 2012. Liggett is submitting this renewal application early in connection with the addition of ten brand styles that are box versions of existing soft pack styles. For administrative convenience Liggett would like to consolidate the renewal dates for all of its brand styles, even though the renewal date for Liggett's current plan is still months away. Therefore, Liggett requests that the FTC renew its rotation plan with respect to the brand styles of the following brands: BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID (except for the two brand styles identified below) and TOURNEY as listed on Exhibit B of my enclosed affidavit. On brand styles being renewed before one year of equalization (except for the two brand styles identified below), all brand styles have been equalized to date. This application is for a one-year period beginning on the date of approval of this application.¹

Two Liggett brand styles no longer qualify for simultaneous warning rotation because their unit sales volume in Liggett's most recent fiscal year (calendar year 2010) exceeded one-quarter of one percent of the total United States cigarette market. These brand styles are PYRAMID Red 100s Box and PYRAMID Blue 100s Box. Liggett's plan for quarterly rotation of the four health warning on

¹ This one-year period may be shortened due to the September 22, 2012 effective date of the requirement of graphic health warnings under the Family Smoking Prevention and Tobacco Control Act and the related transfer of authority for approval of warning rotation plans from the FTC to the Food and Drug Administration.

packaging for the PYRAMID Red 100s Box and PYRAMID Blue 100s Box styles was approved by letter dated June 10, 2011.

Enclosed with this letter is my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette unit sales in Liggett's most recent fiscal year, which was calendar year 2010. This information shows that, with the exceptions of PYRAMID Red 100s Box and PYRAMID Blue 100s Box, Liggett's sales of any one brand style did not exceed one-fourth of one percent of all cigarettes sold in the United States in 2010, and more than one-half of the cigarettes sold By Liggett were packaged into brand styles that meet this requirement. Accordingly, pursuant to the Act and the Plan, all but the two Liggett brand styles identified above qualify for simultaneous rotation of the four warnings required by the Act.

Except for the two PRYAMID brand styles identified above that will be subject to quarterly warning rotation, the warnings required by the Act will be printed on the packs and cartons of all other Liggett brand styles an equal number of times within the one-year period beginning on the date of approval of this application (see footnote 1 above). These warnings will appear exactly as shown on the most recent sample packaging previously submitted in connection with Liggett's Plan and subsequent letters as previously approved by the FTC.

Enclosed with my letter of October 13, 2011 were pack and carton packaging samples for each of the warnings for the following new brand styles that are being added in box versions:

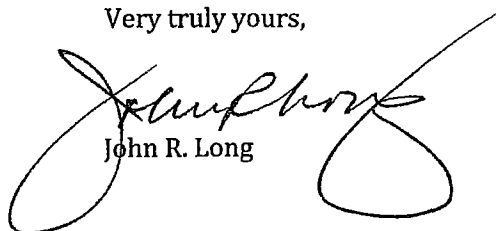
BRONSON Silver Kings Box
BRONSON Full Flavor Menthol Kings Box
BRONSON Gold Menthol Kings Box
CLASS A Non-Filter Kings Box
CLASS A Filter Kings Box
CLASS A Menthol Filter Kings Box
GRAND PRIX Non-Filter Classic Kings Box
LIGGETT SELECT Non-Filter Kings Box
TOURNEY Non-Filter Kings Box
TOURNEY Menthol Gold Kings Box

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 consideration. If you have any questions, please let me know.

Very truly yours,



John R. Long

Exhibit B

**Liggett Group LLC
Application to Renew Warning Rotation Plan
Dated November 17, 2011**

2010 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	Discontinued Brand Style Name	2010 Units Sold
1	BRONSON	Non-Filter Kings Soft Pack		
2	BRONSON	Full Flavor Filter Kings Soft Pack		
3	BRONSON	Full Flavor Filter Kings Box		
4	BRONSON	Full Flavor Filter 100's Soft Pack		
5	BRONSON	Full Flavor Filter 100's Box		
6	BRONSON	Full Flavor Menthol Kings Soft Pack		
7	BRONSON	Full Flavor Menthol 100's Soft Pack		
8	BRONSON	Gold Kings Soft Pack	Lights Kings Soft Pack	
9	BRONSON	Gold Kings Box	Lights Kings Box	
10	BRONSON	Gold 100's Soft Pack	Lights 100's Soft Pack	
11	BRONSON	Gold 100's Box		
12	BRONSON	Silver Kings Soft Pack	Ultra Lights Kings Soft Pack	
13	BRONSON	Silver 100's Soft Pack	Ultra Lights 100's Soft Pack	
14	BRONSON	Gold Menthol Kings Soft Pack	Lights Menthol Kings Soft Pack	
15	BRONSON	Gold Menthol 100's Soft Pack	Lights Menthol 100's Soft Pack	
1	CLASS A	Non-Filter Kings Soft Pack		
2	CLASS A	Full Flavor Filter Kings Soft Pack		
3	CLASS A	Full Flavor Filter 100's Soft Pack		
4	CLASS A	Filter Kings Soft Pack		
5	CLASS A	Filter 100's Soft Pack		
6	CLASS A	Menthol Filter Kings Soft Pack		
7	CLASS A	Menthol Silver 100's Soft Pack	Menthol Ultra Lights 100's Soft Pack	
8	CLASS A	Blue Kings Soft Pack	Ultra Lights Kings Soft Pack	
9	CLASS A	Blue 100's Soft Pack	Ultra Lights 100's Soft Pack	
10	CLASS A	Menthol Filter 100's Soft Pack		
1	EVE	Amethyst 120's Box	Lights 120's Box	
2	EVE	Sapphire 120's Box	Ultra Lights 120's Box	
3	EVE	Menthol Emerald 120's Box	Lights Menthol 120's Box	
4	EVE	Menthol Turquoise 120's Box	Ultra Lights Menthol 120's Box	
1	GRAND PRIX	Non-Filter Classic Kings Soft Pack		
2	GRAND PRIX	Filter Red Kings Soft Pack		
3	GRAND PRIX	Filter Red Kings Box		
4	GRAND PRIX	Filter Red 100s Soft Pack		
5	GRAND PRIX	Filter Red 100s Box		
6	GRAND PRIX	Blue Kings Soft Pack	Lights Blue Kings Soft Pack	
7	GRAND PRIX	Blue Kings Box	Lights Blue Kings Box	
8	GRAND PRIX	Blue 100s Soft Pack	Lights Blue 100s Soft Pack	
9	GRAND PRIX	Blue 100s Box	Lights Blue 100s Box	
10	GRAND PRIX	Orange 100s Soft Pack	Ultra Lights Orange 100s Soft Pack	
11	GRAND PRIX	Orange 100s Box	Ultra Lights Orange 100s Box	
12	GRAND PRIX	Menthol Gold Kings Box	Menthol Rich Green (Full Flavor) Kings Box	
13	GRAND PRIX	Menthol Gold 100s Box	Menthol Rich Green (Full Flavor) 100s Box	
14	GRAND PRIX	Menthol Silver 100s Soft Pack	Menthol Lights Green 100s Soft Pack	
15	GRAND PRIX	Menthol Silver 100s Box	Menthol Lights Green 100s Box	

Exhibit B

**Liggett Group LLC
Application to Renew Warning Rotation Plan
Dated November 17, 2011**

2010 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	Discontinued Brand Style Name	2010 Units Sold
		Note: KINGSPORT brand was discontinued in 2010.		
1	KINGSPORT		LT 100 SP	
2	KINGSPORT		FF 100 SP	
3	KINGSPORT		LT 100 SP MT	
4	KINGSPORT		UL 100 SP	
5	KINGSPORT		FF KS BX	
6	KINGSPORT		LT KS BX	
7	KINGSPORT		FF KS BX MT	
8	KINGSPORT		LT KS SP MT	
1	LIGGETT SELECT	Non-Filter Kings Soft Pack		
2	LIGGETT SELECT	Red Kings Soft Pack	Full Flavor Kings Soft Pack	
3	LIGGETT SELECT	Red Kings Box	Full Flavor Kings Box	
4	LIGGETT SELECT	Red 100's Soft Pack	Full Flavor 100's Soft Pack	
5	LIGGETT SELECT	Red 100's Box	Full Flavor 100's Box	
6	LIGGETT SELECT	Gold Kings Soft Pack	Lights Kings Soft Pack	
7	LIGGETT SELECT	Gold Kings Box	Lights Kings Box	
8	LIGGETT SELECT	Gold 100's Soft Pack	Lights 100's Soft Pack	
9	LIGGETT SELECT	Gold 100's Box	Lights 100's Box	
10	LIGGETT SELECT	Silver 100's Soft Pack	Ultra Lights 100's Soft Pack	
11	LIGGETT SELECT	Silver 100's Box	Ultra Lights 100's Box	
12	LIGGETT SELECT	Menthol Gold Kings Box	Menthol (Full Flavor) Kings Box	
13	LIGGETT SELECT	Menthol Gold 100's Box	Menthol (Full Flavor) 100's Box	
14	LIGGETT SELECT	Menthol Silver Kings Box	Menthol Lights Kings Box	
15	LIGGETT SELECT	Menthol Silver 100's Soft Pack	Menthol Lights 100's Soft Pack	
16	LIGGETT SELECT	Menthol Silver 100's Box	Menthol Lights 100's Box	
1	MONTEGO	Full Flavor Kings Box		
2	MONTEGO	Full Flavor 100's Box		
3	MONTEGO	Gold Kings Box	Lights Kings Box	
4	MONTEGO	Gold 100's Box	Lights 100's Box	
5	MONTEGO	Blue 100's Box	Ultra Lights 100's Box	
6	MONTEGO	Menthol Kings Box		
7	MONTEGO	Menthol Silver Kings Box	Menthol Lights Kings Box	
8	MONTEGO	Menthol Silver 100's Box	Menthol Lights 100's Box	
9	MONTEGO		Full Flavor Kings Soft Pack	
10	MONTEGO		Lights 100's Soft Pack	
1	PYRAMID	Non-Filter Kings Soft Pack		
2	PYRAMID	Non-Filter Kings Box		
2	PYRAMID	Red Kings Box		
3	PYRAMID	Red 100s Box		
4	PYRAMID	Blue Kings Box	Lights Blue Kings Box	
5	PYRAMID	Blue 100s Box	Lights Blue 100s Box	
6	PYRAMID	Orange Kings Box	Ultra Lights Orange Kings Box	
7	PYRAMID	Orange 100s Box	Ultra Lights Orange 100s Box	
8	PYRAMID	Menthol Gold Kings Box	Menthol Rich Green (Full Flavor) Kings Box	
9	PYRAMID	Menthol Gold 100s Box	Menthol Rich Green (Full Flavor) 100s Box	
10	PYRAMID	Menthol Silver Kings Box	Menthol Lights Green Kings Box	
11	PYRAMID	Menthol Silver 100s Box	Menthol Lights Green 100s Box	
12	PYRAMID		Full Flavor Filter Kings Soft Pack	
13	PYRAMID		Full Flavor Filter 100's Soft Pack	
14	PYRAMID		Lights Filter Kings Soft Pack	
15	PYRAMID		Lights Filter 100's Soft Pack	
16	PYRAMID		Ultra Lights Filter 100's Soft Pack	
17	PYRAMID		Lights Menthol Filter 100's Soft Pack	

Exhibit B

**Liggett Group LLC
Application to Renew Warning Rotation Plan
Dated November 17, 2011**

2010 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	Discontinued Brand Style Name	2010 Units Sold
	Note: SINCERELY YOURS brand was discontinued in 2010.			
1	SINCERELY YOURS		LT 100 SP MT	
2	SINCERELY YOURS		UL 100 SP	
3	SINCERELY YOURS		LT 100 SP	
	Note: QUALITY brand was discontinued in 2010.			
1	QUALITY		Non-Filter Kings Soft Pack	
2	QUALITY		Filter (Full Flavor) Kings Box	
3	QUALITY		Full Flavor Filter 100's Soft Pack	
4	QUALITY		Lights Kings Soft Pack	
5	QUALITY		Lights 100's Soft Pack	
6	QUALITY		Ultra Lights 100's Soft Pack	
7	QUALITY		Lights Menthol Kings Soft Pack	
8	QUALITY		Lights Menthol 100's Soft Pack	
1	TOURNEY	Non-Filter Kings Soft Pack		
2	TOURNEY	Full Flavor Kings Soft Pack		
3	TOURNEY	Full Flavor Kings Box		
4	TOURNEY	Full Flavor 100's Soft Pack		
5	TOURNEY	Full Flavor 100's Box		
6	TOURNEY	Gold Kings Soft Pack	Lights Kings Soft Pack	
7	TOURNEY	Gold Kings Box	Lights Kings Box	
8	TOURNEY	Gold 100's Soft Pack	Lights 100's Soft Pack	
9	TOURNEY	Gold 100's Box	Lights 100's Box	
10	TOURNEY	Blue 100's Soft Pack	Ultra Lights 100's Soft Pack	
11	TOURNEY	Menthol Full Flavor Kings Box		
12	TOURNEY	Menthol Full Flavor 100's Box		
13	TOURNEY	Menthol Gold Kings Soft Pack	Menthol Lights Kings Soft Pack	
14	TOURNEY	Menthol Gold 100's Soft Pack	Menthol Lights 100's Soft Pack	
15	TOURNEY	Menthol Gold 100's Box	Menthol Lights 100's Box	
16	TOURNEY	Slims Rose 120's Box	Slims Lights 120's Box	
17	TOURNEY	Slims Blue 120's Box	Slims Ultra Lights 120's Box	
18	TOURNEY	Slims Menthol Teal 120's Box	Slims Menthol Lights 120's Box	
	Note: YOURS brand was discontinued in 2010.			
1	YOURS		LT 100 SP	
2	YOURS		FF 100 SP	
3	YOURS		LT KS BX	
4	YOURS		LT KS SP	
5	YOURS		UL 100 SP	
6	YOURS		FF KS SP MT	
7	YOURS		FF 100 SP MT	
8	YOURS		FF KS SP	
9	YOURS		LT 100 SP MT	
10	YOURS		NF KS SP	

Selected packaging samples from those
submitted with the plan.

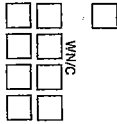
**KING BOX
CIGARETTES
MENTHOL FILTER**

**KING BOX
CIGARETTES**



**MENTHOL
FILTER**

**KING BOX
CIGARETTES
MENTHOL FILTER**



**MENTHOL
FILTER**



**KING BOX
CIGARETTES**



**WARNING:
SMOKING IS ADDICTIVE**
20 CLASS A CIGARETTES
LIGGETT GROUP
MEBANE, NC 27302 1-800-682-3230
MADE IN U.S.A.

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



KING BOX
CIGARETTES
FILTER



TEN PACKS OF TWENTY

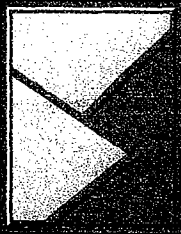


KING BOX
CIGARETTES
FILTER

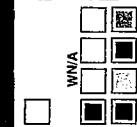
SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

FILTER
CIGARETTES
KING BOX

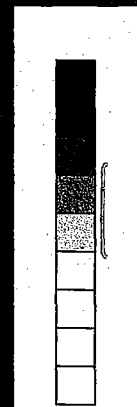
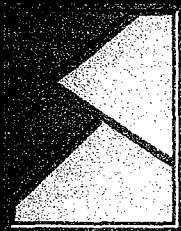
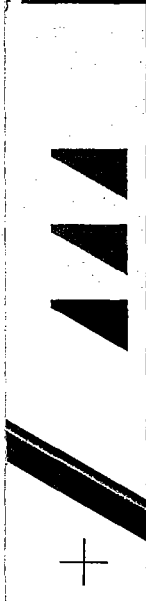




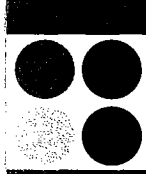
**LIGGETT
SELECT**



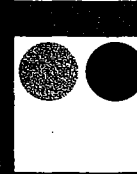
NON-FILTER KING'S BOY



**LIGGETT
SELECT**



**LIGGETT
SELECT**



**LIGGETT
SELECT**

WARNING: SMOKING IS ADDICTIVE

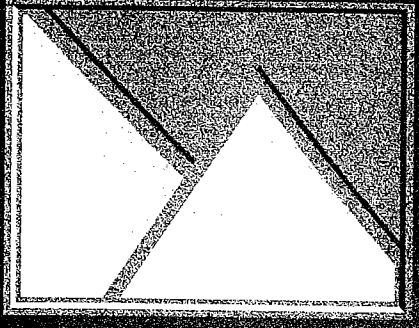
ALL CLASSIC CIGARETTES
LIGHTS
WEIGHT
WWW.LIGHTS.COM
1-800-222-2222

INGREDIENTS: BLEND OF TOBACCO LEAF, CIGARETTE PAPER,
SUGAR, GUM ARABIC, STABILIZERS, FLAVORS, AND OTHER
SUBSTANCES. CIGARETTES CONTAIN TAR AND NICOTINE,
MAJOR CAUSES OF LUNG DISEASE AND CANCER. SMOKING
CAUSES COMPLICATIONS IN PREGNANT WOMEN. QUITTING
NOW GREATLY REDUCES Serious Risks to Your Health.

LIGGETT SELECT

NON-FILTER KINGS BOX

LIGGETT SELECT



NON-FILTER KINGS BOX

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

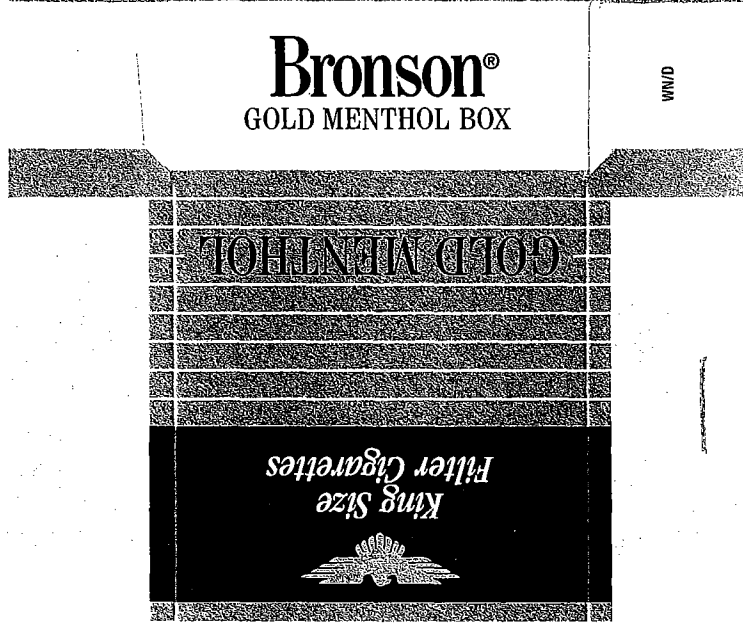
NON-FILTER KINGS BOX

LIGGETT SELECT



SELECT





Bronson®

Bronson®
GOLD MENTHOL BOX

Bronson®

Bronson®



King Size Filter Cigarettes

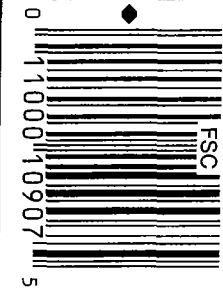
SILVER BOX

200 CLASS A FILTER CIGARETTES

Bronson®
SILVER BOX



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



SILVER BOX

King Size Filter Cigarettes



Bronson

200 CLASS A FILTER CIGARETTES

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

GRAND PRIX

NON-FILTER
CLASSIC

20
CLASS A
CIGARETTES

GRAND PRIX

KINGS

NON-FILTER CLASSIC

20
CLASS A
CIGARETTES

NON-FILTER

GRAND PRIX

G

GRAND PRIX

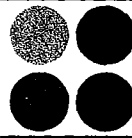
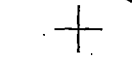
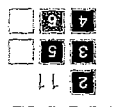
KINGS

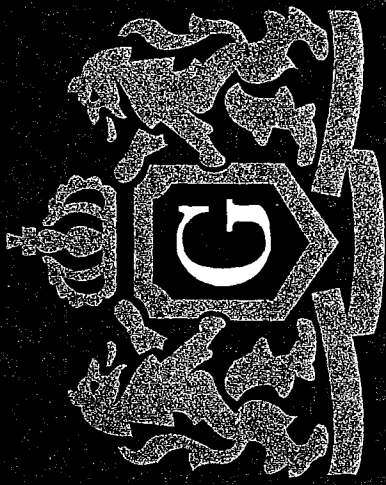
NON-FILTER CLASSIC

G

WARNING:
SMOKING IS ADDICTIVE

LIGGETT GROUP
MEBANE, NC 27302 1-800-682-3230
www.liggettgroup.com
MADE IN U.S.A.

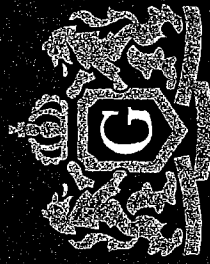




GRAND PFRIX

KINGS
BOX

NON-FILTER • CLASSIC



GRAND PFRIX

KINGS
BOX

NON-FILTER • CLASSIC

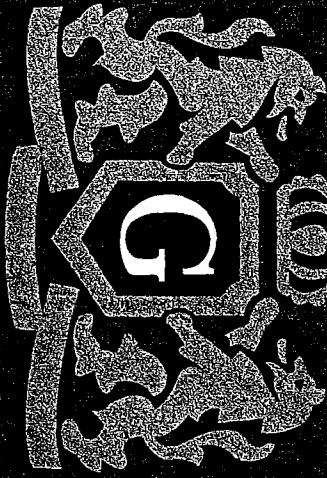
NON-FILTER • CLASSIC



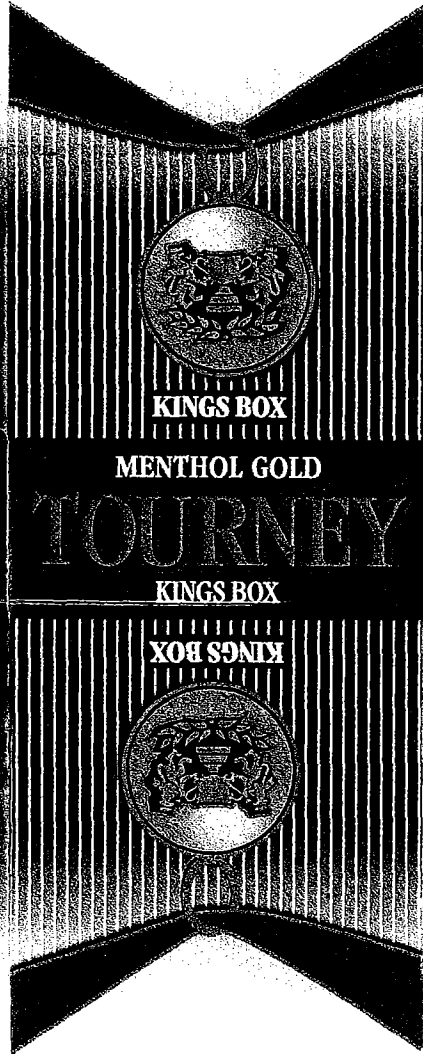
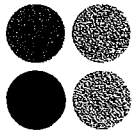
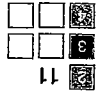
SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.

KINGS
BOX

GRAND PFRIX



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

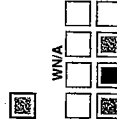


MENTHOL GOLD
TOURNEY

KINGS BOX
TOURNEY
MENTHOL GOLD

TOURNEY
MENTHOL GOLD

WARNING:
SMOKING IS ADDICTIVE
20 CLASS A CIGARETTES
MANUFACTURED BY LIGGETT GROUP
MEBANE, NC 27302
MADE IN U.S.A.



GREAT PRICE
PREMIUM TASTE!

KINGS BOX

TOURNEY



NON-FILTER

NON-FILTER

TOURNEY

KINGS BOX

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



NON-FILTER



TOURNEY



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

November 18, 2011

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

Dear Mr. Long:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Liggett Goup LLC (“Liggett”) on November 17, 2011, 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,¹ and Tourney brands of cigarettes.

Liggett’s sales of the varieties covered by this revised proposed plan appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness²:

<u>Brand</u>	<u>Date(s)</u>
Class A	February 7, 2000 May 4, 2010 October 13, 2011

¹ Liggett’s proposed plan does not apply to the Pyramid Red 100’s hard pack and Pyramid Blue 100’s hard pack varieties which were approved for quarterly rotation by letter dated June 10, 2011.

² Liggett stated in its November 17, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission has most recently approved.

Liggett Select	November 8, 2004 May 4, 2010 June 2, 2010 October 13, 2011
Tourney	November 30, 2005 May 4, 2010 October 13, 2011
Bronson	March 2, 2006 May 4, 2010 June 2, 2010 September 21, 2010 October 13, 2011
Montego	April 3, 2006 May 4, 2010 June 2, 2010
Grand Prix	September 29, 2008 May 4, 2010 October 13, 2011
Pyramid	September 25, 2009 May 4, 2010 February 23, 2011
Eve	May 4, 2010

- Eighteen varieties of the Bronson brand: Non-Filter Kings soft pack, Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Full Flavor Menthol Kings soft pack, Full Flavor Menthol 100's soft pack, Gold Kings (soft pack and hard pack), Gold 100's (soft pack and hard pack), Silver Kings soft pack, Silver 100's soft pack, Gold Menthol Kings soft pack, Gold Menthol 100's soft pack, Silver Kings hard pack, Full Flavor Menthol Kings hard pack, and Gold Menthol Kings hard pack;
- Thirteen varieties of the Class A brand: Non-Filter Kings soft pack, Full Flavor Kings soft pack, Full Flavor 100's soft pack, Filter Kings soft pack, Filter 100's soft pack, Menthol Kings soft pack, Menthol 100's soft pack, Blue Kings soft pack, Blue 100's soft pack, Menthol Silver 100's soft pack, Non-Filter Kings hard pack, Filter Kings hard pack, and Menthol Filter Kings hard pack;
- Four hard pack varieties of the Eve brand: Amethyst 120's, Sapphire 120's, Menthol

Emerald 120's, and Menthol Turquoise 120's;

- Sixteen varieties of the Grand Prix brand: Non-Filter Classic Kings soft pack, Filter Red Kings (soft pack and hard pack), Filter Red 100's (soft pack and hard pack), Blue Kings (soft pack and hard pack), Blue 100's (soft pack and hard pack), Orange 100's (soft pack and hard pack), Menthol Gold Kings hard pack, Menthol Gold 100's hard pack, Menthol Silver 100's (soft pack and hard pack), and Non-Filter Classic Kings hard pack;
- Seventeen varieties of the Liggett Select brand: Non-Filter Kings soft pack, Red Kings (soft pack and hard pack), Red 100's (soft pack and hard pack), Gold Kings (soft pack and hard pack), Gold 100's (soft pack and hard pack), Silver 100's (soft pack and hard pack), Menthol Gold Kings hard pack, Menthol Gold 100's hard pack, Menthol Silver Kings hard pack, Menthol Silver 100's (soft pack and hard pack), and Non-Filter Kings hard pack;
- Eight hard pack varieties of the Montego brand: Full Flavor Kings, Full Flavor 100's, Gold Kings, Gold 100's, Blue 100's, Menthol Kings, Menthol Silver Kings, and Menthol Silver 100's;
- Ten varieties of the Pyramid brand: Non-Filter Kings (soft pack and hard pack), Red Kings hard pack, Blue Kings hard pack, Orange Kings hard pack, Orange 100's hard pack, Menthol Gold Kings hard pack, Menthol Gold 100's hard pack, Menthol Silver 100's hard pack, and Menthol Silver Kings hard pack; and
- Twenty varieties of the Tourney brand: Non-Filter Kings soft pack, Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Gold Kings (soft pack and hard pack), Gold 100's (soft pack and hard pack), Blue 100's soft pack, Menthol Full Flavor Kings hard pack, Menthol Full Flavor 100's hard pack, Menthol Gold Kings soft pack, Menthol Gold 100's (soft pack and hard pack), Slims Rose 120's hard pack, Slims Blue 120's hard pack, Slims Menthol Teal 120's hard pack, Non-Filter Kings hard pack, and Menthol Gold Kings hard pack.

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

Please note that this letter only approves Liggett's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Liggett's packaging. Moreover, it is

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

John R. Long
November 18, 2011
Page 4

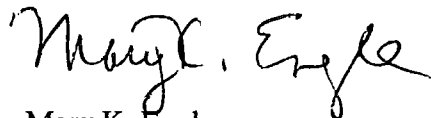
not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Liggett's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Liggett's packaging and advertising under the FSPTCA or any regulations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

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

This approval is effective on the date of this letter and runs through September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,



Mary K. Engle
Associate Director

ALTERNATIVE BRANDS, INC.

November 7, 2011

Ms. Mary K. Engle
Associate Director
Bureau of Consumer Protection
Division of Advertising Practices
Federal Trade Commission
Sixth and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

RE: Alternative Brands, Inc.–Bueno® Cigarette Labeling Rotation Pursuant to 15 U.S.C. §1333(c)(2)

Dear Ms. Engle:

This is an application pursuant to 15 U.S.C. §1333(c)(2) for approval of the plan of Alternative Brands, Inc. for the display of the health warnings on its Bueno® cigarette brand. Alternative Brands, Inc.'s address is 321 Farmington Road, Mocksville, NC 27028.

Peter L. Tourtellot, Trustee of Alternative Brands, Inc., confirms and warrants that he will cause Alternative Brands, Inc. to conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) are properly rotated for Bueno® cigarettes. Alternative Brands, Inc. will rotate the four warnings so that they will appear an equal number of times on the packs and cartons of each brand style of Bueno® cigarettes it manufactures during the twelve month period following approval of this application. Alternative Brands, Inc. will maintain records demonstrating compliance with this plan.

Alternative Brands, Inc. will manufacture Bueno® cigarettes under tobacco manufacturing license number NC-TP-631. Alternative Brands, Inc. currently owns only Bueno® and Rampage™ brands of cigarettes but does not currently manufacture Rampage™ cigarettes. Alternative Brands, Inc. does manufacture the Tucson®, Tracker®, and Barton® brands of cigarettes, owned by Renegade Tobacco Company, for Renegade Tobacco Company via a contract manufacturing agreement. Rampage™ was approved in March 2008, but manufacturing of the Rampage™ cigarette product never took place.

As you know, cigarette labeling in the United States is governed by the Federal Cigarette Labeling and Advertising Act, as amended, 36 U.S.C. §§1331-41. The Commission may grant the twelve month label rotation cycle that Alternative Brands, Inc. requests if:

- (i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of

321 Farmington Road
Mocksville, North Carolina 27028
Phone (336) 940-4818 Fax (336) 940-3669

ALTERNATIVE BRANDS, INC.

the application is less than one-fourth of 1 percent of all the cigarettes sold in the United States in such year; and

(ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i).

Alternative Brands, Inc.'s sales for Bueno® and Rampage™ brands for the fiscal year of 2009 and 2010 are as follows:

- [REDACTED] sticks of Bueno® brand cigarettes; and
- [REDACTED] sticks of Rampage™ brand cigarettes.

Alternative Brands, Inc.'s projected sales for Bueno® for fiscal year 2011 are as follows:

- [REDACTED] sticks of Bueno® brand cigarettes.

Based on its low sales volume, Alternative Brands, Inc. qualifies for the alternative to quarterly rotation of the four health warnings on packaging.

During 2011, Alternative Brands, Inc. plans to manufacture one brand styles of Bueno®:

(1) Full Flavor Kings – 84mm – Hard Pack Cigarettes.

The actual packs and cartons for each brand style of the Bueno® brand with each of the four warnings are submitted with this letter. The warnings will appear exactly as shown on these samples.

Alternative Brands, Inc. does not advertise Bueno® brand cigarettes nor does it intend to advertise. Before engaging in advertising, we will submit a plan to the Federal Trade Commission for the appropriate approvals.

Please let me know if you need any additional information.

Very truly yours,



Peter L. Tourtellot
Trustee

321 Farmington Road
Mocksville, North Carolina 27028
Phone (336) 940-4818 Fax (336) 940-3669

Selected packaging samples from those
submitted with the plan.

BUENO

Distributed by:
Renegade Tobacco Co.
TP-631-NC
Please Don't Litter



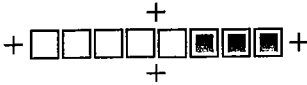
MADE IN U.S.A.

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

BUENO
FULL FLAVOR

MADE IN U.S.A.

1 2 3 4 5 6 7 8 9 10 11 12 08 09 10 11 12 13 14



BUENO


FULL FLAVOR



BUENO
FULL FLAVOR

20 Class

Underage


BUENO

BUENO TASTES GOOD

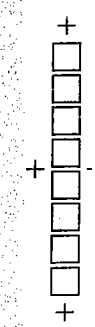



MADE IN USA
BUENO
BUENO TASTES GOOD

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

Underage Sale Prohibited

BUENO TASTES GOOD
BUENO



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

December 5, 2011

Peter L. Tourtellot
Alternative Brands, Inc.
321 Farmington Road
Mocksville, NC 27028

Dear Mr. Tourtellot:

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, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Alternative Brands, Inc. on November 7, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for one variety of the Bueno brand of cigarettes.

Alternative Brands’ sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your November 7, 2011 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Alternative Brands’ plan for simultaneous display of the four health warnings on packaging for the Full Flavor Kings Hard Pack variety of the Bueno brand is hereby approved.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.¹ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Alternative Brands 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 Alternative Brands’ cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) concerning the rotation, size, and conspicuousness of the warnings on Alternative Brands’

¹ 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.

Peter L. Tourtellot
December 5, 2011
Page 2

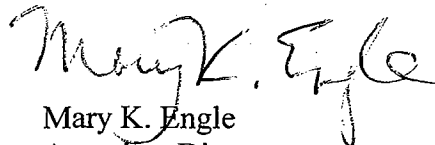
packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for Alternative Brands' cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Alternative Brands' packaging under the FSPTCA or 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.

This approval is effective on the date of this letter and runs through September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

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

Very truly yours,



Mary K. Engle
Associate Director

**SIX NATIONS MANUFACTURING
11359 SOUTHWESTERN BLVD.
P.O. BOX 377
IRVING, NY 14081
TELE: 716-783-2285
FAX: 716-934-4087**

December 06, 2011

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

Re: Cigarette Health Warning Equalization Plan

Dear Ms. Engle:

This letter is being submitted for the approval of the Surgeon General Warning Rotation Plan for packaging and advertising of Native Pride. The "Native Pride" cigarette brand will be manufactured by J. Conrad Seneca, d.b.a. Six Nations Manufacturing. Upon approval of this plan, the manufacturer intends to manufacture these cigarettes under the authority of the Department Of The Treasury, Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15033) and J. Conrad Seneca, d.b.a. Six Nations Manufacturing intends to market and sell the Native Pride brands. The Buffalo, Gator and Senate brands are the other brands we manufacture at this time. Six Nations Manufacturing letter dated February 8, 2011 for health warning statement plans for Gator and Senate was approved on February 23, 2011. Six Nations Manufacturing letter dated June 21, 2011 for health warning statement plans for Buffalo was approved on June 24, 2011.

Native Pride cigarettes will be manufactured in the following variety of styles:

- (1) Robust Full Bodied Flavor King Size Box
- (2) Relaxed Smooth Flavor King Size Box
- (3) Full Bodied Menthol Flavor King Size Box
- (4) Robust Full Bodied Flavor 100's Size Box
- (5) Relaxed Smooth Flavor 100's Size Box
- (6) Full Bodied Menthol Flavor 100's Size Box
- (7) Smooth Menthol Flavor 100's Size Box
- (8) Ultra Smooth Flavor 100's Size Box

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear on the packs and cartons exactly as shown on the samples submitted on November 14, 2011. Under Section 1333(c)(2) J. Conrad Seneca, d.b.a. Six Nations Manufacturing will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the Native Pride brand for the one year period beginning on the date of approval of this plan. We have attached "Schedule A" as our actual annual production volume by style for 2010 and have attached "Schedule B" as an estimate for our annual production volume by style for 2011.

J. Conrad Seneca, d.b.a. Six Nations Manufacturing plans to use point of sales material to advertise the Native Pride brands cigarettes to consumers. J. Conrad Seneca, d.b.a. Six Nations Manufacturing will use the warning formats that were submitted with the 1985 plans of the five leading U.S. Cigarette Manufacturers and will place the warnings as specified in those plans. The warnings will be rotated quarterly according to Schedule C. Copies of the formats that will be used were submitted in our letter dated February 8, 2011 for the Senate and Gator Brands and were approved on February 23, 2011.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Conrad Seneca', written over a horizontal line.

J. Conrad Seneca, Owner

Enclosures

SCHEDULE A: Actual annual (January 1, 2010 thru December 31, 2010) production volume by Six Nations Manufacturing for Senate, Gator & Buffalo Cigarettes by style in cases, cartons, packs & sticks

Style	Cases	Cartons	Packs	Cigarettes
Senate Full Flavor King's Size Box				
Senate Smooth King's Size Box				
Senate Menthol King's Size Box				
Senate Menthol Smooth King's Size Box				
Senate Ultra Smooth King's Size Box				
Senate Non-Filter King's Size Box				
Senate Full Flavor 100's Size Box				
Senate Smooth 100's Size Box				
Senate Menthol 100's Size Box				
Senate Menthol Smooth 100's Size Box				
Senate Ultra Smooth 100's Size Box				
Gator Full Flavor King's Size Box				
Gator Smooth King's Size Box				
Gator Menthol King's Size Box				
Gator Menthol Smooth King's Size Box				
Gator Ultra Smooth King's Size Box				
Gator Non-Filter King's Size Box				
Gator Full Flavor 100's Size Box				
Gator Smooth 100's Size Box				
Gator Menthol 100's Size Box				
Gator Menthol Smooth 100's Size Box				
Gator Ultra Smooth 100's Size Box				
Buffalo Full Flavor King's Size Box				
Buffalo Smooth King's Size Box				
Buffalo Menthol King's Size Box				
Buffalo Menthol Smooth King's Size Box				
Buffalo Ultra Smooth King's Size Box				
Buffalo Non-Filter King's Size Box				
Buffalo Full Flavor 100's Size Box				
Buffalo Smooth 100's Size Box				
Buffalo Menthol 100's Size Box				
Buffalo Menthol Smooth 100's Size Box				
Buffalo Ultra Smooth 100's Size Box				
Buffalo Full Flavor 100's Size Soft				
Buffalo Smooth 100's Size Soft				
Buffalo Menthol 100's Size Soft				
Buffalo Menthol Smooth 100's Size Soft				
Buffalo Ultra Smooth 100's Size Soft				
Totals				

SCHEDULE B: Estimated annual (1/1/2011 -12/31/2011) production volume by Six Nations Manufacturing for Senate, Gator Buffalo & Native Pride Cigarettes by style in cases, cartons, packs and sticks:

Style	Cases	Cartons	Packs	Cigarettes
Native Pride Robust Full Bodied Flavor King Size Box				
Native Pride Relaxed Smooth Flavor King Size Box				
Native Pride Full Bodied Menthol King Size Box				
Native Pride Robust Full Bodied Flavor 100's Size Box				
Native Pride Relaxed Smooth Flavor 100's Size Box				
Native Pride Full Bodied Menthol 100's Size Box				
Native Pride Smooth Menthol Flavor 100's Size Box				
Native Pride Ultra Smooth Flavor 100's Size Box				
Senate Full Flavor King's Size Box				
Senate Smooth King's Size Box				
Senate Menthol King's Size Box				
Senate Menthol Smooth King's Size Box				
Senate Ultra Smooth King's Size Box				
Senate Non-Filter King's Size Box				
Senate Full Flavor 100's Size Box				
Senate Smooth 100's Size Box				
Senate Menthol 100's Size Box				
Senate Menthol Smooth 100's Size Box				
Senate Ultra Smooth 100's Size Box				
Gator Full Flavor King's Size Box				
Gator Smooth King's Size Box				
Gator Menthol King's Size Box				
Gator Menthol Smooth King's Size Box				
Gator Ultra Smooth King's Size Box				
Gator Non-Filter King's Size Box				
Gator Full Flavor 100's Size Box				
Gator Smooth 100's Size Box				
Gator Menthol 100's Size Box				
Gator Menthol Smooth 100's Size Box				
Gator Ultra Smooth 100's Size Box				
Buffalo Full Flavor King's Size Box				
Buffalo Smooth King's Size Box				
Buffalo Menthol King's Size Box				
Buffalo Menthol Smooth King's Size Box				
Buffalo Ultra Smooth King's Size Box				
Buffalo Non-Filter King's Size Box				
Buffalo Full Flavor 100's Size Box				
Buffalo Smooth 100's Size Box				
Buffalo Menthol 100's Size Box				
Buffalo Menthol Smooth 100's Size Box				
Buffalo Ultra Smooth 100's Size Box				
Buffalo Full Flavor 100's Size Soft				
Buffalo Smooth 100's Size Soft				
Buffalo Menthol 100's Size Soft				
Buffalo Menthol Smooth 100's Size Soft				
Buffalo Ultra Smooth 100's Size Soft				
Totals				

Schedule C

Rotation Schedule for Advertising and Promotional Materials

Quarter	Buffalo	Senate	Gator	Native Pride
Q1 Jan - Mar	A	B	C	D
Q2 Apr - Jun	B	C	D	A
Q3 Jul - Sep	C	D	A	B
Q4 Oct - Dec	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.

Selected packaging samples from those
submitted with the plan.

5X NATIONS
100% NATURAL TOBACCO
MADE IN THE USA
100% NATURAL TOBACCO
MADE IN THE USA
100% NATURAL TOBACCO
MADE IN THE USA



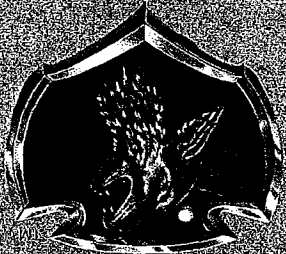
6N-FS-01140
PW

N A T I O N A L
PRIDE



100% NATURAL TOBACCO
MADE IN THE USA

N A T I O N A L
PRIDE



100% NATURAL TOBACCO
MADE IN THE USA

N A T I O N A L
PRIDE

AN ULTRA SMOOTH
TOBACCO FLAVOR

MADE IN USA

N A T I O N A L
PRIDE

MADE IN USA

AN ULTRA SMOOTH
TOBACCO FLAVOR

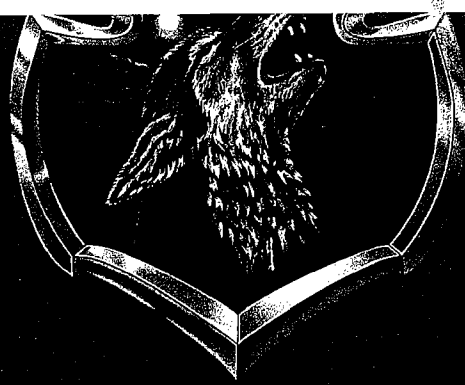
SURGEON GENERAL'S WARNING:
Smoking By Pregnant Women May Result in Fetal
Injury, Premature Birth, And Low Birth Weight.

034456
B&W

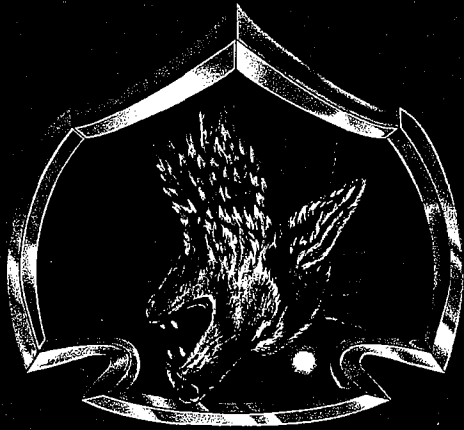
100% NATURAL TOBACCO
MADE IN THE USA
20
CIGARETTES

034485

1988



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





Division of Advertising Practices

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

December 12, 2011

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

Dear Mr. Seneca:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by J. Conrad Seneca, d/b/a Six Nations Manufacturing ("Six Nations") on December 6, 2011, calling for: (1) quarterly rotation of the four health warnings in advertising up to ten square feet in size for the Native Pride brand of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Native Pride brand.

Six Nations's plan for rotation of the warnings in advertising up to 10 square feet in size for the Native Pride brand is hereby approved. Approval of this advertising plan assumes that the plan is implemented in good faith.

Six Nations'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 November 14, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Six Nations's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight hard pack varieties of the Native Pride brand: Robust Full Bodied Flavor (Kings and 100's), Relaxed Smooth Flavor (Kings and 100's), Full Bodied Menthol Flavor (Kings and 100's), Smooth Menthol Flavor 100's, and Ultra Smooth Flavor 100's.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.¹ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

¹ 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.

J. Conrad Seneca
December 12, 2011
Page 2

Please note that this letter only approves Six Nations's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation and size of the warnings in advertising and on packaging for the Native Pride brand. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Six Nations's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Six Nations'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 September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,



Mary K. Engle
Associate Director

December 6, 2011



Smokin Joes

Ms. Mary K. Engle
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, N.W.
Room NJ-3212
Washington, DC 20580

4900 Indian Hill Road
Lewiston, NY 14092
(716) 754-4064
Fax (716) 754-4184

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

This letter is being submitted for approval of the alternative method to the quarterly Surgeon General Warning rotation plan for new packaging of the following six (6) new box varieties of the Lewiston cigarette brand, three (3) new box varieties of the Smokin Joes Premium cigarette brand, three (3) new box varieties of the Smokin Joes Natural cigarette brand, and two (2) new box varieties of the Exact cigarette brand:

Exact Cigarette Brand
Exact Gold 100 Size Box
Exact Menthol 100 Size Box
Lewiston Cigarette Brand
Lewiston Red 100 Size Box
Lewiston Gold 100 Size Box
Lewiston Menthol 100 Size Box
Lewiston Menthol King Size Box
Lewiston Menthol Gold 100 Size Box
Lewiston Blue 100 Size Box
Smokin Joes Natural Cigarette Brand
Smokin Joes Natural Menthol 100 Size Box
Smokin Joes Natural Red 100 Size Box
Smokin Joes Natural Red King Size Box
Smokin Joes Premium Cigarette Brand
Smokin Joes Premium Red 100 Size Box
Smokin Joes Premium Gold 100 Size Box
Smokin Joes Premium Menthol 100 Size Box

This letter is also being submitted for approval of the alternative method to the quarterly Surgeon General Warning rotation plan for packaging of the following two (2) king size box varieties of the Outdoor Freedom cigarette brand:

800-274-8010

www.smokinjoe.com



Outdoor Freedom Cigarette Brand
Outdoor Freedom Original King Size Box
Outdoor Freedom Smooth King Size Box

These cigarettes will be and continue to be manufactured by Joseph M. Anderson d/b/a Smokin Joes. Upon approval of this plan, the manufacturer will sell and continue to sell these cigarettes under the authority of the Bureau of Alcohol, Tobacco & Firearms (Manufacturer of Tobacco Products License TP-NY-168).

The products submitted with this plan will be and continue to be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear exactly as they do on the actual pack labels and cartons submitted with my October 21, 2011 letter with the exception of the Outdoor Freedom cigarette brand styles. The warnings for the Outdoor Freedom cigarette brand styles will appear exactly as shown on the sample packs and cartons submitted with my August 27, 2010 letter.

Smokin Joes believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331; sales figures for all Smokin Joes manufactured and imported brands are provided on Exhibit A. Smokin Joes manufactures a number of cigarette brand styles and until October 2009 imported the Lewiston Special cigarette brand and Exact Special cigarette brand. Smokin Joes no longer imports the Lewiston Special and Exact Special cigarette brands. Of all Smokin Joes manufactured cigarette brand styles, from December 1, 2010 through November 30, 2011, the biggest seller was Smokin Joes Full Flavor 100 Size Box totaling [REDACTED] sticks.

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

Smokin Joes continues to be in compliance with its June 15, 2011 packaging plan for the Exact cigarette brand, Exact Elite cigarette brand, Lewiston cigarette brand, Market cigarette brand, Maple Leaf cigarette brand, Smokin Joes cigarette brand, Smokin Joes Natural cigarette brand, Smokin Joes Premium cigarette brand, and Nightclub cigarette brand approved on June 17, 2011. The four warnings of these cigarette brands continue to appear exactly as shown on the sample packaging submitted to the Federal Trade Commission with my May 11, 2010 letter with the exception of the Nightclub brand styles. The warnings for the Nightclub brand styles will appear exactly as shown on the sample packs and cartons submitted with my May 4, 2011 letter.

Smokin Joes will continue to comply with its May 1, 2007 amended plan for advertising the Exact, Lewiston, Market, Outdoor Freedom, and Smokin Joes cigarette brands as well as its February 19, 2008 plan for advertising the Nightclub cigarette brand and its April 16, 2009 plan for advertising the Maple Leaf cigarette brand.

Smokin Joes, the manufacturer, is aware of the requirements set forth by the Federal Trade Commission in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the regulations. Smokin Joes will maintain record of compliance with the approved plan. The submitted carton and pack label for each brand style bearing each Surgeon General warning satisfies the requirement of package submission. If there are any questions or concerns regarding this plan, please contact me at 716-754-4064 x225.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen E. Delaney', with a long, sweeping horizontal line extending to the right.

Karen E. Delaney
Tax Compliance Manager

EXHIBIT A

PRODUCT EXACT	STICKS (Actual Sticks) Size Filtered (2/1/2010) (30/2011)
EXACT CANADIAN FULL FLAVOUR (CANADIAN RED) KING SIZE SOFT PACK	
EXACT CANADIAN BLUE KING SIZE SOFT PACK	
EXACT FULL FLAVOR (RED) 100 SOFT PACK	
EXACT FULL FLAVOR (RED) KING BOX	
EXACT FULL FLAVOR (RED) KING SOFT PACK	
EXACT GOLD 100 SOFT PACK	
EXACT GOLD 100 BOX	
EXACT GOLD KING BOX	
EXACT GOLD KING SOFT PACK	
EXACT MENTHOL 100 SOFT PACK	
EXACT MENTHOL 100 BOX	
EXACT MENTHOL KING SOFT PACK	
EXACT MENTHOL GOLD 100 SOFT PACK	
EXACT MENTHOL GOLD KING SOFT PACK	
EXACT BLUE 100 SOFT PACK	
PRODUCT EXACT ELITE	STICKS (Actual Sticks) Size Filtered (2/1/2010) (30/2011)
EXACT ELITE FULL FLAVOR (RED) KING SOFT PACK	
EXACT ELITE FULL FLAVOR (RED) 100 SOFT PACK	
EXACT ELITE FULL FLAVOR (RED) KING SIZE BOX	
EXACT ELITE GOLD 100 SIZE SOFT PACK	
EXACT ELITE GOLD KING SIZE BOX	
EXACT ELITE GOLD KING SIZE SOFT PACK	
EXACT ELITE MENTHOL KING SIZE SOFT PACK	
EXACT ELITE MENTHOL 100 SIZE SOFT PACK	
EXACT ELITE MENTHOL GOLD 100 SIZE SOFT PACK	
EXACT ELITE MENTHOL GOLD KING SIZE SOFT PACK	
EXACT ELITE NON-FILTER KING SIZE BOX	
EXACT ELITE BLUE 100 SIZE SOFT PACK	
PRODUCT EXACT MAPLE LEAF	STICKS (Actual Sticks) Size Filtered (2/1/2010) (30/2011)
MAPLE LEAF CANADIAN BLUE KING SIZE BOX	

PRODUCT/MARKET	STICKS/Actual Stick Sales Figures (2/1/2010 - 1/30/2011)
MARKET FULL FLAVOR (RED) 100 SIZE BOX	
MARKET FULL FLAVOR (RED) 100 SOFT PACK	
MARKET FULL FLAVOR (RED) KING BOX	
MARKET FULL FLAVOR (RED) KING SOFT PACK	
MARKET GOLD 100 SIZE BOX	
MARKET GOLD 100 SOFT PACK	
MARKET GOLD KING BOX	
MARKET GOLD KING SOFT PACK	
MARKET MENTHOL 100 BOX	
MARKET MENTHOL 100 SOFT PACK	
MARKET MENTHOL KING BOX	
MARKET MENTHOL KING SOFT PACK	
MARKET MENTHOL GOLD 100 BOX	
MARKET MENTHOL GOLD 100 SOFT PACK	
MARKET MENTHOL GOLD KING SOFT PACK	
MARKET MENTHOL BLUE 100 SIZE BOX	
MARKET NON-FILTER KING SIZE BOX	
MARKET BLUE 100 BOX	
MARKET BLUE 100 SIZE SOFT PACK	
MARKET BLUE KING SIZE BOX	
PRODUCT/MARKET	STICKS/Actual Stick Sales Figures (2/1/2010 - 1/30/2011)
NIGHTCLUB FULL FLAVOR KING SIZE INTERNATIONAL STLYE BOX	
NIGHTCLUB LIGHT KING SIZE INTERNATIONAL STLYE BOX	
NIGHTCLUB RICH KING SIZE BOX	
NIGHTCLUB SMOOTH KING SIZE BOX	

PRODUCT SMOKIN JOES NATURAL **STICKS Actual Stick Sales in grams 12/1/2010 - 1/30/2011**

SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) 100 SIZE BOX	
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) 100 SOFT PACK	
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) KING BOX	
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) KING SOFT PACK	
SMOKIN JOES NATURAL SILVER 100 SIZE BOX	
SMOKIN JOES NATURAL SILVER 100 SOFT PACK	
SMOKIN JOES NATURAL SILVER KING SIZE BOX	
SMOKIN JOES NATURAL SILVER KING SOFT PACK	
SMOKIN JOES NATURAL MEDIUM (RED) 100 SOFT PACK	
SMOKIN JOES NATURAL RED 100 BOX	
SMOKIN JOES NATURAL MEDIUM (RED) KING SOFT PACK	
SMOKIN JOES NATURAL RED KING BOX	
SMOKIN JOES NATURAL MENTHOL 100 SIZE SOFT PK	
SMOKIN JOES NATURAL MENTHOL 100 SIZE BOX	
SMOKIN JOES NATURAL MENTHOL KING SIZE BOX	
SMOKIN JOES NATURAL MENTHOL GOLD 100 SOFT PK	
SMOKIN JOES NATURAL MENTHOL GOLD KING SIZE BOX	
SMOKIN JOES NATURAL NON-FILTER KING SIZE SOFT PACK	
SMOKIN JOES NATURAL WHITE 100 SIZE BOX	
SMOKIN JOES NATURAL WHITE 100 SIZE SOFT PACK	
SMOKIN JOES NATURAL WHITE KING SIZE SOFT PACK	

PRODUCT EXACT SPECIAL **STICKS Actual Stick Sales in grams 12/1/2010 - 1/30/2011**

EXACT SPECIAL FULL FLAVOR KING SIZE SOFT PACK	
EXACT SPECIAL LIGHTS KING SIZE SOFT PACK	
EXACT SPECIAL MENTHOL KING SIZE SOFT PACK	
EXACT SPECIAL MENTHOL LIGHTS KING SIZE SOFT PACK	
EXACT SPECIAL FULL FLAVOR 100 SIZE BOX	
EXACT SPECIAL LIGHTS 100 SIZE BOX	
EXACT SPECIAL MENTHOL 100 SIZE BOX	
EXACT SPECIAL MENTHOL LIGHTS 100 SIZE BOX	
EXACT SPECIAL ULTRA LIGHTS 100 SIZE BOX	

PRODUCT	STOCKS/Actual Stock Sales figures (12/1/2016-1/30/2017)
LEWISTON SPECIAL FULL FLAVOR KING SIZE SOFT PACK	
LEWISTON SPECIAL LIGHTS KING SIZE SOFT PACK	
LEWISTON SPECIAL MENTHOL KING SIZE SOFT PACK	
LEWISTON SPECIAL MENTHOL LIGHTS KING SIZE SOFT PACK	
LEWISTON SPECIAL ULTRA LIGHTS KING SIZE SOFT PACK	
LEWISTON SPECIAL FULL FLAVOR 100 SIZE BOX	
LEWISTON SPECIAL LIGHTS 100 SIZE BOX	
LEWISTON SPECIAL MENTHOL 100 SIZE BOX	
LEWISTON SPECIAL MENTHOL LIGHTS 100 SIZE BOX	
LEWISTON SPECIAL ULTRA LIGHTS 100 SIZE BOX	
PRODUCT	STOCKS/Actual Stock Sales figures (12/1/2016-1/30/2017)
LEWISTON FULL FLAVOR (RED) 100 SIZE SOFT PACK	
LEWISTON RED 100 SIZE BOX	
LEWISTON FULL FLAVOR (RED) KING SIZE BOX	
LEWISTON FULL FLAVOR (RED) KING SIZE SOFT PACK	
LEWISTON GOLD 100 SIZE SOFT PACK	
LEWISTON GOLD 100 SIZE BOX	
LEWISTON GOLD KING SIZE BOX	
LEWISTON GOLD KING SIZE SOFT PACK	
LEWISTON MENTHOL 100 SIZE SOFT PACK	
LEWISTON MENTHOL 100 SIZE BOX	
LEWISTON MENTHOL KING SIZE SOFT PACK	
LEWISTON MENTHOL KING SIZE BOX	
LEWISTON MENTHOL GOLD 100 SIZE SOFT PACK	
LEWISTON MENTHOL GOLD 100 SIZE BOX	
LEWISTON MENTHOL GOLD KING SIZE SOFT PACK	
LEWISTON NON-FILTER KING SIZE SOFT PACK	
LEWISTON BLUE 100 SIZE SOFT PACK	
LEWISTON BLUE 100 SIZE BOX	

Product	STOCKS	Actual Stock Sales Figures	12/1/2019	12/31/2019
SMOKIN JOES FULL FLAVOR (RED) 100 BOX				
SMOKIN JOES FULL FLAVOR (RED) 100 SOFT PACK				
SMOKIN JOES FULL FLAVOR (RED) KING SIZE BOX				
SMOKIN JOES FULL FLAVOR (RED) KING SIZE SOFT PACK				
SMOKIN JOES GOLD 100 SIZE BOX				
SMOKIN JOES GOLD 100 SIZE SOFT PACK				
SMOKIN JOES GOLD KING SIZE BOX				
SMOKIN JOES GOLD KING SIZE SOFT PACK				
SMOKIN JOES MENTHOL 100 SIZE BOX				
SMOKIN JOES MENTHOL 100 SIZE SOFT PACK				
SMOKIN JOES MENTHOL KING SIZE BOX				
SMOKIN JOES MENTHOL KING SIZE SOFT PACK				
SMOKIN JOES MENTHOL GOLD 100 SIZE BOX				
SMOKIN JOES MENTHOL GOLD 100 SIZE SOFT PACK				
SMOKIN JOES MENTHOL GOLD KING SIZE BOX				
SMOKIN JOES MENTHOL GOLD KING SIZE SOFT PACK				
SMOKIN JOES NON-FILTER KING SIZE SOFT PACK				
SMOKIN JOES NON-FILTER KING SIZE BOX				
SMOKIN JOES ULTRA LIGHTS (BLUE) 100 SIZE BOX				
SMOKIN JOES BLUE 100 SIZE SOFT PACK				
SMOKIN JOES BLUE KING SIZE BOX				
SMOKIN JOES BLUE KING SIZE SOFT PACK				
Product	STOCKS	Actual Stock Sales Figures	12/1/2019	12/31/2019
OUTDOOR FREEDOM FULL FLAVOR (ORIGINAL) KING SIZE BOX				
OUTDOOR FREEDOM SMOOTH KING SIZE BOX				

Product	STICKS (Actual Stick Sales Figures 12/1/2004-1/30/2011)
SMOKIN JOE PREMIUM CANADIAN FULL FLAVOUR (CANADIAN RED) KING SIZE BOX	
SMOKIN JOE PREMIUM CANADIAN BLUE KING SIZE BOX	
SMOKIN JOE PREMIUM FULL FLAVOR (RED) 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM RED 100 SIZE BOX	
SMOKIN JOE PREMIUM FULL FLAVOR (RED) KING SIZE BOX	
SMOKIN JOE PREMIUM FULL FLAVOR (RED) KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM GOLD 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM GOLD 100 SIZE BOX	
SMOKIN JOE PREMIUM GOLD KING SIZE BOX	
SMOKIN JOE PREMIUM GOLD KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL 100 SIZE BOX	
SMOKIN JOE PREMIUM MENTHOL KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL GOLD 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL GOLD KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM NON-FILTER KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM BLUE 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM BLUE KING SIZE SOFT PACK	
Product	STICKS (Actual Stick Sales Figures 12/1/2004-1/30/2011)
SMOKIN JOES FULL FLAVOR (RED) 100 BOX	

¹Nightclub Full Flavor King Size International style box, Nightclub Light King Size International Style box, Outdoor Freedom Full Flavor King Size Soft pack, Outdoor Freedom Lights King Size Soft Pack, Smokin Joes Premium Medium King Size Soft Pack, and Smokin Joes Premium Medium 100 Size Soft Pack are no longer manufactured.

²The Lewiston Special and Exact Special cigarette brands are no longer imported.

Selected packaging samples from those
submitted with the plan.

MADE IN U.S.A.

Smokin Joes



UNDERAGE SALE PROHIBITED



Red Box 100's



Smokin Joes

Domestic Factory American

Red Box 100's

20 CLASS A CIGARETTES

Red Box 100's



??-??????????
CM

Smokin Joes.
FAMILY
SMOKIN JOES.
LEWISTON, NY 14092
www.sjbrands.com
FOR QUESTIONS OR COMMENTS CALL: 1-800-274-8010
FSC
7 99 170 1105 6 0 1 7
Sale Only Allowed in the United States.

Domestic Factory American

20 CLASS A CIGARETTES

Red Box 100's

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



PREMIUM

Smokin Joes

Smokin Joes



J's

PREMIUM
Menthol
100's Box



Genuine Native American Cigarettes

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

Smokin Joes

PREMIUM



J's



FSC

Genuine Native American Cigarettes

Smokin Joes®

MADE IN U.S.A.

FIRST NATIVE AMERICAN CIGARETTE FACTORY

UNDERAGE SALE PROHIBITED

Smokin Joes.

100% NATURAL TOBACCO

FIRST NATIVE AMERICAN CIGARETTE FACTORY

Smokin Joes.



MENTHOL 100'S BOX

20 CLASS A CIGARETTES

100% NATURAL TOBACCO

Smokin Joes®

20 CLASS A CIGARETTES

MENTHOL 100'S BOX

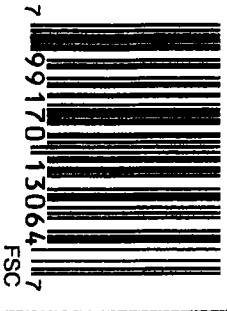


Smokin Joes
100% NATURAL TOBACCO
SMOKIN JOES®
LEWISTON, NY 14092
www.sjbrands.com FOR QUESTIONS OR COMMENTS CALL 1-800-274-8010
Sale Only Allowed in the United States.



FSC

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



Smokin Joes®
 100% NATURAL TOBACCO
 RED 100'S BOX

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



Smokin Joes®
 100% NATURAL TOBACCO
 FIRST NATIVE AMERICAN CIGARETTE FACTORY
 RED 100'S BOX

Smokin Joes
 FOR QUESTIONS OR
 COMMENTS CALL
 1-800-274-8010
 www.sibrands.com

Smokin Joes®
 100% NATURAL TOBACCO
 RED 100'S BOX

SMOKIN JOES® LEWISTON, NEW YORK 14092
 200 CLASS A CIGARETTES
 MADE IN THE U.S.A.

MADE IN
U.S.A.

UNDERAGE
SALE
PROHIBITED

EXACT

GOLD BOX 100'S

EXACT



GOLD BOX 100'S

20 CLASS A CIGARETTES

GOLD BOX 100'S

EXACT

20 CLASS A CIGARETTES

GOLD BOX 100'S



EXACT

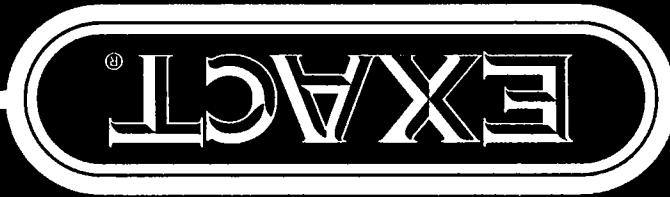
EXACT
SMOKER JOBS -
LEWISTON, NY 14092
www.sibrands.com FOR QUESTIONS OR COMMENTS CALL 1-800-274-8000
Sale Only Allowed in the United States.
7 991701210172
FSC

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

www.sjbrands.com

FOR QUESTIONS OR
COMMENTS CALL:
1-800-274-8010

MENTHOL 100'S BOX



SMOKIN JOES®, LEWISTON, NEW YORK 14092
200 CLASS A CIGARETTES
MADE IN THE U.S.A.



MENTHOL 100'S BOX



FILTER CIGARETTES



MENTHOL 100'S BOX

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

MADE IN
USA

Blue 100's Box

LEWISTON

Blue 100's Box

Blue 100's Box

LEWISTON



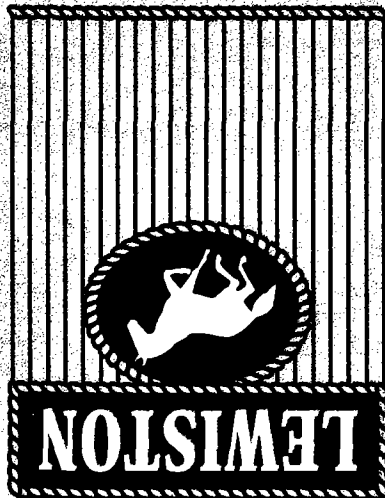
20 CLASS A CIGARETTES

Blue 100's Box

LEWISTON

CM
??????????????

20 CLASS A CIGARETTES



LEWISTON
SMOKE JOES
LEWISTON, NY 14092
www.sjbrands.com
FOR QUESTIONS OR COMMENTS CALL: 1-800-274-8010
Sale Only Allowed in the United States.



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

FOR QUESTIONS OR
COMMENTS CALL:
1-800-274-8010
www.sjbrands.com

LEWISTON[®]

Menthol Box

SMOKIN JOES[®], LEWISTON, NEW YORK 14092
200 CLASS A CIGARETTES
MADE IN THE U.S.A.

LEWISTON[®]



Filter Cigarettes

Menthol Box

LEWISTON[®]

Menthol Box

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



Sale Only Allowed in the United States.

FSC

9/55



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

December 13, 2011

Karen E. Delaney
Smokin Joes
4900 Indian Hill Road
Lewiston, NY 14092

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Joseph M. Anderson d/b/a Smokin Joes (“Smokin Joes”) on December 6, 2011 calling for: (1) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for two varieties of the Outdoor Freedom brand of cigarettes; and (2) expansion of Smokin Joes’ June 15, 2011 plan for simultaneous display of the warnings on packaging for the Exact, Lewiston, Smokin Joes Natural, and Smokin Joes Premium brands to include additional varieties of those brands.

Smokin Joes’ 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 August 27, 2010 (Outdoor Freedom) and October 21, 2011 (Exact, Lewiston, Smokin Joes Natural, and Smokin Joes Premium) appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Smokin Joes’ plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Two box varieties of the Outdoor Freedom brand: Original Kings and Smooth Kings;
- Two box varieties of the Exact brand: Gold 100's and Menthol 100's;
- Six box varieties of the Lewiston brand: Red 100's, Gold 100's, Menthol (Kings and 100's), Menthol Gold 100's, and Blue 100's;
- Three box varieties of the Smokin Joes Natural brand: Red (Kings and 100's), and Menthol 100's; and

¹ Smokin Joes stated in its December 6, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Karen E. Delaney
December 13, 2011
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- Three box varieties of the Smokin Joes Premium brand: Red 100's, Gold 100's, and Menthol 100's.

Approval of Smokin Joes' 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.

I wish to remind you that the Commission's June 17, 2011 approval of Smokin Joes' cigarette health warning statement rotation plan for packaging of certain varieties of its brands runs through **June 16, 2012** and that this letter does not extend that approval period.

Please note that this letter only approves Smokin Joes' cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Smokin Joes' packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Smokin Joes' cigarettes, including, but not limited to, "100% natural." Nor does this letter purport to interpret or express any opinion about the adequacy of Smokin Joes' 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.

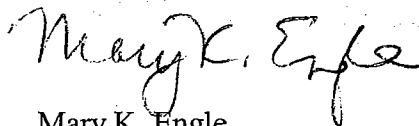
This approval is effective on the date of this letter and runs through September 21, 2012. Beginning on September 22, 2012, you will need to have an FDA-approved plan for display of the nine new health warnings set forth in the FSPTCA.

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.

Karen E. Delaney
December 13, 2011
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If you have any questions regarding this approval, please contact William Ducklow at
(202) 326-2407.

Very truly yours,

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

Mary K. Engle
Associate Director