



Division of
Advertising Practices

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

MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Bonnie McGregor
Division of Advertising Practices

DATE: April 18, 2023

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. January 2, 2020 letter from Terri Albright, King Maker Marketing, Inc. to Mary K. Engle.
2. January 27, 2020 letter from Mary K. Engle to Terri Albright, King Maker Marketing, Inc.
3. January 27, 2020 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to Mary K. Engle.
4. January 29, 2020 letter from Mary K. Engle to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
5. January 26, 2020 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.
6. January 30, 2020 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.
7. February 5, 2020 letter from Eric F. Facer on behalf of Great Swamp Enterprises, Inc. to Rick Quaresima.
8. February 5, 2020 letter from Rick Quaresima to Eric F. Facer on behalf of Great Swamp Enterprises, Inc.

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9. February 5, 2020 letter from Darren Rose, Azuma Corporation to Mary Engle.
10. February 10, 2020 letter from Richard Quaresima to Darren Rose, Azuma Corporation.
11. February 10, 2020 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Mary K. Engle.
12. February 11, 2020 letter from Richard Quaresima to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
13. February 11, 2020 letter from Melinda Northup, Kretek International, Inc. to Rick Quaresima.
14. February 12, 2020 letter from Rick Quaresima to Melinda Northup, Kretek International, Inc.
15. December 27, 2019 letter from Varden Alumyan, Intertobac Inc. to Mary K. Engle.
16. February 19, 2020 letter from Richard Quaresima to Varden Alumyan, Intertobac Inc.
17. March 6, 2020 letter from David A. Scott, Cheyenne International, LLC to Mary K. Engle.
18. March 9, 2020 letter from Richard Quaresima to David A. Scott, Cheyenne International, LLC.
19. March 12, 2020 letter from Darren Rose, Azuma Corporation to Rick Quaresima.
20. March 16, 2020 letter from Rick Quaresima to Darren Rose, Azuma Corporation.
21. March 5, 2020 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Richard Quaresima.
22. March 23, 2020 letter from Richard Quaresima to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
23. March 19, 2020 letter from Jennifer Misegan, KBIC Tobacco Company, LLC to Mary Engle.
24. March 24, 2020 letter from Richard Quaresima to Jennifer Misegan, KBIC Tobacco Company, LLC.
25. March 18, 2020 letter from Eric B. Estes, Xcaliber International, Ltd., LLC to Rick Quaresima.

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26. March 24, 2020 letter from Rick Quaresima to Eric B. Estes, Xcaliber International, Ltd., LLC.
27. March 19, 2020 letter from Geraldine Bowen Barker, Commonwealth Brands, Inc. to Mary Engle.
28. March 27, 2020 letter from Rick Quaresima to Geraldine Bowen Barker, Commonwealth Brands, Inc.



January 2, 2020

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

Re: Request for annual plan renewal approval

Dear Ms. Engle:

King Maker Marketing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on all varieties of the Wildhorse Brand, Ace Brand (US Farmers packaging) and Gold Crest (US Farmers packaging). The warnings will appear exactly as shown on the Ace and Gold Crest sample packs and cartons that were enclosed in our March 2, 2017 letter. The warnings will appear exactly as shown on the Wildhorse sample packs and cartons submitted on 10/26/2017.

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

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

-Nine varieties of the Ace Brand in "US Farmers" packaging: Red Kings box, Red 100's box, Yellow Kings Box, Yellow 100's Box, Blue 100's box, Menthol 10 Kings box, Menthol 10 100's box, Menthol 94 100's box, and Non-Filter Kings box;

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-Nine varieties of the Gold Crest brand in "US Farmers" packaging: Red Kings box, Red 100's box, Yellow Kings Box, Yellow 100's Box, Blue 100's box, Menthol 10 Kings Box, Menthol 10 100's box, Menthol 94 100's box, and Non-Filter Kings box.

The four warnings that will be displayed are:

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

King Maker Marketing will continue to comply with the advertising rotation plan previously approved.

King Maker sales for the last fiscal year (calendar year 2019) did not exceed [REDACTED] sticks for any one brand style that we manufacture. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan. King Maker Marketing does not import cigarettes.

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

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

Sincerely,



Terri Albright
Operations/Compliance Director
Direct Phone: 636.537.6823
Fax: 636.530.1362
Email: talbright@usleaf.com

**



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

Division of
Advertising Practices

January 27, 2020

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

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by King Maker Marketing, Inc. (“King Maker”) on January 2, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Gold Crest, and Wildhorse brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Ace	March 2, 2017
Gold Crest	March 2, 2017
Wildhorse	October 26, 2017

¹ King Maker stated in its January 2, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Ms. Terri Albright

January 27, 2020

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

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

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

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, 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 January 26, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Ms. Terri Albright

January 27, 2020

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

Very truly yours,

A handwritten signature in blue ink that reads "Mary Engle" followed by a stylized flourish.

Mary K. Engle
Associate Director

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January 27, 2020

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

Mary K. Engle
Associate Director
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, NW
Mail Drop CC10528
Washington, DC 20580

**Re: Wind River Tobacco Company, LLC
American Bison and Nashville Renewal**

Dear Ms. Engle:

This renewal of the plan for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes (the "Plan") is submitted to the Federal Trade Commission ("FTC") on behalf of Wind River Tobacco Company, LLC ("WRT"), located at 4792 Potato House Court, Wilson, NC 27893. WRT's Senior Vice President, Manufacturing Operations is Bennett Lee Welchons.

WRT's most recent plan for the simultaneous display of health warnings on the packaging of five (5) American Bison and ten (10) Nashville varieties of cigarettes was approved on February 26, 2019. A supplement to the plan to add a packaging color variation for the American Bison Blue variety was approved on August 8, 2019, and a packaging change for the Nashville Silver 100's variety was approved on October 21, 2019. WRT wishes to renew the Plan.

I. Background

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

labels on cigarette packaging. Section 1333(b)(2) sets forth the requirements for warnings in advertisements, except for outdoor billboards, which are covered in Section 1333(b)(3).

WRT intends to manufacture American Bison and Nashville brands of cigarettes. WRT intends to manufacture the American Bison brand of cigarettes in the six (6) varieties listed in Schedule A, attached hereto. American Bison Blue will be manufactured in two (2) packaging color variations, blue and red. WRT intends to manufacture the Nashville brand of cigarettes in the ten (10) varieties listed in Schedule A. WRT seeks continued approval for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes for the varieties listed in Schedule A. This Plan sets forth the manner in which WRT shall comply with the warning label requirements of the Act.

II. Packaging

A. Beginning on the date of the renewal of this Plan (the “**Effective Date**”) the following label statements required by 15 U.S.C. §1333(a)(1), shall be displayed on the packs and cartons of the American Bison and Nashville varieties manufactured by WRT:

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

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

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

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

B. WRT intends to utilize the label statement rotation option provided by 15 U.S.C. §1333(c)(2), to display the four warnings an equal number of times on the packs and cartons of each of the American Bison and Nashville varieties it manufactures. WRT will ensure equal use of the warning label statements by ordering equal quantities of packaging (packs and cartons) containing each of the four (4) warning label statements. The packaging will be delivered to WRT on pallets. Each pallet will contain a designated quantity of the packaging (e.g., 10,000 units) with an equal quantity of packaging on each pallet containing each of the four (4) warning statements (e.g., 2500 units with warning A, 2500 units with warning B, 2500 units with warning C and 2500 with warning D). WRT will load the packaging inventory from each pallet into the packaging machines and thus, produce finished packages containing the four health warnings in an equal number. Accordingly, the packs and cartons will be printed and distributed using an equal number of all four (4) warning labels. WRT shall maintain records accounting for the number of packs and cartons using each warning label. WRT will equalize the use of the four (4) warning labels on the packs and cartons of each of the six (6) American Bison varieties and on each of the ten (10) Nashville varieties for the one year period beginning on the Effective Date.

WRT's fiscal year for 2019 was the calendar year (January 1, 2019 to December 31, 2019). WRT has provided sales figures for fiscal and calendar year 2019 in Schedule A. Please note that WRT also manufactures the Teton brand of cigarettes which is subject to a separate health warning display plan approved by the FTC.

WRT's sales volume for the fiscal and calendar year 2019 (January 1, 2019 – December 31, 2019) for the American Bison, Nashville and Teton varieties are set forth in Schedule A. For the fiscal and calendar year 2019, the sales volume for any one variety of cigarettes manufactured or imported by WRT did not exceed one-fourth of one percent of all cigarettes sold in the United States in that year. Further, WRT does not anticipate that the sales volume for any one variety of cigarettes it manufactures or imports for the one year period beginning on the Effective Date shall exceed one-fourth of one percent of all cigarettes sold in the United States in that year. WRT does not now and does not intend to manufacture or import any brands of cigarettes for sale in the United States for the one year period beginning on the Effective Date, other than the American Bison, Nashville and Teton varieties listed in Schedule A.

The label statements required by 15 U.S.C. §1333(a)(1), shall be printed on the packaging prior to WRT's manufacturing the American Bison and Nashville cigarettes. The warning labels will appear on the packs and cartons of each of the king size varieties of the American Bison and Nashville brand cigarettes listed in Schedule A, exactly as they appeared on the packaging submitted to the FTC with WRT's letters dated January 23, 2018 and June 19, 2019. The warning labels will appear on the cartons of all five (5) Nashville 100's varieties exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated January 23, 2018. The warning labels will appear on packs of the Nashville Red 100's, Green (Menthol) 100's and Black (Menthol) 100's exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated February 11, 2019. For the packs of the Nashville Gold 100's and Nashville Silver 100's varieties, currently, the warning labels will appear exactly as they appeared on the square-cornered packaging submitted to the FTC with WRT's letter dated January 23, 2018. When the square-cornered packaging runs out (which is expected to occur by or before June 30, 2020), WRT will convert the packs for these two (2) varieties to round cornered packaging. At that time, the warning labels will appear on the packs of the Nashville Gold 100's exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated February 11, 2019, and the warning labels will appear on the packs of the Nashville Silver 100's exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated September 24, 2019.

III. Advertising

WRT currently has approved advertising plans in place for American Bison and Nashville brand cigarettes and continues to be in compliance with those plans. WRT has a plan for the display of health warnings on certain advertisements for American Bison brand cigarettes that was approved on April 23, 2002; a plan for the display of health warnings on internet advertising for American Bison brand cigarettes that was approved on June 24, 2004; a plan for the display of health warnings on internet advertising for Nashville brand cigarettes that was approved on March 13, 2006; a plan for the display of health warnings on non-internet advertising for Nashville brand cigarettes that was approved on February 27, 2018; a modification of the previously approved schedule for quarterly rotation of the four warnings in

advertising that was approved on February 27, 2018; and, a modification of the plans for the display of health warnings on non-internet advertising for American Bison and Nashville brand cigarettes that was approved on August 13, 2018. Any advertising of the American Bison and Nashville brand cigarettes shall be conducted in accordance with the above-referenced advertising plans.

IV. Miscellaneous

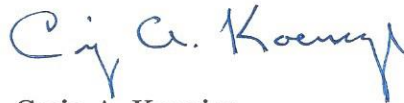
A. Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarettes during any period of time.

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

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

Sincerely,

ROETZEL & ANDRESS, LPA



Craig A. Koenigs

SCHEDULE A

The following is a list of the American Bison, Nashville and Teton cigarette varieties that WRT manufactures and the annual sales volume in cigarettes for fiscal and calendar year 2019 (January 1, 2019 to December 31, 2019) for each variety.

<u>Brand</u>	<u>Size / Packaging</u>	<u>Variety</u>	<u>Fiscal Year Sales Volume</u>
American Bison	King / Box	Blue (Blue Packaging)	[REDACTED]
		Blue (Red Packaging)	[REDACTED]
		Gold	[REDACTED]
		Yellow	[REDACTED]
		Green (Menthol)	[REDACTED]
		Dark Green (Menthol)	[REDACTED]

<u>Brand</u>	<u>Size / Packaging</u>	<u>Variety</u>	<u>Fiscal Year Sales Volume</u>
Nashville	Kings / Box	Red	[REDACTED]
		Gold	[REDACTED]
		Silver	[REDACTED]
		Green (Menthol)	[REDACTED]
		Black (Menthol)	[REDACTED]
	100's / Box	Red	[REDACTED]
		Gold	[REDACTED]
		Silver	[REDACTED]
		Green (Menthol)	[REDACTED]
		Black (Menthol)	[REDACTED]

<u>Brand</u>	<u>Size / Packaging</u>	<u>Variety</u>	<u>Fiscal Year Sales Volume</u>
Teton	Kings / Box	No. 18 Blue Kings	[REDACTED]
		No. 18 Yellow Kings	[REDACTED]
		No. 18 Green Menthol Kings	[REDACTED]
	100's / Box	No. 6 Red 100's	[REDACTED]
		No. 6 Gold 100's	[REDACTED]
		No. 6 Green Menthol 100's	[REDACTED]
		No. 6 Black Menthol 100's	[REDACTED]



Division of
Advertising Practices

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

January 29, 2020

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

Dear Mr. Koenigs:

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

WRTC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated January 23, 2018, February 11, 2019, June 19, 2019, and September 24, 2019 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, WRTC’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Six box varieties of the American Bison brand:² Blue Kings (Blue packaging), Blue Kings (Red packaging), Gold Kings, Yellow Kings, Green (Menthol) Kings, Dark Green (Menthol) Kings; and
- Ten box varieties of the Nashville brand:³ Red Kings, Gold Kings, Silver Kings, Green (Menthol) Kings, Black (Menthol) Kings, Red 100’s, Gold 100’s, Silver 100’s, Green (Menthol) 100’s, and Black (Menthol) 100’s.

¹ WRTC stated in its January 27, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

² We note that the word “Menthol” is not printed on the packaging of the “American Bison Green (Menthol) Kings box” or “American Bison Dark Green (Menthol) Kings box” varieties.

Craig A. Koenigs, Esq.
January 29, 2020
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Approval of this plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.⁴ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

This approval is effective on the date of this letter and runs through January 28, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

³ As set forth in its January 27, 2020 letter, WRTC is using colors to identify its cigarette varieties. We note that the color names are not printed on the packaging of the "Nashville Green (Menthol) Kings box," "Nashville Black (Menthol) Kings box," "Nashville Green (Menthol) 100's box," and "Nashville Black (Menthol) 100's box" varieties (*e.g.*, the word "Green" does not appear on the packaging of the "Nashville Green (Menthol) Kings box" variety); however, for those varieties, the color referenced in the name does conform to the color used in the packaging.

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

Craig A. Koenigs, Esq.
January 29, 2020
Page 3

If you have any questions regarding this approval, please contact Samuel Baker at (202) 326-2651.

Very truly yours,

A handwritten signature in blue ink that reads "Mary Engle" followed by a stylized flourish.

Mary K. Engle
Associate Director



January 26, 2020

**Mary K. Engle, Associate Director
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, NW
Mail Drop NJ 3212
Washington, DC 20580**

Re: Request for annual plan renewal approval for 2020

Dear Ms. Mary Engle:

Premier Manufacturing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on all varieties of the 1st Class, the Ultra Buy, the Shield, the 1839, the Manitou and the Traffic Brands. The warnings will appear exactly as shown on the sample packs and cartons that were enclosed in our March 11, 2015, November 12, 2015, May 12, 2016 letters and January 16, 2019 letter.

Premier Manufacturing will display the four health warnings an equal number of times on the packs and cartons for each of the brand styles listed below of the 1st Class, Shield, Ultra Buy, Manitou, Traffic and 1839 brands for the one-year period beginning on the date of approval of this plan. We will achieve equalization of the four warnings on the packs and cartons of each brand style listed below by having all four warnings printed simultaneously at the time of both pack and carton print runs. Premier will keep records demonstrating compliance with the plan. The warnings on all packs and cartons of each of our Brand styles have been equalized to date. This plan covers all varieties Premier manufacturers:

- ten varieties of Shield Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100 Box, Silver Kings Box, Silver 100's Box and Non Filter King Box;**

(1)

www.GoPremier.com

629 Cepi Drive • Chesterfield, Missouri 63005 • (800) 272-8656 • Fax (636) 537-1305 • info@gopremier.com



- **eight box varieties of the Manitou Brand: No5 Virginia King, No6 Virginia King, No7 Virginia King, No8 Virginia King, No9 Virginia King, No10 Virginia King, No11 Virginia King and No12 Virginia King.**
- **nine varieties of the 1st Class Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100's Box, Silver 100's Box and Non Filter King Box;**
- **nine varieties of Ultra Buy Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100's Box, Silver 100's Box, and Non Filter Kings Box;**
- **eleven varieties of 1839 Brand: Red King Box, Red 100 Box, Blue King Box, Blue 100 Box, Silver King Box, Silver 100 Box, Menthol Green King Box, Menthol Green 100 Box, Menthol Blue King Box, Menthol Blue 100 Box and Non Filter King Box;**
- **nine varieties of Traffic Brand: Red King Box, Red 100 Box, Blue King Box, Blue 100 Box, Menthol Green King Box, Menthol Green 100 Box, Silver 100 Box, Menthol Silver 100 Box and Non-Filter King Box.**

The four warnings that will be displayed are:

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

Premier will continue to comply with the advertising rotation plan previously approved.

Our sales for this fiscal year (January – December 2019) did not exceed [REDACTED] sticks for any one brand style that we manufacture, we do not import. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan.

(2)

www.GoPremier.com

629 Cepi Drive • Chesterfield, Missouri 63005 • (800) 272-8656 • Fax (636) 537-1305 • info@gopremier.com



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

Please call me if you have any questions or require additional information.

Sincerely,

Terri Albright
Operations/Compliance Manager
Direct Phone: 636-537-6823
Fax: 636-530-1362
Email: talbright@gopremier.com

(3)

www.GoPremier.com

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Division of
Advertising Practices

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

January 30, 2020

Ms. Terri Albright
Premier Manufacturing, Inc.
629 Cepi Drive
Chesterfield, MO 63005

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Premier Manufacturing, Inc. (“Premier”) on January 26, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1839, 1st Class, Shield, Traffic, Ultra Buy, and Manitou brands of cigarettes.

Premier’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 11, 2015, November 12, 2015, May 12, 2016, and January 16, 2019 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Eleven varieties of the 1839 brand: Red Box (Kings and 100’s), Blue Box (Kings and 100’s), Silver Box (Kings and 100’s), Menthol Green Box (Kings and 100’s), Menthol Blue Box (Kings and 100’s), and Non-Filter Kings Box;
- Nine varieties of the 1st Class Brand: Red Box (Kings and 100’s), Blue Box (Kings and 100’s), Menthol Green Box (Kings and 100’s), Menthol Silver 100’s Box, Silver 100’s Box, and Non-Filter Kings Box;

¹ Premier stated in its January 26, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Ms. Terri Albright

January 30, 2020

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- Ten varieties of the Shield Brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Silver Box 100's, and Non-Filter Kings Box;
- Nine varieties of the Traffic brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver 100's Box (medium blue packaging), Menthol Silver 100's Box (medium green packaging), and Non-Filter Kings Box;
- Nine varieties of the Ultra Buy Brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Menthol Silver 100's Box, Silver 100's Box and Non-Filter Kings Box; and
- Eight varieties of the Manitou brand: No5 Virginia Kings Box, No6 Virginia Kings Box, No7 Virginia Kings Box, No8 Virginia Kings Box, No9 Virginia Kings Box, No10 Virginia Kings Box, No11 Virginia Kings Box, and No12 Virginia Kings Box.

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

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

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

Ms. Terri Albright

January 30, 2020

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

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

Very truly yours,

A handwritten signature in blue ink that reads "Mary Engle / 2/2". The signature is written in a cursive style.

Mary K. Engle
Associate Director

LAW OFFICES OF ERIC F. FACER, PLLC

1025 CONNECTICUT AVENUE, N.W.
SUITE 1000
WASHINGTON, D.C. 20036
(202) 464-0400
eff@f-slaw.com

February 5, 2020

Via First Class Mail and E-mail (Samuel Baker <sbaker4@ftc.gov>)

Rick Quaresima, Acting Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave., NW
Mail Drop CC-10528
Washington, DC 20580

ATTN: Ms. Bonnie McGregor

Re: Great Swamp Enterprises, Inc.
Health Warning Rotation Plan for the Cayuga Brand of Cigarettes

Dear Mr. Quaresima:

On behalf of Great Swamp Enterprises, Inc. (“Great Swamp”), we hereby submit this Surgeon General’s Equalization Plan (the “Plan”) for Great Swamp as required under the *Federal Cigarette Labeling and Advertising Act of 1984*, 15 U.S.C. § 1331 *et seq.* (1998), as amended (the “FCLAA”) for eleven (11) styles of Cayuga cigarettes.

Great Swamp’s first equalization plan was approved by the Federal Trade Commission (the “FTC”) on March 10, 2011. The effective date of its current plan runs through February 7, 2020.

There has been no material change in Great Swamp’s operations since the submission of its most recent equalization plan, as summarized below.

Great Swamp is the manufacturer of the Cayuga Brand. Its manufacturing facility is located at 61 Ovid Street, Seneca Falls, NY 13148 (Tel: 315/568-5880). Ms. Crissy Murphy is the General Manager. It currently manufactures a single brand of cigarettes—the Cayuga Brand—but it does not import or export any cigarettes.

Mr. Rick Quaresima

February 5, 2020

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The fiscal year for Great Swamp is the calendar year. During 2019, Great Swamp's actual sales of all brand styles of the Cayuga Brand totaled [REDACTED] sticks, which should qualify the company for the exemption set forth in section 1333(c) of the FCLAA. Sales for 2020 are projected to be approximately [REDACTED] sticks.

Cayuga Brand cigarettes are sold in eleven (11) hard box brand styles. Great Swamp requests that the following eleven (11) styles be included in the Plan:

Cayuga Dark Green Kings, Cayuga Medium Green Kings, Cayuga Red Kings, Cayuga Blue Kings, Cayuga Gold Kings, Cayuga Dark Green 100's, Cayuga Medium Green 100's, Cayuga Light Green 100's, Cayuga Red 100's, Cayuga Blue 100's, and Cayuga Gold 100's.¹

These are the exact same brand styles that were the subject of the revised equalization plan submitted by Great Swamp on February 5, 2019, as approved by the FTC on February 8, 2019; Great Swamp does not manufacture any cigarettes beyond these eleven (11) brand styles.

The warnings will appear exactly as shown on the samples of Cayuga packaging submitted with our letter to the FTC dated January 9, 2019.

Great Swamp will display the four health warnings an equal number of times on the packs and cartons for each brand style covered by the Plan for the one-year period beginning on the date of approval of this Plan. Specifically, it will order packaging materials containing an equal number of the four health warnings. It will then employ its packaging inventory in such a way as to ensure the equalized use and rotation of the four health warnings on all packs and all cartons of each brand style of the Cayuga Brand. Lastly, Great Swamp will keep records documenting its compliance with this Plan.

Based on the foregoing, Great Swamp requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA (*i.e.*, the alternative to quarterly rotation). Great Swamp is aware that the Food and Drug Administration may assume jurisdiction, at any time during 2020, for warning label compliance.

Although Great Swamp does not advertise its products on the Internet, it does use print advertising to promote the Cayuga brand. On December 5, 2012, Great Swamp submitted a revised proposed plan for the quarterly rotation of the four health warnings in

¹ Although colors are used in the name of each Cayuga brand style, those names are *not* printed on any cigarette packaging. For example, the words "Light Green" do not appear on the packaging of "Light Green 100's." However, the color used for each brand style's packaging does conform to the color used in its name.

Mr. Rick Quaresima

February 5, 2020

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print advertising up to 720 square inches in size for the Cayuga brand of cigarettes. The FTC approved Great Swamp's advertising rotation plan on December 11, 2012.

We submit that the foregoing complies with the requirements of the FCLAA, and request expedited approval of this request. Should you require any additional information in order to review and approve the health warning rotation plan of Great Swamp Enterprises, Inc. for the Cayuga brand, please feel free to contact me at any time. Please email the approval of the Plan to me at: eff@f-slave.com. (Please note that the fax line referenced in the letterhead above is no longer in service.) We do not require a mailed hardcopy of the approval letter. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric F. Facer". The signature is written in a cursive style with a large, stylized initial "E".

Eric F. Facer



Division of
Advertising Practices

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

February 5, 2020

Eric F. Facer, Esq.
1025 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036

Dear Mr. Facer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Great Swamp Enterprises, Inc. (“Great Swamp”), on February 5, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for eleven box varieties of the Cayuga brand of cigarettes.

Great Swamp’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 January 9, 2019 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Great Swamp’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven box varieties of the Cayuga brand: Dark Green (Kings and 100’s), Medium Green (Kings and 100’s), Red (Kings and 100’s), Blue (Kings and 100’s), Gold (Kings and 100’s), and Light Green 100’s.²

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

¹ Great Swamp stated in its February 5, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 9, 2019.

² As set forth in its February 5, 2020 letter, Great Swamp is using colors to identify its cigarette varieties (*e.g.*, “Light Green 100’s”). We note that the color names are not printed on the packaging (*e.g.*, the words “Light Green” do not appear on the packaging of the “Light Green 100’s” variety); however, the color used for a variety’s packaging does conform to the color used in its name.

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.

Eric F. Facer, Esq.
February 5, 2020
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Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Great Swamp's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Great Swamp'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 February 4, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Samuel Baker at (202) 326-2651.

Very truly yours,



Rick Quaresima
Associate Director (Acting)

AZUMA CORPORATION

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

February 5, 2020

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

Re: Renewal of Tracker, Shinnecock, Heron and Sands cigarettes

Dear Ms. Engle:

Please consider this letter our request for annual compliance.

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

Azuma Corporation will manufacture the Tracker cigarette brand in the following varieties:

Red Bear 100's Box
Golden Panther 100's Box
Green Forest 100's Box

Red Bear King Size Box
Golden Panther King Size Box
Green Forest King Size Box

Azuma Corporation will manufacture the Heron cigarette brand in the following varieties:

Crimson Medium 100's Box

Crimson Medium King Size Box

No. 33 Black Red 100's Box

No. 33 Black Red King Box

No. 33 Black Gold 100's Box

No. 33 Black Gold King Box

No. 33 Black Menthol 100's Box

No. 33 Black Menthol King Box

Azuma Corporation will manufacture the Sands cigarette brand in the following varieties:

Red 100's Box

Red King Size Box

Gold 100's Box

Gold King Size Box

Silver 100's Box

Silver King Size Box

Menthol 100's Box

Menthol King Size Box

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: RENEWAL OF TRACKER, SHINNECOCK, HERON AND SANDS CIGARETTES
February 5, 2020
PAGE 2

Menthol Blue 100's Box

Menthol Blue King Size Box

Azuma Corporation will manufacture the Shinnecock cigarette brand in the following varieties:

Red 100's Box

Red King Size Box

Yellow 100's Box

Yellow King Size Box

Menthol 100's Box

Menthol King Size Box

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

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples previously provided to your office with our letters on the following dates:

April 4, 2018 & April 26, 2018 – Heron and Sands

May 18, 2018 – Tracker

June 20, 2018 & October 25, 2018 – Shinnecock

Azuma Corporation's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brands we manufactured or imported for the 2019 fiscal year (calendar year ending December 31, 2019) are set out in Exhibit A. Azuma Corporation will manufacture only the above styles of cigarettes listed above. No brands will be imported.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved we will display the four (4) cigarette health warnings on the packs and cartons of each cigarette brand style listed above an equal number of times for the one-year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the packs and cartons of each brand style an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. Azuma Corporation will maintain records of compliance with the approved plan. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times,

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: RENEWAL OF TRACKER, SHINNECOCK, HERON AND SANDS CIGARETTES
February 5, 2020
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Azuma Corporation will place an order of the specific warning label(s) that need to be equalized. Azuma Corporation will maintain records of compliance with the approved plan.

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


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

Sincerely,

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

Darren Rose
Azuma Corporation

Exhibit A		Actual Stick 2019 to date
Item		
Heron	Black No. 33 Red King Box	[REDACTED]
Heron	Black No. 33 Gold King Box	
Heron	Black No. 33 Menthol King Box	
Heron	Black No. 33 Red 100 Box	
Heron	Black No. 33 Gold 100 Box	
Heron	Black No. 33 Menthol 100 Box	
Heron	Crimson King Box	
Heron	Crimson 100 Box	
Sands	Red King Box	
Sands	Gold King Box	
Sands	Silver King Box	
Sands	Menthol King Box	
Sands	Menthol B'ue King Box	
Sands	Red 100 Box	
Sands	Gold 100 Box	
Sands	Silver 100 Box	
Sands	Menthol 100 Box	
Sands	Menthol Blue 100 Box	
Tracker	Red Bear King	
Tracker	Red Bear 100	
Tracker	Golden Panther 100	
Tracker	Golden Panther King	
Tracker	Green Forest King	
Tracker	Green Forest 100	
Shinnecock	Red 100 Box	
Shinnecock	Yellow 100 Box	
Shinnecock	Menthol 100 Box	
Shinnecock	Red King Box	
Shinnecock	Yellow King Box	
Shinnecock	Menthol King Box	

Exhibit B		
Item		Estimated Stick 2020 to date
Heron	Black No. 33 Red King Box	
Heron	Black No. 33 Gold King Box	
Heron	Black No. 33 Menthol King Box	
Heron	Black No. 33 Red 100 Box	
Heron	Black No. 33 Gold 100 Box	
Heron	Black No. 33 Menthol 100 Box	
Heron	Crimson King Box	
Heron	Crimson 100 Box	
Sands	Red King Box	
Sands	Gold King Box	
Sands	Silver King Box	
Sands	Menthol King Box	
Sands	Menthol Blue King Box	
Sands	Red 100 Box	
Sands	Gold 100 Box	
Sands	Silver 100 Box	
Sands	Menthol 100 Box	
Sands	Menthol Blue 100 Box	
Tracker	Red Bear King	
Tracker	Red Bear 100	
Tracker	Golden Panther 100	
Tracker	Golden Panther King	
Tracker	Green Forest King	
Tracker	Green Forest 100	
Shinnecock	Red 100 Box	
Shinnecock	Yellow 100 Box	
Shinnecock	Menthol 100 Box	
Shinnecock	Red King Box	
Shinnecock	Yellow King Box	
Shinnecock	Menthol King Box	



Division of
Advertising Practices

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

February 10, 2020

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

Dear Mr. Rose:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Azuma Corporation (“Azuma”) on February 5, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron, Sands, Shinnecock, and Tracker brands of cigarettes.

Azuma’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated April 4, 2018, April 26, 2018, May 18, 2018, June 20, 2018, and October 25, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

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

¹ Azuma stated in its February 5, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Mr. Darren Rose
February 10, 2020
Page 2

- Six box varieties of the Shinnecock brand: Red (Kings and 100's), Yellow (Kings and 100's), and Menthol (Kings and 100's); and
- Six box varieties of the Tracker brand: Red Bear (Kings and 100's), Golden Panther (Kings and 100's), and Green Forest (Kings and 100's).

Approval of Azuma'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.

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

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

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

This approval is effective on the date of this letter and runs through February 9, 2021 or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Mr. Darren Rose
February 10, 2020
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If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by
RICHARD QUARESIMA
Date: 2020.02.10 12:20:23
-05'00'

Richard Quaresima
Associate Director (Acting)

Holland & Knight

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

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

February 10, 2020

VIA E-MAIL

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

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

Dear Ms. Engle:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 24, Teaneck, New Jersey 07666 and its affiliates (collectively "JTI"), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), seeking approval for JTI to display the warning labels specified in Section 4(a)(1) of the Act in the manner provided in Section 4(c)(2)(C) of the Act, on redesigned packages and cartons of cigarettes for the ten previously approved hard pack "Wave" brand styles for one year following approval of this plan, namely:

Full Flavor (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (King and 100's), and Menthol Green (Kings and 100's)

The Label Statement Rotation Plan of JTI submitted to the Federal Trade Commission on August 28, 1985 (the "Plan"), as subsequently amended, was approved most recently on April 5, 2019 (for all then current brand styles of all brands) and September 18, 2019 (for the "LD by L. Ducat" brand). The "Wave" individual packages and cartons with the former design submitted on February 25, 2015 will no longer be manufactured or imported once approval of the redesigned packages and cartons is received (but current inventories will be sold until

Ms. Mary K. Engle

February 10, 2020

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exhausted). The warnings will appear exactly as shown on the “Wave” samples provided with our letter dated December 18, 2019.

In support of JTI’s application for extension of FTC approval of its simultaneous display plan for packages and cartons to cover the ten “Wave” packaging varieties listed above, JTI affirms as follows:

(a) the cigarettes sold by JTI in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. During JTI’s last fiscal year ended December 31, 2019, the total number of cigarettes of any brand style sold by JTI in the United States during such year (all of which were imported) was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI imported (or manufactured) and sold accounted for less than one-fourth of one percent of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half (i.e. all) of the cigarettes for sale by JTI for sale in the United States (all of which were imported) are packaged into brand styles which meet the requirements of clause (i);

(b) the statutorily mandated warnings will appear exactly as shown on the sample packages and cartons submitted to and approved by the Federal Trade Commission unless and until revised sample individual packages and cartons are submitted to the Federal Trade Commission on JTI’s behalf and approved by the Federal Trade Commission; and

(c) JTI will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes for each brand style for the one year period beginning on the date of approval for the Plan and JTI will keep records demonstrating compliance with the Plan.

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

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

If you should have any further questions in connection with this application, please call me at (212) 513-3470. We enclosed under cover of our letter dated December 18, 2019 a Federal Express airway bill and envelope for your use, if possible, in transmitting an approval letter to us in order to ensure its timely receipt. In addition, it would be appreciated if such approval letter could be faxed to me at 212-341-7103 or sent to me as a pdf attachment to an e-mail at neal.beaton@hkclaw.com.

Ms. Mary K. Engle

February 10, 2020

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Thank you for your continued cooperation in this matter.

Very truly yours,



Neal N. Beaton

Enclosure

Attachment 1

Export 'A'

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

Export A 72 Slide and Shell Pack:

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

Export 'A' 72 Slide and Shell Bundle:

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

Wave/Wings/LD by L. Ducat

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

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

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

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

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

Selected packaging samples from those
submitted with the plan.





Wave

MENTHOL GREEN



EXCEPTIONALLY SMOOTH,
CRAFTED TO PERFECTION

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

Wave

A M E R I C A N B L E N D

Wave

MENTHOL GREEN

A PRODUCT OF JT INTERNATIONAL
Made in Turkey for
JT International U.S.A., Inc. - Teaneck, NJ 07666
Contact us: 1-877-889-9283 - wavecigarettes.com
200 CLASS A CIGARETTES



Division of
Advertising Practices

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

February 11, 2020

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. and its affiliates (collectively “JTI”) on February 10, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Wave brand of cigarettes.

JTI’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on December 18, 2019 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, JTI’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten hard pack varieties of the Wave brand: Full Flavor (Kings and 100’s), Menthol (Kings and 100’s), Blue (Kings and 100’s), Silver (Kings and 100’s), and Menthol Green (Kings and 100’s).

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

Please note that this letter only approves JTI’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”). Moreover, it is not in any way an approval of any other design element, statement, or representation made on

¹ JTI stated in its February 10, 2020 letter that it intends to run out its existing inventory of previously approved packaging for the Wave brand.

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

Neal N. Beaton, Esq.

February 11, 2020

Page 2

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

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

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

This approval is effective on the date of this letter and runs through February 10, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by
RICHARD QUARESIMA
Date: 2020.02.11 13:46:44
-05'00'

Richard Quaresima
Associate Director (Acting)



5449 Endeavour Court • Moorpark, California 93021

Rick Quaresima, Acting Associate Director
Federal Trade Commission
600 Pennsylvania Avenue NW
Mail Drop CC-10528
Washington, DC 20580

February 11, 2020

Dear Mr. Quaresima:

Re: Renewal of Health Warning Rotation Plan for DREAMS Brand Cigarettes, revised version.

On February 5, 2019, Kretek International ("Kretek") received approval from the Federal Trade Commission ("FTC") for its health warning rotation plan ("the Plan") for its Dreams brand of cigarettes which are imported by Kretek.

The FTC's approval is valid for a period of one year. With this letter, Kretek seeks to renew the FTC's approval of Kretek's plan for the following Dreams Brand of cigarettes all of which are in king-size, clam-shell style hard packs: California Dreams, Midnight Dreams, Menthol, Natural, and Pink Dreams.

The health warnings on the packaging for these five (5) brand styles will appear exactly as shown on the packaging labels that were sent to you on January 13, 2016. In addition, Kretek has submitted to the Secretary of the Department of Health and Human Services a list of the ingredients added to tobaccos in the manufacture of the cigarettes.

Kretek will display the 4 health warnings an equal number of times on the packs and cartons of each brand style of the DREAMS brand for the one year period beginning on the date of approval of the Plan. Each shipment of DREAMS cigarettes that is imported by Kretek shall contain an equal number of warnings on each of the styles listed above. Kretek will keep records to demonstrate compliance with this Plan.

Each year, Kretek will resubmit this equalized health warning statement plan for your review and approval. Kretek uses a calendar-based fiscal year that runs from January through December. Kretek should qualify to equalize the warnings on its packs and cartons during fiscal year 2020, since no single brand style of cigarettes imported by Kretek had sales of more than [REDACTED] sticks during fiscal year 2019. Kretek currently imports TAJ MAHAL and DREAMS brand families of cigarettes.

Kretek does not itself manufacture or fabricate any cigarettes.



Kretek does not intend to engage in consumer advertising for the DREAMS cigarette brands, but will submit a proposed advertising rotation plan for approval to the FTC if that changes.

In view of the above practices, Kretek asks that its health warning display plan be approved for the upcoming year.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melinda Northrup".

Melinda Northrup
Tobacco Tax & Legal Compliance Specialist
Kretek International, Inc.



Division of
Advertising Practices

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

February 12, 2020

Ms. Melinda Northrup
Kretek International, Inc.
5449 Endeavor Court
Moorpark, CA 93021

Dear Ms. Northrup:

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

Kretek’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 January 13, 2016 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Kretek’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following five king-size, clam-shell hard pack varieties of the Dreams brand: California, Midnight, Menthol, Natural, and Pink.

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 Kretek’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”). Moreover, it is not in any way an approval of any other design element, statement, or representation made

¹ Kretek stated in its February 11, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 13, 2016.

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

Ms. Melinda Northrup
February 12, 2020
Page 2

on packaging or in advertising for Kretek's cigarettes, including, but not limited to, "natural." Nor does this letter purport to interpret or express any opinion about the adequacy of Kretek'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.

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

This approval is effective on the date of this letter and runs through February 11, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Samuel Baker at (202) 326-2651.

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by
RICHARD QUARESIMA
Date: 2020.02.12
15:36:31 -05'00'

Rick Quaresima
Associate Director (Acting)

INTERTOBAC INC

27720 Avenue Scott, Ste#140
Valencia, CA 91355

T 818.859.7667

vardan@intertobac.com

December 27, 2019

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

Re: Proposed Plan for Health Warning Labels on Cigarettes

Dear Ms. Engle:

INTERTOBAC INC. is a California State licensed cigarette importer and pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331 et seq. ("Cigarette Act") seeks approval of its cigarette health warning statement rotation plan for packaging and cartons of the following brand styles of Treasurer brand of cigarettes manufactured by The Chancellor Tobacco Company (UK) Ltd.:

1. **Treasurer Luxury White**, 90mm long, hardpack and paper carton
2. **Treasurer Black**, 90mm long, aluminum pack and paper carton
3. **Treasurer Gold**, 90mm long, aluminum pack and paper carton
4. **Treasurer Silver**, 90mm long, aluminum pack and paper carton

Pursuant to Section 1333(c)(2) INTERTOBAC INC. seeks approval of its plan to display the four health warning statements an equal number of times on the packaging and cartons of the aforementioned brand styles of Treasurer brand of cigarettes for the one year period beginning on the date of the approval of this plan. INTERTOBAC INC.'s sales of cigarettes in the United States for the 2017 fiscal year was [REDACTED] sticks of cigarettes. INTERTOBAC INC.'s sales of cigarettes in the United States for the 2018 fiscal year was [REDACTED] sticks of cigarettes. We anticipate our sales of Treasurer brand of cigarettes for the 2019 fiscal year will be [REDACTED] sticks of cigarettes. Our fiscal year extends from January 1st through December 31st of each year. INTERTOBAC INC. does not intend to import or manufacture any other brand styles of cigarettes at this time.

Each shipment as imported, contains an equal number of each of the four warnings on the packs and cartons of each brand style of the Treasurer brand and each warning on each brand style will be used in equal amounts.

We will keep records demonstrating compliance with this plan.

INTERTOBAC INC. will display the four health warning statements on the **Treasurer Luxury White, Treasurer Black, Treasurer Gold and Treasurer Silver** brand styles. The four health warning statements that will appear on the packs and cartons are as follows:

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

INTERTOBAC INC. also seeks approval of its plan to display health warning statements on advertisements for cigarettes. INTERTOBAC INC. will use the warning statement formats that were submitted in the 1985 Plan of the 5 leading US manufacturers and we will place the warnings as specified in that plan.

The health warnings will be rotated quarterly in advertising according to the Schedule set out below.

Schedule for Quarterly Rotation in Advertising

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

Copies of the health warning statement formats that we will be using were attached as Exhibits 1 through 7 with our letter dated February 15, 2019. The size of our advertisements shall not exceed 10 ft² in area.

INTERTOBAC INC., also seeks approval of its plan to display health warning statements on internet websites.

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. INTERTOBAC INC. will use the warning statement formats that were submitted in the 1985 Plan of the 5 leading US manufacturers and in internet advertising we will place warnings in proportionate manner to these formats.

The health warnings will be rotated quarterly on internet websites according to the Schedule set out above. An example of how the health warnings will be displayed can be viewed on our website at the following URL: <https://www.chancellor-tobacco.com>.

Actual samples of cartons, total of 12 cartons, of **Treasurer Black, Treasurer Gold and Treasurer Silver** brand styles of cigarettes showing the four health warning statements exactly as they will appear were submitted with our letter dated June 20th, 2019.

Actual samples of 16 packs of **Treasurer Luxury White, Treasurer Black, Treasurer Gold and Treasurer Silver** brand styles of cigarettes showing the four health warning statements exactly as they will appear were submitted with our letter dated February 15, 2019.

Also with the letter dated February 15, 2019, INTERTOBAC INC. submitted copies of the health warning statement formats that we will be using on advertisements for cigarettes as Exhibits 1 through 7.

Included with this letter, please find actual samples of cartons, total of 4 cartons, of **Treasurer Luxury White** brand style of cigarettes showing the four health warning statements exactly as they will appear.

Also, please note that we have a new address. Going forward please direct all correspondence to our new address at:

Intertobac Inc.
27720 Avenue Scott
Ste# 140
Valencia, CA 91355

Regards,

A handwritten signature in black ink, appearing to read 'V. Alamyran', written over a horizontal line.

Vardan Alamyran
President, **INTERTOBAC Inc.**

Selected packaging samples from those
submitted with the plan.

UNDERAGE
SALE
PROHIBITED

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



TREASURER
LONDON

Luxury White

TREASURER
LONDON



TREASURER
LONDON

Luxury White

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

www.chancellor-tobacco.com

February 19, 2020

Mr. Vardan Alumyan
Intertobac Inc.
27720 Avenue Scott, Suite 140
Valencia, CA 91355

Dear Mr. Alumyan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Intertobac Inc. (“Intertobac”) on December 27, 2019, calling for: (1) quarterly rotation of the four health warnings in advertising up to ten square feet in size for the Treasurer brand of cigarettes; (2) quarterly rotation of the four health warnings in Internet advertising for the Treasurer brand of cigarettes; and (3) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Treasurer brand of cigarettes.

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

Intertobac’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated February 15, 2019, June 20, 2019, and December 27, 2019 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Intertobac’s plan for simultaneous display of the four health

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

warnings on packaging is hereby approved for the following 90 mm varieties of the Treasurer brand: Black (aluminum pack), Gold (aluminum pack), Silver (aluminum pack), and Luxury White hard pack. **This approval of Intertobac's plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through February 18, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

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

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

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

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

Mr. Vardan Alumyan

February 19, 2020

Page 3

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

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by
RICHARD QUARESIMA
Date: 2020.02.19 13:50:30
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Richard Quaresima
Associate Director (Acting)



March 6, 2020

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

Re: Rotation Plan: Cheyenne, Decade and aura brands

Dear Ms. Engle,

Cheyenne International, LLC (the "Company") is a tobacco products manufacturer (ATF permit # TP-NC-645). The Company's fiscal year is the calendar year. We currently manufacture three brands of cigarettes: Cheyenne, Decade and aura. With this letter we seek to renew the annual rotation plan for these brands.

We have 11 styles of Cheyenne, all in hard box:

Cheyenne Red King's
Cheyenne Gold King's
Cheyenne Silver King's
Cheyenne Menthol King's
Cheyenne Menthol Silver King's
Cheyenne Non Filter King's
Cheyenne Red 100's
Cheyenne Gold 100's
Cheyenne Silver 100's
Cheyenne Menthol 100's
Cheyenne Menthol Silver 100's

In our submission of March 10, 2016 for the Cheyenne brand were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

701 S. Battleground Avenue
Grover, North Carolina 28073

We have 15 styles of Decade, all in hard box:

Decade Red King's
Decade Gold King's
Decade Silver King's
Decade Menthol King's
Decade Menthol Silver King's
Decade Red 100's
Decade Gold 100's
Decade Silver 100's
Decade Menthol 100's
Decade Menthol Silver 100's
Decade Platinum Red King's
Decade Platinum Gold King's
Decade Platinum Red 100's
Decade Platinum Gold 100's
Decade Platinum Menthol 100's

In our submission of March 10, 2016 for the Decade brand were samples of actual cartons and packs displaying the four different required warnings for the following Decade styles:

Decade Red King's
Decade Gold King's
Decade Silver King's
Decade Menthol King's
Decade Menthol Silver King's
Decade Red 100's
Decade Gold 100's
Decade Silver 100's
Decade Menthol 100's
Decade Menthol Silver 100's

The warnings will appear exactly as shown on those samples.

In our submission of March 8, 2018 for the Decade brand were samples of actual cartons and packs displaying the four different required warnings for the following Decade styles:

Decade Platinum Red King's
Decade Platinum Gold King's
Decade Platinum Red 100's
Decade Platinum Gold 100's
Decade Platinum Menthol 100's

The warnings will appear exactly as shown on those samples.

We have 4 styles of aura, all in hard box:

aura robust red King Box
aura radiant gold King Box
aura sky blue King Box
aura menthol glen King Box

In our submission of March 10, 2016 for the aura brand were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

The Company wishes to continue to use the option provided by Section 1333(c)(2) of the Cigarette Act. The four warnings will be displayed an equal number of times on the packs and cartons of each brand style during the one year period beginning on the date of the approval of this plan.

Included with this letter is Exhibit 1 that is a tabular statement of sales volume by brand for all cigarettes we manufactured for the previous fiscal year, as well as the anticipated sales for the one year period covered by the respective rotation plan for the brands. We do not import any cigarette brands.

The way that we will ensure that all four warnings will be equally displayed on the packs and cartons of each brand style throughout the year will be through our printing process. Our printer will print cartons 4 to a sheet – each carton on the sheet will have a different warning. Similarly, the printer will print 16 packs to a sheet with the 4 different warnings repeated 4 times. Every print run of cartons and packs will therefore have an equal distribution of warnings and accordingly our manufacturing runs will have an equal distribution of warnings. The result should be an equal distribution of warnings on cigarettes sold throughout the year. We will maintain sufficient records to demonstrate compliance with the plan. If by the end of the year equalization of warnings on packs and cartons has not been achieved, the Company will take steps, such as placing special orders of packaging, to ensure warning label equalization.

The Company is operating under the revised advertising plan filed by the Company on June 17, 2009 that was approved on June 23, 2009. The Company has made no changes to the approved plan.

If you have any questions, please do not hesitate to call me at (704) 937-7200. We appreciate your attention to our plan submission.

Sincerely,



David A. Scott
Chief Financial Officer

701 S. Battleground Avenue
Grover, North Carolina 28073

EXHIBIT 1

CHEYENNE INTERNATIONAL, LLC

(all styles are hard pack, called "box")

Actual	Anticipated
Previous	Current
Fiscal	Rotation
Year (2019)	Plan Year

Brand	Cheyenne		
Highest Selling Style			
Highest Selling Style %			
Brand	Decade		
Highest Selling Style			
Highest Selling Style %			
Brand	aura		
Highest Selling Style			
Highest Selling Style %			

Brand Totals			
--------------	--	--	--

Approximately [redacted] of all cigarettes sold in the US in 2019

(Highest Brand Style [redacted] approximately [redacted] % of all cigarettes sold)



Division of
Advertising Practices

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

March 9, 2020

Mr. David A. Scott
Cheyenne International, LLC
701 S. Battleground Avenue
Grover, NC 28073

Dear Mr. Scott:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Cheyenne International, LLC (“Cheyenne”) on March 6, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cheyenne, Decade, and ‘aura’ brands of cigarettes.

Cheyenne’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 10, 2016 and March 8, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Cheyenne’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eleven box varieties of the Cheyenne brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings, Menthol 100's, Menthol Silver Kings, Menthol Silver 100's, and Non-Filter Kings;
- Fifteen box varieties of the Decade brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings, Menthol 100's, Menthol Silver Kings, Menthol Silver 100's, Platinum Red Kings, Platinum Red 100's, Platinum Gold Kings, Platinum Gold 100's, and Platinum Menthol 100's; and
- Four box varieties of the aura brand: robust red Kings, radiant gold Kings, sky blue Kings, and menthol glen Kings.

¹ Cheyenne stated in its March 6, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Mr. David A. Scott

March 9, 2020

Page 2

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

Please note that this letter only approves Cheyenne's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Cheyenne's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Cheyenne'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 March 8, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

RICHARD
QUARESIMA



Digitally signed by
RICHARD QUARESIMA
Date: 2020.03.09
13:16:56 -04'00'

Richard Quaresima
Associate Director (Acting)

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

AZUMA CORPORATION

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

March 12, 2020

FEDERAL TRADE COMMISSION
ADVERTISING PRACTICES
MAIL DROP CC-10528
RICK QUARESIMA, ACTING ASSOCIATE DIRECTOR
600 PENNSYLVANIA AVENUE
WASHINGTON DC 20580

Re: Tracker Cigarettes

Dear Mr. Quaresima:

Please consider this letter our initial request for compliance.

Our plan for equalization of the warnings on six varieties of the Tracker Brand was approved on Feb 10th of 2020.

This is our initial plan for the simultaneous display of the Surgeon General's warnings on packaging for four new Tracker varieties.

Azuma Corporation will manufacture the Tracker Brand cigarette in the following new varieties:

Blue Eagle 100's Box
Green Mist 100's Box

Blue Eagle King Size Box
Green Mist King Size Box

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

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples provided to your office with our letter of January 29, 2020.

FEDERAL TRADE COMMISSION
RICK QUARESIMA, ACTING ASSOCIATE DIRECTOR
RE: Tracker Cigarettes
March 12, 2020
PAGE 2

Azuma Corporation's anticipated low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles we manufactured or imported for the 2019 fiscal year (calendar year ending December 31, 2019) are set out in Exhibit A. The anticipated 2020 sales are set out in exhibit B. Azuma Corporation will manufacture all of the above styles of cigarettes, as well as the Heron, Sands, Shinnecock and Tracker styles of cigarettes which were submitted in a letter dated February 5, 2020.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, we will display the four (4) cigarette health warnings on the packs and cartons of each Tracker cigarette brand style listed above an equal number of times for the one-year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the packs and cartons of each brand style of the Tracker brand an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, Azuma Corporation will place an order of the specific warning label(s) that need to be equalized. Azuma Corporation will maintain records of compliance with the approved plan.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "DRose", is positioned above the printed name of the signatory.

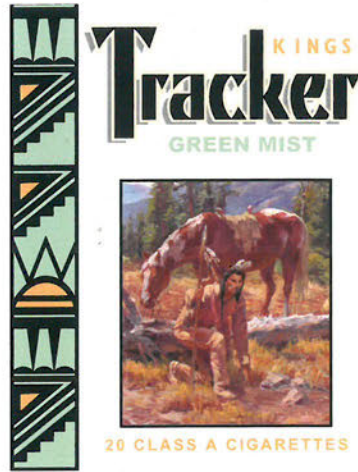
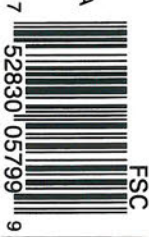
Darren Rose

Azuma Corporation

Azuma Sales FY 2019	EXHIBIT A	EXHIBIT B
Actual 2019	Actual Sales	Estimated Sales
Estimated 2020	FY 2019	FY 2020
Heron Black No. 33 Red King Box		
Heron Black No. 33 Gold King Box		
Heron Black No. 33 Menthol King Box		
Heron Black No. 33 Red 100 Box		
Heron Black No. 33 Gold 100 Box		
Heron Black No. 33 Menthol 100 Box		
Heron Crimson King Box		
Heron Crimson 100 Box		
Sands Red King Box		
Sands Gold King Box		
Sands Silver King Box		
Sands Menthols King Box		
Sands Menthol Blue King Box		
Sands Red 100 Box		
Sands Gold 100 Box		
Sands Silver 100 Box		
Sands Menthol 100 Box		
Sands Menthol Blue 100 Box		
Tracker Red Bear King Box		
Tracker Golden Panther King Box		
Tracker Green Forest King Box		
Tracker Blue Eagle King Box		
Tracker Green Mist King Box		
Tracker Red Bear 100 Box		
Tracker Gold Panther 100 Box		
Tracker Green Forest 100 Box		
Tracker Blue Eagle 100 Box		
Tracker Green Mist 100 Box		
Shinnecock King Red Box		
Shinnecock Yellow King Box		
Shinnecock Menthol King Box		
Shinnecock Red 100 Box		
Shinnecock Yellow 100 Box		
Shinnecock Menthol 100 Box		

Selected packaging samples from those
submitted with the plan.

MADE IN CALIFORNIA, USA
TP-CA-15012



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



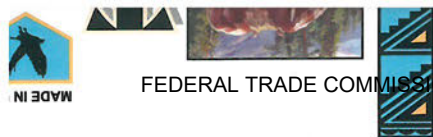
KM



Please
Don't Litter.



Sale to Minors
Prohibited



TRACKER

BOX

KINGS

BLUE EAGLE



200 CLASS A CIGARETTES



MADE IN USA



KINGS

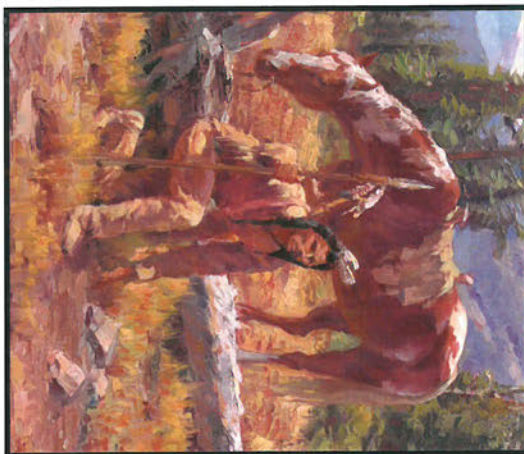
TRACKER

BLUE EAGLE

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



200 CLASS A CIGARETTES



BLUE EAGLE

TRACKER

KINGS

BOX



MADE IN USA

TRACKER

BLUE EAGLE



Division of
Advertising Practices

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

March 16, 2020

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

Dear Mr. Rose:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, Azuma Corporation’s (“Azuma”) February 5, 2020 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron, Sands, Shinnecock and Tracker brands of cigarettes was approved on February 10, 2020.

By letter dated March 12, 2020, you now propose to expand your plan for simultaneous display of the four health warnings on packaging to include four additional varieties of the Tracker brand.

Azuma’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 29, 2020 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Azuma’s plan for simultaneous display of the four health warnings on packaging for the following four varieties of the Tracker brand is hereby approved, effective on the date of this letter through **March 15, 2021** (or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first): Blue Eagle Box (Kings and 100’s) and Green Mist Box (Kings and 100’s).

¹ Azuma stated in its March 12, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 29, 2020.

Mr. Darren Rose

March 16, 2020

Page 2

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

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

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

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

If you have any questions regarding this approval, please contact Samuel Baker at (202) 326-2651.

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by
RICHARD QUARESIMA
Date: 2020.03.16
14:03:39 -04'00'

Rick Quaresima
Associate Director (Acting)

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

Holland & Knight

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

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

March 5, 2020

VIA E-MAIL

Mr. Richard Quaresima
Associate Director (Acting)
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail Drop CC 10528
Washington, D.C. 20580

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

Dear Mr. Quaresima:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 24, Teaneck, New Jersey 07666 (“JTI”), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the “Act”), seeking approval for JTI to display the warning labels specified in Section 4(a)(1) of the Act in the manner provided in Section 4(c)(2)(C) of the Act, on previously approved packages and cartons of cigarettes for the following brand and brand styles for one year following approval of this plan, namely:

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

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

The Label Statement Rotation Plan of JTI submitted to the Federal Trade Commission on August 28, 1985 (the “Plan”), as subsequently amended, was approved most recently on April 5, 2019 (for all then current brand styles of all four brands sold by JTI), September 18, 2019 (for the “LD by L. Ducat” brand) and February 11, 2020 (for the “Wave” brand). The warnings will appear exactly as shown on the samples provided with this letter.

Mr. Richard Quaresima

March 5, 2020

Page 2

In support of JTI's application for extension of FTC approval of its simultaneous display plan for packages and cartons to cover the four "Export 'A'" and six "Wing" packaging varieties listed above, JTI affirms as follows:

- (a) the cigarettes sold by JTI in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. During JTI's last fiscal year ended December 31, 2019, the total number of cigarettes of any brand style sold by JTI in the United States during such year (all of which were imported) was [REDACTED] and therefore (i) each brand style of cigarettes which JTI imported (or manufactured) and sold accounted for [REDACTED] of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half (i.e. all) of the cigarettes for sale by JTI for sale in the United States (all of which were imported) are packaged into brand styles which meet the requirements of clause (i);
- (b) the statutorily mandated warnings will appear exactly as shown on the sample packages and cartons submitted to and approved by the Federal Trade Commission unless and until revised sample individual packages and cartons are submitted to the Federal Trade Commission on JTI's behalf and approved by the Federal Trade Commission; and
- (c) JTI will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes for each brand style for the one year period beginning on the date of approval for the Plan and JTI will keep records demonstrating compliance with the Plan.

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

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

If you should have any further questions in connection with this application, please call me at (212) 513-3470. We enclosed under cover of our letter dated December 18, 2019 a Federal Express airway bill and envelope for your use, if possible, in transmitting an approval letter to us in order to ensure its timely receipt. In addition, it would be appreciated if such approval letter could be faxed to me at 212-341-7103 or sent to me as a pdf attachment to an e-mail at neal.beaton@hklaw.com.

Mr. Richard Quaresima

March 5, 2020

Page 3

Thank you for your continued cooperation in this matter.

Very truly yours,



Neal N. Beaton

Enclosure

Attachment 1

Export 'A'

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

Export A 72 Slide and Shell Pack:

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

Export 'A' 72 Slide and Shell Bundle:

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

Wave/Wings/LD by L. Ducat

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

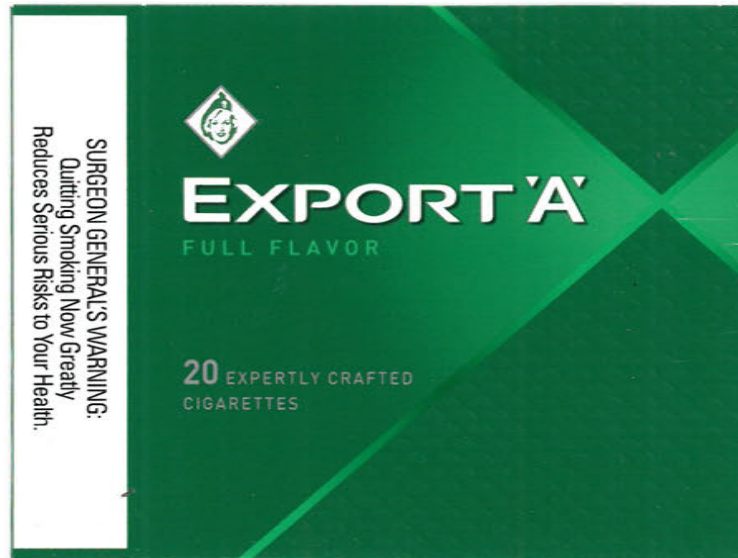
Wave/Wings/LD by L. Ducat Round Corner KS/100s Box:

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

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

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

Selected packaging samples from those
submitted with the plan.



200
EXPERTLY CRAFTED
CIGARETTES



EXPORT 'A'
RICH TASTE

200 CLASS A CIGARETTES

76 US1
13450999

FEDERAL TRADE COMMISSION | OFFICE OF THE SECRETARY | FILED 04/20/2023 OSCAR NO 607509 | PAGE Page 78 of 120 * PUBLIC

200
EXPERTLY CRAFTED
CIGARETTES



EXPORT 'A'
RICH TASTE

200 CLASS A CIGARETTES



EXPORT 'A'

RICH TASTE
200 EXPERTLY CRAFTED CIGARETTES

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

EXPORT 'A'
RICH TASTE

200 EXPERTLY CRAFTED CIGARETTES



EXPORT 'A'
RICH TASTE

200 EXPERTLY CRAFTED CIGARETTES

EXPERTLY CRAFTED CIGARETTES

RICH TASTE



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



20 CLASS A CIGARETTES

WINGS
Made in Turkey by
JT INTERNATIONAL U.S.A. INC. N.J.
To Contact Us: 1-877-298-4847

0 76940 29300 0
FSC



AMERICAN
BLEND



AMERICAN
BLEND

10.26 US 1F202
12867196



A PRODUCT OF
JT INTERNATIONAL
20 CLASS A
CIGARETTES

12925861
12925861



WINGS

MENTHOL

200 CLASS A CIGARETTES

BOX 100'S

A M E R I C A N B L E N D
200 CLASS A CIGARETTES



BOX



100'S

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

200 CLASS A CIGARETT

BOX 100

MENTHOL

WINGS





Division of
Advertising Practices

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

March 23, 2020

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. and its affiliates (collectively “JTI”) dated March 5, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Export ‘A’ and Wings brands of cigarettes.

JTI’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on March 5, 2020 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Four slide and shell varieties of the Export ‘A’ brand: Full Flavor 72’s, Rich Taste 72’s, Smooth Taste 72’s, and Ultra Smooth Taste 72’s; and
- Six hard pack varieties of the Wings brand: Red (Kings and 100’s), Gold (Kings and 100’s), and Menthol (Kings and 100’s).

¹ JTI stated in its March 5, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on that date.

Neal N. Beaton, Esq.

March 23, 2020

Page 2

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

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

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

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

This approval is effective on the date of this letter and runs through March 22, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Samuel Baker at (202) 326-2651.

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by
RICHARD QUARESIMA
Date: 2020.03.23
08:42:46 -04'00'

Rick Quaresima
Associate Director (Acting)

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

KBIC TOBACCO COMPANY, LLC

16429 Bear Town Road, Baraga MI 49908
FAX: (906) 353.7540

PH: (906) 353.6623

March 19, 2020

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

Re: Heron & Sands Cigarettes: Renewal

Dear Ms. Engle:

Please consider this letter our request for annual compliance.

Our plan requests approval for the simultaneous display of the four Surgeon General's warning's on packaging for the Heron and Sands cigarettes. Our Heron and Sands plan was originally submitted to the Federal Trade Commission on March 6, 2018 and was approved on March 8, 2018.

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

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

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

Crimson 100's Box

Crimson King Size Box

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

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

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
March 19, 2020
PAGE 2

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

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

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

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples provided to your office with our letter on January 23, 2018 and approved March 8, 2018.

KBIC Tobacco Company LLC's anticipated low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we imported and manufactured for the 2019 fiscal year (October 1, 2018 – September 30, 2019) are set out in Exhibit A. Our estimated sales for the 2020 fiscal year (October 1, 2019 – September 30, 2020) are set out in Exhibit B. KBIC Tobacco Company LLC will import the King styles of the Heron and Sands cigarettes and will manufacture the 100's styles. No other brands will be imported or manufactured.

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

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
March 19, 2020
PAGE 3

To ensure the cigarette health warnings appear on the packs and cartons of each brand style of the Heron and Sands brands an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. KBIC Tobacco Company LLC has an agreement with the manufacturer of the King styles of the Heron and Sands brands that for every pallet sent, the four (4) cigarette health warnings will be rotated an equal number of times, with approximately 200 units between each warning. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, KBIC Tobacco Company LLC will place an order of the specific warning label(s) that need to be equalized. KBIC Tobacco Company LLC will maintain records of compliance with the approved plan.

At this point in time, KBIC Tobacco Company LLC does not intend to advertise. We will submit a plan for approval before engaging in any advertising.

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

Sincerely,

KBIC Tobacco Company LLC

A handwritten signature in blue ink that reads "Jennifer Misegan". The signature is written in a cursive, flowing style.

Jennifer Misegan

KBIC Tobacco Company, LLC

	Exhibit A	Exhibit B
KBIC TC Sales FY 10/1/2018 - 9/30/2019	Actual stick count	Estimated
	FY - 2019	Stick Count
		FY - 2020
Heron Black No. 33 Gold 100 Box-Case		
Heron Black No. 33 Gold King Box-Case		
Heron Black No. 33 Menthol 100 Box-Case		
Heron Black No. 33 Menthol King Box-Case		
Heron Black No. 33 Red 100 Box-Case		
Heron Black No. 33 Red King Box-Case		
Heron Crimson 100 Box-Case		
Heron Crimson King Box-Case		
Heron Gold 100 Box-Case		
Heron Gold King Box-Case		
Heron Menthol 100 Box-Case		
Heron Menthol Gold 100 Box-Case		
Heron Menthol Gold King Box-Case		
Heron Menthol King Box-Case		
Heron Red 100 Box-Case		
Heron Red King Box-Case		
Heron Silver 100 Box-Case		
Heron Silver King Box-Case		
Sands Gold 100 Box-Case		
Sands Gold King Box-Case		
Sands Menthol 100 Box-Case		
Sands Menthol Blue 100 Box-Case		
Sands Menthol Blue King Box-Case		
Sands Menthol King Box-Case		
Sands Red 100 Box-Case		
Sands Red King Box-Case		
Sands Silver 100 Box-Case		
Sands Silver King Box-Case		
Grand Total		



Division of
Advertising Practices

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

March 24, 2020

Ms. Jennifer Misegan
KBIC Tobacco Company, LLC
16429 Bear Town Road
Baraga, MI 49908

Dear Ms. Misegan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by KBIC Tobacco Company, LLC (“KBIC”) on March 19, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron and Sands brands of cigarettes.

KBIC’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 January 23, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Eighteen Box varieties of the Heron brand: Red (King and 100’s), Gold (King and 100’s), Silver (King and 100’s), Menthol (King and 100’s), Menthol Gold (King and 100’s), Crimson (King and 100’s), No. 33 Black Red (King and 100’s), No. 33 Black Gold (King and 100’s), and No. 33 Black Menthol (King and 100’s); and
- Ten Box varieties of the Sands brand: Red (King and 100’s), Gold (King and 100’s), Silver (King and 100’s), Menthol (King and 100’s), and Menthol Blue (King and 100’s).

¹ KBIC stated in its March 19, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on January 23, 2018.

Ms. Jennifer Misegan

March 24, 2020

Page 2

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

If KBIC 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 those advertisements.

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

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

This approval is effective on the date of this letter and runs through March 23, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Ms. Jennifer Misegan

March 24, 2020

Page 3

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

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by
RICHARD QUARESIMA
Date: 2020.03.24
13:24:31 -04'00'

Richard Quaresima
Associate Director (Acting)

X C A L I B E R

Eric B. Estes
General Counsel

INTERNATIONAL, LTD., L.L.C.

Direct Dial: (918) 824-6641
Email: e.estes@xcaliberinternational.com

March 18, 2020

Via Electronic Mail

Mr. Rick Quaresima
Division of Advertising Practices
FEDERAL TRADE COMMISSION
600 Pennsylvania Ave., N.W.
Mail Drop CC100528
Washington, D.C. 20580

Re: Plan for Compliance with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* – Brand Styles “24/7,” “Berkley,” “Berley,” “Echo,” “Edgefield,” “Exeter,” “Golden Blend,” “Gsmoke,” “Mainstreet,” “Royal,” and “Sport”

Dear Mr. Quaresima:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the “Act”) 15 U.S.C. §§ 1331, *et seq.*, Xcaliber International, Ltd., L.L.C. (“Xcaliber”), submits the following narrative describing its plan to comply with the health warning display requirements. This plan represents the renewal of the plan previously approved by the Federal Trade Commission (“FTC”) on April 1, 2019, for the packaging of the brand families “24/7,” “Berkley,” “Berley,” “Echo,” “Edgefield,” “Exeter,” “Golden Blend,” “Gsmoke,” “Mainstreet,” and “Sport,” and on July 11, 2019, for the packaging of the brand family “Royal” (collectively as the “Brands”). Through the date of this application, the Surgeon General’s warnings on the Brand’s packaging have been equalized in accordance with the Act. All Brands and their styles are listed on **Attachment 1**. All of the Brands for which this plan is submitted are manufactured in Pryor, Oklahoma, by Xcaliber.

I. Packaging

- a. Warning Label Size and Location. Warnings will appear exactly as shown on the packs and cartons enclosed with Xcaliber’s submissions, dated July 29, 2013, August 9, 2013, July 11, 2016, and June 6, 2019. The warning statements are permanently imprinted on cigarette packs and cartons. The samples provided include each of the four warnings on packs and cartons for each brand style submitted.
- b. Warning Label Rotation. Pursuant to Section 1333(c)(2) of the Act, Xcaliber will display the four warnings an equal number of times on the packs and cartons for each of the brand styles listed on **Attachment 1** for one year, beginning with the approval date of this plan. Through the date of this application, the Surgeon General’s warnings on the packs and cartons of each

Brand style of packaging have been equalized in accordance with the plan approved by the FTC.

Please note Xcaliber's plan is based on the alternative to quarterly rotation provided in 15 U.S.C. Section 1333(c)(2). Xcaliber hereby states that the yearly sales volume for each brand style of the Brands remains below the threshold under which the FTC may permit Xcaliber to display the four warnings an equal number of times during the year. Xcaliber's sales for the fiscal year ending December 31, 2019, were [REDACTED] sticks. A schedule is attached reflecting Xcaliber's total sales for fiscal year 2019 and the first month of fiscal year 2020. This schedule is provided as **Attachment 2.1** and **Attachment 2.2**, respectively.

Xcaliber requires its print suppliers to produce packaging with all four warnings in a single print run. The 100's-size soft pack labels are printed on a roll with an equal number of each warning within a 4-label space. The king size soft pack labels are printed using a press sheet with an equal number of each warning within a 32-label space. The king-size box labels are printed using a press sheet with an equal number of each warning within a 28-label space. The 100's size box labels are printed using a press sheet that has a 21-label space. Because one extra space is left on the 100's size box print runs, the extra space rotates between the four warnings an equal number of times throughout the year. For cartons, the press sheet has a 6-label space in which the extra two spaces rotate between two warnings every other run to yield an equal number of warnings throughout the year. Xcaliber's print supplier palletizes the print by hand such that all warnings are randomized equally throughout an order. Xcaliber's print supplier also provides an affidavit with each print run that states that the order has been processed according to these standards.

- c. Records of Compliance. Xcaliber maintains a record of the affidavits provided by its print supplier confirming the procedures outlined above. When each order arrives, a set of samples of each warning from each brand style is kept along with the affidavit in Xcaliber's records. Both the affidavits and samples are kept by Xcaliber for a minimum of one year beyond the date of receipt of the print order.

II. Advertising

Through the date of this application, Xcaliber continues to be in full compliance with the advertising plan approved by the FTC on July 27, 2016, and July 11, 2019.

If you have any questions, or need anything further, please do not hesitate to contact me.

Warmest Regards,



Eric B. Estes
General Counsel

enclosures

Attachment 1. Current Brand Families and Styles.

The attachment is provided on the following pages.

24/7

Note: 24/7 is only available in a box.

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100

Red King
Gold King
Menthol King

BERKLEY

Soft Pack

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Silver King
Menthol King
Non-Filter King

Box

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Gold King

BERLEY

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Blue King
Non-Filter King

Box

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Blue King
Menthol King
Menthol Gold King

ECHO

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100 (dark green pack)
Menthol Gold 100 (light green pack)
Red King
Gold King
Blue King
Non-Filter King (dark red pack)

Box

Red 100
Gold 100
Blue 100
Menthol 100 (dark green pack)
Menthol Gold 100 (light green pack)
Red King
Gold King
Blue King
Menthol King (dark green pack)
Menthol Gold King (light green pack)
Non-Filter King (dark red pack)

EDGEFIELD

Note: Edgefield is only available in a box.

Red 100
Gold 100
Silver 100
Menthol 100 (dark green pack)
Menthol Gold 100 (light green pack)

Red King
Gold King
Silver King
Menthol King (dark green pack)
Menthol Gold King (light green pack)
Non-Filter King (dark red pack)

EXETER

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100 (dark green pack)
Menthol Gold 100 (light green pack)
Red King
Gold King
Non-Filter King (dark red pack)

Box

Red 100
Gold 100
Blue 100
Menthol 100 (dark green pack)
Menthol Gold 100 (light green pack)
Red King
Gold King
Blue King
Menthol King (dark green pack)
Menthol Gold King (light green pack)
Non-Filtered King (dark red pack)

GOLDEN BLEND

Soft Pack

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Non-Filter King

Box

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Gold King

GSMOKE

Soft Pack

Blue 100
Menthol 100

Box

Red 100
Gold 100
Red King
Gold King

MAINSTREET

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King

Box

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Menthol King

ROYAL

Note: Royal is only available in a box.

Red 100

Menthol 100

SPORT

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Menthol King

Box

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Menthol King

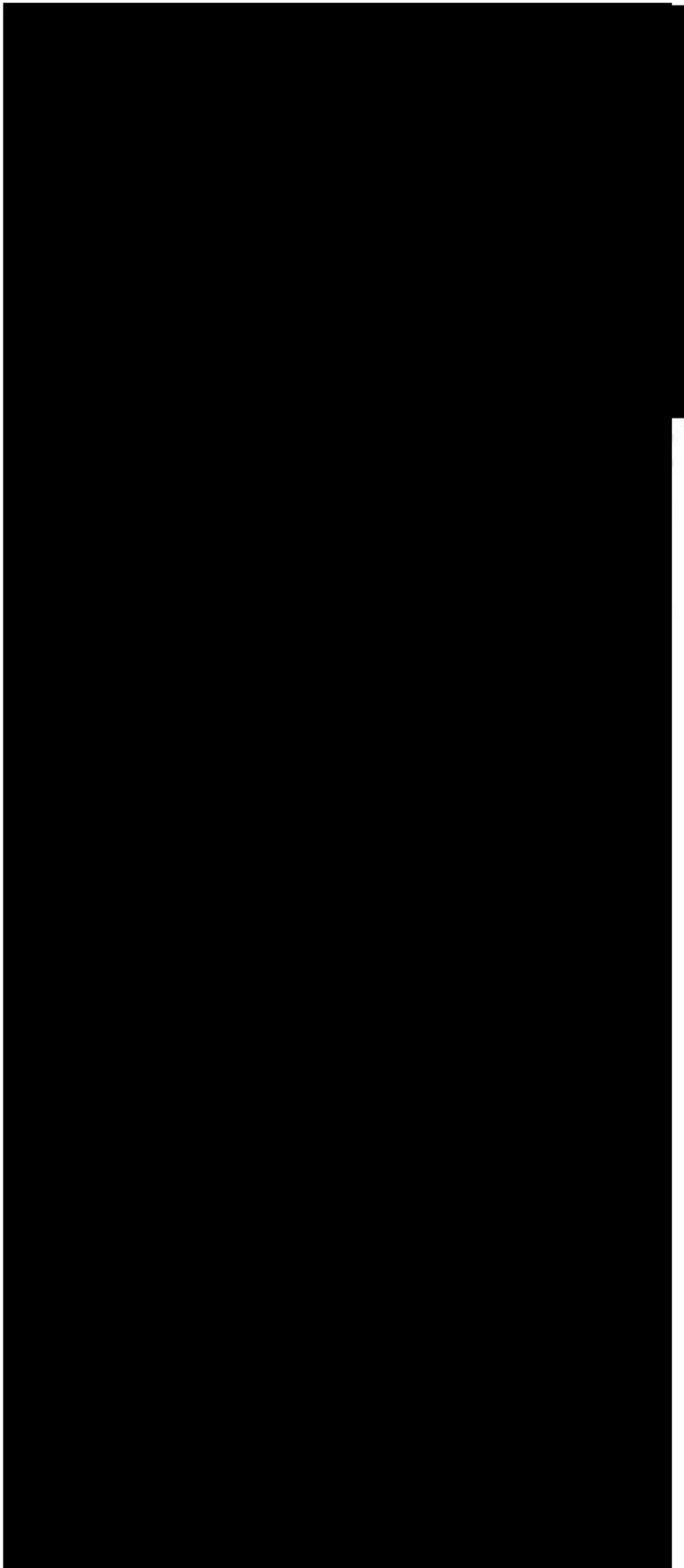
Attachment 2.1. 2019 Sales Data.

The attachment is provided on the following pages.

ATTACHMENT 2.1.

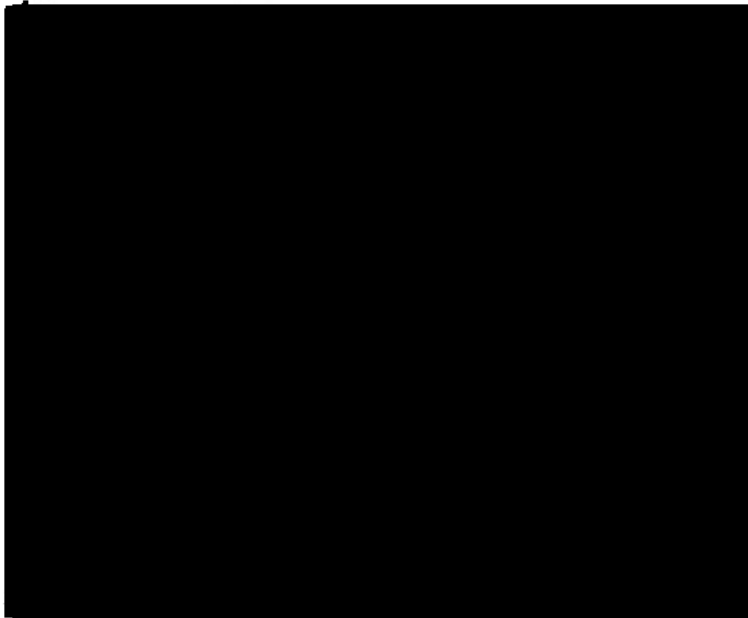
Brands	Cases Shipped	Cartons Shipped	Packs Shipped	Sticks Shipped
24/7 BOX 100 GOLD				
24/7 BOX 100 MENTHOL				
24/7 BOX 100 MENTHOL GOLD				
24/7 BOX 100 RED				
24/7 BOX 100 SILVER				
24/7 BOX KING GOLD				
24/7 BOX KING MENTHOL				
24/7 BOX KING RED				
BERKLEY BOX 100 GOLD				
BERKLEY BOX 100 MENTHOL				
BERKLEY BOX 100 MENTHOL GOLD				
BERKLEY BOX 100 RED				
BERKLEY BOX 100 SILVER				
BERKLEY BOX KING GOLD				
BERKLEY BOX KING RED				
BERKLEY SP 100 GOLD				
BERKLEY SP 100 MENTHOL				
BERKLEY SP 100 MENTHOL GOLD				
BERKLEY SP 100 RED				
BERKLEY SP 100 SILVER				
BERKLEY SP KING GOLD				
BERKLEY SP KING MENTHOL				
BERKLEY SP KING NON FILTER				
BERKLEY SP KING RED				
BERKLEY SP KING SILVER				
BERLEY BOX 100 BLUE				
BERLEY BOX 100 GOLD				
BERLEY BOX 100 MENTHOL				
BERLEY BOX 100 MENTHOL GOLD				
BERLEY BOX 100 RED				
BERLEY BOX KING BLUE				
BERLEY BOX KING GOLD				
BERLEY BOX KING MENTHOL				
BERLEY BOX KING MENTHOL GOLD				
BERLEY BOX KING RED				
BERLEY SP 100 BLUE				
BERLEY SP 100 GOLD				
BERLEY SP 100 MENTHOL				
BERLEY SP 100 MENTHOL GOLD				
BERLEY SP 100 RED				
BERLEY SP KING BLUE				
BERLEY SP KING GOLD				
BERLEY SP KING NON FILTER				
BERLEY SP KING RED				
ECHO BOX 100 RED				
ECHO BOX 100 BLUE				
ECHO BOX 100 GOLD				
ECHO BOX 100 MENTHOL				
ECHO BOX 100 MENTHOL GOLD				
ECHO BOX KING BLUE				
ECHO BOX KING GOLD				
ECHO BOX KING MENTHOL				
ECHO BOX KING MENTHOL GOLD				
ECHO BOX KING NON FILTER				
ECHO BOX KING RED				
ECHO SP 100 BLUE				
ECHO SP 100 GOLD				
ECHO SP 100 MENTHOL				
ECHO SP 100 MENTHOL GOLD				
ECHO SP 100 RED				
ECHO SP KING BLUE				

ECHO SP KING GOLD
ECHO SP KING NON FILTER
ECHO SP KING RED
EDGEFIELD BOX 100 GOLD
EDGEFIELD BOX 100 MENTHOL
EDGEFIELD BOX 100 MENTHOL GOLD
EDGEFIELD BOX 100 RED
EDGEFIELD BOX 100 SILVER
EDGEFIELD BOX KING GOLD
EDGEFIELD BOX KING MENTHOL
EDGEFIELD BOX KING MENTHOL GOLD
EDGEFIELD BOX KING NON FILTER
EDGEFIELD BOX KING RED
EDGEFIELD BOX KING SILVER
EXETER BOX 100 BLUE
EXETER BOX 100 GOLD
EXETER BOX 100 MENTHOL
EXETER BOX 100 MENTHOL GOLD
EXETER BOX 100 RED
EXETER BOX KING BLUE
EXETER BOX KING GOLD
EXETER BOX KING MENTHOL
EXETER BOX KING MENTHOL GOLD
EXETER BOX KING NON FILTER
EXETER BOX KING RED
EXETER SP 100 BLUE
EXETER SP 100 GOLD
EXETER SP 100 MENTHOL
EXETER SP 100 MENTHOL GOLD
EXETER SP 100 RED
EXETER SP KING GOLD
EXETER SP KING NON FILTER
EXETER SP KING RED
GOLDEN BLEND BOX 100 GOLD
GOLDEN BLEND BOX 100 MENTHOL
GOLDEN BLEND BOX 100 MENTHOL GOLD
GOLDEN BLEND BOX 100 RED
GOLDEN BLEND BOX 100 SILVER
GOLDEN BLEND BOX KING GOLD
GOLDEN BLEND BOX KING RED
GOLDEN BLEND SP 100 GOLD
GOLDEN BLEND SP 100 MENTHOL
GOLDEN BLEND SP 100 MENTHOL GOLD
GOLDEN BLEND SP 100 RED
GOLDEN BLEND SP 100 SILVER
GOLDEN BLEND SP KING NON FILTER
GOLDEN BLEND SP KING RED
GSMOKE BOX 100 GOLD
GSMOKE BOX 100 RED
GSMOKE BOX KING GOLD
GSMOKE BOX KING RED
GSMOKE SP 100 BLUE
GSMOKE SP 100 MENTHOL
MAIN STREET BOX 100 BLUE
MAIN STREET BOX 100 GOLD
MAIN STREET BOX 100 MENTHOL
MAIN STREET BOX 100 MENTHOL GOLD
MAIN STREET BOX 100 RED
MAIN STREET BOX KING GOLD
MAIN STREET BOX KING MENTHOL
MAIN STREET BOX KING RED
MAIN STREET SP 100 BLUE
MAIN STREET SP 100 GOLD
MAIN STREET SP 100 MENTHOL



MAIN STREET SP 100 MENTHOL GOLD
MAIN STREET SP 100 RED
MAIN STREET SP KING RED
ROYAL BOX 100 MENTHOL
ROYAL BOX 100 RED
SPORT BOX 100 BLUE
SPORT BOX 100 GOLD
SPORT BOX 100 MENTHOL
SPORT BOX 100 MENTHOL GOLD
SPORT BOX 100 RED
SPORT BOX KING GOLD
SPORT BOX KING MENTHOL
SPORT BOX KING RED
SPORT SP 100 BLUE
SPORT SP 100 GOLD
SPORT SP 100 MENTHOL
SPORT SP 100 MENTHOL GOLD
SPORT SP 100 RED
SPORT SP KING GOLD
SPORT SP KING MENTHOL
SPORT SP KING RED

Grand Total



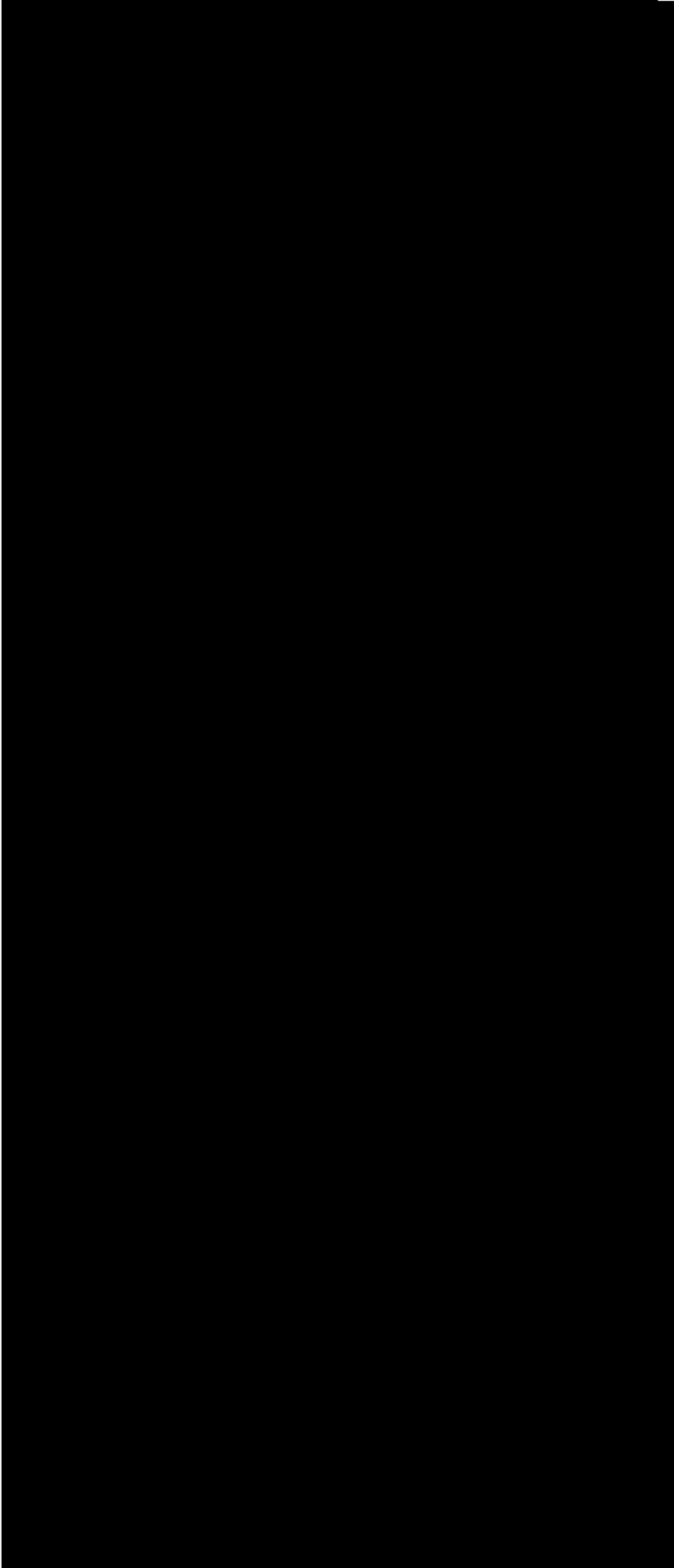
Attachment 2.2. 2020 Sales Data.

The attachment is provided on the following pages.

ATTACHMENT 2.2.

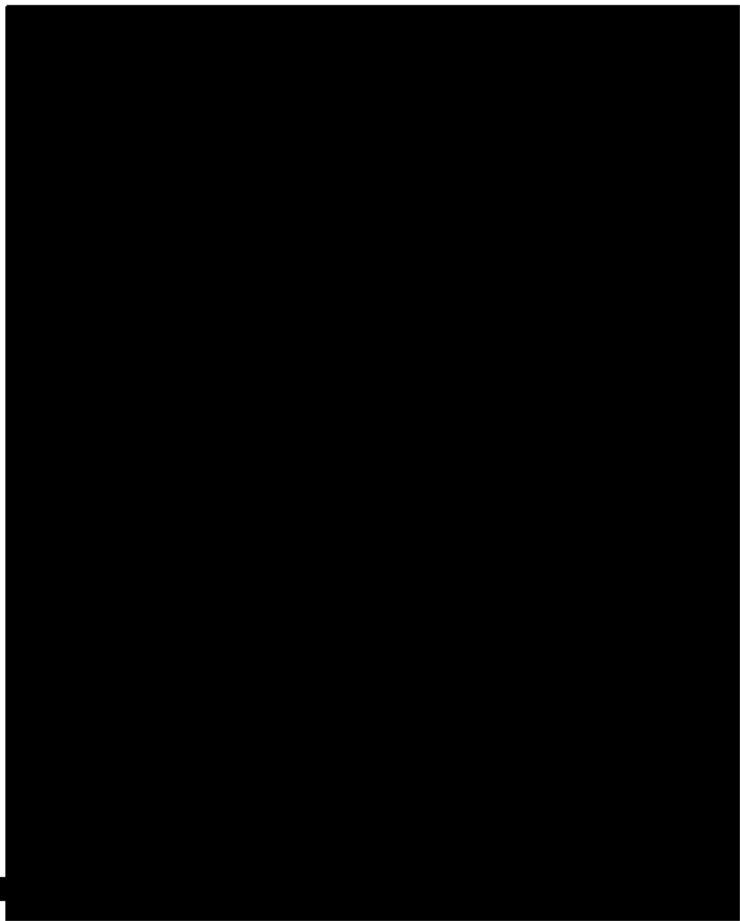
Brands	Cases Shipped	Cartons Shipped	Packs Shipped	Sticks Shipped
24/7 BOX 100 GOLD				
24/7 BOX 100 MENTHOL				
24/7 BOX 100 MENTHOL GOLD				
24/7 BOX 100 RED				
24/7 BOX 100 SILVER				
24/7 BOX KING GOLD				
24/7 BOX KING MENTHOL				
24/7 BOX KING RED				
BERKLEY BOX 100 GOLD				
BERKLEY BOX 100 MENTHOL				
BERKLEY BOX 100 MENTHOL GOLD				
BERKLEY BOX 100 RED				
BERKLEY BOX 100 SILVER				
BERKLEY BOX KING GOLD				
BERKLEY BOX KING RED				
BERKLEY SP 100 GOLD				
BERKLEY SP 100 MENTHOL				
BERKLEY SP 100 MENTHOL GOLD				
BERKLEY SP 100 RED				
BERKLEY SP 100 SILVER				
BERKLEY SP KING GOLD				
BERKLEY SP KING MENTHOL				
BERKLEY SP KING NON FILTER				
BERKLEY SP KING RED				
BERKLEY SP KING SILVER				
BERLEY BOX 100 BLUE				
BERLEY BOX 100 GOLD				
BERLEY BOX 100 MENTHOL				
BERLEY BOX 100 MENTHOL GOLD				
BERLEY BOX 100 RED				
BERLEY BOX KING BLUE				
BERLEY BOX KING GOLD				
BERLEY BOX KING MENTHOL				
BERLEY BOX KING MENTHOL GOLD				
BERLEY BOX KING RED				
BERLEY SP 100 BLUE				
BERLEY SP 100 GOLD				
BERLEY SP 100 MENTHOL				
BERLEY SP 100 MENTHOL GOLD				
BERLEY SP 100 RED				
BERLEY SP KING BLUE				
BERLEY SP KING GOLD				
BERLEY SP KING NON FILTER				
BERLEY SP KING RED				
ECHO BOX 100 RED				
ECHO BOX 100 BLUE				
ECHO BOX 100 GOLD				
ECHO BOX 100 MENTHOL				
ECHO BOX 100 MENTHOL GOLD				
ECHO BOX KING BLUE				
ECHO BOX KING GOLD				
ECHO BOX KING MENTHOL				
ECHO BOX KING MENTHOL GOLD				
ECHO BOX KING NON FILTER				
ECHO BOX KING RED				
ECHO SP 100 BLUE				
ECHO SP 100 GOLD				

ECHO SP 100 MENTHOL
ECHO SP 100 MENTHOL GOLD
ECHO SP 100 RED
ECHO SP KING BLUE
ECHO SP KING GOLD
ECHO SP KING NON FILTER
ECHO SP KING RED
EDGEFIELD BOX 100 GOLD
EDGEFIELD BOX 100 MENTHOL
EDGEFIELD BOX 100 MENTHOL GOLD
EDGEFIELD BOX 100 RED
EDGEFIELD BOX 100 SILVER
EDGEFIELD BOX KING GOLD
EDGEFIELD BOX KING MENTHOL
EDGEFIELD BOX KING MENTHOL GOLD
EDGEFIELD BOX KING NON FILTER
EDGEFIELD BOX KING RED
EDGEFIELD BOX KING SILVER
EXETER BOX 100 BLUE
EXETER BOX 100 GOLD
EXETER BOX 100 MENTHOL
EXETER BOX 100 MENTHOL GOLD
EXETER BOX 100 RED
EXETER BOX KING BLUE
EXETER BOX KING GOLD
EXETER BOX KING MENTHOL
EXETER BOX KING MENTHOL GOLD
EXETER BOX KING NON FILTER
EXETER BOX KING RED
EXETER SP 100 BLUE
EXETER SP 100 GOLD
EXETER SP 100 MENTHOL
EXETER SP 100 MENTHOL GOLD
EXETER SP 100 RED
EXETER SP KING GOLD
EXETER SP KING NON FILTER
EXETER SP KING RED
GOLDEN BLEND BOX 100 GOLD
GOLDEN BLEND BOX 100 MENTHOL
GOLDEN BLEND BOX 100 MENTHOL GOLD
GOLDEN BLEND BOX 100 RED
GOLDEN BLEND BOX 100 SILVER
GOLDEN BLEND BOX KING GOLD
GOLDEN BLEND BOX KING RED
GOLDEN BLEND SP 100 GOLD
GOLDEN BLEND SP 100 MENTHOL
GOLDEN BLEND SP 100 MENTHOL GOLD
GOLDEN BLEND SP 100 RED
GOLDEN BLEND SP 100 SILVER
GOLDEN BLEND SP KING NON FILTER
GOLDEN BLEND SP KING RED
GSMOKE BOX 100 GOLD
GSMOKE BOX 100 RED
GSMOKE BOX KING GOLD
GSMOKE BOX KING RED
GSMOKE SP 100 BLUE
GSMOKE SP 100 MENTHOL
MAIN STREET BOX 100 BLUE
MAIN STREET BOX 100 GOLD
MAIN STREET BOX 100 MENTHOL



MAIN STREET BOX 100 MENTHOL GOLD
MAIN STREET BOX 100 RED
MAIN STREET BOX KING GOLD
MAIN STREET BOX KING MENTHOL
MAIN STREET BOX KING RED
MAIN STREET SP 100 BLUE
MAIN STREET SP 100 GOLD
MAIN STREET SP 100 MENTHOL
MAIN STREET SP 100 MENTHOL GOLD
MAIN STREET SP 100 RED
MAIN STREET SP KING RED
ROYAL BOX 100 MENTHOL
ROYAL BOX 100 RED
SPORT BOX 100 BLUE
SPORT BOX 100 GOLD
SPORT BOX 100 MENTHOL
SPORT BOX 100 MENTHOL GOLD
SPORT BOX 100 RED
SPORT BOX KING GOLD
SPORT BOX KING MENTHOL
SPORT BOX KING RED
SPORT SP 100 BLUE
SPORT SP 100 GOLD
SPORT SP 100 MENTHOL
SPORT SP 100 MENTHOL GOLD
SPORT SP 100 RED
SPORT SP KING GOLD
SPORT SP KING MENTHOL
SPORT SP KING RED

Grand Total





Division of
Advertising Practices

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

March 24, 2020

Mr. Eric B. Estes
General Counsel
Xcaliber International, Ltd., LLC
One Tobacco Road
Pryor, OK 74361

Dear Mr. Estes:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Xcaliber International, Ltd., LLC (“Xcaliber”) on March 18, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 24/7, Berkley, Berley, Echo, Edgefield, Exeter, Golden Blend, Gsmoke, Mainstreet, Royal and Sport brands of cigarettes.

Xcaliber’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated July 11, 2016 (for the 24/7, Berkley, Berley, Golden Blend, Gsmoke, Mainstreet, and Sport brands), July 29 and August 9, 2013 (for the Echo, Edgefield, and Exeter brands), and June 6, 2019 (for the Royal brand) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

¹ Xcaliber stated in its March 18, 2020 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Mr. Eric Barkley Estes

March 24, 2020

Page 2

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

- Eight box varieties of the 24/7 brand: Red 100's, Gold 100's, Silver 100's, Menthol 100's, Menthol Gold 100's, Red Kings, Gold Kings, and Menthol Kings;
- Seventeen varieties of the Berkley brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Silver King Soft Pack, Silver 100's (Box and Soft Pack), Menthol King Soft Pack, Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Nineteen varieties of the Berley brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Menthol King Box, Menthol 100's (Box and Soft Pack), Menthol Gold King Box, Menthol Gold 100's (Box and Soft Pack), Blue King (Box and Soft Pack), Blue 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Twenty varieties of the Echo brand: Red Kings Box, Red Kings Soft Pack, Red 100's Box, Red 100's Soft Pack, Gold Kings Box, Gold Kings Soft Pack, Gold 100's Box, Gold 100's Soft Pack, Blue Kings Box, Blue Kings Soft Pack, Blue 100's Box, Blue 100's Soft Pack, Menthol Kings Box (dark green packaging), Menthol 100's Box (dark green packaging), Menthol 100's Soft Pack (dark green packaging), Menthol Gold Kings Box (light green packaging), Menthol Gold 100's Box (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Box, and Non-Filter Kings Soft Pack;
- Eleven Box varieties of the Edgefield brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings (dark green packaging), Menthol 100's (dark green packaging), Menthol Gold Kings (light green packaging), Menthol Gold 100's (light green packaging), and Non-Filter Kings;
- Nineteen varieties of the Exeter brand: Red Kings Box, Red Kings Soft Pack, Red 100's Box, Red 100's Soft Pack, Gold Kings Box, Gold Kings Soft Pack, Gold 100's Box, Gold 100's Soft Pack, Blue Kings Box, Blue 100's Box, Blue 100's Soft Pack, Menthol Kings Box (dark green packaging), Menthol 100's Box (dark green packaging), Menthol 100's Soft Pack (dark green packaging), Menthol Gold Kings Box (light green packaging),

² Xcaliber is using colors in the names of a number of its cigarette varieties for the Echo, Edgefield, and Exeter brands (*e.g.*, "Echo Red 100's Box"). We note that the color names are not printed on the packaging for these brands (*e.g.*, the word "Red" does not appear on the packaging of the "Echo Red 100's Box" variety). However, the color used for a variety's packaging does conform to the color used in its name, except that the packaging for the "Menthol Gold" varieties is light green in color.

Mr. Eric Barkley Estes

March 24, 2020

Page 3

Menthol Gold 100's Box (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Box, and Non-Filter Kings Soft Pack;

- Fourteen varieties of the Golden Blend brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King Box, Gold 100's (Box and Soft Pack), Silver 100's (Box and Soft Pack), Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Six varieties of the Gsmoke brand: Red King Box, Red 100's Box, Gold King Box, Gold 100's Box, Blue 100's Soft Pack, and Menthol 100's Soft Pack;
- Fourteen varieties of the Mainstreet brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King Box, Gold 100's (Box and Soft Pack), Blue 100's (Box and Soft Pack), Menthol King Box, Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack);
- Sixteen varieties of the Sport brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Blue 100's (Box and Soft Pack), Menthol King (Box and Soft Pack), Menthol 100's (Box and Soft Pack), and Menthol Gold 100's (Box and Soft Pack); and
- Two varieties of the Royal brand: Red 100's Box and Menthol 100's Box.

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

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

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

Mr. Eric Barkley Estes

March 24, 2020

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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 March 23, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Samuel Baker at (202) 326-2651.

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by RICHARD
QUARESIMA
Date: 2020.03.24 14:36:54 -0400

Rick Quaresima
Associate Director (Acting)



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

March 19, 2020

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

**RE: COMMONWEALTH BRANDS, INC.
2020 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Engle:

Commonwealth Brands, Inc. ("Commonwealth Brands"), 714 Green Valley Road, Greensboro, NC 27408, hereby submits its 2020 Cigarette Warning Label Rotation plans for the following brands.

Crowns	Rave
Fortuna	Sonoma
Montclair	USA Gold

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

The sales figures for Commonwealth Brands' brand styles, each of which qualify for the exemption during the most recent fiscal year preceding submission of this application (ending September 30, 2019), are reported in the attached **Exhibit B**.

During 2020, Commonwealth Brands will manufacture 67 brand styles.

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

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

The warnings read precisely as required by the Cigarette Labeling Act.

A listing of all Commonwealth Brands' styles for 2020 is attached in **Exhibit A**. The sales figures for each of Commonwealth Brands' styles during its most recent fiscal year preceding submission of this application are reported in the attached **Exhibit B**. Industry sales for the corresponding one-year period ending September 30, 2019, were [REDACTED] units. The source of industry sales information is the *MSAI CRA Shipment Database for Fourth Quarter 2018 and First, Second and Third Quarters, 2019*. Commonwealth Brands' sales volume is measured on a fiscal year.

Commonwealth Brands will continue to be in compliance with the following plans related to advertising and internet advertising of the brand styles:

Crowns - The December 2, 2010 plan for advertising which confirmed that Commonwealth Brands did not plan to advertise Crowns over the internet.

Fortuna - The July 16, 2008 plan for advertising which included a plan for display of the warnings in internet advertising.

Montclair - The January 31, 2002 plan for advertising and the February

13, 2008 plan for advertising which included a plan for display of the warnings in internet advertising.

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

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

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

Commonwealth Brands advertising rotation plan is attached as **Exhibit C**.

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

If you require any additional information, please contact me.

Sincerely,



Geraldine Bowen Barker
Associate General Counsel
714 Green Valley Road
Greensboro, NC 27408
Phone: 336-335-7260
Geraldine.barker@itgbrands.com

Attachments:

Exhibit A - Current List of Brand Styles

Exhibit B - Cigarette Volume 10/01/2018-09/30/2019

Exhibit C - Quarterly Warning Rotation Plan for Advertisements

EXHIBIT A

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

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

CROWNS

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

FORTUNA

FORTUNA BLUE KINGS BOX
FORTUNA BLUE 100s BOX
FORTUNA MENTHOL GREEN KINGS BOX
FORTUNA MENTHOL GREEN 100s BOX
FORTUNA RED KINGS BOX
FORTUNA RED 100s BOX
FORTUNA MENTHOL DARK GREEN KINGS BOX
FORTUNA MENTHOL DARK GREEN 100s BOX
FORTUNA PALE BLUE KINGS BOX
FORTUNA PALE BLUE 100s BOX

MONTCLAIR

MONTCLAIR MENTHOL GOLD 100s BOX
MONTCLAIR SILVER 100s BOX
MONTCLAIR BLUE 100s BOX
MONTCLAIR BLACK 100s BOX
MONTCLAIR BLACK KINGS BOX
MONTCLAIR BLUE KINGS BOX
MONTCLAIR MENTHOL DARK GREEN 100s BOX
MONTCLAIR MENTHOL DARK GREEN KINGS BOX

RAVE

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

SONOMA

SONOMA GOLD KINGS BOX
SONOMA GOLD 100s SOFT PACK
SONOMA GOLD 100s BOX
SONOMA BLUE 100s BOX
SONOMA BLUE 100s SOFT PACK
SONOMA MENTHOL GREEN KINGS BOX
SONOMA MENTHOL GREEN 100s SOFT PACK
SONOMA MENTHOL GREEN 100s BOX
SONOMA RED KINGS BOX
SONOMA RED 100s SOFT PACK
SONOMA RED 100s BOX
SONOMA MENTHOL DARK GREEN KINGS BOX
SONOMA MENTHOL DARK GREEN 100s SOFT PACK
SONOMA MENTHOL DARK GREEN 100s BOX
SONOMA NON-FILTER KINGS SOFT PACK

USA GOLD

USA GOLD MENTHOL DARK GREEN KINGS SOFT PACK
USA GOLD MENTHOL DARK GREEN KINGS BOX
USA GOLD MENTHOL DARK GREEN 100s SOFT PACK
USA GOLD MENTHOL DARK GREEN 100s BOX
USA GOLD MENTHOL GOLD KINGS SOFT PACK
USA GOLD MENTHOL GOLD 100s SOFT PACK
USA GOLD MENTHOL GOLD 100s BOX
USA GOLD GOLD KINGS SOFT PACK
USA GOLD GOLD KINGS BOX
USA GOLD GOLD 100s SOFT PACK
USA GOLD GOLD 100s BOX
USA GOLD BLUE KINGS SOFT PACK
USA GOLD BLUE KINGS BOX
USA GOLD BLUE 100s SOFT PACK
USA GOLD BLUE 100s BOX
USA GOLD RED KINGS SOFT PACK
USA GOLD RED KINGS BOX
USA GOLD RED 100s SOFT PACK
USA GOLD RED 100s BOX
USA GOLD NON-FILTER KINGS SOFT PACK

EXHIBIT B

**COMMONWEALTH BRANDS, INC. FTC SALES
Fiscal Year 2019**

Brand (SKU)	Total Units FY 19
CROWNS GOLD KING SIZE BOX	
CROWNS GOLD 100S BOX	
CROWNS BLUE 100S BOX	
CROWNS MENTHOL GREEN 100S BOX	
CROWNS RED KING SIZE BOX	
CROWNS RED 100S BOX	
CROWNS MENTHOL DARK GREEN KING SIZE BOX	
CROWNS MENTHOL DARK GREEN 100S BOX	
CROWNS	
FORTUNA BLUE FILTER KING SIZE BOX	
FORTUNA BLUE FILTER100S BOX	
FORTUNA MENTHOL GREEN FILTER KING SIZE BOX	
FORTUNA MENTHOL GREEN FILTER 100S BOX	
FORTUNA RED FILTER KING SIZE BOX	
FORTUNA RED FILTER 100S BOX	
FORTUNA MENTHOL FILTER DARK GREEN KING SIZE BOX	
FORTUNA MENTHOL FILTER DARK GREEN 100S BOX	
FORTUNA PALE BLUE FILTER KING SIZE BOX	
FORTUNA PALE BLUE FILTER 100S BOX	
FORTUNA	
MONTCLAIR MENTHOL GOLD FILTER 100S BOX	
MONTCLAIR SILVER FILTER 100S BOX	
MONTCLAIR BLUE FILTER 100S BOX	
MONTCLAIR BLACK FILTER 100S BOX	
MONTCLAIR BLACK KING SIZE BOX	
MONTCLAIR BLUE KING SIZE BOX	
MONTCLAIR MENTHOL DARK GREEN 100S BOX	
MONTCLAIR MENTHOL DARK GREEN KING SIZE BOX	
MONTCLAIR	
RAVE GOLD KINGS BOX	
RAVE GOLD 100S BOX	
RAVE RED KINGS BOX	
RAVE RED 100S BOX	
RAVE MENTHOL DARK GREEN KINGS BOX	
RAVE MENTHOL DARK GREEN 100S BOX	
RAVE	
SONOMA GOLD FILTER KING SIZE BOX	

SONOMA GOLD FILTER 100S SOFT PACK	
SONOMA GOLD FILTER 100S BOX	
SONOMA BLUE FILTER 100S BOX	
SONOMA BLUE FILTER 100S SOFT PACK	
SONOMA MENTHOL GREEN FILTER KING SIZE BOX	
SONOMA MENTHOL GREEN FILTER 100S SOFT PACK	
SONOMA MENTHOL GREEN FILTER 100S BOX	
SONOMA RED FILTER KING SIZE BOX	
SONOMA RED FILTER 100S SOFT PACK	
SONOMA RED FILTER 100S BOX	
SONOMA MENTHOL DARK GREEN FILTER KINGS SIZE BOX	
SONOMA MENTHOL DARK GREEN FILTER 100S SOFT PACK	
SONOMA MENTHOL DARK GREEN FILTER 100S BOX	
SONOMA NON-FILTER KING SIZE SOFT PACK	
SONOMA	
USA GOLD MENTHOL FILTER KING SIZE SOFT PACK (DARK GREEN PACKAGING)	
USA GOLD MENTHOL FILTER KING SIZE BOX (DARK GREEN PACKAGINIG)	
USA GOLD MENTHOL FILTER 100S SOFT PACK (DARK GREEN PACKAGING)	
USA GOLD MENTHOL FILTER 100S BOX (DARK GREEN PACKAGING)	
USA GOLD MENTHOL GOLD FILTER KING SIZE SOFT PACK	
USA GOLD MENTHOL GOLD FILTER 100S SOFT PACK	
USA GOLD MENTHOL GOLD FILTER 100S BOX	
USA GOLD GOLD FILTER KING SIZE SOFT PACK	
USA GOLD GOLD KING SIZE BOX	
USA GOLD GOLD FILTER 100S SOFT PACK	
USA GOLD GOLD FILTER 100S BOX	
USA GOLD BLUE FILTER KING SIZE SOFT PACK	
USA GOLD BLUE FILTER KING SIZE BOX	
USA GOLD BLUE FILTER 100S SOFT PACK	
USA GOLD BLUE FILTER 100S BOX	
USA GOLD RED FILTER KING SIZE SOFT PACK	
USA GOLD RED FILTER KING SIZE BOX	
USA GOLD RED FILTER 100S SOFT PACK	
USA GOLD RED FILTER 100S BOX	
USA GOLD NON-FILTER KING SIZE SOFT PACK	
USA GOLD	
TOTAL	

EXHIBIT C

**COMMONWEALTH BRANDS
ADVERTISING ROTATION PLAN**

QUARTER IN WHICH
MATERIALS ARE
PRODUCED

WARNING NOTICE UTILIZED

BRAND

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

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

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

	MULTIPLE BRANDS/ NON-BRAND SPECIFIC
1 st Q (Jan – Mar)	A
2 nd Q (Apr. – June)	B
3 rd Q (July – Sept.)	C
4 th Q (Oct. – Dec.)	D

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



Division of
Advertising Practices

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

March 27, 2020

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

Dear Ms. Barker:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Commonwealth Brands, Inc. (“Commonwealth”) on March 19, 2020, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Fortuna, Montclair, Rave, Sonoma, and USA Gold brands of cigarettes.

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

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

¹ Commonwealth stated in its March 19, 2020 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Geraldine Bowen Barker, Esq.

March 27, 2020

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<u>Brand</u>	<u>Date(s)</u>
Sonoma	February 28, 2018 March 28, 2018 August 7, 2018
USA Gold	February 28, 2018 March 28, 2018 April 9, 2018

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

- Eight varieties of the Crowns brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, and Menthol Green 100's Box;
- Ten varieties of the Fortuna brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Pale Blue Kings Box, Pale Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box (blue/green packaging), and Menthol Green 100's Box (blue/green packaging);
- Eight varieties of the Montclair brand: Black Kings Box, Black 100’s Box, Blue Kings Box, Blue 100’s Box, Silver 100’s Box, Menthol Dark Green Kings Box, Menthol Dark Green 100’s Box, and Menthol Gold 100's Box;
- Six varieties of the Rave brand: Red Kings Box, Red 100’s Box, Gold Kings Box, Gold 100’s Box, Menthol Dark Green Kings Box, and Menthol Dark Green 100’s Box;
- Fifteen varieties of the Sonoma brand: Red Kings Box, Red 100's soft pack, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's soft pack (tan packaging), Gold 100's Box (tan packaging), Blue 100’s Box (blue/gray packaging), Blue 100's soft pack (blue/gray packaging), Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Dark Green 100's soft pack, Menthol Green Kings Box, Menthol Green 100’s Box, Menthol Green 100's soft pack, and Non-filter Kings soft pack; and
- Twenty varieties of the USA Gold brand: Red Kings Box, Red Kings soft pack, Red 100's Box, Red 100's soft pack, Gold Kings Box, Gold Kings soft pack, Gold 100's Box, Gold 100's soft pack, Blue Kings Box, Blue Kings soft pack, Blue 100's Box, Blue 100's

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

Geraldine Bowen Barker, Esq.

March 27, 2020

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

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

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

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

This approval is effective on the date of this letter and runs through March 26, 2021, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by
RICHARD QUARESIMA
Date: 2020.03.27
15:04:59 -04'00'

Rick Quaresima
Associate Director (Acting)

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.