



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: December 8, 2015

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. June 18, 2014 letter from Barry M. Boren on behalf of U.S. Flue-Cured Tobacco Growers, LLC to Bonnie McGregor.
2. July 11, 2014 letter from Mary K. Engle to Barry M. Boren on behalf of U.S. Flue-Cured Tobacco Growers, LLC.
3. July 3, 2014 letter from Cindy Gaines, Seneca-Cayuga Tobacco Company to Mary K. Engle.
4. July 22, 2014 letter from Mary K. Engle to Cindy Gaines, Seneca-Cayuga Tobacco Company.
5. July 21, 2014 letter from G. George Bertram on behalf of Tantus Tobacco, LLC to Mary K. Engle.
6. July 22, 2014 letter from Mary K. Engle to G. George Bertram on behalf of Tantus Tobacco, LLC.
7. July 1, 2014 letter from Audrius Bakanas, DK Distributors, Inc. to Mary K. Engle.
8. July 28, 2014 letter from Mary K. Engle to Audrius Bakanas, DK Distributors, Inc.

9. July 14, 2014 letter from Brittani N. Cushman, Xcaliber International, Ltd, LLC to Mary K. Engle.
10. July 29, 2014 letter from Mary K. Engle to Brittani N. Cushman, Xcaliber International, Ltd, LLC.
11. May 20, 2014 letter from Everett W. Gee III, S & M Brands, Inc. to Mary K. Engle.
12. July 31, 2014 letter from Mary K. Engle to Everett W. Gee III, S & M Brands, Inc.
13. July 29, 2014 letter from Cameron Goodwin, Skookum Creek Tobacco Company, Inc. to Mary K. Engle.
14. August 1, 2014 letter from Mary K. Engle to Michael Bell, Skookum Creek Tobacco Company, Inc.
15. June 25, 2014 letter from Yancy R. Black, King Mountain Tobacco Company, Inc. to Mary K. Engle.
16. August 13, 2014 letter from Mary K. Engle to Yancy R. Black, King Mountain Tobacco Company, Inc.
17. August 12, 2014 letter from Nancyellen Keane on behalf of Cherokee Tobacco Company, LLC to Mary K. Engle.
18. August 19, 2014 letter from Mary K. Engle to Nancyellen Keane on behalf of Cherokee Tobacco Company, LLC.
19. August 19, 2014 letter from Mary Najjar, Marketing Group, USA, Inc. to Mary K. Engle.
20. August 21, 2014 letter from Mary K. Engle to Mary Najjar, Marketing Group, USA, Inc.
21. August 21, 2014 letter from Travis G. Heron, Seneca Manufacturing Company to Mary K. Engle.
22. August 21, 2014 letter from Mary K. Engle to Travis G. Heron, Seneca Manufacturing Company.
23. August 26, 2014 letter from Joseph M. Zebrowski, Rock River Manufacturing to Mary K. Engle.
24. September 2, 2014 letter from Mary K. Engle to Joseph M. Zebrowski, Rock River Manufacturing.

25. August 14, 2014 letter from William M. Sherman, Sherman's 1400 Broadway NYC, Ltd. to Mary K. Engle.
26. September 9, 2014 letter from Mary K. Engle to William M. Sherman, Sherman's 1400 Broadway NYC, Ltd.
27. August 25, 2014 letter from Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc. to Mary K. Engle.
28. September 25, 2014 letter from Mary K. Engle to Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc.
29. September 8, 2014 letter from Sarah Treptow, Ohserase Manufacturing, LLC to Mary Engle.
30. September 8, 2014 letter from Sarah Treptow, Ohserase Manufacturing, LLC to Mary Engle.
31. September 30, 2014 letter from Mary K. Engle to Sarah Treptow, Ohserase Manufacturing, LLC.

**LAW OFFICES OF
BARRY M. BOREN**

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Miami, Florida 33156

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

June 18, 2014

Sent via email: bmcgregor@ftc.gov

Bonnie McGregor
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail Drop NJ-3212
Washington, D.C. 20580

Renewal of Surgeon General's Warning Rotation Plan for
U.S. Flue-Cured Tobacco Growers, LLC for
1839, Traffic, Fact, Creston, and Passport Cigarettes

Dear Ms. McGregor:

Please be advised that we are the attorneys for a manufacturer of tobacco products, U.S. Flue-Cured Tobacco Growers, LLC ("USFC"), a North Carolina limited liability corporation, with offices located at 250 Crown Blvd., Timberlake, North Carolina 27583 and the phone number is (919) 645-6007. USFC wishes to renew its existing equalization Surgeon General's Warning Rotation Plans as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they are manufacturing in the United States under the brand names "1839," "Traffic," "Fact," "Creston" and "Passport."¹ The contact person for the company will be its Executive Vice President, John Taylor, who can be reached at the above address and phone number.

USFC wishes to renew its equalization plans for the display of the health warnings on packaging for its 1839, Traffic, Fact, Creston and Passport brands of cigarettes.

The brand styles of 1839, Traffic, Fact, Creston and Passport cigarettes USFC intends to manufacture are listed in the attachment at Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the 1839, Traffic, Fact, Creston and Passport brands USFC is manufacturing were enclosed with the original submissions on the dates appearing in Exhibit "B." The health warnings will continue to appear exactly as shown on the samples provided. The brand styles listed in the attachment at Exhibit

¹ USFC is no longer producing Kick brand cigarettes at this time and, therefore, we have removed this brand from this renewal plan.

"A" have been equalized as of this date.

USFC continues to qualify as a small importer/manufacture as defined by the Act based on the following figures: USFC manufactured approximately [REDACTED] cigarettes (all were either 1839, Traffic, Fact, Creston and Passport brand cigarettes) in the fiscal year 2013.² In fiscal year 2014 to date, it has manufactured approximately [REDACTED] cigarettes (all were 1839, Traffic, Fact, Creston and Passport brand cigarettes).³ USFC anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (1839, Traffic, Fact, Creston, and Passport) in fiscal year 2014.

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

As a small manufacturer as defined by the Act, USFC wishes to renew the plan to equalize the health warning statements as required by 15 U.S.C. §1333(c) for its 1839, Traffic, Fact, Creston and Passport brands. Each of the four warning statements will appear on the packs and cartons of each brand style of 1839, Traffic, Fact, Creston and Passport cigarettes manufactured by USFC an equal number of times in the one year period beginning on the date the renewal of this plan is approved and USFC will continue to maintain records demonstrating compliance with this plan.

The individual packs of 1839, Traffic, Fact, Creston and Passport cigarettes to be manufactured by USFC will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer.

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

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

³ None of the figures provided include the cigarettes USFC is contract manufacturing for Premier Manufacturing Corp., Lignum 2, and Konci G&D which are covered under their own FTC plans.

packs and cartons for each brand style by the plan's anniversary date.

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

No provision of this plan and no action taken pursuant hereto or statement made in connection herewith constitutes or shall be construed as an admission in any judicial or administrative proceeding, in any private litigation, or in any official action, report or statement by the United States Government, or any instrumentality thereof.

USFC has advertising rotation plans as well as an internet advertising rotation plan in place for its 1839, Traffic, Fact, Creston and Passport cigarettes all of which have been approved by the FTC (see Exhibit "C"). USFC is in compliance with these plans and wishes to make no changes to any of its advertising plans at this time. All other provisions of the existing plans will remain in place.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN


Barry M. Boren

EXHIBIT "A"
U.S. FLUE-CURED TOBACCO GROWERS INC.
BRAND STYLES OF CIGARETTES

1839

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

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

Non Filter King Size Soft Pack

TRAFFIC

Red King Size Box
Blue King Size Box
Menthol Green King Size Box
Non-Filter King Size Soft Pack

Red 100's Box
Blue 100's Box
Menthol Green 100's Box
Silver 100's Box (med. blue packaging)
Menthol Silver 100's Box (med. green packaging)

FACT

Regular King Size Box
Menthol King Size Box

CRESTON

Full Flavor King Size Soft Pack
Menthol King Size Soft Pack
Non-Filter King Size Soft Pack

Full Flavor 100's Soft Pack
Menthol 100's Soft Pack

Full Flavor King Size Box
Menthol King Size Box

Full Flavor 100's Box
Menthol 100's Box

PASSPORT

Full Flavor King Size Soft Pack
Menthol King Size Soft Pack
Non-Filter King Size Soft Pack
Full Flavor 100's Box
Menthol 100's Box

Full Flavor 100's Soft Pack
Menthol 100's Soft Pack
Full Flavor King Size Box
Menthol King Size Box

EXHIBIT "B"
U.S. FLUE-CURED TOBACCO GROWERS, INC.

<u>BRAND</u>	<u>DATE[S] PACKAGING SUBMITTED TO FTC</u>
1839	2/20/07 5/12/10 5/23/12 (Non Filter King Size)
Traffic	4/29/05 and 11/9/10
Fact	5/9/05 6/8/05
Creston	8/11/05
Passport	8/18/05

EXHIBIT "C"

U.S. FLUE-CURED TOBACCO GROWERS, INC.

Advertising Plans

<u>Date of FTC Approval</u>	<u>Type of Plan</u>	<u>Date of Plan</u>
7/14/05	Advertising Plan (Traffic, Fact & Kick)	7/13/05
9/19/05	Advertising Plan (Creston)	9/14/05
9/26/05	Advertising Plan (Passport)	9/14/05
1/10/06	Internet Advertising Plan (Traffic, Fact, Kick, Creston & Passport)	1/5/06
8/24/06	Spanish Language Advertisements (Traffic, Fact, Kick, Creston & Passport)	8/21/06
4/5/07	Advertising Plan (1839)	2/20/07



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

Division of
Advertising Practices

July 11, 2014

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, LLC ("USFC") dated June 18, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1839, Traffic, Fact, Creston, and Passport brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
1839	February 20, 2007 May 12, 2010 May 23, 2012
Traffic	April 29, 2005 November 9, 2010
Fact	May 9, 2005 June 8, 2005

¹ USFC stated in its June 18, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Creston August 11, 2005

Passport August 18, 2005

Accordingly, USFC's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter:

- 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 Soft Pack;
- 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 Soft Pack;
- Two varieties of the Fact brand: Regular Kings Box and Menthol Kings Box;
- Nine varieties of the Creston brand: Full Flavor Soft Pack (Kings and 100's), Menthol Soft Pack (Kings and 100's), Non-Filter Kings Soft Pack, Full Flavor Box (Kings and 100's), and Menthol Box (Kings and 100's); and
- Nine varieties of the Passport brand: Full Flavor Soft Pack (Kings and 100's), Menthol Soft Pack (Kings and 100's), Non-Filter Kings Soft Pack, Full Flavor Box (Kings and 100's), and Menthol Box (Kings and 100's).

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

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

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

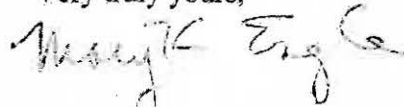
Barry M. Boren, Esq.
July 11, 2014
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Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use 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 July 10, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,

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

Mary K. Engle
Associate Director



July 03, 2014

VIA FACSIMILE 202-326-3259;
VIA OVERNIGHT COURIER

Ms. Mary Engle
Associate Director
Attn: Caitlyn Brady
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, N.W.
Room NJ3212
Washington, DC 20001

Cigarette Heath Warning Plan
Seneca-Cayuga Tobacco Company and SKYDANCER and GOLDEN BAY brands

Dear Ms. Engle:

This letter represents a request for renewal of the Label Statement Rotation Plan of Seneca-Cayuga Tobacco Company ("SCTC"), we hereby submit a Surgeon General's Equalization Plan for SKYDANCER and GOLDEN BAY as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended ("FCLAA"), for all styles of SKYDANCER and GOLDEN BAY brand soft pack and hard pack varieties. SCTC previously submitted a 2013 Plan Renewal on July 17, 2013 and your office approved the prior Plan on July 23, 2013.

SCTC is the manufacturer of SKYDANCER and GOLDEN BAY brand cigarettes. SCTC does not manufacture any other brands. The location of the factory is 65490 East 240 Road, Grove, OK 74344. Cindy Gaines is Manager.

SCTC requests that the following styles constitute the Plan:

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

**SENECA – CAYUGA
TOBACCO COMPANY**

Ms. Mary Engle
July 03, 2014
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Skydancer Premium Menthol Gold 100's (SP & HP), Skydancer Premium Silver 100's (SP & HP).

Golden Bay Red King (SP & HP), Golden Bay Gold King (SP & HP), Golden Bay Menthol King (SP & HP), Golden Bay Red 100's (SP & HP), Golden Bay Gold 100's (SP & HP), Golden Bay Menthol 100's (SP & HP), Golden Bay Menthol Gold 100's (SP & HP), Golden Bay Silver 100's (SP & HP).

For fiscal year 2013, our total sales were [REDACTED] sticks of the SKYDANCER brand and [REDACTED] sticks of the GOLDEN BAY brand. Anticipated 2014 sales of SKYDANCER are [REDACTED] and GOLDEN BAY is [REDACTED] sticks.

Neither the packaging nor the appearance of the warnings has changed since the samples were provided to your office by letter on June 17, 2010. The warnings will appear exactly as shown on those samples.

The four health warning labels are printed in equal numbers on each printed sheet of packaging for all of its packs and cartons so when the sheets are die-cut, each shipment is equalized for each brand style as manufactured. SCTC will keep records demonstrating compliance with the equalization of the warnings under this plan.

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

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

Very truly yours,



Cindy Gaines



Division of
Advertising Practices

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

July 22, 2014

Ms. Cindy Gaines
Seneca-Cayuga Tobacco Company
65490 East 240 Road
Grove, OK 74344

Dear Ms. Gaines:

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 Seneca-Cayuga Tobacco Company ("Seneca-Cayuga") on July 3, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Skydancer and Golden Bay brands of cigarettes.

Seneca-Cayuga's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated June 17, 2010 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Seneca-Cayuga's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Twenty varieties of the Skydancer brand: Premium Black King (soft pack and hard pack), Premium Black 100's (soft pack and hard pack), Premium Gold King (soft pack and hard pack), Premium Gold 100's (soft pack and hard pack), Premium Menthol King (soft pack and hard pack), Premium Menthol 100's (soft pack and hard pack), Premium Menthol Gold King (soft pack and hard pack), Premium Menthol Gold 100's (soft pack and hard pack), Premium Silver King (soft pack and hard pack), and Premium Silver 100's (soft pack and hard pack); and

¹ Seneca-Cayuga stated in its July 3, 2014 letter that the four health warnings will continue to appear exactly as shown on the sample packs and cartons submitted on June 17, 2010.

Ms. Cindy Gaines
July 22, 2014
Page 2

- Sixteen varieties of the Golden Bay brand. Red King (soft pack and hard pack), Red 100's (soft pack and hard pack), Gold King (soft pack and hard pack), Gold 100's (soft pack and hard pack), Menthol King (soft pack and hard pack), Menthol 100's (soft pack and hard pack), Menthol Gold 100's (soft pack and hard pack), and Silver 100's (soft pack and hard pack).

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

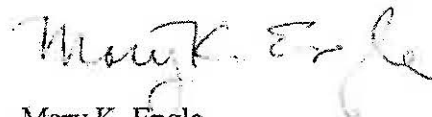
Please note that this letter only approves Seneca-Cayuga's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through July 21, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle
Associate Director

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

LAW OFFICE OF
G. GEORGE BERTRAM
RESULT DRIVEN REPRESENTATION
WWW.RECOVERYLAW.COM

Ms. Mary K. Engle, Associate Director
Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, N.W., Mail Drop NJ-3212

Attention: Ms. Sallie Schools

Renewal of Surgeon General's Warning Rotation Plan for
Tantus Tobacco LLC Cigarette Brands: Berkley, Berley, Main Street,
Sport, Golden Blend, GSmoke, and 24/7

Dear Ms. Engle/Ms. Schools:

Please be advised that I am the attorney for Tantus Tobacco, a manufacturer of tobacco products, located at 200 Progress Dr., Russell Springs, Kentucky 42642; phone number (270)-866-8888. Tantus has been manufacturing the following seven brands of cigarettes at its facility: Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7. The contact person for the company will continue to be its CEO, Brian Cooper, who can be reached at the above address and phone number.

The brand styles of Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 brand cigarettes Tantus intends to manufacture are listed on Exhibit "A". Actual samples of the Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 packs and cartons for the various brand styles listed on **Exhibit "A"** (showing exactly where and how the four (4) Surgeons General's health warnings appear and will continue to appear) were enclosed with our letters dated June 7, 2010, June 21, 2010. These warnings will continue to appear on the same cigarette brands and styles that Tantus is currently manufacturing.

In fiscal year 2013, (same as calendar year, January 1, 2013 through December 31, 2013), Tantus manufactured approximately [REDACTED] cigarettes (all were Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke and 24/7 brand cigarettes). Tantus anticipates manufacturing less than [REDACTED] cigarettes in fiscal year 2014. Tantus' sales of each of these cigarette brands in fiscal year 2013 and its projected sales volume for each of these cigarette brands in fiscal year 2014, appear on the list attached as **Exhibit "B"**.

No one brand style of cigarettes sold by Tantus constituted more than ¼ of 1% of all the cigarettes sold in the United States in fiscal/calendar year 2013 and Tantus anticipates that no one brand style will constitute more than ¼ of 1% of all the cigarettes sold in the United States in fiscal/calendar year 2014. In addition, more than one-half of the cigarettes manufactured by Tantus for sale in the United States in fiscal/calendar year 2013 were packaged into brand styles which meet the requirements of 15 U.S.C. § 1333(c)(2)(A)(I).

As a "small manufacturer" (as defined in the Act), Tantus wishes to renew its plan to equalize the four health warning statements required by 15 U.S.C. § 1333(c) for its Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 brands. Each of the four warning statements will appear on the packs and cartons of each brand style of Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 brand cigarettes manufactured by Tantus an equal number of times in the one year period beginning on the date this plan is approved. Tantus will maintain records demonstrating compliance with this plan.

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

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

Tantus has an advertising rotation plan in place for its Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 cigarettes which was approved by the FTC on August 30, 2005, September 6, 2006, November 16, 2006, January 22, 2007 and July 18, 2007. (See **Exhibit C** attached). Tantus has an internet advertising plan in place for its Berkley, Berley, 24/7, Golden Blend, GSmoke, MainStreet, and Sport cigarettes that was approved on September 18, 2008. Tantus is in compliance with these plans and would like to continue utilizing them in 2014 and 2015.

Tantus believes its plans comply in all respects with the Federal Cigarette Labeling and Advertising Act, as amended, (15 U.S.C. § 1331 et seq.) including any modifications made by the Public Health Act of 1969, the Comprehensive Smoking Education Act of 1984, the Nurses' Education Amendments of 1985 and the Imported Cigarette Compliance Act of 2000. For this reason, I am respectfully requesting that you approve this renewal plan at your earliest possible convenience.

If you have any questions regarding this submission, please utilize the contact information in the signature line below (as the information in the letterhead has recently changed).

Sincerely,



G. George Bertram, Esq.

GGB/ctb

Cell Phone

: (270) 585-0201

Email

: georgebertram@recoverylaw.com

Original

: FedEx

Enclosures

: Exhibits A, B & C

EXHIBIT "A" LIST OF CIGARETTE BRAND STYLES
TANTUS TOBACCO, LLC

Brand
24/7
Red King Box
Gold King Box
Menthol King Box
Red 100's Box
Gold 100's Box
Menthol 100's Box
Silver 100's Box
Menthol Gold 100's Box
Berley
Red King Box
Red King Soft
Red 100's Soft
Red 100's Box
Gold King Box
Gold King Soft
Gold 100's Soft
Gold 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol 100's Box
Menthol King Box
Menthol Gold 100's Box
Menthol Gold 100's Soft
Menthol Gold King Box
Menthol Gold King Soft
Blue 100's Soft
Blue 100's Box
Blue King Box
Blue King Soft
Non Filter King Soft
Berkley
Red King Box
Red King Soft
Red 100's Soft
Red 100's Box
Gold King Box
Gold King Soft
Gold 100's Soft

Gold 100's Box
Silver King Soft
Silver 100's Soft
Silver 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol 100's Box
Menthol Gold King Soft
Menthol Gold 100's Soft
Menthol Gold 100's Box
Non Filter King Soft
Golden Blend
Red King Soft
Red 100's Soft
Red King Box
Red 100's Box
Gold 100's Soft
Gold King Box
Gold 100's Box
Silver 100's Soft
Silver 100's Box
Menthol 100's Soft
Menthol 100's Box
Menthol Gold 100's Box
Menthol Gold 100's Soft
Non Filter King Soft
Main Street
Red King Soft
Red 100's Soft
Red King Box
Red 100's Box
Gold King Soft
Gold 100's Soft
Gold King Box
Gold 100's Box
Blue 100's Soft
Blue 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol 100's Box
Menthol King Box
Menthol Gold 100's Soft
Menthol Gold 100's Box
G Smoke
Red King Soft

Red 100's Soft
Red King Box
Red 100's Box (Woman)
Red 100's Box
Gold King Soft
Gold 100's Soft
Gold King Box
Gold 100's Box
Gold 100's Box (Woman)
Blue 100's Soft
Menthol King Soft
Menthol 100's Soft
Menthol Gold 100's Box (Woman)
Sport
Red King Soft
Red 100's Soft
Red King Box
Red 100's Box
Gold King Soft
Gold 100's Soft
Gold King Box
Gold 100's Box
Blue 100's Soft
Blue 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol King Box
Menthol 100's Box
Menthol Gold 100's Soft
Menthol Gold 100's Box

EXHIBIT "B"
TANTUS TOBACCO, LLC

Cigarette Brands

Sales: Jan 1, 2013 – December 31, 2013
(Individual cigarette "sticks")

Berkley
Berley
Sport
Main Street
GSmoke
Golden Blend
24/7
TOTAL



Cigarette Brands

Projected Sales: Jan 1, 2014 – Dec 31, 2014
(Individual cigarette "sticks")

Berkley
Berley
Sport
Main Street
GSmoke
Golden Blend
24/7
TOTAL

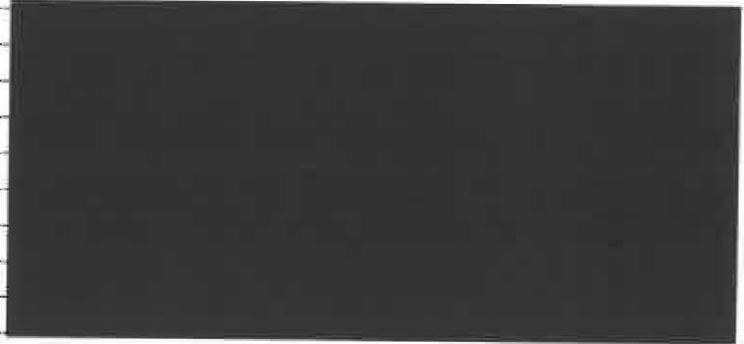


EXHIBIT "C"
TANTUS TOBACCO, LLC
SCHEDULE OF WARNINGS FOR
PRINT ADVERTISING

Brand Name	Quarter One Jan. 1st to March 31st	Quarter Two April 1st to June 30th	Quarter Three July 1st to Sept. 30th	Quarter Four Oct. 1st to December 31st
Berley	C	D	A	B
Berkley	B	C	D	A
24/7	A	B	C	D
Golden Blend	A	B	C	D
Sport	D	A	B	C
Main Street	C	D	A	B
GSmoke	B	C	D	A

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



Division of
Advertising Practices

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

July 22, 2014

G. George Bertram, Esq.
200 Progress Drive Suite 500
Russell Springs, KY 42642

Dear Mr. Bertram:

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 Tantus Tobacco LLC ("Tantus") on July 21, 2014, 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, Berley, Berkley, Golden Blend, Main Street, GSmoke, and Sport brands of cigarettes.

Tantus'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 June 7 and June 21, 2010 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, Tantus's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eight hard pack varieties of the 24/7 brand: Red King, Red 100's, Gold King, Gold 100's, Menthol King, Menthol 100's, Silver 100's, and Menthol Gold 100's;
- Twenty-one varieties of the Berley brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Menthol King (hard pack and soft pack), Menthol 100's (hard pack and soft pack), Menthol Gold King (hard pack and soft pack), Menthol Gold 100's (hard pack and soft pack), Blue King (hard pack and soft pack), Blue 100's (hard pack and soft pack), and Non Filter King soft pack;

¹ Tantus stated in its July 21, 2014 letter that the four health warnings will continue to appear exactly as shown on the sample packs and cartons submitted on June 7, 2010 and June 21, 2010.

- Eighteen varieties of the Berkley brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Silver King soft pack, Silver 100's (hard pack and soft pack), Menthol King soft pack, Menthol 100's (hard pack and soft pack), Menthol Gold King soft pack, Menthol Gold 100's (hard pack and soft pack), and Non Filter King soft pack;
- Fourteen varieties of the Golden Blend brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King hard pack, Gold 100's (hard pack and soft pack), Silver 100's (hard pack and soft pack), Menthol 100's (hard pack and soft pack), Menthol Gold 100's (hard pack and soft pack), and Non Filter King soft pack;
- Sixteen varieties of the Main Street brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Blue 100's (hard pack and soft pack), Menthol King (hard pack and soft pack), Menthol 100's (hard pack and soft pack), Menthol Gold 100's (hard pack and soft pack);
- Fourteen varieties of the GSmoke brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Blue 100's soft pack, Menthol soft pack (King and 100's), and "Woman" 100's hard pack (Red, Gold, and Menthol Gold); and
- Sixteen varieties of the Sport brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Blue 100's (hard pack and soft pack), Menthol King (hard pack and soft pack), Menthol 100's (hard pack and soft pack), and Menthol Gold 100's (hard pack and soft pack).

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

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

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

G. George Bertram, Esq.
July 22, 2014
Page 3

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

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

This approval is effective on the date of this letter and runs through July 21, 2015, or until 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle
Associate Director

Via E-mail

Re: FTC Plan for Westport™

July 1, 2014

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

Dear Ms. Engle:

In accordance with the Federal Trade Commission's Memorandum to Potential Cigarette Manufacturers or Importers, I write to submit our company's plan for compliance with Section 1333 of the Cigarette Act. This plan is limited to ten (10) Westport™ brand styles of cigarettes, including king size box and 100s size box.

DK Distributors, Inc. was formed as a Florida corporation on December 19, 2009 and operates as a wholesale distribution company. For all correspondence matters please refer to our Corporate Address outlined in the header of this page.

I. PACKAGING

A. WARNING LABEL SIZE & LOCATION

1. Brand – DK Distributors, Inc. imports Westport™ brand of cigarettes. The company does not import or manufacture any cigarette brand other than Westport™.

2. Brand Styles – As part of this plan, we shall import the following ten (10) Westport™ brand styles:

#	Variety Style	Packaging
1.	King Size (Red)	BOX Packaging
2.	King Size (Blue)	BOX Packaging
3.	King Size (Sky Blue)	BOX Packaging
4.	King Size (Green)	BOX Packaging
5.	King Size (Bright Green)	BOX Packaging
6.	100s Size (Red)	BOX Packaging
7.	100s Size (Blue)	BOX Packaging
8.	100s Size (Sky Blue)	BOX Packaging
9.	100s Size (Green)	BOX Packaging
10.	100s Size (Bright Green)	BOX Packaging

The four health warning labels will be printed on the cigarette packs and cartons of the Westport™ brand of cigarettes. Each cigarette pack will contain twenty cigarettes and each carton will contain ten packs. Each of the four warning labels has been designed to be of appropriate size, conspicuousness and contrast. The warnings will appear exactly as they do on the samples submitted with our letter of June 14th, 2010 and additional submission with a missing warning of July 13th, 2010.

B. WARNING LABEL SIZE & LOCATION

In order to satisfy the warning label rotation requirement, we have elected the option provided by Section 1333c(2) that allows us to display each of the four (4) warnings an *equal number of times* during the year. We comply with the "Cigarette Act" by having our factory's suppliers print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four cigarette health warnings will appear on packs and cartons for each brand style of the Westport™ brand of cigarettes an equal number of times during the one-year period following approval of this plan by the F.T.C. We qualify for this option because the sales of the cigarettes we imported in calendar year 2013 were less than one-fourth of one percent of all the cigarettes sold in the United States during this period. A chart showing DK Distributors, Inc. sales for this period is attached. We estimate that our company's sales in calendar year 2014 will amount to [REDACTED] sticks of Westport™ brand of cigarettes.

C. RECORDS OF COMPLIANCE

DK Distributors, Inc. will maintain sufficient records to demonstrate compliance with this plan.

II. ADVERTISING

DK Distributors, Inc. filed a plan for the use of health warnings in advertising displays on August 16th, 2010. We intend to maintain compliance with the aforementioned plan.

If you require any additional information or assistance with this, or any other matters, please do not hesitate to contact me.

Sincerely,



Audrius Bakanas
General Manager
DK Distributors, Inc.

DK Distributors, Inc.
Sales by Item Summary
2013 Sales

<u>WESTPORT Style</u>	<u>Carton Qty</u>	<u>Stick Qty</u>
Westport Red 100 Box		
Westport Blue 100 Box		
Westport Sky Blue 100 Box		
Westport Green 100 Box		
Westport Bright Green 100 Box		
Westport Red King Box		
Westport Blue King Box		
Westport Sky Blue King Box		
Westport Green King Box		
Westport Bright Green King Box		
TOTAL SALES:		



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

Division of
Advertising Practices

July 28, 2014

Mr. Audrius Bakanas
General Manager
DK Distributors, Inc.
1404 E. Las Olas Blvd. #2300
Fort Lauderdale, FL 33301

Dear Mr. Bakanas:

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 DK Distributors, Inc. ("DK Distributors") dated July 1, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Westport brand of cigarettes.

DK Distributors' 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 June 14 and July 13, 2010 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, DK Distributors' plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten box varieties of the Westport brand: Kings (Red), 100's (Red), Kings (Blue), 100's (Blue), Kings (Sky Blue), 100's (Sky Blue), Kings (Green), 100's (Green), Kings (Bright Green), and 100's (Bright Green).²

¹ DK Distributors stated in its letter dated July 1, 2014 that the four health warnings will appear exactly as shown on the samples submitted on these dates.

² As set forth in its letter dated July 1, 2014, DK Distributors is using colors to identify its varieties of the Westport brand of cigarettes (*e.g.*, "King Size (Red)"). We note that the color names are not printed on the packaging (*e.g.*, the word "Blue" does not appear on the packaging of the "100s Size (Blue)" variety); however, the color referenced in a variety's name does conform to the color used in its packaging.

Mr. Audrius Bakanas
July 28, 2014
Page 2

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

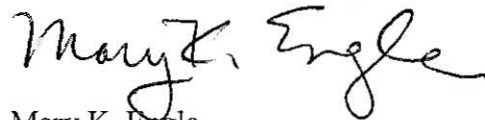
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been 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 July 27, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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

X C A L I B E R

INTERNATIONAL LTD., LLC

Brittani N. Cushman
General Counsel

Pryor phone: (918) 824-0300
Tulsa phone: (918) 824-6641
Fax: (918) 824-0302

July 14, 2014

Via e-mail: cbrady@ftc.gov

Via Certified Mail

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

Re: 2014-2015 Plan for Compliance with the Federal Cigarette Labeling and Advertising Act,
15 U.S.C. §§ 1331-1340 – Echo, Edgefield, and Exeter Brand Styles

Dear Ms. Engle:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the "Act"), Section 1333, 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 on August 15, 2013, for the packaging of the Echo, Edgefield, and Exeter Brands (collectively, the "Brands"). Through the date of this application, the Surgeon General's warnings on the brand styles' packaging have been equalized in accordance with the Act. All current Brands and their styles are listed on **Attachment A**. 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 in the packs and cartons enclosed with Xcaliber's submissions, dated July 29, 2013, and

ONE TOBACCO ROAD, PRYOR, OK, USA 74361 :: PHONE 918-824-0300 :: FAX 918-824-0302 :: WWW.XCALIBERINTERNATIONAL.COM

VORTEX

EXETER



August 9, 2013. 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 of the Brands for one year beginning with the approval date of this plan.

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 Federal Trade Commission may permit the plan to note display of the four warnings an equal number of times during the year. Xcaliber's sales for the fiscal year ending December 31, 2013, were [REDACTED] sticks. A schedule is attached reflecting Xcaliber's 2013 sales and 1st Quarter, 2014 sales and is referred to as **Attachment B**.

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 which states that the order has been processed according to these standards.

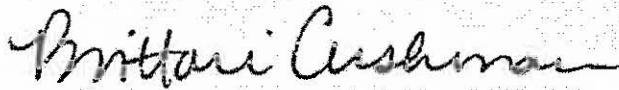
- c. Records of Compliance. Xcaliber maintains a record of the affidavits provided by its print supplier confirming the procedures outlined above. When each order arrives, a set of samples of each warning from each brand style is kept along with the affidavit in Xcaliber's records. The affidavit along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

II. Advertising

Xcaliber continues to be in full compliance with the advertising plan approved August 17, 2012.

Should you have any questions or require additional information, please contact me at (918) 824-0300. I can also be reached via e-mail at brittani@xcaliberinternational.com.

Sincerely,

A handwritten signature in black ink that reads "Brittani Cushman". The signature is written in a cursive, flowing style.

Brittani Cushman

Enc. *Attachment A: List of Brand Styles*
Attachment B: Schedule of 2013 and 1st Quarter 2014 Sales

Attachment A

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
Menthol King (dark green pack)
Menthol Gold King (light green pack)
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)

EXETER

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
Menthol King (dark green pack)
Menthol Gold King (light green pack)
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)

Xcaliber International Ltd. L.L.C.

ATTACHMENT B - Sales

For the Period From Jan 1, 2013 to March 31, 2014

Item ID	Item Description	2013 Cases	2013 Cartons	2013 Sticks	1st Qtr 2014 Cases	1st Qtr 2014 Cartons	1st Qtr 2014 Sticks
1111	Echo 100 Box Red						
1112	Echo 100 Box Gold						
1113	Echo 100 Box Menthol Gold						
1114	Echo 100 Box Menthol						
1116	Echo 100 Box Blue						
1121	Echo King Box Red						
1122	Echo King Box Gold						
1123	Echo King Box Menthol Gold						
1124	Echo King Box Menthol						
1125	Echo King Box Non Filter						
1126	Echo King Box Blue						
1211	Echo 100 SP Red						
1212	Echo 100 SP Gold						
1213	Echo 100 SP Menthol Gold						
1214	Echo 100 SP Menthol						
1216	Echo 100 SP Blue						
1221	Echo King SP Red						
1222	Echo King SP Gold						
1223	Echo King SP Menthol Gold						
1224	Echo King SP Menthol						
1225	Echo King SP Non Filter						
1226	Echo King SP Blue						
2111	Edgefield 100 Box Red						
2112	Edgefield 100 Box Gold						
2113	Edgefield 100 Box Menthol Gold						
2114	Edgefield 100 Box Menthol						
2116	Edgefield 100 Box Silver						
2121	Edgefield King Box Red						
2122	Edgefield King Box Gold						
2123	Edgefield King Box Menthol Gold						
2124	Edgefield King Box Menthol						
2125	Edgefield King Box Non Filter						
2126	Edgefield King Box Silver						
3111	Exeter 100 Box Red						
3112	Exeter 100 Box Gold						
3113	Exeter 100 Box Menthol Gold						
3114	Exeter 100 Box Menthol						
3116	Exeter 100 Box Blue						
3121	Exeter King Box Red						
3122	Exeter King Box Gold						
3123	Exeter King Box Menthol Gold						
3124	Exeter King Box Menthol						
3125	Exeter King Box Non Filter						

Xcaliber International Ltd. L.L.C.

ATTACHMENT B - Sales

For the Period From Jan 1, 2013 to March 31, 2014

Item ID	Item Description	2013 Cases	2013 Cartons	2013 Sticks	1st Qtr 2014 Cases	1st Qtr 2014 Cartons	1st Qtr 2014 Sticks
3126	Exeter King Box Blue						
3211	Exeter 100 SP Red						
3212	Exeter 100 SP Gold						
3213	Exeter 100 SP Menthol Gold						
3214	Exeter 100 SP Menthol						
3216	Exeter 100 SP Blue						
3221	Exeter King SP Red						
3222	Exeter King SP Gold						
3223	Exeter King SP Menthol Gold						
3224	Exeter King SP Menthol						
3225	Exeter King SP Non Filter						
3226	Exeter King SP Blue						
5121	INTL Exeter King Box Red						
5122	INTL Exeter King Box Gold						



Division of
Advertising Practices

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

July 29, 2014

Ms. Brittani N. Cushman
General Counsel
Xcaliber International, Ltd., LLC
One Tobacco Road
Pryor, OK 74361

Dear Ms. Cushman:

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 July 14, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Echo, Exeter, and Edgefield 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 29 and August 9, 2013 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

Accordingly, Xcaliber's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:¹

- Twenty-two 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

¹ As set forth in its July 14, 2014 letter, Xcaliber is using colors in the names of a number of its cigarette varieties (*e.g.*, "Echo Red 100's Box"). We note, however, that the color names are not printed on the packaging (*e.g.*, the word "Red" does not appear on the packaging of the "Echo Red 100's Box" variety). 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.

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), Menthol Gold Kings Box (light green packaging), Menthol Gold Kings Soft Pack (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;

- Twenty-two 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 Kings Soft Pack, Blue 100's Box, Blue 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), Menthol Gold Kings Box (light green packaging), Menthol Gold Kings Soft Pack (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; and
- 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.

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 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") concerning the rotation, size, and conspicuousness of the warnings on Xcaliber's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for 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

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.

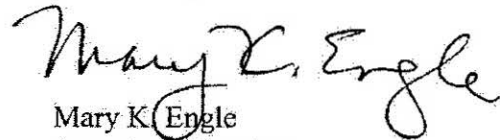
Ms. Brittani N. Cushman
July 29, 2014
Page 3

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 July 28, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,

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

Mary K. Engle
Associate Director

S&M BRANDS, INC.



3662 Ontario Road
Keysville, VA 23947

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

www.SMBRANDS.com

May 20, 2014

Mary K. Engle
Associate Director of Advertising Practices
Federal Trade Commission
601 New Jersey Ave NW, Room # NJ 3212
Washington, D.C. 20580
Via UPS Overnight
Attention Sally Schools or William Ducklow

Re: Federal Trade Commission ("FTC") Health Warning/Advertising Rotation plan for S&M Brands, Inc. makers of Bailey's Cigarette, Tahoe Cigarettes, Riverside Cigarettes, and Valu Time Cigarettes

Dear Ms. Engle:

The undersigned is general counsel to S&M Brands, Inc. (sometimes the "Company"), a Virginia corporation located in Keysville, Virginia, that manufactures Bailey's Cigarettes, Tahoe Cigarettes, Riverside Cigarettes, and Valu Time Cigarettes under license from the U.S. Alcohol and Tobacco Tax and Trade Bureau.

The S&M Brands, Inc. FTC health warning plan for packaging and advertising ("Plan") for its initial brand, Bailey's Cigarettes, was first approved by the FTC on December 8, 1995, by Associate Director C. Lee Peeler of the Division of Advertising Practices. The Company has obtained FTC approval for its Plan for each subsequent year for all of its cigarette brand offerings.

By letter dated January 11, 2010 the Company proposed to change the names of a variety of the Bailey's, Tahoe, and Riverside brand styles of cigarettes, and modify the packaging accordingly. The FTC approved the Amended Plan via letter dated January 12, 2010.

By letter dated August 31, 2010 the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, and Riverside cigarette brands. The company proposed to change the names of a variety of the Valu Time brand styles of cigarettes, and modify the packaging accordingly. The FTC approved the Plan via letter dated August 31, 2010.

By letter dated August 23, 2012 the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time cigarette brands with no changes made to its plan. The FTC approved the Plan via letter dated August 23, 2012.

By letter dated August 21, 2013 the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time cigarette brands. The FTC approved the Plan via letter dated August 22, 2013

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

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

INNOVATION THROUGH FIVE GENERATIONS OF TRADITION

Bailey's

TAHOE

Riverside

LEX12

CONTACT



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

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

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

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

With our letters dated November 23, 2009 and November 2, 2009 the Company enclosed samples of all Bailey's, Tahoe, and Riverside cigarette brand styles including all four health warnings for each style that the Company will be manufacturing. The warnings will appear exactly as shown on those samples. With the Company's August 4, 2010 letter the Company enclosed samples of all of the Valu Time cigarette brand styles that the Company will be manufacturing including all four health warnings for each style. The warnings for those brand styles will appear exactly as shown on the samples enclosed with that letter. Additional samples of Bailey's, Tahoe, Riverside, and Valu Time materials are available upon request, but the warnings that our Company uses will continue to appear exactly as on the exemplars previously provided to and approved by the FTC.

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

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

Our sales by fiscal year are summarized in the chart below. Our fiscal year is the same as the calendar year. For fiscal year 2013 our actual sales are reported below. For fiscal years 2014 and 2015 our anticipated sales are reported below. The figures represent individual sticks sold.

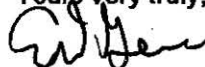
Volume in Sticks

Year	Bailey's	Tahoe	Valu Time	Riverside
2013	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2014	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2015	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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

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

Yours very truly,



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

cc: Mr. Malcolm L. Bailey, CEO

¹ Stick number breakdown by style: Tahoe **soft packs** are: King Size: Filter [REDACTED] Gold [REDACTED] Sky Blue [REDACTED] Menthol [REDACTED] and Evergreen Menthol [REDACTED] 100's Size: Filter [REDACTED] Gold [REDACTED] Sky [REDACTED], Menthol [REDACTED] and Evergreen Menthol [REDACTED] Tahoe **hard packs** are: King Size: Filter [REDACTED] and Gold [REDACTED]

² Stick number breakdown by style: Tahoe **soft packs** are: King Size: Filter [REDACTED] Gold [REDACTED] Sky Blue [REDACTED] Menthol [REDACTED] and Evergreen Menthol [REDACTED] 100's Size: Filter [REDACTED] Gold [REDACTED] Sky [REDACTED] Menthol [REDACTED] and Evergreen Menthol [REDACTED] Tahoe **hard packs** are: King Size: Filter [REDACTED] and Gold [REDACTED]

³ Stick number breakdown by style: Tahoe **soft packs** are: King Size: Filter [REDACTED] Gold [REDACTED] Sky Blue [REDACTED] Menthol [REDACTED] and Evergreen Menthol [REDACTED] 100's Size: Filter [REDACTED] Gold [REDACTED] Sky [REDACTED] Menthol [REDACTED] and Evergreen Menthol [REDACTED] Tahoe **hard packs** are: King Size: Filter [REDACTED] and Gold [REDACTED]

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

**ROTATION PLAN FOR
ADVERTISING AND PROMOTIONAL MATERIALS**

	<u>Bailey's Brand</u>
First Quarter	C
Second Quarter	D
Third Quarter	A
Fourth Quarter	B

	<u>Tahoe Brand</u>
First Quarter	B
Second Quarter	A
Third Quarter	D
Fourth Quarter	C

	<u>Riverside Brand</u>
First Quarter	A
Second Quarter	B
Third Quarter	C
Fourth Quarter	D

	<u>Valu Time Brand</u>
First Quarter	D
Second Quarter	C
Third Quarter	B
Fourth Quarter	A

The warnings are as follows:

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



Division of
Advertising Practices

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

July 31, 2014

Mr. Everett W. Gee, III
General Counsel
S&M Brands, Inc.
3662 Ontario Road
Keysville, VA 23947

Dear Mr. Gee:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the proposed plan filed by S&M Brands, Inc. ("S&M Brands") on May 20, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bailey's, Tahoe, Riverside, and Valu Time brands of cigarettes.

S&M Brands' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated November 2 and November 23, 2009 (Bailey's, Tahoe, and Riverside) and August 4, 2010 (Valu Time) continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

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

¹ S&M Brands stated in its May 20, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

- Twelve varieties of the Tahoe brand: Filter Kings (box and soft pack), Filter 100's soft pack, Gold Kings (box and soft pack), Gold 100's soft pack, Sky Blue Kings soft pack, Sky Blue 100's soft pack, Menthol Kings soft pack, Menthol 100's soft pack, Evergreen Menthol Kings soft pack, and Evergreen Menthol 100's soft pack;
- Thirteen varieties of the Riverside brand: Filter Kings (box and soft pack), Filter 100's soft pack, Blue Kings (box and soft pack), Blue 100's soft pack, Silver Kings soft pack, Silver 100's soft pack, Menthol Kings (box and soft pack), Menthol 100's soft pack, Teal Menthol Kings soft pack, and Teal Menthol 100's soft pack; and
- Nine varieties of the Valu Time brand: Filter Kings (box and soft pack), Filter 100's soft pack, Gold Kings box, Gold 100's soft pack, Silver 100's soft pack, Menthol Kings box, Menthol 100's soft pack, and Teal Menthol 100's soft pack.

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

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

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

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

Mr. Everett W. Gee, III
July 31, 2014
Page 3

This approval is effective on the date of this letter and runs through July 30, 2015, 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 Arien Parham at (202) 326-2696.

Very truly yours,

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

Mary K. Engle
Associate Director



1041 W State Route 108
Shelton, Washington 98584

July 29, 2014

Ms. Mary K. Engle
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW
NJ-3212
Washington, DC 20580

Via Facsimile and U.S. Mail

Dear Ms. Engle:

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

Skookum Creek Tobacco Company currently produces three brand families of cigarettes, "Complete," "Premis," and "Traditions." A rotation plan was approved July 10, 2013, for these brand families.

No changes are proposed to the Complete and Traditions brand families and brand styles. Warnings for existing brand styles will appear exactly as shown on the sample packaging previously submitted to and approved by the FTC. All Skookum Creek brand styles are identified in Exhibit A.

Skookum Creek Tobacco respectfully submits samples of a packaging design change for the Premis brand family of products. The sample packaging was submitted on July 1, 2014. Warnings for these brand styles will appear exactly as submitted on the packs and cartons. This packaging reflects a change from our previous "Soft Pack" to a new "Hard Box". Once approved, Skookum Creek will no longer produce any "Soft Pack" styles in the Premis Brand Family.

No brand style manufactured by Skookum Creek Tobacco in fiscal year 2013 exceeded the sales limits in 15 U.S.C. § 1333(c)(2)(A)(i). A copy of Skookum Creek Tobaccos 2013 fiscal sales figures as well as current fiscal year sales to date and estimates for all brand styles is attached as Exhibit B. Units as shown are in sticks. Please note that the fiscal year for Skookum Creek Tobacco Company runs October 1 to September 30, concurrent with the federal fiscal year.

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

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

Skookum Creek Tobacco Company continues to be in compliance with its plan for Internet advertising as approved October 8, 2008 for Traditions and July16, 2007 for Complete and Premis. Skookum Creek Tobacco Co., Inc. does not advertise its cigarettes in any other format or medium.

Sincerely,



Cameron Goodwin, General Manager

Document Prepared by:



Michael Bell

Quality Assurance Manager/FDA, FTC Compliance Manager

360-490-6852

Skookum Creek Tobacco Company, 1041 W. State Route 108, Shelton WA, 98584
Administrative Contact
Michael Bell, Quality Assurance Manager
360-229-3616

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

Product Item #	Brand Family	Brand Name	Units Sold FY 2013	Projected FY 2014	Current FY14 Sales 10/2013 to 3/2014
01-50000	Complete 85mm Full Flavor Soft Pack	Complete			
01-50001	Complete 85mm High Air Soft Pack	Complete			
01-50002	Complete 85mm Ultra High Air Soft Pack	Complete			
01-50003	Complete 85mm Menthol Soft Pack	Complete			
01-50004	Complete 85mm Menth HA Soft Pack	Complete			
01-50005	Complete 100mm Full Flavor Soft Pack	Complete			
01-50006	Complete 100mm High Air Soft Pack	Complete			
01-50007	Complete 100mm Ultra High Air Soft Pack	Complete			
01-50008	Complete 100mm Menthol Soft Pack	Complete			
01-50009	Complete 100mm Menthol High Air Soft Pack	Complete			
01-50010	Complete 85mm Non-Filter Soft Pack	Complete			
01-50011	Complete 100mm Full Flavor Hard Box	Complete			
01-50012	Complete 100mm High Air Hard Box	Complete			
01-50013	Complete 100mm Ultra High Air Box	Complete			
01-50014	Complete 100mm Menthol Hard Box	Complete			
01-50015	Complete 100mm Menthol High Air Box	Complete			
01-50017	Complete 85mm Full Flavor Hard Box	Complete			
01-50018	Complete 85mm High Air Hard Box	Complete			
01-50019	Complete 85mm Ultra High Air Hard Box	Complete			
01-50020	Complete 85mm Menthol Hard Box	Complete			
01-50021	Complete 85mm Menthol High Air Box	Complete			
01-50022	Complete 85mm Non Filtered Hard Box	Complete			
01-50023	Premis 85mm Full Flavor Soft Pack	Premis			
01-50024	Premis 85mm High Air Soft Pack	Premis			
01-50025	Premis 85mm Ultra High Air Soft Pack	Premis			
01-50026	Premis 85mm Menthol Soft Pack	Premis			
01-50027	Premis 85mm Menthol High Air Soft Pack	Premis			
01-50028	Premis 100mm Full Flavor Soft Pack	Premis			

01-50029	Premis 100mm High Air Soft Pack	Premis
01-50030	Premis 100mm Ultra High Air Soft Pack	Premis
01-50031	Premis 100mm Menthol Soft Pack	Premis
01-50032	Premis 100mm Menthol High Air Soft Pack	Premis
01-50071	Complete FSC 100mm Full Flavor Box	Complete
01-50072	Complete FSC 100mm High Air Box	Complete
01-50073	Complete FSC 100mm Ultra High Air Box	Complete
01-50074	Complete FSC 100mm Menthol Box	Complete
01-50075	Complete FSC 100mm Menthol High Air Box	Complete
01-50076	Complete FSC 85mm Full Flavor Box	Complete
01-50077	Complete FSC 85mm High Air Box	Complete
01-50078	Complete FSC 85mm Ultra High Air Box	Complete
01-50079	Complete FSC 85mm Menthol Box	Complete
01-50080	Complete FSC 85mm Menthol High Air Box	Complete
01-50081	Complete FSC 85mm Non Filter Box	Complete
01-50511	Traditions Additive Free 100mm Full Flavor Hard Box	Traditions
01-50513	Traditions Additive Free 100mm High-Air Hard Box	Traditions
01-50514	Traditions Additive Free 100mm Menthol Hard Box	Traditions
01-50517	Traditions Additive Free 85mm Full Flavor Hard Box	Traditions
01-50519	Traditions Additive Free 85mm High-Air Hard Box	Traditions
01-50520	Traditions Additive Free 85mm Menthol Hard Box	Traditions
01-50522	Traditions Additive Free 85mm Non Filter Hard Box	Traditions
01-50530	Traditions 85 mm Full Flavor Hard Box	Traditions
01-50531	Traditions 85mm High Air Hard Box	Traditions
01-50534	Traditions 85mm Menthol Hard Box	Traditions
01-50535	Traditions 85mm Non-Filter Hard Box	Traditions
01-50537	Traditions 100mm Full Flavor Hard Box	Traditions
01-50538	Traditions 100mm High-Air Hard Box	Traditions
01-50539	Traditions 100mm Menthol Hard Box	Traditions



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

<p>COMPLETE BRAND FAMILY</p> <p>Full Flavor Kings – SOFT PACK High Air Kings – SOFT PACK Ultra High Air Kings – SOFT PACK Menthol Kings – SOFT PACK Menthol High Air Kings – SOFT PACK Full Flavor 100's – SOFT PACK High Air 100's – SOFT PACK Ultra High Air 100's – SOFT PACK Menthol 100's – SOFT PACK Menthol High Air 100's – SOFT PACK Non-Filtered Kings – SOFT PACK</p> <p>Full Flavor 100's – HARD PACK High Air 100's – HARD PACK Ultra High Air 100's – HARD PACK Menthol 100's – HARD PACK Menthol High Air 100's – HARD PACK Full Flavor Kings – HARD PACK High Air Kings – HARD PACK Ultra High Air Kings – HARD PACK Menthol Kings – HARD PACK Menthol High Air Kings – HARD PACK Non Filtered Kings – HARD PACK</p>	<p>PREMIS BRAND FAMILY</p> <p>Full Flavor Kings – HARD PACK High Air Kings – HARD PACK Ultra High Air Kings – HARD PACK Menthol Kings – HARD PACK Menthol High Air Kings – HARD PACK Full Flavor 100's – HARD PACK High Air 100's – HARD PACK Ultra High Air 100's – HARD PACK Menthol 100's – HARD PACK Menthol High Air 100's – HARD PACK</p>
<p>TRADITIONS BRAND FAMILY (Additive Free)</p> <p>High Air Filter 100's – HARD PACK Full Flavor 100's – HARD PACK Menthol 100's – HARD PACK Non Filtered Kings – HARD PACK High Air Filter Kings – HARD PACK Menthol Kings – HARD PACK Full Flavor Kings – HARD PACK</p>	<p>TRADITIONS BRAND FAMILY (Not Additive Free)</p> <p>Non Filtered Kings – HARD PACK Menthol Kings – HARD PACK Full Flavor Kings – HARD PACK High Air Kings – HARD PACK Menthol 100's – HARD PACK Full Flavor 100's – HARD PACK High Air 100's – HARD PACK</p>

Brand families and Styles – Updated July 15, 2014

M.L. Bell – Skookum Creek Tobacco Company



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

Division of
Advertising Practices

August 1, 2014

Mr. Michael Bell
Skookum Creek Tobacco Co., Inc.
1041 W. State Route 108
Shelton, WA 98584

Dear Mr. Bell:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Skookum Creek Tobacco Co., Inc. ("Skookum Creek") on July 29, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Complete, Premis, and Traditions brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Complete	April 12, 2007 June 9, 2008 July 10, 2008 March 11, 2010
Premis	July 1, 2014
Traditions	September 16, 2008 September 30, 2008 January 12, 2011

¹ Skookum Creek stated in its July 29, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

- Twenty-two varieties of the Complete brand: Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), High Air Kings (soft pack and hard pack), High Air 100's (soft pack and hard pack), Ultra High Air Kings (soft pack and hard pack), Ultra High Air 100's (soft pack and hard pack), Menthol Kings (soft pack and hard pack), Menthol 100's (soft pack and hard pack), Menthol High Air Kings (soft pack and hard pack), Menthol High Air 100's (soft pack and hard pack), and Non-Filter Kings (soft pack and hard pack);
- Ten hard pack varieties of the Premis brand: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), and Menthol High Air (Kings and 100's);
- Fourteen hard pack varieties of the Traditions brand;
- Seven Additive Free hard pack varieties: Full Flavor (Kings and 100's), High-Air Filter (Kings and 100's), Menthol (Kings and 100's), and Non-Filter Kings; and
- Seven non-Additive Free hard pack varieties: Full Flavor (Kings and 100's), High-Air Filter (Kings and 100's), Menthol (Kings and 100's), and Non-Filter Kings.

This approval pertains only to packaging that meets the requirements of the Cigarette Act in force as of the date of this letter. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission has approved.

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

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

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. Michael Bell
August 1, 2014
Page 3

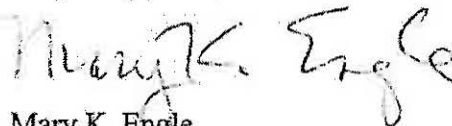
Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents
(published March 19, 2010).

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 July 31, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle
Associate Director

**KING
Mountain**

King Mountain Tobacco Company Inc.

P. O. Box 422

White Swan, Washington 98952

Phone: (509) 874-9935 Fax: (509) 874-3690

June 25, 2014

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

***RE: King Mountain Tobacco Company, Inc. – King Mountain Cigarette Labeling
Rotation Renewal Pursuant to 15 U.S.C. §1333(c)(2)***

Dear Ms. Engle,

King Mountain Tobacco Company, Inc. is a manufacturer of tobacco products located at 2000 Fort Simcoe Road, White Swan, WA 98952. Delbert Lauren Wheeler, Sr. is the President of King Mountain Tobacco Company, Inc.

This is an application pursuant to 15 U.S.C. §1333(c)(2) for annual approval of the plan of King Mountain Tobacco Company, Inc. for the display of the four health warnings on packaging for its King Mountain Cigarette Brand. Your Office last approved King Mountain's plan for the display of the Health Warnings on the packaging of the King Mountain Cigarettes on April 22nd, 2013 and there has been no changes in packaging since that time. The statutory warnings will continue to appear exactly as shown on the samples provided to you on June 25, 2014.

King Mountain Tobacco Company, Inc.: (KMT) confirms and warrants that it will conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) will appear an equal number of times on the packs and cartons of each brand style of Fire Safe and Non Fire Safe King Mountain Cigarettes it manufactures during the twelve month period following approval of this application. In order to ensure equal distribution of the four warnings specified in 15 U.S.C. §1333(a)(1), KMT will require that one-fourth of each order of package and carton material be printed with each of the four warnings. KMT will keep records demonstrating compliance with the plan (please see attachment A & B). Attachment A shows Press Run A and Press Run B, each press run is ran on an alternating sequence, for both Fire Safe and Non Fire to ensure an equal amount of the Surgeon General Warning Labels per order of packaging. Attachment B indicates the warning labels that are used within Run A and Run B. In regards to any residual or additional packaging that is needed to be added or subtracted from inventory in order to obtain 100% compliance of the proper Surgeon General Warning Rotation as specified in 15 U.S.C. § 1333(a)(1) will be done manually if needed by King Mountain Employee's before the first day of the following year.

Sales of King Mountain did not exceed one-fourth of one percent of cigarettes sold in the United States during the calendar year of 2014. KMT's fiscal year is the calendar year.

KMT manufactures King Mountain cigarettes under Tobacco Manufacturing License Number TP-WA-15000. The King Mountain is the only brand of cigarettes KMT manufactures.

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

(i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of one percent of all the cigarettes sold in the United States in such year, and

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

15 U.S.C. §1333(c)(2)(A). The term "brand style" is defined in the statute to mean:

A variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

15 U.S.C. §1332(8)

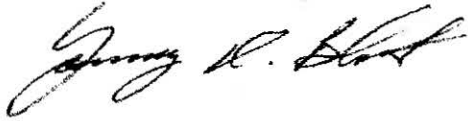
KMT plans to manufacture the following styles of hard pack King Mountain:

Red Kings (Fire Safe)	Red 100's (Fire Safe)
Gold King (Fire Safe)	Gold 100's (Fire Safe)
Blue King (Fire Safe)	Blue 100's (Fire Safe)
Menthol King (Fire Safe)	Menthol 100's (Fire Safe)
Menthol Gold King (Fire Safe)	Menthol Gold 100's (Fire Safe)
Red Kings (Non Fires Safe)	Red 100's (Non Fire Safe)
Gold King (Non Fires Safe)	Gold 100's (Non Fires Safe)
Blue King (Non Fires Safe)	Blue 100's (Non Fires Safe)
Menthol King (Non Fires Safe)	Menthol 100's (Non Fires Safe)
Menthol Gold King (Non Fires Safe)	Menthol Gold 100's (Non Fires Safe)

During 2013 KMT sold [REDACTED] sticks of the King Mountain Brand. King Mountain Red 100's was the highest selling style with [REDACTED] sticks. This amount is clearly "less than one-fourth of 1 percent of all cigarettes sold in the United States in 2013, as required by 15 U.S.C. §1333(c)(2)(A)(i). Estimated sales for 2014 are [REDACTED] sticks, with King Mountain Red 100's (hard pack) selling approximately [REDACTED] sticks. KMT received approval for our advertising plan on June 25th, 2009 and there have been no changes in our advertising plan since that time and KMT will maintain compliance with that plan.

If additional information is need please don't hesitate to contact me.

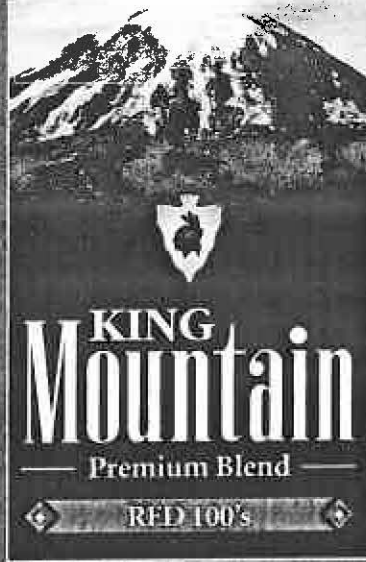
Sincerely,

A handwritten signature in black ink, appearing to read "Yancey R. Black". The signature is written in a cursive style with a large initial "Y".

Yancey R. Black
General Manager
yancey@kingdomintertobacco.com
(509) 874-9935 Office
(509) 874-3690 Fax

Selected packaging samples from those
submitted with the plan.

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



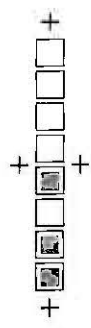
KING Mountain
PREMIUM BLEND
RED 100'S



CGP



M-1 2 3 4 5 6 7 8 9 10 11 12
Y-13-15 16
WN - B



14

MADE IN THE USA



20
CLASS A
CIGARETTES

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

— 200 —
CLASS A
CIGARETTES
— Premium Blend —

MADE IN
THE USA

200-
CLASS A
FILTERED
CIGARETTES



KING MOUNTAIN

◆ MENTHOL 100'S ◆

UNDERAGE
SALE
PROHIBITED

— Premium Blend —
KING
Mountain



KING MOUNTAIN
TOBACCO INC.
WHITE SWAN, WA 98933



Division of
Advertising Practices

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

August 13, 2014

Mr. Yancey R. Black
General Manager
King Mountain Tobacco Company, Inc.
P.O. Box 422
White Swan, WA 98952

Dear Mr. Black:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Mountain Tobacco Company, Inc. ("KMTC") on June 25, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for ten hard pack varieties of the King Mountain brand of cigarettes.

KMTC'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 June 25, 2014 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, KMTC's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following twenty hard pack varieties of the King Mountain brand: Red (Kings and 100's), Gold (Kings and 100's), Blue (Kings and 100's), Menthol (Kings and 100's), and Menthol Gold (Kings and 100's). Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the

¹ KMTC stated in its June 25, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on that date.

Mr. Yancey R. Black
August 13, 2014
Page 2

plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

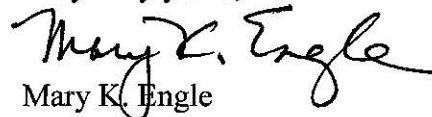
Please note that this letter only approves KMTC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on KMTC's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for KMTC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of KMTC'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 August 12, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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

NANCYELLEN KEANE
804.697.1272 telephone
804.688.5140 facsimile
nancyellen.keane@troutmansanders.com

TROUTMAN SANDERS

TROUTMAN SANDERS LLP
Attorneys at Law
Troutman Sanders Building
1001 Haxall Point
P.O. Box 1122 (23218-1122)
Richmond, Virginia 23219
804.697.1200 telephone
troutmansanders.com

August 12, 2014

VIA EMAIL and FEDEX

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

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

Dear Ms. Engle:

On behalf of Cherokee Tobacco Company, LLC (“Cherokee”) we hereby submit a request to renew the Surgeon General's Equalization Plan for Cherokee as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended (“FCLAA”), for all styles of CHEROKEE brand soft pack and hard pack varieties. Cherokee previously submitted its 2013 Plan Renewal on August 1, 2013 and your office approved the prior Plan on August 6, 2013.

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

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

Cherokee has a plan for the following styles:

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

**TROUTMAN
SANDERS**

Ms. Mary Angle
August 12, 2014
Page 2

In fiscal year 2013, our total sales were [REDACTED] sticks of the Cherokee brand. Anticipated sales of CHEROKEE in fiscal year 2014 will total [REDACTED] sticks.

Four copies of each style (packs and cartons) were provided as enclosures to our letter of June 3, 2010. The warnings will appear exactly as shown on the samples provided with that letter. Cherokee will equalize the four health warnings on the packs and cartons for each brand style listed in the Plan for the one year period beginning on the date of approval of this Plan.

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

For advertising materials, there are no changes from the prior Plan dated April 11, 2005.

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request expedited approval of this request. Should this request conform to your requirements, we request that the letter evidencing approval be faxed to me at (804) 698-5140. Should you require any additional information with respect to the foregoing please contact me at 804-697-1272 or on my cell phone (804-350-2640).

Very truly yours,



Nancyellen Keane

Enclosures

cc: Scott D. Batson
Douglas M. Butts, Jr.



Division of
Advertising Practices

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

August 19, 2014

Nancyellen Keane, Esq.
Troutman Sanders LLP
1001 Haxall Point
P.O. Box 1122
Richmond, VA 23219

Dear Ms. Keane:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Cherokee Tobacco Company, LLC (“Cherokee”) on August 12, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cherokee brand of cigarettes.

Cherokee’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated June 3, 2010 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, Cherokee’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following fourteen varieties of the Cherokee brand: Red Kings (soft pack and Box), Red 100's soft pack, Blue Kings (soft pack and Box), Blue 100's soft pack, Menthol Green Kings (soft pack and Box), Menthol Green 100's soft pack, Menthol Gold soft pack (Kings and 100's), Sky soft pack (Kings and 100's), and Non-Filter soft pack.

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

¹ Cherokee stated in its August 12, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on June 3, 2010.

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.

Nancyellen Keane, Esq.
August 19, 2014
Page 2

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

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

This approval is effective on the date of this letter and runs through August 18, 2015, 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 Arien Parham at (202) 326-2696.

Very truly yours,



Mary K. Engle
Associate Director

MARKETING GROUP USA, INC.

August 19, 2014

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

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

Dear Ms. Engle;

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

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

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

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

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

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

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

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

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

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

A subsequent plan extension was approved on October 31, 2011, valid to September 21, 2012.

A subsequent plan extension was approved on August 28, 2012, valid to August 27, 2013.

A subsequent plan extension was approved on August 28, 2013, valid to August 27, 2014.

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

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

Marketing Group USA, Inc. does not import cigarettes.

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

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

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

Stick sales for the period January 01, 2013 to December 30, 2013 were [REDACTED]. The breakdown of the number of stick sales are indicated in a graph attached as **Exhibit 1**.

In addition, stick sales for the period January 01, 2014 to July 31, 2014 were [REDACTED]. The breakdown of the number of stick sales are indicated in a graph attached as **Exhibit 1A**.

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

Upon approval of the extension, the four cigarette health warnings will appear on the packs and cartons of each of the brand styles listed above an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette warnings appear on each of the above listed brand styles an equal number of times throughout the plan year, raw materials packaging inventory will be stored and loaded into packaging machines alternating the four health warnings equally.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Najjar". The signature is fluid and cursive, written over the printed name.

Mary Najjar
President

EXHIBIT 1

PRODUCT NEW YORK NEW YORK	Stick Sales (Actual) January 01, 2013 to December 31, 2013
NYNY Red 100 Size Box	
NYNY Red King Size Box	
NYNY Gold 100 Size Box	
NYNY Gold King Size Box	
NYNY Menthol 100 Size Box	
NYNY Menthol King Size Box	
NYNY Menthol Gold 100 Size Box	
NYNY Silver 100 Size Box	
NYNY Non-Filter King Size Box	
TOTAL	

EXHIBIT 1A

PRODUCT NEW YORK NEW YORK	Total Estimated Stick Sales 01/01/2014 to 07/31/2014
NANY Red 100 Size Box	
NANY Red King Size Box	
NANY Gold 100 Size Box	
NANY Gold King Size Box	
NANY Menthol 100 Size Box	
NANY Menthol King Size Box	
NANY Menthol Gold 100 Size Box	
NANY Silver 100 Size Box	
NANY Non-Filter King Size Box	
TOTAL	

EXHIBIT 2

	Total Estimated Stick Sales August 31, 2014 to July 31, 2015
NYNY Red 100 Size Box	
NYNY Red King Size Box	
NYNY Gold 100 Size Box	
NYNY Gold King Size Box	
NYNY Menthol 100 Size Box	
NYNY Menthol King Size Box	
NYNY Menthol Gold 100 Size Box	
NYNY Silver 100 Size Box	
NYNY Non-Filter King Size Box	
TOTAL	



Division of
Advertising Practices

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

August 21, 2014

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

Dear Ms. Najjar:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Marketing Group USA, Inc. (“Marketing Group”) on August 19, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “New York New York” brand of cigarettes.

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

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

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

¹ Marketing Group stated in its August 19, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on August 5, 2010.

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.

Mary Najjar
August 21, 2014
Page 2

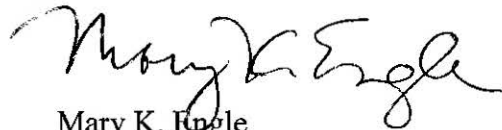
2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) concerning the rotation, size, and conspicuousness of the warnings on Marketing Group’s packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging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

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

This approval is effective on the date of this letter and runs through August 20, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Ingle
Associate Director

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES 

PO Box 496
175 Rochester Street
Salamanca, NY 14779

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

August 21, 2014

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

RE: Heron Cigarettes

Dear Ms. Engle:

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

We have removed 9 brand styles, Crimson King Soft Pack, Crimson 100 Soft Pack, Non Filter King Soft Pack, No. 33 Black Red King Soft Pack, No. 33 Black Gold King Soft Pack, No. 33 Black Menthol King Soft Pack, No. 33 Black Red 100 Soft Pack, No. 33 Black Gold 100 Soft Pack and No. 33 Black Menthol 100 Soft Pack, as we no longer manufacture those styles. The Heron cigarette brand will now be manufactured in the following varieties:

Red 100's Soft Pack	Red King Soft Pack
Gold 100's Soft Pack	Gold King Soft Pack
Silver 100's Soft Pack	Silver King Soft Pack
Menthol 100's Soft Pack	Menthol King Soft Pack
Menthol Gold 100's Soft Pack	Menthol Gold King Soft Pack
Red 100's Box	Red King Box
Gold 100's Box	Gold King Box
Silver 100's Box	Silver King Box
Menthol 100's Box	Menthol King Box
Menthol Gold 100's Box	Menthol Gold King Box
Crimson 100's Box	Crimson King Box
No. 33 Black Red 100's Box	No. 33 Black Red King Box

Mary K. Engle, Associate Director
Division of Advertising Practices
Heron Cigarettes
August 21, 2014
Page 2

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

No. 33 Black Gold King Box
No. 33 Black Menthol King Box
Non Filter King 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 will appear exactly as shown in samples provided to your office with our letters dated June 16, 2010, June 23, 2010, June 25, 2010, February 4, 2011 and February 7, 2012.

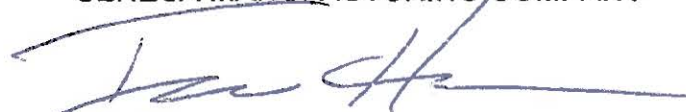
Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for each brand style that the company manufactured for the 2013 fiscal year (calendar year ending December 31, 2013) are set out in Exhibit A along with anticipated 2014 sales. We do not import any cigarettes.

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 cigarette brand style an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the Heron cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the health warnings. Seneca Manufacturing Company will maintain records of compliance with approved plan. We will continue to advertise according to our plan approved by the Federal Trade Commission on December 17, 2007.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Travis G. Heron
Partner

TGH/cj
Enclosures

Brand	2013 Sales by Stick	Estimated 2014 Sales by Stick
Heron Black No.33 Gold 100 Box		
Heron BLK No. 33 Menthol 100 Box		
Heron BLK No. 33 Red 100 Box		
Heron BLK No. 33 Red King Box		
Heron BLK No.33 Gold King Box		
Heron BLK No.33 Menthol King Box		
Heron Black No.33 Gold 100 SP		
Heron BLK No. 33 Menthol 100 SP		
Heron BLK No. 33 Red 100 SP		
Heron BLK No. 33 Red King SP		
Heron BLK No.33 Gold King SP		
Heron BLK No.33 Menthol King SP		
Heron Crimson 100 Box		
Heron Crimson King Box		
Heron Crimson 100 SP		
Heron Crimson King SP		
Heron Gold 100 Box		
Heron Gold 100 SP		
Heron Gold King Box		
Heron Gold King SP		
Heron Menthol 100 Box		
Heron Menthol 100 SP		
Heron Menthol Gold 100 Box		
Heron Menthol Gold 100 SP		
Heron Menthol Gold King Box		
Heron Menthol Gold King SP		
Heron Menthol King Box		
Heron Menthol King SP		
Heron Non Filter King Box		
Heron Non Filter King SP		
Heron Red 100 Box		
Heron Red 100 SP		
Heron Red King Box		
Heron Red King SP		
Heron Silver 100 Box		
Heron Silver 100 SP		
Heron Silver King Box		
Heron Silver King SP		
Grand Total		



Division of
Advertising Practices

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

August 21, 2014

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

Dear Mr. Heron:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca Manufacturing Company ("Seneca") on August 21, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron brand of cigarettes.

Seneca's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated June 16, 23, and 25, 2010, February 4, 2011, and February 7, 2012 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Seneca's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following twenty-nine varieties of the Heron brand: Red Kings (box and soft pack), Red 100's (box and soft pack), Gold Kings (box and soft pack), Gold 100's (box and soft pack), Silver Kings (box and soft pack), Silver 100's (box and soft pack), Menthol Kings (box and soft pack), Menthol 100's (box and soft pack), Menthol Gold Kings (box and soft pack), Menthol Gold 100's (box and soft pack), Crimson King box, Crimson 100's box, No. 33 Black Gold Kings box, No. 33 Black Gold 100's box, No. 33 Black Red Kings box, No. 33 Black Red 100's box, No. 33 Black Menthol Kings box, No. 33 Black Menthol 100's box, and Non-Filter Kings box.

¹ Seneca stated in its August 21, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Mr. Travis G. Heron
August 21, 2014
Page 2

This approval pertains only to packaging that meets the requirements of the Cigarette Act in force as of the date of this letter. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission approved.

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

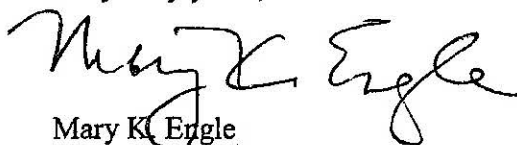
Please note that this letter only approves Seneca's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through August 20, 2015, 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 Arien Parham at (202) 326-2696.

Very truly yours,



Mary K. Engle
Associate Director

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



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

August 26, 2014

Ms. Engle,

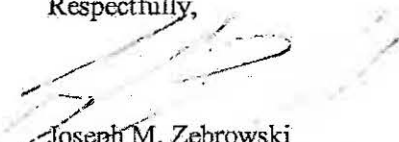
Rock River Manufacturing is submitting new packaging for minor aesthetic changes to Seneca Brand cigarettes for the most recent Equalization Plan approved on February 5th, 2014. The changes only affect the following packages:

Medium Kings and 100's,
Full Flavor Kings, 100's, and No Filter,
Menthol Kings and 100's,
Menthol Smooth Kings, and 100's
Menthol Extra Smooth 100's
Blue Kings, and 100's
Silver Kings, and 100's

Please note that the primary changes are the face of Native American on the package, and the color of both the box outlining the word premium and the visage. The Blue & Silver flavor has had more changes to its colors used on the packaging compared to other flavors however. No changes have been made to the surgeon general warnings, or the previously approved simultaneous display plan. Rock River Manufacturing will continue to equalize all warnings for Seneca brand styles in accordance with its February 4th 2014 plan. The 4 warnings will appear exactly as shown on the sample packs and cartons submitted with our letter dated July 17, 2014.

If you have any questions please do not hesitate to contact me at either 712-490-0629 or JZebrowski@hochunkinc.com.

Respectfully,



Joseph M. Zebrowski
Director of Legal Contracts

Selected packaging samples from those
submitted with the plan.

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



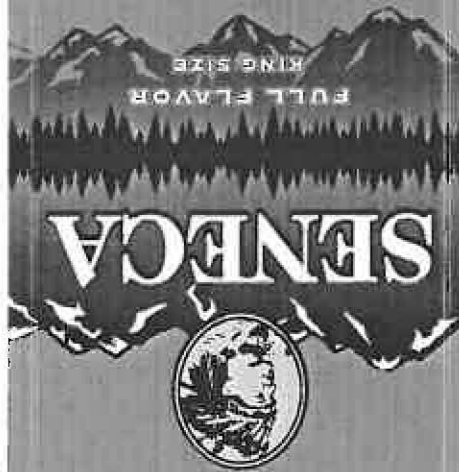
MADE IN THE USA
BY SENECA TOBACCO CO.
USA, INC.
USA
MADE IN CANADA
84-TL-23



AMERICA'S FINEST BLEND



AMERICA'S FINEST BLEND



F-4 KHF-SE-FF-BL
WN 1

PREMIUM

FULL FLAVOR
KING SIZE



PREMIUM

UNDERAGE
SALE
PROHIBITED

20 CIGARETTES
CIGARETTES

FULL FLAVOR
KING SIZE

10 HARD PACKS

PREMIUM

UNION MADE



AMERICA'S
FINEST BLEND

SENECA

FULL FLAVOR
AMERICAN BLEND
NO FILTER
KING SIZE

10 PACKS OF 20 CIGARETTES
FULL FLAVOR
AMERICAN BLEND
NO FILTER
KING SIZE
SENECA

SENECA

NOT AFFILIATED WITH
SENECA NATION OF I

MADE UNDER THE AUTH
TOBACCOVILLE
USA
MADE IN CANADA

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

FULL FLAVOR
AMERICAN BLEND
NO FILTER
KING SIZE



1-NF-CT





Division of
Advertising Practices

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

September 2, 2014

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

Dear Mr. Zebrowski:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation Rock River Manufacturing's ("Rock River") February 4, 2014 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, and Opal brands of cigarettes was approved on February 5, 2014.

By letter dated August 26, 2014, you now propose to modify the packaging for fourteen varieties of the Seneca brand: Medium (Kings and 100's), Full Flavor (Kings, 100's and No Filter), Menthol (Kings and 100's), Menthol Smooth (Kings and 100's), Menthol Extra Smooth 100's, Blue (Kings and 100's), and Silver (Kings and 100's).

It appears that the health warnings on the modified packaging for the Seneca brand submitted with your letter dated July 17, 2014 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

I wish to remind you that the Commission's February 5, 2014 approval of Rock River's plan for simultaneous display of the warnings on packaging for its cigarettes expires on February 4, 2015, or when the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

Please note that this letter is not an approval of any other design element, statement, or representation made on packaging or in advertising for Rock River's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Rock River's packaging and advertising under the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") or

¹ Rock River stated in its August 26, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

Mr. Joseph M. Zebrowski
September 2, 2014
Page 2

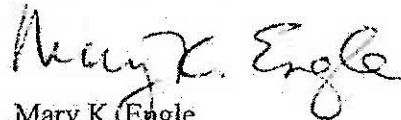
any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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.

If you have any questions regarding this approval, please contact Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle
Associate Director



August 14, 2014

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

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

Dear Ms. Engle,

Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400") had its health warning display plan for packaging previously approved on July 20, 2009, with amendments approved January 22, 2010 until July 19, 2010; December 17, 2010 until December 16, 2011; November 9, 2011 until September 21, 2012; September 14, 2012 until September 13, 2013 and September 13, 2013 until September 12, 2014. With this letter, we seek approval for our plan to simultaneously display the four health warnings on previously approved packaging for all our approved current brand styles, in order to comply with FCLAA. When printing our packaging materials, each version of the four warnings is equally produced then equally used in the production process (25% version A, 25% version B, etc.) to ensure that we achieve simultaneous display of the four warnings on all our brands and brand styles. Through the date of this application, the Surgeon General health warnings for the packaging of our brand styles have been equalized in accordance with our plan.

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

I. Current brand and brand styles:

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

RETAIL TOWNHOUSE

12 East 42nd Street • New York, NY 10017
tel. 212-764-5000 fax 212-764-5134

CORPORATE

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

MANUFACTURING

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

I. Current brand and brand styles (cont):

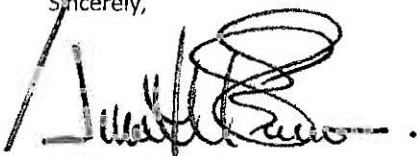
Naturals Blue (white paper/white filter/queen)
Naturals Blue King (white paper/white filter/king)
Naturals King (white paper/cork filter/king)
Naturals Menthol (white paper/white filter/queen)
Naturals Menthol King (white paper/cork filter/king)
Naturals Originals (brown paper/cork filter/queen)
Naturals Yellow (brown paper/brown filter/queen)
Naturals Yellow King (white paper/white filter/king)
New York Cut Blue (white paper/white filter/king)
New York Cut Menthol (white paper/white filter/king)
New York Cut Original (white paper/cork filter/king)

Sherman's 1400 total domestic shipments for the twelve-month period ending April 30, 2014 were [REDACTED] sticks and we anticipate next year's volume to be the same. In compliance with the Cigarette Act, Section 1333(c)(2), kindly be advised that Sherman's 1400 manufactured and sold in each of its brands less than one-fourth of one (1%) percent of all cigarettes sold in the United States in its fiscal year 2014, and expects to be below that fraction of sales in the present year. Thus, Sherman's 1400 will take advantage of the alternative to quarterly rotation of the health warnings on its packaging for the each of the foregoing brand styles pursuant to Section 1333(c)(2).

Sherman's 1400 will continue to display the four health warnings an equal number of times on the hard packs and cartons of each of the foregoing brand styles for the time period beginning on the date of the approval of this plan through the end of the twelve-month approval period; or at such time as the authority to approve cigarette health warning statement plans is assumed by the FDA under the Family Smoking Prevention and Tobacco Control Act. Sherman's 1400 will maintain records that show compliance with its packaging and advertising plan. Sherman's 1400 had its advertising plan originally approved November 24, 2003 and the expanded plan approved on July 20, 2009.

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

Sincerely,



William M. Sherman
Executive Vice President

WMS/MWM/smw

cc: Stanley Friedman, Esq.



Division of
Advertising Practices

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

September 9, 2014

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

Dear Mr. Sherman:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400") on August 14, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Black & Gold, Cigarettellos, Classic, Fantasia, Havana Ovals, Hint, MCD, Naturals, and New York Cut brands of cigarettes.

Sherman's 1400's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated November 4 and December 7, 2009 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, Sherman's 1400's plan for simultaneous display of the four health warnings on packaging for the following box varieties is hereby approved:

- the queen size variety of the Black & Gold brand;

¹ Sherman's 1400 stated in its August 14, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although one of the warnings on one of the sample packs for the Classic Menthol "International style" king size variety submitted on November 4, 2009 was not sufficiently conspicuous, a corrected sample was submitted on December 7, 2009.

- the Non-Filter queen size variety of the Cigarettellos brand;
- three “International style” king size varieties of the Classic brand (Regular, Blue, and Menthol);
- the queen size variety of the Fantasia brand;
- the Non-Filter queen size variety of the Havana Ovals brand;
- the Menthol queen size variety of the Hint brand;
- four queen size varieties of the MCD brand (Regular, Gold, Menthol, and Silver);
- four king size varieties of the Naturals brand (Blue, Regular, Menthol and Yellow);
- four queen size varieties of the Naturals brand (Blue, Menthol, Originals, and Yellow); and
- three king size varieties of the New York Cut brand (Blue, Menthol and Original).

The approval pertains only to packaging that meets the requirements of the Cigarette Act in force as of the date of this letter. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission approved.

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

Please note that this letter only approves Sherman’s 1400’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) concerning the rotation, size, and conspicuousness of the warnings on Sherman’s 1400’s packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Sherman’s 1400’s cigarettes, including, but not limited to, “natural.” Nor does this letter purport to interpret or express any opinion about the adequacy of Sherman’s 1400’s packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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.

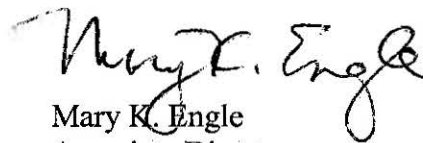
Mr. William M. Sherman
September 9, 2014
Page 3

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

This approval is effective on the date of this letter and runs through September 8, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

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

Mary K. Engle
Associate Director



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

August 25, 2014

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

RE: Cigarette Health Warning Plan

Dear Madam:

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

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

I. Packaging

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

The sales volumes in cigarettes for each brand for fiscal year 2013 were as follows:

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



Anticipated sales volumes in cigarettes for each brand for fiscal year 2014 are as follows:

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



II. Advertisements (other than outdoor billboard advertisements)

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

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

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

Sincerely,

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

Jennifer Straus
Vice President
Farmers Tobacco Co. of Cynthiana, Inc.

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

Kentucky's Best

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

VB Made in the USA

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

Baron American Blend

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



Division of
Advertising Practices

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

September 25, 2014

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

Dear Ms. Straus:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Farmers Tobacco Co. of Cynthiana, Inc. ("Farmers Tobacco") on August 25, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the "Kentucky's Best," "VB Made in the USA," and "Baron American Blend" brands of cigarettes.

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

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

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

¹ Farmer's Tobacco stated in its August 25, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although some of the warnings on the sample packs and cartons submitted on June 21, 2010 were not sufficiently clear and conspicuous, corrected samples were submitted on August 3 and September 29, 2010.

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

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

This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons the Commission has most recently approved.

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

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

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

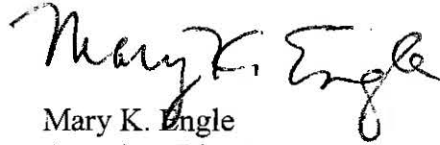
This approval is effective on the date of this letter and runs through September 24, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Ms. Jennifer Straus
September 25, 2014
Page 3

If you have any questions regarding this approval, please contact Arien Parham at (202) 326-2696.

Very truly yours,

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

Mary K. Engle
Associate Director



September 8, 2014

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

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

Dear Ms. Engle:

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

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

The brand styles of Signal and Da Rez brand cigarettes Ohserase intends to manufacture are listed on Exhibit "A" and "B." Enclosed with the submissions of Eli Tarbell on December 3, 2008 and of Justin Tarbell on June 18, 2010, July 16, 2010 and January 27, 2012 were the actual production packs and cartons for the brand styles being submitted showing exactly where and how the four (4) Surgeon General's health warnings will appear on individual packs and cartons Ohserase will be manufacturing for our Da Rez brand and our Signal brand. The warnings will appear exactly as shown on these samples.

Ohserase manufactured approximately [REDACTED] cigarettes in fiscal year 2013 (all were Signal and Da Rez brands). To date, in fiscal year 2014, Ohserase has manufactured [REDACTED] cigarettes (all were Signal and Da Rez brands). Ohserase anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (Signal, Da Rez, as well as the President brand) in fiscal year 2014. Ohserase does not anticipate manufacturing the President brand in 2014.

No one brand style of cigarettes sold by Ohserase has for the past fiscal year constituted more than ¼ of 1% of all the cigarettes sold in the United States in such year, and no one brand style will constitute more than ¼ of 1% of all the cigarettes sold in the United States in the next fiscal



year. In addition, more than one-half of the cigarettes manufactured for sale in the United States will be packaged into brand styles which meet the requirements of 15 U.S.C. §1333(c)(2)(A)(i).

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

The individual packs of Signal and Da Rez cigarettes to be manufactured by Ohserase will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer. Ohserase will keep a running total of the number of cartons and packs it manufactures with each warning label for each brand style.

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

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

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

We believe this plan complies in all respect with the Federal Cigarette Labeling and Advertising Act, as amended, including any modifications made by the Public Health Cigarette Smoking Act of 1969, the Comprehensive Smoking Education Act of 1984, the Nurses' Education Amendments of 1985 and the Imported Cigarette Compliance Act of 2000. For this reason, we hereby request that you approve this plan as soon as possible.



518. 358. 9309

Akwasne Territory

26 Eagle Drive | PO Box 1221 | Akwesasne, New York 13655

518. 358. 9841 | fax

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

Sincerely,

Sarah Treptow
Legal Assistant
Ohserase Manufacturing, LLC

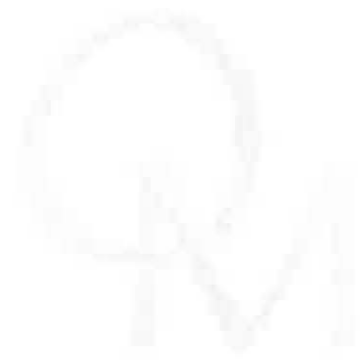


Exhibit A

Ohserase Manufacturing, LLC
Signal Brand Styles

Full Flavor King Box

Full Flavor 100 Box

Full Flavor King Soft

Full Flavor 100 Soft

Smooth King Box

Smooth 100 Box

Smooth King Soft

Smooth 100 Soft

Ultra Smooth King Box

Ultra Smooth 100 Box

Ultra Smooth King Soft

Ultra Smooth 100 Soft

Menthol King Box

Menthol 100 Box

Menthol King Soft

Menthol 100 Soft

Menthol Smooth King Box

Menthol Smooth 100 Box

Menthol Smooth King Soft

Menthol Smooth 100 Soft

Bold King Box

Bold 100 Box

Max King Box

Max 100 Box

Exhibit B

Ohserase Manufacturing, LLC
Da Rez Brand Styles

Full Flavor King Box
Full Flavor King Soft



518. 358. 9309

26 Eagle Drive | PO Box 1221 | Akwesasne, New York 13655

518.358.9841 | fax

September 8, 2014

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

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

Dear Ms. Engle:

This is an application for approval of the plan of Ohserase Manufacturing, LLC for the display of the health warnings on its President cigarette brand. Ohserase Manufacturing, LLC's address is 26 Eagle Drive, Akwesasne, NY 13655.

The brand styles of President brand cigarettes Ohserase Manufacturing, LLC intends to manufacture are listed on Exhibit "A." The actual packs and cartons for each brand style of the President brand with each of the four warnings have been submitted previously on July 11, 2014 and the packaging for two remaining brand styles were submitted on August 14, 2014. The warnings will appear exactly as shown on these samples.

No one brand style of cigarettes sold by Ohserase Manufacturing, LLC (Ohserase Manufacturing, LLC manufactures the President brand, Signal brand, and Da Rez brand of cigarettes) has for the past fiscal year constituted more than $\frac{1}{4}$ of 1% of all the cigarettes sold in the United States in such year, and no one brand style will constitute more than $\frac{1}{4}$ of 1% of all the cigarettes sold in the United States in the next fiscal year. In addition, more than one-half of the cigarettes manufactured for sale in the United States will be packaged into brand styles which meet the requirements of 15 U.S.C. §1333(c)(2)(A)(i).

Ohserase Manufacturing, LLC wishes to submit a plan to equalize the four health warning statements required by 15 U.S.C. §1333(c) for the President brand. Each of the four warning statements will appear on the packs and cartons of each brand style of President brand cigarettes an equal number of times in the one year period beginning on the date this plan is approved. Ohserase Manufacturing, LLC will maintain records demonstrating compliance with this plan.

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



518. 358. 9309

Akwesasne Territory

26 Eagle Drive | PO Box 1221 | Akwesasne, New York 13655

518. 358. 9841 | fax

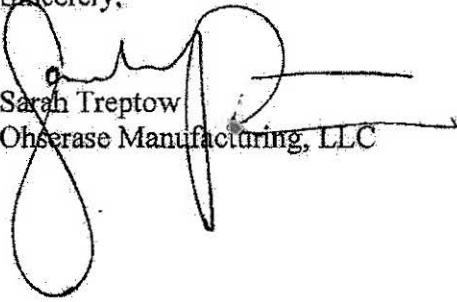
and cartons for each brand style, Ohserase Manufacturing, LLC will place special orders for packaging with the specific health warnings needed to ensure that the display of all four warnings is equalized on the packs and cartons for each brand style by the plan's anniversary date.

Ohserase Manufacturing, LLC does not plan to advertise President brand cigarettes at this time. If this should change, we will notify the FTC and modify our plan accordingly.

We believe this plan complies in all respect with the Federal Cigarette Labeling and Advertising Act, as amended, including any modifications made by the Public Health Cigarette Smoking Act of 1969, the Comprehensive Smoking Education Act of 1984, the Nurses' Education Amendments of 1985 and the Imported Cigarette Compliance Act of 2000. For this reason, we hereby request that you approve this plan as soon as possible.

If you have any questions please let me know. My phone is (518)358-4229. Thank you.

Sincerely,



Sarah Treptow
Ohserase Manufacturing, LLC

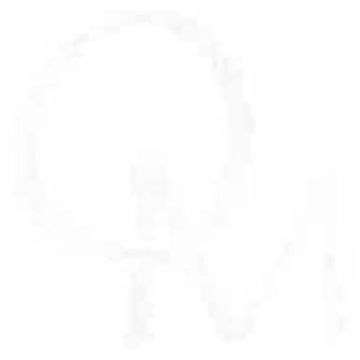


Exhibit A

President Variety List

Brand	Style	Length	Circumference	Filter/Non-Filter	Package	Date Testing	C Package UPC	Carton UPC	Case UPC
President	Red	84	24.7	f	hp	12/21/2010	693067651003	693067653007	693069655009
President	Red 100s	98	24.8	f	hp	12/21/2010	693067651102	693067653106	693069654101
President	Blue	84	24.8	f	hp	12/21/2010	693067651010	693067653014	693069655016
President	Blue 100s	98	24.8	f	hp	12/21/2010	693067651119	693067653113	693069654118
President	Menthol	84	24.8	f	hp	12/21/2010	693067651027	693067653021	693069655023
President	Menthol 100s	98	24.8	f	hp	12/21/2010	693067651126	693067653120	693069654125

Selected packaging samples from those
submitted with the plan.

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



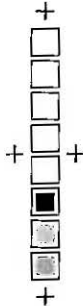
MADE UNDER AUTHORITY
PRESIDENT
TOBACCO LLC
FINE AMERICAN
TOBACCOS
MADE IN USA
TP-NY-15042



PRESIDENT



W-N-D



Premium
AMERICAN BLEND

PRESIDENT

Premium
AMERICAN BLEND

UNDERAGE
SALE
PROHIBITED



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

PRESIDENT
Premium
AMERICAN BLEND

USA N

AMERICAN BLEND



PRESIDENT

MADE IN USA



PRESIDENT

FINE AMERICAN
TOBACCOS

Premium American Blend

MADE UNDER AUTHORITY
PRESIDENT TOBACCO, LLC

200 FILTERED CIGARETTES

PRESIDENT

Premium
AMERICAN BLEND

WN - A

TP
8
Sa

Premium American Blend

PRESIDENT



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

Division of
Advertising Practices

September 30, 2014

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

Dear Ms. Treptow:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed two letters dated September 8, 2014, which constitute a plan filed by Ohserase Manufacturing, LLC ("Ohserase"), calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Da Rez, Signal, and President brands of cigarettes.

Ohserase's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with Ohserase's 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>
Da Rez	December 3, 2008
Signal	December 3, 2008 June 18, 2010 July 16, 2010 January 27, 2012

¹ Ohserase stated in its September 8, 2014 letters that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although some of the warnings on the sample packs for the Signal brand submitted on June 18, 2010 contained capitalization errors, corrected samples were submitted on July 16, 2010.

President

July 11, 2014
August 14, 2014

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

- Two varieties of the Da Rez brand: Full Flavor Kings Soft Pack and Full Flavor Kings Box;
- Twenty-four varieties of the Signal brand: Full Flavor Kings (Soft Pack and Box), Smooth Kings (Soft Pack and Box), Ultra Smooth Kings (Soft Pack and Box), Menthol Kings (Soft Pack and Box), Menthol Smooth Kings (Soft Pack and Box), Full Flavor 100's (Soft Pack and Box), Smooth 100's (Soft Pack and Box), Ultra Smooth 100's (Soft Pack and Box), Menthol 100's (Soft Pack and Box), Menthol Smooth 100's (Soft Pack and Box), Bold Kings Box, Bold 100's Box, Max Kings Box, and Max 100's Box; and
- Six varieties of the President brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Kings Box, and Menthol 100's Box.

This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission has previously approved.

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

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

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

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

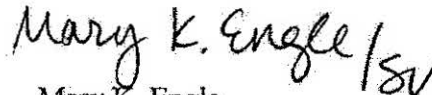
Ms. Sarah Treptow
September 30, 2014
Page 3

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

This approval is effective on the date of this letter and runs through September 29, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

Handwritten signature of Mary K. Engle in cursive script, followed by the initials "SV".

Mary K. Engle
Associate Director