



December 28, 2015

Federal Trade Commission,
Office of the Secretary,
600 Pennsylvania Avenue NW.,
Suite CC-5610 (Annex J),
Washington, DC 20580,

Re: Electronic Cigarettes: Paperwork Comment, FTC File No. P144504

Dear Sir or Madam:

Rock River Manufacturing (Rock River), the tobacco products manufacturing division of Ho-Chunk, Inc. respectfully submits the following comments on the proposed collection of information requests from marketers of electronic cigarettes (“e-cigarettes”). Ho-Chunk, Inc. is wholly owned by the Winnebago Tribe of Nebraska.

Participation in the Study

As a manufacturer of tobacco products, Rock River is committed to maintaining high quality standards and the excellence of our product. Ho Chunk, Inc. and Rock River fully support all efforts to ensure that e-cigarette sales comply with the current regulations, however, we believe that the collection of tobacco companies marketing and sales expenditures information by the FTC may be premature. The benefit of a study based on the advertising and marketing of e-cigarettes by tobacco companies, whether large or small, is questionable as it appears to be predicated by what some suggest to be predatory marketing and an as of yet unknown potential health and safety issue. The underlying purpose of the preemptive information gathering and categorization could be misconstrued and cast a shadow over e-cigarettes, further propagating all e-cigarette products in a negative light. Any undue prejudice will damage the growth of this developing industry, while the request for information fails to explain the relevance of, or to what extent, documenting marketing strategies or which size or flavor of e-cigarette is most popular, will be useful.

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Burden Estimates

With additional reporting the potential risk of unintentional disclosure increases. As a small company, any exposure of the Rock River marketing and sales information would be an intrusion, leaving us vulnerable to the inadvertent disclosure of proprietary information. Any such disclosure will give an unfair advantage to our rivals and we would lose any competitive advantage. Rock River conducts its business practices with the highest ethical standards, we do not engage in any false or predatory marketing strategies, such reporting should be required only of those recognized to have engaged in such activity.

As the requirement for reporting increases, so too does the expense. The cost is difficult to estimate as the burden is specific to each company in determining the amount of additional time, money and personnel resources to reallocate in order to complete the review and analysis required. As a small company, the proposed reporting encumbrance will be pervasive throughout Rock River. The costs associated with the reporting requirement for a small company far outweigh any perceived benefit.

While Rock River does manufacture tobacco products, we are a small tribally owned company, and as such most of our profits are in turn invested directly into our tribal community. Any increase in operational expenses negatively impacts the overall benefits provided to the Tribe on the Reservation. The increased financial burden imposed by the additional reporting requirement can be interpreted as wasteful, by raising operating costs and funneling funds away from the tribe, such reporting violates the Federal Indian Trust Responsibility.

The Winnebago Tribe, Ho-Chunk Inc., and Rock River Manufacturing each appreciate your review and consideration of our comments. Please provide acknowledgment of this correspondence and direct all questions regarding these comments to Attn: Joseph Zebrowski, 701 Buffalo Trail, Winnebago, NE 68071, phone: 402-878-2300. Thank you for your consideration.

Sincerely,


Lance Morgan
President and CEO
Ho-Chunk, Inc.

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