



Division of
Advertising Practices

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

MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Sallie Schools
Division of Advertising Practices

DATE: May 24, 2013

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. February 8, 2012 letter from Bhavani Parameswar, King-Maker Marketing, Inc. to Mary K. Engle.
2. April 4, 2012 letter from Mary K. Engle to Bhavani Parameswar, King- Maker Marketing, Inc.
3. April 11, 2012 letter from Nancyellen Keane on behalf of Firebird Manufacturing, LLC to Sallie Schools.
4. April 12, 2012 letter from Mary K. Engle to Nancyellen Keane on behalf of Firebird Manufacturing, LLC.
5. April 11, 2012 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Mary K. Engle.
6. April 16, 2012 letter from Mary K. Engle to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
7. April 4, 2012 letter from Claire Vernasco, Cousins Distributing d/b/a Fresh Choice Tobacco to Mary K. Engle.
8. April 17, 2012 letter from Mary K. Engle to Claire Vernasco, Cousins Distributing d/b/a Fresh Choice Tobacco Company.

9. April 25, 2012 letter from JoDe Goudy, King Mountain Tobacco Company, Inc. to Mary K. Engle.
10. April 27, 2012 letter from Mary K. Engle to JoDeGoudy, King Mountain Tobacco Company, Inc.
11. April 16, 2012 letter from Donna Woody, Sandia Tobacco Manufacturers, Inc. to Mary K. Engle.
12. May 10, 2012 letter from Mary K. Engle to Donna Woody, Sandia Tobacco Manufacturers, Inc.
13. May 1, 2012 letter from Barry M. Boren on behalf of Canadian Agricultural Depot, LLC to Mary Engle.
14. May 15, 2012 letter from Mary K. Engle to Barry Boren on behalf of Canadian Agricultural Depot, LLC.
15. May 14, 2012 letter from Victoria Spier Evans, Vector Tobacco Inc. to Mary K. Engle.
16. May 16, 2012 letter from Mary K. Engle to Victoria Spier Evans, Vector Tobacco Inc.
17. May 11, 2012 letter from Gregory E. Cudjoe, Beedies LLC to Mary K. Engle.
18. May 17, 2012 letter from Mary K. Engle to Gregory E. Cudjoe, Beedies LLC.
19. May 15, 2012 letter from Barry M. Boren on behalf of Konci G & D Management Group (USA), Inc. to Mary Engle.
20. May 23, 2012 letter from Mary K. Engle to Barry Boren on behalf of Konci G & D Management Group (USA) Inc.
21. May 18, 2012 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.
22. June 6, 2012 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.
23. June 7, 2012 letter from William J. McGowan, on behalf of Susan Jesmer d/b/a Native Trading Associates to Mary K. Engle.
24. June 8, 2012 letter from Mary K. Engle to William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates.

25. May 24, 2012 letter from Stacy Saunders, Wind River Tobacco Company, LLC to Mary K. Engle.
26. June 13, 2012 letter from Mary K. Engle to Stacy Saunders, Wind River Tobacco Company, LLC.
27. June 7, 2012 letter from Peter L. Tourtellot, Renegade Tobacco Company to Mary K. Engle.
28. June 13, 2012 letter from Mary K. Engle to Peter L. Tourtellot, Renegade Tobacco Company.
29. June 1, 2012 letter from Jacqueline Ribnick, Virginia Carolina Corporation to Sallie Schools.
30. June 15, 2012 letter from Mary K. Engle to Jacqueline Ribnick, Virginia Carolina Corporation.
31. June 19, 2012 letter from Karen E. Delaney, Smokin Joes to Mary K. Engle.
32. June 20, 2012 letter from Mary K. Engle to Karen E. Delaney, Smokin Joes.
33. June 20, 2012 letter from Arthur Montour, Native Wholesale Supply Co. to Mary Engle.
34. June 21, 2012 letter from Mary K. Engle to Arthur Montour, Native Wholesale Supply Co.
35. June 15, 2012 letter from Veronica Vilarchao on behalf of Dosal Tobacco Corporation to Mary K. Engle.
36. June 21, 2012 letter from Mary K. Engle to Veronica Vilarchao on behalf of Dosal Tobacco Corporation.
37. June 20, 2012 letter from Nancyellen Keane on behalf of J. Conrad Seneca d/b/a Six Nations Manufacturing.
38. June 21, 2012 letter from Mary K. Engle to Nancyellen Keane on behalf of J. Conrad Seneca d/b/a Six Nations Manufacturing.
39. June 20, 2012 letter from Diane Anderson d/b/a Herons Landing Smokeshop to Diana Finegold.
40. June 21, 2012 letter from Mary K. Engle to Diane Anderson d/b/a Herons Landing Smokeshop.

41. June 19, 2012 letter from John R. Long, Liggett Group LLC to Mary K. Engle.
42. June 29, 2012 letter from Mary K. Engle to John R. Long, Liggett Group LLC.
43. June 21, 2012 letter from Stan Freedman, President Tobacco Co. LLC to Mary Engle.
44. June 29, 2012 letter from Mary K. Engle to Stan Freedman, President Tobacco Co. LLC.

KING-MAKER

MARKETING, INC.

February 8, 2012

Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, NW
Room 4002
Washington, DC 20580

Attention: Mary K. Engle, Associate Director

Dear Ms. Engle:

Sub: Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331 *et seq.* requirements; Labeling and Advertising Plan for the "Checkers, Hi-Val, Gold Crest, and Ace" Brand Cigarettes imported by King Maker Marketing, Inc. ("KMM") for the year beginning April 6, 2012.

This letter is to gain approval for KMM's plan for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Checkers, Gold Crest and Hi-Val brands of cigarettes. Your current approval extends to April 5, 2012.

1. King Maker Marketing, Inc. ("KMM") is an importer and distributor of cigarette products in the United States, bearing the following brand names.
Checkers™
Hi-Val™
Gold Crest™
Ace™
2. KMM sold roughly [REDACTED] packs of cigarettes of all of the above brands in the Calendar year 2011, which is under 1/4 of 1% of the total US market for cigarettes. In 2012, we expect to sell just about [REDACTED] packs. This falls within the statutory threshold denoted in 15 U.S.C. §1333(c)(2)(A)(i) which makes KMM eligible for simultaneous display. Aggregate sales meet the requirements of U.S.C. §1333(c)(2)(A)(ii).
3. KMM wishes to continue to comply with the Federal Cigarette Labeling and Advertising Act by using the option of simultaneous display of Surgeon General warnings. (U.S.C. §1333(c)(2)(A)). The cigarettes will be displayed with the "non-descriptor" packaging as approved earlier. (list enclosed – See Annexure "A") We will display the four warnings an equal number of times on the packs and cartons of each brand style of the above listed brands for the one year period

12 Route 17 North • Suite 304
Paramus, NJ 07652
(201) 843-0377 • 800-317-0377
Fax: (201) 843-2092

beginning on the date of approval of this plan. We will achieve this by having all four warnings print simultaneously, at the time of both the pack and the carton print runs. Records will be maintained to provide evidence of our compliance with this plan.

4. The warnings will appear on the packs and cartons of each brand style of Checkers, Hi-Val, Gold Crest, and Ace cigarettes, exactly as the samples previously submitted;

Checkers™ --February 24, 2010

Hi-Val™ --February 24, 2010

(Hi-Val™ 65210 Pale Green Menthol 94 Kings Box Filter – March 30, 2010)

(Hi-Val™ 62410 Yellow Kings Box Filter – March 30, 2010)

(Hi-Val™ 62310 Yellow 100's Box Filter – March 30, 2010)

(Hi-Val™ 63310 Blue 100's Box Filter – March 30, 2010)

(Hi-Val™ 65310 Pale Green Menthol 94 100's Box Filter – March 30, 2010)

Gold Crest™ --February 24, 2010

Ace™ --February 24, 2010

As explained before, the names of these colors do not appear on the packaging itself and are given solely for your reference only.

5. KMM wishes to maintain the previously approved Point of Sales Advertising Materials for all brands listed above, - e.g. Counter Displays, Floor Displays, posters, banners, window signs, etc. – as allowed by the law in force, including the FSPCTA; samples of which have been submitted previously (list enclosed – See Annexure “B”) as follows:

Checkers™ --May 25, 2001

Hi-Val™ --May 25, 2001

Gold Crest™ --November 20, 2000


Ace™ --January 11, 2005

For advertising materials, we will continue to comply with the Advertising Plans as approved by you previously.

6. Further, we will continue to comply with existing and forthcoming advertising and labeling regulations from the FDA/FTC pursuant to the Family Smoking Prevention and Tobacco Control Act of 2009.

We thank you for your consideration and will be glad to provide any further information or clarification as necessary. Look forward to receiving your approval, at the earliest.

Sincerely,


Bhavani Parameswar
President

BRAND STYLES WITHOUT DESCRIPTORS – FDA COMPLIANT
CURRENT PACKAGING

King Maker Marketing, Inc.
12 Route 17 North
Suite 304
Paramus, NJ 07652
Phone: (201) 843-0377 Fax: (201) 843-2092

Brand – ACE

<u>Brand Style</u>	<u>Packing</u>
Ace 94210 Deep Green Menthol 10 Kings Box Filter	20's
Ace 95210 Pale Green Menthol 94 Kings Box Filter	20's
Ace 91410 Red Kings Box Filter	20's
Ace 92410 Yellow Kings Box Filter	20's
Ace 93410 Maroon Non Filter Kings Box	20's
Ace 91310 Red 100's Box Filter	20's
Ace 92310 Yellow 100's Box Filter	20's
Ace 93310 Blue 100's Box Filter	20's
Ace 94310 Deep Green Menthol 10 100's Box Filter	20's
Ace 95310 Pale Green Menthol 94 100's Box Filter	20's

Note: Colors are mentioned here for your reference only and do not appear on the product packaging.

Vmy

BRAND STYLES WITHOUT DESCRIPTORS – FDA COMPLIANT
CURRENT PACKAGING

King Maker Marketing, Inc.

12 Route 17 North

Suite 304

Paramus, NJ 07652

Phone: (201) 843-0377 Fax: (201) 843-2092

Brand – Checkers

<u>Brand Style</u>	<u>Packing</u>
Checkers 54210 Deep Green Menthol 10 Kings Box Filter	20's
Checkers 55210 Pale Green Menthol 94 Kings Box Filter	20's
Checkers 51410 Red Kings Box Filter	20's
Checkers 52410 Yellow Kings Box Filter	20's
Checkers 53410 Maroon Non Filter Kings Box	20's
Checkers 51310 Red 100's Box Filter	20's
Checkers 52310 Yellow 100's Box Filter	20's
Checkers 53310 Blue 100's Box Filter	20's
Checkers 54310 Deep Green Menthol 10 100's Box Filter	20's
Checkers 55310 Pale Green Menthol 94 100's Box Filter	20's

Note: Colors are mentioned here for your reference only and do not appear on the product packaging.

my

BRAND STYLES WITHOUT DESCRIPTORS – FDA COMPLIANT
CURRENT PACKAGING

King Maker Marketing, Inc.
12 Route 17 North
Suite 304
Paramus, NJ 07652
Phone: (201) 843-0377 Fax: (201) 843-2092

Brand – Hi-Val

<u>Brand Style</u>	<u>Packing</u>
Hi Val 64210 Deep Green Menthol 10 Kings Box Filter	20's
Hi Val 65210 Pale Green Menthol 94 Kings Box Filter	20's
Hi Val 61410 Red Kings Box Filter	20's
Hi Val 62410 Yellow Kings Box Filter	20's
Hi Val 63410 Maroon Non Filter Kings Box	20's
Hi Val 61310 Red 100's Box Filter	20's
Hi Val 62310 Yellow 100's Box Filter	20's
Hi Val 63310 Blue 100's Box Filter	20's
Hi Val 64310 Deep Green Menthol 10 100's Box Filter	20's
Hi Val 65310 Pale Green Menthol 94 100's Box Filter	20's

Note: Colors are mentioned here for your reference only and do not appear on the product packaging.

Vino

BRAND STYLES WITHOUT DESCRIPTORS – FDA COMPLIANT
CURRENT PACKAGING

King Maker Marketing, Inc.

12 Route 17 North

Suite 304

Paramus, NJ 07652

Phone: (201) 843-0377 Fax: (201) 843-2092

Brand – Gold Crest

<u>Brand Style</u>	<u>Packing</u>
Gold Crest 44210 Deep Green Menthol 10 Kings Box Filter	20's
Gold Crest 45210 Pale Green Menthol 94 Kings Box Filter	20's
Gold Crest 41410 Red Box Filter	20's
Gold Crest 42410 Yellow Box Filter	20's
Gold Crest 43410 Maroon Non Filter Kings Box	20's
Gold Crest 41310 Red 100's Box Filter	20's
Gold Crest 42310 Yellow 100's Box Filter	20's
Gold Crest 43310 Blue 100's Box Filter	20's
Gold Crest 44310 Deep Green Menthol 10 100's Box Filter	20's
Gold Crest 45310 Pale Green Menthol 94 100's Box Filter	20's

Note: Colors are mentioned here for your reference only and do not appear on the product packaging.

rmg

Schedule of Surgeon General's Warnings for Advertising Materials

Brand Group – Checkers

- | | | |
|------------------------------|---|--|
| Qtr I – January to March | - | SURGEON GENERAL'S WARNING:
Smoking Causes Lung Cancer, Heart
Disease, Emphysema, And May Complicate
Pregnancy. |
| Qtr II – April to June | - | SURGEON GENERAL'S WARNING:
Cigarette Smoke Contains Carbon
Monoxide |
| Qtr III – July to September | - | SURGEON GENERAL'S WARNING:
Smoking By Pregnant Women May Result
in Fetal Injury, Premature Birth, And Low
Birth Weight. |
| Qtr IV – October to December | - | SURGEON GENERAL'S WARNING:
Quitting Smoking Now Greatly Reduces
Serious Risks to Your Health. |

Brand Group – Hi-Val

- | | | |
|------------------------------|---|--|
| Qtr I – January to March | - | SURGEON GENERAL'S WARNING:
Smoking By Pregnant Women May Result
in Fetal Injury, Premature Birth, And Low
Birth Weight. |
| Qtr II – April to June | - | SURGEON GENERAL'S WARNING:
Smoking Causes Lung Cancer, Heart
Disease, Emphysema, And May Complicate
Pregnancy. |
| Qtr III – July to September | - | SURGEON GENERAL'S WARNING:
Quitting Smoking Now Greatly Reduces
Serious Risks to Your Health. |
| Qtr IV – October to December | - | SURGEON GENERAL'S WARNING:
Cigarette Smoke Contains Carbon
Monoxide. |

VMY

Brand Group – Gold Crest

- | | | |
|------------------------------|---|--|
| Qtr I – January to March | - | SURGEON GENERAL’S WARNING:
Quitting Smoking Now Greatly Reduces
Serious Risks to Your Health. |
| Qtr II – April to June | - | SURGEON GENERAL’S WARNING:
Smoking By Pregnant Women May Result
in Fetal Injury, Premature Birth, And Low
Birth Weight. |
| Qtr III – July to September | - | SURGEON GENERAL’S WARNING:
Cigarette Smoke Contains Carbon
Monoxide. |
| Qtr IV – October to December | - | SURGEON GENERAL’S WARNING:
Smoking Causes Lung Cancer, Heart
Disease, Emphysema, And May Complicate
Pregnancy. |

Brand Group – Ace

- | | | |
|------------------------------|---|--|
| Qtr I – January to March | - | SURGEON GENERAL’S WARNING:
Smoking Causes Lung Cancer, Heart
Disease, Emphysema, And May Complicate
Pregnancy. |
| Qtr II – April to June | - | SURGEON GENERAL’S WARNING:
Cigarette Smoke Contains Carbon
Monoxide. |
| Qtr III – July to September | - | SURGEON GENERAL’S WARNING:
Smoking By Pregnant Women May Result
in Fetal Injury, Premature Birth, And Low
Birth Weight. |
| Qtr IV – October to December | - | SURGEON GENERAL’S WARNING:
Quitting Smoking Now Greatly Reduces
Serious Risks to Your Health. |





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

Division of
Advertising Practices

April 4, 2012

Bhavani Parameswar
President
King Maker Marketing, Inc.
12 Route 17 North
Suite 304
Paramus, NJ 07652

Dear Ms. Parameswar:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by King Maker Marketing, Inc. ("King Maker") on February 8, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Checkers, Gold Crest, and Hi-Val brands of cigarettes.

King Maker's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons of the Ace, Checkers, Gold Crest, and Hi-Val brands submitted with your letter dated February 24, 2010, and on the revised sample packs for the Hi-Val brand submitted with your letter dated March 30, 2010 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

¹ Although the warnings on the sample packs for the Kings (yellow packaging), 100's (yellow packaging), 100's (blue packaging), Menthol 94 Kings (pale green packaging), and Menthol 94 100's (pale green packaging) box varieties of the Hi-Val brand submitted on February 24, 2010 were not sufficiently conspicuous, corrected samples were submitted on March 30, 2010. King Maker stated in its February 8, 2012 letter that the four health warnings will continue to appear exactly as shown on the sample packs and cartons submitted on those dates.

- Ten varieties of the Ace brand: Kings box (red packaging), 100's box (red packaging), Kings box (yellow packaging), 100's box (yellow packaging), 100's box (blue packaging), Menthol 10 Kings box (deep green packaging), Menthol 10 100's box (deep green packaging), Menthol 94 Kings box (pale green packaging), Menthol 94 100's box (pale green packaging), and Non-Filter Kings box (maroon packaging);
- Ten varieties of the Checkers brand: Kings box (red packaging), 100's box (red packaging), Kings box (yellow packaging), 100's box (yellow packaging), 100's box (blue packaging), Menthol 10 Kings box (deep green packaging), Menthol 10 100's box (deep green packaging), Menthol 94 Kings box (pale green packaging), Menthol 94 100's box (pale green packaging), and Non-Filter Kings box (maroon packaging);
- Ten varieties of the Gold Crest brand: Kings box (red packaging), 100's box (red packaging), Kings box (yellow packaging), 100's box (yellow packaging), 100's box (blue packaging), Menthol 10 Kings box (deep green packaging), Menthol 10 100's box (deep green packaging), Menthol 94 Kings box (pale green packaging), Menthol 94 100's box (pale green packaging), and Non-Filter Kings box (maroon packaging); and
- Ten varieties of the Hi-Val brand: Kings box (red packaging), 100's box (red packaging), Kings box (yellow packaging), 100's box (yellow packaging), 100's box (blue packaging), Menthol 10 Kings box (deep green packaging), Menthol 10 100's box (deep green packaging), Menthol 94 Kings box (pale green packaging), Menthol 94 100's box (pale green packaging), and Non-Filter Kings box (maroon packaging).

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

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example,

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.

Bhavani Parameswar

April 4, 2012

Page 3

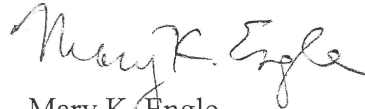
since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

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 April 3, 2013, 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 Mariel Woods at (202) 326-3225.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary K. Engle".

Mary K. Engle
Associate Director

April 11, 2012

VIA FEDEX and E-MAIL: sschools@ftc.gov

Ms. Sallie Schools
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, N.W.
Room NJ3212
Washington, DC 20001

**Cigarette Health Warning Plan for Firebird Manufacturing, LLC
PALMETTO, MJ and SEMINOLE brands**

Dear Ms. Schools:

On behalf of Firebird Manufacturing, LLC ("Firebird") I hereby submit a Surgeon General's Equalization Plan for Firebird as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended ("FCLAA"), for ten (10) styles of Palmetto brand, four (4) styles of MJ brand, and twelve (12) styles of Seminole brand.

Firebird is manufacturer of the Palmetto, MJ and Seminole brands. Kathryn C. Farley is General Manager. The location of the factory is at 1057 Bill Tuck Highway, South Boston, VA 24592. Firebird has not to date imported or exported any cigarettes.

Firebird's 2011 fiscal year sales were [REDACTED] sticks. Its sales in 2012 are anticipated to be [REDACTED] sticks, which should qualify the company for the Section 1333(c)(2) exemption. Firebird's Plan for display of the warnings on the packaging for Palmetto was submitted on July 1, 2010 and approved July 9, 2010.

1. Palmetto cigarettes are sold in ten soft pack brand styles. Firebird requests that the following ten (10) styles be included in the Plan:

Palmetto Red Kings, Palmetto Gold Kings, Palmetto Blue Kings, Palmetto Menthol Green Kings, Palmetto Menthol Gold Kings, Palmetto Red 100's, Palmetto Gold 100's, Palmetto Blue 100's, Palmetto Menthol Green 100's, Palmetto Menthol Gold 100's.

The warnings will appear exactly as shown on the samples of Palmetto packaging submitted with my letter of June 18, 2010.

Ms. Sallie Schools

Page 2

2. MJ brand cigarettes will be sold in two (2) soft pack and two (2) hard box brand styles. Firebird requests that the following four (4) styles be included in the Plan:

MJ Menthol Green 100's (Soft), MJ Menthol Gold 100's (Soft), MJ Menthol Green Kings Box, and MJ Menthol Gold Kings Box.

3. Seminole brand cigarettes will be sold in nine (9) soft pack and three (3) hard box styles. Firebird requests that the following twelve (12) styles be included in the Plan.

Seminole Red 100's (Soft), Seminole Blue 100's (Soft), Seminole Menthol Green 100's (Soft), Seminole Menthol Gold 100's (Soft), Seminole Sky 100's (Soft), Seminole Red Kings (Soft), Seminole Blue Kings (Soft), Seminole Menthol Green Kings (Soft), Seminole Non-Filter Kings (Soft), Seminole Red Kings Box, Seminole Blue Kings Box, Seminole Menthol Green Kings Box


The warnings will appear exactly as shown on the sample packs and cartons for the MJ and Seminole brands submitted with my February 4, 2011 letter.

Firebird agrees to equalize the display of the four health warnings on packs and cartons for each brand style of the Palmetto, MJ and Seminole brands covered by this Plan for the one year period beginning on the date of approval of this Plan. Beginning on the date of approval of this Plan, Firebird 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, Firebird requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA. We will keep records demonstrating compliance with this Plan.

Firebird does not advertise at this time. Should Firebird desire to advertise its products, it will submit an advertising Plan to FTC in advance.

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: Kathy C. Farley
2147264.2



Division of
Advertising Practices

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

April 12, 2012

Nancyellen Keane
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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Firebird Manufacturing, LLC ("Firebird") on April 11, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Palmetto, MJ, and Seminole brands of cigarettes.

Firebird'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>Dates</u>
Palmetto	June 18, 2010
MJ	February 4, 2011
Seminole	February 4, 2011

¹¹ Firebird stated in its April 11, 2012 letter that the four health warnings will continue to appear exactly as shown on the packs and cartons submitted on these dates.

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

- Ten soft pack varieties of the Palmetto brand: Red (Kings and 100's), Gold (Kings and 100's), Blue (Kings and 100's), Menthol Green (Kings and 100's), and Menthol Gold (Kings and 100's);
- Four varieties of the MJ brand: Menthol Green Kings Box, Menthol Green 100's soft pack, Menthol Gold Kings Box, and Menthol Gold 100's soft pack; and
- Twelve varieties of the Seminole brand: Red Kings Box, Red soft pack (Kings and 100's), Blue Kings Box, Blue soft pack (Kings and 100's), Sky 100's soft pack, Menthol Green Kings Box, Menthol Green soft pack (Kings and 100's), Menthol Gold 100's soft pack, and Non-Filter Kings soft pack.

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

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

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucml76164.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.

Nancyellen Keane
April 12, 2012
Page 3

This approval is effective on the date of this letter and runs through April 11, 2013, 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 Sallie Schools at (202) 326-3344.

Very truly yours,

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

Mary K. Engle
Associate Director

Holland & Knight

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

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

U R G E N T

April 11, 2012

VIA FEDERAL EXPRESS

Ms. Mary K. Engle
Associate Director
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, Room 3212
Washington, D.C. 20001

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

Dear Ms. Engle:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 24, Teaneck, New Jersey 07666 and its affiliates (collectively "JTI"), we respectfully submit a revised application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), seeking approval for JTI to continue to display the warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes in the manner provided in Section 4(c)(2)(C) of the Act, as provided in paragraph 2(b) of the Label Statement Rotation Plan of JTI submitted to the Federal Trade Commission on August 28, 1985 (the "Plan") and in advertising, as subsequently amended and approved, most recently on April 19, 2011 effective through April 18, 2012.

In support of JTI's application for renewal of Federal Trade Commission approval of its simultaneous display plan for packages and cartons, we submitted under cover of letter dated March 15, 2012 a sworn affidavit of Mr. Jacques Coffeng, President of Japan Tobacco International U.S.A., Inc., which affirms that:

- (i) the cigarettes sold by JTI in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act;

- (ii) the statutorily mandated warnings will continue to appear exactly as shown on the materials previously submitted to and approved by the Federal Trade Commission on April 10, 2007 and November 15, 2007 ("Wave") and August 25, 2008 ("Export 'A'") submitted to the Federal Trade Commission under cover of letters dated, December 18, 2009 (five "Export 'A'" brand styles, namely full flavor 72 mm. slide/shell pack, rich taste 72 mm. slide/shell pack, smooth taste 72 mm. slide/shell pack, extra smooth taste 72 mm. slide/shell pack and ultra smooth taste 72 mm. slide/shell pack), February 16, 2010 (ten "Wave" brand styles, namely Blue king hard pack, Blue king soft pack, Blue 100 hard pack, Blue 100 soft pack, Silver king hard pack, Silver 100 hard pack, Silver 100 soft pack, Menthol Green king hard pack, Menthol Green 100 hard pack and Menthol Green 100 soft pack) and September 8, 2010 (all six "Wings" brand styles) unless and until revised materials are submitted to the Federal Trade Commission on JTI's behalf and approved by the Federal Trade Commission;
- (iii) JTI will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes for each brand style of each brand for the one year period beginning on the date of approval for the Plan and JTI will keep records demonstrating compliance with the Plan; and
- (iv) the brands and brand styles sold by JTI in the United States to which the Plan, this application and the confirmations contained herein pertain are as follows:
 - "Wave" (100 king soft pack, Menthol 100 soft pack, regular king hard pack, Menthol king hard pack, regular king soft pack, Menthol king soft pack, 100 king hard pack, Menthol 100 hard pack, Blue king hard pack, Blue king soft pack, Blue 100 hard pack, Blue 100 soft pack, Silver king hard pack, Silver 100 hard pack, Silver 100 soft pack, Menthol Green king hard pack, Menthol Green 100 hard pack and Menthol Green 100 soft pack);
 - "Export 'A'" (full flavor 72 mm. slide/shell pack, rich taste 72 mm. slide/shell pack, smooth taste 72 mm. slide/shell pack, extra smooth taste 72 mm. slide/shell pack and ultra smooth taste 72 mm. slide/shell pack); and
 - "Wings" (Red king hard pack, Red 100 hard pack, Gold king hard pack, Gold 100 hard pack, Menthol king hard pack and Menthol 100 hard pack).

JTI is planning to introduce a limited edition of alternative packaging for one of its "Export 'A'" brand styles, namely the 72 mm. "smooth taste" brand style. This limited edition will consist of four different individual packages, one with each health warning, which will be sold as a unit in a single "bundle". We submitted undercover of letter dated March 15, 2012, for your approval, each such individual package. We are re-submitting herewith and the

Ms. Mary K. Engle
April 11, 2012
Page 3

"bundle" for them with changes intended to address the issues raised on the "bundle" previously submitted.

We submitted under cover of letter dated March 10, 2010 an amended Schedule A to the Plan entitled "Label Statement Rotational For Advertisement Purposes (Only) By Brand And Quarter" which will continue to be followed by JTI unless and until submitted and approved otherwise.

JTI will continue to use warning formats that were submitted with the 1985 plans by the five major U.S. cigarette manufacturers and JTI will continue to place the warnings as specified in those plans. The warnings will continue to be rotated quarterly according to the Schedule A submitted by us to under cover of letter March 10, 2010. Copies of the formats that JTI will continue to be using (Exhibits 1-6) were submitted under cover of letter dated April 22, 2010. The size of JTI's advertisements will continue not to exceed 720 square inches unless and until larger ones are submitted to and approved by the FTC.

JTI has manufactured and sells equal numbers of packages and cartons of each brand and brand styles throughout the year as set forth on Attachment 1 hereto. As a result, if requirements for new warnings were to become effective on any date, the current warnings will have been utilized in equal proportions prior to then.

If you should have any further questions in connection with this application, please call me at (212) 513-3470. We enclosed a Federal Express airway bill and envelope under cover of our letter dated March 15, 2012 for your use, if possible, in transmitting an approval letter to us in order to ensure its timely receipt. In addition, it would be appreciated if such approval letter could be faxed to me at 212-341-7103.

Thank you for your continued cooperation in this matter.

Very truly yours,



Neal N. Beaton

Enclosures

Attachment 1

Export 'A'

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

Export A 72 Slide and Shell Pack:

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

Export 'A' 72 Slide and Shell Bundle:

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

Export 'A' 72 Beveled Box Pack:

The bevel pack format is printed on a cylinder configured with 8 ups. The cylinder prints one sheet per rotation; one sheet contains 8 packs. Warnings A, B, C and D each comprise 25% of the sheet. Each warning appears twice per sheet.

Export 'A' 72 Bevel Box Bundle:

The Export 'A' beveled box is also packaged in a paper-foil bundle rather than a standard carton. The bundle is printed using a 4-up configuration. Each warning comprises 25% of the sheet and each warning is printed once per rotation.

Wave and Wings

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

Wave/Wings Round Corner KS/100s Box:

The round corner box utilizes a printing plate configured with 22 facings. Each sheet contains 22 ups and is printed in one rotation. Each warning is printed at least 5 times per sheet, comprising 22.7% of the sheet. Warnings A and B are printed 6 times, comprising 27.3% of the sheet. The total deviation is plus/minus 2.3%, within the allowable 4% tolerance.

Wave/Wings Soft Pack KS/100s:

Soft pack styles are printed using a plate with 16 total facings. Each sheet contains 16 ups and is printed in one rotation. Warnings A, B, C and D each comprise 25% of the sheet. Each warning is printed 4 times.

Wave/Wings Cartons KS/100s:

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

#10984696_v2

AFFIDAVIT OF JAPAN TOBACCO INTERNATIONAL U.S.A., INC.
PURSUANT TO SECTION 4(c)(2)(A) OF THE
FEDERAL CIGARETTE LABELING AND ADVERTISING ACT

STATE OF NEW JERSEY)
) ss.:
COUNTY OF BERGEN)

Jacques Coffeng, being duly sworn, deposes and says:

1. I am the President of Japan Tobacco International U.S.A., Inc. (collectively, with its ultimate parent company, Japan Tobacco Inc. and all of Japan Tobacco Inc.'s direct and indirect subsidiaries, "JTI") and make this affidavit on behalf of JTI pursuant to Section 4(c)(2)(A) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), in support of the application of JTI for Federal Trade Commission approval to display the warning labels specified in Section 4(a)(1) of the Act on packages of cigarettes manufactured by JTI for the one-year period beginning on the date of approval, as provided in paragraph 2(b) of the Label Statement Rotation Plan of JTI submitted to the Federal Trade Commission on August 28, 1985, and approved on or as of October 11, 1985 and annually or prior to introduction of new brands or brand styles or new packaging or to amend such Plan, since January 1, 1993 most recently on April 19, 2011 (for all current brand styles of all brands).

2. The total number of cigarettes of any brand style sold by JTI in the United States during its last fiscal year ended December 31, 2011, was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI manufactures accounted for less than one-fourth of one percent of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half of the cigarettes manufactured by JTI for sale in the United States are packaged into brand styles which meet the requirements of clause (i).

3. The statutorily mandated warnings will continue to appear exactly as shown on the materials previously submitted to and approved by the Federal Trade Commission letters dated

April 10, 2007, November 15, 2007 and February 16, 2010 ("Wave") or submitted to the Federal Trade Commission under cover of letters dated August 25, 2008 and December 18, 2009 ("Export 'A'") and September 8, 2010 ("Wings") and subsequently approved by the Federal Trade Commission or as shown on the materials submitted herewith ("Export 'A'" limited edition "Urban" packaging) unless and until revised materials are submitted to the Federal Trade Commission on our behalf and approved by the Federal Trade Commission.

4. JTI will continue to equalize utilization of the four warnings on all of its brand styles sold in the United States on an ongoing basis throughout the period for which this application and previous approvals are effective. JTI will keep records demonstrating compliance with its plan.

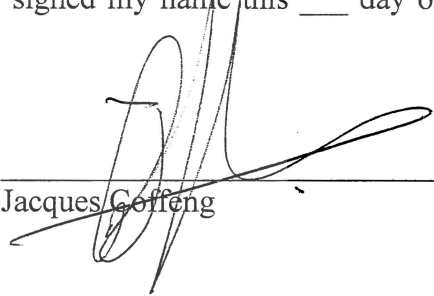
5. The brands and brand styles sold by JTI in the United States to which the Plan (as amended), this application and the confirmations contained herein pertain are as follows:

"Wave" (Full Flavor king soft pack, Full Flavor king hard pack, Full Flavor 100 soft pack, Full Flavor 100 hard pack, Menthol king soft pack, Menthol king hard pack, Menthol 100 soft pack, Menthol 100 hard pack, Blue king soft pack, Blue king hard pack, Blue 100 soft pack, Blue 100 hard pack, Silver king hard pack, Silver 100 soft pack, Silver 100 hard pack, Silver 100 soft pack, Green kings hard pack, Green 100 soft pack, Green 100 hard pack)

"Export 'A'" (Full Flavor hard pack, Rich Taste hard pack, Smooth Taste hard pack, Extra Smooth taste hard pack, Ultra Smooth taste hard pack and limited edition Smooth Taste hard pack)

"Wings" (Red king hard pack, Red 100 hard pack, Gold king hard pack, Gold 100 hard pack, Menthol king hard pack and Menthol 100 hard pack).

IN WITNESS WHEREOF, I have hereunto signed my name this ____ day of February,
2012.



Jacques Goffeng

Sworn to before me this
6th day February, 2012



Notary Public

MICHAEL J. METE
ID # 2286666
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 5/17/2012

#2179382_v10

Selected packaging samples from those
submitted with the plan.

Which pack design will become permanent?
Go online and make your vote count.

FOUR
DESIGNS / ONE
CHOICE x

MADE IN CANADA BY
JTI MACDONALD CORP.

CLASS 'A'
PREMIUM
CIGARETTES
x 20

EXPORT 'A'

Make your vote count at exportavote.com



FOUR
DESIGNS / ONE
CHOICE

Make your vote count at
exportavote.com

EXPORT 'A'

CLASS 'A'
PREMIUM CIGARETTES

NOT FOR SALE
VENTE INTERDITE
IN / AU CANADA



EXPORT 'A'
SMOOTH TASTE

CLASS 'A'
PREMIUM CIGARETTES

EXPORT 'A'

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

EXPORT 'A'

JTI INTERNATIONAL
U.S.A. INC. TENNEK, N.J.
CONTRACT NO. 137-89-0302

www.exportavote.com

Which pack design will become permanent?
Go online and make your vote count.

FOUR
DESIGNS / ONE
CHOICE x

EXPORT 'A'

CLASS 'A'
PREMIUM
CIGARETTES
x 20

EXPORT 'A'

Make your vote count at exportavote.com

SMOOTH TASTE x



FOUR
DESIGNS / ONE
CHOICE

Make your vote count at
exportavote.com

RT 'A'

PRINTED BY JTI INTERNATIONAL
U.S.A. INC. TENNEK, N.J.
CONTRACT NO. 137-89-0302

NOT FOR SALE
VENTE INTERDITE
IN / AU CANADA

FSC



EXPORT 'A'



SMOOTH TASTE

CLASS 'A'
PREMIUM CIGARETTES
x 20

SMOOTH
TASTE
EXPO

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

Which pack design will become permanent?
Go online and make your vote count.
www.exportavote.com

FOUR
DESIGNS / ONE
CHOICE

20 CLASS 'A'
PREMIUM CIGARETTES

CLASS 'A'
PREMIUM
CIGARETTES
20

MADE IN CANADA BY
JTI MACDONALD CORP.

EXPORT 'A'

Make your vote count at exportavote.com

FOUR
DESIGNS / ONE
CHOICE
Make your vote count at
exportavote.com

EXPORT 'A' SMOOTH
TASTE

NOT FOR SALE
VENTE INTERDITE
IN / AU CANADA

FSC

76940 29210

EXPORT 'A' SMOOTH
TASTE

EXPORT 'A'

© 2006 JTI INTERNATIONAL
U.S.A. INC., BAXTER, IL
CONTACT: 1-877-872-8722

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

Which pack design will become permanent?
Go online and make your vote count.
www.exportavote.com

FOUR
DESIGNS / ONE
CHOICE

CLASS 'A'
PREMIUM
CIGARETTES
20

MADE IN CANADA BY
JTI MACDONALD CORP.

EXPORT 'A'

Make your vote count at exportavote.com

FOUR
DESIGNS / ONE
CHOICE
Make your vote count at
exportavote.com

EXPORT 'A' SMOOTH
TASTE

NOT FOR SALE
VENTE INTERDITE
IN / AU CANADA

FSC

76940 29210

EXPORT 'A' SMOOTH
TASTE

EXPORT 'A'

© 2006 JTI INTERNATIONAL
U.S.A. INC., BAXTER, IL
CONTACT: 1-877-872-8722

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

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

EXPORT 'A'

SMOOTH TASTE



EXPORT

SMOOTH TASTE

CLASS 'A'

20



SMOOTH
TASTE

EXPORT 'A'

SMOOTH
TASTE



EXPORT

200

CLASS 'A'
PREMIUM
CIGARETTES

20 x 10

EXPORT 'A'

SMOOTH TASTE



EXPORT

SMOOTH TASTE

CLASS 'A'

20



SMOOTH
TASTE

EXPORT 'A'

SMOOTH
TASTE



EXPORT



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

Division of
Advertising Practices

April 16, 2012

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. and its affiliates (collectively "JTI") on April 11, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Wave, Export 'A', and Wings brands of cigarettes.

JTI's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted 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

Brand

Date(s)

Export A

August 25, 2008
December 18, 2009
March 15, 2012 (limited edition packs)
April 11, 2012 (limited edition cartons)²

¹ JTI stated in its April 11, 2012 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

² Submission of limited edition packaging for the Export A Smooth Taste variety only. Although the warnings on the carton "bundles" submitted on March 15, 2012 were not sufficiently conspicuous, corrected samples were submitted on April 11, 2012. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

Wave

April 10, 2007
November 15, 2007
February 16, 2010

Wings

September 8, 2010

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

- Five varieties of the Export A brand: Full Flavor, Rich Taste, Smooth Taste, Extra Smooth Taste, and Ultra Smooth Taste;
- Eighteen varieties of the Wave brand: Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Menthol Kings (soft pack and hard pack), Menthol 100's (soft pack and hard pack), Blue Kings (soft pack and hard pack), Blue 100s (soft pack and hard pack), Silver Kings hard pack, Silver 100s (soft pack and hard pack), Menthol Green Kings hard pack, and Menthol Green 100s (soft pack and hard pack); and
- Six hard pack varieties of the Wings brand: Red (Kings and 100's), Gold (King and 100's) and Menthol (Kings and 100's).

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

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

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.

Neal N. Beaton
April 16, 2012
Page 3

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.

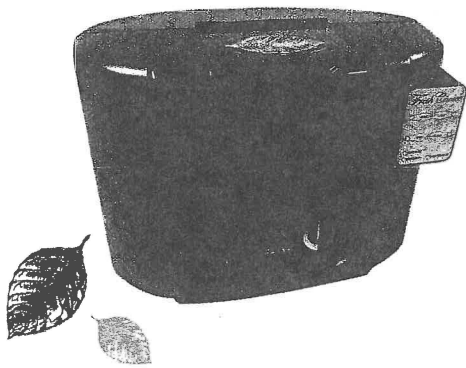
This approval is effective on the date of this letter and runs through April 15, 2013, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Sallie Schools at (202) 326-3344.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary K. Engle".

Mary K. Engle
Associate Director



FRESH CHOICE

ELECTRIC CIGARETTE SYSTEM

April 4, 2012

Mary K. Engle
Associate Director
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Ave NW
Room NJ3212
Washington DC 20001

Re: Cigarette Health Warning Equalization Plan
Submitted by Cousin's Distributing for Revenge/ American Harvest cigarettes.

Ladies and Gentlemen:

We are submitting Surgeon General's Equalization Plan as required under Federal Cigarette Labeling and Advertising Act (15 USC – 1331 (1998), et seq.), as amended. Sandia is the contract manufacturer cigarettes for Cousins Distributing Inc. Cousins Distributing does business as Fresh Choice Tobacco. We are submitting the Equalization Plan for renewal.

Sandia has previously manufactured on our behalf during the calendar year January 2011 through December 2011. They manufactured [REDACTED] sticks of American Harvest and [REDACTED] sticks of Revenge. Our fiscal year is the same as our calendar year. Sandia plans to manufacture [REDACTED] sticks of "Revenge" brand, and [REDACTED] sticks of "American Harvest" during the calendar year of January 2012 through December 2012. Last year we sold 1,130,800 sticks of Revenge brand and [REDACTED] sticks of American Harvest. The list of cigarettes includes all the brands sold by Fresh Choice Tobacco. The cigarettes that are covered by this plan are the following U. S. manufactured brand style cigarettes, which include health warnings complying with the Surgeon General warning language set forth in the statute:

1. Revenge 100 soft- red packaging
2. Revenge King soft- red packaging
3. Revenge 100 soft- light green packaging



4. Revenge King soft- light green packaging
5. Revenge 100 soft- dark green packaging
6. Revenge King soft- dark green packaging
7. Revenge 100 soft- blue packaging
8. Revenge King soft- blue packaging
9. Revenge 100 soft- yellow packaging
10. Revenge King soft- yellow packaging
11. American Harvest 100 soft
12. American Harvest King soft

The required warning will be printed directly on the packs and cartons in a conspicuous location as required under the Cigarette Labeling and Advertising Act ("CLAA").

The four (4) cigarette health warnings will appear on the packs and cartons of each brand style of cigarettes an equal number of times over the one (1) year period starting on the date this Plan is approved. Our packaging printer, Winston Packaging, prints all four (4) warnings simultaneously in equal numbers for each brand style at the time of pack and carton print runs. We keep records demonstrating compliance with this plan.

The four (4) health warning will appear exactly as they appear on the packaging samples that were submitted with our previous submissions dated December 12th, 13th, and 22nd of 2006.

Currently, we do not intend to advertise the Revenge and American Harvest brands to the consumer. If we decide to advertise in the future, we will submit a plan to the Federal Trade Commission for review and approval prior to advertising.

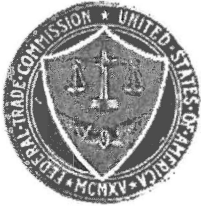
We submit that the foregoing complies with the requirements set forth in the Federal Cigarette Labeling and Advertising Act, as amended, and request expedited approval of this request. Should this request conform to your requirements, we further request that the letter evidencing approval be faxed to the undersigned at 707.449.5937.

Should you require any additional information with respect to the foregoing, please contact the undersigned.

Very truly yours,



Claire Vernasco
Director of Sales
707-451-8045



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

Division of
Advertising Practices

April 17, 2012

Claire Vernasco
Fresh Choice Tobacco Company
765 Eubanks Drive, Suite D
Vacaville, CA 95688

Dear Ms. Vernasco:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Cousins Distributing d/b/a Fresh Choice Tobacco Company ("Fresh Choice") dated April 4, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Revenge and American Harvest brands of cigarettes.

Fresh Choice'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 December 12, 13, and 22, 2006 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Fresh Choice's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Ten soft pack varieties of the Revenge brand: 100's (Red packaging), Kings (Red packaging), 100's (Light green packaging), Kings (Light green packaging), 100's (Dark green packaging), Kings (Dark green packaging), 100's (Blue packaging), Kings (Blue packaging), 100's (Yellow packaging), Kings (Yellow packaging); and
- Two soft pack varieties of the American Harvest brand: 100's and Kings.

¹ Fresh Choice stated in its April 4, 2012 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

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

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

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

This approval is effective on the date of this letter and runs through April 16, 2013, 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 Sallie Schools at (202) 326-3344.

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.



King Mountain Tobacco Company Inc.

P. O. Box 422

White Swan, Washington 98952

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

April 25th, 2012

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

*RE: 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 Rd, White Swan, Washington 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 King Mountain cigarettes on January 20th, 2011 and there have been no changes in packaging since that time. The statutory warnings appear exactly as shown on the samples provided to you on December 3rd, 2010.

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 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), King Mountain Tobacco Company Inc. will require that one forth of each order of package and carton material be printed with each of the four warnings. Sales of King Mountain did not exceed one-fourth of one percent of cigarettes manufactured in the United States during calendar year 2011. KMT's fiscal year is the calendar year.

KMT manufactures King Mountain cigarettes under tobacco manufacturing license number TP-WA-15000. King Mountain is the only brand of cigarettes KMT manufactures.

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

(i)the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceeding the the submission of the application is less than one-fourth of 1 percent of all the cigarettes sold in the United States in such year, and

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

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 King Mountain:

Red Kings (hard pack)
Red 100's (hard pack)
Gold Kings (hard pack)
Gold 100's (hard pack)
Blue Kings (hard pack)
Blue 100's (hard pack)
Menthol Kings (hard pack)
Menthol 100's (hard pack)
Menthol Gold Kings (hard pack)
Menthol Gold 100's (hard pack)

During 2011 KMT sold [REDACTED] sticks of the King Mountain brand. King Mountain Full Flavor Kings was the highest selling style with [REDACTED] sticks. This amount is clearly "less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2011, as required by 15 U.S.C.§1333(c)(2)(A)(i). Estimated 2012 sales are [REDACTED] sticks, with King Mountain Full Flavors 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.

If you need additional information please contact JoDe Goudy at 509-874-9935.

Sincerely,



JoDe Goudy
Chief Operating Officer



Division of
Advertising Practices

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

April 27, 2012

JoDe Goudy
King Mountain Tobacco Company, Inc.
P.O. Box 422
White Swan, WA 98952

Dear Mr. Goudy:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Mountain Tobacco Company, Inc. ("KMTC") on April 25, 2012, 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 December 3, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, KMTC's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten 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 plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

¹ KMTC stated in its April 25, 2012 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on December 3, 2010.

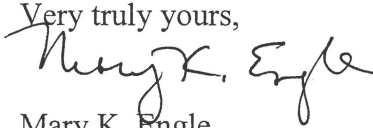
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

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 April 26, 2013, 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. Engle
Associate Director



Sandia Tobacco Manufacturers Inc.

403 Camino Oriente • P.O. Box 429 • Moriarty, NM 87035
Phone (505) 832-9560 • Fax (505) 832-9583

April 16, 2012

Mary K. Engle
Associate Director
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue NW
Room NJ3212
Washington DC 20001

**Re: Cigarette Health Warning Equalization Plan
Submitted by Sandia Tobacco Manufacturers, Inc. ("Sandia") for Sandia and Royal
cigarettes.**

Ladies and Gentlemen:

We are submitting Sandia Tobacco Manufacturers, Inc.'s Surgeon General's Equalization Plan as required under the Federal Cigarette Labeling and Advertising Act of 1984 (15 USC – 1331 (1998), et seq.), as amended. Sandia is the manufacturer of the Sandia and Royal Brands of cigarettes. We are submitting the Equalization Plan for approval. Our factory is located at 403 Camino Oriente, Moriarty, NM 87035. The President of Sandia Tobacco Manufacturers, Inc. is Donald Packingham.

In 2010, the packaging was changed to remove descriptors in addition to a correction to the "Underage Sale Prohibited" wording being moved away from the Surgeon General's warning. Sample packs and cartons submitted with my March 31, 2011, May 2, 2011 letters, and May 19, 2011 letters. We are now requesting approval for four (4) new brand styles. These are the styles in bold listed below. Sample packs and cartons for each of these styles were submitted with my January 5, 2012 letter. The warnings will appear exactly as shown on the samples submitted with my letters dated March 31, 2011, May 2, 2011, May 19, 2011 and January 5, 2012.

The cigarettes covered by this plan are the following brand styles of U.S. manufactured Sandia and Royal brand cigarettes, which include health warnings complying with the Surgeon

General warning language, set forth in the statute:

- 1) Sandia Full Flavor King Soft
- 2) Sandia Full Flavor 100 Soft
- 3) Sandia Blue King Soft
- 4) Sandia Blue 100 Soft
- 5) Sandia Light Blue pack King Soft
- 6) Sandia Light Blue pack 100 Soft
- 7) Sandia Full Flavor Menthol King Soft
- 8) Sandia Full Flavor Menthol 100 Soft
- 9) Sandia Menthol King Soft
- 10) Sandia Menthol 100 Soft
- 11) Sandia Full Flavor King Box
- 12) Sandia Full Flavor 100s Box
- 13) Sandia Blue King Box
- 14) Sandia Blue 100s Box
- 15) Sandia Light Blue pack 100s Box
- 16) Sandia Full Flavor Menthol King Box**
- 17) Sandia Full Flavor Menthol 100s Box
- 18) Sandia Menthol 100s Box
- 19) Royal Full Flavor Kings Soft
- 20) Royal Gold Kings Soft
- 21) Royal Silver Kings Soft
- 22) Royal Full Flavor 100s Soft
- 23) Royal Gold 100s Soft
- 24) Royal Silver 100s Soft
- 25) Royal Full Flavor Menthol 100s Soft
- 26) Royal Menthol 100s Soft
- 27) Royal Full Flavor King Box**
- 28) Royal Full Flavor 100s Box
- 29) Royal Gold King Box**
- 30) Royal Gold 100s Box
- 31) Royal Silver 100s Box
- 32) Royal Full Flavor Menthol King Box**
- 33) Royal Full Flavor Menthol 100s Box
- 34) Royal Menthol 100s Box

In 2011, two (2) brands were discontinued. These are:

1. Royal Full Flavor Menthol Kings Soft
2. Royal Menthol Kings Soft

The four health warnings have been equalized to date on the brand styles listed above with the exception of the four new brand styles listed in bold.

The company manufactured [REDACTED] sticks of the Sandia brand and [REDACTED] sticks of the Royal brand during 2011. These sales are less than one fourth, of one percent of all Cigarettes sold in the United States of America during that period. The Company anticipates

manufacturing [REDACTED] sticks of Sandia brand and [REDACTED] sticks of Royal brand in 2012. More than one-half of the cigarettes manufactured by the company will be packaged into brand styles that meet this requirement of the Cigarette Act with respect to warning equalization, (i.e., less than one quarter of one percent).

The Company under contract for Natural Fresh Choice Company also manufactures the American Harvest and Revenge brand cigarettes. Natural Fresh Choice has its own warning statement plan in place for these three brands.

The required warnings will be printed directly on the packs and cartons in a conspicuous location as required under the Cigarette Labeling and Advertising Act ("CLAA").

The four (4) cigarette health warnings will appear on the packs and cartons of each brand style of the Sandia and Royal brands of cigarettes an equal number of times over the one (1) year period starting on the date this Plan is approved. During printing, all four (4) warnings will be printed simultaneously in equal numbers for each brand style at the time of pack and carton print runs. We will maintain records demonstrating compliance with this plan.

For advertising the Sandia brand, Sandia Tobacco Manufacturers, Inc. will remain in compliance with its January 29, 2004 advertising plan that was approved on February 3, 2004, and April 15, 2009 internet advertising plan which was approved on April 21, 2009. We still do not advertise the Royal brand and do not intend to do so.

We submit that the foregoing complies with the requirements set forth in the Federal Cigarette Labeling and Advertising Act, as amended, and request expedited approval of this request. Should this request conform to your requirements, we further request that the letter evidencing approval be faxed to the undersigned at 505-832-9583.

Should you require any additional information with respect to the foregoing, please contact the undersigned.

Very truly yours,



Donna Woody
Vice President/Secretary/Treasurer

Selected packaging samples from those
submitted with the plan.

SANDIA

20 CLASS A
CIGARETTES

SANDIA
FULL FLAVOR
MENTHOL BOX

SANDIA



FULL FLAVOR
MENTHOL BOX

PREMIUM BLEND

SANDIA
FULL FLAVOR
MENTHOL BOX

PREMIUM BLEND

FULL FLAVOR
MENTHOL BOX



FSC

TP-NM-2

SANDIA TOBACCO
MANUFACTURERS, INC.
MORIARTY, NEW MEXICO

HL2004-FSC

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

SP14

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

SANDIA

FULL FLAVOR MENTHOL BOX

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

PREMIUM BLEND

200 CLASS A CIGARETTES

PREMIUM BLEND

FULL FLAVOR MENTHOL BOX

SANDIA

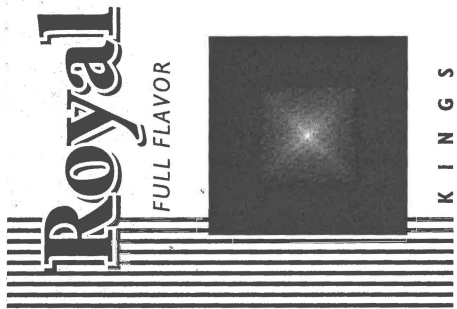
SALES TO MINORS
PROHIBITED

TP-NM-2



SANDIA TOBACCO
MANUFACTURERS, INC.
MORIARTY, NEW MEXICO

20 CLASS A
CIGARETTES



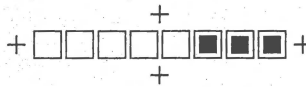
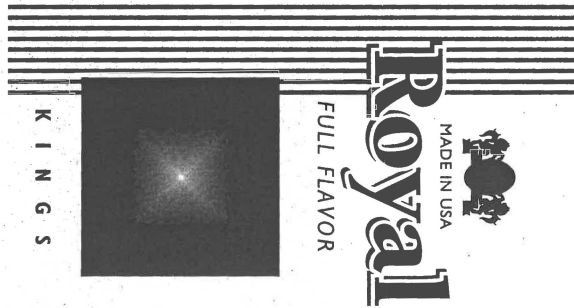
SURGEON GENERAL'S WARNING:
Cigarette Smoke
Contains Carbon Monoxide.



SP18

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

HL6001



Underage
Sale
Prohibited



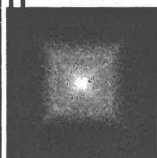
MADE IN USA
TP-NM-2

SALES TO MINORS
PROHIBITED

FSC



8 11873 01029 0



MADE IN USA

Royal

**GOLD BOX
KINGS**

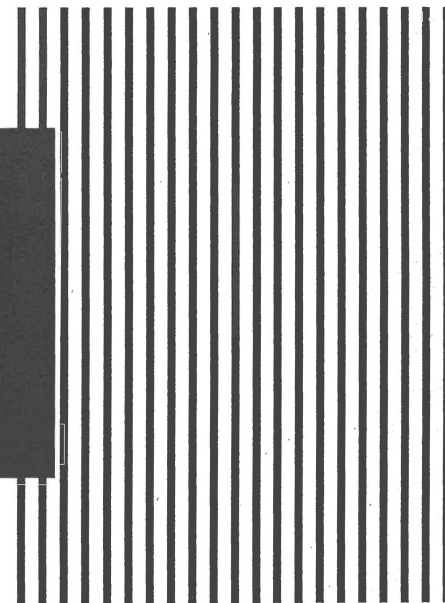
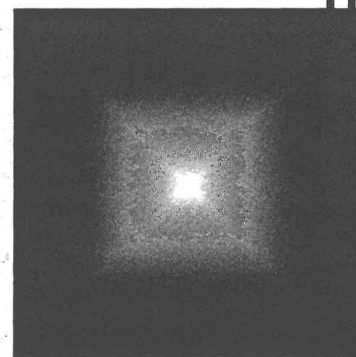
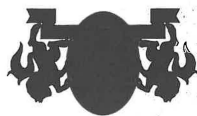
SURGEON GENERAL'S WARNING:
Smoking Causes Lung Cancer, Heart Disease,
Emphysema, And May Complicate Pregnancy.

KINGS

GOLD BOX

Royal

MADE IN USA





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

Division of
Advertising Practices

May 10, 2012

Donna Woody
Sandia Tobacco Manufacturers, Inc.
403 Camino Oriente
P.O. Box 429
Moriarty, NM 87035

Dear Ms. Woody:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Sandia Tobacco Manufacturers, Inc. ("Sandia") dated April 16, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Sandia and Royal brands of cigarettes.

Sandia'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>Dates</u>
Sandia	March 31, 2011 January 5, 2012
Royal	March 31, 2011 May 2, 2011 May 19, 2011 January 5, 2012

¹ Sandia stated in its April 16, 2012 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

- Eighteen varieties of the Sandia brand: Full Flavor Kings (Soft and Box), Full Flavor 100's (Soft and Box), Blue Kings (Soft and Box), Blue 100's (Soft and Box), Kings Soft (Light Blue packaging), 100's Soft and Box (Light Blue packaging),² Full Flavor Menthol Kings (Soft and Box), Full Flavor Menthol 100's (Soft and Box), Menthol Kings Soft, and Menthol 100's (Soft and Box); and
- Sixteen varieties of the Royal brand: Full Flavor Kings (Soft and Box), Full Flavor 100's (Soft and Box), Full Flavor Menthol 100's (Soft and Box), Menthol 100's (Soft and Box), Gold Kings (Soft and Box), Gold 100's (Soft and Box), Silver Kings Soft, Silver 100's (Soft and Box), and Full Flavor Menthol Kings Box.

Approval of this 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.

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

Please note that this letter only approves Sandia'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 Sandia'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 Sandia's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Sandia'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,

² Sandia is using colors to identify four varieties of the Sandia brand ("Sandia Blue Kings Soft," "Sandia Blue Kings Box," "Sandia Blue 100's Soft," and "Sandia Blue 100's Box"), and for these four varieties, the color names are printed on the packaging. We note that three other varieties ("Sandia Kings Soft," "Sandia 100's Soft," and "Sandia 100's Box") are in Light Blue packaging, but the color name does not appear on the packaging.

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.

Donna Woody

May 10, 2012

Page 3

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 May 9, 2013, 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 Mariel Woods at (202) 326-3225.

Very truly yours,

A handwritten signature in cursive script, reading "Mary K. Engle".

Mary K. Engle
Associate Director

LAW OFFICES OF
BARRY M. BOREN

One Datan
9100 South Dadeland Boulevard
Suite 1809
Miami, Florida 33156

borenlaw@bellsouth.net

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

May 1, 2012

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

Attention: Mr. Randy Fixman

Surgeon General's Health Warning Equalization and Amended Advertising
Plan for Canadian Agricultural Depot, LLC
for Couture and Opal Cigarettes
and Expansion Plan for Seneca Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for an importer of tobacco products, Canadian Agricultural Depot, LLC ("CAD"), a Florida limited liability company with offices located at 187 N.W. 57th Ave., Suite 8, Miami, Florida 33126. CAD wishes to file a Surgeon General's Health Warning Equalization and Amended Advertising Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they wish to import into the United States under the brand names "Couture" and "Opal." The contact person for the company will be its President, Michael Vazquez, who can be reached at the above address. His telephone number is (305) 406-2305.

In addition, CAD wishes to expand its existing plan by adding 14 new brand styles to its existing Surgeon General's Health Warning Equalization Plan to equalize the display of the warnings on packaging as required by 15 U.S.C. § 1333(c) for cigarettes they are importing into the United States under the brand name "Seneca".

The brand styles of Couture and Opal cigarettes CAD intends to import are listed on Exhibits "A" and "B." The additional Seneca brand styles CAD wishes to add to its FTC plan approved January 23, 2012 are listed on Exhibit "C."¹ Enclosed with our submission of February 22, 2012 were the actual production packs and cartons for the

¹ The original plan was sent to the FTC on July 27, 2010 and approved by the FTC on July 29, 2010.

Couture brand (listed on Exhibit "A"). Enclosed with this submission are updated actual production cartons for the Opal brand (listed on Exhibit "B"). The Opal brand actual production packs were sent with our submission of February 22, 2012. New updated actual production cartons for the Seneca brand Extra Smooth Menthol 100's Soft Pack style and the Seneca brand 72's Full Flavor, Blue and Menthol Hard Pack styles (listed on Exhibit "C") are enclosed. Enclosed with our submission of February 22, 2012 were the actual production packs of these Seneca brand styles (listed on Exhibit "C"). This packaging shows exactly where and how the four (4) Surgeon General's health warnings will appear on the individual packs and cartons CAD will be importing.

In fiscal year 2011, CAD imported approximately [REDACTED] Seneca brand cigarettes. In fiscal year 2012² to date, CAD has imported approximately [REDACTED] Seneca brand cigarettes. In fiscal year 2012, CAD anticipates importing approximately [REDACTED] cigarettes of all its brands and styles (Seneca, Couture and Opal brand cigarettes).

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

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

The individual packs of Couture, Opal and Seneca cigarettes to be imported by CAD 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. CAD will keep a running total of the number of cartons and packs it imports with each warning label for each brand style.

CAD understands that the FTC is charged with ensuring that CAD'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.

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

CAD will print all four (4) health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die cut, each shipment should be approximately equalized for each brand style as imported. If, toward the end of the one year period, it appears that the warnings are not equalized on the packs and cartons for each brand style, CAD 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.

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, any State Government, or any instrumentality thereof.

CAD has a Surgeon General's Warning Rotation Plan in place for advertising its Seneca brand of cigarettes. CAD is in compliance with this plan. It now wishes to amend its existing advertising rotation plan to add its Couture and Opal brands of cigarettes. Pursuant to the requirements of Section 4(a)(2) of the Act, CAD will rotate quarterly, in alternating sequence, the four Surgeon General's Health Warnings on all advertisements it produces for the Couture and Opal brands of cigarettes. The advertising rotation sequence for all CAD brands is set forth in Exhibit "D."

All other provisions of the existing advertising plan will remain in place except that we are adding the following paragraph as paragraph #5 to the original plan to cover multiple brand advertising:

5. Multiple Brand Advertising:

In advertisements within the United States for more than one brand of cigarettes, or which are not for a specific brand, the label statements required by Section 4(a)(2) of the Act will be rotated as provided for the Seneca brand cigarettes as noted in Exhibit "D" attached hereto. The sequence for the Seneca brand will be used because it has more sales and was the first brand included in the CAD advertising plan approved by the FTC.

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

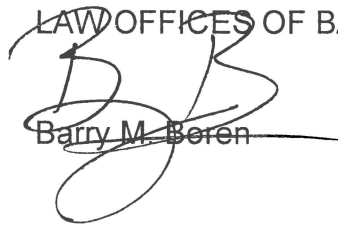
Ms. Mary K. Engle, Associate Director
Division of Advertising Practices

May 1, 2012
Page 4

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

A handwritten signature in black ink, appearing to be 'B. B.', written over the printed name 'Barry M. Boren'. The signature is stylized with large, sweeping loops.

BMB:mw/encs.

CANADIAN AGRICULTURAL DEPOT, LLC
COUTURE CIGARETTES
EXHIBIT "A"

Brand Styles

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

CANADIAN AGRICULTURAL DEPOT, LLC
OPAL CIGARETTES
EXHIBIT "B"

Updated Brand Style Cartons Sent to FTC on 5/1/12
Packs Sent to FTC on 2/22/12

Brand Styles

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

CANADIAN AGRICULTURAL DEPOT, LLC
SENECA CIGARETTES
EXHIBIT "C"

Current Brand Styles

Full Flavor King Size Hard Pack	Full Flavor 100's Hard Pack
Blue King Size Hard Pack	Blue 100's Hard Pack
Silver King size Hard Pack	Silver 100's Hard Pack
Menthol King Size Hard Pack	Menthol 100's Hard Pack
Smooth Menthol King Size Hard Pack	Smooth Menthol 100's Hard Pack
Non-filter Full Flavor King Size Hard Pack	Extra Smooth Menthol 100's Hard Pack

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

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

ADDITIONAL BRAND STYLES

Packs & Cartons Previously Sent to the FTC 2/22/12:

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

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

UPDATED PACKAGING

Cartons Sent To The FTC 5/1/12 (Packs Previously Sent to the FTC 2/22/2012)

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

EXHIBIT "D"
CANADIAN AGRICULTURAL DEPOT, LLC
CHART OF HEALTH WARNINGS
FOR ADVERTISING PLAN

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 Dec. 31st
Seneca	A	B	C	D
Couture	B	C	D	A
Opal	C	D	A	B

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

Selected packaging samples from those
submitted with the plan.

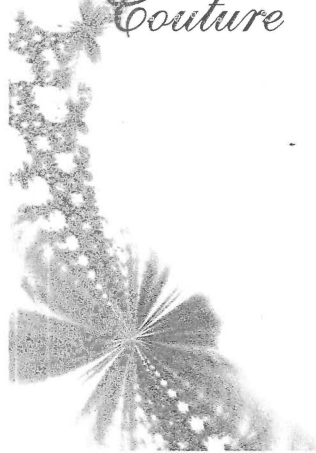
TURQUOISE
20 SLIM CIGARETTES

SLIMS
Couture

TURQUOISE

AN EXQUISITELY BLENDED
TOBACCO SET IN A HIGHLY
STYLIZED CIGARETTE
CAN ONLY BE CALLED ...

SLIMS
Couture



Couture
SLIMS



Made in Canada
54-TL-25

SLIMS
Couture

F3-SL100-COUSA-TUR-BL

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

SLIMS
Couture

AN EXQUISITELY BLENDED TOBACCO SET IN A HIGHLY STYLIZED CIGARETTE CAN ONLY BE CALLED COUTURE...

200 SLIM CIGARETTES

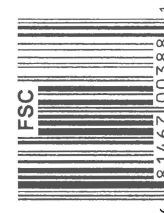
SLIMS

Couture

AMETHYST

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

AMETHYST



Made in Canada
54-TL-25

AMETHYST

Opal
120's

MADE IN
CANADA
54-TL-25



Opal
120's

Smooth
SUPER THINS

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

Opal
120's
Smooth
SUPER THINS

F2-120H-OP-SM-BL

Opal
120's

Smooth
SUPER THINS

10 1 2 3 4 5 6 7 3
11 8 9 10 11 12
11206X



Opal
120's
Smooth
SUPER THINS

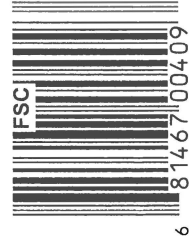
Ultra
SUPER THINS

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

Opal
120's

MADE IN CANADA

54-TL-25



Opal
Ultra
120's
SUPER THINS

UNDERAGE SALE PROHIBITED

F3-120H-OP-UL-CT

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

PREMIUM



SENECA

72's

BLUE



54-TL-25



PREMIUM



AMERICA'S
FINEST BLEND

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

48789-0 CM

97

UNDERAGE
SALE
PROHIBITED

20 CLASS
A
CIGARETTES



SENECA

FULL FLAVOR
100'S



SENECA

FULL FLAVOR
100'S

MADE UNDER THE
AUTHORITY OF
TOBACCOVILLE
USA, INC.
USA

MADE IN
CANADA

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



F2-100S-SE-FF-LB
WIN 1

SENECA

FULL FLAVOR
100'S



10 SOFT PACKS

PREMIUM

UNDERAGE SALE PROHIBITED



SENECA

EXTRA SMOOTH MENTHOL
100's

SENECA

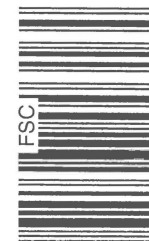
EXTRA SMOOTH MENTHOL
100's

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

NOT AFFILIATED WITH THE
SENECA NATION OF INDIANS

MADE UNDER THE AUTHORITY OF
TOBACCOVILLE, USA, INC.
USA
MADE IN CANADA

54-TL-25



100's

EXTRA SMOOTH MENTHOL

SENECA



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

Division of
Advertising Practices

May 15, 2012

Barry Boren
One Datran
9100 South Dadeland Boulevard
Suite 1809
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 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Canadian Agricultural Depot, LLC ("CAD"), dated May 1, 2012, calling for: (1) quarterly rotation of the four health warnings in advertising up to ten square feet in size for the Couture and Opal brands of cigarettes; (2) expansion of CAD's July 27, 2010 advertising plan for the Seneca brand to include multiple-brand advertising; (3) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Couture and Opal brands; and (4) expansion of CAD's January 19, 2012 plan for simultaneous display of the warnings on packaging for the Seneca brand to include additional varieties of that brand.

CAD's plan for rotation of the warnings in advertising up to ten square feet in size for the Couture and Opal brands of cigarettes is hereby approved. CAD's expansion of its July 27, 2010 advertising plan to include multiple-brand advertising is also approved. Approval of the advertising plan assumes that the plan is implemented in good faith.

CAD'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

¹ Although the warnings on the cartons for the 72's hard pack and Extra Smooth Menthol 100's soft pack varieties of the Seneca brand, and for all five varieties of the Opal brand submitted on February 22, 2012 were not sufficiently conspicuous, corrected samples were submitted on May 1, 2012. This approval pertains only to packaging that meets the requirements of the Cigarette Act in force as of the date of this letter.

<u>Brand</u>	<u>Date(s)</u>
Couture	February 22, 2012
Opal	February 22, 2012 (packs only) May 1, 2012 (cartons only)
Seneca	February 22, 2012 May 1, 2012

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

- Six "Slims" king size hard pack varieties of the Couture brand: Ruby, Amethyst, Diamond, Aquamarine, Turquoise, and Sapphire;
- Five "Super Thins" 120's hard pack varieties of the Opal brand: Full Flavor, Smooth, Ultra, Menthol, and Smooth Menthol; and
- Fourteen varieties of the Seneca brand: Full Flavor soft pack (Kings and 100's), Blue soft pack (Kings and 100's), Silver soft pack (Kings and 100's), Menthol soft pack (Kings and 100's), Smooth Menthol soft pack (Kings and 100's), Extra Smooth Menthol 100's soft pack, Full Flavor 72's hard pack, Blue 72's hard pack, and Menthol 72's 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.

I wish to remind you that the Commission's January 23, 2012 approval of CAD's cigarette health warning statement rotation plan for packaging of certain hard pack varieties of the Seneca brand runs through January 22, 2013 (or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first) and that this letter does not extend that approval period.

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

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.

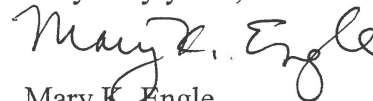
Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for CAD's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of CAD's packaging and advertising under the FSPTCA or any 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 May 14, 2013, 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 Randy Fixman at (202) 326-2897.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly distinguishable.

Mary K. Engle
Associate Director



Vector Tobacco Inc.

Victoria Spier Evans
Corporate Counsel

Tel 919-990-3590
Fax 919-990-3505
vspierevans@lvbrands.com

May 14, 2012

VIA FEDERAL EXPRESS

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

RE: Application to Renew Vector Tobacco Inc. Consolidated Rotation Plan
For *Eagle 20's*, *Silver Eagle* and *USA* Cigarette Brands and Brand Styles

Dear Ms. Engle:

Vector Tobacco Inc. ("Vector Tobacco") hereby submits this renewal application for its consolidated warning rotation plan (the "Plan") pursuant to the Federal Cigarette Labeling and Advertising Act (the "Act"), 15 U.S.C. § 1333(c). We are requesting simultaneous rotation of the four required warnings, in accordance with 15 U.S.C. § 1333(c)(2)(C), for the following Vector Tobacco brands: (1) *Eagle 20's*, (2) *Silver Eagle*, and (3) *USA*.

As you are aware, Vector Tobacco received approval for simultaneous rotation of label warnings for its *Eagle 20's*, *Silver Eagle*, and *USA* brands on June 3, 2011. The current plan is set to expire on June 2, 2012. Through the date of this request, the Surgeon General's warnings on the packages for the *Eagle 20's*, *Silver Eagle*, and *USA* brand styles have been equalized, in accordance with the existing label rotation plan. Vector Tobacco box and soft pack labels are printed in such a way that all four warnings are printed with each revolution of one printing cylinder. For the cartons, two printing cylinders are alternated during the printing process to achieve equal warnings within a single pallet of packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of all four warnings and for the soft pack labels rolls each containing a mix of all four warnings. In the manufacturing process, packaging is taken from the pallet and loaded into the packaging equipment as it is removed from the pallet, in the order that it is on the pallet, without any attempt to adjust or control that order. Accordingly, as each pallet of packing is used in the manufacturing process, the cigarettes produced using that

Ms. Mary K. Engle
May 14, 2012
Page 2 of 2

packaging from that pallet will bear each of the four warnings in equal numbers, subject to limitations to the commercial printing and manufacturing practices.

Therefore, Vector Tobacco hereby requests that the FTC renew Vector Tobacco's Plan with respect to all current brand styles of *Eagle 20's*, *Silver Eagle* and *USA* listed on Exhibit B. This application is for a one-year period beginning on the date of approval of this application.

Enclosed with my April 3, 2012 letter was an affidavit of Francis G. Wall, Vice President of Finance, with Exhibits A and B, which set forth information on total U.S. and Vector Tobacco cigarette sales in calendar year 2011 for the brand styles of the Vector Tobacco brands, establishing that all brand styles covered by the Plan qualify for simultaneous rotation.

The information contained in the affidavit and exhibits is confidential and proprietary business information of Vector Tobacco. We ask that this information be kept confidential by the FTC, pursuant to its applicable rules and procedures.

The four health warnings required by 15 U.S.C. § 1333(a)(1) shall be printed on the packs and cartons of each brand style of the Vector Tobacco brands an equal number of times within the one year period beginning on the date of approval of this Plan. These warnings will appear exactly as shown on the sample packaging previously submitted in connection with Vector Tobacco's Plan and subsequent letters approved by the FTC. Packaging samples were submitted for: *Eagle 20's* on January 6, 2011, May 3, 2010, March 25, 2004 and July 22, 2004, *Silver Eagle* on May 3, 2010, September 2 and 8, 2005, and *USA* on May 3, 2010, April 12 and November 15 and 22, 2002. There have been no changes to the packaging design for Vector Tobacco's cigarette packaging previously submitted and approved.

This will also confirm that Vector Tobacco, in the ordinary course of business, maintains records of compliance with the Plan.

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

Very truly yours,

A handwritten signature in cursive script that reads "Victoria Spier Evans".

Victoria Spier Evans

EXHIBIT B**Vector Tobacco Inc.
Application to Renew Cigarette Warning Plan
Dated April 3, 2012**

Brand	Brand Style Name	2011 Units Sold
EAGLE 20'S	Non-Filter Kings Soft Pack	
EAGLE 20'S	Full Flavor Kings Soft Pack	
EAGLE 20'S	Full Flavor Kings Box	
EAGLE 20'S	Full Flavor 100's Soft Pack	
EAGLE 20'S	Full Flavor 100's Box	
EAGLE 20'S	King Gold Soft Pack	
EAGLE 20'S	Gold 100's Soft Pack	
EAGLE 20'S	Gold 100's Box	
EAGLE 20'S	Blue 100's Soft Pack	
EAGLE 20'S	Menthol Full Flavor Kings Soft Pack	
EAGLE 20'S	Menthol Full Flavor 100's Soft Pack	
EAGLE 20'S	Menthol Silver 100's Soft Pack	
EAGLE 20'S	Non-Filter Kings Box	
EAGLE 20'S	Red Kings Box	
EAGLE 20'S	Red 100s Box	
EAGLE 20'S	Blue Kings Box	
EAGLE 20'S	Blue 100s Box	
EAGLE 20'S	Orange Kings Box	
EAGLE 20'S	Orange 100s Box	
EAGLE 20'S	Menthol Gold Kings Box	
EAGLE 20'S	Menthol Gold 100s Box	
EAGLE 20'S	Menthol Silver Kings Box	
EAGLE 20'S	Menthol Silver 100s Box	
SILVER EAGLE	Non-Filter Kings Soft Pack	
SILVER EAGLE	Full Flavor Kings Box	
SILVER EAGLE	Full Flavor 100's Soft Pack	
SILVER EAGLE	Full Flavor 100's Box	
SILVER EAGLE	Gold Kings Box	
SILVER EAGLE	Gold 100's Soft Pack	
SILVER EAGLE	Gold 100's Box	
SILVER EAGLE	Blue 100's Box	
SILVER EAGLE	Menthol Full Flavor Kings Box	
SILVER EAGLE	Menthol Full Flavor 100's Soft Pack	
SILVER EAGLE	Menthol 100's Soft Pack	
SILVER EAGLE	Menthol Kings Box	
SILVER EAGLE	Blue Slims 120's	
SILVER EAGLE	Menthol Slims 120's	
USA	Kings (Full Flavor) Soft Pack	
USA	Kings (Full Flavor) Box	
USA	100's (Full Flavor) Soft Pack	
USA	100's (Full Flavor) Box	
USA	Blue Kings Soft Pack	
USA	Blue Kings Box	
USA	Blue 100's Soft Pack	
USA	Blue 100's Box	
USA	Silver 100's Soft Pack	
USA	Menthol Kings (Full Flavor) Box	
USA	Menthol 100's (Full Flavor) Soft Pack	
USA	Menthol Silver Kings Box	
USA	Menthol Silver 100's Soft Pack	



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

Division of Advertising Practices

May 16, 2012

Victoria Spier Evans
Vector Tobacco Inc.
3800 Paramount Parkway
Suite 250
P.O. Box 2010
Morrisville, NC 27560

Dear Ms. Evans:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Vector Tobacco Inc. ("Vector") on May 14, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Eagle 20's, Silver Eagle, and USA brands of cigarettes.

Vector'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 meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:¹

Brand

Date(s)

Eagle 20's

March 25, 2004
July 22, 2004
May 3, 2010
January 6, 2011

¹ Vector stated in its May 14, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission has previously approved.

Silver Eagle	September 2, 2005 September 8, 2005 May 3, 2010
USA	April 12, 2002 November 15, 2002 November 22, 2002 May 3, 2010

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

- Twenty-three varieties of the Eagle 20's brand: Non-Filter Kings (soft pack and box), Full Flavor soft pack (Kings and 100's), Full Flavor box (Kings and 100's), Gold soft pack (Kings and 100's), Gold box 100's, Blue box (Kings and 100s), Blue 100's soft pack, Menthol Full Flavor soft pack (Kings and 100's), Red box (Kings and 100s), Orange box (Kings and 100s), Menthol Gold box (Kings and 100s), Menthol Silver box (Kings and 100's), and Menthol Silver 100's soft pack;
- Fourteen varieties of the Silver Eagle brand: Non-Filter Kings soft pack, Full Flavor Kings box, Full Flavor 100's (soft pack and box), Gold Kings box, Gold 100's (soft pack and box), Blue 100's box, Menthol Full Flavor Kings box, Menthol Full Flavor 100's soft pack, Menthol Kings box, Menthol 100's soft pack, Blue Slims 120's, and Menthol Slims 120's; and
- Thirteen varieties of the USA brand: Full Flavor Kings (soft pack and box), Full Flavor 100's (soft pack and box), Blue Kings (soft pack and box), Blue 100's (soft pack and box), Silver 100's soft pack, Menthol Full Flavor Kings box, Menthol Full Flavor 100's soft pack, Menthol Silver Kings box, and Menthol Silver 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 Vector'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 Vector's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on

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.

Victoria Spier Evans
May 16, 2012
Page 3

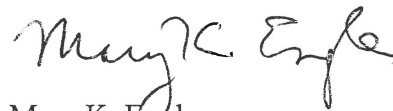
packaging or in advertising for Vector's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Vector's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under 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. The FSPTCA also imposes registration and reporting requirements on tobacco manufacturers and importers. Moreover, the FSPTCA's "modified risk tobacco provisions" address the use of descriptors such as "light." 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 May 15, 2013, 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

Beedies LLC

1549 Shadow Oaks Road

Kissimmee Fl 34744

Ph. 407 893 3200

Or 407 738 6187

Fax 407 540 9559

TTB Permit# FL-TI-15119

11 May 2012

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

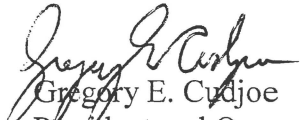
Dear Madam,

I am requesting renewal of the **Health Warning Statement Rotation Plan for Mangalore Ganesh Beedies 501 (MGB 501)**, brand style beedi cigarette (soft cone pack) in the United States of America. This is the only brand style manufactured by Mangalore Ganesh Beedies Works located in Mysore India and the only brand style of cigarettes Beedies LLC imports. No changes were made to the packaging. If in the future, a decision is made to import different brands, a separate request will be submitted at that time.

No sales were made within the **continental USA** during Fy11. However sales were made in the **United States Virgin Islands (USVI)** during the period, 31 January 2011 to 31 March 2012 a total of [REDACTED] MGB 501 sticks. The warnings will appear exactly as shown on the sample packs and cartons that were enclosed with my April 28 2010 letter. We will display the four health warnings an equal number of times on the packs and cartons by printing the four health warnings simultaneously in equal numbers at the time of both the pack and carton print runs for the MGB 501 brand. We will keep records demonstrating compliance with this plan. We do not anticipate sales to exceed [REDACTED] sticks of the MGB 501 Brand style for the continental USA and all its territories, we import for Fy12.

We do not intend to advertise **MGB 501** at this time. However if we decide to advertise in the future, we will submit an advertising plan to the FTC before.

Sincerely


Gregory E. Cudjoe
President and Owner



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

Division of
Advertising Practices

May 17, 2012

Gregory E. Cudjoe
President
Beedies, LLC
1549 Shadow Oaks Road
Kissimmee, FL 34744

Dear Mr. Cudjoe:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Beedies, LLC on May 11, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for one variety of the Mangalore Ganesh Beedies 501 brand of cigarettes.

Beedies LLC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the health warnings on the sample packs and cartons submitted with your letter dated April 28, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Beedies LLC's plan for simultaneous display of the four health warnings on packaging for the Mangalore Ganesh Beedies 501 brand (cone shaped packs) is hereby approved.

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

¹ Although some of the warnings on the sample packs and cartons previously submitted contained spelling or punctuation errors, or were not sufficiently conspicuous, corrected samples were submitted on April 28, 2010. Beedies, LLC stated in its May 11, 2012 letter that the four health warnings will continue to appear exactly as shown on the corrected samples submitted on April 28, 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.

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

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

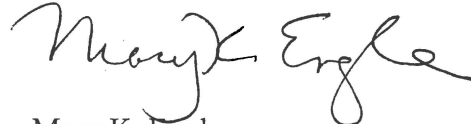
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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 May 16, 2013, 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 Sallie Schools at (202) 326-3344.

Very truly yours,



Mary K. Engle
Associate Director

LAW OFFICES OF
BARRY M. BOREN

One Datran
9100 South Dadeland Boulevard
Suite 1809
Miami, Florida 33156

borenlaw@bellsouth.net

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

May 15, 2012

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

Attention: Ms. Sallie Schools

Surgeon General's Health Warning Equalization Plan
for Konci G & D Management Group (USA), Inc.
for Golden Deer Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for a manufacturer¹ of tobacco products, Konci G & D Management Group (USA), Inc. ("Konci"), a New York corporation with offices located at 139 Centre Street, Suite 510, New York, New York 10013. Konci wishes to file a Surgeon General's Health Warning Equalization Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they wish to manufacture in the United States under the brand name "Golden Deer." The contact person for the company will be its President, Dominic Chu, who can be reached at the above address. His telephone number is (646) 613-9393.

The brand styles of Golden Deer cigarettes Konci intends to manufacture are listed on Exhibit "A." Enclosed with our submission of April 23, 2012 were the actual production packs and cartons for the Golden Deer brand (listed on Exhibit "A"). This packaging shows exactly where and how the four (4) Surgeon General's health warnings will appear on the individual packs and cartons Konci will be manufacturing.

In fiscal year 2011, Konci manufactured approximately [REDACTED] Golden Deer

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

brand cigarettes. In fiscal year 2012² to date, Konci has manufactured approximately [REDACTED] Golden Deer brand cigarettes. In fiscal year 2012, Konci anticipates manufacturing approximately [REDACTED] cigarettes of its Golden Deer brand cigarettes.

In addition to the Golden Deer cigarettes Konci is manufacturing in the United States, it also imports Chung Hwa brand cigarettes and Double Happiness brand cigarettes. In fiscal year 2011, Konci imported approximately [REDACTED] Chung Hwa brand cigarettes and [REDACTED] Double Happiness brand cigarettes. In fiscal year 2012 to date, Konci has imported approximately [REDACTED] Chung Hwa brand cigarettes and [REDACTED] Double Happiness brand cigarettes. In fiscal year 2012, Konci anticipates importing approximately [REDACTED] Chung Hwa brand cigarettes and [REDACTED] Double Happiness brand cigarettes.

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

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

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

Konci understands that the FTC is charged with ensuring that Konci'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.

Konci will print all four (4) health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die cut, each

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

Ms. Mary K. Engle, Associate Director
Division of Advertising Practices

May 15, 2012
Page 3

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, Konci 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.

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, any State Government, or any instrumentality thereof.

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

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

BMB:mw/encs.

KONCI G & D MANAGEMENT GROUP (USA) INC.
BRAND STYLES OF CIGARETTES
EXHIBIT "A"

GOLDEN DEER

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

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

Selected packaging samples from those
submitted with the plan.

20 CLASS A
CIGARETTES

UNDERAGE
SALE
PROHIBITED

AMERICAN BLEND



AMERICAN BLEND



415-1014-D

1 2 3 4 5 6 7 8 9 10 11 12

KING SIZE

FILTER CIGARETTES
MADE IN USA



FILTER CIGARETTES
MADE IN USA

KING SIZE



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



FSC

Manufactured under
license from
Shanghai Tobacco Group
Made in USA

TP-NC-15000

AMERICAN BLEND



**GOLDEN
DEER**

RED

100's

FILTER CIGARETTES
MADE IN USA

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

**GOLDEN
DEER**

RED

100's

UNDERAGE
SALE PROHIBITED

TP-NC-15000



FSC

FILTER CIGARETTES
MADE IN USA

100's

RED

DEER





Division of
Advertising Practices

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

May 23, 2012

Barry Boren
One Datan
9100 South Dadeland Blvd., Suite 1809
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 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Konci G & D Management Group (USA), Inc. ("Konci") on May 15, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Golden Deer brand of cigarettes.

Konci's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated April 23, 2012 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Konci's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight box varieties of the Golden Deer brand: Red (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), and Menthol Green (Kings and 100's).

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

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

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

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

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

This approval is effective on the date of this letter and runs through May 22, 2013, 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 Randy Fixman at (202) 326-2897.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly distinguishable.

Mary K. Engle
Associate Director



May 18, 2012

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

Re: Premier Manufacturing, Inc. -Yearly compliance approval request

Dear Ms. Mary Engle:

We would like to request renewal for 1st Class Brand, Ultra Buy Brand, Shield Brand, and Wildhorse Brand. There are no changes in packaging for these Brands since our submission on June 20, 2011. The warnings will appear exactly as shown on the sample packs and cartons submitted with my May 9, 2011 letter.

Premier Manufacturing would like to continue to display the four health warnings an equal number of times on the packs and cartons for each brand style of the 1st Class, Ultra Buy, Shield and Wildhorse brands for the one-year period beginning on the date of approval of this plan. We will achieve equalization of the four warnings on the packs and cartons of each brand style by having all four warnings printed simultaneously at the time of both pack and carton print runs. Premier will keep records demonstrating compliance with the plan.

The four warnings that will be displayed are:

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

Premier will continue to comply with the advertising rotation plans previously filed for its brands on November 25, 2002, May 23, 2003 and July 16, 2003.

Page 1 of 2

www.GoPremier.com

17998 Chesterfield Airport Road. • Chesterfield, Missouri 63005 • (636) 537-5348 • Fax (636) 537-3359 • email: info@gopremier.com

Our sales for the last fiscal year (calendar year 2011) did not exceed [REDACTED] sticks for any one brand style. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan.

Below are the Brand styles that we have previously had approved for the 1st Class, Ultra Buy, Shield and Wildhorse brands on June 24, 2011 that we intend to continue to manufacture. The warnings for these brand styles will appear exactly as they do on the sample packs and cartons submitted with my May 9, 2011 letter.

- ten varieties of the Shield Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100 Box, Silver Kings Box, Silver 100's Box, and Non Filter King soft pack;
- ten varieties of the Wildhorse Brand: Red Kings Box, Red 100's Box, Gold Kings Box, Gold 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Silver King Box, Silver 100's Box, Menthol Silver 100's Box, and Non Filter King soft pack;
- fourteen varieties of the 1st Class Brand: Red Kings (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Kings Box, Blue 100's (Soft Pack and Box), Menthol Green Kings Box, Menthol Green 100's (Soft Pack and Box), Menthol Silver 100's Box, Silver 100's (Soft Pack and Box), and Non Filter King Soft Pack; and
- fourteen varieties of Ultra Buy Brand: Red Kings (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Kings Box, Blue 100's (Soft Pack and Box), Menthol Green Kings Box, Menthol Green 100's (Soft Pack and Box), Menthol Silver 100's Box, Silver 100's (Soft Pack and Box) and Non Filter King Soft Pack.

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

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

Sincerely,



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

www.GoPremier.com



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

Division of
Advertising Practices

June 6, 2012

Terri Albright
Premier Manufacturing, Inc.
17998 Chesterfield Airport Road
Chesterfield, MO 63005

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Premier Manufacturing, Inc. ("Premier") dated May 18, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1st Class, Shield, Ultra Buy and Wildhorse brands of cigarettes.

Premier's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated May 9, 2011 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

¹ Premier stated in its May 18, 2012 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on May 9, 2011.

- Fourteen varieties of the 1st Class Brand: Red Kings (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Kings Box, Blue 100's (Soft Pack and Box), Menthol Green Kings Box, Menthol Green 100's (Soft Pack and Box), Menthol Silver 100's Box, Silver 100's (Soft Pack and Box), and Non-Filter Kings Soft Pack;
- Ten varieties of the Shield Brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Silver Box 100's, and Non-Filter Kings Soft Pack;
- Fourteen varieties of the Ultra Buy Brand: Red Kings (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Kings Box, Blue 100's (Soft Pack and Box), Menthol Green Kings Box, Menthol Green 100's (Soft Pack and Box), Menthol Silver 100's Box, Silver 100's (Soft Pack and Box) and Non-Filter Kings Soft Pack; and
- Ten varieties of the Wildhorse Brand: Red Box (Kings and 100's), Gold Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Silver 100's Box, and Non-Filter Kings Soft Pack.

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

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

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

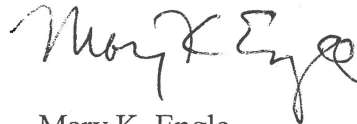
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Terri Albright
June 6, 2012
Page 3

This approval is effective on the date of this letter and runs through June 5, 2013, 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 Sallie Schools at (202) 326-3344.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. Engle", with a stylized flourish at the end.

Mary K. Engle
Associate Director

LAW OFFICES
SILVER, MCGOWAN & SILVER, P.C.

1612 K STREET, N.W. SUITE 1204
WASHINGTON, D.C. 20006

TEL: (202) 861-1200

FAX: (202) 861-1268

William J. McGowan

WJMcGowan@SMS-LawFirm.Com

June 7, 2012

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

Cigarette Health Warning Rotation Plan

Submitted on Behalf of Susan Jesmer d/b/a Native Trading Associates ("NTA")

Dear Ms Engle:

Susan Jesmer continues as a sole proprietor doing business as Native Trading Associates and the address for NTA and the location of its factory remains 442 Frogtown Road, Hogansburg, New York 13655. She can be contacted at 518-358-4262.

On behalf of our above referenced client, this firm hereby submits NTA's Surgeon General's Equalization Plan as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended, for Native brand soft pack and hard pack varieties and for Mohawk brand hard pack varieties.

NTA previously submitted its 2011 Native Packaging Plan on June 8, 2011 and your office approved the Plan on June 10, 2011. NTA previously submitted its 2010 Native Packaging Plan on August 17, 2010 and your office approved the Plan on August 17, 2010. Your office previously approved, on July 22, 2005, a cigarette health warning

Ms Mary Engle
June 7, 2012
Page 2

display plan for certain Native soft pack varieties which had been submitted on July 7, 2005. In addition, your office previously approved, on September 9, 2005, a cigarette health warning display plan for certain Native hard pack varieties which had been submitted on August 31, 2005. Your office also previously approved, on September 4, 2008, a cigarette health warning display plan for the Native non-filter king size hard pack and the Native non-filter king size soft pack varieties which had been submitted August 18, 2008. On June 21, 2010 NTA submitted a request to rename and repackage certain styles of Native brand soft pack and hard pack varieties and that request was approved by your office on June 21, 2010.

NTA's current approval to display the warnings on packaging expires June 8, 2012. NTA wishes to renew its plan for the 24 Native brand styles and six (6) Mohawk brand styles. NTA represents that the 24 Native brand cigarette styles and six (6) Mohawk brand styles listed in its June 8, 2011, plan have been equalized to this date. The four warnings have been and will be equalized by printing the four warnings simultaneously in equal numbers on each printed sheet of packaging for all its packs and cartons so that when the sheets are cut each shipment will be approximately equalized.

The cigarettes covered by this plan are the following U.S. manufactured Native brand style cigarettes, which will display health warnings complying with the Surgeon General warning language set forth in the statute:

Native Full Flavor King Soft
Native Full Flavor 100's Soft
Native Full Flavor King hard pack
Native Full Flavor 100's hard pack
Native King Soft (Blue)*

Native 100's Soft (Blue)*
Native Menthol King Soft (Green)*
Native Menthol 100 Soft (Green)*
Native King Soft (Ultra in light blue packaging)*
Native 100's Soft (Ultra in light blue packaging)*
Native King hard pack (Blue)*
Native 100's hard pack (Blue)*
Native King hard pack (Ultra in light blue packaging)*
Native 100's hard pack (Ultra in light blue packaging)*
Native Menthol King hard pack (Green)*
Native Menthol 100's hard pack (Green)*
Native Menthol King Soft
Native Menthol 100's Soft

Native Menthol 100's hard pack
Native Menthol King hard pack
Native Non-Filter King hard pack
Native Non-Filter King soft pack
Native Select King hard pack
Native Select 100's hard pack

The FOUR (4) health warnings for the soft and hard pack Native full flavor in king and 100's and soft and hard pack Native menthol in king and 100's will appear exactly as they do on the packs submitted with our letter of August 2, 2010. For the non-filtered king sized soft and hard packs, the FOUR (4) health warnings for the packs will appear exactly as they do on the packs which were submitted to you with the March 24, 2008, letter. For the renamed and repackaged styles listed above and indicated with an asterisk, the FOUR (4) health warnings will appear exactly as they do on the packs that were submitted with my June 9, 2010

and May 22, 2010 letters to you. The FOUR (4) health warnings for the cartons for all 24 styles covered by NTA's current Plan continue to appear exactly as they do on the cartons submitted with our August 2, 2010 letter. The FOUR (4) health warnings for the two (2) Native brand Select styles (Native Select King hard pack and Native Select 100's hard pack) will appear exactly as they appear on the pack and carton samples which were submitted with our March 28, 2011, letter. NTA will maintain records to demonstrate compliance with the Plan.

In addition, NTA's Plan includes the following hard pack varieties of the brand Mohawk:

- Mohawk Full Flavor King Box (Red)
- Mohawk King Box (Gold)
- Mohawk King Box (Silver)
- Mohawk Menthol King Box (Green)
- Mohawk Menthol King Box (Light Green)
- Mohawk Non-Filter King Box (Brown)

Except for the Mohawk non-filter style, the FOUR (4) health warnings for the above noted NTA "Mohawk" brand styles will appear exactly as they appear on the samples of pack and carton packaging which were submitted with our March 28, 2011, letter. The FOUR (4) health warnings for the Mohawk non-filter style will appear exactly as they appear on the pack and carton samples which were submitted with our April 8, 2011, letter. NTA will maintain records to demonstrate compliance with the Plan.

NTA's sales figures for calendar year 2011 and projected sales figures for calendar year 2012 (NTA uses the calendar year as its fiscal year) are provided at Exhibit A. NTA does not manufacture or import any other brands. As shown in Exhibit A, each of the styles manufactured by NTA in 2011 were packaged into brand styles that met the requirements of the Cigarette Act with respect to warning equalization, (i.e., less than one quarter of one percent of all cigarettes sold in the United States) for the fiscal year and all of NTA brand styles are projected to meet the requirements for 2012. Based on the above, NTA requests continued approval to use the rotation option provided in Section 1333(c)(2). NTA will equalize the FOUR (4) health warnings on the packs and cartons for each style of the Native and Mohawk brands, continually throughout the one year period beginning on the date of approval of this Plan.

The required warnings will be printed directly on the packs and cartons and in a conspicuous location as required under the Federal Cigarette Labeling and Advertising Act ("FCLAA"). NTA will maintain records to demonstrate compliance with the Plan.

ADVERTISING

NTA's July 7, 2005, advertising plan for advertisements up to ten feet square in size (formats 1-7) was approved on July 22, 2005. On September 22, 2009, NTA requested its Plan related to advertising be expanded in order for NTA to advertise its Native brand cigarette on advertisements of three sizes: (1) from 160 to 350 square feet; (2) from 350 square feet up to 1,200 square feet; and (3) over 1,200 square feet to be displayed during the period 1 October 2009 until December 31, 2009 and to display the following warning:

Ms Mary Engle
June 7, 2012
Page 6

Fourth Quarter Warning (October-December): SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide. That request to expand the Plan was approved on October 8, 2009. On January 19, 2011, NTA also requested that its Plan for advertising further be modified overall and expanded to include advertising from ten square feet to over 1,200 square feet (formats 8-14) throughout the year. That request was approved on February 9, 2011.

NTA's June 8, 2011 plan for advertising the Mohawk brand was approved on June 10, 2011. The warning formats for Mohawk brand advertisements are exactly the same as the formats previously submitted and approved as part of NTA's Native advertising plan. NTA will maintain compliance with the plans outlined above.

The warnings for the Native and Mohawk brand advertising shall continue to be rotated in accordance with the schedule for Warning Rotation which is enclosed as Exhibit B herewith.

Please contact me at any time with questions or any other requests.

Very truly yours,

SILVER, MCGOWAN & SILVER, P.C.

By:  William J. McGowan

NATIVE BRANDS - SALES BY ITEM

2011

2012 Projected

		Cases	STICKS	Cases	Sticks
<u>NATIVE</u>	Native Full Flavor King Soft				
	Native Full Flavor 100's Soft				
	Native Full Flavor 100's Hard Pack				
	Native Full Flavor King Hard Pack				
	Native King Soft (Blue)				
	Native 100's Soft (Blue)				
	Native 100's Hard Pack (Blue)				
	Native King Hard Pack (Blue)				
	Native Menthol King Soft				
	Native Menthol 100's Soft				
	Native Menthol 100's Hard Pack				
	Native Menthol King Hard Pack				
	Native Menthol King Soft (Green)				
	Native Menthol 100's Soft (Green)				
	Native Menthol 100's Hard Pack (Green)				
	Native Menthol King Hard Pack (Green)				
	Native Non-Filter King Soft Pack				
	Native Non-Filter King Hard Pack				
	Native 100's Hard Pack (Ultra in light blue packaging)				
	Native King Soft (Ultra in light blue packaging)				
	Native 100's Soft (Ultra in light blue packaging)				
	Native King Hard Pack (Ultra in light blue packaging)				
	Native Select King Hard Pack				
	Native Select 100's Hard Pack				
<u>MOHAWK</u>					
	Mohawk Full Flavor King Box (Red)				
	Mohawk King Box (Gold)				
	Mohawk King Box (Silver)				
	Mohawk Menthol King Box (Green)				
	Mohawk Menthol King Box (Light Green)				
	Mohawk Non-Filter King Box (Brown)				

	NATIVE	MOHAWK
1 st Quarter (Jan.-March)	A	B
2d Quarter (April-June)	B	C
3d Quarter (July-Sept.)	C	D
4 th Quarter (Oct.-Dec.)	D	A

WARNINGS FOR ADVERTISING FEWER THAN 160 SQUARE FEET

A. First Quarter Warning (January - March): SURGEON GENERAL'S WARNING:

Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

B. Second Quarter Warning (April - June): SURGEON GENERAL'S WARNING:

Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

C. Third Quarter Warning (July - September): SURGEON GENERAL'S WARNING:

Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

D. Fourth Quarter Warning (October - December): SURGEON GENERAL'S WARNING:

Cigarette Smoke Contains Carbon Monoxide.

**WARNINGS FOR BILLBOARD ADVERTISING OVER 160 SQUARE FEET
APPEARS IN ALL CAPITAL LETTERS**

A. First Quarter Warning (January - March): SURGEON GENERAL'S WARNING:

Smoking Causes Lung Cancer, Heart Disease, And Emphysema.

B. Second Quarter Warning (April - June): SURGEON GENERAL'S WARNING:

Quitting Smoking Now Greatly Reduces Serious Health Risks.

C. Third Quarter Warning (July - September): SURGEON GENERAL'S WARNING:

Pregnant Women Who Smoke Risk Fetal Injury And Premature Birth.

D. Fourth Quarter Warning (October - December): SURGEON GENERAL'S WARNING:

Cigarette Smoke Contains Carbon Monoxide.



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

Division of
Advertising Practices

June 8, 2012

William J. McGowan
Silver, McGowan & Silver, P.C.
1612 K Street, NW
Suite 1204
Washington, DC 20006

Dear Mr. McGowan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, et seq. ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Susan Jesmer d/b/a Native Trading Associates ("NTA") on June 7, 2012, calling for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Native and Mohawk brands of cigarettes.

NTA's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates continue 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>Submission Date(s)</u>
Native	March 24, 2008 May 22, 2010 June 9, 2010 August 2, 2010 March 28, 2011
Mohawk	March 28, 2011 April 8, 2011

¹ NTA stated in its June 7, 2012 letter that the four health warnings will appear exactly as shown on the sample packaging submitted on these dates.

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

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

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

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

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

² We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA's June 7, 2012 letter do not always appear on the packaging – e.g., the words "Blue," "Green," "Ultra," "Red," "Gold," "Silver," "Light Green," and "Brown" do not appear on the packaging. However, when a color is used in a variety's name, it does appear to conform to the color used in its packaging. We also note that the word "Menthol" does not appear on the packaging for the "Native Menthol (Green)" and "Mohawk Menthol (Light Green)" varieties.

William J. McGowan
June 8, 2012
Page 3

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

This approval is effective on the date of this letter and runs through June 7, 2013, 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,

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

Mary K. Engle
Associate Director



May 24, 2012

VIA USPS

Ms. Mary K. Engle
Associate Director
Federal Trade Commission
Division of Advertising Practices
Sixth and Pennsylvania Avenue, N.W.
Washington, D.C. 20580
FX: (202)-326-3259

RE: Wind River Tobacco Company, LLC –American Bison® Cigarette & Nashville® Cigarette Labeling Rotation Plan Application Pursuant to 15 U.S.C. §1333(c)(2)

Dear Ms. Engle:

This is an application pursuant to 15 U.S.C. §1333(c)(2) for renewal of the plan of Wind River Tobacco Company, LLC, ("WRTC") for its American Bison® & Nashville® cigarette brands. WRTC's address is Post Office Box 4600, Jackson Hole, Wyoming 83001, with corporate offices at 1315 S. Hwy 89 Suite 202, Jackson, WY 83001 (The U.S. Postal Service, ("USPS"), does not deliver to physical addresses in Jackson, WY. Correspondence by USPS must be addressed to P.O. Box 4600. Non-USPS correspondence carried by UPS, FedEx, etc. must be addressed to 1315 S. Hwy 89 Suite 202, Jackson, WY).

I, Stacy Saunders, Chief Compliance Officer of WRTC confirm and warrant that I will cause the company to conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) are properly displayed for American Bison® & Nashville® cigarettes. WRTC will display the four warnings so that they will appear an equal number of times on the packs and cartons of each brand style of American Bison® Cigarettes & Nashville® Cigarettes it manufactures during the twelve month period following approval of this application. We will achieve this by having all warnings print simultaneously at the time of both pack and carton print runs. Wind River Tobacco will keep records of compliance for the submitted rotation plan.

P.O Box 4600 • 1315 S Hwy 89 Suite 202 • Jackson Hole, WY 83001
PH: 307-733-3878 • FX: 307-733-3899

WRTC manufactures American Bison® Cigarettes & Nashville® Cigarettes under our tobacco manufacturing license number TP-TN-15001.

During 2012, WRTC plans to manufacture four brand styles of American Bison® Cigarettes: (1) Bold Filter King Size Soft Pack Cigarettes (2) Mellow Filter King Size Soft Pack Cigarettes (3) Bold Organic Filter King Size Soft Pack Cigarettes (4) Mellow Organic Filter King Size Soft Pack Cigarettes and three brand styles of Nashville® Cigarettes: (1) Full Flavor Filter King Size Soft Pack Cigarettes; (2) Smooth Filter King Size Pack Soft Pack Cigarettes and (3) Menthol Filter King Size Soft Pack Cigarettes. 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.

WRTC operates on a calendar year. WRTC believes that sales of American Bison® Cigarettes & Nashville® Cigarettes will not exceed one quarter of one percent of cigarettes manufactured in the United States during calendar year 2012. The combined sales of each of WRTC's four American Bison® & three Nashville® brand styles which are the only brands and brand styles manufactured by WRTC were well below one quarter of one percent of the cigarettes sold in the United States during 2011. These determinations are based upon WRTC's records showing that sales made during calendar year 2011 were [REDACTED] American Bison® Cigarette sticks and [REDACTED] Nashville® Cigarette sticks. Estimated 2012 sales are: [REDACTED] sticks. The statutory requirement that more than half of WRTC's brand styles fall below the maximum volume will be satisfied as well.

As you know, cigarette labeling in the United States is governed by the Federal Cigarette Labeling and Advertising Act, as amended, 36 U.S.C. §§1331-41. The Commission may grant the twelve month alternative to the quarterly rotation cycle that WRTC 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 1 percent of all the cigarettes sold in the United States in such year, and
- (ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i).

WRTC submitted its plan for advertising the American Bison® brand in advertisements not exceeding 720 square inches on April, 23 2002. WRTC submitted its internet advertising plan for the American Bison® brand on June 16th 2004 and for the Nashville® brand on February 9th 2006. WRTC will maintain compliance with those plans.

Actual packs and cartons for each brand and style with each of the four warnings were included with the previous submissions. The first submission on April 26, 2011 included packaging styles for two brand styles of American Bison® Cigarettes: (1) Bold Filter King Size Soft Pack Cigarettes (2) Mellow Filter King Size Soft Pack Cigarettes and three brand styles of

Nashville® Cigarettes: (1) Full Flavor Filter King Size Soft Pack Cigarettes; (2) Smooth Filter King Size Pack Soft Pack Cigarettes and (3) Menthol Filter King Size Soft Pack Cigarettes.

The second submission on May 10th contained packaging samples for two brand styles of American Bison® Cigarettes: (1) Bold Organic Filter King Size Soft Pack Cigarettes (2) Mellow Organic Filter King Size Soft Pack Cigarettes. The four cigarette health warnings will appear exactly as shown on the representative samples of packaging for the American Bison® Cigarettes and for the Nashville® Cigarettes brands.

Please let me know if you need any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Stacy Saunders', with a long horizontal flourish extending to the right.

Stacy Saunders
Chief Compliance Officer



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

Division of
Advertising Practices

June 13, 2012

Stacy Saunders
Wind River Tobacco Company, LLC
P.O. Box 4600
Jackson Hole, WY 83001

Dear Ms. Saunders:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Wind River Tobacco Company, LLC ("WRTC") dated May 24, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the American Bison and Nashville brands of cigarettes.

WRTC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated April 26, 2011 (American Bison, Nashville) and May 10, 2011 (American Bison) continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, WRTC's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Four King size soft pack varieties of the American Bison brand: Bold Filter, Mellow Filter, Bold Organic Filter, and Mellow Organic Filter; and
- Three King size soft pack varieties of the Nashville brand: Full Flavor Filter, Smooth Filter, and Menthol Filter.

¹ WRTC stated in its May 24, 2012 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

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

This approval is effective on the date of this letter and runs through June 12, 2013, 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 Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle
Associate Director

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

RENEGADE TOBACCO COMPANY

June 7, 2012

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

***RE: Renegade Tobacco Company –Tucson®, Barton® and Tracker® Cigarette Labeling
Rotation Pursuant to 15 U.S.C. §1333(c)(2)***

Dear Ms. Engle:

This is an application pursuant to 15 U.S.C. §1333(c)(2) for approval of the plan of Renegade Tobacco Company for the display of the health warnings on its Tucson®, Barton® and Tracker® cigarette brands. Renegade Tobacco Company's address is 321 Farmington Road, Mocksville, NC 27028.

I, Peter L. Tourtellot, Trustee of Renegade Tobacco Company, confirm and warrant that I will cause Renegade Tobacco Company to conduct its operations so that there is an equal display of the four warnings on the packs and cartons of each brand style of Tucson®, Barton® and Tracker® cigarettes throughout the year. Renegade Tobacco Company obtains from its printer equal numbers of all four warnings on the packs and cartons of each brand style at the time of shipment of each package order. Renegade Tobacco Company will maintain records demonstrating compliance with this plan.

Renegade Tobacco Company will have manufactured Tracker®, Tucson®, and Barton® cigarettes under tobacco manufacturing license number NC-TP-631. Renegade Tobacco Company currently has manufactured the Tucson®, Barton® and Tracker® brands of cigarettes.

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

321 FARMINGTON ROAD
MOCKSVILLE, NORTH CAROLINA 27028
(336) 940-4818 FAX (336) 940-3669

(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 1 percent of all the cigarettes sold in the United States in such year, and

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

Renegade Tobacco Company's sales for Tucson®, Barton®, and Tracker® brands for fiscal year 2011 are as follows:

- [REDACTED] sticks of Barton® brand cigarettes;
- [REDACTED] sticks of Tracker® brand cigarettes;
- [REDACTED] sticks of Tucson® brand cigarettes.

Renegade received approval of its warning statement display plan for Barton®, Tucson® and Tracker® on June 17, 2011. Renegade Tobacco Company's projected sales for Tucson®, Tracker®, and Barton® Brands for fiscal year 2012 are as follows:

- [REDACTED] sticks of Barton® brand cigarettes;
- [REDACTED] sticks of Tracker® brand cigarettes; and
- [REDACTED] sticks of Tucson® brand cigarettes.

Based on its low sales volume, Renegade Tobacco Company qualifies for the alternative to quarterly rotation of the four health warnings on packaging.

During 2012, Renegade Tobacco Company plans to have manufactured fifteen brand styles of Tucson®:

- (1) Full Flavor Kings – 84mm – Soft Pack Cigarettes;
- (2) Gold Kings (gold packaging) – 84mm – Soft Pack Cigarettes;
- (3) Blue Kings (sky blue packaging) – 84mm – Soft Pack Cigarettes;
- (4) Menthol Full Flavor Kings (dark blue green packaging) – 84mm – Soft Pack Cigarettes;
- (5) Non Filter Kings – 84mm - Soft Pack Cigarettes;
- (6) Menthol Gold Kings (sage green packaging)– 84 mm – Soft Pack Cigarettes;
- (7) Full Flavor 100's– 100mm - Soft Pack Cigarettes;

- (8) Gold 100's (gold packaging) – 100mm - Soft Pack Cigarettes;
- (9) Blue 100's (sky blue packaging) – 100mm – Soft Pack Cigarettes;
- (10) Menthol Full Flavor 100's (dark blue green packaging) – 100mm - Soft Pack Cigarettes;
- (11) Menthol Gold 100's (sage green packaging)-100mm – Soft Pack Cigarettes;
- (12) Full Flavor Kings Box – 84mm – Hard Pack Cigarettes;
- (13) Gold Kings Box (gold packaging) – 84mm – Hard Pack Cigarettes;
- (14) Full Flavor 100's Box – 100mm – Hard Pack Cigarettes; and
- (15) Gold 100's Box (gold packaging) – 100mm – Hard Pack Cigarettes.

During 2012, Renegade Tobacco Company plans to have manufactured twenty-one brand styles of Tracker®:

- (1) Full Flavor Kings – 84mm –Soft Pack Cigarettes;
- (2) Gold Kings (gold packaging) – 84mm – Soft Pack Cigarettes;
- (3) Blue Kings (sky blue packaging) – 84mm –Soft Pack Cigarettes;
- (4) Menthol Full Flavor Kings (dark green packaging) – 84mm – Soft Pack Cigarettes;
- (5) Menthol Gold Kings (light green packaging) – 84mm – Soft Pack Cigarettes;
- (6) Non Filter Kings – 84mm – Soft Pack Cigarettes;
- (7) Full Flavor 100's – 100mm – Soft Pack Cigarettes;
- (8) Gold 100's (gold packaging) – 100mm – Soft Pack Cigarettes;
- (9) Blue 100's (sky blue packaging) – 100mm – Soft Pack Cigarettes;
- (10) Menthol Full Flavor 100's (dark green packaging) – 100mm – Soft Pack Cigarettes;
- (11) Menthol Gold 100's (light green packaging) – 100mm – Soft Pack Cigarettes;
- (12) Red Bear Kings – 84mm – Hard Pack Cigarettes;
- (13) Golden Panther Kings – 84mm – Hard Pack Cigarettes;
- (14) Green Forest Kings – 84mm – Hard Pack Cigarettes;
- (15) Green Mist Kings – 84mm – Hard Pack Cigarettes;
- (16) Blue Eagle Kings – 84mm - Hard Pack Cigarettes;
- (17) Red Bear 100's– 100mm – Hard Pack Cigarettes;
- (18) Golden Panther 100's – 100mm - Hard Pack Cigarettes;
- (19) Green Forest 100's – 100mm - Hard Pack Cigarettes;
- (20) Green Mist 100's – 100mm – Hard Pack Cigarettes; and
- (21) Blue Eagle 100's – 100mm - Hard Pack Cigarettes.

During 2012, Renegade Tobacco Company plans to have manufactured nine brand styles of Barton®:

- (1) Full Flavor Kings – 84mm – Soft Pack cigarettes;
- (2) Blue Kings (royal blue packaging) – 84mm – Soft Pack cigarettes;
- (3) Menthol Full Flavor Kings (dark green packaging) – 84mm – Soft Pack Cigarettes;
- (4) Non Filter Kings – 84mm - Soft Pack Cigarettes;
- (5) Full Flavor 100's– 100mm - Soft Pack Cigarettes;
- (6) Blue 100's (royal blue packaging) – 100mm - Soft Pack Cigarettes;
- (7) Silver 100's (light blue packaging with silver trim) – 100mm – Soft Cigarettes;
- (8) Menthol Full Flavor 100's (dark green packaging) – 100mm - Soft Pack Cigarettes;
- (9) Menthol Gold 100's (light green packaging) – 100mm - Soft Pack Cigarettes.

The actual packs and cartons for each brand style of the Tracker®, Tucson® and Barton® brands with each of the four warnings were submitted with our letter dated March 19, 2012 with the exception of certain packs for Tracker® Menthol Full Flavor 100's, Barton® Menthol Full Flavor Kings, and Tracker® Golden Panther Kings and certain cartons for the Tracker® Menthol Full Flavor 100's and Barton® Menthol Full Flavor 100's brand styles that were missing from the earlier submission and were submitted with our letter dated May 24, 2012. An additional sample pack of the Tucson® Full Flavor Kings soft pack variety missing from our earlier submission is submitted with this letter. The warnings will appear exactly as shown on these samples.

Renegade Tobacco Company does not advertise nor does it intend to advertise. Before engaging in advertising, we will submit a plan to the Federal Trade Commission for the appropriate approvals.

Please let me know if you need any additional information.

Very truly yours,



Peter L. Tourtellot
Trustee

Selected packaging samples from those
submitted with the plan.

Sale to Minors
Prohibited

20 Class A
Cigarettes

TUCSON

TUCSON

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



KINGS
MADE IN USA

Manufactured
Under the Authority of
Renegade Tobacco Co.
1-888-335-4326
TP-NC-631



KINGS
MADE IN USA

TUCSON

KINGS



TU4007



TUCSON

KINGS BOX

MADE IN USA



TUCSON

KINGS BOX

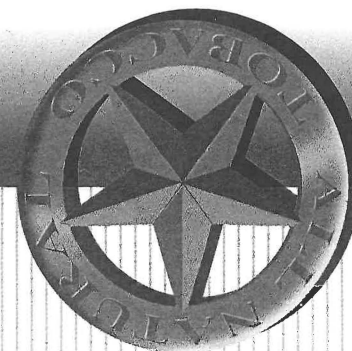
MADE IN USA

MADE IN USA

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

KINGS BOX

TUCSON



Sale to Minors
Prohibited



Please
Don't Litter.

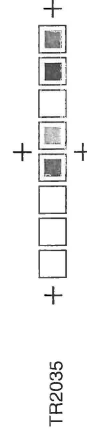
MADE IN USA



BOX



20 CLASS A CIGARETTES



TR2035

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



20 CLASS A CIGARETTES



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



Manufactured by
Alternative Brands, Inc.
Mocksville, NC 27028

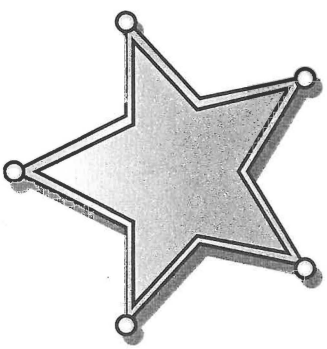
TP-NC-631



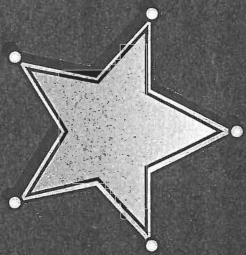
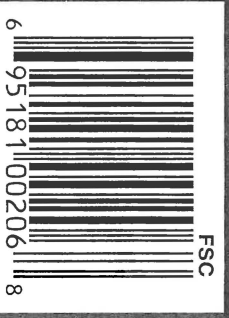
Menthol Full Flavor Kings

Tracker

Menthol Full Flavor Kings



Made in USA

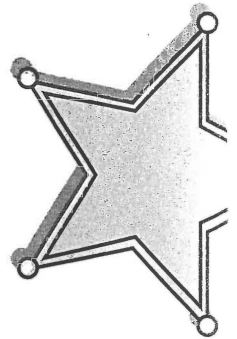


Tracker

Menthol Full Flavor Kings

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

Made in USA



Tracker

Menthol Full Flavor Kings

PREMIUM AMERICAN BLEND

Renegade
Tobacco Co.
Winston-Salem
NC USA
1-888-636-4626

PREMIUM AMERICAN BLEND

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

BARTON
NON FILTER

BARTON
NON
FILTER

BARTON
NON FILTER



Made in USA

20 Class A
Cigarettes

FSC



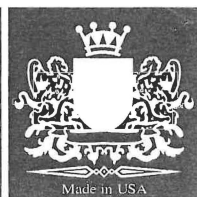
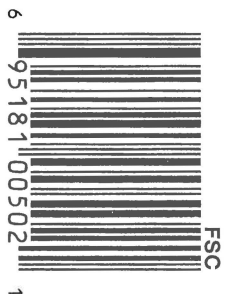
9



Made in USA

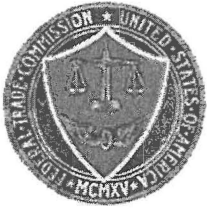
BARTON
NON FILTER





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





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

Division of Advertising Practice

June 13, 2012

Peter L. Tourtellot
Renegade Tobacco Company
321 Farmington Road
Mocksville, NC 27028

Dear Mr. Tourtellot:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Renegade Tobacco Company ("Renegade") on June 7, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Tucson, Tracker, and Barton brands of cigarettes.

Renegade's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 19, 2012 (Tucson, Tracker, Barton), May 24, 2012 (Tracker, Barton) and June 7, 2012 (Tucson) appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Fifteen varieties of the Tucson brand: Full Flavor Kings (Hard Pack and Soft Pack), Full Flavor 100's (Hard Pack and Soft Pack), Gold Kings (Hard Pack and Soft Pack), Gold 100's (Hard Pack and Soft Pack), Blue Kings Soft Pack (sky blue packaging), Blue 100's Soft Pack (sky blue packaging), Menthol Full Flavor Kings Soft Pack (dark blue-green

¹ As set forth in its June 7, 2012 letter, Renegade is using colors in the names of a number of its cigarette varieties (*e.g.*, Tucson Gold Kings Hard Pack). We note that the color names are not always printed on the packaging (*e.g.*, the word "Blue" does not appear on the packaging of the Tracker Blue 100's Soft Pack variety). However, except as indicated by the use of a parenthetical referencing the color used in a variety's packaging – for example, "Tucson Menthol Gold Kings Soft Pack (sage green packaging)" – the color referenced in a variety's name does conform to the color used in its packaging.

packaging), Menthol Full Flavor 100's Soft Pack (dark blue-green packaging), Menthol Gold Kings Soft Pack (sage green packaging), Menthol Gold 100's Soft Pack (sage green packaging), and Non-Filter Kings Soft Pack;

- Twenty-one varieties of the Tracker brand: Full Flavor Soft Pack (Kings and 100's), Gold Soft Pack (Kings and 100's), Blue Kings Soft Pack (sky blue packaging), Blue 100's Soft Pack (sky blue packaging), Menthol Full Flavor Kings Soft Pack (dark green packaging), Menthol Full Flavor 100's Soft Pack (dark green packaging), Menthol Gold Kings Soft Pack (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Soft Pack, Red Bear Hard Pack (Kings and 100's), Golden Panther Hard Pack (Kings and 100's), Green Forest Hard Pack (Kings and 100's), Green Mist Hard Pack (Kings and 100's), and Blue Eagle Hard Pack (Kings and 100's); and
- Nine Soft Pack varieties of the Barton brand: Non-Filter Kings, Full Flavor (Kings and 100's), Blue Kings (royal blue packaging), Blue 100's (royal blue packaging), Silver 100's (light blue packaging with silver trim), Menthol Full Flavor Kings (dark green packaging), Menthol Full Flavor 100's (dark green packaging), and Menthol Gold 100's (light green packaging).

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

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

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

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

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.

Peter L. Tourtellot
June 13, 2012
Page 3

menthol) in cigarettes has been prohibited. The FSPTCA also imposes registration and reporting requirements on tobacco manufacturers and importers, and addresses the marketing and sale of "modified risk tobacco products." 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 June 12, 2013, 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 black ink, appearing to read "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly distinguishable.

Mary K. Engle
Associate Director



VIRGINIA CAROLINA CORPORATION

www.virginiacarolinacorp.com

7575 NW 70th Street, Miami FL 33166

Tel: 305-888-0133 Fax: 305-888-0755

TP-FL1529 EIN: 58-237-3661

Friday, June 01, 2012
Attn: Sallie Schools
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Ave, N.W.
Room NJ-3212
Washington, DC 20580

Ref: Virginia Carolina Corporation Packaging Plan for DIVA King's & 100's and BOSS 100's brand styles of cigarettes and an advertising plan for STAR USA, DIVA and BOSS Brands.

Dear Sallie Schools:

This letter is being submitted for approval of the expansion of Virginia Carolina Corporation's plan for the display of the four Surgeon General's Health Warnings for packaging on certain brand styles listed below. Virginia Carolina Corporation has a plan in place for the display of the four Surgeon General's Health Warnings for packaging for several brand styles of Boss, Star USA and Diva Brand cigarettes; that plan was submitted on August 16, 2011 and approved by the FTC on August 23, 2011. The plan for the display of the four Surgeon General's Health Warnings for packaging for the Boss Brand was expanded to include 7 additional brand styles; that plan was submitted on September 7, 2011 and approved by the FTC on September 15, 2011. At this time, Virginia Carolina Corporation wants to expand its plan for display of the four Surgeon General's Health Warnings for packaging to include the following new brand styles:

Virginia Carolina Corporation

BRAND STYLES OF CIGARETTES- Hard Pack

Boss 100's Red
Diva King Full
Diva King Smooth
Diva King Menthol

Diva 100's Full
Diva 100's Smooth
Diva 100's Menthol
Diva 100's Smooth Menthol
Diva 100's Ultra Pleasure

Virginia Carolina Corporation will display the four required Surgeon General's warnings an equal number of times on the packs and cartons of each DIVA King's & 100's and BOSS 100's brand style listed above during the one year period beginning on the date of this plan's approval and will maintain records to demonstrate compliance with this plan. Tobacco Packaging Solutions, LLC, which supplies Virginia Carolina Corporation with cigarette packaging, displays the four required Surgeon General's warnings listed below an equal number of times on the packs and cartons of each cigarette brand style Virginia Carolina Corporation manufactures. Virginia Carolina Corporation orders a 30-60 day supply of packaging at a time and every order contains an equal number of each of the four required Surgeon General's warnings on the packs and cartons of each brand style of cigarettes manufactured by Virginia Carolina Corporation.

Upon approval of this plan, the manufacturer intends to sell the DIVA King's & 100's and BOSS 100's brand styles listed above under the authority of the Alcohol & Tobacco Tax and Trade Bureau, formerly the Bureau of Alcohol, Tobacco & Firearms (License TP-FL15029).

These cigarettes will be packaged in 200 count cartons, (Outer Cartons). Each Outer Carton will contain ten (10) packs of twenty (20) cigarettes each (Pack).

The warnings for the DIVA King's & 100's and BOSS 100's brand will appear exactly as shown on the sample packs and cartons we submitted with our letter dated April 6, 2012.

The four (4) warnings are:

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

Pursuant to Section 1333(c) (2) of the Federal Cigarette Labeling and Advertising Act, Virginia Carolina Corporation proposes to use the alternative to quarterly rotation of the warnings on packaging.

As a small tobacco manufacturer, Virginia Carolina Corporation qualifies for this alternative as no brand style manufactured by Virginia Carolina Corporation has sales in excess of one-fourth

of one percent of all cigarettes sold in the United States in the previous fiscal year. Pursuant to your request, Virginia Carolina Corporation's:

Collective 2011 sales totaled [REDACTED] sticks (collectively less than one-fourth of one percent of all cigarettes sold in the United States in 2011)

Virginia Carolina Corporation is not advertising on the internet at this time. We have reserved the URL www.virginiacarolinacorp.com but we are not actively developing the site. If we decide to use the internet for advertising at a later date, we will apply for the proper approval from the Federal Trade Commission.

Virginia Carolina Corporation will maintain compliance with the August 16, 2011 plan for advertising for Boss, Star USA and Diva Brands of cigarettes that was approved by the FTC on August 23, 2011, which covered advertisements ranging in size from 5 to 10 square feet (category 7).

Virginia Carolina Corporation now intends to advertise the Boss, Star USA and Diva Brands of cigarettes using advertisements ranging in size from 1 inch to 20 square feet. Virginia Carolina Corporation intends to use the following signs:

Schedule for Warnings in Advertisements

Size of Advertisement / Category

Outdoor Pole 24" x 42" / Category 7
Outdoor Pole 32" x 48" / Category 8
Poster 13" x 19" / Category 4
Poster 24" x 32" / Category 7
Poster 8 ½" x 11" / Category 2
Push/Pull Sign 5 ½" x 7 ½" / Category 1
Dangler 24" x 32" / Category 7

Virginia Carolina will use the warning formats submitted with the 1985 plans of the five leading US cigarette manufacturers and will place the warnings as specified in those plans. Copies of the warning formats we will be using (Exhibits 1-8) are attached hereto.

Pursuant to the terms of Virginia Carolina Corporation's August 16, 2011 plan for advertising for Boss, Star USA and Diva Brands of cigarettes, which was approved by the FTC on August 23, 2011, the display of the warnings will rotate quarterly according to the following schedule:


Quarterly Schedule Rotation

	BRAND STAR USA	BRAND DIVA	BRAND BOSS
1 st Quarter (Jan. - Mar.)	A	B	C
2 nd Quarter (Apr. - June)	B	C	D
3 rd Quarter (July - Sept.)	C	D	A
4 th Quarter (Oct. - Dec.)	D	A	B

The four (4) 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.

If you have any questions or need any additional information, please feel free contact me at (305) 888 – 0133 or via email at jacqueline.ribnick@bossvcc.com


Jacqueline Ribnick
Virginia Carolina Corporation

Selected packaging samples from those
submitted with the plan.

UNIQUE
SALVAGE
PROCESSED

BOSS



BOSS

(100'S BOX)

BOSS



100'S BOX

20 CLASS 'A' CIGARETTES

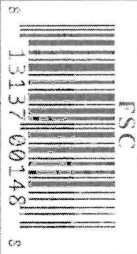
(100'S BOX)

BOSS

TPS (5)

20 CLASS 'A' CIGARETTES

100'S BOX



VERONA CIGARETTA CO.
MADE IN U.S.A.
www.veronacigarettes.com

BOSS

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

BOSS

INA CORP.
6 U.S.A.
nacorp.com

BOSS®

100's BOX

AMERICAN BLEND



BOSS®

200 FILTER CIGARETTES

100's BOX

UNDERAGE
SALE
PROHIBITED

BOSS®

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

100's BOX

PLEASE
DON'T
LITTER



TPS (4)

200 FILTER CIGARETTES

Diva
100's BOX

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

100's BOX



Full Pleasure
20 CLASS A CIGARETTES

Diva
100's BOX



VIRGINIA CAROLINA CORP.
MIAMI, FL 33166
MADE IN U.S.A.

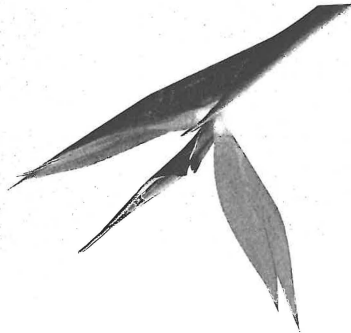


TPS (10)

Diva
Full Pleasure

20 CLASS A CIGARETTES

Full Pleasure



100's BOX

Diva

Diva
Full Pleasure

Diva

PLEASE
DON'T
LITTER

UNDERAGE
SALE
PROHIBITED

 *Diva*[®]

100's BOX

Ultra Pleasure

CLASS A CIGARETTES

PREMIUM 100's

Diva[®]
100's BOX
Ultra Pleasure



 *Diva*[®]

100's BOX

UNDERAGE
SALE
PROHIBITED


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

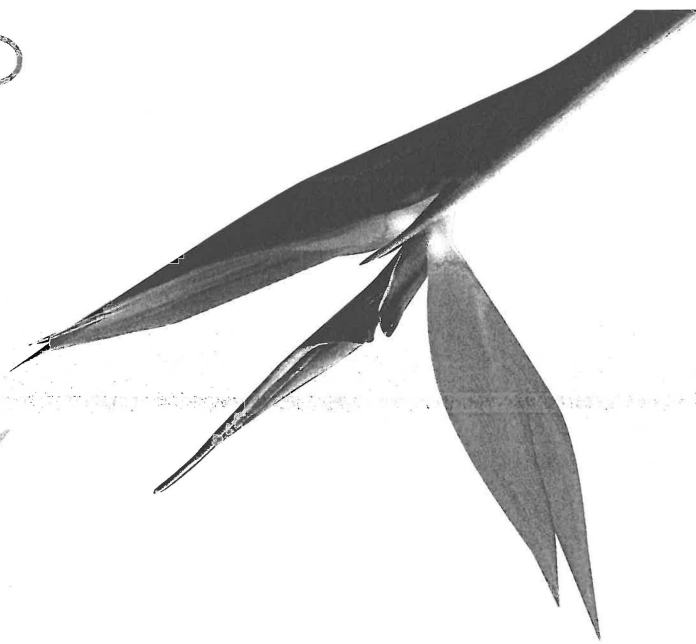
200 CLASS A CIGARETTES

200 CLASS A CIGARETTES

Ultra Pleasure

100's BOX

 *Diva*[®]





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

Division of
Advertising Practices

June 15, 2012

Jacqueline Ribnick
Virginia Carolina Corporation
7575 NW 70th Street
Miami, FL 33166

Dear Ms. Ribnick:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Virginia Carolina Corporation ("VCC") on June 1, 2012, calling for: (1) quarterly rotation of the four health warnings in advertising up to 20 square feet in size for the Star USA, Diva, and Boss brands of cigarettes; and (2) expansion of VCC's previously approved plan for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging to include certain additional varieties of the Boss and Diva brands.¹

VCC's plan for rotation of the warnings in advertising up to twenty square feet in size for the Star USA, Diva, and Boss brands of cigarettes is hereby approved. Approval of the advertising plan assumes that the plan is implemented in good faith.

VCC'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 April 6, 2012 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, VCC's expansion of its plan for simultaneous display of the four health warnings on packaging is hereby approved for one variety of the Boss brand (100's Red hard pack); and the following eight hard pack varieties of the Diva brand: Full Flavor (Kings and 100's), Smooth (Kings and 100's), Menthol (Kings and 100's), Smooth Menthol 100's, and Ultra Pleasure 100's.

¹ VCC's August 16, 2011 plan for display of the warnings on packaging for certain varieties of the Boss Slims, Diva Slims, and Star USA brands of cigarettes was approved on August 23, 2011 and VCC's September 7, 2011 expansion of the plan, which included packaging for additional varieties of the Boss brand, was approved on September 15, 2011.

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.

I wish to remind you that the Commission's August 23, 2011 approval of VCC's plan for packaging of certain varieties of its brands, and the Commission's September 15, 2011 approval of the expansion of that plan run through **August 22, 2012** and **September 14, 2012**, respectively, and that this letter does not further extend those approval periods.

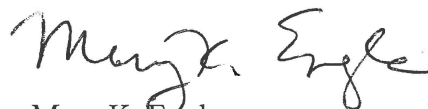
Please note that this letter only approves VCC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation and size of the warnings in advertising and on packaging for VCC's cigarettes. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for VCC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of VCC'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 June 14, 2013, 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) 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.

June 19, 2012

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



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

RE: Cigarette Health Warning Rotation Plan

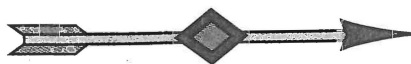
Dear Ms. Engle,

This letter is being submitted for the alternative method to the quarterly Surgeon General Warning rotation plan for packaging of the following fifteen (15) varieties of the Exact cigarette brand, twelve (12) varieties of the Exact Elite cigarette brand, eighteen (18) styles of the Lewiston cigarette brand, twenty (20) varieties of the Market cigarette brand, one (1) style of the Maple Leaf cigarette brand, two (2) styles of the Outdoor Freedom cigarette brand, twenty-two (22) styles of the Smokin Joes cigarette brand, twenty-one (21) styles of the Smokin Joes Natural cigarette brand, eighteen (18) styles of the Smokin Joes Premium cigarette brand, and two (2) varieties of the Nightclub cigarette brand:

Exact Cigarette Brand
Exact Canadian Red King Size Soft Pack
Exact Canadian Blue King Size Soft Pack
Exact Red 100 Size Soft Pack
Exact Red King Size Box
Exact Red King Size Soft Pack
Exact Gold 100 Size Soft Pack
Exact Gold 100 Size Box
Exact Gold King Size Box
Exact Gold King Size Soft Pack
Exact Menthol 100 Size Soft Pack
Exact Menthol 100 Size Box
Exact Menthol King Size Soft Pack
Exact Menthol Gold 100 Size Soft Pack
Exact Menthol Gold King Size Soft Pack
Exact Blue 100 Size Soft Pack
Exact Elite Cigarette Brand
Exact Elite Red 100 Size Soft Pack
Exact Elite Red King Size Box

800-274-8010

www.smokinjoe.com



Exact Elite Red King Size Soft Pack
Exact Elite Gold 100 Size Soft Pack
Exact Elite Gold King Size Box
Exact Elite Gold King Size Soft Pack
Exact Elite Menthol 100 Size Soft Pack
Exact Elite Menthol King Size Soft Pack
Exact Elite Menthol Gold 100 Size Soft Pack
Exact Elite Menthol Gold King Size Soft Pack
Exact Elite NonFilter King Size Box
Exact Elite Blue 100 Size Soft Pack
Lewiston Cigarette Brand
Lewiston Red 100 Size Soft Pack
Lewiston Red 100 Size Box
Lewiston Red King Size Box
Lewiston Red King Size Soft Pack
Lewiston Gold 100 Size Soft Pack
Lewiston Gold 100 Size Box
Lewiston Gold King Size Box
Lewiston Gold King Size Soft Pack
Lewiston Menthol 100 Size Soft Pack
Lewiston Menthol 100 Size Box
Lewiston Menthol King Size Soft Pack
Lewiston Menthol King Size Box
Lewiston Menthol Gold 100 Size Soft Pack
Lewiston Menthol Gold 100 Size Box
Lewiston Menthol Gold King Size Soft Pack
Lewiston NonFilter King Size Soft Pack
Lewiston Blue 100 Size Soft Pack
Lewiston Blue 100 Size Box
Maple Leaf Cigarette Brand
Maple Leaf Canadian Blue King Size Box
Market Cigarette Brand
Market Red 100 Size Box
Market Red 100 Size Soft Pack
Market Red King Size Box
Market Red King Size Soft Pack
Market Gold 100 Size Box
Market Gold 100 Size Soft Pack
Market Gold King Size Box
Market Gold King Size Soft Pack
Market Menthol 100 Size Box
Market Menthol 100 Size Soft Pack
Market Menthol King Size Soft Pack
Market Menthol King Size Box
Market Menthol Gold 100 Size Box
Market Menthol Gold 100 Size Soft Pack
Market Menthol Gold King Size Soft Pack
Market Menthol Blue 100 Size Box

Market NonFilter King Size Box

Market Blue 100 Size Box

Market Blue 100 Size Soft Pack

Market Blue King Size Box

Outdoor Freedom Cigarette Brand
--

Outdoor Freedom Original King Size Box
--

Outdoor Freedom Smooth King Size Box

Smokin Joes Cigarette Brand

Smokin Joes Red 100 Size Soft Pack

Smokin Joes Red 100 Size Box

Smokin Joes Red King Size Box

Smokin Joes Red King Size Soft Pack

Smokin Joes Gold 100 Size Soft Pack

Smokin Joes Gold 100 Size Box

Smokin Joes Gold King Size Box

Smokin Joes Gold King Size Soft Pack

Smokin Joes Menthol 100 Size Soft Pack
--

Smokin Joes Menthol 100 Size Box

Smokin Joes Menthol King Size Soft Pack

Smokin Joes Menthol King Size Box

Smokin Joes Menthol Gold 100 Size Soft Pack

Smokin Joes Menthol Gold 100 Size Box

Smokin Joes Menthol Gold King Size Soft Pack
--

Smokin Joes Menthol Gold King Size Box
--

Smokin Joes NonFilter King Size Soft Pack

Smokin Joes NonFilter King Size Box

Smokin Joes Blue 100 Size Soft Pack

Smokin Joes Blue 100 Size Box

Smokin Joes Blue King Size Soft Pack

Smokin Joes Blue King Size Box

Smokin Joes Natural Cigarette Brand
--

Smokin Joes Natural Purple 100 Size Soft Pack

Smokin Joes Natural Purple 100 Size Box

Smokin Joes Natural Purple King Size Box
--

Smokin Joes Natural Purple King Size Soft Pack
--

Smokin Joes Natural Silver 100 Size Soft Pack

Smokin Joes Natural Silver 100 Size Box

Smokin Joes Natural Silver King Size Soft Pack
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Smokin Joes Natural Silver King Size Box
--

Smokin Joes Natural Menthol 100 Size Soft Pack
--

Smokin Joes Natural Menthol 100 Size Box
--

Smokin Joes Natural Menthol King Size Box

Smokin Joes Natural Red 100 Size Soft Pack
--

Smokin Joes Natural Red 100 Size Box

Smokin Joes Natural Red King Size Soft Pack

Smokin Joes Natural Red King Size Box

Smokin Joes Natural Menthol Gold 100 Size Soft Pack

Smokin Joes Natural Menthol Gold King Size Box
Smokin Joes Natural Non-Filter King Size Soft Pack
Smokin Joes Natural White 100 Size Soft Pack
Smokin Joes Natural White 100 Size Box
Smokin Joes Natural White King Size Soft Pack
Smokin Joes Premium Cigarette Brand
Smokin Joes Premium Canadian Red King Size Box
Smokin Joes Premium Canadian Blue King Size Box
Smokin Joes Premium Red 100 Size Soft Pack
Smokin Joes Premium Red 100 Size Box
Smokin Joes Premium Red King Size Box
Smokin Joes Premium Red King Size Soft Pack
Smokin Joes Premium Gold 100 Size Soft Pack
Smokin Joes Premium Gold 100 Size Box
Smokin Joes Premium Gold King Size Box
Smokin Joes Premium Gold King Size Soft Pack
Smokin Joes Premium Menthol 100 Size Soft Pack
Smokin Joes Premium Menthol 100 Size Box
Smokin Joes Premium Menthol King Size Soft Pack
Smokin Joes Premium Menthol Gold 100 Size Soft Pack
Smokin Joes Premium Menthol Gold King Size Soft Pack
Smokin Joes Premium NonFilter King Size Soft Pack
Smokin Joes Premium Blue 100 Size Soft Pack
Smokin Joes Premium Blue King Size Soft Pack
Nightclub Cigarette Brand
Nightclub Rich King Size Box
Nightclub Smooth King Size Box

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

The products submitted with this plan will continue to be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear exactly as they do on the actual pack labels and cartons submitted to the Federal Trade Commission with my May 11, 2010 letter with the exception of the Nightclub brand styles that will have the warnings appear exactly as shown on the actual pack labels and cartons submitted with my May 4, 2011 letter, the Outdoor Freedom brand styles that will have the warnings appear exactly as shown on the actual pack labels and cartons submitted with my August 27, 2010 letter, and the following six (6) styles of the Lewiston cigarette brand, three (3) styles of the Smokin

Joes Premium cigarette brand, three (3) styles of the Smokin Joes Natural cigarette brand, and two (2) styles of the Exact cigarette brand styles that will have the warnings appear exactly as shown on the actual pack labels and cartons submitted with my October 21, 2011 letter:

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

Smokin Joes believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331; sales figures for all Smokin Joes manufactured and imported brands are provided on Exhibit A. Smokin Joes manufactures a number of cigarette brand styles and until October 2009 imported the Lewiston Special cigarette brand and Exact Special cigarette brand. Smokin Joes no longer imports the Lewiston Special and Exact Special cigarette brands. Of all Smokin Joes manufactured cigarette brand styles, from June 1, 2011 through May 31, 2012, the biggest seller was Smokin Joes Full Flavor 100 Size Box totaling [REDACTED] sticks.

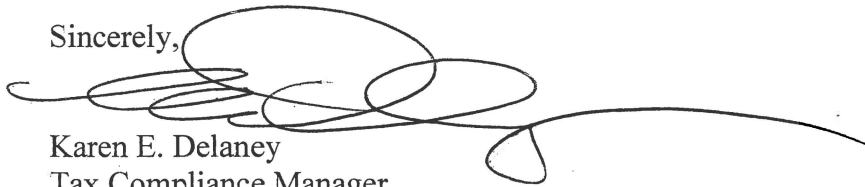
If this plan for the alternative to quarterly rotation of warnings on packaging is approved, the four cigarette health warnings will appear on the packs and cartons of each of the cigarette brand varieties listed above an equal number of times for the one year period beginning on the date this plan is approved. To ensure the cigarette health warnings appear on the cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings.

Smokin Joes will continue to comply with its May 1, 2007 amended plan for advertising the Exact, Lewiston, Market, Outdoor Freedom, and Smokin Joes cigarette brands as well

as its February 19, 2008 plan for advertising the Nightclub cigarette brand and its April 16, 2009 plan for advertising the Maple Leaf cigarette brand.

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

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Karen E. Delaney
Tax Compliance Manager

EXHIBIT A

PRODUCT/EXACT	STICKS (Actual Stick Sales Figures June 1, 2011 - May 31, 2012)
EXACT CANADIAN FULL FLAVOUR (CANADIAN RED) KING SIZE SOFT PACK	
EXACT CANADIAN BLUE KING SIZE SOFT PACK	
EXACT FULL FLAVOR (RED) 100 SOFT PACK	
EXACT FULL FLAVOR (RED) KING BOX	
EXACT FULL FLAVOR (RED) KING SOFT PACK	
EXACT GOLD 100 SOFT PACK	
EXACT GOLD 100 BOX	
EXACT GOLD KING BOX	
EXACT GOLD KING SOFT PACK	
EXACT MENTHOL 100 SOFT PACK	
EXACT MENTHOL 100 BOX	
EXACT MENTHOL KING SOFT PACK	
EXACT MENTHOL GOLD 100 SOFT PACK	
EXACT MENTHOL GOLD KING SOFT PACK	
EXACT BLUE 100 SOFT PACK	
PRODUCT/EXACT LINE	STICKS (Actual Stick Sales Figures June 1, 2011 - May 31, 2012)
EXACT ELITE FULL FLAVOR (RED) KING SOFT PACK	
EXACT ELITE FULL FLAVOR (RED) 100 SOFT PACK	
EXACT ELITE FULL FLAVOR (RED) KING SIZE BOX	
EXACT ELITE GOLD 100 SIZE SOFT PACK	
EXACT ELITE GOLD KING SIZE BOX	
EXACT ELITE GOLD KING SIZE SOFT PACK	
EXACT ELITE MENTHOL KING SIZE SOFT PACK	
EXACT ELITE MENTHOL 100 SIZE SOFT PACK	
EXACT ELITE MENTHOL GOLD 100 SIZE SOFT PACK	
EXACT ELITE MENTHOL GOLD KING SIZE SOFT PACK	
EXACT ELITE NON-FILTER KING SIZE BOX	
EXACT ELITE BLUE 100 SIZE SOFT PACK	
PRODUCT/MAPLE LEAF	STICKS (Actual Stick Sales Figures June 1, 2011 - May 31, 2012)
MAPLE LEAF CANADIAN BLUE KING SIZE BOX	

PRODUCT MARKET	STICKS (Actual Stick Sales Figures June 1, 2011 - May 31, 2012)
MARKET FULL FLAVOR (RED) 100 SIZE BOX	
MARKET FULL FLAVOR (RED) 100 SOFT PACK	
MARKET FULL FLAVOR (RED) KING BOX	
MARKET FULL FLAVOR (RED) KING SOFT PACK	
MARKET GOLD 100 SIZE BOX	
MARKET GOLD 100 SOFT PACK	
MARKET GOLD KING BOX	
MARKET GOLD KING SOFT PACK	
MARKET MENTHOL 100 BOX	
MARKET MENTHOL 100 SOFT PACK	
MARKET MENTHOL KING BOX	
MARKET MENTHOL KING SOFT PACK	
MARKET MENTHOL GOLD 100 BOX	
MARKET MENTHOL GOLD 100 SOFT PACK	
MARKET MENTHOL GOLD KING SOFT PACK	
MARKET MENTHOL BLUE 100 SIZE BOX	
MARKET NON-FILTER KING SIZE BOX	
MARKET BLUE 100 BOX	
MARKET BLUE 100 SIZE SOFT PACK	
MARKET BLUE KING SIZE BOX	
PRODUCT NIGHTCLUB	STICKS (Actual Stick Sales Figures June 1, 2011 - May 31, 2012)
NIGHTCLUB RICH KING SIZE BOX	
NIGHTCLUB SMOOTH KING SIZE BOX	

Product	STICKS	Actual Stick Sales	Figures June 1, 2011 - May 31, 2012
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) 100 SIZE BOX			
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) 100 SOFT PACK			
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) KING BOX			
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) KING SOFT PACK			
SMOKIN JOES NATURAL SILVER 100 SIZE BOX			
SMOKIN JOES NATURAL SILVER 100 SOFT PACK			
SMOKIN JOES NATURAL SILVER KING SIZE BOX			
SMOKIN JOES NATURAL SILVER KING SOFT PACK			
SMOKIN JOES NATURAL MEDIUM (RED) 100 SOFT PACK			
SMOKIN JOES NATURAL RED 100 BOX			
SMOKIN JOES NATURAL MEDIUM (RED) KING SOFT PACK			
SMOKIN JOES NATURAL RED KING BOX			
SMOKIN JOES NATURAL MENTHOL 100 SIZE SOFT PK			
SMOKIN JOES NATURAL MENTHOL 100 SIZE BOX			
SMOKIN JOES NATURAL MENTHOL KING SIZE BOX			
SMOKIN JOES NATURAL MENTHOL GOLD 100 SOFT PK			
SMOKIN JOES NATURAL MENTHOL GOLD KING SIZE BOX			
SMOKIN JOES NATURAL NON-FILTER KING SIZE SOFT PACK			
SMOKIN JOES NATURAL WHITE 100 SIZE BOX			
SMOKIN JOES NATURAL WHITE 100 SIZE SOFT PACK			
SMOKIN JOES NATURAL WHITE KING SIZE SOFT PACK			
Product	STICKS	Actual Stick Sales	Figures June 1, 2011 - May 31, 2012
EXACT SPECIAL FULL FLAVOR KING SIZE SOFT PACK			
EXACT SPECIAL LIGHTS KING SIZE SOFT PACK			
EXACT SPECIAL MENTHOL KING SIZE SOFT PACK			
EXACT SPECIAL MENTHOL LIGHTS KING SIZE SOFT PACK			
EXACT SPECIAL FULL FLAVOR 100 SIZE BOX			
EXACT SPECIAL LIGHTS 100 SIZE BOX			
EXACT SPECIAL MENTHOL 100 SIZE BOX			
EXACT SPECIAL MENTHOL LIGHTS 100 SIZE BOX			
EXACT SPECIAL ULTRA LIGHTS 100 SIZE BOX			
Product	STICKS	Actual Stick Sales	Figures June 1, 2011 - May 31, 2012
LEWISTON SPECIAL FULL FLAVOR KING SIZE SOFT PACK			
LEWISTON SPECIAL LIGHTS KING SIZE SOFT PACK			
LEWISTON SPECIAL MENTHOL KING SIZE SOFT PACK			
LEWISTON SPECIAL MENTHOL LIGHTS KING SIZE SOFT PACK			
LEWISTON SPECIAL ULTRA LIGHTS KING SIZE SOFT PACK			
LEWISTON SPECIAL FULL FLAVOR 100 SIZE BOX			
LEWISTON SPECIAL LIGHTS 100 SIZE BOX			
LEWISTON SPECIAL MENTHOL 100 SIZE BOX			
LEWISTON SPECIAL MENTHOL LIGHTS 100 SIZE BOX			
LEWISTON SPECIAL ULTRA LIGHTS 100 SIZE BOX			

PRODUCT: LEWISTON		STICKS (Actual Stick Sales Figures: June 1, 2011 - May 31, 2012)
LEWISTON FULL FLAVOR (RED) 100 SIZE SOFT PACK		
LEWISTON RED 100 SIZE BOX		
LEWISTON FULL FLAVOR (RED) KING SIZE BOX		
LEWISTON FULL FLAVOR (RED) KING SIZE SOFT PACK		
LEWISTON GOLD 100 SIZE SOFT PACK		
LEWISTON GOLD 100 SIZE BOX		
LEWISTON GOLD KING SIZE BOX		
LEWISTON GOLD KING SIZE SOFT PACK		
LEWISTON MENTHOL 100 SIZE SOFT PACK		
LEWISTON MENTHOL 100 SIZE BOX		
LEWISTON MENTHOL KING SIZE SOFT PACK		
LEWISTON MENTHOL KING SIZE BOX		
LEWISTON MENTHOL GOLD 100 SIZE SOFT PACK		
LEWISTON MENTHOL GOLD 100 SIZE BOX		
LEWISTON MENTHOL GOLD KING SIZE SOFT PACK		
LEWISTON NON-FILTER KING SIZE SOFT PACK		
LEWISTON BLUE 100 SIZE SOFT PACK		
LEWISTON BLUE 100 SIZE BOX		
PRODUCT: SMOKIN JOES		STICKS (Actual Stick Sales Figures: June 1, 2011 - May 31, 2012)
SMOKIN JOES FULL FLAVOR (RED) 100 BOX		
SMOKIN JOES FULL FLAVOR (RED) 100 SOFT PACK		
SMOKIN JOES FULL FLAVOR (RED) KING SIZE BOX		
SMOKIN JOES FULL FLAVOR (RED) KING SIZE SOFT PACK		
SMOKIN JOES GOLD 100 SIZE BOX		
SMOKIN JOES GOLD 100 SIZE SOFT PACK		
SMOKIN JOES GOLD KING SIZE BOX		
SMOKIN JOES GOLD KING SIZE SOFT PACK		
SMOKIN JOES MENTHOL 100 SIZE BOX		
SMOKIN JOES MENTHOL 100 SIZE SOFT PACK		
SMOKIN JOES MENTHOL KING SIZE BOX		
SMOKIN JOES MENTHOL KING SIZE SOFT PACK		
SMOKIN JOES MENTHOL GOLD 100 SIZE BOX		
SMOKIN JOES MENTHOL GOLD 100 SIZE SOFT PACK		
SMOKIN JOES MENTHOL GOLD KING SIZE BOX		
SMOKIN JOES MENTHOL GOLD KING SIZE SOFT PACK		
SMOKIN JOES NON-FILTER KING SIZE SOFT PACK		
SMOKIN JOES NON-FILTER KING SIZE BOX		
SMOKIN JOES ULTRA LIGHTS (BLUE) 100 SIZE BOX		
SMOKIN JOES BLUE 100 SIZE SOFT PACK		
SMOKIN JOES BLUE KING SIZE BOX		
SMOKIN JOES BLUE KING SIZE SOFT PACK		
PRODUCT: OUTDOOR FREEDOM		STICKS (Actual Stick Sales Figures: June 1, 2011 - May 31, 2012)
OUTDOOR FREEDOM FULL FLAVOR (ORIGINAL) KING SIZE BOX		
OUTDOOR FREEDOM SMOOTH KING SIZE BOX		

PRODUCT SKIN JOES PREMIUM	STICKS (Actual Size)	Sales Figures (June 2011 - May 2012)
SMOKIN JOE PREMIUM CANADIAN FULL FLAVOUR (CANADIAN RED) KING SIZE BOX		
SMOKIN JOE PREMIUM CANADIAN BLUE KING SIZE BOX		
SMOKIN JOE PREMIUM FULL FLAVOR (RED) 100 SIZE SOFT PACK		
SMOKIN JOE PREMIUM RED 100 SIZE BOX		
SMOKIN JOE PREMIUM FULL FLAVOR (RED) KING SIZE BOX		
SMOKIN JOE PREMIUM FULL FLAVOR (RED) KING SIZE SOFT PACK		
SMOKIN JOE PREMIUM GOLD 100 SIZE SOFT PACK		
SMOKIN JOE PREMIUM GOLD 100 SIZE BOX		
SMOKIN JOE PREMIUM GOLD KING SIZE BOX		
SMOKIN JOE PREMIUM GOLD KING SIZE SOFT PACK		
SMOKIN JOE PREMIUM MENTHOL 100 SIZE SOFT PACK		
SMOKIN JOE PREMIUM MENTHOL 100 SIZE BOX		
SMOKIN JOE PREMIUM MENTHOL KING SIZE SOFT PACK		
SMOKIN JOE PREMIUM MENTHOL GOLD 100 SIZE SOFT PACK		
SMOKIN JOE PREMIUM MENTHOL GOLD KING SIZE SOFT PACK		
SMOKIN JOE PREMIUM NON-FILTER KING SIZE SOFT PACK		
SMOKIN JOE PREMIUM BLUE 100 SIZE SOFT PACK		
SMOKIN JOE PREMIUM BLUE KING SIZE SOFT PACK		
PRODUCT SKIN JOES FULL FLAVOR (RED) 100 BOX	STICKS (Actual Size)	Sales Figures (June 2011 - May 2012)
SMOKIN JOES FULL FLAVOR (RED) 100 BOX		

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

*The Lewiston Special and Exact Special cigarette brands are no longer imported



Division of
Advertising Practices

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

June 20, 2012

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

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Joseph M. Anderson d/b/a Smokin Joes ("Smokin Joes") on June 19, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Exact, Exact Elite, Lewiston, Market, Maple Leaf, Outdoor Freedom, Nightclub, Smokin Joes, Smokin Joes Natural, and Smokin Joes Premium brands of cigarettes.

Smokin Joes' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on the following dates continue to meet the requirements of the Cigarette Act in force as of the date of this letter:¹

<u>Brand</u>	<u>Date(s)</u>
Exact	May 11, 2010 October 21, 2011
Exact Elite	May 11, 2010
Lewiston	May 11, 2010 October 21, 2011

¹ Smokin Joes stated in its June 19, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Maple Leaf	May 11, 2010
Market	May 11, 2010
Nightclub	May 4, 2011
Outdoor Freedom	August 27, 2010
Smokin Joes	May 11, 2010
Smokin Joes Natural	May 11, 2010 October 21, 2011
Smokin Joes Premium	May 11, 2010 October 21, 2011

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

- Fifteen varieties of the Exact brand: Canadian Red King soft pack, Canadian Blue King soft pack, Red King Box, Red soft pack (King and 100's), Gold King Box, Gold soft pack (King and 100's), Gold 100's Box, Menthol soft pack (King and 100's), Menthol 100's Box, Menthol Gold soft pack (King and 100's), and Blue 100's soft pack;
- Twelve varieties of the Exact Elite brand: Non-Filter King Box, Red King Box, Red soft pack (King and 100's), Gold King Box, Gold soft pack (King and 100's), Menthol soft pack (King and 100's), Menthol Gold soft pack (King and 100's), and Blue 100's soft pack;
- Eighteen varieties of the Lewiston brand: Non-Filter King soft pack, Red Box (King and 100's), Red soft pack (King and 100's), Gold Box (King and 100's), Gold soft pack (King and 100's), Menthol Box (King and 100's), Menthol soft pack (King and 100's), Menthol Gold 100's Box, Menthol Gold soft pack (King and 100's), and Blue 100's (Box and soft pack);
- One variety of the Maple Leaf brand: Canadian Blue King Box;
- Two varieties of the Outdoor Freedom Brand: Original King Box, and Smooth King Box;
- Two varieties of the Nightclub brand: Rich King Box, and Smooth King Box;

- Twenty varieties of the Market brand: Non-Filter King Box, Red Box (King and 100's), Red soft pack (King and 100's), Blue Box (King and 100's), Blue 100's soft pack, Gold Box (King and 100's), Gold soft pack (King and 100's), Menthol Box (King and 100's), Menthol soft pack (King and 100's), Menthol Gold soft pack (King and 100's), Menthol Gold 100's Box, and Menthol Blue 100's Box;
- Twenty-two varieties of the Smokin Joes brand: Non-Filter King (soft pack and Box), Red King (soft pack and Box), Red 100's (soft pack and Box), Blue King (soft pack and Box), Blue 100's (soft pack and Box), Gold King (soft pack and Box), Gold 100's (soft pack and Box), Menthol King (soft pack and Box), Menthol 100's (soft pack and Box), Menthol Gold King (soft pack and Box), and Menthol Gold 100's (soft pack and Box);
- Twenty-one varieties of the Smokin Joes Natural brand: Non-Filter King soft pack, Red King (soft pack and Box), Red 100's (soft pack and Box), Purple King (soft pack and Box), Purple 100's (soft pack and Box), Silver King (soft pack and Box), Silver 100's (soft pack and Box), White King soft pack, White 100's (soft pack and Box), Menthol King Box, Menthol 100's (soft pack and Box), Menthol Gold King Box, and Menthol Gold 100's soft pack; and
- Eighteen varieties of the Smokin Joes Premium brand: Non-Filter King soft pack, Canadian Red King Box, Canadian Blue King Box, Red King (soft pack and Box), Red 100's (soft pack and Box), Blue soft pack (King and 100's), Gold King (soft pack and Box), Gold 100's (soft pack and Box), Menthol 100's Box, Menthol soft pack (King and 100's), and Menthol Gold soft pack (King and 100's).

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

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

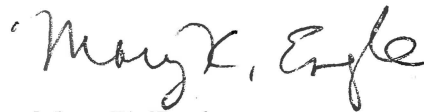
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

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. The FSPTCA also imposes registration and reporting requirements on tobacco manufacturers and importers, and addresses the marketing and sale of "modified risk tobacco products." 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 June 19, 2013, 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 black ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle
Associate Director



1.877.NATIVE3
Fax: 716.532.6137

PO Box 214
Gowanda, New York 14070

June 20, 2012

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

Dear Mary Engle:

Native Wholesale Supply imports the Seneca, Opal and Couture brand of cigarettes manufactured by Grand River Enterprises Six Nations Ltd. Native Wholesale Supply requests approval for its 2012 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the Cigarette Act on packaging for its Seneca, Opal and Couture brands of cigarettes. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Arthur Montour.

Our previous plan for the simultaneous display of warnings on packages for the Seneca, Couture and Opal brands was approved on June 17, 2011, August 8, 2011 and November 9, 2011. We now wish to renew our approval for the following brand styles:

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

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

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

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

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

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

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

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

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

Our sales for 2011 by brand style is attached.

We comply with the "Cigarette Act" by having our supplier, White House Graphics, print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of each brand style of the Seneca, Couture and Opal brands an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan. The warnings will appear exactly as shown on the sample packs and cartons for the Seneca brand submitted with our May 28, 2010, June 30, 2011, September 16, 2011, September 28, 2011, and October 4, 2011 letters; for the Couture brand submitted with our June 9, 2010 letter; and for the Opal brand submitted with our May 28, 2010 and June 30, 2011 letters.

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

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

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

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

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

ADVERTISING

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

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

Yours truly,

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

Arthur Montour, President

Native Wholesale Supply

2011 Brand Sales

<u>Flavor</u>	<u>Sticks</u>
Seneca 72's Full Flavor	
Seneca 72's Blue	
Seneca 72's Menthol	
Seneca Full Flavor King Soft	
Seneca Blue King Soft	
Seneca Silver King Soft	
Seneca Menthol King Soft	
Seneca Smooth Menthol King Soft	
Seneca Full Flavor King Box	
Seneca Blue King Box	
Seneca Silver King Box	
Seneca Menthol King Box	
Seneca Smooth Menthol King Box	
Seneca Non Filter King Box	
Seneca Chill King Box	
Seneca Medium King Box	
Seneca Full Flavor 100 Soft	
Seneca Blue 100 Soft	
Seneca Silver 100 Soft	
Seneca Menthol 100 Soft	
Seneca Smooth Menthol 100 Soft	
Seneca Extra Smooth Menthol 100 Soft	
Seneca Full Flavor 100 Box	
Seneca Blue 100 Box	
Seneca Silver 100 Box	
Seneca Menthol 100 Box	
Seneca Smooth Menthol 100 Box	
Seneca Extra Smooth Menthol 100 Box	
Seneca Medium 100 Box	
Seneca 120's Full Flavor Box	
Seneca 120's Smooth Box	
Seneca 120's Ultra Box	
Seneca 120's Menthol Box	
Seneca 120's Smooth Menthol Box	
Opal Full Flavor 120 Box	
Opal Smooth 120 Box	
Opal Ultra 120 Box	
Opal Menthol 120 Box	
Opal Smooth Menthol 120 Box	
Couture Ruby	
Couture Amethyst	
Couture Diamond	
Couture Sapphire	
Couture Turquoise	
Couture Aquamarine	



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

Division of
Advertising Practices

June 21, 2012

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

Dear Mr. Montour:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Native Wholesale Supply Company ("NWSC") on June 20, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture Slims, and Opal brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Seneca	May 28, 2010 June 30, 2011 September 16, 2011 September 28, 2011 October 4, 2011
Couture Slims	June 9, 2010

¹ NWSC stated in its June 20, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Brand

Date(s)

Opal

May 28, 2010

June 30, 2011

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

- Thirty-four varieties of the Seneca brand: Non-filter Kings box, "Chill" Kings box, Full Flavor box ("72s", "120s", Kings, and 100s), Full Flavor soft pack (Kings, and 100s), Blue box ("72s", Kings, and 100s), Blue soft pack (Kings and 100's), Medium box (Kings and 100s), Menthol box ("72s", 120s, Kings, and 100s), Menthol soft pack (Kings and 100s), Silver box (Kings and 100s), Silver soft pack (Kings and 100s), Smooth box 120s, Smooth Menthol box (Kings, 100s and 120s), Smooth Menthol soft pack (Kings and 100s), Extra Smooth Menthol 100s (soft pack and box), and Ultra box 120s;
- Six box varieties of the Couture Slims brand: Ruby Kings, Amethyst Kings, Diamond Kings, Sapphire Kings, Turquoise Kings, and Aquamarine Kings; and
- Five box "120s" varieties of the Opal brand: Full Flavor, Smooth, Ultra, Menthol, and Smooth Menthol.

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

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

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.

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 the FDA.

This approval is effective on the date of this letter and runs through June 20, 2013, 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 dark ink, appearing to read "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly distinguishable.

Mary K. Engle
Associate Director



FOLEY & LARDNER LLP

ATTORNEYS AT LAW

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June 15, 2012

FEDERAL EXPRESS

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

Re: Dosal Tobacco Corporation

Dear Ms. Engle:

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

If you have any questions, please do not hesitate to contact me

Very truly yours,

Veronica Vilarchao

Enclosure

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

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

1. Definitions. As used in the Plan:
 - a. The terms "cigarette", "United States", "package" and "brand style" shall have the meaning specified in the Cigarette Act.
 - b. The term "brand of cigarettes" shall mean those cigarettes of a manufacturer or importer bearing a common identifying brand name or mark. Different styles of a brand of cigarettes, whether differentiated on the basis of size, shape, filtration, packaging, "tar" and nicotine rating, flavoring or other characteristic, shall not be considered a distinct "brand of cigarettes".
 - c. The "effective date" of this Plan shall be the date of the Plan's approval.
 - d. The term "calendar quarter" shall mean each of the three (3) month periods commencing January 1, April 1, July 1, and October 1 of each year.
2. Packaging.
 - a. **Warning Label Size and Location:** The brands of cigarettes, including the different brand styles that Dosal manufactures are listed in Exhibit "A" of the Plan. The brand styles that Dosal no longer manufactures are listed in Exhibit "B" of the Plan. Further, the warnings will appear exactly as shown on the samples that were submitted with the letter of July 28, 2003, except for the brand styles which have been revised. The warnings on the revised brand styles will appear exactly as shown on the samples enclosed in the letters of November 17, 2003,¹ March 29, 2005,² April 4, 2006,³

¹ Samples for the following brand styles were enclosed with the letter of November 17, 2003: Romy 100's Menthol Soft Pack, Romy 100's Lights Soft Pack, Romy 100's Full Flavor Soft Pack, and 305's King Light Box. All of these brand styles have since been discontinued.

² Samples for the following brand styles were enclosed with the letter of March 29, 2005: 305's 100's Light Box and Romy Menthol King Box. The brand style 305's 100's Light Box has since been discontinued.

March 29, 2007,⁴ August 20, 2008,⁵ May 3, 2010,⁶ and May 16, 2011,⁷ displaying examples of the following four (4) warning statements required by the Cigarette Act which are placed on the packages of Dosal brand cigarettes packaged for sale or distribution in the United States:

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

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

- b. **Warning Label Rotation:** Section 1333(c)(2) of the Cigarette Act allows manufacturers to seek permission from the FTC to display the four (4) warnings an equal number of times during the year on a brand style's packaging if the company meets the low volume sales threshold established by the Cigarette Act. To meet the low volume sales requirement established by the Cigarette Act, the annual sales of each of a company's brand styles must be less than one-

³ Samples for the following brand style were enclosed with the letter of April 4, 2006: 305's 100's Menthol Box.

⁴ Samples for the following brand style were enclosed with the letter of March 29, 2007: 305's King Menthol Box.

⁵ Samples for the following brand styles were enclosed with the letter of August 20, 2008: DTC King Menthol Box, DTC 100's Menthol Box, 305's 100's Ultra Light Box, and 305's King Ultra Light Box. The brand styles 305's 100's Ultra Light Box and 305's King Ultra Light Box have since been discontinued.

⁶ Samples for the following brand styles were enclosed with the letter of May 3, 2010: Romy 100's Gold Box, Romy 100's Silver Box, Romy 100's Menthol Gold Box, Romy King Gold Box, DTC 100's Gold Box, DTC 100's Menthol Gold Box, DTC 100's Silver Box, DTC King Gold Box, 305's 100's Blue Box, 305's 100's Menthol Gold Box, 305's King Blue Box, 305's 100's Silver Box, 305's King Silver Box, Competidora Full Flavor Box, and Competidora Non-Filter Box.

⁷ Samples of the following brand styles were enclosed with the letter of May 16, 2011: 305's Non-Filter King Box, DTC Non-Filter King Box, and Romy 100's Menthol Box.

fourth (1/4) of one percent (1%) of all of the cigarettes sold in the United States in calendar year 2011 (approximately 750 million cigarettes) and more than half the cigarettes manufactured or imported by the company must be packaged into brand styles that meet the low sales threshold (the "Low Sales Volume Requirement"). Except for the brand style 305's 100's Full Flavor Box, Dosal meets the Low Sales Volume Requirement for 2011 and forecasts that it will meet the Low Sales Volume Requirement for 2012 for all other brand styles manufactured by Dosal (please see Dosal's Sales Report for the year 2011, and Sales Forecast for the year 2012, attached hereto as Exhibit "C"). With the exception of the brand style 305's 100's Full Flavor Box, during the year 2011, sales for any one brand style did not exceed [REDACTED] cigarettes, and for the year 2012 Dosal projects that sales for any one brand style will not exceed [REDACTED] cigarettes. Accordingly, except for the brand style 305's 100's Full Flavor Box, Dosal wishes to equalize the warning statements on all Dosal brand style cigarette packaging during the year, as follows:

- i. An even distribution of each of the four (4) warnings will be produced for the packs and cartons of each brand style of Dosal brand cigarettes, which are manufactured and distributed in the United States for the one (1) year period beginning from the date of approval of this Plan. All four (4) warnings are printed on the same press sheet with an even distribution.
- ii. At the end of the year, if due to a mechanical failure, or otherwise, the warning statements are not equalized, Dosal will take the necessary steps to insure that the problem is corrected, and the warning statements equalized.

For the brand style 305's 100's Full Flavor Box, Dosal shall rotate the four (4) warnings quarterly on its packaging according to the schedule attached hereto as Exhibit "D." The quarterly rotation shall be based on the date that the cigarettes are packaged.

3. Records of Compliance. Dosal has an established process of record keeping, which allows Dosal to demonstrate compliance with the Cigarette Act and the Plan upon request. This system of record keeping will continue to be in effect, and thus Dosal's compliance with the Act and the Plan will continue to be effectively monitored.
4. Advertisements. Dosal's advertising plan is in place and will not change from its prior submissions to the FTC.

- a. **Adherence to the 1985 Plans:** For its advertising, Dosal will use the warning formats submitted with the 1985 plans of the five (5) leading United States cigarette manufacturers, and will place the warnings as specified in those plans.
- b. **Acetates:** Dosal has purchased Warning Statements Exhibits 1-7, copies of which were previously submitted to the FTC. All warnings on advertisements will appear exactly as they appear on the acetates corresponding to the size of the advertisement.
- c. **Size of Advertisements:** Dosal will not engage in advertisements for any brand style which exceed 10 square feet.
- d. **Warning Label Rotation:** Dosal will rotate the warnings on advertisements quarterly according to the schedule attached hereto as Exhibit "D".
- e. **Company or Multiple Brand Advertising:** In the event that Dosal engages in Company or multiple brand advertising, Dosal will use the rotation schedule for the first brand listed in Exhibit "D" of the Plan.
- f. **Internet Advertising:** At this time, Dosal does not engage in advertising on the internet, however, if Dosal does begin to advertise on the internet, Dosal will then submit a plan to the FTC regarding internet advertising for approval.

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

1. ROMY

- a. ROMY 100's Full Flavor Box;
- b. ROMY 100's Gold Box;
- c. ROMY 100's Silver Box;
- d. ROMY 100's Menthol Gold Box;
- e. ROMY King Gold Box;
- f. ROMY King Full Flavor Box; and
- g. ROMY Menthol King Box; and
- h. ROMY 100's Menthol Box.

2. DTC

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

3. **305's**

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

4. **COMPETIDORA**

- a. COMPETIDORA Full Flavor Box; and
- b. COMPETIDORA Non-Filter Box.

EXHIBIT "B"
DOSAL TOBACCO CORPORATION
BRAND STYLES NO LONGER MANUFACTURED

1. ROMY

- a. ROMY 100's Lights Soft Pack;
- b. ROMY 100's Full Flavor Soft Pack;
- c. ROMY Ultra Lights 100's Soft Pack;
- d. ROMY King Full Flavor Soft Pack;
- e. ROMY 100's Menthol Lights Soft Pack; and
- f. ROMY 100's Menthol Soft Pack

2. DTC

- a. DTC 100's Full Flavor Soft Pack;
- b. DTC 100's Light Soft Pack;
- c. DTC 100's Medium Soft Pack;
- d. DTC 100's Menthol Light Soft Pack;
- e. DTC 100's Ultra Light Soft Pack;
- f. DTC 100's Menthol Soft Pack;
- g. DTC King Light Soft Pack;
- h. DTC King Full Flavor Soft Pack;
- i. DTC King Menthol Soft Pack; and
- j. DTC King Non-Filter Soft Pack.

3. 305's

- a. 305's 100's Light Soft Pack;
- b. 305's 100's Menthol Light Soft Pack;

- c. 305's 100's Ultra Light Soft Pack;
- d. 305's 100's Full Flavor Soft Pack;
- e. 305's 100's Menthol Soft Pack;
- f. 305's King Full Flavor Soft Pack; and
- g. 305's King Menthol Soft Pack; and
- h. 305's King Non-Filter Soft Pack.

4. **Competidora**

- a. COMPETIDORA King Soft Filters; and
- b. COMPETIDORA King Soft Extrafinos.

EXHIBIT "C"

**DOSAL TOBACCO CORPORATION
SALES VOLUME REPORT FOR 2011 AND SALES
FORECAST FOR 2012 FOR ALL BRAND STYLES**

2011 SALES REPORT AND 2012 SALES PROJECTIONS

<u>SKU</u>	<u>Brand</u>	<u>Brand Style</u>	<u>Cartons Sold 2011</u>	<u>Number of Sticks 2011</u>	<u>Projected Carton Sales 2012</u>	<u>Projected Sales in Sticks 2012</u>
305FFKBX	/ 305's	Full Flavor King Box				
305FFYBX	/ 305's	Full Flavor 100's Box				
305BLKBX	/ 305's	Blue King Box				
305BLYBX	/ 305's	Blue 100's Box				
305MGYBX	/ 305's	Menthol Gold 100's Box				
305MNKBX	/ 305's	Menthol Kings Box				
305MNYBX	/ 305's	Menthol 100's Box				
305NFKBX	/ 305's	Non Filter Kings Box				
305SVYBX	/ 305's	Silver 100's Box				
305SVKBX	/ 305's	Silver King Box				
COMCFKBX	/ Competidora	Full Flavor				
COMNFKBX	/ Competidora	Non-Filter				
DTCFFKBX	/ DTC	Full Flavor King Box				
DTCFFYBX	/ DTC	Full Flavor 100's Box				
DTCGDKBX	/ DTC	Gold King Box				
DTCGDYBX	/ DTC	Gold 100's Box				
DTCMGYBX	/ DTC	Menthol Gold 100's Box				
DTCNFKBX	/ DTC	Non Filter Kings Box				

DTCSVYBX	/ DTC	Silver 100's Box				
DTCMNKBX	/ DTC	Menthol Kings Box				
DTCMNYBX	/ DTC	Menthol 100's Box				
ROMFFKBX	/ Romy	Full Flavor King Box				
ROMFFYBX	/ Romy	Full Flavor 100's Box				
ROMGDYBX	/ Romy	Gold 100's Box				
ROMMNYBX	/ Romy	Menthol 100's Box				
ROMMGYBX	/ Romy	Menthol Gold 100's Box				
ROMMNKBX	/ Romy	Menthol King Size Box				
ROMSVYBX	/ Romy	Silver 100's Box				
ROMGDKBX	/ Romy	Gold King Box				
TOTAL:						

EXHIBIT "D"
ADVERTISEMENT WARNING
STATEMENT ROTATION SCHEDULE

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

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

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

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

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



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

Division of
Advertising Practices

June 21, 2012

Veronica Vilarchao
Foley & Lardner, LLP
2 South Biscayne Blvd.
Suite 1900
Miami, FL 33131

Dear Ms. Vilarchao:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Dosal Tobacco Corp. ("Dosal") on June 15, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Romy, DTC, 305's, and Competidora brands of cigarettes.

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

¹ By letter dated June 22, 2011, this variety was approved for quarterly rotation, which does not need to be re-approved annually.

² Dosal stated in its June 15, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission has previously approved.

<u>Brand</u>	<u>Date(s)</u>
Romy	July 28, 2003 March 29, 2005 May 3, 2010 May 16, 2011
DTC	July 28, 2003 August 20, 2008 May 3, 2010 May 16, 2011
305's	July 28, 2003 April 4, 2006 March 29, 2007 May 3, 2010 May 16, 2011
Competidora	May 3, 2010

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

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

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

Please note that this letter only approves Dosal's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009

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.

enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Dosal'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 Dosal's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Dosal's packaging and advertising under the 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 June 20, 2013, or until the authority to approve cigarette health warning statements 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

NANCY ELLEN KEANE
804.697.1272 telephone
804.698.5140 facsimile
nancyellen.keane@troutmansanders.com

TROUTMAN SANDERS

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Richmond, Virginia 23219
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June 20, 2012

Via Federal Express and EMAIL sschools@ftc.gov

Ms. Mary K. Engle
Associate Director
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, DC 20580
Attn: Sallie Schools

Re: J. Conrad Seneca dba Six Nations Manufacturing
Warning Rotation Plan for the BUFFALO Brand

Dear Ms. Engle:

On behalf of J. Conrad Seneca dba Six Nations Manufacturing ("Six Nations"), we hereby submit this Surgeon General's Equalization Plan for Six Nations as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15U.S.C. § 1331 (1998), et seq.) as amended ("FCLAA") for sixteen (16) styles of BUFFALO cigarettes.

Six Nations is the manufacturer of the BUFFALO, SENATE, GATOR and NATIVE PRIDE brands. Its manufacturing facility is located at 13599 Southwestern Boulevard, Irving, NY 14081. J. Conrad Seneca is owner. Mark Corrao is Plant Manager. Six Nations has not to date imported or exported any cigarettes. A FTC warning rotation plan was submitted February 8, 2012 and approved February 9, 2012 for the SENATE and GATOR brands. A FTC warning rotation plan was submitted December 6, 2011 and approved December 12, 2011, for the NATIVE PRIDE brand.

Six Nations sales in 2011 were: BUFFALO [REDACTED] GATOR [REDACTED] SENATE [REDACTED] and NATIVE PRIDE [REDACTED] sticks. Six Nations anticipates that its sales in 2012 of BUFFALO will be [REDACTED] sticks out of estimated total for 2012 of [REDACTED] sticks. These figures should qualify the company for the Section 1333(c)(2) exemption.

Six Nations produces BUFFALO cigarettes in sixteen (16) brand styles. Six Nations requests that the following sixteen (16) styles be included in the Plan:

Ms. Mary K. Engle
June 20, 2012
Page 2

Full Flavor Kings hard pack, Full Flavor 100's (soft pack and hard pack), Menthol Kings hard pack, Menthol 100's (soft pack and hard pack), Non Filter Kings hard pack, Smooth Kings hard pack, Smooth 100's (soft pack and hard pack), Ultra Smooth Kings hard pack, Ultra Smooth 100's (soft pack and hard pack), Menthol Smooth Kings hard pack, and Menthol Smooth 100's (soft pack and hard pack).

The warnings will appear exactly as shown on the samples packs and cartons of BUFFALO packaging submitted with letters dated April 28, 2009, May 13, 2009, and May 7, 2010. Beginning on the date of approval of this Plan, Six Nations 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, Six Nations requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA. Six Nations will keep records demonstrating compliance with this Plan.

Six Nations will adhere to the advertising plan for Buffalo cigarettes that was approved by your office on June 10, 2009, as well as the Warning Label size previously submitted and approved by your office on June 10, 2009.

We submit that the foregoing complies with the requirements of the FCLAA, and request expedited approval of this request, as the current plan terminates as of June 24, 2012. Should you require any additional information in order to review and approve the health warning rotation plan of Six Nations for the BUFFALO brand, please feel free to contact me at any time. Please fax the approval of the Plan to me at (F) 804-698-5140.

Sincerely,

A handwritten signature in cursive script, reading "Nancyellen Keane".

Nancyellen Keane

cc: Mark Corrao
2157849.3



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

Division of
Advertising Practices

June 21, 2012

Nancyellen Keane
Troutman Sanders LLP
P.O. Box 1122
Richmond, VA 23218

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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of J. Conrad Seneca d/b/a Six Nations Manufacturing ("Six Nations") on June 20, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for sixteen varieties of the Buffalo brand of cigarettes.

Six Nations' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated April 28, 2009, May 13, 2009, and May 7, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Six Nations' plan for simultaneous display of the four health warnings on packaging for the following sixteen varieties of the Buffalo brand is hereby approved:

- Full Flavor Kings hard pack, Full Flavor 100's (soft pack and hard pack), Menthol Kings hard pack, Menthol 100's (soft pack and hard pack), Non Filter Kings hard pack, Smooth Kings hard pack, Smooth 100's (soft pack and hard pack), Ultra Smooth Kings hard pack, Ultra Smooth 100's (soft pack and hard pack), Menthol Smooth Kings hard pack, and Menthol Smooth 100's (soft pack and hard pack).

¹ Six Nations stated in its June 20, 2012 letter that the four health warnings will appear exactly as shown on the sample packaging submitted on these dates.

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 Six Nations' 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 Six Nations' 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 Six Nations' cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Six Nations' 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 June 20, 2013, 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.

Hérons Landing Smokeshop

11186 Southwestern Blvd., Irving, New York 14081
Tel (716) 549-6032, Fax (716) 549-6034

June 20, 2012

Ms. Diana Finegold
Federal Trade Commission
Division of Advertising Practices
601 New Jersey Avenue, N.W.
Room NJ-3212
Washington, DC 20001

Renewal of Cigarette Health Warning Rotation Plan

Dear Ms. Finegold:

On May12, 2011 the Federal Trade Commission ("the Commission") approved a cigarette health warning rotation plan submitted by Diane Anderson dba Herons Landing Smokeshop (the "Manufacturer"). The plan (submitted on March 20, 2011, Revised on April 29, 2011 and effective through May 11, 2012) related to the manufacturing and selling of the following four soft pack varieties of the "RT20" brand of cigarettes (Full Flavor King, Menthol King, Full Flavor 100, and Menthol 100). Samples of packs and outer cartons of the RT20 brand showing each of the four surgeon general's health warnings for each brand style listed above were submitted on March 20, 2011. The warnings on the actual packs and cartons to be manufactured and sold will be identical to these previously submitted samples.

The purpose of this letter is to ask that the rotation plan be approved (extended) for the one-year period beginning on the date of your approval.

Upon approval, the Manufacturer intends to continue to manufacture and sell these "RT20" cigarette soft pack brand styles (Full Flavor King, Menthol King, Full Flavor 100 and Menthol 100) at its factory located in Irving, New York in the United States (for a one-year period commencing upon FTC approval).

The Manufacturer will ensure that from the date that the previous plan was approved and for the one-year period covered by this plan, an equal number of each of the four health warnings will appear on packs and cartons of each of the brand styles of the RT20 brand of cigarettes. This will be achieved because all of the related packs and cartons will be printed with equal quantities of the four cigarette health warnings and because the Manufacturer's production personnel will use equal numbers of the four different packs and cartons when manufacturing each of the cigarette brand styles.

The total number of cigarettes manufactured and sold in 2011 did not exceed [REDACTED] cigarettes for any one, brand style of RT20 (the only brand manufactured by the manufacturer in 2011). I anticipate that the total number of cigarettes to be manufactured and sold in 2012 will not exceed [REDACTED] cigarettes for any one, brand style of RT20.

The Manufacturer will maintain records for the FTC of exact numbers manufactured and sold each year via documentation prepared in accordance with this plan (see discussion of the Surgeon General Warning Rotation Log below). In accordance with Section 4(c)(2) of the Act, and based upon anticipated annual sales quantities (i.e. total sales will be less than one-fourth of one percent of total cigarettes sold in the United States, and the brand styles of the cigarettes manufactured meet this low sales threshold), the Manufacturer respectfully requests that it be allowed to use the Rotation Plan using the Alternative method to the Quarterly Rotation Plan described in Section 4(c)(1).

As a "small" manufacturer by virtue of the information set forth above, the Manufacturer hereby states as its plan of rotation that the labels described in Section 1333 (a)(1) of the Act shall appear on the packages and cartons of each brand style of cigarettes with respect to which this plan is approved an equal number of times for the one year period commencing on the date of approval.

The Manufacturer's Rotation Plan includes procedures to maintain a Surgeon General Warning Rotation Log (the "Log") at the manufacturing facility that will be used to quantify the number of the four approved health-warning labels that are sold. The Log will be reviewed periodically throughout the year to assure that the four Surgeon General warnings are equalized in their use during the year.

Since the Manufacturer will not advertise the "RT20" product, there is no need to submit a plan for the rotation of warnings on advertising. If the manufacturer plans to advertise, it will submit a plan to the FTC before advertising begins.

The Manufacturer believes that the foregoing Plan continues to comply with the requirements set forth in the Federal Cigarette Labeling and Advertising Act and respectfully requests approval of this renewal (continuation).

Should this request conform to your requirements, I would appreciate that a letter evidencing the approval be sent (or faxed to 716-549-6034) to my attention at the above addresses. If you have any questions concerning the Plan I have described, or need additional information, please call. Your prompt attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Anderson", with a long horizontal flourish extending to the right.

Diane Anderson
Owner



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

Division of
Advertising Practices

June 21, 2012

Diane Anderson
Herons Landing Smokeshop
11186 Southwestern Blvd.
Irving, NY 14081

Dear Ms. Anderson:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the revised proposed plan filed by Diane Anderson d/b/a Herons Landing Smokeshop ("Herons Landing") on June 20, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the RT20 brand of cigarettes.

Herons Landing's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated March 20, 2011 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Herons Landing's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following four soft pack varieties of the RT20 brand: Full Flavor Kings, Full Flavor 100's, Menthol Kings, and Menthol 100's.

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

¹ Herons Landing stated in its June 20, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on March 20, 2011.

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.

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

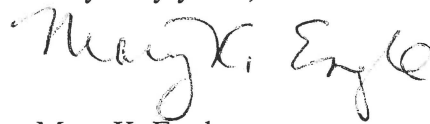
Please note that this letter only approves Herons Landing's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and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

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

The approval is effective on the date of this letter and runs through June 20, 2013, 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



John R. Long
Vice President & General Counsel

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

June 19, 2012

BY FED EX

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

Re: Application to Renew Liggett Group Cigarette Warning Rotation Plan

Dear Ms. Engle:

Liggett Group LLC ("Liggett") hereby applies to renew its Label Statement Rotation Plan ("Plan") pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("Act"). Except for the three PYRAMID brand styles identified below, Liggett is applying for simultaneous rotation of the four warnings required by the Act, to be implemented in accordance with Section 2(d) of the Plan, as originally approved by the Federal Trade Commission ("FTC") on September 19, 1985, and most recently approved by letter dated November 18, 2011.

Liggett's current rotation plan will expire on September 21, 2012. Liggett is submitting this renewal application early in connection with the change, effective as of July 1, 2012, of one PYRAMID brand style (Red King Size Box) from simultaneous to quarterly warning rotation. For administrative convenience Liggett would like to consolidate the renewal dates for all of its brand styles, even though the renewal date for Liggett's current plan is still several months away. Therefore, Liggett requests that the FTC renew Liggett's Plan with respect to all brand styles of the following brands: BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID (except for the three brand styles identified below) and TOURNEY as listed on Exhibit B of my enclosed affidavit. This application is for a one-year period beginning on the date of approval of this application.

On brand styles being renewed before one year of equalization (except for the two PYRAMID brand styles already subject to quarterly rotation), all brand styles have been equalized to date. Liggett box and soft pack labels are printed in such a way that all four warnings are printed with each revolution of one printing cylinder. For the cartons, two printing cylinders are alternated during the printing process to achieve equal warnings within a single pallet of

packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of all four warnings and for the soft pack labels rolls each containing a mix of all four warnings. In the manufacturing process, packaging is taken from the pallet and loaded into the packaging equipment as it is removed from the pallet, in the order that it is on the pallet, without any attempt to adjust or control that order. Accordingly, as each pallet of packing is used in the manufacturing process, the cigarettes produced using that packaging from that pallet will bear each of the four warnings in equal numbers, subject to limitations to the commercial printing and manufacturing practices.

Three Liggett brand styles no longer qualify for simultaneous warning rotation because their unit sales volume in Liggett's most recent fiscal year (calendar year 2011) exceeded one-quarter of one percent of the total United States cigarette market. These brand styles are as follows:

PYRAMID Red Kings Box;
PYRAMID Red 100s Box; and
PYRAMID Blue 100s Box.

Liggett's plan for quarterly rotation of the four warnings on packaging for the PYRAMID Red 100s Box and PYRAMID Blue 100s Box styles was approved by letter dated June 10, 2011.

Enclosed with my letter of April 3, 2012 was my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette unit sales in Liggett's most recent fiscal year, which was calendar year 2011. This information shows that, with the exceptions of the three PYRAMID brand styles identified above, Liggett's sales of any one brand style did not exceed one-fourth of one percent of all cigarettes sold in the United States in 2011, and more than one-half of the cigarettes sold by Liggett were packaged into brand styles that meet this requirement. Accordingly, pursuant to the Act and the Plan, all but the three PYRAMID brand styles identified above qualify for simultaneous rotation of the four warnings required by the Act.

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

By my letter of April 3, 2102, Liggett also submitted a revised Schedule A to Liggett's Plan, a copy of which is attached. This revised Schedule A identifies by name the various brands that Liggett manufactures. The revised Schedule A also provides for the possible use of Spanish language warnings in advertising materials. Submitted with my letter of April 3, 2012 were exact copies each of the four Spanish language warnings that Liggett may use, which are Exhibits 15 through 20, which are for warning sizes that correspond to Categories 1 through 6 (*i.e.*, up to 720 square inches). Liggett will not produce any advertising materials that would require a Spanish language warning larger than Exhibit 20.

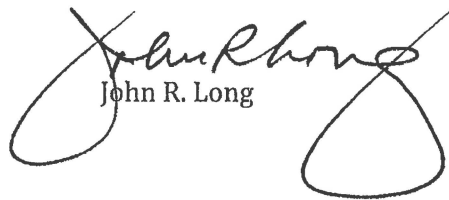
This will confirm that Liggett, in the ordinary course of business, maintains records of compliance with its approved plans for packaging and advertising.

Application to Renew Liggett Group Rotation Plan
June 19, 2012
Page 3

The information contained in the affidavit and exhibits is confidential and proprietary business information of Liggett. Liggett requests that this information be kept confidential by the FTC, pursuant to applicable rules and procedures.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John R. Long", is written over a printed name. The signature is stylized with large loops and a long horizontal stroke.

John R. Long

SCHEDULE A

to Liggett Group LLC Cigarette Warning Label Statement Rotation Plan

Schedule of Warning Rotation in Advertising By Brand and Quarter

Brand	1st Calendar Quarter	2nd Calendar Quarter	3rd Calendar Quarter	4th Calendar Quarter
Bronson	A	B	C	D
Class A	B	C	D	A
Eve	C	D	A	B
Grand Prix	D	A	B	C
Pyramid	A	B	C	D
Montego	B	C	D	A
Liggett Select	C	D	A	B
Tourney	D	A	B	C
Multi-Brand	A	B	C	D
Miscellaneous	B	C	D	A

English Language Warnings:

- 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.

Spanish Language Warnings:

- A ADVERTENCIA DEL CIRUJANO GENERAL: Fumar Causa Cáncer del Pulmón, Enfermedades del Corazón, Enfisema, y Puede Complicar el Embarazo.
- B ADVERTENCIA DEL CIRUJANO GENERAL: Dejar de Fumar Ahora Reduce Enormemente Los Graves Riesgos Par Su Salud.
- C ADVERTENCIA DEL CIRUJANO GENERAL: Fumar Durante el Embarazo Puede Causar Daño Fetal, Parto Prematuro y Reducir el Peso del Recién Nacido.
- D ADVERTENCIA DEL CIRUJANO GENERAL: El Humo del Cigarrillo Contiene Monóxido de Carbono.

Exhibit B**Liggett Group LLC
Application to Renew Warning Rotation Plan
Dated April 3, 2012****2011 Gross Unit Sales by Brand Style**

	Brand	Current Brand Style Name	2011 Units Sold
1	BRONSON	Non-Filter Kings Soft Pack	
2	BRONSON	Full Flavor Filter Kings Soft Pack	
3	BRONSON	Full Flavor Filter Kings Box	
4	BRONSON	Full Flavor Filter 100's Soft Pack	
5	BRONSON	Full Flavor Filter 100's Box	
6	BRONSON	Full Flavor Menthol Kings Soft Pack	
7	BRONSON	Full Flavor Menthol Kings Box	
8	BRONSON	Full Flavor Menthol 100's Soft Pack	
9	BRONSON	Gold Kings Soft Pack	
10	BRONSON	Gold Kings Box	
11	BRONSON	Gold 100's Soft Pack	
12	BRONSON	Gold 100's Box	
13	BRONSON	Silver Kings Soft Pack	
14	BRONSON	Silver Kings Box	
15	BRONSON	Silver 100's Soft Pack	
16	BRONSON	Gold Menthol Kings Soft Pack	
17	BRONSON	Gold Menthol Kings Box	
18	BRONSON	Gold Menthol 100's Soft Pack	
1	CLASS A	Non-Filter Kings Soft Pack	
2	CLASS A	Non-Filter Kings Box	
3	CLASS A	Full Flavor Filter Kings Soft Pack	
4	CLASS A	Full Flavor Filter 100's Soft Pack	
5	CLASS A	Filter Kings Soft Pack	
6	CLASS A	Filter Kings Box	
7	CLASS A	Filter 100's Soft Pack	
8	CLASS A	Menthol Filter Kings Soft Pack	
9	CLASS A	Menthol Filter Kings Box	
10	CLASS A	Menthol Silver 100's Soft Pack	
11	CLASS A	Blue Kings Soft Pack	
12	CLASS A	Blue 100's Soft Pack	
13	CLASS A	Menthol Filter 100's Soft Pack	
1	EVE	Amethyst 120's Box	
2	EVE	Sapphire 120's Box	
3	EVE	Menthol Emerald 120's Box	
4	EVE	Menthol Turquoise 120's Box	

Exhibit B**Liggett Group LLC
Application to Renew Warning Rotation Plan
Dated April 3, 2012****2011 Gross Unit Sales by Brand Style**

	Brand	Current Brand Style Name	2011 Units Sold
1	GRAND PRIX	Non-Filter Classic Kings Soft Pack	
2	GRAND PRIX	Non-Filter Classic Kings Box	
3	GRAND PRIX	Filter Red Kings Soft Pack	
4	GRAND PRIX	Filter Red Kings Box	
5	GRAND PRIX	Filter Red 100s Soft Pack	
6	GRAND PRIX	Filter Red 100s Box	
7	GRAND PRIX	Blue Kings Soft Pack	
8	GRAND PRIX	Blue Kings Box	
9	GRAND PRIX	Blue 100s Soft Pack	
10	GRAND PRIX	Blue 100s Box	
11	GRAND PRIX	Orange 100s Soft Pack	
12	GRAND PRIX	Orange 100s Box	
13	GRAND PRIX	Menthol Gold Kings Box	
14	GRAND PRIX	Menthol Gold 100s Box	
15	GRAND PRIX	Menthol Silver 100s Soft Pack	
16	GRAND PRIX	Menthol Silver 100s Box	
1	LIGGETT SELECT	Non-Filter Kings Soft Pack	
2	LIGGETT SELECT	Non-Filter Kings Box	
3	LIGGETT SELECT	Red Kings Soft Pack	
4	LIGGETT SELECT	Red Kings Box	
5	LIGGETT SELECT	Red 100's Soft Pack	
6	LIGGETT SELECT	Red 100's Box	
7	LIGGETT SELECT	Gold Kings Soft Pack	
8	LIGGETT SELECT	Gold Kings Box	
9	LIGGETT SELECT	Gold 100's Soft Pack	
10	LIGGETT SELECT	Gold 100's Box	
11	LIGGETT SELECT	Silver 100's Soft Pack	
12	LIGGETT SELECT	Silver 100's Box	
13	LIGGETT SELECT	Menthol Gold Kings Box	
14	LIGGETT SELECT	Menthol Gold 100's Box	
15	LIGGETT SELECT	Menthol Silver Kings Box	
16	LIGGETT SELECT	Menthol Silver 100's Soft Pack	
17	LIGGETT SELECT	Menthol Silver 100's Box	
1	MONTEGO	Full Flavor Kings Box	
2	MONTEGO	Full Flavor 100's Box	
3	MONTEGO	Gold Kings Box	
4	MONTEGO	Gold 100's Box	
5	MONTEGO	Blue 100's Box	
6	MONTEGO	Menthol Kings Box	
7	MONTEGO	Menthol Silver Kings Box	
8	MONTEGO	Menthol Silver 100's Box	

Exhibit B**Liggett Group LLC
Application to Renew Warning Rotation Plan
Dated April 3, 2012****2011 Gross Unit Sales by Brand Style**

	Brand	Current Brand Style Name	2011 Units Sold
1	PYRAMID	Non-Filter Kings Soft Pack	
2	PYRAMID	Non-Filter Kings Box	
3	PYRAMID	Red Kings Box	
4	PYRAMID	Red 100s Box	
5	PYRAMID	Blue Kings Box	
6	PYRAMID	Blue 100s Box	
7	PYRAMID	Orange Kings Box	
8	PYRAMID	Orange 100s Box	
9	PYRAMID	Menthol Gold Kings Box	
10	PYRAMID	Menthol Gold 100s Box	
11	PYRAMID	Menthol Silver Kings Box	
12	PYRAMID	Menthol Silver 100s Box	
1	TOURNEY	Non-Filter Kings Soft Pack	
2	TOURNEY	Non-Filter Kings Box	
3	TOURNEY	Full Flavor Kings Soft Pack	
4	TOURNEY	Full Flavor Kings Box	
5	TOURNEY	Full Flavor 100's Soft Pack	
6	TOURNEY	Full Flavor 100's Box	
7	TOURNEY	Gold Kings Soft Pack	
8	TOURNEY	Gold Kings Box	
9	TOURNEY	Gold 100's Soft Pack	
10	TOURNEY	Gold 100's Box	
11	TOURNEY	Blue 100's Soft Pack	
12	TOURNEY	Menthol Full Flavor Kings Box	
13	TOURNEY	Menthol Full Flavor 100's Box	
14	TOURNEY	Menthol Gold Kings Soft Pack	
15	TOURNEY	Menthol Gold Kings Box	
16	TOURNEY	Menthol Gold 100's Soft Pack	
17	TOURNEY	Menthol Gold 100's Box	
18	TOURNEY	Slims Rose 120's Box	
19	TOURNEY	Slims Blue 120's Box	
20	TOURNEY	Slims Menthol Teal 120's Box	



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

Division of
Advertising Practices

June 29, 2012

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

Dear Mr. Long:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Liggett Group LLC ("Liggett") on June 19, 2012 calling for: (1) expansion of Liggett's plan for rotation of the four health warnings in advertising for the Bronson, Class A, Eve, Grand Prix, Liggett Select, Montego, Pyramid, and Tourney brands of cigarettes to include Spanish language warnings in Spanish language advertisements up to 720 square inches in size; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of those brands.

Liggett's expansion of its advertising plan to include Spanish language warnings in Spanish language advertisements up to 720 square inches in size for the Bronson, Class A, Eve, Grand Prix, Liggett Select, Montego, Pyramid, and Tourney brands is hereby approved. Approval of this advertising plan assumes that the plan is implemented in good faith.

Liggett's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, with the exception of the Pyramid Red Box (Kings and 100's) and Pyramid Blue 100's Box varieties,¹ and the warnings on the sample packs and cartons submitted

¹ By letter dated June 10, 2011, the Pyramid Red 100's Box and Pyramid Blue 100's Box varieties were approved for quarterly rotation, which does not need to be re-approved annually. Your June 19, 2012 letter contemplates quarterly rotation of the Pyramid Red Kings Box variety according to the schedule approved on June 10, 2011.

with your letters on the following dates continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:²

<u>Brand</u>	<u>Date(s)</u>
Bronson	March 2, 2006 May 4, 2010 June 2, 2010 September 21, 2010 October 13, 2011
Class A	February 7, 2000 May 4, 2010 October 13, 2011
Eve	May 4, 2010
Grand Prix	September 29, 2008 May 4, 2010 October 13, 2011
Liggett Select	November 8, 2004 May 4, 2010 June 2, 2010 October 13, 2011
Montego	April 3, 2006 May 4, 2010 June 2, 2010
Pyramid	September 25, 2009 May 4, 2010 February 23, 2011
Tourney	November 30, 2005 May 4, 2010 October 13, 2011

² Liggett stated in its June 19, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission has most recently approved.

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

- Eighteen varieties of the Bronson brand: Non-Filter Kings Soft Pack, Full Flavor Kings (Soft Pack and Box), Full Flavor 100's (Soft Pack and Box), Full Flavor Menthol Kings (Soft Pack and Box), Full Flavor Menthol 100's Soft Pack, Gold Kings (Soft Pack and Box), Gold 100's (Soft Pack and Box), Silver Kings Box, Silver Soft Pack (Kings and 100's), Gold Menthol Kings Box, and Gold Menthol Soft Pack (Kings and 100's);
- Thirteen varieties of the Class A brand: Non-Filter Kings (Soft Pack and Box), Full Flavor Soft Pack (Kings and 100's), Filter Kings Box, Filter Soft Pack (Kings and 100's), Menthol Soft Pack (Kings and 100's), Menthol Filter Kings Box, Blue Soft Pack (Kings and 100's), and Menthol Silver 100's Soft Pack;
- Four Box varieties of the Eve brand: Amethyst 120's, Sapphire 120's, Menthol Emerald 120's, and Menthol Turquoise 120's;
- Sixteen varieties of the Grand Prix brand: Non-Filter Classic Kings (Soft Pack and Box), Filter Red Kings (Soft Pack and Box), Filter Red 100's (Soft Pack and Box), Blue Kings (Soft Pack and Box), Blue 100's (Soft Pack and Box), Orange 100's (Soft Pack and Box), Menthol Gold Box (Kings and 100's), and Menthol Silver 100's (Soft Pack and Box);
- Seventeen varieties of the Liggett Select brand: Non-Filter Kings (Soft Pack and Box), Red Kings (Soft Pack and Box), Red 100's (Soft Pack and Box), Gold Kings (Soft Pack and Box), Gold 100's (Soft Pack and Box), Silver 100's (Soft Pack and Box), Menthol Gold Box (Kings and 100's), Menthol Silver Kings Box, and Menthol Silver 100's (Soft Pack and Box);
- Eight Box varieties of the Montego brand: Full Flavor (Kings and 100's), Gold (Kings and 100's), Blue 100's, Menthol Kings, and Menthol Silver (Kings and 100's);
- Nine varieties of the Pyramid brand: Non-Filter Kings (Soft Pack and Box), Blue Kings Box, Orange Box (Kings and 100's), Menthol Gold Box (Kings and 100's), Menthol Silver Box (Kings and 100's); and
- Twenty varieties of the Tourney brand: Non-Filter Kings (Soft Pack and Box), Full Flavor Kings (Soft Pack and Box), Full Flavor 100's (Soft Pack and Box), Gold Kings (Soft Pack and Box), Gold 100's (Soft Pack and Box), Blue 100's Soft Pack, Menthol Full Flavor Box (Kings and 100's), Menthol Gold Kings (Soft Pack and Box), Menthol Gold 100's (Soft Pack and Box), Slims Rose 120's Box, Slims Blue 120's Box, and Slims Menthol Teal 120's Box.

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

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucml76164.htm.

This approval is effective on the date of this letter and runs through June 28, 2013, 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 Engle" followed by a stylized monogram or initials.

Mary K. Engle
Associate Director



PRESIDENT

President Tobacco Co. LLC
7000 Island Blvd. Suite 1406
Miami, FL 33160
305.773.4245

June 21, 2012

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 President Tobacco Co. Corporation for the display of the health warnings on its President cigarette brand. President Tobacco Co. Corporation's address is 7000 Island Blvd., Suite 1406, Aventura, Florida 33160.

The brand styles of President brand cigarettes President Tobacco Co. Corporation 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 were submitted on July 1, 2011. The warnings will appear exactly as shown on these samples.

President Tobacco Co. Corporation manufactured [REDACTED] sticks of President brand cigarettes in 2011. President's projected manufacture of President brand cigarettes in 2012 is approximately [REDACTED]

No one brand style of cigarettes sold by President Tobacco Co. Corporation 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).

President 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. President Tobacco Co. Corporation will maintain records demonstrating compliance with this plan.

President Tobacco Co. Corporation 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, President 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.

President Tobacco Co. Corporation 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 (305) 773-4245. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Freedman", with a long horizontal flourish extending to the right.

Stan Freedman

President

President Tobacco Co. Corporation

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



Division of
Advertising Practices

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

June 29, 2012

Stan Freedman
President
President Tobacco Co. LLC
7000 Island Blvd., Suite 1406
Aventura, FL 33160

Dear Mr. Freedman:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by President Tobacco Co. LLC ("President Tobacco") dated June 21, 2012, calling for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the "President" brand of cigarettes.

President Tobacco's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on July 1, 2011 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, President Tobacco's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following six hard pack varieties of the President brand: Red (Kings and 100's), Blue (Kings and 100's), and Menthol (Kings and 100's).

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

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

¹ President Tobacco stated in its June 21, 2012 letter that the four warnings will appear exactly as shown on the packs and cartons submitted on July 1, 2011.

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

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

The approval is effective on the date of this letter and runs through June 28, 2013, 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 Sallie Schools at (202) 326-3344.

Very truly yours,

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

Mary K. Engle
Associate Director