



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: November 7, 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. January 3, 2013 letter from Barry M. Boren on behalf of Ohserase Manufacturing, LLC to Mary Engle.
2. January 7, 2013 letter from Mary K. Engle to Barry M. Boren on behalf of Ohserase Manufacturing, LLC.
3. January 23, 2013 letter from Nancyellen Keane on behalf of Tisha A. Thompson d/b/a Jacobs Tobacco Company to Mary K. Engle.
4. January 30, 2013 letter from Mary K. Engle to Nancyellen Keane on behalf of Tisha A. Thompson d/b/a Jacobs Tobacco Company.
5. January 10, 2013 letter from William H. Melton, Lignum-2, Inc. to Mary K. Engle.
6. February 5, 2013 letter from Mary K. Engle to William H. Melton, Lignum-2, Inc.
7. January 24, 2012 letter Victoria Spier Evans, Vector Tobacco Inc. to Mary K. Engle.
8. February 5, 2013 letter from Mary K. Engle to Victoria Spier Evans, Vector Tobacco Inc.
9. February 6, 2013 letter from Barry M. Boren on behalf of Canadian Agricultural Depot, LLC to Mary Engle.

10. February 11, 2013 letter from Mary K. Engle to Barry M. Boren on behalf of Canadian Agricultural Depot, LLC.
11. February 11, 2013 letter from Henry C. Roemer, III on behalf of Kretek International, Inc. to Sallie Schools.
12. February 12, 2013 letter from Mary K. Engle to Henry C. Roemer, III on behalf of Kretek International, Inc.
13. February 13, 2013 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Mary K. Engle.
14. February 14, 2013 letter from Mary K. Engle to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
15. February 6, 2013 letter from Eric F. Facer on behalf of Great Swamp Enterprises Inc. to Mary K. Engle.
16. February 19, 2013 letter from Mary K. Engle to Eric F. Facer on behalf of Great Swamp Enterprises Inc.
17. February 26, 2013 letter from Deborah Aguglia, Goodrich Tobacco Company LLC to Bonnie McGregor.
18. March 5, 2013 letter from Mary K. Engle to Deborah Aguglia, Goodrich Tobacco Company LLC.
19. March 7, 2013 letter from Rhondetta G. Walton, Commonwealth Brands, Inc. to Mary Engle.
20. March 8, 2013 letter from Mary K. Engle to from Rhondetta G. Walton, Commonwealth Brands, Inc.
21. March 14, 2013 letter from David A. Scott, Cheyenne International, LLC to Mary K. Engle.
22. March 19, 2013 letter from Mary K. Engle to David A. Scott, Cheyenne International, LLC.

**LAW OFFICES OF
BARRY M. BOREN**

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January 3, 2013

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

Attention: Ms. Sallie Schools

Surgeon General's Warning Rotation Plan for
Billboard And Internet Advertising
Signal and da Rez Cigarettes for
Ohserase Manufacturing, LLC

Dear Ms. Engle:

Please be advised that we are the attorneys for Ohserase Manufacturing, LLC ("Ohserase"), a New York limited liability corporation, with offices located at 393 Frogtown Rd., Hogansburg, New York 13655. The mailing address is P.O. Box 1221, Hogansburg, New York 13655 and the phone number is (513) 358-4229. Ohserase wishes to file a Surgeon General's Warning Rotation Plan for advertising for cigarettes they are manufacturing in the United States under the brand names "Signal" and "da Rez." This plan is being submitted pursuant to the requirements of the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*).

The contact person for the company will be its Manager/Member, Justin Tarbell, who can be reached at the above address and phone number.

A plan for the display of the Surgeon General's health warnings on packaging for Signal and da Rez brands was approved by the Federal Trade Commission ("FTC") on September 24, 2012. A copy of the approval letter is attached hereto as Exhibit "A".

Ohserase proposes the following advertising rotation plan for its Signal and da Rez brands of cigarettes as required by Paragraphs 2 and 3 of Sub-section (a) of Section 4 of the Federal Cigarette Labeling and Advertising Act of 1964, as amended (15 U.S.C. §1331 *et seq.*) (the "Act"). These sections provide for the placement of certain Surgeon General Health Warnings in advertisements for cigarettes within the United States. This Advertising Quarterly Rotation Plan is being submitted to the FTC pursuant to Section 4(c) of the Act.

1. Advertisements (other than billboard advertisements):

- A. Pursuant to the requirements of Section 4(a)(2) of the Act, Ohserase will rotate quarterly, in alternating sequence, the four Surgeon General's Health Warnings on all advertisements it produces for the Signal and da Rez brands of cigarettes. The advertising rotation sequence for both Ohserase brands is set forth in Exhibit "B."
- B. Any advertisement appearing in an issue of a newspaper, magazine or other periodical shall bear the health warning statement referenced in the plan for the quarter in which the cover date falls; provided that any advertisement appearing in an issue of a newspaper, magazine or other periodical having a cover date that encompasses a period of more than one calendar month shall bear the label statement for the quarter during which such issue is first scheduled for sale or distribution to the public.
- C. Any advertisement prepared for point-of-sale promotional materials for which a label statement is required, and non-point-of sale leaflets, and direct mail circulars as are lawful shall bear the label statement for the quarter in which mechanical artwork for such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such advertisement is thereafter published, distributed, installed or displayed.
- D. Any advertisements prepared for vending machines where such machines are lawful shall bear the label statement for the quarter in which mechanical artwork for such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such advertisement is thereafter distributed, installed or displayed.
- E. Each advertisement (other than advertisements in newspapers, magazines and other periodicals), shall bear a reference, in code or otherwise, indicating the calendar quarter in which the mechanical artwork therefor was first delivered in final form for engraving or comparable production.
- F. Ohserase will utilize the English language formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and will place the warnings as specified in those plans. Copies of the formats we will be using were attached to our December 29, 2010 submission as Composite Exhibit "C." These formats cover all advertising from zero square inches to 40 square feet (as printed on the FTC website as Cigarette Memo Exhibits 1 through 9). At this time, all of Ohserase's advertising will be in English so only English language formats will be used. The

dimensions of Ohserase's largest ad, other than billboard advertising, will be 40 square feet. If this changes, Ohserase will notify the FTC and modify its plan accordingly. All the warning statements used by Ohserase in any of its advertising will use black print on a white background. Ohserase will use the formats on all its advertisements as follows:

CATEGORY	SIZE OF ADVERTISEMENT	WARNING STATEMENT
Category 1.	0 to 65 square inches	Exhibit 1 or 1(a)
Category 2.	Over 65 to 110 square inches	Exhibit 2 or 2(a)
Category 3.	Over 110 to 180 square inches	Exhibit 3
Category 4.	Over 180 to 360 square inches	Exhibit 4
Category 5.	Over 360 to 470 square inches	Exhibit 5
Category 6.	Over 470 to 720 square inches	Exhibit 6
Category 7.	Over 5 to 10 square feet	Exhibit 7
Category 8.	Over 10 to 20 square feet	Exhibit 8
Category 9.	Over 20 to 40 square feet	Exhibit 9

2. Outdoor Billboard Advertisements:

- (a) Ohserase will use the billboard health warnings set forth in 15 U.S.C. §1333(a)(3) on all its outdoor billboard advertising. It will utilize the formats it has produced based on the English language formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and will use these formats on all their outdoor billboard advertising materials. These formats cover all advertising from 160 square feet to 350 square feet (as originally set forth as Cigarette Memo Exhibit 12). At this time, all of Ohserase's advertising will be in English so only English language formats will be used. The dimensions of Ohserase's largest ad will be no more than 350 square feet. If this changes, Ohserase will notify the FTC and modify its plan accordingly. All the warning statements used by Ohserase in any of its advertising will use black print on a white background. The warnings will be rotated as set forth in the chart attached hereto as Exhibit "D."

CATEGORY	SIZE OF ADVERTISEMENT	WARNING STATEMENT
Category 12.	160 to 350 square feet	Exhibit 12

- (b) A printed sample of the Lung Cancer billboard health warning to be used by Ohserase was included with the submission of December 29, 2010 as composite Exhibit "E." On January 27, 2011 we resubmitted the billboard health warnings for the Quitting Smoking and Carbon Monoxide warnings which were found acceptable. The Pregnant Women warning was re-done and sent to the FTC on October 3, 2012 and was found to be acceptable.
- (c) Upon approval of this plan, any outdoor billboard advertisement shall bear the label statement referenced in Exhibit "D" for the appropriate brand and calendar quarter during which the first posting, painting or installation of such advertisement, as proposed at the time of delivery of mechanical artwork for such advertisement in final form for engraving, painting or comparable production shall fall. If, at any time, an outdoor billboard advertisement is substantially repainted or refurbished, the appropriate health warning for that calendar quarter, as set forth in Exhibit "D" shall be used on the billboard.

3. 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 Signal cigarettes in paragraph 1 above of this cigarette advertising plan. The sequence for Signal will be used because it has more sales and was one of the two brands included in the first Ohserase plan approved by the FTC.

4. Internet Advertising:

On any cigarette advertising Ohserase conducts on the internet, Ohserase, will rotate its health warnings quarterly in an alternating sequence that complies with the rotation schedule set forth in paragraph 1A of this advertising plan. A complete rotation schedule for the Ohserase brands is set forth in Exhibit "B." If one brand of cigarettes is advertised on an individual web page which features that specific brand of cigarettes, it shall contain the same quarterly warning rotation as will be approved for that brand by the FTC in its Surgeon General's Health Warning Rotation Plan as set forth in Exhibit "B."

The warnings appearing on the Internet will be superimposed on the screen in an

Ms. Mary Engle, Associate Director
Division of Advertising Practices

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January 3, 2013

unavoidable manner on every Web page, where it may be viewed without scrolling, and will not be accessible or displayed through hyperlinks, pop-ups, interstitials or other similar means. Ohserase will use warning formats it has produced based upon the warning formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and the size of the warnings will be proportionate to those warning formats. The health warnings for each brand of cigarettes advertised by Ohserase on the Internet will appear as per the samples attached hereto as Composite Exhibit "F." ¹ The current website is www.signalcigarettes.com.

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

¹ Please note that the quality of the Surgeon General's Warning shown on the attached hard copy of the web-page (Exhibit "F") is not as clear as it actually appears as posted on the Internet website.



Division of
Advertising Practices

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

September 24, 2012

Dale White
General Counsel
Ohserase Manufacturing, LLC
26 Eagle Drive
P.O. Box 1221
Akwesasne, NY 13655

Dear Mr. White:

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 Ohserase Manufacturing, LLC ("Ohserase") on September 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 "da Rez" and Signal brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
da Rez	December 3, 2008
Signal	December 3, 2008 June 18, 2010 July 16, 2010 January 27, 2012

¹ Ohserase stated in its September 20, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although some of the warnings on the sample packs for the Signal brand submitted on June 18, 2010 contained capitalization errors, corrected samples were submitted on July 16, 2010.

Dale White
September 24, 2012
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Accordingly, Ohserase's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

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

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

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

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

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

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.

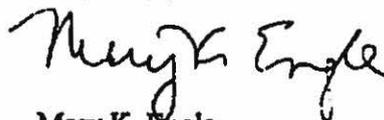
Dale White
September 24, 2012
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www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at
www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through September 23, 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

EXHIBIT "B"
OHSERASE MANUFACTURING, 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
da Rez	A	B	C	D
Signal	B	C	D	A

- 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:
Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
- C = SURGEON GENERAL'S WARNING:
Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.
- D = SURGEON GENERAL'S WARNING:
Cigarette Smoke Contains Carbon Monoxide.

EXHIBIT "D"
OHSERASE MANUFACTURING, LLC
CHART OF WARNINGS FOR
BILLBOARD ADVERTISING

Brand Name	Quarter One Jan. 1st to March 31st	Quarter Two April 1st to June 30th	Quarter Three July 1st to Sept. 30th	Quarter Four Oct. 1st to Dec. 31st
da Rez	A	B	C	D
Signal	B	C	D	A

A = SURGEON GENERAL'S WARNING:
 PREGNANT WOMEN WHO SMOKE RISK FETAL INJURY AND PREMATURE BIRTH.

B = SURGEON GENERAL'S WARNING:
 QUITTING SMOKING NOW GREATLY REDUCES SERIOUS HEALTH RISKS.

C = SURGEON GENERAL'S WARNING:
 SMOKING CAUSES LUNG CANCER, HEART DISEASE, AND EMPHYSEMA.

D = SURGEON GENERAL'S WARNING:
 CIGARETTE SMOKE CONTAINS CARBON MONOXIDE.



Division of
Advertising Practices

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

January 7, 2013

Barry Boren
One Datran
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 Ohserase Manufacturing, LLC ("Ohserase") on January 3, 2013, calling for quarterly rotation of the four health warnings in advertising, including Internet advertising, for the "Signal" and "da Rez" brands of cigarettes. Ohserase's plan applies to advertisements up to 350 square feet in size.

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

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

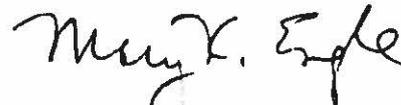
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example,

Barry Boren
January 7, 2013
Page 2

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

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

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, prominent "M" and "E".

Mary K. Engle
Associate Director

NANCYELLEN KEANE
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TROUTMAN SANDERS

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January 23, 2013

VIA 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: Tisha A. Thompson d/b/a Jacobs Tobacco Company
Warning Rotation Plan for the dis COUNT, Nations Best, and Turquoise Brands

Dear Ms. Engle:

On behalf of Tisha A. Thompson d/b/a Jacobs Tobacco Company ("Jacobs"), we hereby submit this Surgeon General's Equalization Plan for Jacobs as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15U.S.C. § 1331 (1998), et seq.) as amended ("FCLAA") for twelve (12) styles of dis COUNT, twelve (12) styles of Nations Best, and two (2) styles of Turquoise cigarettes.

Jacobs is the manufacturer of the dis COUNT, Nations Best, and Turquoise brands.¹ Its manufacturing facility is located at 344 Frogtown Road, Hogansburg, NY 13655. Tisha A. Thompson is owner and General Manager. Jacobs has not to date imported any cigarettes. Jacobs began exporting cigarettes during 2012, and the total cigarettes exported were [REDACTED] sticks.

Jacobs sales of dis COUNT, Nations Best and Turquoise in 2012 was [REDACTED] sticks. Jacobs anticipates that its domestic sales in 2013 will be [REDACTED] sticks, and its export sales in 2013 will be [REDACTED] sticks, which should qualify the company for the Section 1333(c)(2) exemption.

Jacobs produces dis COUNT cigarettes in twelve (12) hard box brand styles. Jacobs requests that the following twelve (12) styles be included in the Plan:

¹ Jacobs also manufactures EL CAPO and PITBULL for export only.

**TROUTMAN
SANDERS**

Ms. Mary K. Engle
January 23, 2012
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dis COUNT Full Flavor, dis COUNT Gold, dis COUNT Silver, dis COUNT Menthol, dis COUNT Menthol Gold, dis COUNT Full Flavor 100's, dis COUNT Gold 100's, dis COUNT Silver 100's, dis COUNT Menthol 100's, dis COUNT Menthol Gold 100's, dis COUNT Full Flavor Canadian, dis COUNT Gold Canadian

Jacobs produces Nations Best cigarettes in twelve (12) hard box brand styles. Jacobs requests that the following twelve (12) styles be included in the Plan.

Nations Best Full Flavor, Nations Best Gold, Nations Best Silver, Nations Best Menthol, Nations Best Menthol Gold, Nations Best Full Flavor 100's, Nations Best Gold 100's, Nations Best Silver 100's, Nations Best Menthol 100's, Nations Best Menthol Gold 100's, Nations Best Full Flavor Canadian, Nations Best Gold Canadian

Jacobs produces Turquoise cigarettes in two (2) hard box brand styles. Jacobs requests that the following two (2) styles be included in the Plan.

Turquoise Menthol Gold 100's, Turquoise Menthol Silver 100's

The warnings will appear exactly as shown on the samples of dis COUNT, Nations Best, and Turquoise packaging submitted on December 13, 2011, and the additional sample of Nations Best Full Flavor 100's pack enclosed with my letter dated January 20, 2012. Beginning on the date of approval of this Plan, Jacobs 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, Jacobs requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA. Jacobs will keep records demonstrating compliance with this Plan.

Jacobs does not advertise at this time. Should Jacobs later decide to advertise, it will submit an advertising Plan to the Commission in advance.

We submit that the foregoing complies with the requirements of the FCLAA, and request expedited approval of this request. Should you require any additional information in order to review and approve the health warning rotation plan of Jacobs for the dis COUNT, Nations Best and Turquoise brands, please feel free to contact me at any time. Please fax the approval of the Plan to me at (F) 804-698-5140.

Sincerely,



Nancyellen Keane



Division of
Advertising Practices

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

January 30, 2013

Nancyellen Keane
Troutman Sanders LLP
1001 Haxall Point
P.O. Box 1122
Richmond, VA 23218-1122

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 proposed plan filed on behalf of Tisha A. Thompson d/b/a Jacobs Tobacco Company (“Jacobs”) on January 23, 2013, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the dis COUNT, Nations Best, and Turquoise brands of cigarettes.

Jacobs’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 13, 2011, and January 20, 2012 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Twelve box varieties of the dis COUNT brand: Full Flavor (Kings and 100’s), Gold (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), Menthol Gold (Kings and 100’s), Full Flavor Canadian Kings, and Gold Canadian Kings;
- Twelve box varieties of the Nations Best brand: Full Flavor (Kings and 100’s), Gold (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), Menthol Gold (Kings and 100’s), Full Flavor Canadian Kings, and Gold Canadian Kings; and
- Two box varieties of the Turquoise brand: Menthol Gold 100’s, and Menthol Silver 100’s.

¹ Jacobs stated in its January 23, 2013 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Nancyellen Keane
January 30, 2013
Page 2

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

If Jacobs 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 Jacobs'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 Jacobs's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for Jacobs's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Jacobs'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 January 29, 2014, 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

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



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

January 10, 2013

RE: LIGNUM-2, INC.. CIGARETTE LABELING ROTATION PLAN

Dear Ms. Engle:

The following provides the 2013 Cigarette Labeling Rotation plan for the Rave brand of Lignum-2 Inc., 5900 North Andrews Avenue, Ft. Lauderdale, FL 33340.

This requests approval of a plan to conduct manufacturing operations so that the four health warnings specified in 15 U.S.C. 1331, Section 4 (a) (1), Federal Cigarette Labeling And Advertising Act, shall appear on the packs and cartons of each brand style of Rave cigarettes, an equal number of times during the twelve month period starting from the date this plan is approved by the FTC. During 2013, the Rave brands will be offered in nine styles as listed in Exhibit A. Rave is the only brand that Lignum-2 manufactures.

Based on sales volume for the one year period ending December 31, 2012, none of the Rave styles exceed one-fourth of one percent of cigarettes sold in the United States. Sales volume for each of the Rave styles is reported in the attached Exhibit B. Industry sales for the corresponding one year period ending December 31, 2012 are estimated to be 286.5 billion units. The sources of industry sales are The Maxwell Report: Third Quarter (November, 2011) and MSA shipment volume estimates for the 4th Quarter 2012 (January, 2012).

Lignum-2 total sales volume for 2012 was [REDACTED] units. Lignum-2 estimated total sales volume for 2013 is [REDACTED] units. Lignum-2 sales volume is measured on a calendar year.

The four health warnings will appear exactly as shown on packs and cartons enclosed with the January 12, 2010 letter and approved March 3, 2010, February 28, 2011 and February 6, 2012. The warnings read precisely as required by the Cigarette Act.

5900 North Andrews Avenue
P. O. Box 407130
Ft. Lauderdale, FL 33340-7130
Phone (954) 772-9000
An Imperial Tobacco Group Company

For all Rave brand styles, each of the four statutory warning labels will be displayed an equal number of times on all packs and cartons in a process during manufacturing that will insure an equal number of each warning notice being used for packs and cartons for each brand style for the one year period beginning on the date of the approval of this plan. To insure this, Lignum-2 will require one-fourth of each package and carton material order to be printed with each of the four warnings. Lignum-2 will maintain records documenting compliance with the rotation plan.

In addition, Lignum-2 will continue to use the advertising plan approved May 14, 2009 for the Rave brand.

If you require any additional information please contact me.

Sincerely,

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

William H. Melton
Vice President

EXHIBIT A

LIGNUM-2 RAVE BRAND
LABELING ROTATION PLAN

BRAND STYLES AS OF JANUARY 15, 2013

BRAND STYLE

RAVE GOLD KING BOX
RAVE GOLD 100'S BOX
RAVE GOLD 100'S SOFT PACK
RAVE RED KING BOX
RAVE RED 100'S BOX
RAVE RED 100'S SOFT PACK
RAVE MENTHOL KING BOX
RAVE MENTHOL 100'S BOX
RAVE MENTHOL 100'S SOFT PACK

EXHIBIT B

**LIGNUM-2
UNIT SALES VOLUME
BY STYLE
(STICKS IN 000s)
2012**

BRAND STYLE

STICKS

**RED KING BOX
MENTHOL KING BOX
GOLD KING BOX
RED 100'S SOFT PACK
MENTHOL 100'S SOFT PACK
GOLD 100'S SOFT PACK
MENTHOL 100'S BOX
RED 100'S BOX
GOLD 100'S BOX**



TOTAL



Division of
Advertising Practices

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

February 5, 2013

William H. Melton
Vice President
Lignum-2, Inc.
P.O. Box 407130
Ft. Lauderdale, FL 33340-7130

Dear Mr. Melton:

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 Lignum-2, Inc. on January 10, 2013, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Rave brand of cigarettes.

Lignum-2'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 Lignum-2's letter dated January 12, 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, Lignum-2's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following nine varieties of the Rave brand: Red Kings box, Red 100's (soft pack and box), Gold Kings box, Gold 100's (soft pack and box), Menthol Kings box, and Menthol 100's (soft pack and box).

Approval of Lignum-2'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 Lignum-2 stated in its January 10, 2013 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on January 12, 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.

William H. Melton
February 5, 2013
Page 2

Please note that this letter only approves Lignum-2'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 Lignum-2'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 Lignum-2's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Lignum-2'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, 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 February 4, 2014, 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



Vector Tobacco Inc.

Victoria Spier Evans
Corporate Counsel

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

January 24, 2013

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: Caitlyn Brady

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*.

Vector Tobacco's current rotation plan was approved on May 16, 2012 and will expire on May 15, 2013. Vector Tobacco is submitting this renewal application early in connection with the addition of the box version of the *USA* Menthol 100's soft pack, *USA* Menthol Silver 100's soft pack, and *USA* Silver 100's soft pack styles. For administrative convenience Vector Tobacco would like to consolidate renewal dates for all of its brand styles, even though the renewal date for Vector Tobacco's current plan is still months away. Therefore, Vector Tobacco requests that the FTC renew Vector Tobacco's Plan with respect to all brand styles of *Eagle 20's*, *Silver Eagle*, and *USA* listed on Exhibit B. 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

Ms. Mary K. Engle
January 24, 2013
Page 2 of 2

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.

Therefore, Vector Tobacco hereby requests that the FTC renew Vector Tobacco's Plan with respect to all 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 this letter is 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 2012 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. Enclosed with my December 27, 2012 letter were pack and carton packaging samples for each of the warnings for *USA* Menthol 100's box, *USA* Menthol Silver 100's box, and *USA* Silver 100's box styles.

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,

Victoria Spier Evans
Victoria Spier Evans

EXHIBIT B

**Vector Tobacco Inc.
Application to Renew Cigarette Warning Plan
Dated January 24, 2012**

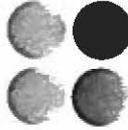
Brand	Brand Style Name	2012 Units Sold
EAGLE 20'S	Non-Filter Kings Box	
EAGLE 20'S	Red Kings Box	
EAGLE 20'S	Red 100s Box	
EAGLE 20'S	Blue Kings Box	
EAGLE 20'S	Blue 100s Box	
EAGLE 20'S	Orange Kings Box	
EAGLE 20'S	Orange 100s Box	
EAGLE 20'S	Menthol Gold Kings Box	
EAGLE 20'S	Menthol Gold 100s Box	
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	
USA	Menthol 100's (Full Flavor) Box	
USA	Menthol Silver 100's Box	
USA	Silver 100's Box	

Selected packaging samples from those
submitted with the plan.

HARD PACK

20 CLASS A
CIGARETTES
MADE IN
U.S.A.

USA 100's
SILVER

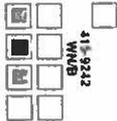


HARD PACK



SILVER

USA 100's



415-9232
WMS



WARNING:
SMOKING IS ADDICTIVE
MADE UNDER AUTHORITY OF
MEDALLION BRANDS
MEBANE, NC 27302
TP-NC-42

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

USA 100's

INGREDIENTS: Blended tobacco, water, high fructose corn syrup, glycerol, propylene glycol, sugars, casing flavor, natural and artificial flavors. Any questions or problems locating our fine products, call 1-800-682-3230.



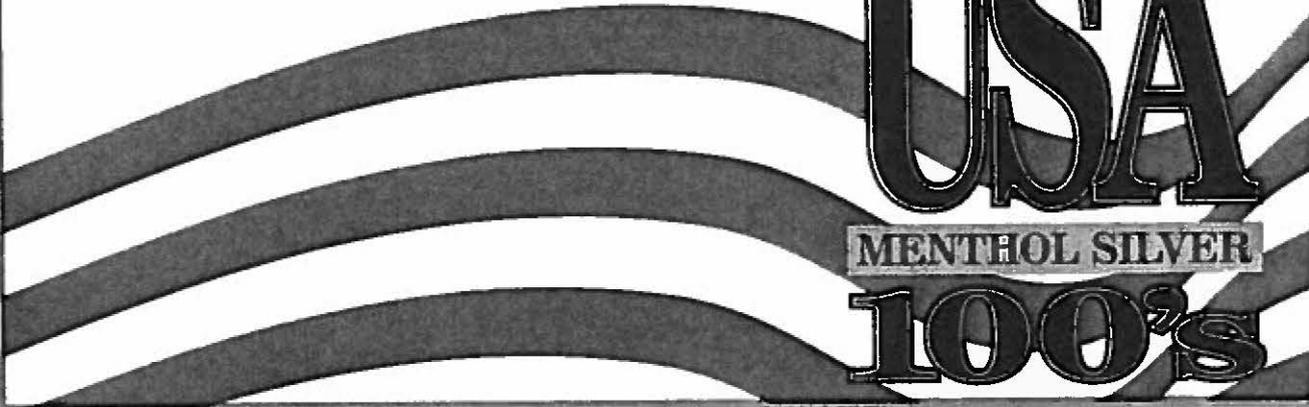
MADE IN U.S.A.



USA

MENTHOL SILVER

100's



USA 100's

MENTHOL SILVER

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



100's

MENTHOL SILVER

USA



HARD PACK

© 1998 B&W T Co.

100's 100's

HARD

USA 100's

100's



Division of
Advertising Practices

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

February 5, 2013

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 January 24, 2013, 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 on the following dates appear 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>
Eagle 20's	March 25, 2004 July 22, 2004 May 3, 2010 January 6, 2011
Silver Eagle	September 2, 2005 September 8, 2005 May 3, 2010

¹ Vector stated in its January 24, 2013 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Victoria Spier Evans
February 5, 2013
Page 2

<u>Brand</u>	<u>Date(s)</u>
USA	April 12, 2002 November 15, 2002 November 22, 2002 May 3, 2010 December 27, 2012

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
- Sixteen 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 and box), Menthol Full Flavor Kings box, Menthol Full Flavor 100's (soft pack and box), Menthol Silver 100's (soft pack and box), and Menthol Silver Kings 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.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 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

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
February 5, 2013
Page 3

Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

This approval is effective on the date of this letter and runs through February 4, 2014, 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

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

February 6, 2013

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

Renewal of
Surgeon General's Health Warning Equalization Plan
for Canadian Agricultural Depot, LLC
for Seneca, Couture and Opal 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 renew its equalization plans for the display of the health warnings on packaging for its Seneca, Couture and Opal brands of cigarettes as required by 15 U.S.C. §1333 for cigarettes they are importing into the United States. The contact person for the company will continue to be its President, Michael Vazquez, who can be reached at the above address. His telephone number is (305) 406-2305.

The brand styles of Seneca, Couture and Opal cigarettes CAD intends to import are listed in the attachment at Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Seneca, Couture and Opal brands CAD is importing were enclosed with the original submissions on the dates appearing in Exhibit "B." The health warnings will continue to appear exactly as shown on the samples provided. The brand styles listed in the attachment at Exhibit "A" have been equalized as of this date.

In fiscal year 2012, CAD imported approximately [REDACTED] Seneca, Couture and Opal brand cigarettes. In fiscal year 2013¹ to date, CAD has imported approximately [REDACTED] Seneca, Couture and Opal brand cigarettes. In fiscal year 2013, CAD anticipates importing approximately [REDACTED] cigarettes of all its brand styles (all will be 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 renew the plan to equalize the four health warning statements required by 15 U.S.C. §1333(c) for its Seneca, Couture and Opal brands. Each of the four warning statements will appear on the packs and cartons of each brand style of the Seneca, Couture and Opal brands of cigarettes imported by CAD an equal number of times in the one year period beginning on the date this plan is approved. CAD will continue to maintain records demonstrating compliance with this plan.

The individual packs of Seneca, Couture and Opal 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 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.

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

¹ CAD's fiscal year coincides with the calendar year.

Ms. Mary Engle, Associate Director
Division of Advertising Practices

February 6, 2013
Page 3

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 advertising rotation plans in place for its Seneca, Couture and Opal cigarettes, all of which have been approved by the FTC. CAD is in compliance with these plans and wishes to make no changes to any of its advertising plans at this time.

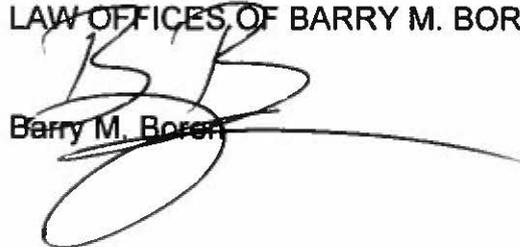
All other provisions of the existing plans will remain in place.

We believe this plan complies in all respects with the Federal Cigarette Labeling and Advertising Act, as amended, (15 U.S.C. §1331 *et seq.*) including any modifications made by the Public Health 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.

CANADIAN AGRICULTURAL DEPOT, LLC
BRAND STYLES OF CIGARETTES
EXHIBIT "A"

Seneca 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

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

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

Couture 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

Opal 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

EXHIBIT "B"
CANADIAN AGRICULTURAL DEPOT, LLC

<u>BRAND</u>	<u>DATE[S] PACKAGING SUBMITTED TO FTC</u>
<u>Seneca</u>	February 22, 2012, May 1, 2012 June 15, 2010, December 1, 2010 and December 1, 2011
<u>Couture</u>	February 22, 2012
<u>Opal</u>	February 22, 2012 (packs only) and May 1, 2012 (cartons only)



Division of
Advertising Practices

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

February 11, 2013

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 February 6, 2013, 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, and Opal brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Seneca	June 15, 2010 December 1, 2010 December 1, 2011 February 22, 2012 May 1, 2012
Couture	February 22, 2012

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.

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

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

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

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

Please note that this letter only approves 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, size, and conspicuousness of the warnings on packaging for CAD'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 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

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

Barry Boren
February 11, 2013
Page 3

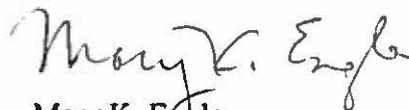
Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

This approval is effective on the date of this letter and runs through February 10, 2014, 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

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February 11, 2013

Via FedEx and Email (sschools@ftc.gov)

Ms. Sallie Schools
Federal Trade Commission
601 New Jersey Avenue, N.W.
3rd Floor, Room NJ-3212
Washington, DC 20001

Re: Request for Renewal of Approved Warning Statement Rotation Plan for packaging and advertising for the brand LAGUNAS (international-size, hard-pack style: Smooth Select and Menthol Select)

Dear Ms. Schools:

I am writing this letter on behalf of Kretek International, Inc. ("Kretek"), the importer for the above indicated products.

In a letter from Mary Engle dated February 13, 2012, the Federal Trade Commission approved a certain health warning rotation plan for packaging and advertising on behalf of Kretek (the "Existing Plan").

It is our desire to renew the Existing Plan for an additional year (the "Renewed Plan"). The Existing Plan (which we are herewith seeking to renew and extend) calls for equalizing the use of the warnings for Lagunas brand cigarettes ((international-size, hard-pack style: Smooth Select and Menthol Select).

As provided for by Section 1333(c)(2) of the Cigarette Labeling and Advertising Act (the "Act"), Kretek qualifies for a renewal of the equalization alternative because during fiscal year 2012: (1) each of the brand styles of all of the cigarettes manufactured or imported by Kretek accounted for less than [REDACTED] sticks, and (2) Kretek anticipates its sales for fiscal year 2013 for any one brand style of cigarettes it manufactures or imports will not exceed [REDACTED] sticks.

Kretek will comply with the requirements of the equalization alternative by assuring that all shipments from the factory contain an equal number of the four health warnings for the package and cartons of each of the two brand styles of the Lagunas brand.

Ms. Sallie Schools
February 11, 2013
Page 2

Moreover, the warning statements will continue to appear exactly as shown on the samples of the packs and cartons submitted with my letter to you dated January 13, 2011 in connection with the Existing Plan.

For advertising, Kretek will continue to adhere to and comply with the plan for advertising as set out in our letter to you dated February 11, 2011 and approved in the letter from Mary Engle dated February 14, 2011.

Kretek agrees to maintain records to demonstrate compliance with the Plan. The company official responsible for overseeing this matter is Sean Cassar, whose title is Chief Operating Officer. Mr. Cassar's contact information is as follows:

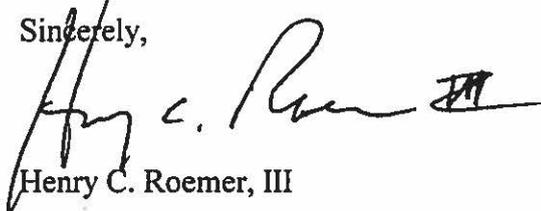
Mr. Sean Cassar
Kretek International, Inc.
5449 Endeavour Court
Moorpark, CA 93021

Telephone number: 805-531-8888.

Please grant Kretek approval of this Renewed Plan. It is hoped that you can grant this approval **as soon as possible**. If you could fax or email us the approval, it would be most appreciated.

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry C. Roemer, III". The signature is fluid and cursive, with a prominent initial "H" and "R".

Henry C. Roemer, III

HCRiii/mhr



Division of
Advertising Practices

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

February 12, 2013

Henry C. Roemer, III
Finger, Roemer, Brown & Mariani, L.L.P.
102 West Third Street, Suite 200 B, Lobby Level
Winston-Salem, NC 27101

Dear Mr. Roemer:

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 Kretek International, Inc. ("Kretek"), on February 11, 2013, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for two international-size hard pack varieties of the Lagunas brand of cigarettes.

Kretek's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 13, 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, Kretek's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following two international-size hard pack varieties of the Lagunas brand: Smooth Select and Menthol Select.

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

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

¹ Kretek stated in its February 11, 2013 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 13, 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.

Henry C. Roemer, III
February 12, 2013
Page 2

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

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

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

This approval is effective on the date of this letter and runs through February 11, 2014, 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

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

February 13, 2013

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 16, 2012 effective through April 15, 2013 (with modified packaging approved on August 22, 2012 through the same effective date).

In support of JTI's application for renewal of Federal Trade Commission approval of its simultaneous display plan for packages and cartons, we submit a sworn affidavit of Mr. Michael Mete, Chief Financial Officer and Secretary 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;

Ms. Mary K. Engle
February 13, 2013
Page 2

- (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 under cover of letters dated August 25, 2008 ("Export 'A'" Full Flavor 72 mm. brand style), December 18, 2009 (four "Export 'A'" brand styles, namely 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 (two "Wave" brand styles, namely Silver 100's soft pack and Menthol Green 100's soft pack), September 8, 2010 (all six "Wings" brand styles), March 15, 2012 and April 11, 2012 (limited edition packages and bundle, respectively, for the "Export 'A'" Smooth Taste brand style) and July 20, 2012 (sixteen "Wave" brand styles, namely "Wave" Full Flavor 100's soft pack, Menthol 100's soft pack, Full Flavor King hard pack, Menthol King hard pack, Full Flavor King soft pack, Menthol King soft pack, Full Flavor 100 hard pack, Menthol 100's hard pack, Blue King hard pack, Blue King soft pack, Blue 100's hard pack, Blue 100's soft pack, Silver king hard pack, Silver 100's hard pack, Menthol Green king hard pack and Menthol Green 100's hard pack) 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:

Five varieties of the "Export 'A'" brand: Full Flavor, Rich Taste, Smooth Taste (including limited edition), Extra Smooth Taste and Ultra Smooth Taste;

Twenty 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 100's (soft pack and hard pack), Silver Kings hard pack, Silver 100's (soft pack and hard pack), Menthol Green Kings hard pack, Menthol Green 100's (soft pack and hard pack), Blue 100's Black Pack hard pack and Menthol Green 100's Black Pack 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).

JTI is planning to introduce limited editions of alternative packaging for its "Wave" brand, namely Blue 100's Black Pack (hard pack) and Green Menthol 100's Black Pack (hard

Ms. Mary K. Engle
February 13, 2013
Page 3

pack). We submitted under the cover of letter dated January 25, 2013, for your approval, specimens of individual packaging and cartons for such brand styles.

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 January 25, 2013 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.

#12316805_v3

**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)

Michael Mete, being duly sworn, deposes and says:

1. I am the Chief Financial Officer and Secretary 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 16, 2012 (for all then current brand styles of all brands) and August 22, 2012 (for revised packaging for sixteen "Wave" brand styles).

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, 2012, 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 the Federal Trade Commission under cover of letters dated February 16, 2010 and July 20, 2012 ("Wave"), August 25, 2008, December 18, 2009, March 15, 2012 and April 11, 2012 ("Export 'A'") and September 8, 2010 ("Wings") and subsequently approved by the Federal Trade Commission or as shown on the materials submitted under cover of letter dated January 25, 2013 ("Wave" Blue 100 Black Pack [hard pack] and Menthol Green 100 Black Pack [hard pack]), 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.

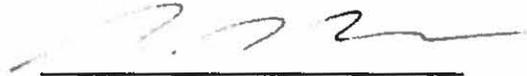
5. The brands and brand styles sold by JTI in the United States to which the Plan (as amended), this application and the confirmations contained herein pertain are as follows:

Five varieties of the Export A brand: Full Flavor, Rich Taste, Smooth Taste (including limited edition), Extra Smooth Taste and Ultra Smooth Taste;

Twenty 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 100's (soft pack and hard pack), Silver Kings hard pack, Silver 100's (soft pack and hard pack), Menthol Green Kings hard pack, Menthol Green 100's (soft pack and hard pack), Blue 100's Black Pack hard pack and Menthol Green 100's Black Pack hard pack; and

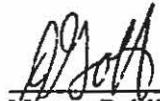
Six hard pack varieties of the Wings brand: Red (Kings and 100's), Gold (King and 100's) and Menthol (Kings and 100's).

IN WITNESS WHEREOF, I have hereunto signed my name this 13th day of February, 2013.



Michael Mete

Sworn to before me this
13 day February, 2013



Notary Public

#2179382_v12

JOSHUA GOTTLIEB
ID #2424078
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 15, 2017

**Selected packaging samples from those
submitted with the plan.**

SIGN UP FOR SAVINGS
& SPECIAL OFFERS AT
www.wavecigarettes.com

Wave

© 2011 WAVE CIGARETTES
A PRODUCT OF
CIGARETTES, INC.

100'S
100'S

100's
Wave
MENTHOL GREEN

Wave



102XLS11 18
13209870

PREMIUM AMERICAN BLEND

Wave
100'S
MENTHOL GREEN

PREMIUM AMERICAN BLEND

0 769401 29172 3
FSC

Wave
www.wavecigarettes.com



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



100's
BLUE

200 PREMIUM AMERICAN BLEND CIGARETTES

100's
WAVE
BLUE

UNDERAGE
SALE
PROHIBITED

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

200 PREMIUM AMERICAN BLEND CIGARETTES

BLUE

100's



0 76940 19171 9
FSC





Division of
Advertising Practices

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

February 14, 2013

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 February 13, 2013, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Export 'A', Wave, 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

<u>Brand</u>	<u>Date(s)</u>
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 February 13, 2013 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.

Neal N. Beaton
February 14, 2013
Page 2

<u>Brand</u>	<u>Date(s)</u>
Wave	February 16, 2010 July 20, 2012 January 25, 2013 ³
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;
- Twenty 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, Menthol Green 100s (soft pack and hard pack), Blue 100's Black Pack hard pack, and Green Menthol 100's Black Pack 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).

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

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

Please note that this letter only approves 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

³ Submission of packaging for two limited edition "Black Pack" varieties (Blue 100's Black Pack hard pack and Green Menthol 100's Black Pack hard pack).

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

Neal N. Beaton
February 14, 2013
Page 3

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

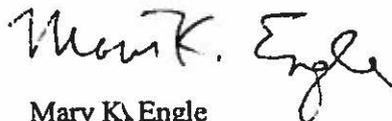
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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

This approval is effective on the date of this letter and runs through February 13, 2014, 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

LAW OFFICES OF ERIC F. FACER, PLLC

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

February 6, 2013

Via Federal Express and E-mail (sschools@ftc.gov)

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

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

Dear Ms. Engle:

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

Great Swamp submitted its first equalization plan to the FTC on February 18, 2011, which it amended in a supplemental letter dated March 3, 2011. In a letter dated March 10, 2011, the FTC acknowledged receipt of that letter and approved Great Swamp's first equalization plan through March 9, 2012.

On February 27, 2012, Great Swamp submitted its second annual equalization plan, which the FTC, in a letter dated February 28, 2012 (copy enclosed), acknowledged and approved. There has been no material change in Great Swamp's operations since the submission of its first equalization plan, as summarized below.

Great Swamp is the manufacturer of the Cayuga brand. Its manufacturing facility is located at 61 Ovid Street, Seneca Falls, NY 13148. Betty Jane Radford is General Manager. It currently manufactures a single brand of Cigarettes—the Cayuga Brand—but it does not import or export any cigarettes.

Ms. Mary K. Engle
February 6, 2013
Page 2

The fiscal year for Great Swamp is the calendar year. During 2012, Great Swamp's actual sales of all brand styles of the Cayuga Brand totaled [REDACTED] sticks, which should qualify the company for the exemption set forth in section 1333(c) of the FCLAA. (Its projected sales for 2013 are approximately [REDACTED])

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

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

These are the exact same brand styles that were the subject of the equalization plan submitted on February 27, 2012, as approved by the FTC on February 28, 2012; Great Swamp does not manufacture any cigarettes beyond these eleven (11) brand styles.

The warnings will appear exactly as shown on the samples of Cayuga packaging submitted with our letter dated February 18, 2011. Great Swamp is aware that the Food and Drug Administration (the "FDA") may assume jurisdiction, at any time during 2013, for warning label compliance. Therefore, Great Swamp has devised a rotation plan that is intended to ensure the equalized use of the four health warnings on all packs and all cartons for each brand style covered by the Plan for the period beginning on the date of approval of this Plan through the current year and, if necessary, for all succeeding periods. Specifically, it will accomplish this objective by ordering packaging materials containing an equal number of the four health warnings. It will then employ its packaging inventory in such a way as to ensure the equalized use and rotation of the four health warnings on all packs and all cartons of each brand style of the Cayuga Brand. Based on the above, Great Swamp requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA (*i.e.*, the alternative to quarterly rotation). Great Swamp will keep records demonstrating compliance with this Plan.

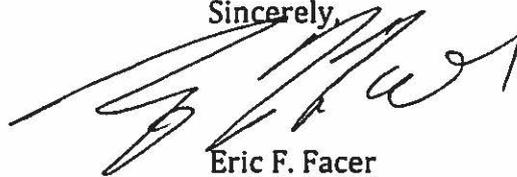
Great Swamp does employ print advertising to promote its products. On December 5, 2012, Great Swamp submitted a revised proposed plan for the quarterly rotation of the four health warnings in print advertising up to 720 square inches in size for the Cayuga brand of cigarettes. This rotation plan was approved by the FTC on December 11, 2012.

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

Ms. Mary K. Engle
February 6, 2013
Page 3

We submit that the foregoing complies with the requirements of the FCLAA, and request expedited approval of this request. Should you require any additional information in order to review and approve the health warning rotation plan of Great Swamp Enterprises, Inc. for the Cayuga brand, please feel free to contact me at any time. Please fax the approval of the Plan to me at 202/464-0404 (F); alternatively, you may email it to me at: eff@f-slaw.com. Thank you for your assistance.

Sincerely,

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

Eric F. Facer

Enclosure



Division of
Advertising Practices

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

February 28, 2012

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

Dear Mr. Facer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Great Swamp Enterprises, Inc. ("Great Swamp"), on February 27, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for eleven box varieties of the Cayuga brand of cigarettes.

Great Swamp's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 18, 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, Great Swamp's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven box varieties of the Cayuga brand: Dark Green (Kings and 100's), Medium Green (Kings and 100's), Red (Kings and 100's), Blue (Kings and 100's), Gold (Kings and 100's), and Light Green 100's.²

¹ Great Swamp stated in its February 27, 2012 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 18, 2011.

² As set forth in its February 27, 2012 letter, Great Swamp is using colors to identify its cigarette varieties (e.g., "Light Green Kings"). We note that the color names are not printed on the packaging (e.g., the words "Light Green" do not appear on the packaging of the "Light Green Kings" variety); however, the color used for a variety's packaging does conform to the color used in its name.

Eric F. Facer
February 28, 2012
Page 2

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

If Great Swamp 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.

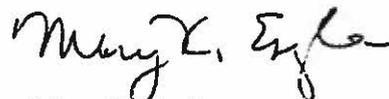
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through February 27, 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

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.



Division of
Advertising Practices

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

February 19, 2013

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

Dear Mr. Facer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Great Swamp Enterprises, Inc. (“Great Swamp”), on February 6, 2013, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for eleven box varieties of the Cayuga brand of cigarettes.

Great Swamp’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 18, 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, Great Swamp’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven box varieties of the Cayuga brand: Dark Green (Kings and 100’s), Medium Green (Kings and 100’s), Red (Kings and 100’s), Blue (Kings and 100’s), Gold (Kings and 100’s), and Light Green 100’s.²

¹ Great Swamp stated in its February 6, 2013 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 18, 2011.

² As set forth in its February 6, 2013 letter, Great Swamp is using colors to identify its cigarette varieties (e.g., “Light Green 100’s”). We note that the color names are not printed on the packaging (e.g., the words “Light Green” do not appear on the packaging of the “Light Green 100’s” variety); however, the color used for a variety’s packaging does conform to the color used in its name.

Eric F. Facer
February 19, 2013
Page 2

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

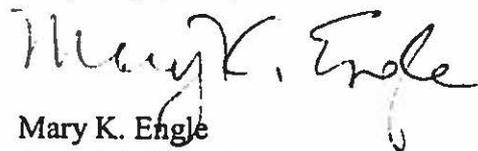
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through February 18, 2014, 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

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.

Goodrich Tobacco Company LLC

February 26, 2013

Ms. Bonnie McGregor
Federal Trade Commission
Division of Advertising Practices
601 New Jersey Avenue, NW
Washington, DC 20001

RE: Annual Renewal for Cigarette Health Warning Rotation Plan

Dear Ms. McGregor:

This letter is being submitted for the annual renewal approval of the Surgeon General Warning Rotation Plan for the display of the four health warnings on packaging for the Red Sun and Magic cigarette brands. Note that the packaging and advertising plan for Red Sun and Magic cigarettes received prior approval from the FTC. There have been no changes to the prior approved advertising plan of the Red Sun brand or the Magic brand or to the Red Sun brand packaging or Magic brand packaging. We remain in compliance with our advertising plan. The Red Sun brand and Magic brand will be manufactured in the United States by Dosal Tobacco Corporation for Goodrich Tobacco Company LLC.

Upon approval of this plan, the contract manufacturer intends to manufacture these cigarettes under the authority of the Bureau of Alcohol, Tobacco & Firearms (Manufacturer of Tobacco Products License TP-FL-762).

Red Sun brand cigarettes will be manufactured for Goodrich Tobacco Company LLC by Dosal Tobacco Corporation in the following two brand styles:

Red Sun King size box
Red Sun Menthol King size box

Magic brand cigarettes will be manufactured for Goodrich Tobacco Company LLC by Dosal Tobacco Corporation in the following two brand styles:

Magic King size box
Magic Menthol King size box

Red Sun and Magic will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain ten (10) packs of twenty (20) cigarettes ("Pack"). The warnings will appear exactly as shown on the actual Packs and Outer Cartons submitted on February 21, 2011 which received prior approval from the FTC.

Goodrich Tobacco Company LLC believes that its anticipated low sales volume of the Red Sun and Magic brands 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 estimates for the next one year period for the brand

styles listed above (Red Sun King size box, Red Sun Menthol King size box, Magic King size box, and Magic Menthol King size box) have been provided on Exhibit A hereto. Goodrich Tobacco Company LLC does not anticipate that any one brand style of its Red Sun cigarette brand or Magic cigarette brand will exceed [REDACTED] sticks in sales for the one year period to be covered by this plan. (Red Sun and Magic Cigarette sales figures for the previous fiscal year 2012, were less than [REDACTED] sticks). Goodrich Tobacco Company LLC does not anticipate that sales of any one brand style of its Red Sun or Magic brands will exceed [REDACTED] sticks for the year 2013.

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

Goodrich Tobacco Company LLC is also aware of the requirements set forth by the Federal Cigarette Labeling and Advertising Act and our company's efforts are always to be fully compliant with these regulations. Goodrich Tobacco Company LLC will maintain records demonstrating compliance with the approved plan.

Please note Goodrich Tobacco Company LLC plans on becoming a federally licensed tobacco product manufacturer and has recently applied for a tobacco manufacturing license with the Alcohol and Tobacco Tax and Trade Bureau (TTB). Upon approval from the TTB, Goodrich Tobacco will immediately contact the Division of Advertising Practices of the FTC.

If there are any questions or concerns regarding these plans, please contact me.

Sincerely,


Deborah Aguglia,
Operations Director

Goodrich Tobacco Company LLC

Cigarette Health Warning Rotation Plan

EXHIBIT A

Anticipated Red Sun Sales for Fiscal Year 2013

Red Sun King Size Box:	[REDACTED]	sticks
Red Sun Menthol King Size Box	[REDACTED]	sticks

Anticipated Magic Sales for Fiscal Year 2013

Magic King Size Box:	[REDACTED]	sticks
Magic Menthol King Size Box	[REDACTED]	sticks



Division of
Advertising Practices

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

March 5, 2013

Ms. Deborah Aguglia
Operations Director
Goodrich Tobacco Company, LLC
9530 Main Street
Clarence, NY 14031

Dear Ms. Aguglia:

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 Goodrich Tobacco Company, LLC ("Goodrich") on February 26, 2013, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain king size box varieties of the Red Sun and Magic brands of cigarettes.

Goodrich'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 February 21, 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, Goodrich's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties: Red Sun Kings box, Red Sun Menthol Kings box, Magic Kings box, and Magic Menthol Kings box.

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

¹ Goodrich stated in its February 26, 2013 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 21, 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.

Ms. Deborah Aguglia
March 5, 2013
Page 2

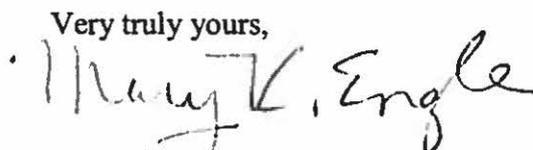
Please note that this letter only approves Goodrich's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through March 4, 2014, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director



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

March 7, 2013

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

**RE: COMMONWEALTH BRANDS, INC.
2013 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Engle:

Commonwealth Brands, Inc., 5900 North Andrews Avenue, Ft. Lauderdale, FL 33309 hereby submits its 2013 Cigarette Warning Label Rotation plans for the following brands:

Crowns	Raven
Davidoff	Riviera
Fortuna	SF ¹
Gauloises	Sonoma
Gitanes	Tuscany
Malibu	USA Gold
Montclair	West

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

¹ Commonwealth Brands manufactures the SF brand under license from Smoker Friendly International, LLC.

P.O. Box 407130 Fort Lauderdale, FL 33340-7130 Ph. (954) 772-9000

www.commonwealthbrands.com
An IMPERIAL TOBACCO GROUP company

rotated in accordance with its previously approved plans. If such request is approved, Commonwealth will require one-fourth of each package and carton material order to be printed with each one of the four warnings. Commonwealth Brands will maintain records that document compliance with this rotation plan.

The sales figures for Commonwealth Brands' styles, each of which qualify for the exemption during the most recent fiscal year preceding submission of this application (ending September 30, 2012), are reported in the attached **Exhibit B**.

During 2013, Commonwealth Brands will manufacture 136 brand styles.

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

<u>Brand(s)</u>	<u>Date(s)</u>
Crowns	September 7, 2010
Davidoff	January 2, 2013
Fortuna	March 18, 2010 April 28, 2010
Gauloises	April 28, 2010
Gitanes	April 28, 2010
Malibu	September 25, 2009 January 5, 2011 (cartons) January 24, 2011 (packs)
Montclair	March 18, 2010
Raven	September 7, 2010
Riviera	September 7, 2010
SF	January 13, 2010
Sonoma	July 28, 2010
Tuscany	September 7, 2010
USA Gold	November 23, 2009 March 18, 2010

West

March 18, 2010

April 28, 2010

June 3, 2010²

The warnings read precisely as required by The Cigarette Labeling Act. Brand style packaging has not changed since the dates noted above.

A listing of all Commonwealth Brands' styles is attached at Exhibit A. The sales figures for each of Commonwealth Brands' styles during Commonwealth's most recent fiscal year preceding submission of this application are reported in the attached Exhibit B. Industry sales for the corresponding one-year period ending September 30, 2012, were 286.9 billion units. The source of industry sales information is The Maxwell Report, Fourth Quarter 2011 and First, Second and Third Quarters, 2012. Commonwealth Brands' total sales volume during its most recent fiscal year preceding submission of this application was [REDACTED] units and its estimated total sales volume for the next fiscal year is [REDACTED] units. Commonwealth Brands' sales volume is measured on a fiscal year.

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

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

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

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

Gauloises – The May 1, 2009, plan for advertising which confirmed that Commonwealth Brands did not plan to advertise Gauloises over the internet.

Gitanes - The May 1, 2009, plan for advertising which confirmed that Commonwealth Brands did not plan to advertise Gitanes over the internet.

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

Montclair – The January 31, 2002, plan for advertising and the February 13, 2008, plan for display of the warnings in internet advertising.

² Submission of redesigned packs for West Menthol Dark Green Filter 100's Box.

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

Riviera – The December 11, 2006, plan for advertising and the December 2, 2010, revision which confirmed that Commonwealth Brands did not plan to advertise Riviera over the internet.

SF - The January 13, 2010, plan for advertising which confirmed that Commonwealth Brands did not plan to advertise SF over the internet.

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

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

USA Gold – The February 13, 2008, plan for advertising which included a plan for display of the warnings in internet advertising.

West – The March 3, 2008, and the April 16, 2008, plans for advertising which included a plan for display of the warning in internet advertising.

A copy of the Commonwealth Brands advertising rotation plan is attached as **Exhibit C**. This will also confirm that Commonwealth Brands has no Spanish language advertising with regard to any of its brands and no plans to implement same.

Please note that when compared to the 2012 Exhibit A, the 2013 plan identifies corrections made to accurately reflect the internal designations Commonwealth uses for the following brand styles:

2012 Exhibit A designation

SF

Silver Filter King-Size Box
Silver Filter 100s Box
Dark Green Filter King Box
Dark Green Filter 100s Box

USA Gold

Menthol Filter King Size Soft Pack

Menthol Filter King Size Box
Menthol Filter 100s Soft Pack
Menthol Filter 100s Box

2013 Exhibit A Designation

SF

Gray Filter King
Gray Filter 100s Box
Menthol Dark Green Filter King Box
Menthol Dark Green Filter 100s Box

USA Gold

Menthol Dark Green Filter King Size Soft Pack

Menthol Dark Green Filter King Size Box
Menthol Dark Green Filter 100s Soft Pack
Menthol Dark Green Filter 100s Box

These are internal designations only and the words do not appear on the packaging.

If you require any additional information, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Rhondetta Walton". The signature is written in a cursive style with a large initial "R".

Rhondetta G. Walton
Sr. Legal Counsel

Attachments:

Exhibit A – List of Brand Styles as of March 7, 2013

Exhibit B – Cigarette Volume 10/01/2011 – 09/30/2012

Exhibit C – Quarterly Warning Rotation Plan for Advertisements

EXHIBIT A

**COMMONWEALTH BRANDS ROTATION PLAN
PACKAGING AND CARTON LABELS**

BRAND STYLES AS OF MARCH 7, 2013

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

CROWNS

RED KING SIZE BOX
GOLD KING SIZE BOX
BLUE KING SIZE BOX
MENTHOL DARK GREEN KING SIZE BOX
MENTHOL GREEN KING SIZE BOX
RED 100s BOX
GOLD 100s BOX
BLUE 100s BOX
MENTHOL DARK GREEN 100s BOX
MENTHOL GREEN 100s BOX
NON-FILTER KING SIZE SOFT PACK

DAVIDOFF

CLASSIC FILTER LUXURY LENGTH BOX
GOLD FILTER LUXURY LENGTH BOX
MENTHOL FILTER LUXURY LENGTH BOX
MENTHOL SILVER FILTER LUXURY LENGTH BOX
GOLD SLIMS FILTER LUXURY LENGTH BOX
MENTHOL SILVER SLIMS LUXURY LENGTH BOX

FORTUNA

RED FILTER KING SIZE BOX
RED FILTER 100s BOX
BLUE FILTER KING SIZE BOX
BLUE FILTER 100s BOX
MENTHOL FILTER DARK GREEN KING SIZE BOX
MENTHOL FILTER DARK GREEN 100s BOX
PALE BLUE FILTER KING BOX
PALE BLUE FILTER 100s BOX
MENTHOL GREEN FILTER KING BOX
MENTHOL GREEN FILTER 100s BOX
NON-FILTER KING SIZE SOFT PACK

GAULOISES

BLUE FILTER KING SIZE BOX
RED FILTER KING SIZE BOX
YELLOW FILTER KING SIZE BOX

GITANES

DARK BLUE FILTER KING SIZE BOX
BLUE FILTER KING SIZE BOX

MALIBU

BLUE SLIMS FILTER 100s BOX
PINK SLIMS FILTER 100s BOX
MENTHOL GREEN SLIMS FILTER 100s BOX
BLUE SLIMS FILTER 120'S BOX
PINK SLIMS FILTER 120'S BOX
MENTHOL GREEN SLIMS FILTER 120'S BOX

MONTCLAIR

BLUE FILTER KING SIZE BOX
BLUE FILTER 100s BOX
GRAY FILTER KING SIZE BOX
GRAY FILTER 100s BOX
WHITE FILTER 100s BOX
MENTHOL GREEN FILTER 100s BOX
PURPLE SLIMS FILTER 100s BOX
MENTHOL GREEN SLIMS FILTER 100s BOX

RAVEN

RED KING SIZE BOX
GOLD KING SIZE BOX
BLUE KING SIZE BOX
MENTHOL DARK GREEN KING SIZE BOX
MENTHOL GREEN KING SIZE BOX
RED 100s BOX
GOLD 100s BOX
BLUE 100s BOX
MENTHOL DARK GREEN 100s BOX
MENTHOL GREEN 100s BOX
NON-FILTER KING SIZE SOFT PACK

RIVIERA

RED KING SIZE BOX
GOLD KING SIZE BOX
BLUE KING SIZE BOX
MENTHOL DARK GREEN KING SIZE BOX
MENTHOL GREEN KING SIZE BOX
RED 100s BOX
GOLD 100s BOX
BLUE 100s BOX
MENTHOL DARK GREEN 100s BOX
MENTHOL GREEN 100s BOX
NON-FILTER KING SIZE SOFT PACK

SF

RED FILTER KING-SIZE BOX
BLUE FILTER KING-SIZE BOX
GRAY FILTER KING-SIZE BOX
MENTHOL DARK GREEN FILTER KING-SIZE BOX
MENTHOL GREEN FILTER KING-SIZE BOX
RED FILTER 100s BOX
BLUE FILTER 100s BOX
GRAY FILTER 100s BOX
MENTHOL DARK GREEN FILTER 100s BOX
MENTHOL GREEN FILTER 100s BOX
NON-FILTER KING-SIZE SOFT PACK

SONOMA

RED FILTER KING SIZE BOX
RED FILTER 100s SOFT PACK
RED FILTER 100s BOX
GOLD FILTER KING SIZE BOX
GOLD FILTER 100s SOFT PACK
GOLD FILTER 100s BOX
BLUE FILTER 100s SOFT PACK
BLUE FILTER KING SIZE BOX
MENTHOL GREEN FILTER 100s SOFT PACK
MENTHOL GREEN FILTER KING SIZE BOX
MENTHOL DARK GREEN FILTER KING SIZE BOX
MENTHOL DARK GREEN FILTER 100s SOFT PACK
MENTHOL DARK GREEN FILTER 100s BOX
NON FILTER KING SIZE SOFT PACK

TUSCANY

RED KING SIZE BOX
GOLD KING SIZE BOX
BLUE KING SIZE BOX
MENTHOL DARK GREEN KING SIZE BOX
MENTHOL GREEN KING SIZE BOX
RED 100s BOX
GOLD 100s BOX
BLUE 100s BOX
MENTHOL DARK GREEN 100s BOX
MENTHOL GREEN 100s BOX
NON-FILTER KING SIZE SOFT PACK

USA GOLD

RED FILTER KING SIZE SOFT PACK
RED FILTER KING SIZE BOX
RED FILTER 100s SOFT PACK
RED FILTER 100s BOX
GOLD FILTER KING SIZE SOFT PACK
GOLD FILTER KING SIZE BOX
GOLD FILTER 100s SOFT PACK
GOLD FILTER 100s BOX
BLUE FILTER KING SIZE SOFT PACK
BLUE FILTER KING SIZE BOX
BLUE FILTER 100s SOFT PACK
BLUE FILTER 100s BOX

MENTHOL GREEN FILTER KING SIZE SOFT PACK
MENTHOL GREEN FILTER 100s BOX
MENTHOL GREEN FILTER 100s SOFT PACK
MENTHOL DARK GREEN FILTER KING SIZE SOFT PACK
MENTHOL DARK GREEN FILTER KING SIZE BOX
MENTHOL DARK GREEN FILTER 100s SOFT PACK
MENTHOL DARK GREEN FILTER 100s BOX
NON FILTER KING SIZE SOFT PACK

WEST

RED FILTER KING SIZE BOX
BLUE FILTER KING SIZE BOX
MENTHOL DARK GREEN FILTER KING SIZE BOX
MENTHOL GREEN FILTER KING SIZE BOX
RED FILTER 100s BOX
BLUE FILTER 100s BOX
GRAY FILTER KING SIZE BOX
GRAY FILTER 100s BOX
MENTHOL DARK GREEN FILTER 100s BOX
MENTHOL GREEN FILTER 100s BOX
NON FILTER KING SIZE SOFT PACK

CBI
Gross Units (Sticks)
Domestic Sales
FY 2012

CROWNS BLUE KING SIZE	BOX
CROWNS BLUE 100s	BOX
CROWNS MENTHOL DARK GREEN 100s	BOX
CROWNS MENTHOL DARK GREEN KING SIZE	BOX
CROWNS GOLD 100s	BOX
CROWNS GOLD KING SIZE	BOX
CROWNS MENTHOL GREEN 100s	BOX
CROWNS MENTHOL GREEN KING SIZE	BOX
CROWNS NON-FILTER KING SIZE	SOFT PACK
CROWNS RED 100s	BOX
CROWNS RED KING SIZE	BOX
CROWNS	
DAVIDOFF CLASSIC FILTER LUXURY LENGTH BOX	BOX
DAVIDOFF MENTHOL FILTER LUXURY LENGTH	BOX
DAVIDOFF GOLD FILTER LUXURY LENGTH	BOX
DAVIDOFF MENTHOL GREEN FILTER LUXURY LENGTH BOX	BOX
DAVIDOFF GOLD SLIMS FILTER LUXURY LENGTH	BOX
DAVIDOFF MENTHOL GREEN SLIMS LUXURYLENGTH	BOX
DAVIDOFF	
FORTUNA BLUE FILTER 100s	BOX
FORTUNA BLUE FILTER KING SIZE	BOX
FORTUNA MENTHOL FILTER DARK GREEN 100s BOX	BOX
FORTUNA MENTHOL FILTER DARK GREEN KING SIZE	BOX
FORTUNA MENTHOL GREEN FILTER 100s	BOX

FORTUNA MENTHOL GREEN FILTER KING SIZE	BOX
FORTUNA NON-FILTER KING SIZE	SOFT PACK
FORTUNA PALE BLUE FILTER 100s	BOX
FORTUNA PALE BLUE KING SIZE	BOX
FORTUNA RED FILTER 100s	BOX
FORTUNA RED FILTER KING SIZE	BOX
FORTUNA	RETURN

MALIBU BLUE SLIMS FILTER 100s	BOX
MALIBU BLUE SLIMS FILTER 120s	BOX
MALIBU MENTHOL GREEN SLIMS FILTER 100s	BOX
MALIBU MENTHOL GREEN SLIMS FILTER 120s	BOX
MALIBU PINK SLIMS FILTER 100s	BOX
MALIBU PINK SLIMS FILTER 120s	BOX
MALIBU	

MONTCLAIR BLUE FILTER 100s	BOX
MONTCLAIR BLUE KING SIZE	BOX
MONTCLAIR GRAY FILTER 100s	BOX
MONTCLAIR GRAY FILTER KING SIZE	BOX
MONTCLAIR MENTHOL GREEN FILTER 100s BOX	BOX
MONTCLAIR WHITE FILTER 100s BOX	BOX
MONTCLAIR	

SMOKER FRIENDLY BLUE FILTER 100s	BOX
SMOKER FRIENDLY BLUE FILTER KING SIZE	BOX
SMOKER FRIENDLY MENTHOL DARK GREEN FILTER 100s	BOX
SMOKER FRIENDLY MENTHOL DARK GREEN FILTER KING-SIZE	BOX
SMOKER FRIENDLY GRAY FILTER 100s	BOX
SMOKER FRIENDLY GRAY FILTER KING-SIZE	BOX
SMOKER FRIENDLY MENTHOL GREEN FILTER 100s	BOX
SMOKER FRIENDLY MENTHOL GREEN FILTER KING SIZE	BOX
SMOKER FRIENDLY NON-FILTER KING SIZE	SOFT PACK

SMOKER FRIENDLY RED FILTER 100s BOX	BOX
SMOKER FRIENDLY RED FILTER KING SIZE	BOX

SMOKER FRIENDLY

SONOMA BLUE FILTER 100s	SOFT PACK
SONOMA BLUE FILTER KING SIZE	BOX
SONOMA MENTHOL DARK GREEN FILTER 100s	SOFT PACK
SONOMA MENTHOL DARK GREEN FILTER 100s	BOX
SONOMA MENTHOL DARK GREEN FILTER KING SIZE	BOX
SONOMA GOLD FILTER 100s	SOFT PACK
SONOMA GOLD FILTER 100s	BOX
SONOMA GOLD FILTER KING SIZE	BOX
SONOMA MENTHOL GREEN FILTER 100s	SOFT PACK
SONOMA MENTHOL GREEN FILTER KING SIZE	BOX
SONOMA NON FILTER KING SIZE	SOFT PACK
SONOMA RED FILTER 100s	SOFT PACK
SONOMA RED FILTER 100s	BOX
SONOMA RED FILTER KING SIZE	BOX

SONOMA

USA GOLD BLUE FILTER 100s	SOFT PACK
USA GOLD BLUE FILTER 100s	BOX
USA GOLD BLUE FILTER KING SIZE	SOFT PACK
USA GOLD BLUE FILTER KING SIZE	BOX
USA GOLD MENTHOL DARK GREEN FILTER 100s	SOFT PACK
USA GOLD MENTHOL DARK GREEN FILTER 100s	BOX
USA GOLD MENTHOL DARK GREEN FILTER KING SIZE	SOFT PACK
USA GOLD MENTHOL DARK GREEN FILTER KING SIZE	BOX
USA GOLD GOLD FILTER 100s	SOFT PACK
USA GOLD GOLD FILTER 100s	BOX
USA GOLD GOLD FILTER KING SIZE	SOFT PACK
USA GOLD GOLD FILTER KING SIZE	BOX
USA GOLD MENTHOL GREEN FILTER 100s	SOFT PACK

USA GOLD MENTHOL GREEN FILTER 100s	BOX
USA GOLD MENTHOL GREEN FILTER KING SIZE	SOFT PACK
USA GOLD NON FILTER KING SIZE	SOFT PACK
USA GOLD RED FILTER 100s	SOFT PACK
USA GOLD RED FILTER 100s	BOX
USA GOLD RED FILTER KING SIZE	SOFT PACK
USA GOLD RED FILTER KING SIZE	BOX

USA GOLD	RETURN
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WEST BLUE FILTER 100s	BOX
WEST BLUE FILTER KING SIZE	BOX
WEST MENTHOL DARK GREEN FILTER 100s	BOX
WEST MENTHOL DARK GREEN FILTER KING SIZE	BOX
WEST GRAY FILTER 100s	BOX
WEST GRAY FILTER KING SIZE	BOX
WEST MENTHOL GREEN FILTER 100s	BOX
WEST MENTHOL GREEN FILTER KING SIZE	BOX
WEST NON FILTER KING SOZE	SOFT PACK
WEST RED FILTER 100s	BOX
WEST RED FILTER KING SIZE	BOX

WEST

TOTAL CIGARETTES



EXHIBIT C**COMMONWEALTH BRANDS
ADVERTISING ROTATION PLAN**

QUARTER IN WHICH MATERIALS ARE PRODUCED	WARNING NOTICE UTILIZED			
	BRAND			
	USA GOLD	RIVIERA	SONOMA	MONTCLAIR
1 st Q (Jan - Mar)	A	B	C	D
2 nd Q (Apr. - June)	B	C	D	A
3 rd Q (July - Sept.)	C	D	A	B
4 th Q (Oct. - Dec.)	D	A	B	C
	DAVIDOFF	TUSCANY	WEST	MALIBU
1 st Q (Jan - Mar)	A	B	C	D
2 nd Q (Apr. - June)	B	C	D	A
3 rd Q (July - Sept.)	C	D	A	B
4 th Q (Oct. - Dec.)	D	A	B	C
	FORTUNA	GAULOISES	GITANES	RAVEN
1 st Q (Jan - Mar)	A	B	C	D
2 nd Q (Apr. - June)	B	C	D	A
3 rd Q (July - Sept.)	C	D	A	B
4 th Q (Oct. - Dec.)	D	A	B	C
		SF	CROWNS	
1 st Q (Jan - Mar)		B	C	
2 nd Q (Apr. - June)		C	D	
3 rd Q (July - Sept.)		D	A	
4 th Q (Oct. - Dec.)		A	B	
	MULTIPLE BRANDS/ NON-BRAND SPECIFIC			
1 st Q (Jan - Mar)	A			
2 nd Q (Apr. - June)	B			
3 rd Q (July - Sept.)	C			
4 th Q (Oct. - Dec.)	D			

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

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

C -- SURGEON GENERAL'S WARNING: Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight.

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

Selected packaging samples from those
submitted with the plan.

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

CLASSIC

Davidoff
CLASSIC

Davidoff

Smoothly selected tobacco
blended to perfection

Davidoff
CLASSIC

Davidoff



20
Class A
Cigarettes

UNDERAGE
SALE
PROHIBITED

Made in Ukraine
for Commonwealth Brands, Inc.
Raleigh, NC 27320
under licence of
Davidoff & Cie SA, Geneva

FSC



0 906533 1

Davidoff

Made in Ukraine for Commonwealth Brands, Inc, Reidsville, NC 27320 under license of Davidoff & Cie SA, Geneva

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

Davidoff
GOLD



S L I M S

Davidoff

S L I M S
G O L D

S L I M S

Davidoff
GOLD

Carefully selected tobaccos
blended to perfection



Division of
Advertising Practices

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

March 8, 2013

Rhondetta G. Walton, Esq.
Commonwealth Brands, Inc.
P.O. Box 407130
Fort Lauderdale, FL 33340-7130

Dear Ms. Walton:

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 Commonwealth Brands, Inc. ("Commonwealth") on March 7, 2013, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Davidoff, Fortuna, Gauloises, Gitanes, Malibu, Montclair, Raven, Riviera, SF, Sonoma, Tuscany, USA Gold, and West brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Crowns	September 7, 2010
Davidoff	January 2, 2013
Fortuna	March 18, 2010 April 28, 2010
Gauloises	April 28, 2010
Gitanes	April 28, 2010

¹ Commonwealth stated in its March 7, 2013 letter that the four health warnings will appear exactly shown on the packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Malibu	September 25, 2009 January 5, 2011 (cartons only) January 24, 2011 (packs only)
Montclair	March 18, 2010
Raven	September 7, 2010
Riviera	September 7, 2010
SF	January 13, 2010
Sonoma	July 28, 2010
Tuscany	September 7, 2010
USA Gold	November 23, 2009 March 18, 2010
West	March 18, 2010 April 28, 2010 June 3, 2010

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

- Eleven varieties of the Crowns brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack;
- Six 93 millimeter "Luxury Length" Box varieties of the Davidoff brand: Classic, Gold, Menthol, Menthol Silver, Gold Slims, and Menthol Silver Slims;
- Eleven varieties of the Fortuna brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Pale Blue Kings Box, Pale Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box (blue/green packaging), Menthol Green 100's Box (blue/green packaging), and Non-filter Kings soft pack;

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

Rhondetta G. Walton

March 8, 2013

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- Three Box varieties of the Gauloises brand: Red Kings, Blue Kings, and Yellow Kings;
- Two Box varieties of the Gitanes brand: Dark Blue Kings (packaging has a blue background with white lettering) and Blue Kings (packaging has a white background with blue lettering);
- Six Box varieties of the Malibu brand: Blue Slims 100's, Blue Slims 120's, Pink Slims 100's, Pink Slims 120's, Menthol Green Slims 100's, and Menthol Green Slims 120's;
- Eight varieties of the Montclair brand: Blue Kings Box, Blue 100's Box, Gray Kings Box, Gray 100's Box, White 100's Box, Menthol Green 100's Box, Purple Slims 100's Box, and Menthol Green Slims 100's Box;
- Eleven varieties of the Raven brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack;
- Eleven varieties of the Riviera brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack;
- Eleven varieties of the SF brand: Red Kings Box, Red 100's Box, Gray Kings Box, Gray 100's Box, Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Green Kings Box, Green 100's Box, and Non-filter Kings soft pack;
- Fourteen varieties of the Sonoma brand: Red Kings Box, Red 100's soft pack, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's soft pack (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box (blue-gray packaging), Blue 100's soft pack (blue-gray packaging), Menthol Dark Green Kings Box, Menthol Dark Green 100's soft pack, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's soft pack, and Non-filter Kings soft pack;
- Eleven varieties of the Tuscany brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack;
- Twenty varieties of the USA Gold brand: Red Kings Box, Red Kings soft pack, Red 100's soft pack, Red 100's Box, Gold Kings soft pack, Gold Kings Box, Gold 100's soft pack, Gold 100's Box, Blue Kings soft pack, Blue Kings Box, Blue 100's soft pack, Blue

Rhondetta G. Walton

March 8, 2013

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100's Box, Menthol Green Kings soft pack, Menthol Green 100's Box, Menthol Green 100's soft pack, Menthol Dark Green Kings soft pack, Menthol Dark Green Kings Box, Menthol Dark Green 100's soft pack, Menthol Dark Green 100's box, and Non-filter Kings soft pack; and

- Eleven varieties of the West brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Gray Kings Box, Gray 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack.

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

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

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

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

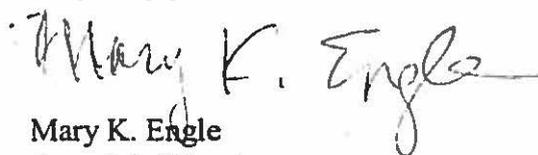
This approval is effective on the date of this letter and runs through March 7, 2014, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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.

Rhondetta G. Walton
March 8, 2013
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If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Mary K. Engle
Associate Director



March 14, 2013

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

Re: Rotation Plan: Cheyenne, Decade and aura brands

Dear Ms. Engle,

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

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

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

701 S. Battleground Avenue
Grover, North Carolina 28073

We have 10 styles of Decade, all in hard box:

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

In our submission of March 29, 2010 for the Cheyenne and Decade brands were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

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

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

In our submission of May 18, 2010 for the aura brand were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

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

Included with this letter is Exhibit 1 that is a tabular statement of sales volume by brand style for the previous fiscal year, as well as the anticipated sales for the one year period covered by the respective rotation plan for the brands.

The way that we will ensure that all four warnings will be equally displayed on the packs and cartons of each brand style throughout the year will be through our printing process. Our printer will print cartons 4 to a sheet – each carton on the sheet will have a different warning. Similarly, the printer will print 16 packs to a sheet with the 4 different warnings repeated 4 times. Every print run of cartons and packs will therefore have an equal distribution of warnings and accordingly our manufacturing runs will have an equal distribution of warnings. The result should be an equal distribution of warnings on cigarettes sold throughout the

year. We will maintain sufficient records to demonstrate compliance with the plan. If by the end of the year equalization of warnings on packs and cartons has not been achieved, the Company will take steps, such as placing special orders of packaging, to ensure warning label equalization.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Scott". The signature is fluid and cursive, with the first name "David" being the most prominent.

David A. Scott
Chief Financial Officer

CHEYENNE INTERNATIONAL, LLC
 (all styles are hard pack, called "box")

			Actual	Anticipated
			Previous	Current
			Fiscal	Rotation
			Year (2012)	Plan Year
Brand	Cheyenne		[REDACTED]	[REDACTED]
Highest Selling Style	Red 100's		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]
Brand	Decade		[REDACTED]	[REDACTED]
Highest Selling Style	Red 100's		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]
Brand	aura		[REDACTED]	[REDACTED]
Highest Selling Style	radiant gold King		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]

Brand Totals		[REDACTED]
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Approximately [REDACTED] of all cigarettes sold in the US in 2012

(Highest Brand Style (Decade Red 100's) approximately [REDACTED] of all cigarettes sold)



Division of
Advertising Practices

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

March 19, 2013

David A. Scott
Chief Financial Officer
Cheyenne International, LLC
701 S. Battleground Avenue
Grover, NC 28073

Dear Mr. Scott:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Cheyenne International, LLC ("Cheyenne"), on March 14, 2013, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cheyenne, Decade, and 'aura' brands of cigarettes.

Cheyenne's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 29, 2010 (Cheyenne and Decade) and May 18, 2010 (aura) continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Cheyenne's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eleven box varieties of the Cheyenne brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings, Menthol 100's, Menthol Silver Kings, Menthol Silver 100's, and Non-Filter Kings;
- Ten box varieties of the Decade brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings, Menthol 100's, Menthol Silver Kings, and Menthol Silver 100's; and

¹ Cheyenne stated in its March 14, 2013 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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- Four box varieties of the aura brand: robust red Kings, radiant gold Kings, sky blue Kings, and menthol glen Kings.

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

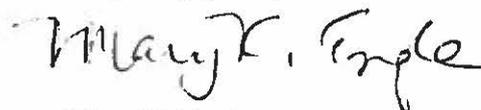
Please note that this letter only approves Cheyenne's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through March 18, 2014, 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.