



Division of
Advertising Practices

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

MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Bonnie McGregor
Division of Advertising Practices

DATE: December 17, 2015

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. October 21, 2014 letter from Neal N. Beaton on behalf of JT International U.S.A., Inc. to Bonnie McGregor and William T. Ducklow.
2. October 23, 2014 letter from Mary K. Engle to Neal N. Beaton on behalf of JT International U.S.A., Inc.
3. October 24, 2014 letter from Vardan Alumyan, AMVATRADE Corp. to Mary K. Engle.
4. October 31, 2014 letter from Mary K. Engle to Vardan Alumyan, AMVATRADE Corp.
5. August 19, 2014 letter from Travis G. Heron, Seneca Manufacturing Company to Mary K. Engle.
6. November 24, 2014 letter from Mary K. Engle to Travis G. Heron, Seneca Manufacturing Company.
7. September 26, 2014 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.
8. November 24, 2014 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.

9. November 19, 2014 letter from Karen E. Delaney, NASCO Products, LLC to Mary K. Engle.
10. December 4, 2014 letter from Mary K. Engle to Karen E. Delaney, NASCO Products, LLC.
11. December 19, 2014 letter from Arthur Montour, Native Wholesale Supply Co. to Mary K. Engle.
12. December 19, 2014 letter from Mary K. Engle to Arthur Montour, Native Wholesale Supply Co.

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

October 21, 2014

VIA E-MAIL

Ms. Bonnie McGregor
Mr. William T. Ducklow
Bureau of Consumer Protection
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Dear Ms. McGregor and Mr. Ducklow:

JT International U.S.A., Inc. received approval from the FTC on February 26, 2014 for its plan to equalize warnings on its "Export 'A'" brand (and other brands). JT International U.S.A., Inc. is planning to introduce revised packages and "bundles" (the equivalent of cartons) to replace the existing packaging for four of the brand styles within its "Export 'A'" brand family, namely full flavor, smooth taste, rich taste and ultra smooth taste.

We submitted under cover of our letter dated April 22, 2014 artwork for the revised packages and bundles with all four health warnings for each such brand style and submitted under cover of letter dated August 18, 2014 the actual revised package and bundles for them. The warnings will appear on the packaging as shown on the materials submitted under cover of the letter dated August 18, 2014.

The highlights of the revisions are as follows:

- Shape and profile of the "Lassie" figurine have been changed on various panels.
- The "Class A Premium Cigarettes" copy has been changed (but remains on the package slides) and moved.
- Marks around 'A' in the "Export 'A'" brand name have been changed on various panels.

Ms. Bonnie McGregor
Mr. William T. Ducklow
October 21, 2014
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- The color of the brand style name has been changed and it has been moved on various panels.

In response to Mr. Ducklow's inquiry in such regard, the bundle samples will be folded and cut so that the top panels will form the top of each bundle with the tear strip for opening going down the center, the second panels from the top (with the health warning in the upper left) will form the front of each bundle, the third panels from the top will form the bottom of each bundle and the lowest panel (which is upside-down before the bundle is folded but which becomes right-side up after the folding) will form each rear panel. Please find attached a picture of an actual bundle which has been cut, folded around actual packages and opened.

In all other respects, JT International U.S.A., Inc. will maintain compliance with the approval dated February 26, 2014 and the submittals on which it was based.

Please confirm that this packaging is approved. Our client would appreciate it if this review could be handled as promptly as possible. We enclosed a Federal Express airway bill with our letter dated August 18, 2014 which can be utilized to send an approval to me.

Thank you in advance for your kind and prompt consideration.

Very truly yours,



Neal N. Beaton

Attachment

#32961769_v3

EXPORT 'A'

**SOFT TASTE
ADVERTISED CIGARETTES**

**SMOKING CIGARETTES MAY INCREASE
YOUR RISK OF HEART DISEASE,
LUNG DISEASE AND CANCER.QUITTING NOW GREATLY REDUCES
SERIOUS RISKS TO YOUR HEALTH.© 1998 B&W T Co.**

EXPORT 'A'

200 SOFTLY SMOKED CIGARETTES

EXPORT 'A'

EXPORT 'A'

Selected packaging samples from those
submitted with the plan.

75 | US1 | 13
B.P.55PS1
1352478



FSC

NOT FOR SALE
VENTE INTERDITE
IN / AU CANADA



EXPORT 'A'
ULTRA SMOOTH TASTE

20 EXPERTLY CRAFTED
CIGARETTES

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



EXPORT 'A'
ULTRA SMOOTH TASTE

20 EXPERTLY CRAFTED
CIGARETTES



EXPORT 'A'

200
EXPERTLY CRAFTED
CIGARETTES

FULL FLAVOR

200 EXPERTLY CRAFTED CIGARETTES

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

EXPORT 'A'

FULL FLAVOR

200 EXPERTLY CRAFTED CIGARETTES

76 LUST
13449616



EXPORT 'A'

FULL FLAVOR

200 EXPERTLY CRAFTED CIGARETTES



MADE IN CANADA, IMPORTED BY CAROLINA TOBACCO COMPANY, 1000 W. 10TH ST., WILMINGTON, NC 28406
CONTACT US AT 877-673-6783

200 EXPERTLY CRAFTED CIGARETTES



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

Division of
Advertising Practices

October 23, 2014

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, JT International U.S.A., Inc.'s ("JTI") February 25, 2014 plan for simultaneous display (*i.e.* the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Wave, Export 'A', and Wings brands of cigarettes was approved on February 26, 2014. As described in your letter dated October 21, 2014, you now propose to modify the packaging for certain varieties of the Export 'A' brand.

It appears that the health warnings on the sample packs and cartons for the Full Flavor, Smooth Taste, Rich Taste, and Ultra Smooth Taste varieties of the Export 'A' brand submitted with your letter dated August 18, 2014 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

I wish to remind you that the Commission's February 26, 2014 approval of JTI's plan for simultaneous display of the warnings on packaging for its cigarettes runs through February 25, 2015 (or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first) and that this letter does not extend that approval period.

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

Neal N. Beaton, Esq.
October 23, 2014
Page 2

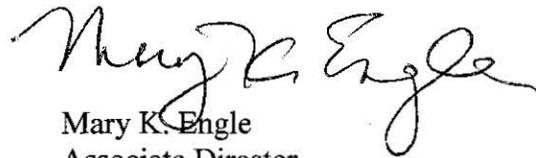
Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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.

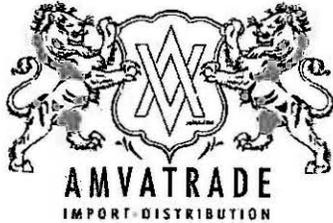
Please also note that Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit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

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

Very truly yours,



Mary K. Engle
Associate Director



AMVATRADE CORP.

290 Spagnoli Rd
Melville, NY 11747

T 631.524.5403
F 646.588.1986
amvtrade@gmail.com

October 24, 2014

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

Re: Proposed Plan for Health Warning Labels on Cigarettes

Dear Ms. Engle:

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

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

Pursuant to Section 1333(c)(2) AMVATRADE Corp. seeks approval of its plan to display the four health warning statements an equal number of times on the packaging and cartons of the aforementioned brand styles of Treasurer brand of cigarettes for the one year period beginning on the date of the approval of this plan. AMVATRADE Corp.'s sales of cigarettes in the United States for the 2012 fiscal year was [REDACTED] sticks of cigarettes. AMVATRADE Corp.'s sales of cigarettes in the United States for the 2013 fiscal year was [REDACTED] sticks of cigarettes. We anticipate our sales of Treasurer brand of cigarettes for the 2014 fiscal year will be [REDACTED] sticks of cigarettes. Our fiscal year extends from January 1st through December 31st of each year. AMVATRADE Corp. does not intend to import or manufacture any other brands of cigarettes at this time.

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

We will keep records demonstrating compliance with this plan.

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

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

AMVATRADE Corp. will continue to comply with the advertising plan that was submitted by letter dated October 25, 2010 and approved by FTC by letter dated January 11, 2011.

AMVATRADE Corp. has submitted actual samples of packs and cartons for Treasurer Black, Treasurer Gold and Treasurer Silver brand styles of cigarettes with letters dated May 20, 2010 (Treasurer Gold and Treasurer Silver) and July 30, 2010 (Treasurer Black). We will continue to import the same packs and cartons without any changes.

AMVATRADE Corp. has submitted actual samples of packs of Treasurer Luxury Black, Treasurer Luxury Gold, Treasurer Luxury Silver, Treasurer Luxury White and Treasurer Luxury Menthol brand styles of cigarettes with its letter dated June 15, 2011. We will continue to import the same packs without any changes.

AMVATRADE Corp. has submitted actual samples of cartons of Treasurer Luxury Black, Treasurer Luxury Gold, Treasurer Luxury Silver, Treasurer Luxury White and Treasurer Luxury Menthol with its letter dated July 26, 2012. We will continue to import the same cartons without any changes.

Cordially,



Vardan Alamyman
President, AMVATRADE Corp.



Division of
Advertising Practices

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

October 31, 2014

Mr. Vardan Alumyan
President
AMVATRADE Corp.
290 Spagnoli Road
Melville, NY 11747

Dear Mr. Alumyan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by AMVATRADE Corp. ("AMVATRADE") on October 24, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Treasurer brand of cigarettes.

AMVATRADE'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 May 20, 2010 (Gold, Silver), July 30, 2010 (Black), June 15, 2011 (Treasurer Luxury packs), and July 26, 2012 (Treasurer Luxury cartons) appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, AMVATRADE's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following 90 mm varieties of the Treasurer brand: Black (aluminum pack), Gold (aluminum pack), Silver (aluminum pack), Luxury Black hard pack, Luxury Gold hard pack, Luxury Silver hard pack, Luxury White hard pack, and Luxury Menthol hard pack.

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

¹ AMVATRADE stated in its October 24, 2014 letter that the four health warnings will appear exactly as shown on the packs and/or cartons submitted on these dates.

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

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

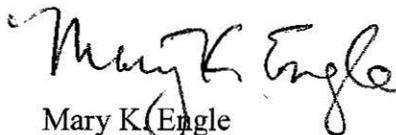
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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

This approval is effective on the date of this letter and runs through October 30, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496
175 Rochester Street
Salamanca, NY 14779

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

August 19, 2014

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

RE: Sands Cigarettes

Dear Ms. Engle:

Please consider this letter our annual compliance letter. Our plan for the simultaneous display of the Surgeon General's warnings on packaging and the quarterly rotation of the Surgeon General's warnings on advertising for Sands cigarettes was originally submitted to the Federal Trade Commission on November 3, 2011, and was approved on November 8, 2011.

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

Red 100's Soft Pack
Gold 100's Soft Pack
Silver 100's Soft Pack
Menthol 100's Soft Pack
Menthol Blue 100's Soft Pack

Red King Soft Pack
Gold King Soft Pack
Silver King Soft Pack
Menthol King Soft Pack
Menthol Blue King Soft Pack

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

Red King Box
Gold King Box
Silver King Box
Menthol King Box
Menthol Blue King Box

These cigarettes are packaged in 200 count cartons ("Outer Carton"). Each Outer Carton contains ten (10) packs of twenty (20) cigarettes each ("pack"). The warnings will appear exactly as shown in samples provided to your office with our letter dated March 21, 2011, except for the packaging that was revised. Those warnings will appear as shown on the samples submitted on September 29, 2011.

Mary K. Engle, Associate Director
Division of Advertising Practices
Heron Cigarettes
August 19, 2014
Page 2

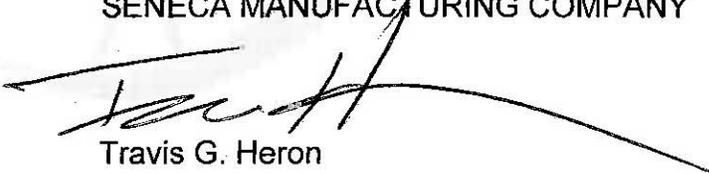
Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. Our total sales for each brand style of both the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

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons of each Sands cigarette brand style an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the Sands cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the health warnings. Seneca Manufacturing Company will maintain records of compliance with approved plan. We will continue to advertise according to our plan approved by the Federal Trade Commission on November 8, 2011.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Travis G. Heron
Partner

TGH/cj
Enclosure

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

Brand	2013 Sales by Stick	Estimated 2014 Sales by Stick
Sands Gold 100 Box	[REDACTED]	[REDACTED]
Sands Gold 100 SP	[REDACTED]	[REDACTED]
Sands Gold King Box	[REDACTED]	[REDACTED]
Sands Gold King SP	[REDACTED]	[REDACTED]
Sands Menthol Blue 100 Box	[REDACTED]	[REDACTED]
Sands Menthol Blue 100 SP	[REDACTED]	[REDACTED]
Sands Menthol 100 Box	[REDACTED]	[REDACTED]
Sands Menthol 100 SP	[REDACTED]	[REDACTED]
Sands Menthol King Box	[REDACTED]	[REDACTED]
Sands Menthol King SP	[REDACTED]	[REDACTED]
Sands Menthol Blue King Box	[REDACTED]	[REDACTED]
Sands Menthol Blue King SP	[REDACTED]	[REDACTED]
Sands Red 100 Box	[REDACTED]	[REDACTED]
Sands Red 100 SP	[REDACTED]	[REDACTED]
Sands Red King Box	[REDACTED]	[REDACTED]
Sands Red King SP	[REDACTED]	[REDACTED]
Sands Silver 100 Box	[REDACTED]	[REDACTED]
Sands Silver 100 SP	[REDACTED]	[REDACTED]
Sands Silver King Box	[REDACTED]	[REDACTED]
Sands Silver King SP	[REDACTED]	[REDACTED]
Grand Total	[REDACTED]	[REDACTED]



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

Division of
Advertising Practices

November 24, 2014

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

Dear Mr. Heron:

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

Seneca’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons for the Sands brand submitted with your letters dated March 21, 2011 and September 29, 2011 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Seneca’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following twenty varieties of the Sands brand (each offered in both box and soft pack varieties): Red (Kings and 100’s), Gold (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), and Menthol Blue (Kings and 100’s).

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.

¹ Seneca stated in its August 19, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although the warnings on the packs for the king size soft pack varieties submitted on March 21, 2011 did not meet the size requirements of the Cigarette Act, corrected samples were submitted on September 29, 2011.

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

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

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

This approval is effective on the date of this letter and runs through November 23, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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



September 26, 2014

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

Re: Premier Manufacturing, Inc. -Additional Brands Approval Request

Dear Ms. Mary Engle:

The purpose of this letter is to inform you that U.S. Flue-Cured Tobacco Growers, Inc. (USFC) has assigned the 1839 brand and Traffic brand to Premier Manufacturing, Inc. (PMI).

PMI has received confirmation from Tobacco Tax and Trade Bureau (TTB) to use the existing packaging. PMI hereby applies for approval to add 1839 and Traffic brand cigarettes to our warning label rotation plan using the equal distribution method of displaying warning labels. PMI inspected and verified the current packaging inventory that we have purchased of the 1839 and Traffic brands and all four warnings were printed to comply with the equal distribution method of warning label rotation. Premier Manufacturing would like to display the four health warnings an equal number of times on the packs and cartons for the 1839 brand and Traffic brand for the one-year period beginning on the date of approval of this plan. PMI will keep records demonstrating compliance with this plan.

The warnings on the packs and cartons of 1839 and Traffic Brands will appear exactly as shown on the packaging samples provided with the letter dated August 12, 2014.

PMI does not manufacture or import any additional brands of cigarettes other than 1839, Traffic and the brands listed in our April 15, 2014 plan: 1st Class, Ultra Buy, Wildhorse and Shield. PMI will manufacture the following brand styles of 1839 and Traffic in the United States:

Eleven varieties of the 1839 brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Green Box (Kings and 100's), Menthol Blue Box (Kings and 100's), and Non-Filter Kings Soft Pack;

Nine varieties of the Traffic brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver 100's Box (medium blue packaging), Menthol Silver 100's Box (medium green packaging), and Non-Filter Kings Soft Pack.

(1)

www.GoPremier.com



The four warnings that will be displayed are:

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

Our sales for the fiscal year 2013 did not exceed [REDACTED] sticks for any one brand style that we manufactured. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan.

We wish to also advertise, including Internet advertising, the 1839 and Traffic brands. We will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers and we will place the warnings as specified in those plans. The warnings will be rotated quarterly according to the schedule set out below. Copies of the formats PMI will be using were submitted with our letter of May 23, 2003 and the size of our advertisements will not exceed 10.4 sq. feet.

	1ST CLASS	ULTRA BUY	SHIELD	WILDHORSE/ MULTIPLY BRANDS	1839	TRAFFIC
1st QTR. (JAN - MAR)	A	B	C	D	A	C
2ND QTR. (APR. - JUNE)	B	C	D	A	B	D
3RD QTR. (JULY-SEPT.)	C	D	A	B	C	A
4TH QTR. (OCT.-DEC.)	D	A	B	C	D	B

- 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.**

(2)

www.GoPremier.com



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

In internet advertising, the warnings will be displayed in an unavoidable manner on every web page, where they may be viewed without scrolling and shall not be accessed through hyperlinks, popups, interstitials, or other similar means. We will use the warnings format that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and the size of the warnings shall be proportionate to those warnings formats. The warnings will be rotated quarterly according to the schedule set out above. The warnings in internet advertising for the 1839 and Traffic Brands will appear just as they do in internet advertising for our other brands (Wildhorse, Shield, 1st Class and Ultra Buy) for which the internet advertising was approved on July 16, 2003. You can see the sample of the warnings at www.gopremier.com.

We submit and confirm that the foregoing complies with the Act. Please call me should you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Terri Albright".

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

(3)

www.GoPremier.com

Selected packaging samples from those submitted with the plan.

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



RED KING BOX



A Product of US Farmers™

1839

RED KING BOX

A Product of US Farmers™



RED KING BOX



1839

PREMIUM BLEND

RED KING BOX

1839

PREMIUM BLEND

1839



U.S. Fine-Cured
 Tobacco Growers, Inc.
 Timberlake, NC 27583
 www.go1839.com
 Underage Sale Prohibited

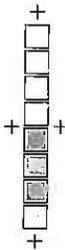


TP-NC-15000

FSC 8

CGP

M-1 2 3 4 5 6 7 8 9 10 11A
 Y-12-14 15 16 415-3123-C



5





CGP

M-23 4 5 6 7 8 9 10 11 12
Y-13 14 15 16

8



NON FILTER KINGS

1839

PREMIUM BLEND

1839

NON FILTER

Kings



An American

A Product of US

430-3142-B

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

1839

NON FILTER KINGS

A Product of US Farmers™

together to bring you a cigarette as fine as
the tradition they maintain. *The difference?*
A product made with pride by the farmers who grow
the tobacco. For more about the tradition of
U.S. Fine Cured Tobacco (www.usfinecured.com)
see www.go1889.com



Kings
NON FILTER

1839

NON-FILTER
20 CLASS A CIGARETTES

TRAFFIC

418-1050-A

TRAFFIC
NON-FILTER
20 CLASS A CIGARETTES

TRAFFIC
NON-FILTER
20 CLASS A CIGARETTES



NON-FILTER
20 CLASS A CIGARETTES

TRAFFIC

TRAFFIC
NON-FILTER



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

BLUE 100
200 CLASS A C

TRAFFIC

A Product from

U.S. Flue-Cured
Tobacco Growers, Inc.
Timberlake, NC 27583

200 CLASS A CIGARETTES

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

SALE PROHIBITED

A Product from

TRAFFIC
TRAFFIC

BLUE 100
200 CLASS A

TRAFFIC



Division of
Advertising Practices

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

November 24, 2014

Ms. Terri Albright
Operations/ Compliance Manager
Premier Manufacturing, Inc.
17998 Chesterfield Airport Road
Chesterfield, MO 63005

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Premier Manufacturing, Inc. ("Premier") on September 26, 2014, calling for: (1) quarterly rotation of the four health warnings in print advertising up to 10.4 square feet in size and Internet advertising for the 1839 and Traffic brands; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1839 and Traffic brands.

Premier's plan for rotation and display of the four health warnings in the aforementioned advertising for the 1839 and Traffic 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 (Lashanda Freeman at 202-307-0052) to determine whether such advertising on the Internet is permissible.

Premier's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated August 12, 2014 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

¹ Premier stated in its September 26, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on August 12, 2014.

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

- Eleven varieties of the 1839 brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Green Box (Kings and 100's), Menthol Blue Box (Kings and 100's), and Non-Filter Kings Soft Pack; and
- Nine varieties of the Traffic brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver 100's Box (medium blue packaging), Menthol Silver 100's Box (medium green packaging), and Non-Filter Kings Soft Pack.

This approval of your plan for simultaneous display of the warnings on packaging is effective on the date of this letter and runs through November 23, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

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

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

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

Ms. Terri Albright
November 24, 2014
Page 3

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

Very truly yours,

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

Mary K. Engle
Associate Director

NASCO PRODUCTS

321 Farmington Road, Mocksville, North Carolina 27028 • Phone: 336-940-3769 • Fax: 336-940-3669

November 19, 2014

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

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

This letter is being submitted for approval of NASCO Products, LLC's plan to use the alternative method to the quarterly rotation of Surgeon General's Warning on packaging of the SF cigarette brand. SF brand will be manufactured by NASCO Products, LLC. Upon approval of this plan, the manufacturer intends to sell these cigarettes under the authority of the Alcohol & Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NC-15033).

The SF cigarette brand will be manufactured in a variety of styles. The following eleven (11) varieties will be manufactured:

Red King Box
Blue King Box
Gray King Box
Menthol Dark Green King Box
Menthol Pale Green King Box
Non-Filter King Soft Pack
Red 100's Box
Blue 100's Box
Gray 100's Box
Menthol Dark Green 100's Box
Menthol Pale Green 100's Box

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

The Surgeon General Warnings will be on each Pack and Outer Carton of cigarettes in the form and content dictated by the Federal Cigarette Labeling and Advertising Act. The warnings will be printed directly on the packaging in a legible and conspicuous manner and will be of a size, format, and type required by the Cigarette Act. The warnings will be placed on the product in a location which complies with applicable labeling statutes. The warnings will appear exactly as they do on the packs and cartons submitted with our letter dated November 11, 2014.

NASCO Products, LLC believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331. While NASCO Products, LLC has never manufactured the SF cigarette brand, anticipated sales volumes for the brand styles of SF are shown in Exhibit A. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes for the one year period covered by this plan.

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

At this time NASCO Products, LLC will do no advertising, in any form, of the SF cigarette brand. If NASCO Products, LLC decides to engage in advertising, NASCO Products, LLC will submit a plan to the FTC.

NASCO Products, LLC, the manufacturer, is aware of the requirements set forth by the FTC in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Cigarette Act. NASCO Products, LLC will maintain record of compliance with the approved plan. The submitted carton and pack label for each brand style bearing each Surgeon General warning satisfies the requirement of package submission. If there are any questions or concerns regarding this plan, please contact me at 716-270-1523 (phone), 716-877-3064 (fax), kdelaney@xxiicentury.com (email), or 9530 Main Street, Clarence, NY 14301 (mailing address).

Sincerely,



Karen E. Delaney
Tax Compliance Manager

EXHIBIT A

PRODUCT	STICKS [^]
SF Red King Size Box	
SF Blue King Size Box	
SF Gray King Size Box	
SF Menthol Dark Green King Size Box	
SF Menthol Pale Green King Size Box	
SF Non-Filter King Size Soft Pack	
SF Red 100's Box	
SF Blue 100's Box	
SF Gray 100's Box	
SF Menthol Dark Green 100's Box	
SF Menthol Pale Green 100's Box	

[^]Estimated 2015 Annual Stick Sales Figures

Selected packaging samples from those
submitted with the plan.

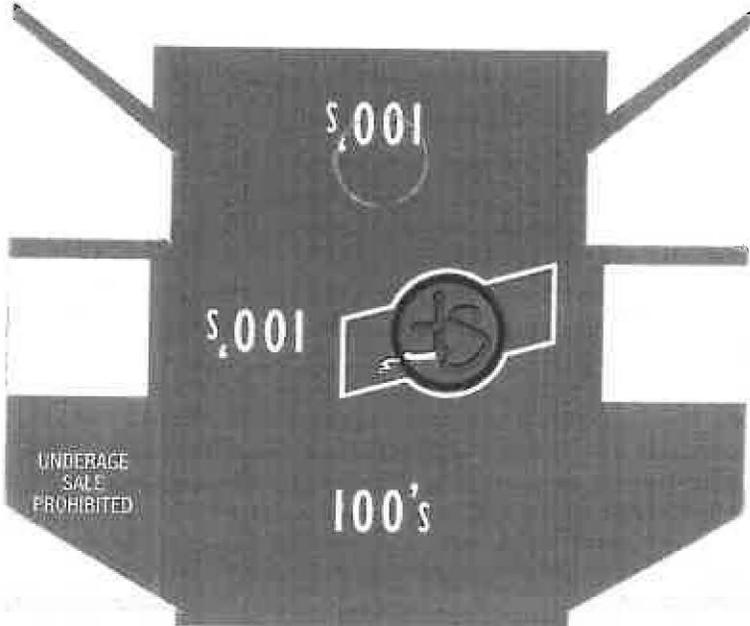
SURGEON GENERAL'S WARNING:
Cigarette Smoke
Contains Carbon Monoxide.



20 Class A Cigarettes
MFD UNDER LICENSE BY
MASCO PRODUCTS, LLC
MOCKSVILLE, NC 27028
©Smoker Friendly
International LLC
Boulder, CO 80501
www.smokerfriendly.com



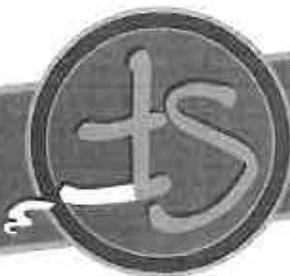
TP-NC-15033



CC_SF100_CigPaks_CUT.ai

200 CLASS A CIGARETTES

KINGS



KINGS

200 CLASS A CIGARETTES

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



KINGS

200 CLASS A CIGARETTES

MFD UNDER LICENSE BY
NASCO PRODUCTS, LLC
MOCKSVILLE, NC 27028

FOR
©Smoker Friendly International LLC
Boulder, CO 80301

www.smokerfriendly.com

FSC



TP-NC-15033

200 CLASS A CIGARETTES

KINGS





Division of
Advertising Practices

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

December 4, 2014

Ms. Karen E. Delaney
NASCO Products, LLC
321 Farmington Road
Mocksville, NC 27028

Dear Ms. Delaney:

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

NASCO'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 November 11, 2014 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, NASCO's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven varieties of the SF brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Gray Box (Kings and 100's), Menthol Dark Green Box (Kings and 100's), Menthol Pale Green Box (Kings and 100's), and Non-Filter Kings Soft Pack.²

¹ NASCO stated in its November 19, 2014 letter that the four health warnings will appear exactly shown on the packs and cartons submitted on this date.

² As set forth in its November 19, 2014 letter, NASCO is using colors to identify its cigarette varieties (*e.g.*, "Menthol Dark Green 100's"). We note that the color names and the word "menthol" are not printed on the packaging (*e.g.*, the words "Menthol Dark Green" do not appear on the packaging of the "Menthol Dark Green 100's" variety); however, the color used for a variety's packaging does conform to the color used in its name.

Ms. Karen E. Delaney
December 4, 2014
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 NASCO 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 NASCO'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 NASCO's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for NASCO's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of NASCO'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 December 3, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. 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.

PO Box 214
Gowanda, New York 14070



1.877.NATIVE3
Fax: 716.532.6137

December 19, 2014

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

Dear Mary Engle:

Native Wholesale Supply imports the Couture brand of cigarettes manufactured by Grand River Enterprises Six Nations Ltd. Native Wholesale Supply requests approval for its 2014 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the Cigarette Act on packaging for its Couture brand of cigarettes. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Arthur Montour.

With this letter we are now seeking approval for the following brand styles:

Couture 100 Slims Ruby Box
Couture 100 Slims Amethyst Box
Couture 100 Slims Diamond Box
Couture 100 Slims Sapphire Box
Couture 100 Slims Turquoise Box
Couture 100 Slims Aquamarine Box

We enclosed packaging for each pack and carton brand style listed above with our letter dated November 5th, 2014.

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

Our sales for 2013 by brand style was submitted with our letter dated June 23, 2014.

We comply with the "Cigarette Act" by having our supplier, White House Graphics, print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of the above Couture brand styles, an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan. The warnings will appear exactly as shown on the sample packs and cartons for the Couture brand submitted with our November 5, 2014 letter.

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

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

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

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

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

ADVERTISING

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

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

Yours truly,

A handwritten signature in black ink, appearing to read 'Arthur Montour', with some overlapping strokes.

Arthur Montour, President

Selected packaging samples from those
submitted with the plan.

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



SLIMS
Couture

SLIMS
Couture
Made in Canada
9-11-25
FSC
6 81467 00387 4

F4-SL100-COUSA-AM-BL

12

SLIMS
Couture



Couture
SLIMS

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

AMETHYST

Couture
SLIMS

20 CLASS A
SLIM CIGARETTES

AMETHYST

VAPED

SLIMS
Couture

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

200 SLIM CIGARETTES

SLIMS
Couture

SAPPHIRE

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

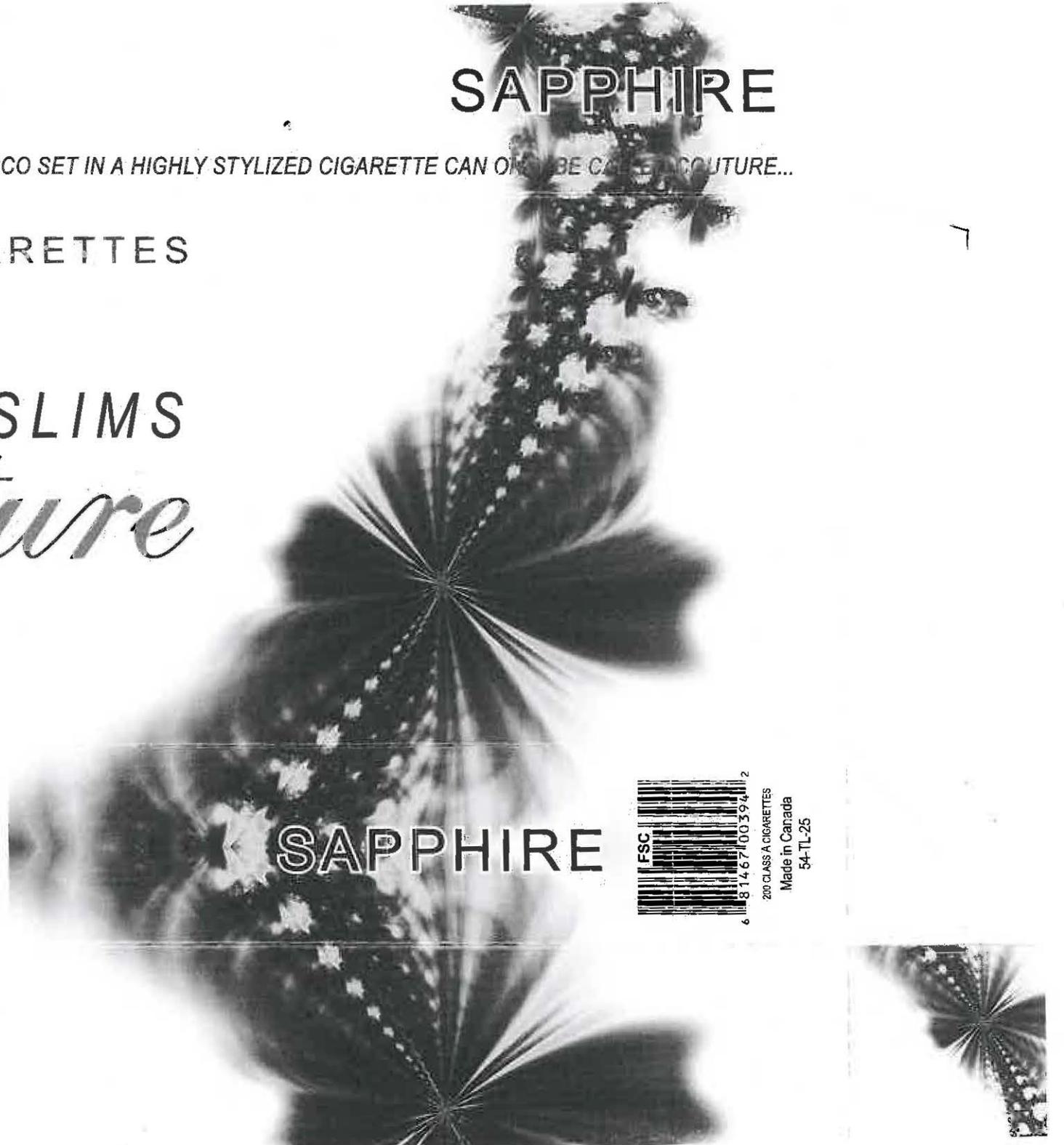
SAPPHIRE

SAPPHIRE

SAPPHIRE



200 CLASS A CIGARETTES
Made in Canada
54-TL-25





Division of
Advertising Practices

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

December 19, 2014

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

Dear Mr. Montour:

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

NWSC'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 November 5, 2014 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, NWSC's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following six varieties of the Couture brand: 100 Slims Ruby Box, 100 Slims Amethyst Box, 100 Slims Diamond Box, 100 Slims Sapphire Box, 100 Slims Turquoise Box, and 100 Slims Aquamarine 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 NWSC stated in its December 19, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

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

Mr. Arthur Montour
December 19, 2014
Page 2

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

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

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

This approval is effective on the date of this letter and runs through December 18, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director