



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 31, 2024

SUBJECT: Cigarette Labeling and Advertising Act
File No. P854505

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

1. July 6, 2022 letter from Yancey Black, King Mountain Tobacco Company, Inc. to Serena Viswanathan.
2. July 11, 2022 letter from Serena Viswanathan to Yancey Black, King Mountain Tobacco Company, Inc.
3. July 6, 2022 letter from Erlind Hill, Native Wholesale Supply Company to Advertising Practices.
4. July 11, 2022 letter from to Serena Viswanathan to Erlind Hill, Native Wholesale Supply Company.
5. July 13, 2022 letter from Carlos J. Andréu Collazo on behalf of Castro Business Enterprises, Inc. d/b/a National Guard Exchange to Serena Viswanathan.
6. July 15, 2022 letter from Serena Viswanathan to Carlos J. Andréu Collazo on behalf of Castro Business Enterprises, Inc. d/b/a National Guard Exchange.
7. July 22, 2022 letter from Karen E. Delaney, NASCO Products, LLC to Serena Viswanathan.
8. August 3, 2022 letter from Serena Viswanathan to Karen E. Delaney, NASCO Products, LLC.

9. August 1, 2022 letter from Terri Albright, King Maker Marketing, Inc. to Division of Advertising Practices.
10. August 12, 2022 letter from Serena Viswanathan to Terri Albright, King Maker Marketing, Inc.
11. August 23, 2022 letter from Paige S. Fitzgerald on behalf of Joseph M. Anderson d/b/a Smokin' Joes to Serena Viswanathan.
12. August 25, 2022 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Joseph M. Anderson d/b/a Smokin' Joes.
13. September 13, 2022 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Serena Viswanathan.
14. September 13, 2022 letter from Serena Viswanathan to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
15. September 8, 2022 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to Serena Viswanathan.
16. September 26, 2022 letter from Serena Viswanathan to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.



P.O. BOX 422
WHITE SWAN, WA 98952
PHONE: (509) 874-9935
FAX: (509) 874-3690

July 6, 2022

ATTN: Serena Viswanathan
Bureau of Consumer Protection
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW
Washington, DC 20580

RE: King Mountain Tobacco Company, Inc.

Dear Ms. Viswanathan:

This correspondence represents King Mountain Tobacco Company Inc.'s ("KMT") Cigarette Labeling Rotation Renewal pursuant to 15 U.S.C. §1333(c)(2) for annual approval of the plan of King Mountain Tobacco Company, Inc. for the display of the four health warnings on packaging for its King Mountain Cigarette brand. Your Office last approved King Mountain's plan for the display of the Health Warnings on the packaging of the King Mountain cigarettes on July 14, 2021 and there have been no changes in packaging since that time. Please note we manufacture Fire Safe Cigarettes ("FSC"). Fire Safe Cigarettes are identified by the letters "FSC" in bold above the UPC label on both the carton and cigarette boxes. All of King Mountain Tobacco's packaging is in the hard pack style. The warnings will appear exactly as shown on the samples submitted with our letter of June 18, 2018.

KMT confirms and warrants that it will conduct its operations so the four warnings specified in 15 U.S.C. §1333(a)(1) will appear an equal number of times on the packs and cartons of each of the ten brand styles of FSC King Mountain cigarettes it manufactures during the twelve-month period following approval of this application. To ensure equal distribution of the four warnings specified in 15 U.S.C. §1333(a)(1) KMT will require that one-fourth of each order of package and carton materials be printed with each of the four warnings. KMT runs 2 press runs on an alternating sequence to ensure an equal amount of the Surgeon General Warning Labels per order of packaging. Should there be any residual or additional packaging that is needed to be added or subtracted from inventory to obtain 100% compliance of the proper Surgeon General Warning rotation as specified in 15 U.S.C. §1333 (c) (2) that will be done manually as needed by King Mountain employees before the expiration of the plan.



P.O. BOX 422
WHITE SWAN, WA 98952
PHONE: (509) 874-9935
FAX: (509) 874-3690

KMT will keep records demonstrating compliance with this plan.

Sales of King Mountain cigarettes did not exceed one-fourth of one percent of cigarettes sold in the United States during the calendar year 2021. KMT's fiscal year is the calendar year.

KMT manufactures King Mountain cigarettes under Tobacco Manufacturing license TP-WA-15000. King Mountain is the only brand of cigarettes KMT manufactures and KMT does not import any cigarettes into the United States.

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

- (i) The number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of one percent of all cigarettes sold in the United States in such year, and;
- (ii) More than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i)

15 U.S.C. §1333 (c) (2) (A) defines brand style as "A variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavorings used, size of the cigarette, filtration on the cigarette, or packaging.

15 U.S.C. §1332 (8) KMT plans to manufacture the following styles of King Mountain:

Red King (Fire Safe)	Red 100s (Fire Safe)
Gold King (Fire Safe)	Gold 100s (Fire Safe)
Blue King (Fire Safe)	Blue 100s (Fire Safe)
Menthol King (Fire Safe)	Menthol 100s (Fire Safe)
Menthol Gold King (Fire Safe)	Menthol Gold 100s (Fire Safe)



P.O. BOX 422
WHITE SWAN, WA 98952
PHONE: (509) 874-9935
FAX: (509) 874-3690

KMT does not import or manufacture any other brands. [REDACTED] was the highest selling style with [REDACTED] sticks sold in 2021. This amount is clearly less than one - fourth of one percent of all cigarettes sold in the United States in 2021, as required by 15 U.S.C. §1333 (c)(2)(A)(i). Estimated sales for 2022 are [REDACTED] sticks with [REDACTED] selling an estimated [REDACTED] of those sticks.

KMT Originally received approval for our advertising plan on June 25th, 2009. There have been no changes in our advertising plan since that time. KMT will continue to maintain compliance with the plan.

King Mountain Tobacco Company, Inc., is located at 2000 Ft. Simcoe Road, White Swan, WA 98952. It's mailing address is P.O. Box 422, White Swan, WA 98952.

If any additional information is required, please contact Chris Stanley at 561-325-5921 or RandCAssociates@gmail.com

Sincerely,

Yancey Black
General Manager



Division of
Advertising Practices

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

July 11, 2022

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

Dear Mr. Black:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Mountain Tobacco Company, Inc. ("KMTC") on July 6, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the King Mountain brand of cigarettes.

KMTC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated June 18, 2018 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, KMTC's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten hard pack varieties of the King Mountain brand: Red (Kings and 100's), Gold (Kings and 100's), Blue (Kings and 100's), Menthol (Kings and 100's), and Menthol Gold (Kings and 100's).

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

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

¹ KMTC stated in its July 6, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on June 18, 2018.

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. Yancey Black

July 11, 2022

Page 2

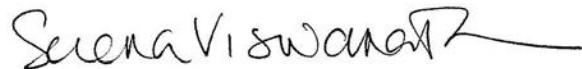
is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for KMTC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of KMTC's packaging and advertising under the TCA or any regulations that 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) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

This approval is effective on the date of this letter and runs through July 10, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

If you have any questions regarding this approval, please contact Connor Sands at (202) 326-3343.

Very truly yours,

A handwritten signature in black ink, appearing to read "Serena Viswanathan", followed by a long horizontal flourish.

Serena Viswanathan
Associate Director



P.O. Box 214
Gowanda, NY 14070
716.532.6136

July 6, 2022

Federal Trade Commission
Advertising Practices
600 Pennsylvania Avenue North West
Washington, D.C. 20580
Mail Drop CC-10528

Dear Mary Engle:

Native Wholesale Supply imports the Seneca, Opal and Couture brand of cigarettes manufactured by Grand River Enterprises Six Nations LTD. Native Wholesale Supply requests approval for its 2022 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the cigarette Act on packaging for its Seneca, Opal and couture brands of cigarettes. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Elmer Steeprock.

Our previous plan for the simultaneous display of the four health warnings on packages for the Seneca, Couture and Opal brands was approved on July 1, 2021. The company is not seeking any changes to its plan and to date all warnings have been equalized according to date. We now wish to renew our approval for the following brand Styles:

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

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

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

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

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

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

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

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

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

Our sales for 2021 by brand style is attached. Native Wholesale Supply's fiscal year coincides with the calendar year.

We comply with the "Cigarette Act" by having our supplier, White House Graphics, print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of each brand style of the Seneca, Couture and Opal brands listed above an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan. The Warnings will appear exactly as shown on the sample packs and cartons for the Seneca, Opal and Couture brands submitted with our June 5, 2019 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 'Erlind Hill', with a stylized flourish at the end.

Erlind Hill, Manager

**Native Wholesale Supply
2021 Brand Sales**

Description	Totals
Seneca 72's Full Flavor	
Seneca 72's Blue	
Seneca 72's Menthol	
Seneca Full Flavor S/P King FSC	
Seneca Blue S/P King FSC	
Seneca Silver Lt S/P King FSC	
Seneca Menthol S/P King FSC	
Seneca Smooth Menthol S/P King FSC	
Seneca Full Flavor H/L King FSC	
Seneca Blue H/L King FSC	
Seneca Silver H/L King FSC	
Seneca Menthol H/L King FSC	
Seneca Smooth Menthol H/L King FSC	
Seneca Non Filter H/L King FSC	
Seneca Chill H/L King	
Seneca Medium H/L King	
Seneca Full Flavor S/P 100 FSC	
Seneca Blue S/P 100 FSC	
Seneca Silver Lt S/P 100 FSC	
Seneca Menthol S/P 100 FSC	
Seneca Smooth Menthol S/P 100 FSC	
Seneca Extra Smooth Menthol S/P 100 FSC	
Seneca Full Flavor H/L 100 FSC	
Seneca Blue H/L 100 FSC	
Seneca Silver H/L 100 FSC	
Seneca Menthol H/L 100 FSC	
Seneca Smooth Menthol H/L 100 FSC	
Seneca Extra Smooth Menthol H/L 100 FSC	
Seneca Medium H/L 100 FSC	
Seneca 120's FF H/L FSC	
Seneca 120's Smooth H/L FSC	
Seneca 120's Ultra H/L FSC	
Seneca 120's MN H/L FSC	
Seneca 120's Smooth Menthol H/L FSC	
Opal FF H/L 120 FSC	
Opal Smooth H/L 120 FSC	
Opal Ultra H/L 120 FSC	
Opal MN H/L 120 FSC	
Opal Smooth Menthol H/L 120 FSC	
Couture Ruby FSC	
Couture Amethyst FSC	
Couture Diamond FSC	
Couture Sapphire FSC	
Couture Turquoise FSC	
Couture Aquamarine FSC	



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

Division of
Advertising Practices

July 11, 2022

Mr. Erlind Hill
Native Wholesale Supply Co.
P.O. Box 214
Gowanda, NY 14070

Dear Mr. Hill:

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 July 6, 2022, 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.

NWSC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on June 5, 2019 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 varieties:

- Thirty-four varieties of the Seneca brand: Non-filter Kings box, Chill Kings box, Full Flavor box (72’s, Kings, 100’s, and 120’s), Full Flavor soft pack (Kings and 100’s), Blue box (72’s, Kings, and 100’s), Blue soft pack (Kings and 100’s), Medium box (Kings and 100’s), Menthol box (72’s, Kings, 100’s, and 120’s), Menthol soft pack (Kings and 100’s), Silver box (Kings and 100’s), Silver soft pack (Kings and 100’s), Smooth box 120’s, Smooth Menthol Box (Kings, 100’s, and 120’s), Smooth Menthol soft pack (Kings and 100’s), Extra Smooth Menthol soft pack 100’s, Extra Smooth Menthol box 100’s, and Ultra box 120’s;

¹ NWSC stated in its July 6, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on June 5, 2019.

- Six 100's box varieties of the Couture brand: Slims Ruby, Slims Amethyst, Slims Diamond, Slims Sapphire, Slims Turquoise, and Slims Aquamarine; and
- Five 120's box varieties of the Opal brand: Super Thins Full Flavor, Super Thins Smooth, Super Thins Ultra, Super Thins Menthol, and Super Thins Smooth Menthol.

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

Please note that this letter only approves NWSC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). 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 TCA 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) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

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. Erlind Hill

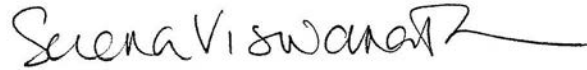
July 11, 2022

Page 3

This approval is effective on the date of this letter and runs through July 10, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

A handwritten signature in black ink, reading "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Associate Director



July 13, 2022

Ms. Serena Viswanathan
Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue,
NW Washington, DC 20580

**Re: Cigarette Health Warning Rotation Plan Submitted by Castro Business Enterprises
d/b/a National Guard Exchange, Inc. for Seneca Brand**

Dear Ms. Viswanathan:

On behalf of my client, Castro Business Enterprises, Inc. d/b/a National Guard Exchange (hereinafter "CBE") I hereby request a renewal of CBE's plan for simultaneous display of the four health warnings on packaging for the following four hard pack varieties of the Seneca Brand: Premium Full Flavor king size (red), Premium Full Flavor 100's (red), Premium Menthol king size (green), and Premium Menthol 100's (green). CBE's plan was approved by the FTC on July 16, 2021, as compliant under the *Federal Cigarette Labeling and Advertising Act* of 1984 (hereinafter, "Cigarette Act"). See 15 U.S.C. § 1331, *et. seq.* Since its approval, CBE has been implementing the rotational plan in good faith, has equalized the rotation of the four health warnings as required by its approved plan, and will continue to maintain records of compliance with the approved plan once it is renewed by the FTC pursuant to this submission.

The President of CBE continues to be Mr. Ricky Castro Ortiz, CBE's telephone number is still (787) 509-4661, and CBE's physical corporate address is still 2012 Ave. Gilberto Monroig, San Juan, PR 00912-4241. The cigarettes covered by this request for renewal of CBE's rotational plan are exactly the same cigarettes contemplated by CBE's approved rotational plan submitted July 7, 2021, which are manufactured by Grand River Enterprises Six Nations, Ltd. (hereinafter, "Grand River") in Canada, and which CBE imports to the United States (particularly, Puerto Rico), and are complete with the health warnings that comply with the Surgeon General Warning language set forth in the statute.

Specifically, the cigarettes covered by CBE's approved plan are four (4) varieties of the "Seneca" brand, as follows: Premium Full Flavor king size (red) hard packs, Premium Full Flavor 100's (red) hard packs, Premium Menthol king size (green) hard packs, and Premium Menthol 100's (green) hard packs. The plan also covers the sale of cartons for each brand style herein listed.



For the reasons stated below in detail, CBE respectfully submits that a renewal of its July 7, 2021 plan is warranted, as the plan qualifies for approval insofar as all requirements set forth in Section 1333 of the Cigarette Act have been met. Moreover, CBE does not manufacture any cigarettes and the approved plan which it now seeks to renew includes only the Seneca brand because the Seneca brand is the only cigarette brand that CBE imports into the United States.

More specifically, with regards to Section 1333 of the Cigarette Act, CBE still meets the one-fourth of the percent requirement under Section 1333(c), as the number of Seneca brand cigarettes for each brand style sold by CBE in its fiscal year¹ preceding the submission of this renewal application is less than one-fourth of one percent of all cigarettes sold in the United States in the fiscal year 2021 and more than half of the Seneca brand cigarettes imported by CBE into the United States are packaged into brand styles that meet this low sales threshold. As a result, all of the Seneca brand styles listed herein qualify since all brand styles are below the one-fourth of one percent requirement as set forth above.

The total Seneca brand cigarettes sold by CBE for its fiscal year 2021 was approximately [REDACTED] sticks. Nonetheless, CBE has sold approximately [REDACTED] cigarette sticks of the Seneca brand styles herein listed during its present fiscal year pursuant to its approved plan. Therefore, CBE still qualifies for the alternative to the quarterly rotation of the Surgeon General Health Warnings on packaging. Under its renewed plan, CBE will continue to display the four Surgeon General Health Warnings an equal number of times on the packs and cartons for each brand style of Seneca brand cigarettes for the one year period beginning on the date of renewal of its plan. CBE will continue to ensure that the four health warnings are displayed an equal number of times on the packs and cartons of the aforementioned cigarette brand by placing orders for each brand style listed herein, such that each order contains an equal number of each of the four health warnings. Similarly, CBE will continue to monitor the importation of the Seneca brand cigarettes and maintain a log to ensure that the four health warnings are displayed an equal number of times on the packs and cartons.

CBE will continue to maintain records of compliance with the approved plan. CBE will continue to ensure that the Seneca brand cigarettes imported by CBE meet all United States packaging requirements including the location and display of the Surgeon General Health Warnings. The four health warnings to be used in equal rotation on the packs and cartons are:

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

¹ CBE's fiscal year is the one-year period that begins on January 1st and ends on December 31st, based on the regular calendar year.



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.

These four health warnings on Seneca brand cigarettes imported by CBE have not changed and will appear exactly as shown on the sample packs and cartons submitted by it on May 6, 2021 and May 28, 2021 to the FTC. CBE does not presently advertise the Seneca brand of cigarettes to consumers. In the future, if CBE does elect to advertise to consumers, CBE will submit a plan to the Federal Trade Commission in advance of engaging in advertising.

On behalf of our client, CBE, we submit that the foregoing complies with the requirements set forth in the *Federal Cigarette Labeling and Advertising Act*, as amended, and request expedited renewal of CBE's approved plan, which is set to expire on July 15, 2022. Should you require any additional information with respect to the foregoing, please contact the undersigned.

Respectfully submitted,

A handwritten signature in blue ink, reading 'Carlos J. Andréu Collazo', is written over the typed name.

Carlos J. Andréu Collazo, Esq.
DMRA Law LLC

A handwritten signature in blue ink, reading 'Ricky Castro Ortiz', is written over the typed name.

Ricky Castro Ortiz
President
Castro Business Enterprises, Inc.



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

Division of
Advertising Practices

July 15, 2022

Carlos J. Andréu Collazo, Esq.
DMRA Law LLC
Centro Internacional de Mercadeo
100 Carretera 165
Torre 1, Suite 402
Guaynabo, PR 00968

Dear Mr. Andréu Collazo:

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 Castro Business Enterprises, Inc. (“CBE”) on July 14, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca brand of cigarettes.

CBE’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 May 6, 2021 and May 28, 2021 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, CBE’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following four hard pack varieties of the Seneca Brand: Premium Full Flavor king size (red), Premium Full Flavor 100’s (red), Premium Menthol king size (green), and Premium Menthol 100’s (green).

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 CBE stated in its July 14, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on May 6, 2021 and May 28, 2021.

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.

Carlos J. Andréu Collazo, Esq.

July 15, 2022

Page 2

If CBE 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.

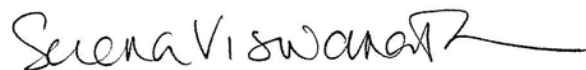
Please note that this letter only approves CBE's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for CBE's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of CBE's packaging under the TCA 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) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

This approval is effective on the date of this letter and runs through July 14, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

If you have any questions regarding this approval, please contact Connor Sands at (202) 326-3343.

Very truly yours,

A handwritten signature in black ink, reading "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Associate Director



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

July 22, 2022

Serena Viswanathan
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, N.W.
Room CC-10528
Washington, DC 20580

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Viswanathan,

This letter is being submitted for the annual renewal approval of the alternative method to the quarterly Surgeon General Warning rotation plan on packaging of the King Box and Menthol King Box varieties of the Moonlight cigarette brand.

The Moonlight cigarette brand is manufactured in the United States by NASCO Products, LLC ("NASCO"). Upon approval of this plan, the manufacturer will continue to manufacture these cigarettes under the authority of the Alcohol & Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NC-15033).

The 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 and location required by the Cigarette Act. The warnings will appear exactly as they do on the packs and cartons submitted with our letter dated June 18, 2020.

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 the Cigarette Act. For the fiscal year 2021, NASCO's sales figures for any one brand style of cigarettes manufactured did not exceed [REDACTED] sticks. Also, for the 2022 fiscal year, NASCO does not anticipate sales volume for any one brand style of cigarette that NASCO manufactures to exceed [REDACTED] sticks. While NASCO has never manufactured the VLN cigarette brand, for the fiscal year 2022, NASCO does not anticipate sales of any one style of the VLN cigarette brand to exceed [REDACTED] sticks.

If this plan for the alternative to quarterly rotation of warnings on packaging is approved, the four cigarette health warnings will appear on the packs and cartons of each of the Moonlight cigarette brand styles listed above an equal number of times throughout the one-year period beginning on the date this plan is approved. To ensure the four cigarette health warnings appear on the Moonlight cigarette brand styles an equal number of times throughout the one-year period beginning on the date this plan is approved, packaging from the supplier will arrive to NASCO with an equal number of each of the four warnings. For small production runs, packaging will be loaded into packaging machines alternating the four health warnings. For large production runs, all packaging arriving from the supplier with an equal number of each of the four warnings, will be used in the production of product within the period.

NASCO Products, LLC continues to be in compliance with its February 7, 2022, plan for the simultaneous display of the four health warnings on packaging for the VLN cigarette brand approved on February 11, 2022, its November 22, 2021, plan for the simultaneous display of the four health warnings on packaging of 10 styles¹ of the SF cigarette brand approved on November 24, 2021, and its November 22, 2021 plan for the quarterly rotation of the health warnings on packaging for the SF Non-Filter King Soft Pack variety. NASCO Products, LLC does not currently import any cigarette brand and does not currently manufacture any cigarette brand other than the SF, VLN and Moonlight cigarette brands.


NASCO will continue to comply with its April 25, 2017, plan for Internet advertising of the SF brand following the rotation schedule set forth in our November 22, 2021 letter; its August 3, 2020 plan for Internet advertising of the Moonlight brand; and its February 7, 2022 plan for Internet advertising of the VLN cigarette brand. NASCO will also continue to comply with its August 6, 2021, plan for print and point-of-sale advertising up to twenty (20) square feet for the Moonlight brand and its February 7, 2022, plan for print and point-of-sale advertising up to twenty (20) square feet for the VLN cigarette brand.

NASCO Products, LLC, the manufacturer, is aware of the requirements set forth in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Cigarette Act. NASCO Products, LLC will maintain record of compliance with the approved plan. 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 321 Farmington Rd, Mocksville, NC 27028 (mailing address).

Sincerely,

**Karen E.
Delaney**

Karen E. Delaney
Tax Compliance Manager

 Digitally signed by Karen E.
Delaney
Date: 2022.07.22 14:46:44
-04'00'

¹ 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), and Menthol Pale Green Box (Kings and 100's)



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

Division of
Advertising Practices

August 3, 2022

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 proposed plan filed by NASCO Products, LLC (“NASCO”) on July 22, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for two varieties of the Moonlight brand of cigarettes.

NASCO’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 June 18, 2020 letter 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, NASCO’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the Moonlight King Box and Moonlight Menthol King Box varieties.

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 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 (“TCA”) and expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for NASCO’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of NASCO’s packaging and advertising under the TCA or any

¹ NASCO stated in its July 22, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on June 18, 2020.

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. Karen E. Delaney

August 3, 2022

Page 2

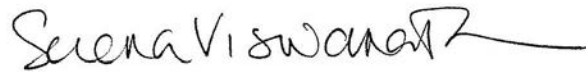
regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents” (published March 19, 2010) or FDA’s final rule, “Required Warnings for Cigarette Packages and Advertisements” (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

This approval is effective on the date of this letter and runs through August 2, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

If you have any questions regarding this approval, please contact Connor Sands at (202) 326-3343.

Very truly yours,

A handwritten signature in black ink, reading "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Associate Director



August 01, 2022

Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Attn: Serena Viswanathan, Associate Director

Re: Request for annual plan renewal approval

Dear Ms. Viswanathan:

King Maker Marketing, Inc. letter dated January 26, 2022 stated that we no longer manufacturer the Ace Brand. Recently a decision was made to start manufacturing the Ace Brand again.

King Maker Marketing, Inc. also manufactures and received FTC approval of its plan for certain varieties of the Wildhorse brand on January 27, 2022 and approval of its plan for certain varieties of the Ultra Buy brand on June 17, 2022. King Maker Marketing, Inc. doesn't currently manufacture or advertise any other brands.

King Maker Marketing, Inc. is requesting approval of its plan for the simultaneous display of the four health warnings on all varieties listed below of the Ace Brand (US Farmers packaging). The warnings will appear exactly as shown on the Ace sample packs and cartons that were mailed on July 13, 2022.

King Maker Marketing, Inc. will display the four health warnings an equal number of times on the packs and cartons for each of the Ace brand styles listed below for the one-year period beginning on the date of approval of this plan. We will achieve equalization of the four warnings on the packs and cartons of each brand style listed below by having all four warnings printed simultaneously at the time of both pack and carton print runs. King Maker Marketing, Inc. will keep records demonstrating compliance with the plan.

-Eight varieties of the Ace Brand in "US Farmers" packaging: Red Kings box, Red 100's box, Yellow Kings Box, Yellow 100's Box, Blue 100's box, Menthol 10 Kings box, Menthol 10 100's box and Menthol 94 100's box.

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.

King Maker Marketing, Inc. will continue to comply with the advertising rotation plan previously approved for the Ace brand.

King Maker Marketing, Inc. sales for the last fiscal year (calendar year 2021) did not exceed [REDACTED] sticks for any one brand style that we manufacture. 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. King Maker Marketing, Inc. does not import cigarettes.

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

Please call me if you have questions or need additional information.

Sincerely,



Terri Albright
Operations/Compliance Director
Direct Phone: 636.537.6823
Fax: 636.530.1362
Email: talbright@usleaf.com

Selected packaging samples from those
submitted with the plan.

UNDERAGE
SALE
PROHIBITED

A PRODUCT OF
US FARMERS

ACE

MENTHOL 10
KINGS BOX

7

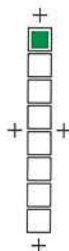
415-4400-B

8 9 10 11 12

M-1 2 3 4 5
Y-1 23 24 25

MENTHOL 10
KINGS BOX

20 CLASS A CIGARETTES



Made in the USA
Manufactured under license
from King Maker Marketing, Inc.
Raleigh, NC 27606
www.gopremier.com

FCT072705-2
024910402-001

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

MENTHOL 10
KINGS BOX

20 CLASS A CIGARETTES



ACE
MENTHOL 10
KINGS BOX

BLUE 100s BOX

ACE

200 CLASS A CIGARETTES

ACE

BLUE 100s BOX



TP-NC-15000

UNDERAGE SALE PROHIBITED

200 CLASS A CIGARETTES

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

ACE



Division of
Advertising Practices

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

August 12, 2022

Ms. Terri Albright
King Maker Marketing, Inc.
629 Cepi Drive
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 King Maker Marketing, Inc. ("King Maker") on August 1, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace brand of cigarettes.

King Maker's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your July 13, 2022 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, King Maker's plan for simultaneous display of the four health warnings on packaging for the following eight box varieties of the Ace brand is hereby approved: Red Kings, Red 100's, Yellow Kings, Yellow 100's, Blue 100's, Menthol 10 Kings, Menthol 10 100's, and Menthol 94 100's.

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

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

¹ King Maker stated in its August 1, 2022 letter that the four health warnings will appear exactly as shown on the sample 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.

Ms. Terri Albright

August 12, 2022

Page 2

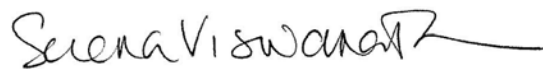
is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for King Maker's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of King Maker's packaging and advertising under the TCA or any regulations 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) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

This approval is effective on the date of this letter and runs through August 11, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

A handwritten signature in black ink, reading "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Associate Director

Paige S. Fitzgerald
paige.fitzgerald@troutman.com

August 23, 2022

VIA E-MAIL

Serena Viswanathan
Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Cigarette Health Warning Plan
Joseph M. Anderson dba Smokin Joes
Exact, Exact Elite, Lewiston, Maple Leaf, Market,
Outdoor Freedom, Smokin Joes, Smokin Joes (Natural),
Smokin Joes Premium, and Nightclub Brands

Dear Ms. Viswanathan:

On behalf of Joseph M. Anderson dba Smokin Joes ("Smokin Joes"), we hereby request approval of the proposed Surgeon General's Equalization Plan for Smokin Joes as required under the Federal Cigarette Labeling and Advertising Act of 1984 (15 U.S.C. § 1331 (1998), et seq.), as amended ("FCLAA"), for the following:

- Fifteen (15) styles of the Exact cigarette brand;
- Twelve (12) styles of the Exact Elite cigarette brand;
- Eighteen (18) styles of the Lewiston cigarette brand;
- Twenty (20) style of the Market cigarette brand;
- One (1) style of the Maple Leaf cigarette brand;
- Two (2) styles of the Outdoor Freedom cigarette brand;
- Twenty-two (22) styles of the Smokin Joes cigarette brand;
- Nine (9) styles of the Smokin Joes (Natural) cigarette brand¹;
- Eighteen (18) styles of the Smokin Joes Premium cigarette brand; and
- Two (2) styles of the Nightclub cigarette brand.

¹ A business decision was made to remove the word "natural" from the packaging for these brand styles; the cigarettes otherwise remain the same. The new packaging for these brand styles was sent directly to the FTC from Smokin Joes' factory. The packaging for these brand styles is now differentiated from "Smokin Joes" brand styles by inclusion of the following verbiage on the packaging, "First Native American Cigarette Factory."

Smokin Joes requests a plan for the following:

Exact Cigarette Brand
1) Exact Canadian Red King Size Soft Pack
2) Exact Canadian Blue King Size Soft Pack
3) Exact Red 100 Size Soft Pack
4) Exact Red King Size Box
5) Exact Red King Size Soft Pack
6) Exact Gold 100 Size Soft Pack
7) Exact Gold 100 Size Box
8) Exact Gold King Size Box
9) Exact Gold King Size Soft Pack
10) Exact Menthol 100 Size Soft Pack
11) Exact Menthol 100 Size Box
12) Exact Menthol King Size Soft Pack
13) Exact Menthol Gold 100 Size Soft Pack
14) Exact Menthol Gold King Size Soft Pack
15) Exact Blue 100 Size Soft Pack
Exact Elite Cigarette Brand
1) Exact Elite Red 100 Size Soft Pack
2) Exact Elite Red King Size Box
3) Exact Elite Red King Size Soft Pack
4) Exact Elite Gold 100 Size Soft Pack
5) Exact Elite Gold King Size Box
6) Exact Elite Gold King Size Soft Pack
7) Exact Elite Menthol 100 Size Soft Pack
8) Exact Elite Menthol King Size Soft Pack
9) Exact Elite Menthol Gold 100 Size Soft Pack
10) Exact Elite Menthol Gold King Size Soft Pack
11) Exact Elite Non-Filter King Size Box
12) Exact Elite Blue 100 Size Soft Pack
Lewiston Cigarette Brand
1) Lewiston Red 100 Size Soft Pack
2) Lewiston Red 100 Size Box
3) Lewiston Red King Size Box
4) Lewiston Red King Size Soft Pack
5) Lewiston Gold 100 Size Soft Pack
6) Lewiston Gold 100 Size Box
7) Lewiston Gold King Size Box
8) Lewiston Gold King Size Soft Pack
9) Lewiston Menthol 100 Size Soft Pack
10) Lewiston Menthol 100 Size Box
11) Lewiston Menthol King Size Soft Pack
12) Lewiston Menthol King Size Box
13) Lewiston Menthol Gold 100 Size Soft Pack
14) Lewiston Menthol Gold 100 Size Box
15) Lewiston Menthol Gold King Size Soft Pack

16) Lewiston Non-Filter King Size Soft Pack
17) Lewiston Blue 100 Size Soft Pack
18) Lewiston Blue 100 Size Box
Maple Leaf Cigarette Brand
1) Maple Leaf Canadian Blue King Size Box
Market Cigarette Brand
1) Market Red 100 Size Box
2) Market Red 100 Size Soft Pack
3) Market Red King Size Box
4) Market Red King Size Soft Pack
5) Market Gold 100 Size Box
6) Market Gold 100 Size Soft Pack
7) Market Gold King Size Box
8) Market Gold King Size Soft Pack
9) Market Menthol 100 Size Box
10) Market Menthol 100 Size Soft Pack
11) Market Menthol King Size Soft Pack
12) Market Menthol King Size Box
13) Market Menthol Gold 100 Size Box
14) Market Menthol Gold 100 Size Soft Pack
15) Market Menthol Gold King Size Soft Pack
16) Market Menthol Blue 100 Size Box
17) Market Non-Filter King Size Box
18) Market Blue 100 Size Box
19) Market Blue 100 Size Soft Pack
20) Market Blue King Size Box
Outdoor Freedom Cigarette Brand
1) Outdoor Freedom Original King Size Box
2) Outdoor Freedom Smooth King Size Box
Smokin Joes Cigarette Brand
1) Smokin Joes Red 100 Size Soft Pack
2) Smokin Joes Red 100 Size Box
3) Smokin Joes Red King Size Box
4) Smokin Joes Red King Size Soft Pack
5) Smokin Joes Gold 100 Size Soft Pack
6) Smokin Joes Gold 100 Size Box
7) Smokin Joes Gold King Size Box
8) Smokin Joes Gold King Size Soft Pack
9) Smokin Joes Menthol 100 Size Soft Pack
10) Smokin Joes Menthol 100 Size Box
11) Smokin Joes Menthol King Size Soft Pack
12) Smokin Joes Menthol King Size Box
13) Smokin Joes Menthol Gold 100 Size Soft Pack
14) Smokin Joes Menthol Gold 100 Size Box
15) Smokin Joes Menthol Gold King Size Soft Pack

16) Smokin Joes Menthol Gold King Size Box
17) Smokin Joes Non-Filter King Size Soft Pack
18) Smokin Joes Non-Filter King Size Box
19) Smokin Joes Blue 100 Size Soft Pack
20) Smokin Joes Blue 100 Size Box
21) Smokin Joes Blue King Size Soft Pack
22) Smokin Joes Blue King Size Box

Smokin Joes (Natural) Cigarette Brand
1) Smokin Joes (Natural) Purple 100 Size Box
2) Smokin Joes (Natural) Purple King Size Box
3) Smokin Joes (Natural) Silver 100 Size Box
4) Smokin Joes (Natural) Silver King Size Box
5) Smokin Joes (Natural) Menthol 100 Size Box
6) Smokin Joes (Natural) Menthol King Size Box
7) Smokin Joes (Natural) Red 100 Size Box
8) Smokin Joes (Natural) Red King Size Box
9) Smokin Joes (Natural) White 100 Size Box

Smokin Joes Premium Cigarette Brand
1) Smokin Joes Premium Canadian Red King Size Box
2) Smokin Joes Premium Canadian Blue King Size Box
3) Smokin Joes Premium Red 100 Size Soft Pack
4) Smokin Joes Premium Red 100 Size Box
5) Smokin Joes Premium Red King Size Box
6) Smokin Joes Premium Red King Size Soft Pack
7) Smokin Joes Premium Gold 100 Size Soft Pack
8) Smokin Joes Premium Gold 100 Size Box
9) Smokin Joes Premium Gold King Size Box
10) Smokin Joes Premium Gold King Size Soft Pack
11) Smokin Joes Premium Menthol 100 Size Soft Pack
12) Smokin Joes Premium Menthol 100 Size Box
13) Smokin Joes Premium Menthol King Size Soft Pack
14) Smokin Joes Premium Menthol Gold 100 Size Soft Pack
15) Smokin Joes Premium Menthol Gold King Size Soft Pack
16) Smokin Joes Premium Non-Filter King Size Soft Pack
17) Smokin Joes Premium Blue 100 Size Soft Pack
18) Smokin Joes Premium Blue King Size Soft Pack
Nightclub Cigarette Brand
1) Nightclub Rich King Size Box
2) Nightclub Smooth King Size Box

Through the date of this application, the Surgeon General's warnings on the packages for all of the above-referenced brand styles have been equalized in accordance with the Plan. Note that the following twelve brand styles, previously listed in Smokin Joes 2021 plan are no longer being manufactured: 1) Smokin Joes Natural Purple 100 Size Soft Pack; 2) Smokin Joes Natural Purple King Size Soft Pack; 3) Smokin Joes Natural Silver 100 Size Soft Pack; 4) Smokin Joes Natural Silver King Size Soft Pack; 5) Smokin Joes Natural Menthol 100 Size Soft Pack; 6) Smokin Joes Natural Red 100 Size Soft Pack; 7) Smokin Joes Natural Red King Size Soft Pack; 8) Smokin Joes Natural Menthol Gold 100 Size Soft Pack; 9) Smokin Joes Natural Menthol Gold King Size Box; 10) Smokin Joes Natural Non-Filter King Size Soft Pack; 11) Smokin Joes Natural White 100 Size Soft Pack; and 12) Smokin Joes Natural White King Size Soft Pack. Smokin Joes only manufactures the brand styles listed in this Plan.

These cigarettes are manufactured by Joseph M. Anderson dba Smokin Joes; Smokin Joes does not import cigarettes. Upon approval of this plan, Smokin Joes will continue to sell these cigarettes under the authority of its Alcohol and Tobacco Tax and Trade Bureau Manufacturer of Tobacco Products License, TP-NY-168.

Smokin Joes believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333(c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1333 *et seq.* In Smokin Joes' fiscal year 2021, which is the same as the calendar year, for the Exact, Exact Elite, Lewiston, Maple Leaf, Market, Outdoor Freedom, Smokin Joes, Smokin Joes (Natural), Smokin Joes Premium, and Nightclub brand styles, the number of sticks sold of any of its brand styles in 2021 was less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2021, and sales of none of Smokin Joes' brand styles exceeded [REDACTED] sticks. Smokin Joes' top selling brand style for 2021 was [REDACTED], with [REDACTED] units.

The products submitted with this Plan will continue to be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear exactly as they do on the actual Pack labels and Outer Cartons submitted to the Federal Trade Commission on June 28, 2018 and July 21, 2022.

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

Smokin Joes will continue to comply with its May 1, 2007 amended plan for advertising the Exact, Lewiston, Market, Outdoor Freedom, and Smokin Joes cigarette brands as well as its February 19, 2008 plan for advertising the Nightclub cigarette brand and its April 16, 2009 plan for advertising the Maple Leaf cigarette brand.

Smokin Joes, as the manufacturer, is aware of the requirements set forth in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Act. Smokin Joes will maintain record of compliance with the approved plan. The submitted carton and pack label for each brand style bearing each Surgeon General warning satisfies the requirement of package submission.

Please contact me by email if you have any questions.

Sincerely,

/s/ Paige S. Fitzgerald

Paige S. Fitzgerald

Ann Truscio

Ann Truscio
Smokin Joes
Compliance Manager

Selected packaging samples from those
submitted with the plan.



**WHITE
100'S BOX**

20 CLASS A CIGARETTES

Smokin Joes®

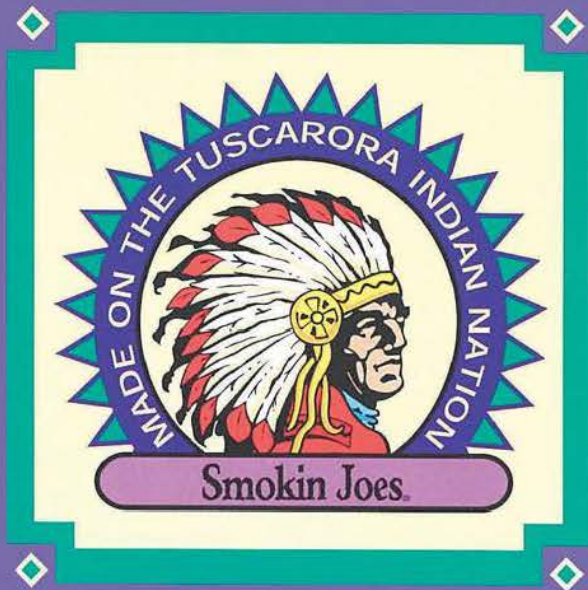


Smokin Joes®

FIRST NATIVE AMERICAN
CIGARETTE FACTORY

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

20-02195N19
CM



Smokin Joes[®]

FIRST NATIVE AMERICAN CIGARETTE FACTORY

PURPLE BOX



Sale Only Allowed in the United States.

Smokin Joes[®]

PURPLE BOX

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

Smokin Joes[®]

FIRST NATIVE AMERICAN CIGARETTE FACTORY

PURPLE BOX





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

Division of
Advertising Practices

August 25, 2022

Paige S. Fitzgerald, Esq.
Troutman Pepper LLP
1001 Haxall Point, Suite 1500
Richmond, VA 23219

Dear Ms. Fitzgerald:

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 Joseph M. Anderson d/b/a Smokin Joes (“Smokin Joes”) on August 23, 2022, calling for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Exact, Exact Elite, Lewiston, Maple Leaf, Market, Nightclub, Outdoor Freedom, Smokin Joes, Smokin Joes (Natural), and Smokin Joes Premium brands of cigarettes.

Smokin Joes’ sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on June 28, 2018 and July 21, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Smokin Joes’ plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Fifteen varieties of the Exact brand: Canadian Red King Soft Pack, Canadian Blue King Soft Pack, Red King Box, Red Soft Pack (King and 100’s), Gold Box (King and 100’s), Gold Soft Pack (King and 100’s), Menthol Soft Pack (King and 100’s), Menthol 100’s Box, Menthol Gold Soft Pack (King and 100’s), and Blue 100’s Soft Pack;
- Twelve varieties of the Exact Elite brand: Non-Filter King Box, Red King Box, Red Soft Pack (King and 100’s), Gold King Box, Gold Soft Pack (King and 100’s), Menthol Soft Pack (King and 100’s), Menthol Gold Soft Pack (King and 100’s), and Blue 100’s Soft Pack;

¹ Smokin Joes stated in its August 23, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on those dates.

- Eighteen varieties of the Lewiston brand: Non-Filter King Soft Pack, Red Box (King and 100's), Red Soft Pack (King and 100's), Gold Box (King and 100's), Gold Soft Pack (King and 100's), Menthol Box (King and 100's), Menthol Soft Pack (King and 100's), Menthol Gold 100's Box, Menthol Gold Soft Pack (King and 100's), and Blue 100's (Box and Soft Pack);
- One variety of the Maple Leaf brand: Canadian Blue King Box;
- Twenty varieties of the Market brand: Non-Filter King Box, Red Box (King and 100's), Red Soft Pack (King and 100's), Blue Box (King and 100's), Blue 100's Soft Pack, Gold Box (King and 100's), Gold Soft Pack (King and 100's), Menthol Box (King and 100's), Menthol Soft Pack (King and 100's), Menthol Gold Soft Pack (King and 100's), Menthol Gold 100's Box, and Menthol Blue 100's Box;
- Two varieties of the Nightclub brand: Rich King Box and Smooth King Box;
- Two varieties of the Outdoor Freedom brand: Original King Box and Smooth King Box;
- Twenty-two varieties of the Smokin Joes brand: Non-Filter King (Soft Pack and Box), Red King (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue King (Soft Pack and Box), Blue 100's (Soft Pack and Box), Gold King (Soft Pack and Box), Gold 100's (Soft Pack and Box), Menthol King (Soft Pack and Box), Menthol 100's (Soft Pack and Box), Menthol Gold King (Soft Pack and Box), and Menthol Gold 100's (Soft Pack and Box);
- Nine varieties of the Smokin Joes (Natural) brand (in "First Native American Cigarette Factory" packaging): Red Box (King and 100's), Purple Box (King and 100's), Silver Box (King and 100's), White 100's Box, and Menthol Box (King and 100's); and
- Eighteen varieties of the Smokin Joes Premium brand: Non-Filter King Soft Pack, Canadian Red King Box, Canadian Blue King Box, Red King (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Soft Pack (King and 100's), Gold King (Soft Pack and Box), Gold 100's (Soft Pack and Box), Menthol 100's Box, Menthol Soft Pack (King and 100's), and Menthol Gold Soft Pack (King and 100's).

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

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.

Paige S. Fitzgerald, Esq.

August 25, 2022

Page 3

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

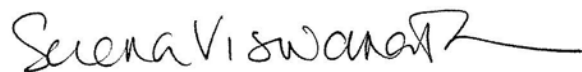
Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Smokin Joes' cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Smokin Joes' packaging and advertising under the TCA 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) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

This approval is effective on the date of this letter and runs through August 24, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

If you have any questions regarding this approval, please contact Kiara Beverly at (202) 326-2467.

Very truly yours,

A handwritten signature in black ink, reading "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
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

September 13, 2022

VIA FTC SECURE MAIL

Ms. Serena Viswanathan
Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail Drop CC 10528
Washington, D.C. 20580

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

Dear Ms. Viswanathan:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 300 Frank W. Burr Boulevard, Suite 70, Teaneck, New Jersey 07666 ("JTI USA"), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), seeking approval for JTI USA to display the warning labels specified in Section 4(a)(1) of the Act in the manner provided in Section 4(c)(2)(C) of the Act, on previously approved packages and cartons of cigarettes for the following brand and brand styles for one year following approval of this plan, namely:

Four slide and shell varieties of the "Export 'A'" brand: Full Flavor 72's, Rich Taste 72's, Smooth Taste 72's and Ultra Smooth Taste 72's;

Sixteen hard pack varieties of the "LD By L. Ducat" brand: Red (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), Menthol Green (Kings and 100's), Red Club (Kings and 100's), Menthol Club (Kings and 100's) and Blue Club (Kings and 100's);

Anchorage | Atlanta | Austin | Bogotá | Boston | Charlotte | Chicago | Dallas | Denver | Fort Lauderdale | Houston | Jacksonville
Lakeland | London | Los Angeles | Mexico City | Miami | New York | Orlando | Philadelphia | Portland | San Francisco | Stamford
Tallahassee | Tampa | Tysons | Washington, D.C. | West Palm Beach

Ten hard pack varieties of the "Wave" brand: Full Flavor (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (King and 100's), and Menthol Green (Kings and 100's); and

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

The individual packages contain twenty cigarettes each. Each is and will continue solely to be imported into the U.S. (rather than manufactured in the U.S.).

The Label Statement Rotation Plan of JTI USA submitted to the Federal Trade Commission on August 28, 1985 (the "Plan"), as subsequently amended, was approved most recently on September 14, 2021 for all of the brand styles above. For the brand styles above, the four health warnings will appear exactly as shown on the samples provided to the FTC in connection with the most recent prior approvals, namely on August 21, 2019 (for the "LD by L. Ducat" brand), December 18, 2019 (for the "Wave" brand) and March 5, 2020 (for the "Export 'A'" and "Wings" brands) except that the address that appears of the packaging of the sixteen "LD By L Ducat" varieties was updated (however, the address is located on the opposite panel from the health warning label statements and this change did not alter the size or conspicuousness of the health warning label statements).

The four warnings have been equalized to date and will continue to be equalized on the packs and cartons for the brand styles listed above in accordance with JTI USA's previously approved Plan. JTI USA does not import or manufacture any other brands or brand styles other than those listed above and the ten additional brand styles of the "LD by L. Ducat" brand that were approved on May 2, 2022.

In support of JTI USA's application for extension of FTC approval of its simultaneous display plan for packages and cartons to cover the brand styles listed above, JTI USA affirms as follows:

(a) the cigarettes sold by JTI USA in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. During JTI USA's last fiscal year ended December 31, 2021, the total number of cigarettes of any brand style sold by JTI USA in the United States during such year (all of which were imported) was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI USA imported (or manufactured) and sold 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 (*i.e.* all) of the cigarettes for sale by JTI USA for sale in the United States are packaged into brand styles which meet the requirements of clause (i). If sales of any JTI USA brand style exceeds the one-fourth of one percent threshold at the December 31, 2022 end of JTI USA's current 2022 fiscal year, JTI USA will be in further communication with the Federal Trade Commission with respect to transitioning at least such brand styles to quarterly rotation of the warnings;

Ms. Serena Viswanathan

September 13, 2022

Page 3

(b) the statutorily mandated warnings will appear exactly as shown on the sample packages and cartons submitted to and approved by the Federal Trade Commission unless and until revised sample individual packages and cartons are submitted to the Federal Trade Commission on JTI USA's behalf and approved by the Federal Trade Commission; and

(c) JTI USA 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 for the one year period beginning on the date of approval hereof and JTI USA will keep records demonstrating compliance with the Plan.

We submitted under cover of our letter dated February 19, 2016 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 USA unless and until submitted and approved otherwise. JTI USA will maintain compliance with its approved advertising plan.

JTI USA will import and sell packages and cartons of each of the brand styles referred to in this letter in equal numbers of each warning label throughout the one-year period after this application is approved using the printing methods set forth on the 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 on all brand styles.

If you should have any further questions in connection with this application, please call me at (917) 539-1651 or email me at neal.beaton@hklaw.com. It would be appreciated if the approval letter could be faxed to me at 212-385-9010 or sent to me as a pdf attachment to an e-mail at neal.beaton@hklaw.com.

Thank you for your cooperation in this matter.

Very truly yours,



Neal N. Beaton

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.

Wave/Wings/LD by L. Ducat

Wave, Wings and LD by L. Ducat 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% per warning. All packaging is preprinted and supplied to the factory where it is made into final consumer packaging.

Wave/Wings/LD by L. Ducat Round Corner KS/100s Box:

The round corner box utilizes two printing plates, each configured with 22 facings. The two plates are rotated so that they are used equally and collectively have 44 ups in a rotation. Each warning is printed at 11 times per set of two sheets in a rotation, comprising 25% of the sheets.

Wave/Wings/LD by L. Ducat Cartons KS/100s:

All 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.



Division of
Advertising Practices

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

September 13, 2022

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, I have reviewed a revised proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. ("JTI") dated September 13, 2022, 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', "LD by L. Ducat," 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 on August 21, 2019 ("LD By L. Ducat"), December 18, 2019 (Wave), and March 5, 2020 (Export 'A' and Wings) 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, JTI's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Four slide and shell varieties of the Export 'A' brand: Full Flavor 72's, Rich Taste 72's, Smooth Taste 72's, and Ultra Smooth Taste 72's;
- Sixteen hard pack varieties of the "LD by L. Ducat" brand: Red (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), Menthol Green (Kings and 100's), Red Club (Kings and 100's), Menthol Club (Kings and 100's), and Blue Club (Kings and 100's);

¹ JTI stated in its September 13, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

- Ten hard pack varieties of the Wave brand: Full Flavor (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), and Menthol Green (Kings and 100's); and
- Six hard pack varieties of the Wings brand: Red (Kings and 100's), Gold (Kings and 100's), and Menthol (Kings and 100's).

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

I wish to remind you that the Commission's May 2, 2022 approval of JTI's plan for simultaneous display of the warnings on packaging for certain varieties of the "LD by L. Ducat" brand of cigarettes runs through May 1, 2023 (or until new health warnings required under the TCA take effect, 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 ("TCA"). 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 TCA 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) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

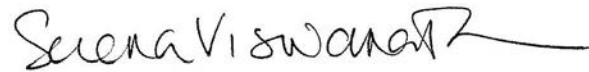
This approval is effective on the date of this letter and runs through September 12, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Neal N. Beaton, Esq.
September 13, 2022
Page 3

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 "Serena Viswanathan" followed by a long, horizontal, slightly wavy line.

Serena Viswanathan
Associate Director

1300 Pennsylvania Avenue NW
Suite 700
Washington, D.C. 20004
DIRECT DIAL 202.216.8317
PHONE 202.625.0600 FAX 202.338.6340
ckoenigs@ralaw.com

WWW.RALAW.COM

September 8, 2022

***CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION***

Serena Viswanathan
Associate Director
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, NW
Room CC 10564 / Org. Code 1145 / Mail Drop CC5201
Washington, DC 20580

**Re: Wind River Tobacco Company, LLC
Teton Brand Cigarettes Renewal**

Dear Ms. Viswanathan:

This renewal of the plan for the simultaneous display of health warnings on the packaging of Teton brand cigarettes (the "**Plan**") is submitted to the Federal Trade Commission ("**FTC**") on behalf of Wind River Tobacco Company, LLC ("**WRT**"), located at 4792 Potato House Court, Wilson, NC 27893.

WRT's most recent plan for the simultaneous display of health warnings on the packaging of the Teton brand of cigarettes was approved by the FTC on September 28, 2021. WRT wishes to renew the Plan.

I. Background

Pursuant to the Federal Cigarette Labeling and Advertising Act (the "**Act**"), manufacturers of cigarettes are required to submit a label statement rotation plan to the FTC for approval. 15 U.S.C. §1333(c). Section 1333(a) sets forth the wording of the warning labels required for all packaging and advertising of cigarettes sold, distributed, or advertised in the United States. Section 1333(b)(1) provides the placement and size requirements for the warning labels on cigarette packaging. Section 1333(b)(2) sets forth the requirements for warnings in advertisements, except for outdoor billboards, which are covered in Section 1333(b)(3).

WRT intends to manufacture the Teton brand of cigarettes in the seven (7) brand styles listed in Schedule A, attached hereto. WRT seeks continued approval for the simultaneous display of health warnings on the packaging of the Teton brand of cigarettes for the brand styles listed in Schedule A. This Plan sets forth the manner in which WRT shall comply with the warning label requirements of the Act.

II. Packaging

A. Beginning on the date of renewal of this Plan (the "Effective Date") the following label statements required by 15 U.S.C. §1333(a)(1), shall be displayed on the packs and cartons of the Teton brand styles manufactured by WRT:

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.

B. WRT intends to utilize the label statement rotation option provided by 15 U.S.C. §1333(c)(2), to display the four warnings an equal number of times on the packs and cartons of each of the Teton brand styles it manufactures. WRT will ensure equal use of the warning label statements by ordering equal quantities of packaging (packs and cartons) containing each of the four (4) warning label statements. The packaging will be delivered to WRT on pallets. Each pallet will contain a designated quantity of the packaging (e.g., 10,000 units) with an equal quantity of packaging on each pallet containing each of the four (4) warning statements (e.g., 2500 units with warning A, 2500 units with warning B, 2500 units with warning C and 2500 with warning D). WRT will load the packaging inventory from each pallet into the packaging machines and thus, produce finished packages containing the four health warnings in an equal number. Accordingly, the packs and cartons will be printed and distributed using an equal number of all four (4) warning labels. WRT shall maintain records accounting for the number of packs and cartons using each warning label. WRT will equalize the use of the four (4) warning labels on the packs and cartons of all seven (7) Teton brand styles for the one-year period beginning on the Effective Date.

WRT's fiscal year for 2021 was the calendar year (January 1, 2021 to December 31, 2021). Please note that WRT also manufactures American Bison and Nashville brand cigarettes, which brands and brand styles are subject to separate health warning display plans approved by the FTC.

The sales volume for any one brand style of cigarettes manufactured or imported by WRT in fiscal and calendar year 2021 did not exceed [REDACTED] cigarettes. WRT does not anticipate that the sales volume for any one brand style of cigarettes it manufactures or imports for the one-year period beginning on the Effective Date shall exceed one-fourth of one percent of all cigarettes sold in the United States in that year. WRT does not now and does not intend to manufacture or import any brands of cigarettes for sale in the United States for the one-year period beginning on the Effective Date, other than the American Bison, Nashville and Teton brand styles listed in Schedule A.

The label statements required by 15 U.S.C. §1333(a)(1), shall be printed on the packaging of the Teton cigarettes. The warning labels will appear on the packs and cartons of each of the Teton No. 18 brand styles and on the packs of each of the Teton No. 6 brand styles exactly as they appear on the packaging submitted to the FTC with WRT's letter dated September 14, 2018. The warning labels will appear on the cartons of the Teton No. 6 brand styles exactly as they appear on the packaging submitted to the FTC with WRT's letter dated October 5, 2018.

III. Advertising

WRT currently has approved advertising plans in place for Teton brand cigarettes and continues to be in compliance with those plans. WRT has a plan for the display of health warnings on certain advertisements for Teton brand cigarettes that was approved on October 26, 2018, and a plan for the display of health warnings on internet advertising for Teton brand cigarettes that was approved on July 31, 2019. Any advertising of the Teton brand cigarettes shall be conducted in accordance with the above-referenced advertising plans.

IV. Miscellaneous

A. Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarettes during any period of time.

B. Please be advised that the sales volume information contained in this Plan is confidential and contains trade secrets and proprietary business information of WRT. WRT does not authorize the release of this sales volume information to anyone without WRT's permission, except as specifically required by law.

If you have any further questions regarding the Plan, please do not hesitate to contact me by email at ckoenigs@ralaw.com or by telephone at (202) 216-8317. As always, your prompt attention and assistance in this matter are greatly appreciated.


Sincerely,

ROETZEL & ANDRESS, LPA


Craig A. Koenigs

Reviewed and agreed by:

WIND RIVER TOBACCO COMPANY, LLC


Brian Tascher
Chief Financial Officer

SCHEDULE A

The following is a list of the American Bison, Nashville and Teton cigarette brand styles that WRT manufactures.

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>
American Bison	King / Box	Blue (Blue Packaging) Blue (Red Packaging) Gold Yellow Green (Menthol) Dark Green (Menthol)
	100's / Box	Blue Gold Yellow Green (Menthol) Dark Green (Menthol)
<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>
Nashville	Kings / Box	Red Gold Silver Green (Menthol) Black (Menthol)
	100's / Box	Red Gold Silver Green (Menthol) Black (Menthol)
<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>
Teton	Kings / Box	No. 18 Blue Kings No. 18 Yellow Kings No. 18 Green Menthol Kings
	100's / Box	No. 6 Red 100's No. 6 Gold 100's No. 6 Green Menthol 100's No. 6 Black Menthol 100's



Division of
Advertising Practices

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

September 26, 2022

Craig A. Koenigs, Esq.
Roetzel & Andress, LPA
1300 Pennsylvania Avenue NW, Suite 700
Washington, D.C. 20004

Dear Mr. Koenigs:

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 submitted on behalf of Wind River Tobacco Company, LLC (“WRT”) dated September 8, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Teton brand of cigarettes.

WRT’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 September 14, 2018 and October 5, 2018 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, WRT’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following seven box varieties of the Teton brand: No. 18 Blue Kings, No. 18 Yellow Kings, No. 18 Green Menthol Kings, No. 6 Red 100’s, No. 6 Gold 100’s, No. 6 Green Menthol 100’s, and No. 6 Black Menthol 100’s.

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

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

¹ Although the warnings on some of the sample cartons initially submitted were not sufficiently conspicuous, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

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.

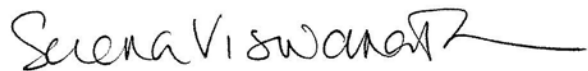
enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for WRT’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of WRT’s packaging and advertising under the TCA 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) or FDA’s final rule, “Required Warnings for Cigarette Packages and Advertisements” (published March 18, 2020).

Because the TCA 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 <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

This approval is effective on the date of this letter and runs through September 25, 2023 or until the new health warnings required under the TCA take effect, whichever comes first.

If you have any questions regarding this approval, please contact Kenneth Chrzanowski at (202) 725-0598.

Very truly yours,

A handwritten signature in black ink, appearing to read "Serena Viswanathan", followed by a long horizontal flourish.

Serena Viswanathan
Associate Director