



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: January 3, 2025

SUBJECT: Rotational Health Warnings for Cigarettes  
File No. P854505

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

1. October 20, 2022 letter from Geraldine Bowen Barker, Commonwealth Brands, Inc. to Serena Viswanathan.
2. October 28, 2022 letter from Serena Viswanathan to Geraldine Bowen Barker, Commonwealth Brands, Inc.
3. August 26, 2022 letter from Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc. to Serena Viswanathan.
4. October 31, 2022 letter from Serena Viswanathan to Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc.
5. November 2, 2022 letter from Karen E. Delaney, NASCO Products, LLC to Serena Viswanathan.
6. November 4, 2022 letter form Serena Viswanathan to Karen E. Delaney, NASCO Products, LLC.
7. November 10, 2022 letter from Ben Fenner on behalf of Thompson Deer Management Group, LLC to Serena Viswanathan.
8. November 10, 2022 letter from Serena Viswanathan to Ben Fenner on behalf of Thompson Deer Management Group, LLC.

9. November 2, 2022 letter from Karen E. Delaney, NASCO Products, LLC to Serena Viswanathan.
10. November 17, 2022 letter form Serena Viswanathan to Karen E. Delaney, NASCO Products, LLC.
11. December 2, 2022 letter from David A. Scott, Cheyenne International, LLC to Serena Viswanathan.
12. December 8, 2022 letter from Serena Viswanathan to David A. Scott, Cheyenne International, LLC.
13. December 7, 2022 letter from Tina M. Bardak, Lake Erie Tobacco Company to Bonnie Mc Gregor.
14. December 8, 2022 letter from Serena Viswanathan to Tina M. Bardak, Lake Erie Tobacco Company.
15. December 8, 2022 letter from Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc. to Serena Viswanathan.
16. December 15, 2022 letter from Serena Viswanathan to Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc.
17. December 12, 2022 letter from Ralph Angiuoli, Jr., NASCO Products, LLC to Serena Viswanathan.
18. December 15, 2022 letter from Serena Viswanathan to Ralph Angiuoli, Jr., NASCO Products, LLC.



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

October 20, 2022

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

**RE: COMMONWEALTH BRANDS, INC.  
CIGARETTE WARNING LABEL EQUALIZED ROTATION PLAN**

Dear Ms. Viswanathan:

Commonwealth Brands, Inc. ("Commonwealth Brands"), 714 Green Valley Road, Greensboro, NC 27408, hereby submits its Cigarette Warning Label Plan for Equalization of three (3) new varieties of the Crowns cigarette brand. Commonwealth Brands received approval from the FTC on March 10, 2022 for equalization of the other Commonwealth Brands cigarettes, including the Crowns brand.

This letter requests approval of a plan to conduct our manufacturing operations so that the four health warnings specified in 15 USC §1333(a)(1) of the Federal Cigarette Labeling and Advertising Act (the "Cigarette Labeling Act"), shall appear on the packages and cartons of each of the following Crowns brand styles of cigarettes an equal number of times during the 12-month period starting from the date this plan is approved by the FTC: Crowns Blue 100s Box, Crowns Menthol Dark Green Kings Box and Crowns Menthol Green Kings Box<sup>1</sup>. We expect that these brand styles will meet the statutory requirements for the equalization method set out in 15 USC §1333(c)(2)(C) in that (i) none of the brand styles subject to this plan will have sales in excess of one-fourth of 1 percent of all cigarettes sold in the U.S. during fiscal year 2023; and (ii) more than 50% of the cigarettes manufactured by Commonwealth Brands will be packaged into brands styles that fall below the maximum volume set out in (i) above as listed in Exhibit B. If this request is approved, Commonwealth Brands will require one-fourth of each package and carton material order for these three (3) Crowns brand styles to be printed with each of the four warnings. Commonwealth Brands will maintain records that document compliance with this equalized plan.

The four health warnings will appear exactly as shown on the packs and cartons submitted with Commonwealth Brands' September 21, 2022 letter. The warnings will

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<sup>1</sup> The light blue packaging contains the Crowns Blue 100s, the green packaging contains the Crowns Menthol Green Kings and the dark green packaging contains the Crowns Menthol Dark Green Kings.

read precisely as required by the Cigarette Labeling Act.

Commonwealth Brands' sales volume is measured on a fiscal year ending September 30th. Because these three (3) Crowns brand styles are new no current sales figures exist.

Commonwealth Brands will continue to be in compliance with the following plan related to advertising and internet advertising of the Crowns brand styles:

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

This letter will also confirm that Commonwealth Brands has no Spanish language advertising with regard to any of its brands and no plans to implement same.

If you require any additional information, please contact me.

Sincerely,  
  
Geraldine Bowen Barker

Associate General Counsel  
714 Green Valley Road  
Greensboro, NC 27408  
Cell Phone: 336-601-5479  
Work Phone: 336-894-6253  
Geraldine.bowen@itgbrands.com

**EXHIBIT B****COMMONWEALTH BRANDS, INC. FTC SALES  
Fiscal Year 2021**

Brand (SKU)	Total Units FY 21
CROWNS GOLD KING SIZE BOX	
CROWNS GOLD 100S BOX	
CROWNS MENTHOL GREEN 100S BOX	
CROWNS RED KING SIZE BOX	
CROWNS RED 100S BOX	
CROWNS MENTHOL DARK GREEN 100S BOX	
<b>CROWNS</b>	
FORTUNA BLUE FILTER KING SIZE BOX	
FORTUNA BLUE FILTER 100S BOX	
FORTUNA MENTHOL GREEN FILTER KING SIZE BOX	
FORTUNA MENTHOL GREEN FILTER 100S BOX	
FORTUNA RED FILTER KING SIZE BOX	
FORTUNA RED FILTER 100S BOX	
FORTUNA MENTHOL FILTER DARK GREEN KING SIZE BOX	
FORTUNA MENTHOL FILTER DARK GREEN 100S BOX	
FORTUNA PALE BLUE FILTER KING SIZE BOX	
FORTUNA PALE BLUE FILTER 100S BOX	
<b>FORTUNA</b>	
MONTCLAIR MENTHOL GOLD FILTER 100S BOX	
MONTCLAIR SILVER FILTER 100S BOX	
MONTCLAIR BLUE FILTER 100S BOX	
MONTCLAIR BLACK FILTER 100S BOX	
MONTCLAIR BLACK KING SIZE BOX	
MONTCLAIR BLUE KING SIZE BOX	
MONTCLAIR MENTHOL DARK GREEN 100S BOX	
MONTCLAIR MENTHOL DARK GREEN KING SIZE BOX	
<b>MONTCLAIR</b>	
RAVE GOLD KINGS BOX	
RAVE GOLD 100S BOX	
RAVE RED KINGS BOX	
RAVE RED 100S BOX	
RAVE MENTHOL DARK GREEN KINGS BOX	
RAVE MENTHOL DARK GREEN 100S BOX	
<b>RAVE</b>	
SONOMA GOLD FILTER KING SIZE BOX	
SONOMA GOLD FILTER 100S SOFT PACK	
SONOMA GOLD FILTER 100S BOX	

SONOMA BLUE FILTER 100S BOX		
SONOMA BLUE FILTER 100S SOFT PACK		
SONOMA MENTHOL GREEN FILTER KING SIZE BOX		
SONOMA MENTHOL GREEN FILTER 100S SOFT PACK		
SONOMA MENTHOL GREEN FILTER 100S BOX		
SONOMA RED FILTER KING SIZE BOX		
SONOMA RED FILTER 100S SOFT PACK		
SONOMA RED FILTER 100S BOX		
SONOMA MENTHOL DARK GREEN FILTER KINGS SIZE BOX		
SONOMA MENTHOL DARK GREEN FILTER 100S SOFT PACK		
SONOMA MENTHOL DARK GREEN FILTER 100S BOX		
SONOMA NON-FILTER KING SIZE SOFT PACK		
<b>SONOMA</b>		
USA GOLD MENTHOL FILTER KING SIZE SOFT PACK (DARK GREEN PACKAGING)		
USA GOLD MENTHOL FILTER KING SIZE BOX (DARK GREEN PACKAGING)		
USA GOLD MENTHOL FILTER 100S SOFT PACK (DARK GREEN PACKAGING)		
USA GOLD MENTHOL FILTER 100S BOX (DARK GREEN PACKAGING)		
USA GOLD MENTHOL GOLD FILTER KING SIZE SOFT PACK		
USA GOLD MENTHOL GOLD FILTER 100S SOFT PACK		
USA GOLD MENTHOL GOLD FILTER 100S BOX		
USA GOLD GOLD FILTER KING SIZE SOFT PACK		
USA GOLD GOLD KING SIZE BOX		
USA GOLD GOLD FILTER 100S SOFT PACK		
USA GOLD GOLD FILTER 100S BOX		
USA GOLD BLUE FILTER KING SIZE SOFT PACK		
USA GOLD BLUE FILTER KING SIZE BOX		
USA GOLD BLUE FILTER 100S SOFT PACK		
USA GOLD BLUE FILTER 100S BOX		
USA GOLD RED FILTER KING SIZE SOFT PACK		
USA GOLD RED FILTER KING SIZE BOX		
USA GOLD RED FILTER 100S SOFT PACK		
USA GOLD RED FILTER 100S BOX		
USA GOLD NON-FILTER KING SIZE SOFT PACK		
<b>USA GOLD</b>		
<b>TOTAL</b>		

Selected packaging samples from those  
submitted with the plan.



CLASS A  
20  
CIGARETTES



UNDERAGE SALE  
PROHIBITED

CROWNS



CROWNS



20 CLASS A CIGARETTES



5

CROWNS

3005534  
WN/A



FSC

ITG Brands LLC  
Greensboro, NC  
27420 USA

20 CLASS A CIGARETTES

CROWNS

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



CROWNS



4



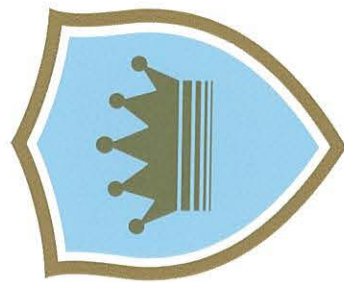
FSC  
0 90600 39269 8



ITC Brands LLC  
Greensboro, NC  
27420 USA

200 Class A Cigarettes

CROWNS



100s BOX

CROWNS



100s BOX

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

3005602  
WN/D

CROWNS



100s BOX



CROWNS



100s BOX



Division of  
Advertising Practices

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

October 28, 2022

Geraldine Bowen Barker, Esq.  
Commonwealth Brands, Inc.  
714 Green Valley Road  
Greensboro, NC 27408

Dear Ms. Barker:

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, Commonwealth Brands, Inc.’s (“Commonwealth”) March 4, 2022 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Fortuna, Montclair, Rave, Sonoma, and USA Gold brands of cigarettes, and quarterly rotation of the four health warnings on packaging for the Red Kings Box and Red 100’s Box varieties of the Sonoma brand was approved on March 10, 2022.

By letter dated October 20, 2022, you now propose to expand Commonwealth’s plan to include simultaneous display of the four health warnings on packaging for three additional varieties of the Crowns brand.

Commonwealth’s sales appear to qualify for the aforementioned alternative to quarterly rotation of warnings on packaging with the exception of the Red Kings Box and Red 100’s Box varieties of the Sonoma brand, and the warnings on the sample packs and cartons submitted with your letter dated September 21, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Commonwealth’s expansion of its plan to include simultaneous display of the four health warnings on packaging for the following three varieties of the Crowns brand is hereby approved: Blue 100’s Box, Menthol Dark Green Kings Box, and Menthol Green Kings Box.<sup>2</sup>

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<sup>1</sup> Commonwealth stated in its October 20, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<sup>2</sup> As set forth in its letter, Commonwealth is using colors in the names of these cigarette varieties. We note that the color names are not printed on the packaging (*e.g.*, the word “Blue” does not appear on the packaging of the Crowns Blue 100’s Box), however, the color used for each variety’s packaging does conform to the color in its name. We note also that the word “menthol” does not appear on the packaging of the “Crowns Menthol Dark Green Kings Box” or “Crowns Menthol Green Kings Box” varieties.

Geraldine Bowen Barker, Esq.  
October 28, 2022  
Page 2

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

Please note that this letter only approves the expansion of Commonwealth's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and, if not already expired, 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 Commonwealth's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Commonwealth's packaging and advertising under the 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](http://www.fda.gov/TobaccoProducts/default.htm) and sign up for FDA email updates at [www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp](http://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp).

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



Serena Viswanathan  
Associate Director

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<sup>3</sup> 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.



Farmers Tobacco Co. of Cynthiana, Inc.  
636 US Hwy 27 N, PO Box 98  
Cynthiana, KY 41031

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August 26, 2022

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

RE: Cigarette Health Warning Plan

Dear Madam:

Farmers Tobacco Co. of Cynthiana, Inc. is a cigarette manufacturer (TP-KY-45) located in Cynthiana, Kentucky. We are submitting this plan to you explaining how we will comply with the health warning display requirements.

Farmers Tobacco Co. of Cynthiana, Inc. owns and manufactures only the brands "Kentucky's Best", "VB Made in the USA", and "Baron American Blend". This is a consolidated plan for all three brands. Please see the attachment to this letter for the brands listings. We do not import any cigarettes.

I. Packaging

According to Section 1333(c)(2), we would like permission to display the four warnings an equal number of times during the year (rather than rotating the warnings quarterly) since our company's annual sales for all brands (Kentucky's Best, VB Made in the USA, and Baron American Blend) are less than one-fourth of one percent of all the cigarettes sold in the United States. We will equalize the four warnings on the packs and cartons of each brand style that we manufacture (all are listed in the attachment that follows this letter) for the one-year period beginning on the date of approval of this plan and all warnings have been equalized to date. Equalization is achieved by the packaging vendor who will print all four warnings in equal numbers on each printed sheet of packaging for all cartons and packs so that when sheets are cut, the warnings will be equalized on cartons and packs for each brand style. The warnings will appear exactly as shown on the pack and carton samples submitted with this letter.

The sales volumes in cigarettes for each brand for fiscal year 2021 (January 1 – December 31, 2021) were as follows:

Kentucky's Best  
VB Made in the USA  
Baron American Blend



Anticipated sales volumes in cigarettes for each brand for fiscal year 2022 (January 1 – December 31, 2022) are as follows:

Kentucky's Best  
VB Made in the USA  
Baron American Blend



II. Advertisements (other than outdoor billboard advertisements)

Farmers Tobacco Co. of Cynthiana Inc. continues to be in compliance with the advertising plans approved by the FTC on November 18, 2003 and April 18, 2005 for Kentucky's Best, March 25, 2005 for VB Made in the USA and April 27, 2005 for Baron American Blend.

Farmers Tobacco Co. of Cynthiana, Inc. will maintain sufficient records to demonstrate compliance with this plan.

If any further information is required, please call us at 1-866-832-7637 between the hours of 8:00 AM and 5:00 PM EST. Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Straus".

Jennifer Straus  
Vice President  
Farmers Tobacco Co. of Cynthiana, Inc.

Farmers Tobacco Co. of Cynthiana, Inc.  
List of Brand Family Styles

Kentucky's Best

Red King Soft Pack	Red 100 Soft Pack
Gold King Soft Pack	Gold 100 Soft Pack
Red King Hard Pack	Silver 100 Soft Pack
Gold King Hard Pack	Red 100 Hard Pack
Silver King Hard Pack	Gold 100 Hard Pack
Menthol King Hard Pack	Silver 100 Hard Pack
Green King Hard Pack	Menthol 100 Hard Pack
Non-Filter King Soft Pack	Green 100 Hard Pack

VB Made in the USA

Red King Hard Pack	Red 100 Hard Pack
Gold King Hard Pack	Gold 100 Hard Pack
Menthol King Hard Pack	Blue 100 Hard Pack
Non-Filter King Soft Pack	Menthol 100 Hard Pack
	Green 100 Hard Pack

Baron American Blend

Red King Hard Pack	Red 100 Hard Pack
Blue King Hard Pack	Blue 100 Hard Pack
Menthol King Hard Pack	Silver 100 Hard Pack
Non-Filter King Soft Pack	Menthol 100 Hard Pack
	Green 100 Hard Pack

Selected packaging samples from those  
submitted with the plan.



FILTER



MADE IN U.S.A.

100's

BARON  
AMERICAN BLEND

MADE IN U.S.A.  
P.O. BOX 98  
CYNTHIANA, KENTUCKY 41031  
TP-KY-45

FSC



8 14602 100152 1

BARON *Red*  
100's

AMERICAN BLEND

BARON

100's

MADE IN U.S.A.



FILTER

*Red*

BARON *Red*  
100's

*Red*

UNDERAGE  
SALE  
PROHIBITED

FILTER  
20  
CIGARETTES

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

3A

WA  
00986/206-110 59497  
CB 3.6583 x 10.8511  
17154



*Non-Filter*  
**BARON**

MADE IN U.S.A.  
P.O. BOX 98  
CYNTHIANA, KENTUCKY 41031  
TP-KY-45

*Non-Filter*  
KING SIZE

**BARON**  
AMERICAN BLEND



MADE IN U.S.A.



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

SALES TO MINORS PROHIBITED

*Non-Filter*  
**BARON**

AMERICAN BLEND

MADE IN U.S.A.



SALES TO  
MINORS  
PROHIBITED

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

KENTUCKY'S  
BEST



★ GOLD ★

100's

MADE IN U.S.A.

KENTUCKY'S  
BEST

★ GOLD ★

100's

Farmer's Tobacco Co. of Cynthiana  
P.O. Box 98  
Cynthiana, KY 41031  
www.farmers tobacco.com  
Manufactured by family tobacco  
farmers in Cynthiana, Kentucky.



KENTUCKY'S  
BEST



★ GOLD ★

100's

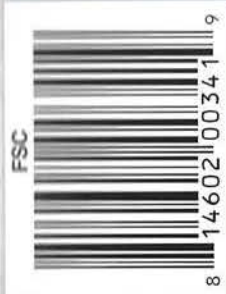
MADE IN U.S.A.

7327

WN-D

★ SILVER ★

KING SIZE



KING SIZE

★ SILVER ★

KENTUCKY'S  
BEST

SALES TO MINORS PROHIBITED

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



KING SIZE

★ SILVER ★

KENTUCKY'S  
BEST

BOX

Farmer's Tobacco Co. of Cynthiana  
P.O. Box 98  
Cynthiana, KY 41031  
[www.farmerstobacco.com](http://www.farmerstobacco.com)

KENTUCKY'S  
BEST

★ SILVER ★

KING SIZE

Thank you for choosing Kentucky's Best,  
a cigarette manufactured by family tobacco  
farmers in Cynthiana, Kentucky.  
No implications are being made these cigarettes  
are any less hazardous than any other cigarettes.

MADE IN U.S.A.



100's

BLUE

20 CLASS A CIGARETTES



20 CLASS A CIGARETTES

BLUE

100's



100's

BLUE



8C



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

WC  
03686 / 2006 56812  
CB 3.6533 x 10.8511  
2982

16 1234567891011 12  
17 1234567891011 12

VB MADE IN THE USA  
P.O. Box 98  
CYNTHIANA, KY 41031  
TP-45KY

SALES TO  
MINORS  
PROHIBITED





**KING SIZE**

**MENTHOL**



VB MADE IN THE USA

P.O. Box 98

CYNTHIANA, KY 41031

TP-45KY

200 Class A Cigarettes

**MENTHOL**

**KING SIZE**



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

SALES TO MINORS PROHIBITED



BOX

**MENTHOL**

**KING SIZE**



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

Division of  
Advertising Practices

October 31, 2022

Ms. Jennifer Straus  
Farmers Tobacco Co. of Cynthiana, Inc.  
636 US Highway 27 North  
P.O. Box 98  
Cynthiana, KY 41031

Dear Ms. Straus:

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 Farmers Tobacco Co. of Cynthiana, Inc. (“Farmers Tobacco”) dated August 26, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “Kentucky’s Best,” “VB Made in the USA,” and “Baron American Blend” brands of cigarettes.

Farmers Tobacco’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and as detailed below, the warnings on the sample packs and cartons of certain of the varieties submitted with your letter dated August 26, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

**Your plan for display of the warnings on packaging for the “Kentucky’s Best” Gold Kings soft pack and the “VB Made in the USA” Menthol Kings hard pack varieties is not approved due to inadequacies in the packaging samples submitted.**

Farmers Tobacco’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter **through October 30, 2023, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**<sup>1</sup>

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<sup>1</sup> This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons most recently approved. Farmers Tobacco stated in its August 26, 2022 letter that the

- Fifteen varieties of the “Kentucky’s Best” brand: Red Kings (soft pack and hard pack), Gold Kings hard pack, Silver Kings hard pack, Menthol Kings hard pack, Green Kings hard pack, Non-Filter Kings soft pack, Red 100’s (soft pack and hard pack), Gold 100’s (soft pack and hard pack), Silver 100’s (soft pack and hard pack), Menthol 100’s hard pack, and Green 100’s hard pack;
- Eight varieties of the “VB Made in the USA” brand: Red hard pack (Kings and 100’s), Gold hard pack (Kings and 100’s), Menthol 100’s hard pack, Non-Filter Kings soft pack, Blue 100’s hard pack, and Green 100’s hard pack; and
- Nine varieties of the “Baron American Blend” brand: Red hard pack (Kings and 100’s), Blue hard pack (Kings and 100’s), Menthol hard pack (Kings and 100’s), Non-Filter Kings soft pack, Silver 100’s hard pack, and Green 100’s hard pack.

Approval of your plan with respect to the foregoing varieties is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves the stated portion of Farmers Tobacco’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“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 Farmers Tobacco’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Farmers Tobacco’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](http://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>.

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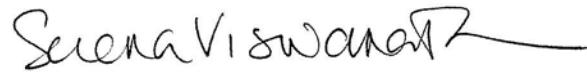
four health warnings will appear exactly as shown on the packs and cartons submitted on that date.

<sup>2</sup> 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. Jennifer Straus  
October 31, 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, 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

November 2, 2022

Ms. Serena Viswanathan  
Attn: Bonnie McGregor  
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,

On November 24, 2021, NASCO Products, LLC ("NASCO") received approval for simultaneous display of the four Surgeon General Warnings on packaging of 10 varieties of the SF brand. This letter is being submitted for the annual renewal approval of the plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four Surgeon General Warnings on packaging of the following ten (10) varieties of the SF cigarette brand:

Red King Box
Blue King Box
Gray King Box
Menthol Dark Green King Box
Menthol Pale Green King Box
Red 100's Box
Blue 100's Box
Gray 100's Box
Menthol Dark Green 100's Box
Menthol Pale Green 100's Box

In a separate letter, NASCO Products, LLC has made a request for the simultaneous display of the four Surgeon General Warnings on packaging of the SF Non-Filter King Box variety. The SF Non-Filter King Soft Pack variety continues to follow a quarterly rotation plan of the four health warnings which was approved November 24, 2021. The SF cigarette brand is manufactured in the United States by NASCO Products, LLC. 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).

These cigarettes will be packaged in 200 count cartons (“Outer Cartons”). Each Outer Carton will contain 10 packs of 20 cigarettes each (“Pack”). The Surgeon General Warnings will be on each Pack and Outer Carton of cigarettes in the form and content dictated by the Federal Cigarette Labeling and Advertising Act and therefore satisfactory to the Federal Trade Commission (“FTC”). The warnings will be printed directly on the packaging in a legible and conspicuous manner and will be of a size, format, and type required by the Cigarette Act. The warnings will be placed on the product in a location which complies with applicable labeling statutes. The warnings will appear exactly as they do on the packs and cartons submitted with our letter dated November 13, 2019. The packaging represented in our November 11, 2014 letter is no longer in use.


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.

If this plan for the alternative to quarterly rotation of warnings on packaging of the ten (10) varieties of the SF cigarette brand in the table above is approved, the four cigarette health warnings will continue to appear on the packs and cartons of each of the cigarette brand styles an equal number of times throughout the one year period beginning on the date this plan is approved.

NASCO Products, LLC continues to be in compliance with its November 22, 2021, plan for the quarterly rotation of the four health warnings on packaging for the SF Non-filter King Soft Pack variety (approved November 24, 2021). NASCO also continues to be in compliance with its July 22, 2022, plan for the simultaneous display of the four health warnings on packaging for the Moonlight cigarette brand approved August 3, 2022, and its February 7, 2022, plan for the simultaneous display of the four health warnings on packaging for the VLN cigarette brand approved February 11, 2022. 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), 716-583-3134 (mobile – available for use until November 18, 2022), 716-877-3064 (fax), [tacdept@xxiicentury.com](mailto:tacdept@xxiicentury.com) (email), or 500 Seneca St, Ste 507, Buffalo, NY 14204 (mailing address).

Sincerely, **Karen E. Delaney**  Digitally signed by  
Karen E. Delaney  
Date: 2022.11.02  
12:41:18 -04'00'

Karen E. Delaney  
Tax Compliance Manager

Selected packaging samples from those  
submitted with the plan.

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



20 Class A Cigarettes  
MFD UNDER LICENSE BY  
NASC PRODUCTS, LLC  
MOCKEVILLE, NC 27628  
© Smoke Friendly  
International LLC  
Boulder, CO 80301



**NON-FILTER**

066329



**NON-FILTER**

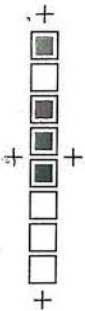
**NON-FILTER**



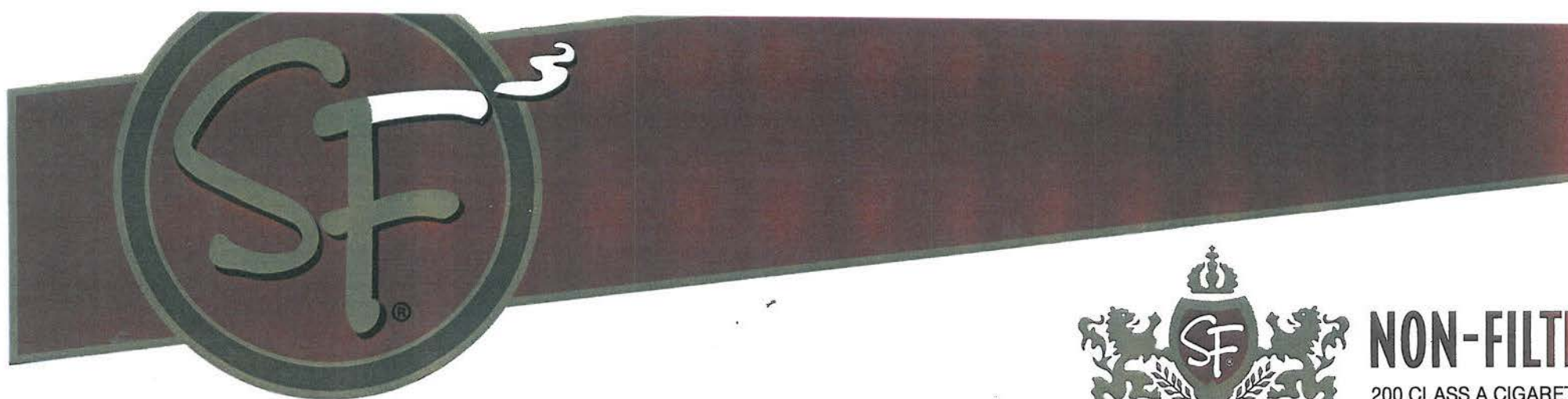
**NON-FILTER**

UNDERAGE  
SALE  
PROHIBITED

PW







**NON-FILTER**

200 CLASS A CIGARET

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



**NON-FILTER**

200 CLASS A CIGARETTES

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

FOR  
©Smoker Friendly International LLC  
Boulder, CO 80301

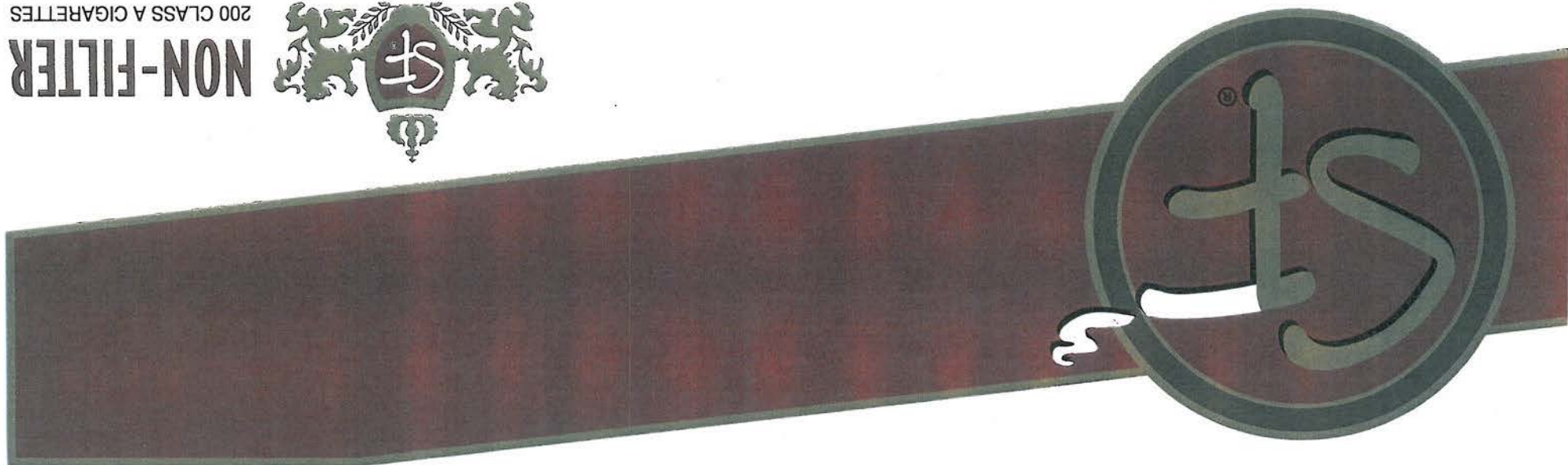
FSC



8 50017 71459 5

200 CLASS A CIGARETTES

**NON-FILTER**





Division of  
Advertising Practices

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

November 4, 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, NASCO Products, LLC’s (“NASCO”) November 22, 2021 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the SF brand, and quarterly rotation of the four health warnings on packaging for the SF Non-Filter King Soft Park variety was approved on November 24, 2021.

By letter dated October 26, 2022, you now propose to expand NASCO’s plan to include simultaneous display of the four health warnings on packaging for the SF Non-Filter King Box variety of the SF brand.

NASCO’s sales appear to qualify for the aforementioned alternative to quarterly rotation of warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated September 29, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, NASCO’s expansion of its plan to include simultaneous display of the four health warnings on packaging for the Non-Filter King Box variety of the SF brand is hereby approved.

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

Please note that this letter only approves the expansion of 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”).

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<sup>1</sup> NASCO stated in its October 26, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on September 29, 2022.

<sup>2</sup> 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

November 4, 2022

Page 2

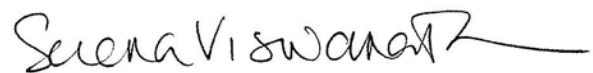
Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for NASCO's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of NASCO's packaging and advertising under the TCA or any 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](http://www.fda.gov/TobaccoProducts/default.htm) and sign up for FDA email updates at [www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp](http://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp).

**This approval is effective on the date of this letter and runs through November 3, 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



**BEN FENNER**  
401 9<sup>TH</sup> STREET NW #700  
WASHINGTON, DC 20004  
T : (202) 450-4887  
F : (202) 450-5106  
E : [bfenner@ndnlaw.com](mailto:bfenner@ndnlaw.com)  
[www.ndnlaw.com](http://www.ndnlaw.com)

November 10, 2022

**Via email to: [bmcgregor@ftc.gov](mailto:bmcgregor@ftc.gov)**

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

**Re: Plan for Compliance with the Federal Cigarette Labeling and Advertising Act for Thompson Deer Management Group, LLC**

Dear Ms. Viswanathan:

Our firm represents Thompson Deer Management Group, LLC (TDMG), a distributor of cigarettes contract manufactured by Seneca Manufacturing Company (SMC) under the authority of the Alcohol & Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15007). As a contract manufacturer, SMC is manufacturing these cigarettes at the direction of TDMG. The chairman of TDMG is Vance Thompson. The business address and telephone number for TDMG is 134 Racquette Point Road, Hogansburg, NY 13655, (518) 980-5005.

Please find enclosed TDMG's submission of its warning plan for the Deer brand of cigarette pursuant to 15 U.S.C. § 1331 et. seq. (FCLAA).

**I. PACKAGING**

This section addresses the plan for compliance with respect to the "Packaging" requirements of the FCLAA with regards to Deer, including a discussion of the warning label size and location, the warning label equalization, and records of compliance.

**A. Warning Label Size and Location**

TDMG seeks approval of the following brand styles of the Deer brand manufactured in the United States for TDMG by Seneca Manufacturing Company:

Deer Red Kings Hard Pack  
Deer Blue Kings Hard Pack  
Deer Green Kings Hard Pack



All warnings will appear exactly as shown on the samples submitted with Seneca Manufacturing Company's August 6, 2020 letter containing sample packaging for the DEER brand of cigarettes. TDMG last had a plan approved for these brands on 11/4/21.

**B. Warning Label Rotation: 1332(c)(2) Election**

TDMG wishes to employ the option for simultaneous display of the four health warnings by displaying the four required warning labels an equal number of times on the packages and cartons of each of the foregoing brand styles of the Deer brand for the one year period beginning on the date of approval of this plan.

TDMG's sales figures for the Deer brand for October 2021 through October 2022 (this represents TDMG's fiscal year) by brand style by sticks are as follows:

Deer Red King		Sticks
Deer Green King		Sticks
Deer Blue King		Sticks

Based on the foregoing sales volume, it appears that each of the foregoing brand styles qualifies for warning label equalization as sales of each brand style were less than one-fourth (1/4th) of one percent (1%) of all of the cigarettes sold in the United States. Deer is the only brand that TDMG manufactures or imports for sale.

TDMG has and will continue to comply with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§1331-1340, by having its supplier for packaging for the Deer brand, Ketmoy Printing, print the four surgeon general warnings simultaneously in equal numbers at a 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 Deer brand an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. TDMG has and will continue to keep records demonstrating compliance with this plan.

**II. ADVERTISING**

TDMG does not at this time intend to advertise the Deer brand of cigarettes. TDMG will submit a plan for advertising to FTC prior to engaging in any advertising.

Sincerely,  
PEEBLES KIDDER

THOMPSON DEER MANAGEMENT  
GROUP

By: Ben Kidder

By: [Signature]



Division of  
Advertising Practices

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

November 10, 2022

Ben Fenner, Esq.  
Peebles Kidder  
401 9<sup>th</sup> Street, NW, Suite 700  
Washington, DC 20004

Dear Mr. Fenner:

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 Thompson Deer Management Group, LLC (“TDMG”) on November 10, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Deer brand of cigarettes.

TDMG’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 6, 2020 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, TDMG’s plan for simultaneous display of the four health warnings on packaging for the following three hard pack varieties of the Deer brand is hereby approved: Red Kings, Blue Kings, and Green Kings.

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

If TDMG 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 TDMG’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009

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<sup>1</sup> TDMG stated in its November 10, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on August 6, 2020.

<sup>2</sup> 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.

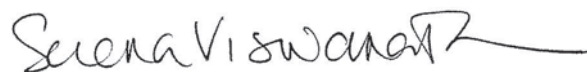
enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for TDMG’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of TDMG’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](http://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 November 9, 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 dark ink, appearing to read "Serena Viswanathan", followed by a long horizontal flourish.

Serena Viswanathan



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

November 2, 2022

Ms. Serena Viswanathan  
Attn: Bonnie McGregor  
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,

On November 24, 2021, NASCO Products, LLC ("NASCO") received approval for simultaneous display of the four Surgeon General Warnings on packaging of 10 varieties of the SF brand. This letter is being submitted for the annual renewal approval of the plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four Surgeon General Warnings on packaging of the following ten (10) varieties of the SF cigarette brand:

Red King Box
Blue King Box
Gray King Box
Menthol Dark Green King Box
Menthol Pale Green King Box
Red 100's Box
Blue 100's Box
Gray 100's Box
Menthol Dark Green 100's Box
Menthol Pale Green 100's Box

In a separate letter, NASCO Products, LLC has made a request for the simultaneous display of the four Surgeon General Warnings on packaging of the SF Non-Filter King Box variety. The SF Non-Filter King Soft Pack variety continues to follow a quarterly rotation plan of the four health warnings which was approved November 24, 2021. The SF cigarette brand is manufactured in the United States by NASCO Products, LLC. 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).



These cigarettes will be packaged in 200 count cartons (“Outer Cartons”). Each Outer Carton will contain 10 packs of 20 cigarettes each (“Pack”). The Surgeon General Warnings will be on each Pack and Outer Carton of cigarettes in the form and content dictated by the Federal Cigarette Labeling and Advertising Act and therefore satisfactory to the Federal Trade Commission (“FTC”). The warnings will be printed directly on the packaging in a legible and conspicuous manner and will be of a size, format, and type required by the Cigarette Act. The warnings will be placed on the product in a location which complies with applicable labeling statutes. The warnings will appear exactly as they do on the packs and cartons submitted with our letter dated November 13, 2019. The packaging represented in our November 11, 2014 letter is no longer in use.


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.

If this plan for the alternative to quarterly rotation of warnings on packaging of the ten (10) varieties of the SF cigarette brand in the table above is approved, the four cigarette health warnings will continue to appear on the packs and cartons of each of the cigarette brand styles an equal number of times throughout the one year period beginning on the date this plan is approved.

NASCO Products, LLC continues to be in compliance with its November 22, 2021, plan for the quarterly rotation of the four health warnings on packaging for the SF Non-filter King Soft Pack variety (approved November 24, 2021). NASCO also continues to be in compliance with its July 22, 2022, plan for the simultaneous display of the four health warnings on packaging for the Moonlight cigarette brand approved August 3, 2022, and its February 7, 2022, plan for the simultaneous display of the four health warnings on packaging for the VLN cigarette brand approved February 11, 2022. 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), 716-583-3134 (mobile – available for use until November 18, 2022), 716-877-3064 (fax), [tacdept@xxiicentury.com](mailto:tacdept@xxiicentury.com) (email), or 500 Seneca St, Ste 507, Buffalo, NY 14204 (mailing address).

Sincerely, **Karen E. Delaney**  Digitally signed by  
Karen E. Delaney  
Date: 2022.11.02  
12:41:18 -04'00'

Karen E. Delaney  
Tax Compliance Manager



Division of  
Advertising Practices

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

November 17, 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 November 2, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the SF brand of cigarettes.

NASCO’s sales appear to qualify for the aforementioned alternative to quarterly rotation of warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter of November 13, 2019 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

Accordingly, NASCO’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten varieties of the SF brand: Red Box (Kings and 100’s), Blue Box (Kings and 100’s), Gray Box (Kings and 100’s), Menthol Dark Green Box (Kings and 100’s), and Menthol Pale Green Box (Kings and 100’s).<sup>2</sup>

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<sup>1</sup> NASCO stated in its November 2, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

<sup>2</sup> As set forth in its November 2, 2022 letter, NASCO is using colors to identify its cigarette varieties (*e.g.*, “Menthol Dark Green 100’s Box”). We note that the color names and the word “menthol” are not printed on the packaging; however, the color used for a variety’s packaging does conform to the color used in its name.

Ms. Karen E. Delaney  
November 17, 2022  
Page 2

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>3</sup> 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"). 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 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](http://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 November 16, 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 Kenneth Chrzanowski at (202) 326-2127.

Very truly yours,



Serena Viswanathan  
Associate Director

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<sup>3</sup> 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.



December 2, 2022

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

Re: Change in aura brand style names and packaging

Dear Ms. Viswanathan,

Cheyenne International, LLC (the "Company") is a tobacco products manufacturer (ATF permit # TP-NC-645). The Company's fiscal year is the calendar year. We currently manufacture three brands of cigarettes: Cheyenne, Decade and aura; we do not import any cigarette brands that we sell. The Company has a plan that was approved by the FTC on March 29, 2022, that calls for equalization of the warnings on the varieties of our Cheyenne, Decade and aura brand styles. With this letter we are seeking approval to change the names and modify the packaging of the four aura brand styles listed below. We anticipate that both the old version and new version of packaging will be in the marketplace simultaneously in the first calendar quarter of 2023, until all of the old version packs and cartons have been either sold to consumers or returned to the factory from retailers and wholesalers.

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

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

In our submission of March 8, 2022 for the aura brand were samples of actual cartons and packs displaying the four different required warnings. The warnings on our current packaging appear exactly as shown on those samples.

701 S. Battleground Avenue  
Grover, North Carolina 28073



We have new packaging of the 4 styles of aura, all in hard box, that we desire to sell into the marketplace:

aura red King Box (replaces aura robust red King Box)  
aura gold King Box (replaces aura radiant gold King Box)  
aura blue King Box (replaces aura sky blue King Box)  
aura menthol King Box (replaces aura menthol glen King Box)

Included with our submission on November 11, 2022, were actual cartons and packs of the modified packaging for the renamed brand styles of the aura brand listed above. The warnings on the modified packaging will appear exactly as shown on those samples.

Also included with the submission of November 11, 2022 were 'promotional' versions of the modified aura pack and carton blanks. On the carton blanks the phrase "SPECIAL PROMOTIONAL PACK OFFER ENCLOSED" is printed. On the pack blanks the phrase "SAVE NOW" is printed along with a QR code, and the phrase "While supplies last". The warnings on the promotional versions of the modified packaging will appear exactly as shown on those samples.

With this submission of new aura packaging, the Company wishes to continue to use the option provided by Section 1333(c)(2) of the Cigarette Act. The four warnings will be displayed an equal number of times on the packs and cartons of each brand style during the one-year period of this plan, which began March 29, 2022 and runs through March 28, 2023. We will maintain sufficient records to demonstrate compliance with the plan. If by the end of the year equalization of warnings on packs and cartons has not been achieved, the Company will take steps, such as placing special orders of packaging, to ensure warning label equalization.

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

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

Sincerely,

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

David A. Scott  
Chief Financial Officer

701 S. Battleground Avenue  
Grover, North Carolina 28073

Selected packaging samples from those  
submitted with the plan.



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

NATURALLY SMOOTH

aura **GOLD**

NATURALLY SMOOTH



9/20/2022

aura

**GOLD**

aura

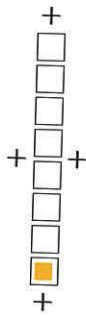
aura

©Cigarette International, LLC, Denver, CO 80202  
All rights reserved. No part of this document  
may be reproduced without written permission.  
[www.auracigs.com](http://www.auracigs.com)  
Our tobacco + water cigarette blend DOES NOT  
reduce the health risks of smoking.



FSC

11



CLASS A  
**20**  
CIGARETTES

Underage  
Sale  
Prohibited

**aura**  
**BLUE**

TOBACCO INGREDIENTS  
**TOBACCO**  
**+ WATER**

10 PACKS OF 20 CLASS A CIGARETTES

[www.buracigs.com](http://www.buracigs.com)

Our tobacco + water cigarette brand DOES NOT  
reduce the health risks of smoking.

Underage Sale Prohibited



W 2

**aura**

10 PACKS OF 20 CLASS A CIGARETTES

**BLUE**

TOBACCO INGREDIENTS  
**TOBACCO**  
**+ WATER**

NATURALLY SMOKED

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

TOBACCO INGREDIENTS  
**TOBACCO**  
**+ WATER**

**aura**  
**BLUE**

**BLUE**

**aura**



Our tobacco + water cigarette brand DOES NOT reduce the health risks of smoking.

[www.auracigs.com](http://www.auracigs.com)  
©Chryseum International, LLC. Denver, CO 80203  
Sale only allowed in the United States.



**SAVE NOW**

While supplies last.

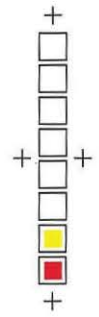


**SURGEON GENERAL'S WARNING:**  
Smoking Causes Lung Cancer, Heart Disease,  
Emphysema, And May Complicate Pregnancy.

**NATURALLY ROBUST**



**NATURALLY ROBUST**



**SAVE NOW**

While supplies last.

**aura**



**aura**

CLASS A  
**20**  
CIGARETTES

Underage  
Sale  
Prohibited

aura  
MENTHOL

TOBACCO INGREDIENTS  
TOBACCO  
+ WATER

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

NATURALLY SMOOTH

aura

10 PACKS OF 20 CLASS A CIGARETTES



TOBACCO INGREDIENTS  
TOBACCO  
+ WATER

SPECIAL PROMOTIONAL  
PACK OFFER ENCLOSED!

MENTHOL

aura

MENTHOL

aura

aura  
MENTHOL

TOBACCO INGREDIENTS  
TOBACCO  
+ WATER

www.burfacigs.com  
© 2011 B&W T Co. All rights reserved.

Our tobacco + water cigarette blend DOES NOT  
reduce the health risks of smoking.

Underage Sale Prohibited



10 PACKS OF 20 CLASS A CIGARETTES

aura





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

Division of  
Advertising Practices

December 8, 2022

Mr. David A. Scott  
Cheyenne International, LLC  
701 S. Battleground Avenue  
Grover, NC 28073

Dear Mr. Scott:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, Cheyenne International, LLC’s (“Cheyenne”) March 29, 2022 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cheyenne, Decade, and ‘aura’ brands of cigarettes was approved on March 29, 2022.

By letter dated December 2, 2022, you now propose to change the names and modify the packaging of the following box varieties of the aura brand:

<u>Previous Name</u>	<u>New Name</u>
robust red king box	red king box
radiant gold king box	gold king box
sky blue king box	blue king box
menthol glen king box	menthol king box

It appears that the health warnings on the modified packs and cartons for the re-named varieties of the aura brand, including the “promotional” version of the packs and cartons, submitted with your letter dated November 11, 2022, continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

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<sup>1</sup> Cheyenne stated in its December 2, 2022 letter that it intends to run out its existing inventory of previously approved packaging for the aura brand.


I wish to remind you that the Commission's March 29, 2022 approval of Cheyenne's plan for simultaneous display of the warnings on packaging for certain varieties of its cigarettes expires on March 28, 2023 or until new health warnings required under the TCA take effect, whichever comes first. This letter does not extend that approval period.

Please note that this letter only approves Cheyenne's submitted packaging modifications 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 Cheyenne's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Cheyenne's packaging and advertising under the 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](http://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>.

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



December 7, 2022

Ms. Bonnie Mc Gregor  
Federal Trade Commission  
Advertising Practices  
CC 10528  
600 Pennsylvania Avenue, NW  
Washington D.C. 20580

Dear Serena Viswanathan:

Please consider this letter as Lake Erie Tobacco Company's ("LET") request for approval of its rotational warning plan for the "31" brand and Seneca Select brand of cigarettes manufactured at LET. LET does not manufacture or import any other cigarette brands for sale or distribution in the United States. LET no longer imports Seneca Premium, Couture and Opal brand cigarettes. LET is a cigarette and other tobacco products manufacturer and importer located at 6564 Route 417 Kill Buck, NY 14748. The President of Lake Erie Tobacco Company is Bryan Porter. As General Counsel for LET I am authorized to submit this letter.

As required by Section 1333(c)(2) of the Federal Cigarette Labeling and Advertising Act ("the Cigarette Act", this letter is intended as LET's submission of its plan for the rotation of the four health warning statements on packaging for varieties or brand styles of "31" and Seneca Select brands of cigarettes.

### **Styles and Flavors**

Our previous plan for the simultaneous display of warnings on packages of the "31" brand was approved on November 4, 2021. We now seek approval for the same six (6) brand styles:

"31" Full Flavor 100 Box"  
"31" Menthol 100 Box  
"31" Blue 100 Box  
"31" Blue Kings Box  
"31" Full Flavor Kings Box  
"31" Menthol Kings Box

Our previous plan for the simultaneous display of warnings on packages of the Seneca Premium, Couture and Opal brands was approved most recently on November 4, 2021. Please be advised that since we no longer Import Seneca Premium, Couture or Opal brand cigarettes we no longer need approval for rotation of the four health warnings.

In addition to the "31" brand cigarettes, we are seeking approval for a warning rotation plan for packaging on the following varieties of Seneca Select brand style cigarettes that LET manufactures:

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

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

We will display the four health warnings on the packs and cartons of every brand style of cigarettes listed above an equal number of times for the one year period beginning on the date of approval of this plan (the alternative to quarterly rotation). In calendar year 2021 we had total sales of [REDACTED] sticks of the "31" brand of cigarettes. In calendar year 2021, we had total sales of [REDACTED] sticks of all styles of the Seneca Premium, Couture and Opal brands of cigarettes. The calendar year is our fiscal year. Our anticipated sales volume for the "31" brand of cigarettes (all styles) in calendar year 2022 is [REDACTED] sticks. Our anticipated sales volume for imported Seneca Premium, Couture and Opal brand of cigarettes (all styles) in calendar year 2022 [REDACTED]. It is anticipated that [REDACTED] will again be our highest selling brand style within the Seneca Select Brand in 2022 as it was in 2021. There were [REDACTED] sales of [REDACTED] in 2021. We anticipate our sales volume for manufactured [REDACTED] in the calendar year 2022 to be [REDACTED] sticks.

Our proposed plan for compliance with the "Cigarette Act" is to have our suppliers, Modpac, White House and Amcor run the four warning labels simultaneously with each other. For the 31 and Seneca Select brands, the packaging is shipped to us by our supplier with the warnings simultaneous displayed on the packaging. The four warnings will be displayed on the packs and cartons of each brand style 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.

For "31" brand cigarettes, the warnings will appear exactly as shown on the sample packs and cartons submitted with our letter of May 15, 2018. This shows how the warnings will appear on the "31" Full Flavor 100's box, "31" Menthol 100's box brand styles, "31" Blue 100 box, "31" Blue Kings box, "31" Full Flavor Kings box and "31" Menthol Kings box.

For Seneca Select brand cigarettes, we enclosed sample packaging for packs and cartons with a letter dated July 29, 2021 and the warnings will appear exactly as shown on that packaging as submitted on that date.

LET does not manufacture any cigarettes for sale in the United States other than those noted above. LET does not currently import any cigarettes for sale in the United States.

## **Label Statements and Rotation Plan**

The four warnings that will be displayed on 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**

LET currently has an advertising plan for the "31" brand on file with the FTC and will maintain compliance with its May 24, 2016 plan approved June 6, 2016. LET does not intend to advertise Seneca Select brands at this time.

Again, please consider our health warning display plan for packaging of the "31" brand and Seneca Select brands for approval at your earliest convenience. Should you have any questions, please feel free to contact me directly at 716.783.6797.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Tina M. Bardak", is written over a faint, light blue rectangular background.

Tina M. Bardak  
General Counsel



Division of  
Advertising Practices

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

December 8, 2022

Ms. Tina M. Bardak  
Lake Erie Tobacco Company  
6564 Route 417  
Kill Buck, NY 14748

Dear Ms. Bardak:

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 Lake Erie Tobacco Company ("LET") on December 7, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the "31" and Seneca Select brands of cigarettes.

LET'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 May 15, 2018 and July 29, 2021 letters appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, LET's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Six box varieties of the "31" brand: Full Flavor (kings and 100's), Menthol (kings and 100's), and Blue (kings and 100's); and
- Thirteen box varieties of the Seneca Select brand: Full Flavor (kings and 100's), Medium (kings and 100's), Blue (kings and 100's), Silver (kings and 100's), Menthol (kings and 100's), Smooth Menthol (kings and 100's), and Extra Smooth Menthol 100's.

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<sup>1</sup> LET stated in its December 7, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.



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

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

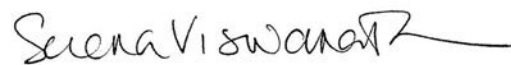
Please note that this letter only approves LET's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for LET's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of LET'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](http://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 December 7, 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,



Serena Viswanathan  
Associate Director

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<sup>2</sup> 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.



Farmers Tobacco Co. of Cynthiana, Inc.  
636 US Hwy 27 N, PO Box 98  
Cynthiana, KY 41031

---

December 8, 2022

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

RE: Cigarette Health Warning Plan

Dear Madam:

Farmers Tobacco Co. of Cynthiana, Inc. is a cigarette manufacturer (TP-KY-45) located in Cynthiana, Kentucky. We are submitting this plan to you explaining how we will comply with the health warning display requirements.

Farmers Tobacco Co. of Cynthiana, Inc. owns and manufactures only the brands "Kentucky's Best", "VB Made in the USA", and "Baron American Blend". Our plan for simultaneous display of the health warnings on packaging for certain varieties of the "Kentucky's Best", "VB Made in the USA", and "Baron American Blend" brands was most recently approved on October 31, 2022. This is a plan only for the "Kentucky's Best Gold King Soft Pack" brand style. We do not import any cigarettes.

I. Packaging

In accordance with Section 1333(c)(2), we would like permission to display the four warnings an equal number of times during the year (rather than rotating the warnings quarterly) since our company's annual sales for all brands (Kentucky's Best, VB Made in the USA, and Baron American Blend) are less than one-fourth of one percent of all the cigarettes sold in the United States. We will equalize the four warnings on the packs and cartons of the "Kentucky's Best Gold King Soft Pack" brand style for the one-year period beginning on the date of approval of this plan. Equalization is achieved by the packaging vendor who will print all four warnings in equal numbers on each printed sheet of packaging for all cartons and packs so that when sheets are cut, the warnings will be equalized on cartons and packs for each brand style. The warnings will appear exactly as shown on the pack and carton samples submitted with our letter dated November 7, 2022.

The sales volumes in cigarettes for each brand for fiscal year 2021 (January 1 – December 31, 2021) were as follows:

Kentucky's Best  
VB Made in the USA  
Baron American Blend



Anticipated sales volumes in cigarettes for each brand for fiscal year 2022 (January 1 – December 31, 2022) are as follows:

Kentucky's Best  
VB Made in the USA  
Baron American Blend



II. Advertisements (other than outdoor billboard advertisements)

Farmers Tobacco Co. of Cynthiana Inc. continues to be in compliance with the advertising plans approved by the FTC on November 18, 2003 and April 18, 2005 for Kentucky's Best, March 25, 2005 for VB Made in the USA and April 27, 2005 for Baron American Blend.

Farmers Tobacco Co. of Cynthiana, Inc. will maintain sufficient records to demonstrate compliance with this plan.

If any further information is required, please call us at 1-866-832-7637 between the hours of 8:00 AM and 5:00 PM EST. Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Straus".

Jennifer Straus  
Vice President  
Farmers Tobacco Co. of Cynthiana, Inc.

Farmers Tobacco Co. of Cynthiana, Inc.  
List of Brand Family Styles

Kentucky's Best

Red King Soft Pack	Red 100 Soft Pack
Gold King Soft Pack	Gold 100 Soft Pack
Red King Hard Pack	Silver 100 Soft Pack
Gold King Hard Pack	Red 100 Hard Pack
Silver King Hard Pack	Gold 100 Hard Pack
Menthol King Hard Pack	Silver 100 Hard Pack
Green King Hard Pack	Menthol 100 Hard Pack
Non-Filter King Soft Pack	Green 100 Hard Pack

VB Made in the USA

Red King Hard Pack	Red 100 Hard Pack
Gold King Hard Pack	Gold 100 Hard Pack
	Blue 100 Hard Pack
Non-Filter King Soft Pack	Menthol 100 Hard Pack
	Green 100 Hard Pack

Baron American Blend

Red King Hard Pack	Red 100 Hard Pack
Blue King Hard Pack	Blue 100 Hard Pack
Menthol King Hard Pack	Silver 100 Hard Pack
Non-Filter King Soft Pack	Menthol 100 Hard Pack
	Green 100 Hard Pack

Selected packaging samples from those  
submitted with the plan.

SALES TO  
MINORS  
PROHIBITED

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

KENTUCKY'S  
BEST



★ GOLD ★

KING SIZE

MADE IN U.S.A.

KENTUCKY'S  
BEST

★ GOLD ★  
KING SIZE

Farmer's Tobacco Co. of Cynthiana  
P.O. Box 98  
Cynthiana, KY 41031  
www.farmertobacco.com  
Manufactured by family tobacco  
farmers in Cynthiana, Kentucky.



KENTUCKY'S  
BEST



★ GOLD ★

KING SIZE

MADE IN U.S.A.

7322

WN-A





★ GOLD ★

KING SIZE

★ GOLD ★

KING SIZE

KENTUCKY'S  
BEST

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

SALES TO MINORS PROHIBITED



★ GOLD ★

KING SIZE

KENTUCKY'S  
BEST

KENTUCKY'S  
BEST

★ GOLD ★

KING SIZE

Farmer's Tobacco Co. of Cynthiana  
P.O. Box 98  
Cynthiana, KY 41031  
www.farmerstobacco.com

Thank you for choosing Kentucky's Best,  
a cigarette manufactured by family  
tobacco farmers in Cynthiana, Kentucky.  
No implications are being made these cigarettes are  
any less hazardous than any other cigarettes.

MADE IN U.S.A.



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

Division of  
Advertising Practices

December 15, 2022

Ms. Jennifer Straus  
Farmers Tobacco Co. of Cynthiana, Inc.  
636 US Highway 27 North  
P.O. Box 98  
Cynthiana, KY 41031

Dear Ms. Straus:

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 Farmers Tobacco Co. of Cynthiana, Inc. ("Farmers Tobacco") on December 8, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for the Kentucky's Best Gold King soft pack variety of cigarettes.

Farmers Tobacco's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated November 7, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Farmers Tobacco's plan for simultaneous display of the four health warnings on packaging for the Kentucky's Best Gold King soft pack variety is hereby approved.

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

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

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<sup>1</sup> Farmers Tobacco stated in its December 8, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on that date.

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

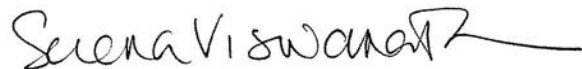
Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Farmers Tobacco's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Farmers Tobacco's packaging and advertising 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](http://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 December 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 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





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

December 12, 2022

Serena Viswanathan  
Federal Trade Commission  
Division of Advertising Practices  
600 Pennsylvania Avenue, N.W.  
Room CC-10528  
Washington, DC 20580  
RE: Surgeon General Warning Rotation Plan

Dear Ms. Viswanathan,

Pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331-1341 ("the Cigarette Act"), this letter is being submitted for the approval of NASCO Products, LLC's ("NASCO") plan to use the alternative method to the quarterly rotation of Surgeon General Warnings on packaging of certain brand styles of the Pinnacle cigarette brand. NASCO currently manufactures only the Moonlight, VLN and SF cigarette brands<sup>1</sup>. NASCO does not import any cigarette brands. Upon approval of this plan, the manufacturer intends to sell Pinnacle cigarettes under the authority of the Alcohol & Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NC-15033).

The Pinnacle cigarette brand will be manufactured in four (4) varieties, Full Flavor King Box, Full Flavor 100 Box, Gold 100 Box and Menthol 100 Box. These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The Surgeon General Warnings will be on each Pack and Outer Carton of cigarettes in the form and content dictated by the Cigarette 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 the letters of November 10, 2022 and December 1, 2022.

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<sup>1</sup> NASCO Products, LLC continues to be in compliance with its November 2, 2022, plan for the simultaneous display of the four health warnings on packaging of 10 styles of the SF cigarette brand approved November 17, 2022, its October 26, 2022 plan for the simultaneous display of the four health warnings on packaging of the SF Non-Filter King Box variety of the SF cigarette brand approved on November 4, 2022 and its November 22, 2021, plan for the quarterly rotation of the four health warnings on packaging for the SF Non-filter King soft Pack variety approved November 24, 2021. NASCO also continues to be in compliance with its July 22, 2022, plan for the simultaneous display of the four health warnings on packaging for the Moonlight cigarette brand approved August 3, 2022, and its February 7, 2022, plan for the simultaneous display of the four health warnings on packaging of the VLN cigarette brand approved February 11, 2022.

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 Pinnacle cigarette brand, for the fiscal year 2022, NASCO does not anticipate sales of any one style of the Pinnacle 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 Pinnacle 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 Pinnacle 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 and all packaging will be used in the production of product within the period. We will keep records demonstrating compliance with this plan.

At this time NASCO Products, LLC will do no advertising of the Pinnacle cigarette brand. If NASCO Products, LLC decides to engage in advertising of the Pinnacle brand, NASCO Products, LLC will first submit a plan to the FTC. 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 is aware of the requirements set forth in the Cigarette Act and endeavors to remain fully compliant with same. Upon approval of this request, NASCO will maintain record of compliance with the approved plan, as it has done with all previously obtained approvals. If there are any questions or concerns regarding this plan, please contact me by phone at (336) 940-3769. Alternatively, I can be reached by email at [ranguoli@xxiicentury.com](mailto:ranguoli@xxiicentury.com).

Thank you in advance for your time and consideration.

Sincerely,



Ralph Angiuoli, Jr.  
Manufacturing Services Manager

Selected packaging samples from those  
submitted with the plan.



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

PINNACLE



MENTHOL  
100'S

MANUFACTURED BY  
B&W TOBACCO CO.  
MOCKSVILLE, NC 27058

MADE IN USA



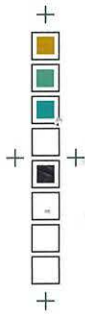
LC

PINNACLE



MENTHOL  
100'S

5  
065930



PINNACLE



MENTHOL 100'S

20 CLASS A  
CIGARETTES

UNDERAGE  
SALE  
PROHIBITED

GOLD  
100's



PINNACLE

PREMIUM



PINNACLE

GOLD 100's

PREMIUM

PINNACLE

200 CLASS A  
CIGARETTES

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

MANUFACTURED BY  
NASCO PRODUCTS, LLC  
MOCKSVILLE, NC 27028

MADE IN USA

FSC



8 50017 71461 8

PINNACLE

GOLD 100's

4  
PW



100's





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

Division of  
Advertising Practices

December 15, 2022

Mr. Ralph Angiuoli, Jr.  
NASCO Products, LLC  
321 Farmington Road  
Mocksville, NC 27028

Dear Mr. Angiuoli:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by NASCO Products, LLC (“NASCO”) on December 12, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Pinnacle brand of cigarettes.

NASCO’s sales appear to qualify for the aforementioned alternative to quarterly rotation of warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters of November 10 and December 1, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

Accordingly, NASCO’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following four varieties of the Pinnacle brand: Full Flavor King Box, Full Flavor 100 Box, Gold 100 Box, and Menthol 100 Box.

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

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

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<sup>1</sup> NASCO stated in its December 12, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<sup>2</sup> 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. Ralph Angiuoli, Jr.

December 15, 2022

Page 2

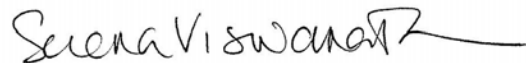
Please note that this letter only approves NASCO's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of 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 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](http://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 December 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 Kenneth Chrzanowski at (202) 326-2127.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Serena Viswanathan", followed by a long, horizontal, slightly wavy line that extends to the right.

Serena Viswanathan  
Associate Director