



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: May 28, 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. March 30, 2023 from Travis G. Heron, Seneca Manufacturing Company to Serena Viswanathan.
2. April 3, 2023 from Serena Viswanathan to Travis G. Heron, Seneca Manufacturing Company.
3. April 5, 2023 letter from Lance Morgan, Rock River Manufacturing to Serena Viswanathan.
4. April 6, 2023 letter from Serena Viswanathan to Lance Morgan, Rock River Manufacturing.
5. March 28, 2023 letter from Heather Enyart, Seneca-Cayuga Tobacco Company to the Division of Advertising Practices.
6. April 10, 2023 letter from Serena Viswanathan to Heather Enyart, Seneca-Cayuga Tobacco Company.
7. April 3, 2023 letter from Amanda J. Klingler on behalf of Santa Fe Natural Tobacco Company, Inc. to Serena Viswanathan.
8. April 13, 2023 letter from Serena Viswanathan to Amanda J. Klingler on behalf of Santa Fe Natural Tobacco Company, Inc.

9. April 25, 2023 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Serena Viswanathan.
10. April 28, 2023 letter from Serena Viswanathan to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
11. May 2, 2023 letter from Juan Miguel Araiza, Skookum Creek Tobacco Co., Inc. to Serena Viswanathan.
12. May 5, 2023 letter from Serena Viswanathan to Juan Miguel Araiza, Skookum Creek Tobacco Co., Inc.
13. May 4, 2023 from Travis G. Heron, Seneca Manufacturing Company to Serena Viswanathan.
14. May 15, 2023 from Serena Viswanathan to Travis G. Heron, Seneca Manufacturing Company.
15. May 23, 2023 letter from Barry M. Boren on behalf of Konci Group (USA), Inc. to Serena Viswanathan.
16. May 25, 2023 letter from to Serena Viswanathan to Barry M. Boren on behalf of Konci Group (USA), Inc.
17. June 19, 2023 letter from Veronica Vilarchao on behalf of Dosal Tobacco Corporation to Serena Viswanathan.
18. June 21, 2023 letter from Serena Viswanathan to Veronica Vilarchao on behalf of Dosal Tobacco Corporation.
19. June 5, 2023 letter from Ralph Angiuoli, Jr., NASCO Products, LLC to Serena Viswanathan.
20. June 30, 2023 letter from Serena Viswanathan to Ralph Angiuoli, Jr., NASCO Products, LLC.
21. June 28, 2023 letter from Paige S. Fitzgerald on behalf of Native Trading Associates, LLC to Serena Viswanathan.
22. June 30, 2023 from Serena Viswanathan to Paige S. Fitzgerald on behalf of Native Trading Associates, LLC.

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496
175 Rochester Street
Salamanca, NY 14779

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

March 30, 2023

FEDERAL TRADE COMMISSION
ADVERTISING PRACTICES
MAIL DROP 10528
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
600 PENNSYLVANIA AVENUE
WASHINGTON DC 20580

Re: Heron, Sands, Warrior, and Palma Cigarettes Renewal

Dear Ms. Viswanathan:

Please consider this letter Seneca Manufacturing Company's request for annual compliance.

Seneca Manufacturing Company's plan requests approval for the simultaneous display of the Surgeon General's warnings on packaging for the following brand styles of cigarettes:

Seneca Manufacturing Company will manufacture the Heron, Sands, Warrior, and Palma brands in the following varieties:

Heron Cigarettes -

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

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

Red King Size Box
Gold King Size Box
Silver King Size Box
Menthol King Size Box
Menthol Gold King Size Box
Non-Filter King Size Box

FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: HERON, SANDS, WARRIOR AND PALMA CIGARETTES RENEWAL
March 30, 2023
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Crimson 100's Box

Crimson King Size Box

No. 33 Black Red 100's Box

No. 33 Black Red King Box

No. 33 Black Gold 100's Box

No. 33 Black Gold King Box

No. 33 Black Menthol 100's Box

No. 33 Black Menthol King Box

Sands Cigarettes

Red 100's Box

Red King Size Box

Gold 100's Box

Gold King Size Box

Silver 100's Box

Silver King Size Box

Menthol 100's Box

Menthol King Size Box

Menthol Blue 100's Box

Menthol Blue King Size Box

Warrior Cigarettes

Red 100's Box

Red King Size Box

Gold 100's Box

Gold King Size Box

Menthol 100's Box

Menthol King Size Box

Palma Cigarettes

Red 100's Box

Red King Size Box

Gold 100's Box

Gold King Size Box

Menthol 100's Box

Menthol King Size Box



These cigarettes are packaged in 200 count cartons ("Outer Carton"). Each Outer Carton contains ten (10) packs of twenty (20) cigarettes each ("pack").

The warnings on the packs and cartons of each brand style listed above will appear exactly as shown in the samples most recently provided to your office with our letters dated January 29, 2019, March 6, 2019, March 8, 2023, and March 21, 2023.

Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we imported or manufactured for our 2022 fiscal year (calendar year ending December 31, 2022) are set out in Exhibit A. The anticipated 2023 sales are set out in Exhibit B.

FEDERAL TRADE COMMISSION

MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: HERON, SANDS, WARRIOR AND PALMA CIGARETTES RENEWAL
March 30, 2023
PAGE 3

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons of each Heron, Sands, Warrior and Palma cigarette brand style listed above an equal number of times for the one-year period beginning on the date of approval of this plan.

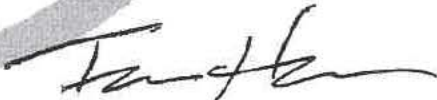
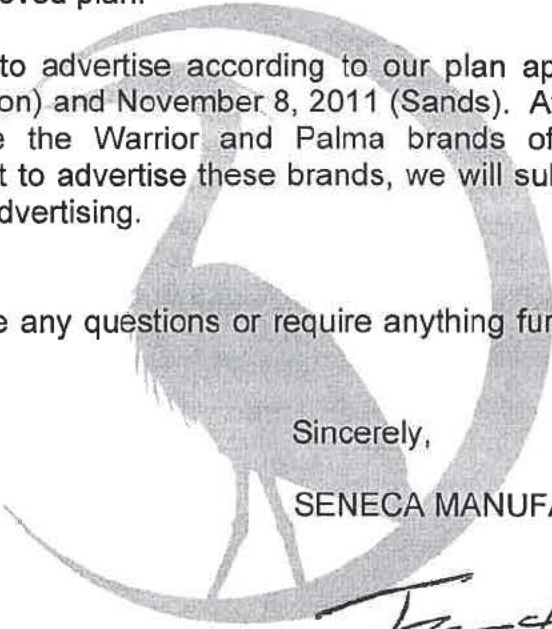
To ensure the cigarette health warnings appear on manufactured varieties of the Heron, Sands, Warrior and Palma cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. Seneca Manufacturing Company will maintain records of compliance with the approved plan.

We will continue to advertise according to our plan approved by the FTC on December 19, 2007 (Heron) and November 8, 2011 (Sands). At this point in time, there is no plan to advertise the Warrior and Palma brands of cigarettes. If Seneca Manufacturing does want to advertise these brands, we will submit a plan for approval before engaging in any advertising.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Travis G. Heron
Partner

EXHIBIT A Actual Sales 2022

| Type | Description | Total Sticks Sold |
|---------|-------------------------------|----------------------|
| HERON | No. 33 Black Red King Box | |
| HERON | No. 33 Black Gold King Box | |
| HERON | No. 33 Black Menthol King Box | |
| HERON | No. 33 Black Red 100 Box | |
| HERON | No. 33 Black Gold 100 Box | |
| HERON | No. 33 Black Menthol 100 Box | |
| HERON | Crimson King Box | |
| HERON | Red King Box | |
| HERON | Gold King Box | |
| HERON | Silver King Box | |
| HERON | Menthol King Box | |
| HERON | Menthol Gold King Box | |
| HERON | Non-Filter King Box | |
| HERON | Crimson 100 Box | |
| HERON | Red 100 Box | |
| HERON | Gold 100 Box | |
| HERON | Silver 100 Box | |
| HERON | Menthol 100 Box | |
| HERON | Menthol Gold 100 Box | |
| HERON | Red 100 SP | |
| HERON | Gold 100 SP | |
| HERON | Silver 100 SP | |
| HERON | Menthol 100 SP | |
| HERON | Menthol Gold 100 SP | |
| PALMA | Red King Box | |
| PALMA | Gold King Box | |
| PALMA | Menthol King Box | |
| PALMA | Red 100 Box | |
| PALMA | Gold 100 Box | |
| PALMA | Menthol 100 Box | |
| SANDS | Red King Box | |
| SANDS | Gold King Box | |
| SANDS | Silver King Box | |
| SANDS | Menthol King Box | |
| SANDS | Menthol Blue King Box | |
| SANDS | Red 100 Box | |
| SANDS | Gold 100 Box | |
| SANDS | Silver 100 Box | |
| SANDS | Menthol 100 Box | |
| SANDS | Menthol Blue 100 Box | |
| WARRIOR | Red King Box | |
| WARRIOR | Gold King Box | |
| WARRIOR | Menthol King Box | |
| WARRIOR | Red 100 Box | |
| WARRIOR | Gold 100 Box | |
| WARRIOR | Menthol 100 Box | |

EXHIBIT B Estimated Sales 2023

| Type | Description | Total Sticks Sold |
|---------|-------------------------------|----------------------|
| HERON | No. 33 Black Red King Box | |
| HERON | No. 33 Black Gold King Box | |
| HERON | No. 33 Black Menthol King Box | |
| HERON | No. 33 Black Red 100 Box | |
| HERON | No. 33 Black Gold 100 Box | |
| HERON | No. 33 Black Menthol 100 Box | |
| HERON | Crimson King Box | |
| HERON | Red King Box | |
| HERON | Gold King Box | |
| HERON | Silver King Box | |
| HERON | Menthol King Box | |
| HERON | Menthol Gold King Box | |
| HERON | Non-Filter King Box | |
| HERON | Crimson 100 Box | |
| HERON | Red 100 Box | |
| HERON | Gold 100 Box | |
| HERON | Silver 100 Box | |
| HERON | Menthol 100 Box | |
| HERON | Menthol Gold 100 Box | |
| HERON | Red 100 SP | |
| HERON | Gold 100 SP | |
| HERON | Silver 100 SP | |
| HERON | Menthol 100 SP | |
| HERON | Menthol Gold 100 SP | |
| PALMA | Red King Box | |
| PALMA | Gold King Box | |
| PALMA | Menthol King Box | |
| PALMA | Red 100 Box | |
| PALMA | Gold 100 Box | |
| PALMA | Menthol 100 Box | |
| SANDS | Red King Box | |
| SANDS | Gold King Box | |
| SANDS | Silver King Box | |
| SANDS | Menthol King Box | |
| SANDS | Menthol Blue King Box | |
| SANDS | Red 100 Box | |
| SANDS | Gold 100 Box | |
| SANDS | Silver 100 Box | |
| SANDS | Menthol 100 Box | |
| SANDS | Menthol Blue 100 Box | |
| WARRIOR | Red King Box | |
| WARRIOR | Gold King Box | |
| WARRIOR | Menthol King Box | |
| WARRIOR | Red 100 Box | |
| WARRIOR | Gold 100 Box | |
| WARRIOR | Menthol 100 Box | |

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.



KING'S BOX

A TURN FOR THE BETTER

MADE IN THE USA
TP - NY-1587
Created on the Territory of
the United States of America
Sands Manufacturing Company
Sands, NY 12159

FSC



060-005-024

KM

6



A TURN FOR THE BETTER

KING'S BOX



MENTHOL BLUE

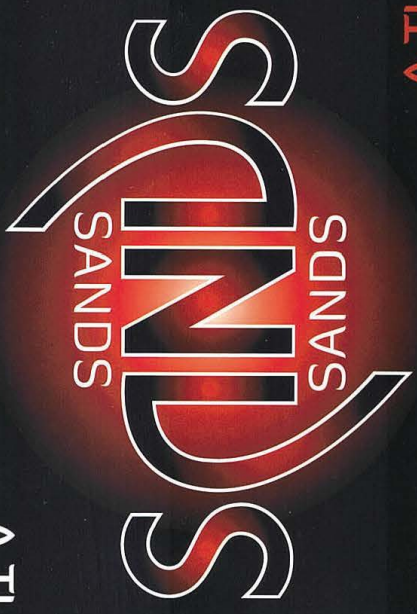


UNDERAGE
SALE
PROHIBITED

CLASS A
20
CIGARETTES

MENTHOL BLUE

A TURN FOR THE BETTER



RED KING'S BOX

A TURN FOR THE BETTER



Crafted on the Territory of
the Seneca Nation of Indians by
Seneca Manufacturing Company
175 Rochester St.
Salamanca, NY 14779

UNDERAGE
SALE
PROHIBITED

MADE IN THE USA
TP - NY-15007

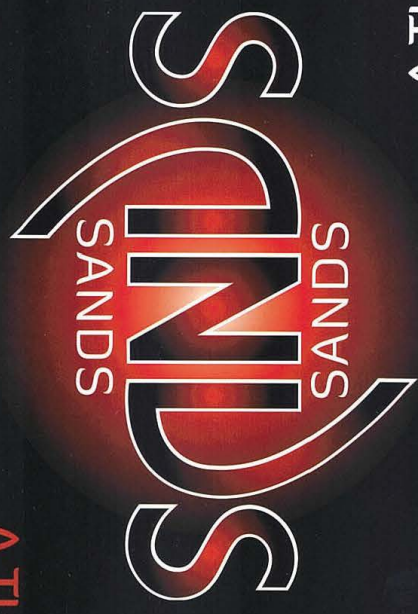


CLASS A
200 CIGARETTES

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

060-006-020
KM

A TURN FOR THE BETTER



RED KING'S BOX

A TURN FOR THE BETTER

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

BLACK
THIRTY THREE



RED KINGS

MADE IN THE USA
TP - NY-15007
Cottled on the territory of
the American Tobacco Company
S.M.C.
1775 Rockledge Dr.
Spartanburg, SC 29579



060-005-007 Rev 2
KM

18

BLACK
THIRTY THREE

RED KINGS



BLACK
THIRTY THREE



BLACK
THIRTY THREE



UNDERAGE
SALE
PROHIBITED

CLASS A
20
CIGARETTES

BLACK

THIRTY THREE



BLACK
THIRTY THREE

GOLD KINGS



200 CLASS A
CIGARETTES

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

BLACK
THIRTY THREE



MADE IN THE USA
TP - NY-15007

UNDERAGE
SALE
PROHIBITED

Crafted on the Territory of
the Seneca Nation of Indians by
SMC
175 Rochester St.
Salamanca, NY 14779

FSC



GOLD KINGS

BLACK
THIRTY THREE



060-006-007 Rev 2
KM



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

Division of
Advertising Practices

April 3, 2023

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

Dear Mr. Heron:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca Manufacturing Company (“Seneca”) on March 30, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron, Palma, Sands, and Warrior brands of cigarettes.

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

| <u>Brand</u> | <u>Date(s)</u> |
|--------------|---------------------------------|
| Heron | March 8, 2023 March 21, 2023 |
| Palma | January 29, 2019 |
| Sands | March 8, 2023 |
| Warrior | March 6, 2019 |

¹ Seneca stated in its March 30, 2023 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

- Twenty-four varieties of the Heron brand: Red Kings Box, Red 100's (Box and Soft Pack), Gold Kings Box, Gold 100's (Box and Soft Pack), Silver Kings Box, Silver 100's (Box and Soft Pack), Menthol Kings Box, Menthol 100's (Box and Soft Pack), Menthol Gold Kings Box, Menthol Gold 100's (Box and Soft Pack), Crimson King Box, Crimson 100's Box, No. 33 Black Red Kings Box, No. 33 Black Red 100's Box, No. 33 Black Gold Kings Box, No. 33 Black Gold 100's Box, No. 33 Black Menthol Kings Box, No. 33 Black Menthol 100's Box, and Non-Filter Kings box;
- Six Box varieties of the Palma brand: Red (Kings and 100's), Gold (Kings and 100's), and Menthol (Kings and 100's);
- Ten Box varieties of the Sands brand: Red (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), and Menthol Blue (Kings and 100's); and
- Six Box varieties of the Warrior brand: Red (Kings and 100's), Gold (Kings and 100's), and Menthol (Kings and 100's).

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

Please note that this letter only approves Seneca's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("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 Seneca's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Seneca's packaging and advertising under the 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

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

Mr. Travis G. Heron
April 3, 2023
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menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm and sign up for FDA email updates at <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

This approval is effective on the date of this letter and runs through April 2, 2024 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,

RICHARD QUARESIMA
Digitally signed by RICHARD
QUARESIMA
Date: 2023.04.03 08:32:51 -04'00'

for
Serena Viswanathan
Associate Director



Serena Viswanathan
Associate Director, Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW
Mail Drop CC-10528
Washington, DC 20580
Attn: Bonnie McGregor

April 5, 2023

Re: Plan for Compliance with Federal Cigarette Labeling and Advertising Act for Rock River Manufacturing

Dear Ms. Viswanathan & Ms. McGregor:

Please find enclosed Rock River Manufacturing's renewal to its existing warning label plan for Silver Cloud, Fire Dance, One Spirit, and Dakota brands of cigarette. On March 29, 2022, Rock River submitted a cigarette health warning display plan for certain Silver Cloud, Fire Dance, Dakota, and One Spirit styles. The plan for Silver Cloud, Fire Dance, One Spirit, and Dakota was approved on April 6, 2022. On March 3, 2023, Rock River submitted a plan for display of the warnings on packaging and in advertising for the Nation Brand, which was approved March 13, 2023.

I. PACKAGING

This section addresses the plan for compliance with respect to the "Packaging" requirements of the FCLAA with regards to the Silver Cloud, Fire Dance, One Spirit, and Dakota brands including a discussion of the warning label size and location, the warning label equalization and records of compliance.

A. Warning Label Size and Location

Rock River wishes to renew its plan for the following brand styles:

Silver Cloud, Fire Dance, One Spirit, and Dakota

Silver Cloud:

Silver Cloud Red 100 Box
Silver Cloud Gold 100 Box

Silver Cloud Red King Box
Silver Cloud Gold King Box

Serena Viswanathan

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April 5, 2023

Silver Cloud Silver 100 Box
Silver Cloud Menthol 100 Box
Silver Cloud Menthol Gold 100 Box

Silver Cloud Menthol King Box

Fire Dance:

Fire Dance Regular Full Flavor 100 Box
Fire Dance Regular Smooth 100 Box
Fire Dance Regular Ultra Smooth 100 Box
Fire Dance Menthol 100 Box
Fire Dance Menthol Smooth 100 Box

Fire Dance Regular Full Flavor King Box
Fire Dance Regular Smooth King Box
Fire Dance Menthol King Box

One Spirit:

One Spirit Regular Full Flavor 100 Box
One Spirit Regular Smooth 100 Box
One Spirit Regular Ultra Smooth 100 Box
One Spirit Menthol 100 Box
One Spirit Menthol Smooth 100 Box

One Spirit Regular Full Flavor King Box
One Spirit Regular Smooth King Box
One Spirit Menthol King Box

Dakota:

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

Dakota Red Kings Box
Dakota Menthol Kings Box
Dakota Gold Kings Box

The cartons and packages were prepared in accordance with the precise wording, capitalization, and punctuation of the warnings under section 1333(a)(1) of the FCLAA and in compliance with the requirements for placement and size of the warnings on the packing under Section 1333(b) of the FCLAA. The required warnings will appear on both the actual packages and cartons of the foregoing Silver Cloud, Fire Dance, and One Spirit brand styles exactly as they appear on the samples that Rock River submitted on February 16, 2017, and on the Dakota brand styles exactly as they appear on the samples that Rock River submitted on August 29, 2018.

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

Rock River 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 the Silver Cloud, Fire Dance, One Spirit, and Dakota brand styles listed above for the one-year period beginning on the date of approval of this plan. The warnings on all packages have been equalized to-date.

Serena Viswanathan

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April 5, 2023

Rock River's sales figures for all brand styles of the manufactured Silver Cloud, Fire Dance, and Dakota for the fiscal year of January 1, 2022 through December 31, 2022 by style by sticks are as follows:

| STYLE | NUMBER OF STICKS |
|-------|------------------|
|-------|------------------|

| | |
|--|--|
| Silver Cloud Red 100s Box | |
| Silver Cloud Gold 100s Box | |
| Silver Cloud Silver 100s Box | |
| Silver Cloud Menthol 100s Box | |
| Silver Cloud Menthol Gold 100s Box | |
| Silver Cloud Red King Box | |
| Silver Cloud Gold King Box | |
| Silver Cloud Menthol King Box | |
| | |
| Fire Dance Regular Full Flavor 100s Box | |
| Fire Dance Regular Full Flavor King Box | |
| Fire Dance Regular Smooth 100s Box | |
| Fire Dance Regular Smooth King Box | |
| Fire Dance Menthol 100s Box | |
| Fire Dance Menthol King Box | |
| Fire Dance Menthol Smooth 100s Box | |
| Fire Dance Regular Ultra Smooth 100s Box | |
| | |
| Dakota Red 100s Box | |
| Dakota Red Kings Box | |
| Dakota Gold 100s Box | |
| Dakota Gold King Box | |
| Dakota Menthol 100s Box | |
| Dakota Menthol King Box | |
| Dakota Menthol Gold 100s Box | |
| Dakota Silver 100s Box | |

Rock River also plans to manufacture One Spirit brand [REDACTED] sales in 2022. In 2022, Rock River did not import or manufacture any other brands or brand styles than those listed above.

Based on the foregoing sales volume, it appears that all of the Silver Cloud, Fire Dance, One Spirit, and Dakota brand styles qualify for warning label equalization as sales of each of our

Serena Viswanathan

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April 5, 2023

brand styles were less than one-fourth ($1/4^{\text{th}}$) of one percent (1%) of all the cigarettes sold in the United States.

Rock River will comply with the Cigarette Act by having its supplier of packaging for its manufactured Silver Cloud, Fire Dance, One Spirit, and Dakota brand, Copac Inc., print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of each of the Silver Cloud, Fire Dance, One Spirit, and Dakota brand styles above an equal number of times during the one-year period following the date of approval of this plan by the FTC. Rock River will keep records demonstrating compliance with this plan.

C. Records of Compliance

Rock River will maintain records demonstrating compliance with this plan at its principal place of business.

II ADVERTISING

Rock River's July 7, 2015 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size for the Silver Cloud brand was approved on July 10, 2015. Rock River's plan for quarterly rotation of the four health warnings in internet advertising for the Silver Cloud brand was approved on May 23, 2016. Rock River's April 26, 2017 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size and for internet advertising for the One Spirit and Fire Dance brands was approved on April 27, 2017. Rock River's October 16, 2018 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size for the Dakota brand was approved on November 6, 2018. Rock River's March 3, 2023 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size, and in internet advertisement for the Nation brand was approved on March 13, 2023. Rock River will maintain compliance with these plans.

Rock River does not currently advertise the Dakota brand style on the internet, and if Rock River decides to advertise the Dakota brand style on the internet Rock River will obtain FTC approval prior to advertising.

A. Warning Label Rotation

Rock River will maintain the following quarterly rotation schedule for advertising of the Silver Cloud, One Spirit, Fire Dance, Dakota and Nation brands using the four required warning statements.

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

Serena Viswanathan

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April 5, 2023

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

| | Silver Cloud | Fire Dance | One Spirit | Dakota | Nation |
|------------------------------------|--------------|------------|------------|--------|--------|
| First Quarter (January-March): | A | B | C | D | A |
| Second Quarter (April – June): | B | C | D | A | B |
| Third Quarter (July-September): | C | D | A | B | C |
| Fourth Quarter (October-December): | D | A | B | C | D |

As of the date of this letter, Rock River does not manufacture or import any other brand styles other than the brands listed in this letter and the Nation Brand letter dated March 3, 2023. Thank you for your attention to this matter and your assistance. If you have any questions or comments with respect to any of the foregoing, please do not hesitate to contact me.

Sincerely,

DocuSigned by:

058D5E63D9694E9...
Lance Morgan
President



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

Division of
Advertising Practices

April 6, 2023

Mr. Lance Morgan
Rock River Manufacturing
509 Reuben Snake Ave.
Winnebago, NE 68071

Dear Mr. Morgan:

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 Rock River Manufacturing (“Rock River”) on April 5, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Dakota, Fire Dance, One Spirit, and Silver Cloud brands of cigarettes.

Rock River’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated February 16, 2017 and August 29, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Eight box varieties of the Dakota brand: Red (Kings and 100’s), Gold (Kings and 100’s), Silver 100’s, Menthol (Kings and 100’s), and Menthol Gold 100’s;
- Eight box varieties of the Fire Dance brand: Regular Full Flavor (Kings and 100’s), Regular Smooth (Kings and 100’s), Regular Ultra Smooth 100’s, Menthol (Kings and 100’s), and Menthol Smooth 100’s;
- Eight box varieties of the One Spirit Brand: Regular Full Flavor (Kings and 100’s), Regular Smooth (Kings and 100’s), Regular Ultra Smooth 100’s, Menthol (Kings and 100’s), and Menthol Smooth 100’s; and

¹ Rock River stated in its April 5, 2023 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

- Eight box varieties of the Silver Cloud brand: Red (Kings and 100's), Gold (Kings and 100's), Silver 100's, Menthol (Kings and 100's), and Menthol Gold 100's.

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

Please note that this letter only approves Rock River'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 Rock River's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Rock River's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

This approval is effective on the date of this letter and runs through April 5, 2024 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.

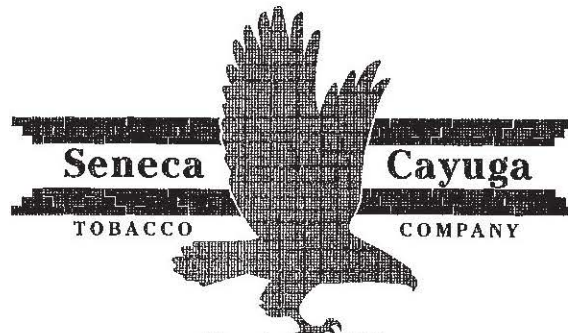
Very truly yours,

RICHARD
QUARESIMA

 Digitally signed by RICHARD
QUARESIMA
Date: 2023.04.06 15:43:57 -04'00'

for
Serena Viswanathan
Associate Director

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



March 28, 2023

Page 1

Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Cigarette Health Warning Plan
Seneca-Cayuga Tobacco Company / SKYDANCER brand.

Dear Ms. Viswanathan

This letter represents a request for renewal of the Label Statement Rotation Plan of Seneca-Cayuga Tobacco Company ("SCTC"), we hereby submit a Surgeon General's Equalization Plan for Skydancer as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C § 1331 (1998), et seq.), as amended ("FCLAA"), for all styles listed below of Skydancer brand soft pack and hard pack varieties. SCTC previously submitted a 2022 Plan renewal on March 14, 2022 and your office approved the prior plan on April 13, 2022.

SCTC is the manufacturer of Skydancer cigarettes. SCTC does not manufacture or import any other brands. The location of the factory is 65490 East 240 Road, Grove, OK 74344. Heather Enyart is the Compliance Specialist.

SCTC requests that the following styles constitute the plan:

Skydancer Premium Black King (HP), Skydancer Premium Gold King (HP), Skydancer Premium Menthol King (HP), Skydancer Premium Menthol Gold King (HP), Skydancer Premium Silver King (HP), Skydancer Premium Black 100's (SP & HP), Skydancer Premium Gold 100's (SP & HP), Skydancer Premium Menthol 100's (SP & HP), Skydancer Premium Menthol Gold 100's (SP & HP), Skydancer Premium Silver 100's (SP & HP).

Seneca-Cayuga Tobacco Company

March 28, 2023

Page 2

In our fiscal year 2022 (October 1, 2021 – September 30, 2022) our total sales were [REDACTED] sticks of the Skydancer brand. Anticipated fiscal year 2023 (October 1, 2022 – September 30, 2023) sales are [REDACTED] sticks of the Skydancer brand. No other brands were sold by SCTC in fiscal year 2022.

The warnings will appear exactly as shown on the samples previously submitted on March 16, 2023. The four health warning labels are printed in equal numbers on each printed sheet of packaging for each of SCTC's packs and cartons so when the sheets are die-cut, each shipment is equalized for each brand style as manufactured.

We will display the four health warnings an equal number of times on the packs and cartons for each brand style of the Skydancer brand for the one year period beginning on the date of approval of this plan. We will keep records demonstrating compliance with this plan.

For advertising materials, there are no changes from the prior plan and SCTC will maintain compliance with the plan.

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request expedited approval. Should this request conform to your requirements, we request that the letter evidencing approval be faxed to me at (918) 787-7722. Should you require additional information with respect to the foregoing please contact me at (918) 787-7711.

Cordially,

A handwritten signature in black ink that reads "Heather Enyart". The signature is fluid and cursive, with a large, stylized initial 'H'.

Heather Enyart
Compliance

UNDERAGE SALE PROHIBITED
TPOK2



MADE IN USA

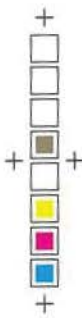
SURGEON GENERAL'S WARNING: Smoking By
Pregnant Women May Result in Fetal Injury,
Premature Birth, And Low Birth Weight.



MADE IN USA



M - 2 3 4 5 6 7 8 9 10 11 12
Y - 19 20 21 22
WN-C



PREMIUM
BLACK
100's



20
CLASS A
CIGARETTES

9

807109053 18 02580013000

M-1 2 3 4 5 6 7 8 9 10 11 12
Y-20 22 24

SKYDANCER



PREMIUM
MENTHOL GOLD
100's

MANUFACTURED BY TP-OK-2
MADE IN USA

MADE IN USA

SKYDANCER



PREMIUM MENTHOL GOLD 100's

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

SKYDANCER™

PREMIUM MENTHOL GOLD 100's



6 90271 00904 0 FSC



WN-A

SKYD



PREMIUM
MENTHOL GOLD
100's

MANUFACTURED BY TP-OK-2
MADE IN USA



Division of
Advertising Practices

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

April 10, 2023

Ms. Heather Enyart
Seneca-Cayuga Tobacco Company
65490 East 240 Road
Grove, OK 74344

Dear Ms. Enyart:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca-Cayuga Tobacco Company ("Seneca-Cayuga") on March 28, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Skydancer brand of cigarettes.

Seneca-Cayuga'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 of March 16, 2023 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Seneca-Cayuga's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following fifteen varieties of the Skydancer brand: Premium Black King hard pack; Premium Black 100's (soft pack and hard pack); Premium Gold King hard pack; Premium Gold 100's (soft pack and hard pack); Premium Menthol King hard pack; Premium Menthol 100's (soft pack and hard pack); Premium Menthol Gold King hard pack; Premium Menthol Gold 100's (soft pack and hard pack); Premium Silver King hard pack; and Premium Silver 100's (soft pack and hard pack).

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

¹ Seneca-Cayuga stated in its March 28, 2023 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on March 16, 2023.

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

Ms. Heather Enyart

April 10, 2023

Page 2

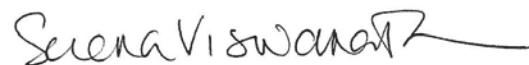
Please note that this letter only approves Seneca-Cayuga's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Seneca-Cayuga's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Seneca-Cayuga's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

This approval is effective on the date of this letter and runs through April 9, 2024 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, slightly wavy line that extends to the right.

Serena Viswanathan
Associate Director

KING & SPALDING

King & Spalding LLP
1700 Pennsylvania Ave, NW
Suite 200
Washington, D.C. 20006-4707
Tel: +1 202 737 0500
Fax: +1 202 626 3737
www.kslaw.com

Amanda J. Klingler
Partner
Direct Dial: +1 202 626 9255
Direct Fax: +1 202 626 3737
aklingler@kslaw.com

April 3, 2023

Via Electronic Delivery

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

Re: Request to Add New Brand Style to Warning Label Rotation Plan for Natural American Spirit Brand

Dear Ms. Viswanathan:

As you are aware, I serve as counsel for Santa Fe Natural Tobacco Company, Inc. ("SFNTC"). SFNTC is the manufacturer of Natural American Spirit ("NAS") cigarettes. The President of SFNTC is Richard R. Bakker. His telephone number is 336-741-1377. SFNTC is the manufacturer of Natural American Spirit ("NAS") cigarettes. This letter serves as an update to the Company's February 23, 2023 letter.

SFNTC currently manufactures the following king size hard pack varieties of the NAS brand utilizing a B, C, D, A rotation sequence for its packaging and advertising: Full Bodied Taste; Balanced Taste; Mellow Taste; Smooth Mellow Taste; Menthol Full-Bodied Taste; Menthol Mellow Taste; Non-Filtered; Perique Blend Rich Robust Taste; Perique Blend Rich Taste; Made with Organic Tobacco Full-Bodied Taste; Made with Organic Tobacco Mellow Taste; 100% U.S. Grown Tobacco Full-Bodied Taste; 100% U.S. Grown Tobacco Mellow Taste; Hunter Balanced Taste; and Made with Organic Tobacco Smooth Taste. Your office previously approved the rotation plan for packaging for fourteen of these brand styles on May 3, 2018. In addition, on August 20, 2020, your office approved the rotation plan to include quarterly rotation of the four health warnings on the packaging for the "Made with Organic Tobacco Smooth Taste" king size hard pack variety of the NAS brand. *See Attachment A*, a true and correct copy of the August 20,

Page 2

Later this year, SFNTC will commercialize two new NAS brand style: “Natural American Spirit Full-Bodied Red Box” king size and “Natural American Spirit Smooth Gold Box” king size. A set of packaging for these new brand styles was delivered to your office with the February 23, 2023 letter. The warnings on the cartons and packs for the new brand styles will appear exactly as shown on the samples submitted, and SFNTC will quarterly rotate the four health warnings for the new brand styles utilizing the same B, C, D, A rotation sequence approved by the Federal Trade Commission for the existing NAS brand styles referenced above. The packaging submitted to your office with the February 23, 2023 letter for these new styles will be the only packaging utilized for this new NAS brand style.

4th Quarter - A - Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy (October, November, December).

Amanda J. Klingler

Selected packaging samples from those
submitted with the plan.

PLEASE RECYCLE YOUR
CIGARETTE BUTTS AND THIS PACK



RED

FULL-BODIED



NATURAL
AMERICAN
SPIRIT

REAL. SIMPLE. DIFFERENT.

Our Full-Bodied Red style is true to our
American heritage. Crafted with two simple
tobacco ingredients – whole-leaf tobacco and
water – the result is a classic, bold taste.

AMERICANSPIRIT.COM

MADE IN OUR ZERO-WASTE-TO-LANDFILL FACILITY

FULL-BODIED TASTE

NATURAL
AMERICAN
SPIRIT

64004145
W/A



NATURAL
AMERICAN
SPIRIT

TOBACCO INGREDIENTS:
TOBACCO & WATER

SURGEON GENERAL'S WARNING:

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

Call us with questions:
1-800-339-5595
SPNTC
TOBACCOVILLE, NC
27050
SPNTC.com



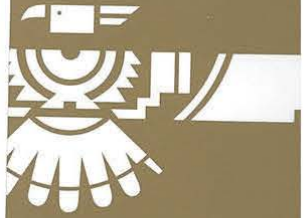
0 47995 20070 1
FSC Natural American Spirit cigarette and pack made from 100% recycled paper



64004145

20 CLASS A
CIGARETTES
© SPNTC

SMOOTH
TASTE



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

NATURAL
AMERICAN
SPIRIT

MADE WITH WHOLE-LEAF TOBACCO

AmericanSpirit.com

Our Smooth Gold style is true to our
American heritage. Crafted with two simple
tobacco ingredients – whole-leaf tobacco and
water – the result is a classic, smooth taste.

REAL. SIMPLE. DIFFERENT.



CLASSIC
STYLE

Natural American Spirit cigarettes
are not safer than other cigarettes.

200 CLASS A CIGARETTES



TOBACCO INGREDIENTS
TOBACCO & WATER

NATURAL
AMERICAN
SPIRIT
SMOOTH
GOLD

61005149
WN/B

NATURAL
AMERICAN
SPIRIT



SFNTC
TOBACCOVILLE, NC 27050
USA
SFNTC.com





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

Division of
Advertising Practices

April 13, 2023

Amanda J. Klingler, Esq.
King & Spalding LLP
1700 Pennsylvania Ave., N.W.
Suite 200
Washington, D.C. 20006-4707

Dear Ms. Klingler:

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, Santa Fe Natural Tobacco Company, Inc.’s (“SFNTC”) plan for quarterly rotation of the four health warnings on packaging for one variety of the Natural American Spirit (“NAS”) brand of cigarettes was approved on August 24, 2010. Your subsequent requests to expand your plan to include additional varieties of the NAS brand or modify the packaging for certain varieties of the NAS brand were approved on October 20, 2011, December 30, 2013, May 19, 2017, May 3, 2018, and August 20, 2020.

By letter dated April 3, 2023, you now propose to expand your plan to include quarterly rotation of the four health warnings on packaging for the Full-Bodied Red Box Kings and Smooth Gold Box Kings varieties of the NAS brand.

The health warnings on the sample packs and cartons submitted on February 23, 2023 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ SFNTC’s expansion of its plan for quarterly rotation of the four health warnings on packaging to include the Full-Bodied Red Box Kings and Smooth Gold Box Kings varieties of the NAS 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.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

¹ SFNTC stated in its April 3, 2023 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on February 23, 2023.

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

Amanda J. Klingler, Esq.

April 13, 2023

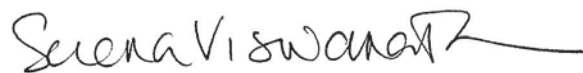
Page 2

Please note that this letter only approves SFNTC's expansion of its cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for SFNTC's cigarettes, including, but not limited to, "natural." Nor does this letter purport to interpret or express any opinion about the adequacy of SFNTC's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

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

Very truly yours,

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

Serena Viswanathan
Acting Associate Director

Holland & Knight

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

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

April 25, 2023

VIA FTC SECURE MAIL

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

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

Dear Ms. Viswanathan:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 300 Frank W. Burr Boulevard, Suite 70, Teaneck, New Jersey 07666 ("JTI USA"), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), seeking approval for JTI USA to continue to display the warning labels specified in Section 4(a)(1) of the Act in the manner provided in Section 4(c)(2)(C) of the Act, on packaging submitted under cover of our letter dated February 4, 2022 for ten brand styles of its brand named "LD by L. Ducat", namely hard pack varieties of: Red Rewards (Kings and 100's), Menthol Rewards (Kings and 100's), Blue Rewards (Kings and 100's), Silver Rewards (Kings and 100's) and Menthol Green Rewards (Kings and 100's) for one year following approval hereof. These brand styles would continue to be only for individual packages containing twenty cigarettes each, not cartons, and would continue to be in addition to other brand styles. The four warnings will continue to be separately equalized on the packages for these brand styles in accordance with JTI USA's previously approved Plan.

The Label Statement Rotation Plan of JTI USA submitted to the Federal Trade Commission on August 28, 1985 (the "Plan"), as subsequently amended, was approved most recently on May 2,

Atlanta | Austin | Birmingham | Boston | Century City | Charlotte | Chattanooga | Chicago | Dallas | Denver | Fort Lauderdale
Fort Worth | Houston | Jacksonville | Los Angeles | Miami | Nashville | New York | Orange County | Orlando | Philadelphia
Portland | Richmond | San Francisco | Stamford | Tallahassee | Tampa | Tysons
Washington, D.C. | West Palm Beach

Algiers | Bogotá | London | Mexico City | Monterrey

2022 for the brand styles covered by this application and on September 13, 2022 covering its "Export 'A'", "Wave" and "Wings" brands and other "LD by L. Ducat" brand styles. Such brands constitute all of the cigarette brands sold by JTI USA; each is and will continue solely to be imported into the U.S. (rather than manufactured in the U.S.). For the ten "LD by L. Ducat" brand styles above, the four health warnings will appear exactly as shown on the samples provided to the FTC under cover of our letter dated February 4, 2022.

The individual packages are and will continue solely to be imported into the U.S. (rather than manufactured in the U.S.). JTI USA does not import or manufacture any other brands or brand styles other than those named above.

In support of JTI USA's application for extension of FTC approval of its simultaneous display plan for packages to cover the ten "LD By L. Ducat" brand styles listed above, JTI USA affirms as follows:

- (a) the cigarettes sold by JTI USA in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. During JTI USA's fiscal year ended December 31, 2022, the total number of cigarettes of any brand style sold by JTI USA in the United States during such year (all of which were imported) was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI USA imported (or manufactured) and sold accounted for less than one-fourth of one percent of all cigarettes sold in the United States during such year and (ii) more than one-half (i.e. all) of the cigarettes for sale by JTI USA for sale in the United States (all of which were imported) are packaged into brand styles which meet the requirements of clause (i);
- (b) the statutorily mandated warnings will appear exactly as shown on the sample packages submitted to the Federal Trade Commission unless and until revised sample individual packages are submitted to the Federal Trade Commission on JTI USA's behalf and approved by the Federal Trade Commission; and
- (c) JTI USA will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages of cigarettes for each brand style for the one year period beginning on the date of approval hereof and JTI USA will keep records demonstrating compliance with the Plan.

We submitted under cover of our letter dated February 19, 2016 an amended Schedule A to the Plan entitled "Label Statement Rotational For Advertisement Purposes (Only) By Brand And Quarter" which will continue to be followed by JTI USA unless and until submitted and approved otherwise. JTI USA will maintain compliance with its approved advertising plan.

JTI USA will import and sell packages of each of the "LD By L. Ducat" brand styles referred to in this letter in equal numbers of each warning label throughout the one-year period after this application is approved using the printing methods set forth on the Attachment 1 hereto. As a result, if requirements for new warnings were to become effective on any date, the current warnings will have been utilized in equal proportions prior to then on all brand styles.

If you should have any further questions in connection with this application, please call me at (917) 539-1651 or email me at neal.beaton@hklaw.com. It would be appreciated if the approval

Ms. Serena Viswanathan
April 25, 2023
Page 3

letter could be faxed to me at 212-385-9010 or sent to me as a pdf attachment to an e-mail at neal.beaton@hklaw.com.

Thank you for your cooperation in this matter.

Very truly yours,



Neal N. Beaton

Attachment 1

Export 'A'

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

Export A 72 Slide and Shell Pack:

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

Export 'A' 72 Slide and Shell Bundle:

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

Wave/Wings/LD by L. Ducat

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

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

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

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

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



Division of
Advertising Practices

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

April 28, 2023

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. (“JTI”) dated April 25, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packs for certain varieties of the LD by L. Ducat brand of cigarettes.

JTI’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs submitted with your letter dated February 4, 2022 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, JTI’s plan for simultaneous display of the four health warnings is hereby approved for the following ten hard pack varieties of the LD by L. Ducat brand in packs only: Red Rewards (Kings and 100’s), Blue Rewards (Kings and 100’s), Silver Rewards (Kings and 100’s), Menthol Rewards (Kings and 100’s), and Menthol Green Rewards (Kings and 100’s).

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

Please note that this letter only approves JTI’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or

¹ JTI stated in its April 25, 2023 letter that the four health warnings will appear exactly as shown on the packs submitted on February 4, 2022.

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

Neal N. Beaton, Esq.

April 28, 2023

Page 2

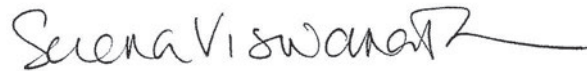
in advertising for JTI's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of JTI's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

This approval is effective on the date of this letter and runs through April 27, 2024 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



May 2nd, 2023

Ms. Serena Viswanathan
Division of Advertising Practices Federal Trade Commission
600 Pennsylvania Ave NW CC-10528
Washington, DC 20580

Dear Ms. Viswanathan:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the Cigarette Act), Skookum Creek Tobacco Co., Inc., hereby submits a plan for the rotation of "Warnings" under Section 1333 (c) (2) of the Federal Cigarette Labeling and Advertising Act.

Skookum Creek Tobacco Company currently produces two brand families of cigarettes, "Complete," and "Premis". A rotation plan was approved April 12, 2022, for these brand families.

Warnings for existing brand styles will appear exactly as shown on the sample packaging submitted on the following dates: April 17, 2017, May 17, 2017 and March 3, 2021. Skookum Creek Tobacco Company is seeking approval for the brand styles identified in Exhibit A

No brand style manufactured by Skookum Creek Tobacco in fiscal year 2022 exceeded the sales limits in 15 U.S.C. § 1333(c)(2)(A)(i). A copy of Skookum Creek Tobacco's 2022 fiscal sales figures as well as current fiscal year sales to date and estimates for all brand styles is attached as Exhibit B. Units as shown are in sticks. Please note that the fiscal year for Skookum Creek Tobacco Company runs October 1 to September 30, concurrent with the federal fiscal year.

Skookum Creek Tobacco Company will ensure through controlled processes that all four warnings will be equally displayed on the packs and cartons of each of the brand styles for which approval is requested in this letter for the one-year period beginning on the date of approval of this plan. Skookum Creek Tobacco will maintain records to demonstrate compliance with this plan.

Skookum Creek Tobacco, through a partnership with our sole producer of printed labels and cartons assures compliance within the guidelines of rotation through a "Mechanical Printing and Sorting" process. All printed goods are produced using an equal distribution of the required four warnings within each print order and mechanically sorted to assure equal distribution on each pallet of finished print. Single pallets are utilized in our manufacturing process to assure equal distribution of the warnings on packs and cartons of each brand style.

Skookum Creek Tobacco Company continues to be in compliance with its plan for Internet advertising as approved July 16, 2007 for Complete and Premis. Skookum Creek Tobacco Co., Inc. does not advertise its cigarettes in any other format or medium.

Sincerely,

Juan Miguel (Mike) Araiza, General Manager



Exhibit A Skookum Creek Tobacco Co., Inc. Brand families and Brand of Cigarettes

| Complete | Premis |
|------------------------------------|------------------------------------|
| Full Flavor Kings (Hard Pack) | Full Flavor Kings (Hard Pack) |
| High Air Kings (Hard Pack) | High Air Kings (Hard Pack) |
| Ultra High Air Kings (Hard Pack) | Ultra High Air Kings (Hard Pack) |
| Menthol Kings (Hard Pack) | Menthol Kings (Hard Pack) |
| Menthol High Air Kings (Hard Pack) | Menthol High Air Kings (Hard Pack) |
| Non Filtered Kings (Hard Pack) | Full Flavor 100s (Hard Pack) |
| Full Flavor 100s (Hard Pack) | High Air 100s (Hard Pack) |
| High Air 100s (Hard Pack) | Ultra High Air 100s (Hard Pack) |
| Ultra High Air 100s (Hard Pack) | Menthol 100s (Hard Pack) |
| Menthol 100s (Hard Pack) | Menthol High Air 100s (Hard Pack) |
| Menthol High Air 100s (Hard Pack) | |

Exhibit B Sales And Projections--Skookum Creek Tobacco Co., Inc Brand Families and Brands of Cigarettes

| Product Item # | Brand Family | Brand Name | Units Sold FY 2022 | Projected FY 2023 | Current FY23 Sales 10/2022 to 2/2023 |
|----------------|--|------------|-----------------------|----------------------|---|
| 01-50082 | Premis 85mm Full Flavor Hard Box | Premis | | | |
| 01-50083 | Premis 85mm High Air Hard Box | Premis | | | |
| 01-50084 | Premis 85mm Ultra High Air Hard Box | Premis | | | |
| 01-50085 | Premis 85mm Menthol Hard Box | Premis | | | |
| 01-50086 | Premis 85mm Menthol High Air Hard Box | Premis | | | |
| 01-50087 | Premis 100mm Full Flavor Hard Box | Premis | | | |
| 01-50088 | Premis 100mm High Air Hard Box | Premis | | | |
| 01-50089 | Premis 100mm Ultra High Air Hard Box | Premis | | | |
| 01-50090 | Premis 100mm Menthol Hard Box | Premis | | | |
| 01-50091 | Premis 100mm Menthol High Air Hard Box | Premis | | | |
| 01-50071 | Complete FSC 100mm Full Flavor Hard Box | Complete | | | |
| 01-50072 | Complete FSC 100mm High Air Hard Box | Complete | | | |
| 01-50073 | Complete FSC 100mm Ultra High Air Hard Box | Complete | | | |
| 01-50074 | Complete FSC 100mm Menthol Hard Box | Complete | | | |
| 01-50075 | Complete FSC 100mm Menthol High Air Hard Box | Complete | | | |
| 01-50076 | Complete FSC 85mm Full Flavor Hard Box | Complete | | | |
| 01-50077 | Complete FSC 85mm High Air Hard Box | Complete | | | |
| 01-50078 | Complete FSC 85mm Ultra High Air Hard Box | Complete | | | |
| 01-50079 | Complete FSC 85mm Menthol Hard Box | Complete | | | |
| 01-50080 | Complete FSC 85mm Menthol High Air Hard Box | Complete | | | |
| 01-50081 | Complete FSC 85mm Non Filter Hard Box | Complete | | | |



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

Division of
Advertising Practices

May 5, 2023

Mr. Juan Miguel Araiza
Skookum Creek Tobacco Co., Inc.
1041 W. State Route 108
Shelton, WA 98584

Dear Mr. Araiza:

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 Skookum Creek Tobacco Co., Inc. (“Skookum Creek”) on May 2, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Complete and Premis brands of cigarettes.

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

Brand

Dates

Complete

April 17, 2017
May 17, 2017

Premis

March 3, 2021

¹ Skookum Creek stated in its May 2, 2023 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

- Eleven hard pack varieties of the Complete brand: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), Menthol High Air (Kings and 100's), and Non-Filtered Kings; and
- Ten hard pack varieties of the Premis brand: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), and Menthol High Air (Kings and 100's).

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

Please note that this letter only approves Skookum Creek'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 Skookum Creek's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Skookum Creek's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

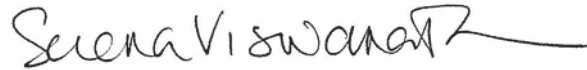
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Juan Miguel Araiza
May 5, 2023
Page 3

This approval is effective on the date of this letter and runs through May 4, 2024 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 black ink, reading "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Associate Director

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496
175 Rochester Street
Salamanca, NY 14779

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

May 4, 2023

FEDERAL TRADE COMMISSION
ADVERTISING PRACTICES
MAIL DROP 10528
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
600 PENNSYLVANIA AVENUE
WASHINGTON DC 20580

Re: Infinity – Initial Request for Compliance

Dear Ms. Viswanathan:

Please consider this letter Seneca Manufacturing Company's initial request of compliance for the Infinity brand of cigarettes.

Seneca Manufacturing Company's plan requests approval for the simultaneous display of the Surgeon General's warnings on packaging for the following brand styles of Infinity cigarettes:

Infinity Cigarettes:

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

Red King Size Box
Gold King Size Box
Silver King Size Box
Green King Size Box
Blue King Size Box

These cigarettes are packaged in 200 count cartons ("Outer Carton"). Each Outer Carton contains ten (10) packs of twenty (20) cigarettes each ("pack").

The warnings on the packs and cartons of each brand style listed above will appear exactly as shown in the packaging samples submitted on April 4th, 2023.

FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: Infinity – Initial Request for Compliance
May 4, 2023
PAGE 2

Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. If this plan is approved, Seneca Manufacturing will manufacture the above brand styles as well as the Heron, Sands, Warrior, and Palma cigarette brand styles, which annual plan was approved on April 3rd, 2023. The sales for all brand styles that Seneca Manufacturing Company imported or manufactured for 2022 fiscal year (calendar year ending December 31, 2022) were set out in Exhibit A of our March 30th, 2023, plan. The anticipated 2023 sales for the Infinity brand and styles of cigarettes listed above and the other cigarette brand styles Seneca Manufacturing Company manufactures are set out in Exhibit A.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons of each Infinity cigarette brand style listed above an equal number of times for the one-year period beginning on the date of approval of this plan.

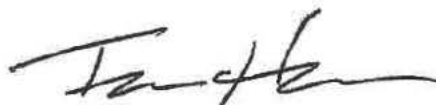
To ensure the cigarette health warnings appear on manufactured varieties of the Infinity cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. Seneca Manufacturing Company will maintain records of compliance with the approved plan.

We will continue to advertise according to our plan approved by the FTC on December 19, 2007 (Heron) and November 8, 2011 (Sands). At this point in time, there is no plan to advertise the Infinity brand of cigarettes. If Seneca Manufacturing does want to advertise the Infinity brand, we will submit a plan for approval before engaging in any advertising.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Travis G. Heron
Partner

EXHIBIT A Estimated Sales 2023

| Type | Description | Total Sticks Sold |
|----------|-------------------------------|----------------------|
| HERON | No. 33 Black Red King Box | |
| HERON | No. 33 Black Gold King Box | |
| HERON | No. 33 Black Menthol King Box | |
| HERON | No. 33 Black Red 100 Box | |
| HERON | No. 33 Black Gold 100 Box | |
| HERON | No. 33 Black Menthol 100 Box | |
| HERON | Crimson King Box | |
| HERON | Red King Box | |
| HERON | Gold King Box | |
| HERON | Silver King Box | |
| HERON | Menthol King Box | |
| HERON | Menthol Gold King Box | |
| HERON | Non-Filter King Box | |
| HERON | Crimson 100 Box | |
| HERON | Red 100 Box | |
| HERON | Gold 100 Box | |
| HERON | Silver 100 Box | |
| HERON | Menthol 100 Box | |
| HERON | Menthol Gold 100 Box | |
| HERON | Red 100 SP | |
| HERON | Gold 100 SP | |
| HERON | Silver 100 SP | |
| HERON | Menthol 100 SP | |
| HERON | Menthol Gold 100 SP | |
| PALMA | Red King Box | |
| PALMA | Gold King Box | |
| PALMA | Menthol King Box | |
| PALMA | Red 100 Box | |
| PALMA | Gold 100 Box | |
| PALMA | Menthol 100 Box | |
| SANDS | Red King Box | |
| SANDS | Gold King Box | |
| SANDS | Silver King Box | |
| SANDS | Menthol King Box | |
| SANDS | Menthol Blue King Box | |
| SANDS | Red 100 Box | |
| SANDS | Gold 100 Box | |
| SANDS | Silver 100 Box | |
| SANDS | Menthol 100 Box | |
| SANDS | Menthol Blue 100 Box | |
| WARRIOR | Red King Box | |
| WARRIOR | Gold King Box | |
| WARRIOR | Menthol King Box | |
| WARRIOR | Red 100 Box | |
| WARRIOR | Gold 100 Box | |
| WARRIOR | Menthol 100 Box | |
| | | |
| INFINITY | Red King Box | |
| INFINITY | Gold King Box | |
| INFINITY | Silver King Box | |
| INFINITY | Menthol King Box | |
| INFINITY | Blue King Box | |
| INFINITY | Red 100 Box | |
| INFINITY | Gold 100 Box | |
| INFINITY | Silver 100 Box | |
| INFINITY | Menthol 100 Box | |
| INFINITY | Blue 100 Box | |

EXHIBIT A Actual Sales 2022

| Type | Description | Total Sticks Sold |
|---------|-------------------------------|----------------------|
| HERON | No. 33 Black Red King Box | |
| HERON | No. 33 Black Gold King Box | |
| HERON | No. 33 Black Menthol King Box | |
| HERON | No. 33 Black Red 100 Box | |
| HERON | No. 33 Black Gold 100 Box | |
| HERON | No. 33 Black Menthol 100 Box | |
| HERON | Crimson King Box | |
| HERON | Red King Box | |
| HERON | Gold King Box | |
| HERON | Silver King Box | |
| HERON | Menthol King Box | |
| HERON | Menthol Gold King Box | |
| HERON | Non-Filter King Box | |
| HERON | Crimson 100 Box | |
| HERON | Red 100 Box | |
| HERON | Gold 100 Box | |
| HERON | Silver 100 Box | |
| HERON | Menthol 100 Box | |
| HERON | Menthol Gold 100 Box | |
| HERON | Red 100 SP | |
| HERON | Gold 100 SP | |
| HERON | Silver 100 SP | |
| HERON | Menthol 100 SP | |
| HERON | Menthol Gold 100 SP | |
| PALMA | Red King Box | |
| PALMA | Gold King Box | |
| PALMA | Menthol King Box | |
| PALMA | Red 100 Box | |
| PALMA | Gold 100 Box | |
| PALMA | Menthol 100 Box | |
| SANDS | Red King Box | |
| SANDS | Gold King Box | |
| SANDS | Silver King Box | |
| SANDS | Menthol King Box | |
| SANDS | Menthol Blue King Box | |
| SANDS | Red 100 Box | |
| SANDS | Gold 100 Box | |
| SANDS | Silver 100 Box | |
| SANDS | Menthol 100 Box | |
| SANDS | Menthol Blue 100 Box | |
| WARRIOR | Red King Box | |
| WARRIOR | Gold King Box | |
| WARRIOR | Menthol King Box | |
| WARRIOR | Red 100 Box | |
| WARRIOR | Gold 100 Box | |
| WARRIOR | Menthol 100 Box | |

Selected packaging samples from those
submitted with the plan.

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



INFINITY

BY SENECA MANUFACTURING CO.

BLUE

20 FILTERED CIGARETTES

MADE IN THE USA
TP - NY-15007
Cigarette Tax Stamp of
the Seneca Nation of Indians by
SAC
175 Rochester St.
Salamanca, NY 14783



5



INFINITY

KM

20 FILTERED CIGARETTES

BLUE

BY SENECA MANUFACTURING CO.

INFINITY



INFINITY
PREMIUM TOBACCO



INFINITY
PREMIUM TOBACCO

UNDERAGE
SALE
PROHIBITED

20

SILVER
PREMIUM
TOBACCO



INFINITY

BY SENECA MANUFACTURING CO.

200 FILTERED CIGARETTES

200 CLASS A
CIGARETTES

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



INFINITY

200 FILTERED CIGARETTES



MADE IN THE USA
TP - NY-15007
UNDERAGE
SALE
PROHIBITED
Created on the Territory of
the Seneca Nation of Indians by
SMC
175 Rochester St.
Salamanca, NY 14779
FSC

4



INFINITY

BY SENECA MANUFACTURING CO.

SILVER
PREMIUM
TOBACCO



INFINITY

BY SENECA MANUFACTURING CO.



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

Division of
Advertising Practices

May 15, 2023

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

Dear Mr. Heron:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca Manufacturing Company (“Seneca”) on May 4, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Infinity brand of cigarettes.

Seneca’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with Seneca’s letter of April 4, 2023 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Seneca’s plan for the simultaneous display of the four health warnings on packaging is hereby approved for the following ten varieties of the Infinity brand: Red Box (Kings and 100’s), Gold Box (Kings and 100’s), Silver Box (Kings and 100’s), Green Box (Kings and 100’s), and Blue Box (Kings and 100’s).

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

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

¹ Seneca stated in its May 4, 2023 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on April 4, 2023.

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

Mr. Travis G. Heron

May 15, 2023

Page 2

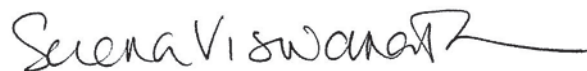
Please note that this letter only approves Seneca's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Seneca's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Seneca's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

This approval is effective on the date of this letter and runs through May 14, 2024 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

LAW OFFICES OF
BARRY M. BOREN

borenlaw@bellsouth.net

One Datan
9100 South Dadeland Boulevard
Suite 402
Miami, Florida 33156

Telephone
(305) 670-2200
Facsimile

May 23, 2023

Sent via email: bmcgregor@ftc.gov; csands@ftc.gov

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

Attention: Bonnie McGregor

Renewal of Surgeon General's Equalization Health Warning Plan for
Konci Group (USA), Inc. for
Golden Deer Cigarettes

Dear Ms. McGregor:

Please be advised that we are the attorneys for a manufacturer¹ of tobacco products, Konci Group (USA), Inc. ("Konci"), a New York corporation with offices located at 202 Canal Street, Suite 901, New York, NY 10013. Konci wishes to file an equalization Surgeon General's Health Warning Rotation Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they are manufacturing in the United States under the brand name "Golden Deer". The contact person for the company will be its President, Dominic Chu, who can be reached at the above address. His telephone number is (646) 613-9393.

The brand styles of Golden Deer cigarettes Konci intends to manufacture are listed in the attachment at Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Golden Deer brand Konci is manufacturing were sent separately on May 5, 2023, by FedEx. The health warnings will continue to appear exactly as shown on the samples provided. The Surgeon General warnings on the brand styles listed in Exhibit "A" attached hereto have been equalized as of this date.

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

In fiscal year 2022, Konci did not manufacture or import any (0 sticks) Golden Deer brand cigarettes.² In fiscal year 2023 to date, Konci has not manufactured or imported any (0 sticks) Golden Deer brand cigarettes. Konci anticipates manufacturing approximately [REDACTED] Golden Deer cigarettes in fiscal year 2023. They do not anticipate importing any Golden Deer cigarettes.

In addition to the Golden Deer cigarettes manufactured in the United States, it also imports Chung Hwa brand cigarettes and Double Happiness brand cigarettes. In 2022, Konci did not import or manufacture [REDACTED] sticks of Chung Hwa cigarettes [REDACTED] sticks). In fiscal year 2023 to date, Konci has imported [REDACTED] Chung Hwa brand cigarettes. In fiscal year 2023, Konci anticipates importing approximately [REDACTED] sticks of Chung Hwa brand cigarettes. Konci does not plan on manufacturing any Chung Hwa brand cigarettes.

In fiscal year 2022, Konci imported approximately [REDACTED] sticks of Double Happiness brand cigarettes. In fiscal year 2023 to date, Konci has imported [REDACTED] Double Happiness brand cigarettes. In fiscal year 2023, Konci anticipates importing approximately [REDACTED] sticks Double Happiness brand cigarettes. It does not plan on manufacturing [REDACTED] Double Happiness brand cigarettes. Konci does not import or manufacture any other brands.

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

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

The individual packs of Golden Deer cigarettes to be manufactured by Konci will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons.

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

For the Golden Deer brand styles listed on Exhibit A, Konci will print all four (4) health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die-cut, each shipment should be approximately equalized for each brand style as manufactured. If, toward the end of the one-year period, it appears that the warnings are not equalized on the packs and cartons for each brand style, Konci will place special orders for the specific health warnings needed to ensure that the display of all four warnings is equalized on the packs and cartons for each brand style by the plan's anniversary date.

Konci understands that the FTC is charged with ensuring that Konci's Surgeon General's Health Warning Label Rotation Plan is complied with and, therefore, it agrees to maintain records to demonstrate that they are in compliance with, and are properly implementing their plan.

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

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

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

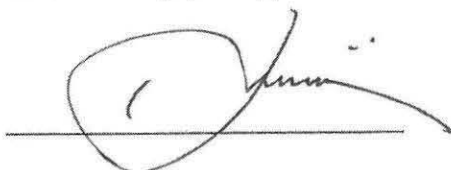
Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

Barry Boren

Barry M. Boren

Konci Group (USA), Inc.

A handwritten signature in dark ink, appearing to read 'Dominic Chu', is written over a horizontal line.

By Dominic Chu, President

KONCI GROUP (USA), INC.
BRAND STYLES OF CIGARETTES
EXHIBIT "A"

GOLDEN DEER

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

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

Selected packaging samples from those
submitted with the plan.

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



100's

FILTER CIGARETTES
MADE IN USA



FILTER CIGARETTES
MADE IN USA

100's



AMERICAN BLEND



20 CLASS A
CIGARETTES

AMERICAN BLEND

Manufactured under license from
Shanghai Tobacco Group
Made in USA

FSC



TP-NC-15000



415-4012-D

UNDERAGE
SALE
PROHIBITED

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

AMERICAN BLEND

**GOLDEN
DEER**
BLUE
100's



**GOLDEN
DEER**
BLUE

100's
FILTER CIGARETTES
MADE IN USA

430-015-A

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

**GOLDEN
DEER**
BLUE
100's

**UNDERAGE
SALE PROHIBITED**

TP-NC-15000
8 79982 00252 0
FSC



Division of
Advertising Practices

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

May 25, 2023

Barry M. Boren, Esq.
One Datran
9100 South Dadeland Boulevard
Suite 402
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Konci Group (USA), Inc. (“Konci”) on May 23, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Golden Deer brand of cigarettes.

Konci’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter of May 5, 2023 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Konci’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight varieties of the Golden Deer brand: Red Box (Kings and 100’s), Blue Box (Kings and 100’s), Silver Box (Kings and 100’s), and Menthol Green Box (Kings and 100’s).

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

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

¹ Konci stated in its May 23, 2023 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on that date.

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

Barry M. Boren, Esq.

May 25, 2023

Page 2

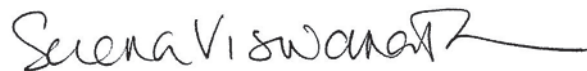
Please note that this letter only approves Konci's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for Konci's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Konci's packaging under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

This approval is effective on the date of this letter and runs through May 24, 2024 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 dark ink, appearing to read "Serena Viswanathan", followed by a long, horizontal, slightly wavy line that extends to the right.

Serena Viswanathan
Associate Director



VERONICA VILARCHAO
PARTNER
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 415-9070
FAX (305) 347-7897
EMAIL VVilarchao@shutts.com

June 19, 2023

VIA EMAIL

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

Re: Dosal Tobacco Corporation

Dear Ms. Viswanathan:

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

If you have any questions regarding the enclosed Plan, or if I can be of any other assistance, please do not hesitate to contact me.

Best regards,
Shutts & Bowen LLP

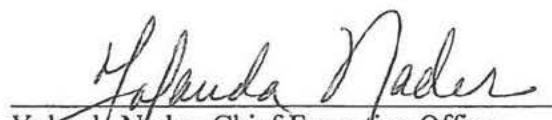


Veronica Vilarchao

Enclosure

AUTHORIZATION

All information submitted in the enclosed Plan dated June 19, 2023, was reviewed and authorized by me.



Yolanda Nader, Chief Executive Officer

MIADOCS 26300280 1

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

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

1. Definitions. As used in the Plan:
 - a. The terms "cigarette", "United States", "package" and "brand style" shall have the meaning specified in the Cigarette Act.
 - b. The term "brand of cigarettes" shall mean those cigarettes of a manufacturer or importer bearing a common identifying brand name or mark. Different styles of a brand of cigarettes, whether differentiated on the basis of size, shape, filtration, packaging, "tar" and nicotine rating, flavoring or other characteristic, shall not be considered a distinct "brand of cigarettes".
 - c. The "effective date" of this Plan shall be the date of the Plan's approval.
 - d. The term "calendar quarter" shall mean each of the three (3) month periods commencing January 1, April 1, July 1, and October 1 of each year.
2. Packaging.
 - a. **Warning Label Size and Location:** The brands of cigarettes, including the different brand styles that Dosal manufactures are listed in Exhibit "A" of the Plan. Dosal does not import any cigarettes. Further, the warnings will appear exactly as shown on the samples that were submitted with the letter of June 8, 2022, displaying examples of the following four (4) warning statements required by the Cigarette Act which are placed on the packages of cigarettes manufactured and packaged by Dosal for sale or distribution in the United States:
 - i. **SURGEON GENERAL'S WARNING:** Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

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

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

- b. **Warning Label Rotation:** Section 1333(c)(2) of the Cigarette Act allows manufacturers to seek permission from the FTC to display the four (4) warnings an equal number of times during the year on a brand style's packaging if the company meets the low volume sales threshold established by the Cigarette Act. To meet the low volume sales requirement established by the Cigarette Act, the annual sales of each of a company's brand styles in its prior fiscal year must be less than one-fourth (1/4) of one percent (1%) of all of the cigarettes sold in the United States in that fiscal year and more than half the cigarettes manufactured or imported by the company must be packaged into brand styles that meet the low sales threshold. Dosal no longer meets the low volume sales threshold under Section 1333(c)(2) of the Cigarette Act. In this regard, Dosal needs time to purchase new printer cylinders and packaging materials and transition from equalizing the four (4) warning statements on its packaging to quarterly rotation of the warning statements for all of its brand styles except for 305's Full Flavor 100's Box and 305's Full Flavor Kings Box which were approved by the FTC for quarterly rotation on June 22, 2011, and June 3, 2020, respectively. Except for 305's Full Flavor 100's Box and 305's Full Flavor Kings Box, Dosal shall continue to equalize the warning statements for all of its brand styles until September 30, 2023. Beginning on October 1, 2023, Dosal shall rotate the four (4) warning statements quarterly on the packaging for all of Dosal's brand styles according to the schedule attached hereto as Exhibit "B".

The quarterly rotation for all of Dosal's brand styles shall be based on the date that the cigarettes are packaged.

- 3. Records of Compliance. Dosal has an established process of record keeping, which allows Dosal to demonstrate compliance with the Cigarette Act and the Plan upon request. This system of record keeping will

continue to be in effect, and thus Dosal's compliance with the Act and the Plan will continue to be effectively monitored.

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

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

1. DTC

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

2. 305's

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

3. **COMPETIDORA**

- a. Competidora Full Flavor Kings Box; and
- b. Competidora Non Filter Kings Box.

EXHIBIT "B"
PACKAGING AND ADVERTISEMENT WARNING
STATEMENT ROTATION SCHEDULE*

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

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

* The quarterly rotation shall be based on the date the cigarettes are packaged.

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

Division of
Advertising Practices

June 21, 2023

Ms. Veronica Vilarchao
Shutts & Bowen LLP
200 South Biscayne Blvd.
Suite 4100
Miami, FL 33131

Dear Ms. Vilarchao:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Dosal Tobacco Corp. (“Dosal”) on June 19, 2023.

The warnings on the sample packs and cartons submitted with your letter dated June 8, 2022 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Dosal’s plan for quarterly rotation of the four health warnings on packaging for the following varieties, beginning on October 1, 2023, is hereby approved¹:

- Nine Box varieties of the DTC brand: Full Flavor (Kings and 100’s), Gold (Kings and 100’s), Silver 100’s, Menthol (Kings and 100’s), Menthol Gold 100’s, and Non-Filter Kings;
- Eight Box varieties of the 305’s brand²: Blue (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), Menthol Gold 100’s, and Non-Filter Kings; and
- Two Box varieties of the Competidora brand: Full Flavor Kings and Non-Filter Kings.

¹ Dosal will continue to equalize the warnings on these varieties until such time.

² Dosal’s plan for quarterly rotation of the four health warnings on packaging for the 305’s Full Flavor King Box and 305’s Full Flavor 100’s Box varieties was previously approved.

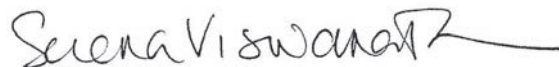
Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.³ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Dosal'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 Dosal's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Dosal's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

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

Very truly yours,



Serena Viswanathan
Associate Director

³ Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.



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

June 5, 2023

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 the Surgeon General Warning Rotation Plan for advertising in print media and other point of sale material of the Pinnacle cigarette brand.

The Pinnacle cigarette brand is manufactured in the United States by NASCO Products, LLC ("NASCO"). NASCO continues to be in compliance with its December 12, 2022 plan for the alternative to quarterly rotation of warnings on packaging, and upon approval of this plan, the manufacturer intends to begin advertising the brand in print media and other point of sale material. NASCO currently manufactures only the Moonlight, SF, VLN and Pinnacle cigarette brands. NASCO does not import any cigarette brands.

NASCO wishes to apply for a plan to display the four Surgeon General's health warnings in print media¹ and point of sale material² advertising of the Pinnacle cigarette brand. NASCO will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and NASCO will place the warnings as specified in those plans. Warning formats that will be used in print media and point of sale advertising were enclosed with our letter dated October 15, 2020. Exhibits 1A – 1D will be used on advertisements measuring up to 65 square inches, Exhibits 2A – 2D will be used on advertisements measuring over 65 to 110 square inches, Exhibits 3A – 3D will be used on advertisements measuring over 110 to 180 square inches, Exhibits 4A – 4D will be used on advertisements measuring

¹ Examples of print media include, but are not limited to, periodicals, postcards, signs, and shelf talkers.

² Examples of point of sale materials are items used in retail stores to advertise the products and these include, but are not limited to, counter displays, tin signs, and retail store window clings.



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

over 180 to 360 square inches, and Exhibits 5A – 5D will be used on advertisements measuring over 360 to 470 square inches. Exhibits 6A – 6D will be used on advertisements measuring over 470 to 720 square inches. Exhibits 7A – 7D will be used on advertisements measuring over 5 to 10 square feet. Exhibits 8A – 8D will be used on advertisements measuring over 10 to 20 square feet. The size of our advertising in print media and on point of sale materials will not exceed 20 square feet. The warnings will be rotated quarterly in print media and on point-of-sale advertising for the Pinnacle cigarette brand in accordance with the rotation schedule below. For multi-brand advertisements, NASCO will follow the rotation schedule in Exhibit A for the SF brand.

NASCO will 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 brand. NASCO does not have approval for print advertising of any other 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 (also shown in Exhibit A below); its August 3, 2020 plan for Internet advertising of the Moonlight brand; and its February 7, 2022 plan for Internet advertising of the VLN brand. At this time, NASCO does not intend to advertise the Pinnacle cigarette brand on the Internet. If in the future, NASCO wishes to advertise the Pinnacle cigarette brand on the Internet, NASCO will submit a plan to the FTC for review. NASCO does not have approval for Internet advertising of any other brands.

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, facsimile at 336-940-3669, email at ranguoli@xxiicentury.com (email), or mail at 321 Farmington Rd, Mocksville, NC 27028.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ralph Angiuoli, Jr." with a stylized flourish at the end.

Ralph Angiuoli, Jr.
Manufacturing Services Manager



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

Exhibit A

Rotation Schedule for Advertising

| Cigarette Brand | Quarter 1 January - March | Quarter 2 April - June | Quarter 3 July - September | Quarter 4 October - December |
|-----------------|------------------------------|---------------------------|-------------------------------|---------------------------------|
| SF | A | B | C | D |
| Pinnacle | B | C | D | A |
| Moonlight® | C | D | A | B |
| VLN® | D | A | B | C |

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



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

Division of
Advertising Practices

June 30, 2023

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 proposed plan filed by NASCO Products, LLC (“NASCO”) on June 5, 2023, calling for the quarterly rotation of the four health warnings in print and point-of-sale advertising up to twenty square feet in size for the Pinnacle brand of cigarettes.

NASCO’s plan for rotation of the warnings in the aforementioned advertising for the Pinnacle brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith. We may ask for information demonstrating proper implementation of the plan.¹ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves NASCO’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”) and expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for NASCO’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of NASCO’s packaging and advertising under the TCA or any 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,

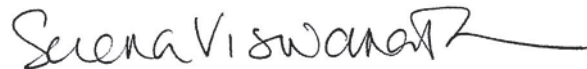
¹ Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Angiuoli
June 30, 2023
Page 2

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

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

Very truly yours,

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

Serena Viswanathan
Associate Director

Paige S. Fitzgerald
D 804.697.1404
paige.fitzgerald@troutman.com

June 28, 2023

VIA E-MAIL

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

Cigarette Health Warning Plan
Native Trading Associates, LLC and NATIVE and MOHAWK brands

Dear Ms. Viswanathan:

On behalf of Native Trading Associates, LLC ("NTA"), we hereby submit a request for approval of the Surgeon General's Equalization Plan for NTA as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), *et seq.*), as amended ("FCLAA"), for certain varieties of NATIVE and MOHAWK, listed below. NTA previously submitted its Plan Renewal on April 15, 2022, for twenty-four (24) previously-approved styles of Native and six (6) varieties of Mohawk. Your office approved this plan on April 25, 2022. In addition, NTA submitted a brand extension for five (5) additional varieties of the Mohawk brand on February 8, 2022, which your office approved on February 10, 2022.

Through the date of this application, the Surgeon General's warnings on the packages for the brand styles of Native and Mohawk brands have been equalized in accordance with the Plans.

Susan Jesmer is the sole member of NTA, and Dan Doran is the Executive Vice President of NTA. NTA is the exclusive manufacturer of the NATIVE and MOHAWK brand cigarettes and holder of the rights to the trademark for these brands.

NTA's factory remains at 442 Frogtown Road, Hogansburg, New York 13655, and the telephone number is 518-358-4262. NTA does not manufacture or import any other brands or brand styles.

NTA requests a plan for the following¹:

Twenty-one varieties of the Native brand: Non-Filter Kings hard pack, Full Flavor Kings soft pack, Full Flavor 100's soft pack, Full Flavor Kings hard pack, Full Flavor 100's hard pack, Menthol Kings soft pack, Menthol 100's soft pack, Menthol Kings hard pack, Menthol 100's hard pack, Kings soft pack (Blue), 100's soft pack (Blue), Kings hard pack (Blue), 100's hard pack (Blue), Menthol Kings soft pack (Pale Green), Menthol 100's soft pack (Pale Green), Menthol Kings hard pack (Pale Green), Menthol 100's hard pack (Pale Green), Kings soft pack (Ultra in pale blue packaging), 100's soft pack (Ultra in pale blue packaging), Kings hard pack (Ultra in pale blue packaging), and 100's hard pack (Ultra in pale blue packaging); and

Ten Box varieties of the Mohawk brand: Full Flavor Kings (Red), Kings (Gold), Kings (Silver), Menthol Kings (Green), Menthol Kings (Pale Green), Full Flavor 100's, Silver 100's, Gold 100's, Menthol 100's, and Menthol Gold 100's.

Note that NTA no longer manufactures the following previously-approved varieties of Native: Non-Filter Kings soft pack; Menthol Bold Kings hard pack; and Menthol Bold 100's hard pack. In addition, NTA no longer manufactures the previously-approved Non-Filter Kings (Brown) variety of Mohawk.

In NTA's fiscal year 2022, which is the same as the calendar year, the number of sticks sold of any NTA brand style was less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2022. In addition, sales of none of NTA's brand styles exceeded [REDACTED] sticks. In fiscal year 2023, NTA does not anticipate sales of any single brand style of the Native or Mohawk brands to exceed [REDACTED] sticks.

Packs and cartons of each brand style displaying each of the 4 health warnings for the Mohawk varieties were submitted on March 19, 2018, and May 5, 2021; and for Native varieties, on the March 29, April 21, and May 5, 2023. The warnings will appear exactly as shown on these samples. NTA will equalize the display of the four health warnings on the packs and cartons for each brand style listed above for the one-year period beginning on the date of approval of this Plan.

NTA will ensure that all four (4) Surgeon General's warnings will be equalized on packs and cartons for each brand style in accordance with its method for such equalization, attached as Exhibit A. Based on the above, NTA requests approval to use the equalization option provided in Section 1333(c)(2) of the FCLAA. NTA will keep records demonstrating compliance with this Plan.

¹ Several style names are designated by the color of the packaging (blue, pale blue, green and pale green), but neither the color names (blue or green) nor the word "pale" appears on any of the packaging.

NTA's advertising plan for Mohawk was approved on June 10, 2011. NTA's advertising plan for the Native brand was approved on July 22, 2005, and a modification to the plan was approved on February 9, 2011. NTA will maintain compliance with its approved advertising plans. NTA does not employ any multi-brand advertising.

On behalf of NTA, we submit that this Plan complies with the requirements set forth in the FCLAA. Should this request conform to your requirements, we request that the letter evidencing approval be sent by email to paige.fitzgerald@troutman.com. Should you require any additional information with respect to the foregoing, please contact me on my office phone, which is 804.697.1404.

Sincerely,

Paige S Fitzgerald

Dan Doran
Executive Vice President
Native Trading Associates, LLC

EXHIBIT A – NATIVE TRADING ASSOCIATES, LLC

1. Individual King Size Pack

- a.
- b.
- c.
- d.



2. Individual 100's Size Packs

- a.
- b.
- c.



3. Soft Pack Labels for King Size and 100's Soft Pack Brand Styles are



4. Cartons

- a.
- b.
- c.
- d.



Selected packaging samples from those
submitted with the plan.

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

Non-Filter

Made by the
Original Tobacco Traders®

20 Class A Cigarettes



Made by
Native Trading Associates
Mohawk Nation Territory
Akwesasne, NY

NATIVE®

20 Class A Cigarettes

Made by the
Original Tobacco Traders®

Non-Filter



SSP1000322 04/01/0015-001
M-1 2 4 5 6 7 8 9 10 11 12
Y-23 24 25

© MM

NATIVE®

NATIVE®

NATIVE®

UNDERAGE
SALE
PROHIBITED

NATIVE[®]

Made by Native Trading Associates
Mohawk Nation Territory
Akwesasne, NY

NATIVE[®]



Menthol 100's
Made by the Original Tobacco Traders[®]

200 Class A Cigarettes

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

NATIVE[®]
Underage Sale Prohibited



CTP0222 1/1
#85840 37-06
KBA



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

June 30, 2023

Paige S. Fitzgerald, Esq.
Troutman Pepper LLP
1001 Haxall Point, 15th Floor
Richmond, VA 23219

Dear Ms. Fitzgerald:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Native Trading Associates, LLC (“NTA”) on June 28, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Native and Mohawk brands of cigarettes.

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

| <u>Brand</u> | <u>Date(s)</u> |
|--------------|---|
| Native | March 29, 2023 April 21, 2023 May 5, 2023 |
| Mohawk | March 19, 2018 May 5, 2021 |

Accordingly, NTA's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:¹

- Twenty-one varieties of the Native brand: Non-Filter Kings hard pack, Full Flavor Kings soft pack, Full Flavor 100's soft pack, Full Flavor Kings hard pack, Full Flavor 100's hard pack, Menthol Kings soft pack, Menthol 100's soft pack, Menthol Kings hard pack, Menthol 100's hard pack, Kings soft pack (Blue), 100's soft pack (Blue), Kings hard pack (Blue), 100's hard pack (Blue), Menthol Kings soft pack (Pale Green), Menthol 100's soft pack (Pale Green), Menthol Kings hard pack (Pale Green), Menthol 100's hard pack (Pale Green), Kings soft pack (Ultra in pale blue packaging), 100's soft pack (Ultra in pale blue packaging), Kings hard pack (Ultra in pale blue packaging), 100's hard pack (Ultra in pale blue packaging); and
- Ten Box varieties of the Mohawk brand: Full Flavor Kings (Red), Kings (Gold), Kings (Silver), Menthol Kings (Green), Menthol Kings (Pale Green), Full Flavor 100's, Silver 100's, Gold 100's, Menthol 100's, and Menthol Gold 100's.

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

Please note that this letter only approves NTA's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("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 NTA's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of NTA's packaging and advertising under the 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,

¹ We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA's June 28, 2023 letter do not always appear on the packaging – e.g., the words "Blue," "Green," "Ultra," and "Pale Green," do not appear on the packaging. However, when a color is used in the name and not written on the packaging, the name does appear to conform to the color used in its packaging. We also note that the word "Menthol" does not appear on the packaging for the "Native Menthol (Pale Green)" and "Mohawk Menthol (Pale Green)" varieties.

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

Paige S. Fitzgerald, Esq.

June 30, 2023

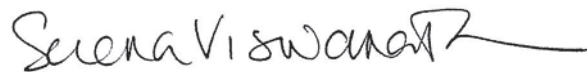
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since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm and sign up for FDA email updates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

This approval is effective on the date of this letter and runs through June 29, 2024 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

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

Serena Viswanathan
Associate Director